

STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
October 15, 2008

The work session of the Stafford County Planning Commission of Wednesday, October 15, 2008, was called to order at 5:38 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the County Administrative Center.

Members Present: Fields, Di Peppe, Rhodes, Mitchell and Kirkman

Members Absent: Carlone and Howard

Staff Present: Harvey, Roberts, Stinnette, Zuraf, Stepowany, Hornung and Hess

Declarations of Disqualification

None

NEW BUSINESS

None

UNFINISHED BUSINESS:

1. RC2800572; Reclassification - Telecom Tower - Stafford County - Mountain Avenue - A proposed reclassification from B-1, Convenience Commercial Zoning District to A-1, Agricultural Zoning District to allow a telecommunication facility on Assessor's Parcel 54-45A for the purpose of bringing an existing telecommunication facility into conformance with the Zoning Ordinance. The property, consisting of 3.61 acres, is located on the west side of Mountain Avenue approximately 700 feet north of White Oak Road within the George Washington District. The Comprehensive Plan recommends the property for Suburban Residential use. The Suburban Residential use would permit single family residential development at a density of three (3) dwelling units per acre. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the A-1 Zoning District. **(Time Limit: December 30, 2008) (History - Deferred at October 1, 2008 Regular Meeting to October 15, 2008 Work Session)**

2. COM2800574; Comprehensive Plan Compliance Review - Telecom Tower - Stafford County - Mountain Avenue - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for a telecommunication facility, located on the west side of Mountain Avenue approximately 700 feet north of White Oak Road on Assessor's Parcel 54-45A within the George Washington Election District. **(Time Limit: November 30, 2008) (History - Deferred at October 1, 2008 Regular Meeting to October 15, 2008 Work Session)**

3. CUP2800573; Conditional Use Permit - Telecom Tower - Stafford County - Mountain Avenue - A request for a Conditional Use Permit to allow a telecommunication facility in an A-1, Agricultural Zoning District on Assessor's Parcel 54-45A for the purpose of bringing an existing telecommunication facility into conformance with the Zoning Ordinance. The property, consisting of 3.61 acres, is located on the west side of Mountain Avenue approximately 700 feet north of White Oak Road within the George Washington Election

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District. **(Time Limit: December 30, 2008) (History - Deferred at October 1, 2008 Regular Meeting to October 15, 2008 Work Session)**

4. COM2800576; Comprehensive Plan Compliance Review - Telecom Tower - Stafford County - Rabbit Road - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for a telecommunication facility, located on the east side of Rabbit Road approximately 1,400 feet north of New Hope Church Road on Assessor's Parcel 55-158B within the George Washington Election District. **(Time Limit: November 30, 2008) (History - Deferred at October 1, 2008 Regular Meeting to October 15, 2008 Work Session)**
5. CUP2800575; Conditional Use Permit - Telecom Tower - Stafford County - Rabbit Road - A request for a Conditional Use Permit to allow a telecommunication facility in an A-1, Agricultural Zoning District on Assessor's Parcel 55-158B for the purpose of bringing the existing telecommunication facility into conformance with the Zoning Ordinance. The property, consisting of 20.00 acres, is located on the east side of Rabbit Road approximately 1,400 feet north of New Hope Church Road within the George Washington Election District. **(Time Limit: December 30, 2008) (History - Deferred at October 1, 2008 Regular Meeting to October 15, 2008 Work Session)**
6. COM2800578; Comprehensive Plan Compliance Review - Telecom Tower - Stafford County - Thorny Point - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for a telecommunication facility, located on the south side of Thorny Point approximately 4,000 feet north of Brooke Road on Assessor's Parcel 41A-1-8K within the Aquia Election District. **(Time Limit: November 30, 2008) (History - Deferred at October 1, 2008 Regular Meeting to October 15, 2008 Work Session)**
7. CUP2800577; Conditional Use Permit - Telecom Tower - Stafford County - Thorny Point - A request for a Conditional Use Permit to allow a telecommunication facility in an A-1, Agricultural Zoning District on Assessor's Parcel 41A-1-8K for the purpose of bringing the existing telecommunication facility into conformance with the Zoning Ordinance. The property, consisting of 40.33 acres, is located on the south side of Thorny Point Road approximately 4,000 feet north of Brooke Road within the Aquia Election District. **(Time Limit: December 30, 2008) (History - Deferred at October 1, 2008 Regular Meeting to October 15, 2008 Work Session)**

Jeff Harvey stated Carol Adams had a PowerPoint presentation to give more back ground information about the overall communications system and Joey Hess would be going over the details of the memo that was provided to the Commission.

Mr. Mitchell arrived at 5:40.

Carol Adams gave a PowerPoint presentation. She stated the project for the Public Safety Radio Communications System had been going on for every bit of 2½ to 3 years. Some public radio system background included inadequate signal coverage which was field coverage and in-building coverage, interference from TV channel 17 (WPHL) Philadelphia, 3.2 million watts, inexplicable lapses in communications, lack of interoperability with neighboring jurisdictions, and 1985 vintage equipment

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at the end of its useful life (frequent failures, few spares). She stated interoperability was the ability of emergency response officials to share information via voice and data signals on demand, in real time, when needed, and as authorized. She showed a map of the existing microwave backbone which included the three (3) current systems. In 2001 RCC Consultants completed their analysis of the current system. They recommended a permanent fix and estimated it would take about 2½ years to build out and commission with a target cutover in 2010. She stated in preparation for the project the county put out an RFP in August 2006. One of the requirements to any bidders was that they would be able to re-use existing sites to the greatest extent possible, that it was preferable and should have been considered the primary option. They were directed by the Board of Supervisors at that time to co-locate. Motorola responded back in 2006 and contract negotiations resumed then and went through July 2007. In August 2007 the Board of Supervisors passed a resolution that garnered the County's intent to enter into a contract with Motorola. In December 2007 a resolution was passed which dealt with the funding mechanism. Once that was resolved the contract signing occurred. She stated the project planning participants, in addition to Motorola, were Stafford County's Project Manager, RCC Consultants, the Sheriff, the Board of Supervisors being represented by Mr. Schwartz and Mr. Brito, the County Administrator and the County Fire Chief. The contract entered into with Motorola had contracted for a turnkey project. She stated for the tower timeline, they were set to have their tower acquisitions completed by the end of 2008. System staging was scheduled for 2008/2009, fleet mapping was scheduled for the spring of 2009, and system installation should start the first of 2009 and run through most of the year at least until early fall. By this time next year they should be ready to do subscriber installs so by March 2010 they would be ready to cut over to the system and test. She stated one thing that was critical in their timeline was by cutting over in March 2010 they would be able to test two different ways, without foliage on the trees and with foliage. Then acceptance would be after the old radio units would be removed from the vehicles which was scheduled for May 2010. She stated the coverage provided by the towers in the contract would allow for thirteen (13) radio site collocations and one (1) prime site which would be at the Public Safety Center. She stated they have requested the Planning Commission's positive recommendation to the Board of Supervisors to bring these towers up to compliance. One point she wanted to mention was that Jetco was rezoned back in March and the rezoning did not allow them to put their public safety system on that tower because of the current zoning. They looked at another property off of Wyche Road but it was also rezoned and they were trying to find a resolution so they could co-locate on that tower. She stated the bottom line was the 700 MHz system would provide extremely good coverage to Stafford Public Safety responders. She also stated they approached the tower owners to see if they could co-locate on their towers. They were requesting a favorable recommendation to the Board. She stated any delay in the project from the March 2000 timeframe and their inability to accept it on time, if it was delayed by Motorola they would have a \$2,000 per calendar day penalty. If the county would delay it then a day would be added on to every day from the end of the contract which would give them more time to fulfill the contract obligation, which was not in the best interest of the public safety system. When the recommendation would be presented to the Board the proposed site lease would be presented at the same time. She stated when they go into lease negotiations they would consider the application fees that they were not collecting because the Board had initiated the action so they will take that into the lease negotiations, as well as any other fees or costs that would cost the project outside of what they knew it was going to cost. She mentioned that the onsite improvements and the engineering work were built into the contract with Motorola and they were not unique to this project, they were things that would happen to every co-location whether public safety or not.

Ms. Kirkman stated the presentation was very informative but she did not think it addressed the issues that were raised by the Planning Commission. Specifically, based on the information that was given to

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them today, the county, who did not own the sites, was incurring nearly a half million dollars in expenses to bring these sites up to compliance which would enable the owners of these towers to lease to other services so they could make additional revenues. She stated tower owners were still going to charge the county the cost of leasing space. She stated this was really an issue about fiscal responsibility and, typically, on these CUPs for these towers, a condition was that the tower owner would provide a free space to the County. She was still waiting to hear why this was not a raw deal for the taxpayers.

Ms. Adams stated this was not unique to a co-location on a tower. They were the ones going to the owners and asking to go on the site. She stated she would assure through their work that they would do everything they could to get a lease for zero. Unfortunately it was a business to them and the county was the ones asking them to go on the site. She stated they would do due diligence to make sure they represent the taxpayers of Stafford and do the best they could to get the best lease. It was the final approval of the Board whether they enter into any lease. She stated they have not had those conversations with them at this point because they have been doing the site engineering and the site work and trying to bring the tower up to compliance so that they could proceed to that point.

Ms. Kirkman asked what the typical monthly lease cost.

Ms. Adams stated anywhere from \$2,000 to \$4,500 which was raw data. It would depend on how many antennas would be put on the site and how much space they would use on the ground and not all of them were equal. Most of the folks they had talked to considered the fact that this was a public safety system. She stated one gentleman quoted a price and 2 years later that dollar figure had not changed. Obviously the owners would make some money, but they would do the best job that they could to make sure the taxpayers in Stafford do not have to pay more than necessary.

Ms. Kirkman stated she knew they would do the best they could, but from everything she heard, the situation was still the same. She stated the county was going to pay for nearly a half million dollars in fees and site improvements, the county would still have to pay some amount to lease, and at the same time they were enabling those tower owners to make additional money, not only from the county, but from other companies that they could now lease to that they could not before.

Ms. Adams stated that was accurate but when they go into lease negotiations, if there was a question of others co-locating on the tower, that was something they would certainly plan on broaching with someone at the right time. The only thing the tower owners were getting at this point were the permit fees because all of the ground work would still have to be done no matter who it was. The only other thing they would get would be the lease revenue from the tower. She stated the ground work, site prep, the gates and fencing would be done to secure the facility and the equipment so it could not be tampered with.

Mr. Di Peppe stated he did not understand if they were paying up front a half million dollars before the lease negotiations even began, what leverage would they have to get that lease agreement. It seemed they were giving everything up front without any conditions back and asked if there was any way they could talk to the owners beforehand.

Ms. Adams stated they have talked to them but they have not talked lease terms. These gentlemen could come back at any time and say this just was not going to work so you will have to go find another site. This would delay the project and it would incur more costs with the county because all

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the past studies that had been done were based on these thirteen (13) sites and any additional work to be done would be above and beyond the contract that they already have. She stated the half million dollar cost they were referring to was for the onsite improvements, which were things they would have to do anyway. She stated the cost would be no more to the county if they were to pay to co-locate on another site or build their own site.

Ms. Kirkman stated she begged to differ, they would not have to pay \$175,000 to pave a road to the Thorny Point site if they were going to a site that was already accessible.

Ms. Adams stated that cost had been eliminated based on the fact the landowner for Thorny Point did not want access to the site by that road, so the paved driveway would be used.

Ms. Kirkman asked when that was eliminated because they received this information Friday.

Ms. Adams stated she provided the updated information to staff either late yesterday or early today.

Mr. Di Peppe stated none of the upgrades to that facility would allow the landowners to then allow other people to come on based on the improvements the county had made and paid for.

Ms. Adams stated probably the only thing anybody else who co-located could benefit from was the compound that the county would have to provide. A new fencing was the county's choice because they wanted to make the facility secure, and to comply with the Comprehensive Plan review, fencing and shrubbery would have to be installed. The fact the CUP process was complete, may benefit others, but they would have to bring the site up to meet structural requirements and reinforcements. The county was only doing the work to install their equipment and the engineers through Motorola would review and to make sure that would happen.

Mr. Fields asked Mr. Romanello if all the capital costs including these CUPs were all rolled into the number last year that was approved by the Board to cover construction costs of the system and if this was all coming out of that \$33 million.

Mr. Romanello stated it was \$30 million. Part of it was, all of the costs that would get the system operational. The lease costs and the operating costs of the system would become operating cost issues for future budgets once the system was fully implemented.

Mr. Fields stated the capital costs were factored into that number. He asked if the operating costs would be a separate budget item or would that be part of the public safety budget as a whole.

Mr. Romanello stated they had not gotten that far in terms of how they would capture it in the operating budget. He thought it was a safe assumption that it would be part of the public safety budget, Fire and Rescue and the Sheriff's Department.

Mr. Fields asked Mr. Romanello, if he thought when it was all said and done and all thirteen (13) locations were up, did he have any idea of the yearly lease amount would be and if these were the only sites that were going to be cash out of hand. He asked if the other ten (10) sites were all co-located for free as part of a previous arrangement.

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Mr. Romanello stated there were lease payments on any number of the towers, but not the tower being built at the Public Safety Building. He stated Mr. Stack informed him they would pay rent on all but three (3). When the Board approved the contract last year, they estimated the tower lease fees as well as the maintenance costs of the system itself would be in the neighborhood of, when the system would be fully operational, \$1.3 million. That would be all the leases as well as the maintenance fees to Motorola and the other agencies they would need to help maintain the system.

Mr. Fields asked what they were currently paying for leases and maintenance fees through public safety.

Mr. Romanello stated he could get information, he did not know it at that time.

Mr. Fields stated, in his opinion, \$1.3 million was a significant amount of money. He stated the Commission was trying to get some perspective as they go through this process. He asked if, in the Board's estimation, this was the only logical alternative to get the system up and running by the target date.

Mr. Romanello stated absolutely, everyday the project was delayed, the public safety first responders as well as the community were potentially being jeopardized. There were situations, and they were not uncommon both in the Fire and Rescue service and in the Sheriff's Department, where their first responders simply cannot communicate with each other or with the 911 center. It was dangerous to the public and dangerous to the individuals that are asked to serve every day. He stated that was part of the reason that once this was approved, Motorola would be set on a very aggressive schedule to get it implemented over the next couple years.

Ms. Kirkman asked now that the amount of money was down to \$300,000 for fees and site improvements, where would it be coming from, since it was not covered by the bond.

Mr. Romanello stated the site improvements would come from the bond funds. The improvements, that the county would have to pay for, that are needed to get all the various sites operational would come from bond proceeds.

Ms. Kirkman asked where the remaining amount would come from.

Mr. Romanello asked what she meant by the remaining amount.

Ms. Kirkman stated there was a lot of money in fees and site design.

Mr. Romanello stated that would all coming out of the project capital fund.

Ms. Kirkman asked if the fees would as well.

Mr. Romanello stated yes.

Mr. Fields stated he appreciated everybody taking the time to be there. He hoped they did not seem like they were being obstructionists. It was a lot to suddenly get their heads around as they processed this application.

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Mr. Rhodes made a motion to move these items to the regular meeting. Ms. Kirkman seconded.

Mr. Mitchell stated he was very concerned about the fees and the county being charged for space. He stated it was a concern to him that the end result would allow the owners to make a tremendous amount of money..

Mr. Fields stated they would move these items to the regular meeting and vote on them in succession. He asked if the sequence was correct and it was. The motion passed 5-0 (Mrs. Carlone and Mr. Howard absent).

ORDINANCE COMMITTEE

8. Discuss Restricting Vehicles from Being Used as Business Signs

Jamie Stepowany provided to the Commission a definition from Fairfax County for a commercial vehicle since Stafford County would be modeling the ordinance for restricting vehicles as signs. He stated Stafford County added another term in the definition for commercial vehicles similar to what Fairfax County had, which may help resolve some of the concerns of the Commission. He stated after driving around the county, he noticed that small buses and vans were being used as signs for churches and schools. He stated the ordinance dealt with the location where a commercial vehicle could be parked and if it could be used as a use to advertise businesses. He read the ordinance and listed the vehicles that would not be subject to the restriction. He stated the ordinance was not referencing school buses or vans/vehicles being used by a daycare center or churches.

Ms. Kirkman asked if the recommendation was to incorporate the language into the definition of commercial vehicles.

Mr. Stepowany stated yes. He stated Mr. Rhodes expressed concern about one of the sites on Garrisonville Road, if it would be subject to the definition.

Ms. Kirkman stated language was included regarding a permitted accessory use and asked if that should be incorporated into the definition.

Mr. Stepowany stated no.

Mr. Fields asked how the new language from Fairfax County was to be incorporated and was it to supplant what existed under section 28-25.

Mr. Stepowany stated that was correct, the term "shall not include" was removed the portion for definition of commercial vehicles from Fairfax.

Mr. Fields stated the definition from Fairfax was going to be paraphrased and was the underlying text presented to the commission.

Mr. Stepowany stated that was correct.

Mr. Di Peppe made a motion to move to the regular session to amend section 28-25 and 28-122. Mr. Fields seconded. The motion passed 5-0 (Mr. Howard and Mrs. Carlone were absent).

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9. Reservoir Protection Overlay District

Mr. Stepowany stated there was a sub-committee and few years back there was to review and make amendments to section 28-61 of the Zoning Ordinance, title Reservoir Protection Overlay. He stated staff was asked to also look at section 17-28 of the County Code, which prohibited activities at terminal reservoirs. He stated O07-23 was the amendment to the Zoning Ordinance and the Subdivision Ordinance, which would require recommended approval from the Planning Commission and O07-22 was the modification amendment to section 17-28 of the County Code, which was under jurisdiction of Utilities Department and the Utilities Commission. He stated both the Planning and Utilities Commission made recommendations for approval for each individual ordinance and supported the approval for the other ordinance. He stated the ordinance were presented to the Board of Supervisors for recommendation for go to public hearing and the staff records indicated that the Board of Supervisors never discussed this item at a work session. Since it had been more than one year since this item was presented to the Board of Supervisors, Mr. Di Peppe asked for the Ordinances to be re-introduced to the Commission and recommend new public hearings, since there were new members of the Commission and Board of Supervisors. He stated briefly reviewed the Reservoir Protection Overlay. He stated the district was broken into four zones, which was the reservoir zone, the buffer zone, proximity zone and the watershed zone. He stated the Rocky Pen Reservoir had very little watershed, Able Lake was a much larger watershed. He stated the ordinance would provide limitations and restrictions within each district. He stated within the districts there were some uses that were prohibited or restricted. He stated the Utilities Ordinance discussed the specific uses and activities within the reservoir and county property associated with the reservoir.

Mr. Fields asked the significance of identifying the ten plus acre parcels.

Mr. Stepowany stated there was a regulation that limited the development to five acre parcels.

Mr. Harvey stated it was in the lot area requirements, in proximity to the buffer zones, page 3.

Mr. Fields asked if the ten acre plus were the sub dividable parcels.

Mr. Stepowany stated yes, those would be the properties subject to only two lots.

Mr. Fields asked if the parcels not bound by red on the map shown were dividable lots.

Mr. Stepowany stated they were less than ten acres.

Mr. Fields stated asked if some of the lots were occupied by residents.

Mr. Stepowany stated he would have to defer to Mr. Harvey.

Mr. Fields asked how many lots had dwellings on them.

Mr. Stepowany stated he had not received any direction regarding obtaining that information.

Mr. Fields asked if people were living on the lots, what would happen if they were not compliant with the conditions.

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Mr. Stepowany stated if it was in the Zoning Ordinance, they would be non-conforming.

Ms. Kirkman stated they would be legally non-conforming.

Mr. Harvey stated that was correct.

Ms. Kirkman stated that meant they could continue to use the property as it was used currently.

Mr. Stepowany stated yes.

Mr. Fields stated this was a good ordinance and wanted to see the scope of it. He stated if the bulk of the lots were already inhabited and legally non-conforming then a lot of what was being attempted was not achieving its goal, which was protecting the water supply. He stated he wanted to see what the county could accomplish and what was being accepted as existing conditions.

Mr. Di Peppe stated that was a fair question.

Mr. Fields stated it was important to take the step to determine what the Commission hoped to accomplish and what the realistic level of accomplishment was.

Mr. Rhodes stated and scope of impact.

Mr. Stepowany stated this was put together by the Utilities Department to determine parcels that were ten acres or larger, that would identify properties that could be further subdivided. He asked if the Commission wanted staff to provide how many parcels were less than five acres, which would be non-conforming because they would not meet the minimum lot size.

Mr. Harvey stated there were other regulations that required lots that were on public water and sewer which were required to be three (3) acres in size.

Mr. Fields stated he wanted to see the information for all three (3) reservoirs. He stated if the lots could be identified which were non-conforming by size and identify with shading to see the parcels that had residences on them.

Mr. Stepowany stated he would be happy to provide that information.

Mr. Rhodes asked if the properties were legally non-conforming, if they were to burn down then the property owners could rebuild as long as they did not increase the non-conformity.

Mr. Stepowany stated that was correct and there was a provision that if the owner wanted to expand the house, they could go to the Board of Zoning Appeals and request a Special Exception, provided the non-conformity was not increased.

Mr. Harvey pointed out the map shown was from 2006 and if the analysis were to be completed it would have to be on current data rather than old data.

Mr. Fields asked if that would be a problem.

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Mr. Harvey stated no, the map shown at the public hearing would show that zoning districts and not necessarily the ten acre parcels.

Mr. Di Peppe asked if this item should be keep in committee until the Commission had time to review the information requested from staff.

Mr. Fields stated the item could be moved on for public hearing.

Ms. Kirkman asked if this would prohibit new docks.

Mr. Stepowany it would prohibit new docks. He stated the provision in County Code 17-28 on page 3 on O07-22, item 3c, stated it was prohibited.

Ms. Kirkman stated the county did not have legislative authority to do anything about chapter 17.

Mr. Stepowany stated it would have to be recommended for approval by the Utilities Commission. He stated when this item was originally heard, staff requested consideration from the Planning Commission to support that amendment.

Ms. Kirkman asked if the Ordinance regarding chapter 17 had to go back through the Utilities Commission.

Mr. Stepowany stated staff talked with the Utilities Department to see if they wanted to do that, the intent was to go to the Board at the same time.

Ms. Kirkman asked if this was under consideration from the Utilities Commission currently.

Mr. Stepowany stated it had been put on their agenda but staff did mention that this was coming back to the Commission for discussion. He stated the Planning Commission had not had the public hearing to date.

Mr. Harvey stated one issue staff may have would be with the Zoning Ordinance change notice, there was some change with density requirements. He stated staff would have to do research to determine how many notices would need to be sent to the public because it could be a significant budget issue and staff may have to request a special appropriation from the Board of Supervisors. He stated staff would need to work with legal to determine who would need to be notified. Whether it would be all property owners in the entire district or just within the buffer area or within proximity area.

Ms. Kirkman stated it would only be the properties with the potential change.

Mr. Di Peppe stated he believed that was only in the buffer area. He stated he did not have a concern giving staff the time necessary to gather the information for the notification.

Mr. Fields stated it was proximity and buffer.

Mr. Di Peppe if the Commission wanted to keep this item in committee.

Ms. Kirkman stated it had been in committee for quite a while.

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Mr. Di Peppe stated yes but this was the first time the Commission discussed this item.

Ms. Kirkman stated if this item was to be kept in committee she would hope that staff would have the answers by the next meeting.

Mr. Di Peppe asked if two weeks was sufficient to compile the data.

Mr. Harvey stated staff should could compile the number of parcels and notification cost by the next meeting.

Ms. Kirkman stated she wanted the Commission to be in a position to move this item along at the next meeting.

Mr. Di Peppe made a motion to hold this item in committee for three weeks and bring back to the next Planning Commission Work Session. Ms. Kirkman seconded. The motion passed 5-0 (Mr. Howard and Mrs. Carlone were absent).

10. Sections 28-245, 252 and 256 of the Zoning Ordinance for Major and Minor site plans and security requirements

Mrs. Hornung stated this ordinance had been expanded since it was presented in the packets given for the last Planning Commission meeting. She stated this would address the definition for major and minor development and would clarify the definitions. She stated this was brought into line with the requirements for stormwater management, any disturbance greater than 2,500 square feet would automatically require a Stormwater Concept Plan. She stated the minor definition was clarified so there would not be site development plan received for shed of two hundred (200) square feet.

Ms. Kirkman stated she did not think this clarified things and asked Mrs. Hornung to explain what would be a major residential development.

Mrs. Hornung stated Major Residential Development was not in this particular definition because the definition would apply to non-residential. She stated the site plan and site plan applications would be for non-residential. She stated a residential development would be anything with more than five lots and would be seen with a preliminary plan.

Mr. Harvey stated the only type of residential in the Zoning Ordinance definition for major development would be in a multi-family complex, it was not a subdivision process. He stated Mrs. Hornung was stating that a subdivision would fall under the subdivision ordinance as far as the construction plan standards and engineering design. He stated the site plan would attempt to show what was required pursuant to the zoning ordinance.

Ms. Kirkman asked if staff went through the Zoning Ordinance to ensure that residential was never referred to major development in terms of the residential in other parts of the Zoning Ordinance.

Mrs. Hornung stated there was a Zoning Ordinance steering committee that was looking at the entire Zoning Ordinance to bring to the Commission very close to the time that the Comprehensive Plan would be presented. She stated the committee was looking for consistencies not only in the Zoning Ordinance but between the Zoning and the Subdivision Ordinance.

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Ms. Kirkman stated as an example, in talking about major and minor plans of development, with the definitions it would exclude subdivisions. She asked if the Commission was sure that was the intent everywhere the phrase “plans of development” was used.

Ms. Hornung stated for the use of the Zoning Ordinance, yes. She stated the major development referred specifically to the non-residential.

Ms. Kirkman stated she was not just talking about section 28-25, she was talking about throughout the Zoning Ordinance. She asked Mrs. Horning if she was certain the committee had gone through and verified that residential developments were not being excluded from parts of the Zoning Ordinance by making the change, where we intend to include residential developments.

Mrs. Hornung stated yes. She stated section 28-245 that further clarified the requirements of when a major and minor site plan was required based on the definitions. She stated staff in the Planning and Zoning Department worked on this as well and coordination with the Code Administration and the Environmental Section. She stated in section 28-252, it addressed the approvals and what was required for securities. She stated staff found in the security policies and with working the Securities Manager and the Director of Code Administration, staff had protection in place to be able to collect securities at the land disturbing permit stage. She stated in order to comply with the current policy, the next two (2) sections were being amended, 28-252 and 28-256. She stated to take the requirement of securities to be posted prior to plan approval and move to the time of land disturbing permit. She stated one major reason was because a plan was approved and valid for five (5) years, construction does not need to be completed until the five (5) years was up. She stated after five (5) years, securities were old and the money may not cover the existing cost. She stated by following the securities policy of requiring the cost estimate to be dated within twelve (12) months of submitting the agreement, after twelve (12) months a revised cost estimate would be required and would need to be approved by the county before updating or submit a new agreement for securities. She stated once a developer was ready to clear land; that would be the best time to collect securities.

Mr. Harvey stated the five (5) year requirement was a state code requirement as far as the validity of a site plan. He stated one of the benefits of the ordinance was that it would allow staff to approve the plan and let the clock tick. He stated right now plans were setting in the office waiting for someone to post securities and the clock was not ticking. He stated staff would have to re-review the plan to check for ordinance changes from the time the applicant thought they would be approved until the time when securities would be posted. He stated this would make the process more concrete.

Mrs. Hornung stated there was also a comparison of neighboring localities and was split. She stated half of the localities required securities a plan approval and half required at land disturbing permit. She stated the only difference was in Spotsylvania, the plan was approved but moved to another department to pay securities, pay the land disturbing permit fee and pick everything up at the same time.

Ms. Kirkman stated under section 28-245(c), the language suggested was “the submission of a minor site plan may be waived by the agent for development for which land disturbance was less than 2,500 square feet”. She asked what would be the criteria for the waiver.

Mrs. Hornung stated the next sentence stated “that it shall be in writing and describe the justification”. She stated that was left in the ordinance intentionally because there may be instance where there was a

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minor plan of development and while it may or may not meet some of these description in the minor development. She stated it was left in the ordinance in case justification was required for why a minor site plan was not needed.

Ms. Kirkman stated the way it was written, anything under 2,500 square feet could be waived, administratively.

Mrs. Hornung stated yes, it stated “a submission of a minor plan may be waived” but it would need to be in writing and show justification for the waiver. She stated it did not imply that it would automatically be approved.

Ms. Kirkman stated it could be waived for any reason.

Mrs. Hornung stated yes, as long as it was justified and the agent decided.

Mr. Fields made a motion to move this item to the regular session. Mr. Rhodes seconded. The motion passed 5-0 (Mr. Howard and Mrs. Carlone were absent).

11. Agricultural Districts Lot Yield

Mr. Stepowany stated this item was requested by the Commission to provide information pertaining to residential lot yield. He stated excerpts from the Spotsylvania County Zoning Ordinance related to lot and various zoning districts and from the Fauquier County Zoning Ordinance relating to a sliding density requirement was listed. He stated he would answer any questions.

Ms. Kirkman stated the request was for an ordinance as it might look in Stafford County. She asked staff to take it back to put in Ordinance form and would give the Commission something to at the next meeting.

Mr. Di Peppe asked staff to bring this back in Ordinance form for the Commission to the next meeting.

Mr. Stepowany stated yes.

Ms. Kirkman asked if the ordinance could be modeled based on Spotsylvania County. She stated she had some requests of staff regarding some ordinances, first, based on some information given to the Commission if staff could bring to the next ordinance committee drafts of ordinances establishing time limits for applicant resubmissions and for closing applications when there was some period of time without any activity. She stated the second request was an ordinance that listed propane distribution facilities as a use under a Conditional Use Permit (CUP) for M-1 land uses and would restore the language of publicly operated, to the definition of public facilities. She asked Mrs. Roberts if that would address the issue that came up.

Mrs. Roberts stated yes.

Ms. Kirkman asked if staff could bring back a draft that would propose eliminating the preliminary subdivision plan process. She stated there were a couple of localities that did not do that and Stafford County was not required to do that under the state statute.

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Mr. Stepowany clarified if the CUP recommendation in the M-1 for propane tanks was limited to the M-1 and asked if she would like to include M-2 zoning as well.

Ms. Kirkman asked if Mrs. Roberts had a recommendation.

Mrs. Roberts stated she did not have a recommendation without looking at the tables.

Ms. Kirkman stated there was some question whether propane distribution facilities were public facilities and allowed by right. She stated this was to bring clarity to that language.

Mrs. Hornung stated staff was working on the time limit. It was difficult getting information from other localities because they were not specific regarding review time. She stated most of the time limits were for approval but staff was working on it and would have the information at the next meeting. She stated it was just information and asked if the Commission wanted additional information.

Ms. Kirkman stated yes, she would like all three (3) to be put in draft ordinance form.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:00 p.m.

Peter Fields, Chairman
Planning Commission

STAFFORD COUNTY PLANNING COMMISSION MINUTES

October 15, 2008

The regular meeting of the Stafford County Planning Commission of Wednesday, October 15, 2008, was called to order at 7:35 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the Stafford County Administration Center.

MEMBERS PRESENT: Fields, Di Peppe, Mitchell, Rhodes and Kirkman

MEMBERS ABSENT: Carlone and Howard

STAFF PRESENT: Harvey, Roberts, Stinnette, Zuraf and Hess

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

None

PUBLIC HEARINGS:

1. Adoption of the Comprehensive Plan – A proposal to adopt the Stafford County Comprehensive Plan in accordance with Section 15.2-2223 of the Code of Virginia (1950), as amended. The Comprehensive Plan serves as a framework to guide coordinated and harmonious development of the County, in accordance with present and probable future needs and resources, and best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities. The plan consists of background data; goals, objectives and policies; land use policies and map; the costs of growth and development; and data projections and subsequent needs of the County. This proposal would include adoption of a Land Use Plan map, dated September 24, 2008. The proposal would also repeal the current Land Use Plan component of the Comprehensive Plan, including the text dated February 2003, and Land Use Plan map dated February 13, 2003, last revised August 19, 2008.

Mike Zuraf presented the staff report. He stated the proposal was to adopt a new Comprehensive Plan which would serve as a framework to guide coordinated and harmonious development of the County. It would serve the purpose of a unifying Comp Plan document whereby other documents would be referenced. In addition, it would repeal the current Land Use Plan and Map which had served as the main Comp Plan element since 1988. The Plan had been updated several times, most recently in 2003, and the Map had been updated more frequently, the last being in August 2008. He stated the process began in April 2006. The County hired a consultant and a Steering Committee was formed. The Plan was drafted and presented to the Planning Commission in May 2007. Direction of the Plan shifted in early 2008 and a new Comprehensive Plan subcommittee was formed. He stated on September 10, 2008, the subcommittee voted 2-1 to forward the Comp Plan to the Planning Commission. On September 24, 2008, the Planning Commission voted 5-1 to authorize a Public Hearing. He stated the Plan format was as follows: Chapter 1 Introduction, Chapter 2 The Foundation for the Future where you would find the Goals, Objectives and Policies, Chapter 3 Land Use Plan, Chapter 4 Public Costs of Growth, Chapter 5 The People and the Place which would go into where the County was today and would include existing conditions and projections, and the Appendix which would include background data. He stated the Goals, Objectives and Policies were the main feature of the plan. The Goals and Objectives provide the framework for the physical development of the County. There were nine overall broad goals which were broken into more specific objectives of which there were 43 and then 170 policies. The main goal topics

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were Sustainability, Fiscal Responsibility, Environment, Health, Safety and Welfare, Housing, Transportation, Economic Development, Education, and Heritage Resources. The objectives were more specific, mid-range strategies that would help to accomplish the goals. The policies were more operational actions for the purpose of short term implementation. He explained each goal, what it stood for and the objectives for each. Some policies would require follow-up work if this plan was adopted. He discussed Chapter 3, the Land Use Plan and went over the following points in great detail Growth Management, Urban Service Area (USA) boundary location revised, Phased Expansion of the USA (2018), USA Boundaries follow parcel lines, Specific Urban Development Areas (UDA) designated (phased in beginning 2011), Future Land Use in the USA matches Current Zoning, Parcel Specific Land Use Designations, New Business Land Use area - designated in the center of the County, Agricultural Areas – lot sizes at least 3 acres in size, Commercial Land Use outside the USA and Build-out. He showed the proposed USA boundaries to the Commission and discussed the areas by color. He discussed the UDA with the USA and stated there were four areas that were recommended Boswells Corner, Aquia Town Center, Courthouse Area and the Southern Gateway Area. He stated those four area match up with the counties redevelopment areas. He stated what was left was the Land Use Plan itself and the USA location, which was included. He briefly discussed the basis of the Land Use Plan as development potential under existing zoning which was adequate to accommodate twenty (20) years of projected population growth. He stated the plan recommended future land use designations to follow current Zoning Districts since current zoning can accommodate projected growth and the plan did not recommend increasing land use intensity, with the exception of UDA's and Business Land Use. He discussed Chapter 4: Public Cost of Growth and stated the purpose of the chapter was to insure as the county grows the level of public services provided was maintained in a fiscally responsible manner. He stated this was accomplished by first identifying desirable service levels or Levels of Services (LOS), identifying the associated costs of public facilities per residential unit to provide acceptable LOS (Capital Costs per Residence), Identification of actions to mitigate public facility costs (Proffers & Comprehensive Impact Fees), Projections of future public facility needs (Public Facilities Plan) and Estimating the financial impacts of growth (FIM). He discussed Chapter 5: Existing Conditions and stated the chapter provided the existing characteristics of the community regarding the built environment, population, economy, types of services provided, the natural environment, and transportation. He provided detailed maps, population projections and source for existing facility data; schools, parks, etc. He stated staff had four (4) comments on the plan as presented and noticed the plan and map excluded the LC, Life Care district, this district was created earlier in the year. He stated staff considered revising the plan and map to add LC as a future designation. He stated the second comment was in the Chapter 3: Land Use designations, after revision of the map on September 24, 2008 to add commercial districts outside the USA. He stated staff did not revise the text and did not coordinate with the map. He stated the third comment staff made was dealing with Comprehensive Impact Fees (Chapter 4.3.3, Policy 2.7.2, and Appendix), which was a recent provision allowed by the state and tied to the Urban Transportation Service District (UTSD) districts. He stated the UTSD discussion has been withdrawn at the Board level, so if the Board did not adopt UTSD's then the Comprehensive Impact Fees would not be permissible for the county. He asked if the Commission would consider revising the wording of these sections to allow for future consideration or remove all references. He stated the last comment was regarding the regional landfill property and the Land Use Designation; it was currently being designated as institutional in the Land Use Plan as proposed, it was documented and discussed that there were Civil War resources on a portion of the property. He stated county has discussed developing a park in the area of the resources and on October 7, 2008 the Board of Supervisors voted to recommend the Planning Commission amend the Land Use Map to designate Park in the location of the resources. He stated there was a map that identified approximately twenty-five (25) acres toward the back of the property. He stated staff supported the adoption of the Comprehensive Plan, the Planning Commission Resolution R08-10 would provide the Planning Commission recommendation of approval to the Board of Supervisors. He stated the Plan meets the criteria in State Code Section 15.2-2223 and the Plan would follow the recommended process of a five (5)

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year update and twenty (20) year rewrite. He stated the remaining tasks would be to hold the Board of Supervisors Public Hearing and should the Board adopt the plan, staff would proceed with implementation measures, which would be a follow-up document to the plan. He stated it would establish specific actions to ensure the goals, objectives, and policies are achieved or followed. He stated there was a time line within the plan of 60 days of approval by the Board. He stated following the approval there would be the need to revise and update other plan elements. He stated staff would answer any questions from the Commission.

Mr. Fields stated this plan represented many months of work by many people.

Ms. Kirkman asked on the changes regarding designated existing Commercial and Industrial parcels that were currently zoned for that land use outside of the USA if the build out numbers had been changed to reflect that.

Mr. Zuraf stated yes.

Ms. Kirkman stated there was a lot of discussion regarding redevelopment areas, although there was a contract for the redevelopment area and the county adopted an Economic Development Plan regarding the redevelopment areas and to the best of her knowledge, there had not been any specific boundaries or designation of parcels for the redevelopment and asked if that was correct.

Mr. Harvey stated that was correct, it was a work in progress.

Ms. Kirkman asked if there were any designated boundaries for the redevelopment areas.

Mr. Harvey stated there was a current study that was ongoing and staff was told the boundary was movable or expandable based upon the direction the Board of Supervisors and Planning Commission give before the ultimate disposition of that study.

Ms. Kirkman stated staff recommended adoption of the plan and asked if staff also recommended approval of the USA boundaries as laid out in the Comprehensive Plan.

Mr. Zuraf stated yes.

Ms. Kirkman asked staff to help her understand that because this was no different than the comprehensive plan amendment sent forward to the Board and between the time the amendment left the Planning Commission and got to the Board, staff made numerous recommended changes to the USA. She stated she was trying to understand when staff stated they would support this, would staff change the recommendation after it leaves the Planning Commission. She stated there was a document that requested pulling Sherwood, West Lake and some area along Route 1 back in the USA, which was after it left the Planning Commission. She stated she wanted to be clear on what staff's position was in this matter. She asked if staff supported the USA as it was drawn in the Comprehensive Plan before the Commission.

Mr. Zuraf stated staff supported the plan as it was before the Commission.

Ms. Kirkman asked how that matched what was told to the Board of Supervisors.

Mr. Harvey stated the discussion with the Board of Supervisors was in the context of the current plan and how the USA would change with the current plan. He stated staff also asked the Board to consider those areas based on information staff had regarding development projects and various other land use factors.

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He stated staff's recommendation to the Board was to defer the USA discussion until they had the full view of the future land use plan. He stated this was the full view of the future land use plan presented to the Commission.

Ms. Kirkman state at one of the Board meetings it was stated that the Commission had a request from Quantico to maintain some buffer areas by removing a quarry and some adjacent properties from the USA, she asked if staff supported that recommendation.

Mr. Zuraf stated staff did not formulate a recommendation on that. He stated it was a recommendation made by the Board.

Ms. Kirkman asked Ms. Roberts if the Commission was to adjust the USA, if the USA line was redrawn to exclude some parcels, would this need to be re-advertised.

Mrs. Roberts stated yes.

Mr. Fields opened the public hearing for public comment.

Shawn Lawrence stated he was a community action specialist at the Disability Resource Center (DRC) located in Fredericksburg, VA. He stated the DRC promoted independent living, seeking change in legislation, perception and the quality of life in people with disabilities. He thanked the Commission for allowing him to speak in favor of the Comprehensive Plan and with regards to the housing and transportation concerns there were more than 10,029 disabled residents of Stafford County, which was approximately nine and three quarters percent of the total population. He stated part of his job to work with different jurisdictions in planning district sixteen (16) to include the concerns of people with disabilities in areas of housing, transportation and employment and including those in the Comprehensive Plan. He stated he met Mr. Harvey in October 2006 and discussed universal design, affordable housing, complete streets and walkable communities. He stated older Virginians were expected to account for eighteen (18) percent of the population by 2010, twenty-two (22) percent by 2020 and 1.3 million by 2030. He stated Stafford County was projected to have the states largest percentage increase. He stated the information provided was obtained from the Virginia Employment Condition and the Joint Legislative Audit Review Commission, Impact on Aging Population. He stated he was proud to say that Stafford County led the way when discussing county inclusion of people with disabilities in the future plans of the county. He discussed the sections of the plan that he reviewed. He requested that in Chapter 2, page 38, Objective 5.3, to change the word handicap to disabled.

Kate Pollack stated having attended the meeting of the Comprehensive Plan Steering Committee and the Sub Committee than she had. She stated the results of the sub committee meeting were far superior to those of the steering committee. She applauded the steering committee for their unanimous commitment for developing and including the financial impact model and LOS in the Comprehensive Plan and the sub committee for retaining those items. She stated the steering committee order a watershed map in order to inform citizens about impervious surfaces in there watershed. She stated she hoped this would be included in the Comprehensive plan as implementation steps and Mr. Di Peppe deserved credit for the research on affordable housing. She stated the document was very readable and the county should adopt the Comprehensive Plan.

Rob Shircliff stated growth was often seen as a mechanism by which we could recover from an economic down turn and the one we were facing now was more severe than seen since the great depression. He stated measures passed were sometimes repealed by those that come after you, Loudoun County was a perfect example. He spoke to objective 1.4 of the Comprehensive Plan to discourage growth in the

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agricultural areas and in his view the county should speak more to managing the growth than stopping it. He stated growth could not be managed with the demand for housing, when there was no demand there would be no growth. He stated the County should not be focused on stopping growth but instead in shaping the outcome and his recommendation was to focus on preserving the rural view shed by acquiring large lots or buffers along scenic by ways; forest re-preservation, by the creation of preservation areas that may not be disturbed and would create networks for wildlife between adjacent parcels; and agricultural preservation, accomplished with the creation of large lots that could be used by families with the dream of owning and horse. He stated he believed that now and for perhaps the next decade the economy would dictate what was or was not developed. He stated the housing industry was on life support with no prospect for improvement. He stated the Plan should be adopted to with stand the test of time, huge impact fees should be avoided and asked how that was compatible with the objective for affordable housing. He stated if the economy gets worst as he believed it would, the temptation by your predecessors to turn to growth as a means to recover would put all measures at risk and nothing would have been accomplished.

Bettina McWhirt stated staff mentioned the establishment of a Transfer Development Rights (TDR) program, in principle that would be a good program, however, she would recommend that the county stand down on establishing this type of program. She stated there were already very sound federal and state programs for TDR's. She stated she felt it would be a waste of county money if the county tried to adopt a county specific program. She suggested adding an objective that promoted a greater real estate tax discount for the agricultural land use program for land owners that were active farmers. She stated in order to keep more of the land owners on the land instead of forcing them to sell the land because they could not continue to pay the high real estate cost.

Gerald Grinnell stated he lived in Stafford for twenty-nine (29) years and came before the Commission in July and requested that a section be added to Warrenton Road in the USA and was pleased to see that it was added. He stated the parcels that were included and asked if the Commission would consider designating the parcels added for future commercial use because that area was not agricultural and not suitable for rural residential.

Patricia Kurpiel complimented the Commission on the Comprehensive Plan and thought it was outstanding. She listed a few comments that needed to be reiterated. She stated the plan includes 168 million square feet of industrial space, Stafford was absorbing one million square feet of commercial per year. She stated she did not see any degradation to job creation or bringing new businesses into the community with this plan. She stated it was problematic to show commercial industrial as the future land use where the underlying zoning was A-1, Agricultural, and put it in the USA. She stated that would run the risk of the property being developed as agricultural and use the water and sewer supply for uses not wanted in that area. She complimented staff and the Commission on the way the USA was drawn. She stated the plan would allow 35,000 residential units which equates to a three (3) percent growth rate compounded annually. She stated that was the top of what was presumed to be sustainable growth at a rate of two (2) to three (3) percent. She asked the Commission not to remove the Comprehensive Impact Fees from the report. She thanked the Commission for all of their hard work.

Myklind Messenger stated she was in Commercial Real Estate and was all for helping develop the county in a good and progressive way. She stated she was concerned about the Public Facility Impact Fee because when broken down it was almost \$100,000 per unit that was being built. She stated in this market that would be extremely difficult for any builder to absorb \$100,000 on every home built. She asked the Commission to look at this again and come up with a different alternative. She stated there would not be many families looking to buy homes that were that expensive.

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With no one else coming forward, Mr. Fields closed the public hearing.

Mr. Fields stated that the Comprehensive Impact Fee of \$90,000 shown was applicable only to by right development in the agricultural areas. He stated the discussion regarding the Comprehensive Impact Fee affecting affordable housing was not a one to one correspondence and all of the USA and all of the residentially zoned districts were not subject to the fee. He stated it could be suggested that growth in one area pay an impact fee and did not mean that affordable housing could not be obtained in another area.

Mr. Rhodes stated the Comprehensive Plan was a guide for the use of the county and stated by code, shall be general in nature, provide a broad policy framework and those types of terminologies. He stated he was concerned with the structure of the document at the moment in the policies and objectives, there was a heavy use of shall. He stated it was a general guide for ordinances and other implementing and supporting of plans. He stated the heavy framework of shall, he felt, would make it harder for the county if they chose to not do something consistent with what the Comprehensive Plan states. He stated in Goal 1, it states that two thirds of the objectives or policy that state "shall" and in Goal 2, three fourths of the objectives and policies state "shall". He stated the wording should be changed to "should" or something else that would leave the county in less of a box. He stated he was uncomfortable with some of the language and suggested a little more depth in the Transportation portion of the Comprehensive Impact Fee.

Mr. Di Peppe stated the development and passage of a Comprehensive Plan was the most important accomplishment that any member would achieve during their tenure on the Planning Commission. He stated it was not only the vision but the road map for the next twenty (20) years. He stated the Commonwealth of Virginia puts this responsibility squarely on the shoulders of the Planning Commission as it should be. He stated recent dire economic events across the nation and world should serve as a warning of what could happen when market forces alone dictate the development and economic rules. He stated this document would provide the legal authority to move forward with policies, goals and implementation process to enable the County to deal honestly and effectively with the future of Stafford County. He stated one of the most important components of this plan was the financial impact model because it directly addresses the economic implications that our growth decisions and there impact on the services that all the citizens expect and required. He stated there was never an adequate discussion of the nexus between the dramatic tax increases that property owners face year after year and the cost to build and maintain adequate infrastructure required to support growth. He stated if the County did not make growth pay for itself, the citizen would pay for it. He stated as the Chairman of the Comprehensive Plan Sub-Committee, he commended all the people who dedicated countless hours to this immense project.

Mr. Mitchell stated he had mixed emotions on the Comprehensive Plan and one of the reasons was the Comprehensive Impact Fees that was part of the plan. He stated VDOT wanted the County to take over some road maintenance and the county had no basic experience in road maintenance or the equipment required to maintain the roads. He stated many years ago the maintenance of the roads was a political give and take, if you supported Richmond there was additional funding and if you didn't support them there was no funding. He stated he did not feel VDOT could continue to maintain the number of roads that they service currently. He stated the road maintenance would be a deterrent to the county and he was concerned that the business district set up in the middle of the county should be in the northern part of the county rather than the central part of the county. He thanked the original committee that spent so much time involved in the process of the Comprehensive Plan. He stated he would have trouble supporting the plan in the present fashion.

Ms. Kirkman stated in terms of the Comprehensive Plan as a whole she thanked Mr. Di Peppe for his guidance in getting the Commission through the process and for helping her as a new Commission

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member in that committee. She stated she thought it was a pretty good document and developed a document that set a clear vision for the sustainable growth and future of the county. She stated the document was remarkable, for the first time outlining cost of growth and development and while the Comprehensive Impact Fees were large, somebody had to pay for it. He stated if the developers did not pay for it, the tax payers would. She stated she would like to see the Commission defer this item to the next meeting for three reasons: the first reason was because this was such an important document and would like to see the entire Planning Commission have the opportunity to vote of this item; the second reason was there was some tweaking of the language that was needed and to take into consideration a couple of things and the third reason was if the Commission needed to re-advertise, she would like to see the section drawn out for the quarry and the adjacent properties and re-advertise if needed.

Mr. Fields asked Ms. Kirkman what parcels she was referring to.

Ms. Kirkman referred to staff.

Mr. Zuraf stated he did not have to information with him and could get it to the Commission.

Mr. Rhodes asked what would be the driver to do that.

Ms. Kirkman stated the driver to do it was according to statements made by some of the Board members, there was a request from the military base that the parcels be removed from the USA in order to create more of a buffer around the base.

Mr. Rhodes asked if the request was in writing.

Mr. Fields stated he supported the concept from the base but the Commission would need some kind of document from Quantico that this was their intention and desire.

Ms. Kirkman stated she believed Mr. Sterling raised the issue.

Mr. Harvey stated Mr. Sterling had a lot of the discussion about the USA boundary in the northern part of the Garrisonville Road corridor at the Board level.

Ms. Kirkman stated it was Mr. Sterling that made the specific request.

Mr. Fields stated the Commission would need information showing what specific parcels would be requested for exclusion.

Ms. Kirkman stated there was the same issue on the boundary of the Griffis-Widewater District, but almost all of that property was outside of the USA boundary.

Mr. Fields asked if the request came from the Commander of the base.

Ms. Kirkman stated she was trying to be responsive to the discussion she heard from the Board of Supervisors. She stated Mr. Harvey would be in a better position to discuss the issue since he attended the Board meeting.

Mr. Fields stated the Commission could put that issue to the side to give Mr. Zuraf time to find the information. He asked about the area along Warrenton Road that Mr. Grinnell mention, being designated for Commercial or Business.

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Ms. Kirkman stated she thought the reason those were put back in the USA was because they were already zoned for commercial or manufacturing.

Mr. Harvey stated Mr. Grinnell's property was zoned A-1 in that area and he asked to put in the USA and filed a rezoning application for light industrial for his property.

Mr. Fields asked the Commission if there were any thoughts on that, should the Commission accommodate that in the plan.

Mrs. Roberts stated it would not require re-advertisement.

Mr. Harvey stated Mr. Grinnell stated there were two (2) properties zoned M-1.

Mr. Fields stated the Commission needed detailed information to come back to the next meeting to understand what they were requesting. He stated the Commission needed more information regarding Quantico as well. He stated the Commission would agree to correct the wording on page 38 to replace the word handicap with disabled.

Ms. Kirkman stated on the acknowledgment page, there was a two (2) committees listed and it would be helpful to list the dates those committees worked on this.

Mr. Di Peppe stated under the steering committee portion Mr. Rhodes was the Vice Chairman and asked if staff would make that correction.

Ms. Kirkman stated on page 56, Rural Areas, needed to be made consistent with the language elsewhere in the plan.

Mr. Mitchell requested setting up proclamation for the original Comprehensive Plan Steering Committee.

Mr. Fields agreed with Mr. Mitchell and pointed out the Board of Supervisors that initiated the revision of the Comprehensive plan was Mr. Fields, Bob Gibbons, Jack Cavalier, Gary Snellings, Mark Osborn, Kandy Hilliard and Gary Pash. He thanked the Commission for there tireless effort for working on this document.

Mr. Rhodes reiterated that in Goals 1 & 2, the Commission should consider the heavy use of the word "shall" and replace with "should".

Mr. Fields stated the Commission had a request for Mrs. Roberts to address that issue.

Mrs. Roberts stated there was legal basis to consider the revision of the word "shall".

Mr. Kirkman stated she was opposed to changing the language from "shall" to "should" because should was a weasel word and people would try to wiggle through the interpretation of the plan.

Mr. Rhodes stated this was a document that was a guide and a broad policy framework. He stated in a situation where the County could be at risk, it would better defend the County to have that language and would not change the intent of the document.

Mr. Rhodes made a motion to defer this item to the next meeting. Mr. Di Peppe seconded the motion. The motion passed 5-0 (Mr. Howard and Mrs. Carlone were absent).

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2. Public Facilities Impact Fees – A proposed ordinance to impose public facilities impact fees outside the County Urban Transportation Services Districts on newly recorded lots on agriculturally zoned land being subdivided for by-right residential development, pursuant to Sections 15.2-2329 and 15.2-2403.1 of the Code of Virginia (1950), as amended. The impact fees would be used to generate revenue to fund or recover the costs for public facilities necessitated by and attributable to residential development. Proposed Ordinance O08-74 would impose impact fees per residential unit for public facilities as follows:
- (1) roads, streets, and bridges, including rights-of-way, traffic signals landscaping, and any local components of federal or state highways: \$46,975 per residential unit;
 - (2) storm water collection, retention, detention, treatment; and disposal facilities: \$ 0.00 per residential unit;
 - (3) parks, open space, and recreation and related facilities: \$12,019 per residential unit;
 - (4) public safety facilities, including police, fire, emergency medical and rescue facilities: \$3,304 per residential unit;
 - (5) primary and secondary schools and related facilities: \$26,777 per residential unit; and
 - (6) libraries and related facilities: \$1,482 per residential unit.

The impact fees would be collected at the time of issuance of the building permit for the residential use.

Joey Hess presented the staff report. He stated the proposal was to consider a proposed ordinance to impose public facilities impact fees outside Urban Transportation Service Districts (UTSD). He stated the fees would be imposed on newly created lots on agriculturally zoned land, and would generate revenue to recover costs for public facilities necessitated by and attributable to residential development. He stated at the meeting on October 7, 2008 the Board of Supervisors suspended all activity with regards to UTSD and expressed desire to not maintain public streets or impose public facilities impact fees. He stated State Code Section 15.2-2329 authorized the County to collect impact fees for public facilities, which include transportation, stormwater facilities, parks and recreation, sheriff, fire and rescue, schools and libraries. He stated on June 17, 2008 the Board of Supervisors authorized staff to work with VDOT. He stated the Board considered two boundaries, one to the north and the other to the south. He stated in order for the County to have authorization to collect impact fees, the Board of Supervisors would be required to approve them by December 31, 2008. He stated it would also require County to maintain 617 lane miles within boundaries if approved. He discussed the calculations of how impact fees were applied. He stated impact fees would be adjusted annually based on Marshall Swift Index, fees would be collected at time of building permit for residential use and no fees for stormwater management since there was no County program in place. He provided a map of the northern and southern UTSD boundary. He stated staff recommended the Planning Commission suspend all activities in accordance with the Board of Supervisors' action.

Mr. Fields open the public hearing.

Rob Shircliff stated any time new development had been proposed, the answer was always yes, but, yes you may build this project but you may have to pay a reasonable impact fee, it was the same tonight. He stated yes the Commission could pass this measure but when it passes it produced little to no revenue because no one could afford to pay a fee that was so unfair. He stated through the proposal, responsibility for the road maintenance would become the County's and not the states. He stated the county would have put a severe drain on the county coffers. He stated the county would have inadvertently increased the

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value of all pre-existing acreage lots with or without houses, which would no doubt be reflected in the county assessments. He stated when the market would not bare the increase in value as reflected in actual sales prices, which were already severely impacted, there would be a big fight with county citizens. He asked how could the Commission, in good conscience consider it fair, right or appropriate in this economy. He stated the reason Stafford County had problems more than any other county in the United States was because there was short thinking in how to handle commercial development. He stated \$90,000 for impact fees for residential development in A-1 Zoning was absurd and he did not feel it would stand the test of time. He stated the Board of Supervisors should take it upon themselves to consider raising real estate taxes.

Patricia Kurpiel stated she wanted to compliment the Commission for bringing the tax payers financial picture associated with the Comprehensive Plan into view. She stated as an accountant and financial planner, Chapter 4 and appendices were some of the most important materials that she felt the plan contained. She stated the decision to recommend comprehensive impact fees were overtaken by events, she believed the Board already decided they would not go forward with this. She stated she hoped the recommendation from the Commission would go forward with recommending comprehensive impact fees. She wanted to discuss the financial impact to the average tax payer of having the fees or not having them. She stated on page 88 of the draft Comprehensive Plan there was a chart that showed the average value of a house starting at \$322,000 and going up to \$477,000 over the twenty year period. She stated that was a real rate of growth of two percent with all inflation removed. She stated the third column showed what the potential taxes could be to an average house over twenty years and the tax went from \$2,705 up to \$6,752, that tax payer would pay \$94,000 approximately over a twenty year period. She stated the chart assumed that all of the impact fees, all of the cost for infrastructure was born by the tax payer and none was born by developers. She stated she wanted to ask the question, "What if developers paid, what would the impact be to the average tax payer". She stated over the twenty year period the taxpayer would pay \$20,000 less in taxes. She stated the alternative of charging developers for their fair share was taken away and she did not know what would come out of the legislature. She stated at the same meeting she discussed earlier, when Senator Watkins said some percentage of the jurisdictions actual cost for infrastructure, Mr. Tolson, President of the Homebuilders Association, was overheard to say, yes perhaps half a percent. She stated the taxpayers did know was what in the future and asked the Commission to think about alternatives to not being able to collect impact fees. She stated she had a suggestion for the Commission to consider which was to rezone the agricultural land to one house on ten to twenty acres and then allow development at the current rate of one house on three acres with the payment of proffers.

With no one else coming forward Mr. Fields closed the public hearing.

Mr. Fields stated this was a situation in which the Commission was asked to abandon an ordinance.

Ms. Kirkman stated she did not think the Commission should abandon the ordinance. She made a motion to approve the ordinance and stated if the Commission did not take advantage of it, the county would squander the best opportunity the county had in decades. She stated the public record should be crystal clear on who was willing to make developers pay their way and who was not. She stated for that reason she made the recommend adoption of the ordinance.

Mr. Fields seconded the motion.

Mr. Mitchell stated his issue was VDOT, in its present state, was not prepared to maintain the roads in the Commonwealth of Virginia over the next twenty years. He stated the real issue was if VDOT could pawn the roads off on the counties, Stafford would receive six hundred and seventeen (617) lane miles. He

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questioned how much infrastructure equipment would the county need to purchase, how many people would the county need to hire, where would the County house these people and how would the county fund it. He asked if the Commission was voting for the ordinance, it sounded good that the Commission would make the developer pay, someone would need to pay for six hundred and seventeen (617) lane miles. He stated that someone would be the Stafford Citizens. He stated if the County took the roads, VDOT would never take them back. He stated the county was not prepared to handle six hundred and seventeen (617) lane miles of maintenance costs, personnel costs, housing costs and equipment costs.

Mr. Rhodes stated the Ordinance was brought to public hearing to race to meet a time line. He stated last time the Commission discussed this item he had concern regarding the calculation basis for the Transportation Impact Fee. He stated roads were expensive and terribly under funded. He stated it may be the correct number, but to use it for the purposes this would be used, there needed to be a clearer and much more deliberate thought out methodology for the calculation for the Transportation portion of the impact fee. He stated he would not support sending this forward until the Commission worked the numbers further.

Mr. Di Peppe stated he would have to object to deferring this item, if anyone was for making the developer pay, there would be a vote, but if not on favor of making the developer pay then don't vote. He stated that was not fair and stated those who create the demand should pay the freight. He stated he was also about the development industry taking care of the cost of infrastructure. He stated he would have voted against this for different reasons and did not believe that when the State showed up and said they would give the county the roads and give the county money. He stated he did not believe the amount of money the county was given to take care of the roads could have in any way taken care of the roads. He stated the burden would have been transferred to the residential property owner who pays for everything else. He stated he did agree the impact fee was \$90,000 and it was possible that it was too low. He stated the actual true cost of the infrastructure was enormous and growing every year. He stated he would have to vote in opposition because he felt it was a bad deal for the tax payer and did not believe it was fair to say if by voting one way or another that someone was for or against a development. He stated he was for the developers paying every bit of the cost for infrastructure.

Mr. Fields stated he respected the Commissions decisions but he may have had a unique position. He stated when he was on the Board of Supervisors in 2000 Delegate Bill Howell culminated a several year effort to get Stafford added to the list of counties that were allowed, since the 1990's, to collect Transportation Impact Fees. He stated most of the states in the United States have for decades been using impact fees for all types of public facilities. He stated if someone went to a National Association of Counties (NACo) Conferences with public officials, you talk about the problems of high growth counties in Virginia, the officials says it was simple to make a condition of development being the developers pay their fair share of infrastructure. He stated that was not possible in Virginia, the officials asked why that was, he stated there were two principles. He stated the Dillon Rule, which in Virginia did not give counties any authority that was not expressly granted them by the General Assembly which the Home Rule Principle states. Secondly was the rule of corruption in Richmond in the House of Delegates and State Senate was so pervasive because the amount of the money the home builders in Virginia, Mr. Mike Tolson referenced by Ms. Kurpiel earlier. He stated if someone had not been to the House County City's and Town's Committee or a meeting of the Senate Local Government Committee in Richmond and watch Mr. Tolson stand at the podium and read the text of amendments he wished made into state law that benefit his constituency, which was the Homebuilder of Virginia and no one else. He stated if we think for a minute that Mr. Tolson's interest in having legislation passed by the General Assembly had anything to do with the interest of the citizens of Virginia, you would be completely wrong. He stated the enormous amount of the funds that Mr. Tolson's industry had poured into campaign coffers and the members of the General Assembly, not all members and not the members in Stafford. He stated Virginia had for decades

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been denied by Richmond the tools that allow us to have created a balanced equitable society for all the high growth counties in Virginia. He stated Delegate Bill Howell fought for the Transportation Impact Fee Authority, which was never enacted after being on the books for ten (10) years and was the most arcane piece of legislation written. He stated the Board of Supervisors persevered and if it was not enacted by 2003, there was a sunset clause would make it go away. He stated if the county walked away from Impact Fees of any type, this was how the county would establish legitimacy of impact fees as a mechanism for covering the cost growth in the Commonwealth of Virginia. He stated the county persevered against all odds and the Transportation Impact fees were implemented in Virginia. He stated for several years he served as Chairman of the Collision of High Growth Communities from thirty (30) communities across the Commonwealth representing four (4,000,000) million residents in the Commonwealth of Virginia all burdened to some degree of the hypercritical stage if the three key counties that born the brunt of growth, which was Stafford, Spotsylvania and Loudon County. He stated last year Delegate Bill Howell took the measure of Speaker of House to introduce a bill himself, which meant he was the speaker of the House of Delegates behind the bill. He stated it was a complex bill and the concept that Stafford County take control of the lane miles and therefore control access to the roads, just like water and sewer, then Stafford County would have its own authority. He stated if the county walks away from this, the county would walk away form impact fees forever. He stated 768 would pass in some way and asked what incentive did Delegate Bill Howell have to protect the citizens of Stafford County now that collectively rejected the best deal ever presented to Stafford County in the history of Virginia. He stated when the County walks away form this, the County walks away from the ability to recover the cost of growth forever. He stated he would vote in favor of this ordinance.

Mr. Di Peppe asked what if it was not the fees that were the problem but the amount of future money that would be there.

Mr. Fields stated if the County did not enact this ordinance, it would not matter because there would never be another opportunity for this in the future. He stated Bill Howell used all his power as Speaker of the House to protect Stafford County and would have no reason to help Stafford County anymore because Stafford County had not shown him the gratitude he deserved.

Mr. Di Peppe stated the Board of Supervisors sent direction to the Commission when the original ordinance was written because they were considering this. He stated the Board since said the County would not do it and should be suspended.

Mr. Fields stated he hoped there was a vague desperate chance to reconsider.

Mr. Mitchell stated Mr. Fields had been a champion for this cause and he appreciated the cause. He stated he did not trust Richmond because the county was shortchanged on the regional jail and they would shortchange the county on the roads.

Ms. Kirkman stated there were some details about the road payment that were over looked and the maintenance payments come off the top of the transportation pot. She stated those were allocated out before the construction payments. She stated they were not talking about contracts with payments for one facility but an urban payment that would go to some of the most dense counties with some of the most political power in the state. She stated it was not whether VDOT would alter the payment just for Stafford County. She stated this was not perfect but would be the only shot the county has.

Mr. Di Peppe stated he did not feel the county had a shot at it and would be an increased burden on taxpayers.

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The motion recommending adoption of Ordinance O08-74 failed 3-2 (Ms. Kirkman and Mr. Fields were in favor).

UNFINISHED BUSINESS:

3. RC2800572; Reclassification - Telecom Tower - Stafford County - Mountain Avenue - A proposed reclassification from B-1, Convenience Commercial Zoning District to A-1, Agricultural Zoning District to allow a telecommunication facility on Assessor's Parcel 54-45A for the purpose of bringing an existing telecommunication facility into conformance with the Zoning Ordinance. The property, consisting of 3.61 acres, is located on the west side of Mountain Avenue approximately 700 feet north of White Oak Road within the George Washington District. The Comprehensive Plan recommends the property for Suburban Residential use. The Suburban Residential use would permit single family residential development at a density of three (3) dwelling units per acre. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the A-1 Zoning District. **(Time Limit: December 30, 2008) (History - Deferred at October 1, 2008 Regular Meeting to October 15, 2008 Work Session)**

Mr. Fields stated the Comprehensive Plan should come before the Reclassification. Mr. Fields made a motion to recommend approval. Mr. Rhodes seconded.

Mr. Mitchell stated same discussion as with the Comprehensive Plan Compliance.

Ms. Kirkman stated she supported the reclassification because it was a little different than the fee issue that they see with the CUP.

The motion passed 4-1 (Mr. Mitchell opposed) (Mrs. Carlone and Mr. Howard were absent).

4. COM2800574; Comprehensive Plan Compliance Review - Telecom Tower - Stafford County - Mountain Avenue - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for a telecommunication facility, located on the west side of Mountain Avenue approximately 700 feet north of White Oak Road on Assessor's Parcel 54-45A within the George Washington Election District. **(Time Limit: November 30, 2008) (History - Deferred at October 1, 2008 Regular Meeting to October 15, 2008 Work Session)**

Mr. Fields made a motion to recommend approval. Mr. Di Peppe seconded.

Mr. Mitchell stated he could not support the County paying these fees when so many entities gave them free space on their units. He realized they needed the ability for the Sheriff's Department and/or Rescue Squads and Fire Squads to be able to call and get immediate response. He stated that need was imperative and he supported that need but he did not support the County taxpayers, over a ten year period, paying almost \$2 million in fees.

The motion passed 3-2 (Mr. Mitchell and Ms. Kirkman opposed) (Mrs. Carlone and Mr. Howard were absent).

5. CUP2800573; Conditional Use Permit - Telecom Tower - Stafford County - Mountain Avenue - A request for a Conditional Use Permit to allow a telecommunication facility in an A-1, Agricultural Zoning District on Assessor's Parcel 54-45A for the purpose of bringing an existing telecommunication facility into conformance with the Zoning Ordinance. The property, consisting

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of 3.61 acres, is located on the west side of Mountain Avenue approximately 700 feet north of White Oak Road within the George Washington Election District. **(Time Limit: December 30, 2008) (History - Deferred at October 1, 2008 Regular Meeting to October 15, 2008 Work Session)**

Mr. Fields made a motion to recommend approval. Mr. Rhodes seconded. The motion passed 3-2 (Mr. Mitchell and Ms. Kirkman opposed) (Mrs. Carlone and Mr. Howard were absent).

6. COM2800576; Comprehensive Plan Compliance Review - Telecom Tower - Stafford County - Rabbit Road - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for a telecommunication facility, located on the east side of Rabbit Road approximately 1,400 feet north of New Hope Church Road on Assessor's Parcel 55-158B within the George Washington Election District. **(Time Limit: November 30, 2008) (History - Deferred at October 1, 2008 Regular Meeting to October 15, 2008 Work Session)**

Mr. Fields made a motion to recommend approval. Mr. Rhodes seconded.

Mr. Di Peppe stated he agreed with everyone as it was crazy paying all this money but when he heard the County come before them and say this was a public safety issue then we were talking about peoples' lives.

Mr. Rhodes asked Commission not to forget that until they have the lease, which has not started, the County would not start the improvements. The funds do not start were not being spent on the improvements until after the lease. He stated most of these were expenditures that the County would have in the course of executing this need if they had to build their own towers.

Mr. Mitchell stated he did not know how many total towers there were in Stafford County and he wondered why the County could not find another tower that would give them a free status sitting.

Ms. Kirkman stated she thought it was a false position to say this was the only way to make sure safety personnel could communicate with one another, in her opinion, there were a number of different roads to get there.

The motion passed 4-1 (Mr. Mitchell opposed) (Mrs. Carlone and Mr. Howard were absent).

7. CUP2800575; Conditional Use Permit - Telecom Tower - Stafford County - Rabbit Road - A request for a Conditional Use Permit to allow a telecommunication facility in an A-1, Agricultural Zoning District on Assessor's Parcel 55-158B for the purpose of bringing the existing telecommunication facility into conformance with the Zoning Ordinance. The property, consisting of 20.00 acres, is located on the east side of Rabbit Road approximately 1,400 feet north of New Hope Church Road within the George Washington Election District. **(Time Limit: December 30, 2008) (History - Deferred at October 1, 2008 Regular Meeting to October 15, 2008 Work Session)**

Mr. Fields made a motion to recommend approval. Mr. Rhodes seconded.

Mr. Harvey stated there were some recommended changes to the conditions with item 7 and well as with item 9.

Mr. Hess stated Rabbit Road had a typo.

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The motion passed 3-2 (Mr. Mitchell and Ms. Kirkman opposed) (Mrs. Carlone and Mr. Howard were absent).

8. COM2800578; Comprehensive Plan Compliance Review - Telecom Tower - Stafford County - Thorny Point - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for a telecommunication facility, located on the south side of Thorny Point approximately 4,000 feet north of Brooke Road on Assessor's Parcel 41A-1-8K within the Aquia Election District. **(Time Limit: November 30, 2008) (History - Deferred at October 1, 2008 Regular Meeting to October 15, 2008 Work Session)**

Mr. Mitchell made a motion to recommend denial. There was no second.

Mr. Rhodes made a motion to recommend approval. Mr. Di Peppe seconded. The motion passed 4-1 (Mr. Mitchell opposed) (Mrs. Carlone and Mr. Howard were absent).

9. CUP2800577; Conditional Use Permit - Telecom Tower - Stafford County - Thorny Point - A request for a Conditional Use Permit to allow a telecommunication facility in an A-1, Agricultural Zoning District on Assessor's Parcel 41A-1-8K for the purpose of bringing the existing telecommunication facility into conformance with the Zoning Ordinance. The property, consisting of 40.33 acres, is located on the south side of Thorny Point Road approximately 4,000 feet north of Brooke Road within the Aquia Election District. **(Time Limit: December 30, 2008) (History - Deferred at October 1, 2008 Regular Meeting to October 15, 2008 Work Session)**

Mr. Hess stated there was a hand-out provided to the Commission that stated there was a change in status after the packets were delivered. There was originally a discussion to have a secondary road be constructed off of Brooke Crest Lane and come up through the south point of the tower. The representative stated they absolutely did not want the County to do that, they wanted them to utilize the existing driveway that was on the property. He stated they removed all the conditions that deal with the construction of the road as that would not happen. There was also some tweaking of other conditions.

Mr. Mitchell made a motion to recommend denial. Ms. Kirkman seconded. The motion failed 2-3 (Mr. Fields, Mr. Rhodes and Mr. Di Peppe opposed) (Mrs. Carlone and Mr. Howard were absent).

Mr. Rhodes made a motion to recommend approval. Mr. Di Peppe seconded.

Mr. Mitchell stated to let the record note that his opposition was the financial opposition that the County faced. He would like this to be in the minutes as clearly as possible. He stated they were being strung out on a limb to pay a lot of fees.

The motion passed 3-2 (Mr. Mitchell and Ms. Kirkman opposed) (Mrs. Carlone and Mr. Howard were absent).

10. SUB220849; Arkendale Estates - Preliminary Subdivision Plan - A preliminary subdivision plan for 132 single-family residential lots on public water and sewer, zoned A-1, Agricultural and B-2, Urban Commercial, consisting of 569.04 acres located at the intersection of Arkendale Road and Brent Point Road on Assessor's Parcels 31-50, 31-95 and 31-97 within the Griffis-Widewater Election District. **(Time Limit: December 24, 2008) (History - Deferred at October 1, 2008 Regular Meeting to November 6, 2008 Work Session)**

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11. SUB2700206; Sycamore Hills - Preliminary Subdivision Plan - A preliminary subdivision plan for 30 single family residential lots zoned A-2, Rural Residential, consisting of 186.41 acres located on the north side of Raven Road approximately 4,500 feet south-east of Brooke Road on Assessor's Parcels 48-1 and 49-27 within the Aquia Election District. **(Time Limit: December 24, 2008) (History - Deferred at October 1, 2008 Regular Meeting to November 6, 2008 Work Session)**

Mr. Fields stated item 10 and 11 were deferred.

Ms. Kirkman asked for clarifications on item 10 and 11. She asked with the passage of the Potomac River Resource Protection Overlay District if the Commission was still expected to discuss these items at the work session for the next meeting.

Mr. Harvey stated staff had not received any requests from the applicant to withdraw or make any modifications. He stated he would assume the items would be on the agenda and if the applicant requested to withdraw, staff would have to get the concurrence of the Commission to come off the agenda.

Ms. Kirkman stated at this meeting or the beginning of the next meeting, she would like the Commission to go into closed session, as allowed under Section 2.2-3711(a)7 to receive legal advise from the County Attorney's office regarding these two subdivision applications.

Mr. Fields stated it would be best to be done at the work session.

NEW BUSINESS

None

MINUTES

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated the Commission already discussed the Urban Transportation Service Districts (UTSD) and the Board of Supervisors passed the Potomac River Resource Protection Overlay District and would affect a number of projects in process.

Ms. Kirkman asked what happened with the lot shape and size and the net buildable ordinance

Mr. Harvey stated the second part of the ordinance the Planning Commission forwarded on the Board of Supervisors earlier this year was passed regarding minimum buildable area for lots greater than one acre in size. He stated both the Potomac River Overlay and the minimum buildable area ordinance would require applicants who submit subdivision plats or plans to provide an existing features map for staff to see the Resource Protection Area (RPA) and other features on the property.

COUNTY ATTORNEY'S REPORT

No Report

SECRETARY'S REPORT

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No Report

STANDING COMMITTEE REPORTS

Mr. Di Peppe made a motion for approval for a public hearing with the Planning Commission for an Ordinance to amend Sections 28-25 and 28-122 of the Zoning Ordinance. The amendment establishes regulations pertaining to the use of trucks as signs. The Planning Commission finds that public necessity, convenience, general welfare, and good zoning practice requires the governing body to consider an Ordinance to amend the regulations. Ms. Kirkman seconded the motion. The motion passed 3-2 (Mr. Mitchell and Mr. Rhodes opposed) (Mrs. Carlone and Mr. Howard were absent).

Mr. Di Peppe made a motion for approval for a public hearing with the Planning Commission for an Ordinance to amend Sections 28-25, 28-245, 28-252 and 28-256 of the Zoning Ordinance. The amendment establishes regulations pertaining to Major and Minor Site Plans. The Planning Commission finds that public necessity, convenience, general welfare, and good zoning practice requires the governing body to consider an Ordinance to amend the regulations. Mr. Rhodes seconded the motion. The motion passed 5-0 (Mrs. Carlone and Mr. Howard were absent).

SPECIAL COMMITTEE REPORTS

No Report

CHAIRMAN'S REPORT

No Report

ADJOURNMENT

With no further business the meeting was adjourned at 10:05 p.m.

Peter Fields, Chairman
Planning Commission