

STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
December 17, 2008

The work session of the Stafford County Planning Commission of Wednesday, December 17, 2008, was called to order at 5:37 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the County Administrative Center.

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

Members Absent: Howard

Staff Present: Harvey, Roberts, Stinnette, Zuraf, Stepowany, Hornung, Schulte, Schultis, Ennis and Forestier

Declarations of Disqualification

Ms. Kirkman stated she would like to announce that in reference to SUB 2700206, Sycamore Hills, she was a member of Saves Crows Nest and also owned property in proximity to the proposed subdivision. She stated the Commonwealth's Attorney had determined that she did not have a conflict of interest in this matter and she believed she was able to participate fairly, objectively and in the public interest.

NEW BUSINESS

None

UNFINISHED BUSINESS:

1. 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) (Deferred at November 6, 2008 Work Session to December 17, 2008 Work Session)**

Mr. Harvey stated this item was discussed at the October 1, 2008 meeting and deferred to this meeting. He stated the applicant submitted a request to continue the deferral for up to six (6) months to allow them to adjust their plan to meet new code requirements. He stated the applicant was present to answer any further questions the Commission may have with regards to those issues.

Ms. Kirkman stated she had a question for the applicant.

Rick Lawson, McGuire Woods, on behalf of Arkendale Estates.

Ms. Kirkman stated in the letter referencing the deferral, it stated there was interest in exploring the rural cluster concept and asked Mr. Lawson to explain how that related to the request for the deferral.

Mr. Lawson stated it does not directly relate to it but in conjunction with the work proposed and meeting the requirements of the Potomac River Overlay District. He stated the applicant would like to look at how the rural cluster concept was proceeding and whether there would be some point in the future to explore an opportunity to take advantage of that.

Planning Commission Minutes
Work Session
December 17, 2008

Ms. Kirkman asked if the only thing in the way at this point the Potomac River Resource Overlay District and meeting the qualifications.

Mr. Lawson stated doing the engineering work that would be necessary to identify all the well and septic sites also needed to be done.

Ms. Kirkman stated on August 19th the Board of Supervisors unanimously repealed the Widewater Plan, which had the water and sewer Urban Services Area (USA) out to Widewater and at that point forward it became clear that well and septic would be needed. She asked where the applicant was in that process and asked if half of the lots had been tested or three quarters of the lots had been tested.

Mr. Lawson stated the applicant had not started the septic testing because there needed to be a layout for the Potomac River Overlay District to get the lot layouts. He stated once the applicant had the lot layouts they could do some of the related septic testing. He stated there was a sequential process involved with that.

Ms. Kirkman stated there was a several month period between the time that the Widewater plan was repealed and the Potomac River Resource Overlay was passed. She asked what engineering work was completed during that several month time period.

Mr. Lawson stated during that time the applicant was working with staff on the relocation of a pump station and issues related to public water and sewer on the site. He stated they were continuing to do revisions that would address staffs' requests. He stated it was not until the USA was revised to eliminate public water and sewer, which was not done until October 21, 2008.

Ms. Kirkman stated it was actually August 19.

Mr. Lawson stated he stood corrected. He stated it was not until the USA was revised to eliminate public water and sewer that the applicant began to look at the engineering changes for well and septic. He stated the important thing to remember was that the plan was with public water and sewer. As a result of a meeting with staff in mid September 2008, the plan was brought to the Commission on October 1, 2008 with public water and sewer and the most recent revisions requested by staff with a recommendation for approval.

Ms. Kirkman stated she could not speak to why staff continued to pursue that option but did verify through the Board of Supervisor minutes that the Widewater Plan was repealed by a unanimous vote by the Board on August 19. She stated she could not speak to why staff did that but she said it sounded like there had been no soils work, no engineering done to meet the septic requirements and asked if that was correct.

Mr. Lawson stated that was correct.

Mr. Harvey stated there was a gap between the time that the USA Boundary was changed for Widewater and repealed the Widewater Plan and repeal of the Sewer and Water Master Plan element for Widewater. He stated there was a situation where the Board's policy direction was there would be no water and sewer for Widewater but we still had water and sewer facilities shown on the county Master Plan. He stated the Master Plan was repealed after the application was sent forward.

Planning Commission Minutes
Work Session
December 17, 2008

Ms. Kirkman asked if it was clear in Section 22-32 that you cannot build public facilities if they were not in compliance with the USA and was repealed on August 19.

Mr. Harvey stated that was an area where there was a question mark because clearly the Board's intent was to take that out of the USA, but all the steps were not complete because the Board had not repealed the Water and Sewer Master Plan yet. He stated one part of the Comprehensive Plan said it did not want water and sewer and the other part still had the water and sewer facilities identified.

Mr. Fields asked how that rural cluster got mixed up in this project, was this proposed to want to conform to a yet undefined rural cluster ordinance.

Mr. Harvey stated from staff's perspective there were two separate issues. He stated the applicant said they wanted to possibly consider that as an alternative in the future.

Mr. Fields asked when the Rural Cluster Concept was initiated by the Board.

Mr. Harvey stated the Board established a committee of Mr. Crisp and Mr. Brito to discuss it and their first meeting was scheduled for the end of November.

Mr. Fields stated he spent a better part of a year on a Committee of the Board of Supervisors with Mr. Snellings, and it was the same Committee, the George Washington and Hartwood Supervisors who represent a large chunk of the rural land looking at the Cluster Concept. He stated they worked very diligently to see if there was a better way to locate housing in the rural areas and the problem was the onsite sewage disposal issue and the difficulty of finding a drainfield with 100 percent reserve. He stated the alternatives would be common or mass drainfields or collective onsite waste water treatment plans. This option would be for the homeowners association who would own and operate the mini sewage treatment plan, which was not ideal, or the county would take over the responsibility for the small onsite facilities. He stated in his experience the Rural Cluster Concept Plan would always run into a brick wall with the onsite sewage issue.

Mr. Lawson stated he was sorry if that added confusion to the issue but wanted to point out that the goal was to comply as the applicant had done in the past with all of the county's requests.

Ms. Kirkman stated this plan was six (6) years old and was submitted January 13, 2003. She stated the only reason the Commission was having this discussion tonight was because the applicant went for years without any activity on the application. She stated the applicant did not appear to make any attempt to start the engineering on the septic and for that reason she would make a motion to deny the request for a deferral.

Mrs. Carlone seconded the motion.

Mr. Rhodes stated there was a disconnect identified in some of the dialogue with the session in August and subsequent meetings and working with staff and the applicant in regards to any work on the septic. He stated there was a change in the Reservoir Protection Overlay District and was causing applicants to have to relook at elements of their applications. He stated he felt the Commission should grant the applicant the time to make the changes, since the Commission had requested those changes.

*Planning Commission Minutes
Work Session
December 17, 2008*

Mr. Mitchell stated he was in favor giving the applicant an extension to put paperwork together and they had been working with staff. He stated he could not support denying the application for that reason.

The motion passed 4-2 (Mr. Mitchell and Mr. Rhodes opposed) (Mr. Howard was absent).

Ms. Kirkman stated since the application was denied for deferral she asked staff to brief the Commission on the plan.

LeAnn Ennis stated staff met with the engineer and the developer and as of today there were no new preliminary plans or environmental plans submitted for review.

Ms. Kirkman asked when in November did staff met with the engineer and the developer.

Mrs. Ennis stated she believed that it was on October 23, 2008.

Ms. Kirkman stated she had requested that staff provide all of the Commission members with large sets of the plan and asked if staff was able to put those plans together.

Mrs. Ennis stated she had the copies for the Commissioners.

Ms. Kirkman stated it looked like lots 3, 115, 114 were served by private access easements (PAE) and asked if that was correct.

Ms. Ennis stated yes it did appear to be a twenty (20) foot ingress/egress easement. She stated she did not know if a PAE was reviewed and would have to research that issue.

Mr. Harvey stated they had street frontage on Brent Point Road but using the ingress/egress to try to meet the goals of reverse frontage.

Ms. Kirkman stated she was looking for the match line key plans and the match lines on various sheets and it looked like that was missing.

Mrs. Ennis stated it may have been turned off on this layer but was on there at one time.

Ms. Kirkman asked if this was the original.

Ms. Ennis stated there had been nine (9) review sets.

Ms. Kirkman stated the vicinity sketch map was required to show political boundaries, subdivisions, fire and rescue and parks within a one (1) mile radius of the property and asked if staff could point on the plan where Widewater Fire and Rescue was depicted.

Mrs. Ennis stated no.

Ms. Kirkman stated Widewater Park.

Mrs. Ennis stated no.

Ms. Kirkman stated political boundary for the precincts.

*Planning Commission Minutes
Work Session
December 17, 2008*

Mrs. Ennis stated no.

Ms Kirkman stated the adjacent subdivisions.

Mrs. Ennis stated Aquia Harbour was shown on the plan.

Ms. Kirkman asked if there were any other subdivisions on Widewater peninsula in the proximity of this proposed subdivision.

Mrs. Ennis stated there was something on the intersection of Widewater and Telegraph.

Ms. Kirkman stated on sheet thirteen there was lot 122 off of Savoy Place and four or five lots that were missing lot numbers and asked where the lot numbers were.

Mrs. Ennis stated the numbers were missing.

Mr. Fields stated on the numbered lots there was a generic footprint of the structure indicated and that was not the case on the unnumbered lots and asked if that was the case.

Mrs. Ennis stated that was correct.

Ms. Kirkman asked when the Board acted on August 19 was that the point where they acted on the entire new Comprehensive Plan map and designated everything south of Arkendale Road in the Comprehensive Plan as park. She stated Ordinance Section 22-58 (5)(a) required that any parks designated in the Comprehensive Plan needed be noted on the subdivision plan submittal and asked if that was noted in the plan anywhere.

Mrs. Ennis stated there was no park designated on this plan.

Mr. Harvey stated Ms. Kirkman was referring to the Comprehensive Plan and stated staff would have to look at the Comprehensive Plan to see how it was amended to see if it reflected a park for that area. He stated that section referred to dedication, if something shown on the long range plan for a public facility than the applicant should engage the county with the possibility of dedicating that land for public purpose.

Ms. Kirkman stated it looked like lots 24, 10, 105 and 106 should have reverse frontage because of their location and asked if a waiver was obtained to put those in with that reverse frontage.

Mrs. Ennis stated there was no waiver for reverse frontage. She stated they did provide open space to avoid reverse frontage on a lot of lots.

Ms. Kirkman asked how wide the open space was.

Mrs. Ennis stated there were no requirements and thought it was five feet.

Ms. Kirkman stated there was a lot that was five feet wide and asked how long it was.

Mrs. Ennis stated it was not a lot but a parcel and ran the length of the road.

Planning Commission Minutes
Work Session
December 17, 2008

Ms. Kirkman stated that was to circumvent the requirements around reverse frontage.

Mr. Di Peppe asked if staff ever addressed that issue. He stated he agreed with Ms. Kirkman and felt that it completely shattered the spirit of open space. He asked why staff never addressed that issue.

Mrs. Ennis stated it was not in the ordinance and was permitted.

Ms. Kirkman stated Section 22-6 was part of the Subdivision Ordinance that dealt with vesting and talked about the recording of sections. She stated the Commission had an Attorney General opinion that said if a subdivision was going to be recorded in sections it would have to be in the preliminary. She stated the Subdivision Ordinance said to record in sections, each section must have either ten percent of the overall lots or a minimum of twenty-five lots, whichever was less. She stated there were 132 lots in this plan and would need at least fourteen lots to comply with the section. She stated as far as she could tell sections four, six, seven, eight, nine and ten were less than fourteen lots and asked if that was correct.

Mrs. Ennis stated they did not meet the minimum of the new ordinance.

Ms. Kirkman stated the plans depicted structures inside the 100 foot flood plain and asked how that would be possible to be in compliance with the Flood Hazard Overlay. She stated the entire section nineteen was located twenty-eight feet above sea level within site of the river and asked staff to explain how that was in compliance with the Flood Hazard Overlay.

Amber Forestier, Environmental Planner, stated she did comment on that but because the way it was written they would still be able to request a variance.

Ms. Kirkman asked if the applicant applied for a variance.

Mrs. Forestier stated not until construction. She read her comments on the plan.

Ms. Kirkman stated right now it was not in compliance with the Flood Hazard Overlay without the variance and asked if that was correct.

Mrs. Forestier stated it would not be in compliance in the future. She stated that if the roads were in a flood zone then a variance may be required. She stated the area was Flood Zone A and a flood study would be required to know if the area was in the flood zone.

Ms. Kirkman stated that the Commission had to determine whether the plan was in compliance as it stood now. She stated lot fifteen had a parallel side lot line. She stated on lot thirty-two the length exceeded the width by more than five times and asked staff if the lots were measured to ensure they were in compliance with section 22-143 regarding lot shape.

Mrs. Ennis stated no. She stated she was not the original planner and did not address any comments on this plan. She stated the comments for the planner were all approved before she ever retained this project.

Planning Commission Minutes
Work Session
December 17, 2008

Ms. Kirkman stated there were some blocks that were single tier blocks that required approval from the agent and asked if there was a letter in the file saying the agent approved the single tier blocks.

Mrs. Ennis stated she was not sure.

Ms. Kirkman asked Mr. Harvey if he knew whether a letter was received.

Mr. Harvey stated he was not sure what Ms. Kirkman was referring to.

Ms. Kirkman stated Section 22-157 of the Subdivision Ordinance said you had to design blocks to be double tiers unless the agent had approved a single tier block and asked if the agent approved a single tier block.

Mr. Harvey stated no.

Ms. Kirkman stated block length cannot exceed 2,500 feet and she measured the block length along Brent Point Road and Charing Cross Way from Decatur to Flagler. She stated it looked like both of those blocks exceeded 2,500 square feet and asked if staff measured that to confirm it was in compliance.

Mrs. Ennis stated no, that would be the engineering department.

Ms. Kirkman stated she felt compelled to ask at this point, given the question she raised, how it was that staff could sign a statement saying this plan was in compliance with all of the ordinances.

Mrs. Ennis stated the computer showed that all the comments were clear.

Ms. Kirkman made a motion to send this to the evening session for decision.

Mrs. Carlone seconded the motion.

The motion passed 5-1 (Mr. Rhodes opposed) (Mr. Howard was absent).

2. 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) (Deferred at November 6, 2008 Work Session to December 17, 2008 Work Session)**

Mr. Harvey stated this item was of a similar nature and given the Commission on October 1, 2008 and deferred by the Commission to this meeting. He stated the applicant was also requesting a deferral until March.

Debrae Karnes, Leming and Healy, stated she was representing the applicant. She stated the applicant submitted this plan and now it was not in conformance the Potomac Overlay, which was adopted after the plan was submitted. She stated the applicant had done extensive preliminary work to upgrade the plan to make it in conformance with the Potomac Overlay. She stated the applicant found that they were

Planning Commission Minutes
Work Session
December 17, 2008

losing lots and suspected the total yield to be eighteen, which was down from thirty. She stated this included possibly redrawing the open space parcel to protect the two (2) historic sites on the property as well as in some instances doing soil retesting because some of the septic fields may need to be relocated with the new drawing. She stated she would answer any question the Commission may have. She stated the applicant requested a deferral until the second meeting in March as a date to provide the best plan possible and allow for sufficient time for staff to review.

Mrs. Carlone stated the last paragraph in the letter concerned her. She stated it said: "by this letter I waive the time limit and hereby agree to the extension for sixty (60) days beyond the March 18, 2009 meeting". She asked if they would be able to complete this plan.

Ms. Karnes stated no, she was stating that the applicant was committing to have a plan into the County, in sufficient time, in advance of the March meeting to allow staff time to review the plan. She stated since it was a new plan, she would hope that the Commission would approve it at the March meeting but knowing that the Commission preferred to review plans in detail and may deferred their decision.

Mrs. Carlone stated she did not agree with that statement on the letter provided.

Ms. Karnes stated she would be happy to amend that request to state March 18, 2009.

Ms. Kirkman stated she spoke with staff, which months ago had drawn out what the Potomac River Overlay might look like on this particular subdivision plan, and in addition to that the applicants engineer submitted a first draft to staff months ago. She stated her understanding was that staff requested additional information from the engineer as well as the new submittal that was required. She asked if the applicant had responded to staffs request for that additional information.

Ms. Karnes stated the applicant would be providing anything necessary when they resubmit. She stated they did provide staff an early electronic view of the applicant's analysis of the impact of the site and showed eighteen (18) lots. She stated the eighteen (18) lot plan had not been perfected and believed they could draw a harmonious eighteen (18) subdivision by changing some of the lot lines.

Ms. Kirkman asked if the answer was no, the representative for the applicant did not respond to staffs request.

Ms. Karnes stated she had responded to all staff requests and may have told staff the plan was still coming and the engineer needed more time.

Ms. Kirkman asked if the Commission could hear from staff after the Commission was finished asking questions of Ms. Karnes.

Mr. Fields stated yes.

Ms. Kirkman stated she believed that staff received something from the engineer for the applicant and asked if that was correct.

Brenda Schulte stated that was correct.

Ms. Kirkman asked on what date.

*Planning Commission Minutes
Work Session
December 17, 2008*

Mrs. Schulte stated October 15, 2008.

Ms. Kirkman asked if staff requested additional information from the applicant.

Mrs. Schulte stated she had spoken to the engineer by phone and requested that he submit it. She stated it was hard to view the plan in a pdf format. She stated staff did request that they submit the copies so staff could move the application forward.

Ms. Kirkman asked if the applicant did that.

Mrs. Schulte stated they did not, the applicant requested additional time to look at, review and meet with the owner to work the issues out.

Ms. Kirkman asked if staff was told to continue working with the engineer to continue perfecting the plan.

Mrs. Schulte stated that last email received was at the beginning of this month which stated that staff would need to speak with Debrarae Karnes with Leming and Healy, as she would take care of the application.

Ms. Kirkman asked if staff was told to correspond with Ms. Karnes rather than the engineer over perfecting this plan.

Mrs. Schulte stated she was referred to Ms. Karnes while the applicant was proceeding with the plan. She was not told not to speak with the applicant but the email said to refer to Ms. Karnes on how the applicant was proceeding with the plan.

Ms. Kirkman stated it had been two months since the applicant submitted something to the County and staff requested a bigger set of what they submitted and the applicant had not responded to that request.

Mrs. Schulte stated correct, the applicant had not submitted anything to date.

Mr. Mitchell made a motion to defer to the March 18, 2009 meeting.

Mr. Rhodes seconded the motion.

Ms. Kirkman stated she was going to oppose the request to defer. She stated it would have been helpful for the Commission to have seen at least some sort of good faith effort on behalf of the applicant to respond to staff request. She stated it had been two months and staff had not received anything and for that reason she was going to oppose the motion to defer.

Mr. Rhodes stated the County had made significant changes and the applicant asked for time to be able to work on the changes that the County had directed. He stated if they do not act immediately we tend to send a signal that the County was not supportive of it, if they get preliminary information to staff while they try to work their way ahead, the County tends not to be supportive of it. He stated he thought that was a confusing signal and believed the Commission should give the applicant time to get it right and then if the plan was good, the County could make the decision to support it and if it was not

Planning Commission Minutes
Work Session
December 17, 2008

consistent with the Zoning Ordinance than the Commission could make the decision not to support it. He stated for that reason he would vote in favor of the deferral.

The motion to defer failed 2-4 (Mrs. Carlone, Ms. Kirkman, Mr. Fields and Mr. Di Peppe opposed) (Mr. Howard was absent)

Ms. Kirkman stated since the motion failed the Commission should discuss the application at this point.

Mr. Fields asked if there was a presentation from staff. He stated he did not have a set of plans for this application and asked staff if extra plans were available.

Mr. Rhodes asked if the plan met the Reservoir Protection Overlay district.

Mr. Harvey asked if he was referring to the Potomac River Overlay.

Mr. Rhodes stated yes.

Mr. Harvey stated there was one outstanding issue with the application and part of dialogue that just took place.

Mr. Fields asked if staff wanted to make a presentation or just answer questions.

Mr. Harvey stated staff would be happy to answer any questions that the Commission had.

Mrs. Schulte stated she did not have the plans with her at that time and would need to get them from the office. She asked the Commission for time to do that.

Mr. Fields asked if the Commission could move to item 5 because staff had time constraints and requested to discuss this Ordinance Committee item.

The Commission agreed that would be fine.

5. Elimination of the Preliminary Subdivision Plan Process

Jon Schultis stated the last time the Commission spoke on this issue, it was requested that staff find some information on how some other counties dealt with agricultural size lot requirements. He stated in the memo distributed to the Commission there were twenty-two counties identified and if there were any questions behind the merit of what the table showed he would be happy to answer them. He stated the second issue requested of staff regarding this ordinance was other counties as noted had a preliminary sketch or preliminary concept, which was part of the preliminary plan procedure. He stated, as we had established, the counties in Virginia did have a preliminary plan. He stated in lieu of the fact that other county agencies indicated that a concept plan of sorts would be required in order for them to facilitate an overall review, the request was can we take the merits of what was considered a preliminary concept plan or sketch and come up with some sort of overall concept plan that would achieve the needs of the departments that needed some sort of preliminary overlook but not achieve the merits of a full-blown preliminary plan. He stated he met with a few County Attorneys on this issue and the problem he was running into was Section 15.2.2-2260, which governed the preliminary plan, did not give minimum requirements that would be a part of it. He stated staff could come up with something the county would

Planning Commission Minutes
Work Session
December 17, 2008

call a concept plan but he thought that it would be hard to differentiate or it would be hard for an applicant not to consider it a preliminary plan because there were no minimum requirements set forth with that. He stated staff could go ahead and put down some basic requirements that would come from what the departments would need in a concept phase and say it was not a preliminary plan and see what applications came in. He stated it was unclear how the state would facilitate that circumstance.

Mr. Fields stated to say that Albemarle and Fauquier did not have three-acre plus requirements was a usual circumstance in those counties. He asked how many high-growth counties allowed three-acre lots with restrictions or sliding scale. He stated he knew in Albemarle in was generally twenty-one acres in the rural areas and Fauquier had a sliding scale, which made it hard to get very large lots.

Mr. Schultis stated Albemarle was noted as having a single asterisk and though their Zoning Ordinance did not have three acres or greater lot minimums, they had density requirements maximum lot yield. He stated he wanted to point out the counties that did not necessarily say three acres or less, that most counties were one acre lot minimum for their agricultural districts. However, there were other restrictions in place that achieved the same goals as having a larger lot minimum.

Mr. Field stated Mr. Schultis did good work and appreciated it. He stated he just wanted to know if there were any other counties in a similar position as Stafford County.

Ms. Kirkman stated she wanted to clarify what was done with the table. She asked if the table said no, what did that mean. She asked if the table said yes, what that meant.

Mr. Schultis stated if the jurisdiction had an agricultural lot greater than three acres it was a yes.

Ms. Kirkman asked if Stafford would be a yes.

Mr. Schultis stated Stafford would be a no because if there was a requirement greater than three acres then it would be yes and three acres and less would be no.

Ms. Kirkman asked the Chairman if it would be helpful to know which counties would be the next step up.

Mr. Fields stated that he felt the Commission was getting there and did not want to belabor the point. He stated the no column with no asterisk for Fauquier would still imply that someone could build on three acre lots in Fauquier and he said he knew for a fact that most of the agricultural land in Fauquier was very restrictive.

Mr. Schultis stated he understood and thought that statistical data did not always give the most pristine narrative and he understood that. He stated he could come back at the next meeting and bring some more information along the lines of what the Commission was looking for.

Ms. Kirkman asked which localities had the largest amount of three acre lots. She stated the Commission wanted to know how many of the localities had three acres as their very lowest residential density in the Agricultural area.

Mr. Schultis stated yes. He stated with some of the counties he did not see them as needing to be restrictive with their agricultural lots and may not face the same development issues as in Stafford

Planning Commission Minutes
Work Session
December 17, 2008

County. He stated he was surprised to find that in his research and that was one of the conclusions he would make.

Mr. Fields stated having served as the Chairman for Coalition of High Growth Communities for four years, he could tell which counties did or did not. He stated counties that could be taken off the list as having growth pressure would be Arlington which was a city that was called a county, Campbell County, Augusta County had experienced pressure, Bedford County experienced pressure in the Roanoke area, Franklin County could be removed, Rockingham County did not have too much pressure but they were a member of the Coalition of High Growth Communities, and Washington County was not. He stated Arlington, Campbell, Franklin and Washington Counties could be taken off the list. He stated the other counties had experienced and expressed concern over the years of the rate of residential growth.

Mr. Schultis asked if the only direction from the Commission was to revise the table.

Mr. Di Peppe stated Mr. Schultis did a great job and appreciated his service.

Mr. Fields stated the Commission would continue the discussion regarding Sycamore Hills. He stated there was a vote from the Commission not to grant the deferral and asked if the Commission had any questions of staff or the applicant.

Ms. Kirkman stated on sheet three there was an ingress/egress easement noted on the private access easement that was noted on the plan and asked which lot the easement was on.

Mrs. Schulte stated it was on the open space parcel.

Ms. Kirkman asked if the twenty foot wide piece was part of the open space parcel.

Mrs. Schulte stated access had to be provided to the open space and did that by creating a stem and put the ingress/egress easement over that. She stated it was located close to where the original road was located.

Ms. Kirkman asked if the applicant created a pipe stem lot.

Mrs. Schulte stated the open space lot, yes.

Ms. Kirkman stated the open space was a pipe stem lot and asked for staff to show her in the Zoning Ordinance where pipe stem lots were allowed in the Agricultural District.

Mrs. Schulte stated she was not sure if that was stated in the Agricultural District, but open spaces did not require any road frontage or shape provisions.

Ms. Kirkman asked if the parcel was twenty feet wide. She asked if this was a private access easement.

Mrs. Schulte stated the actual width of the stem was twenty-five feet and the ingress/egress was twenty.

Ms. Kirkman asked what lot that would serve.

*Planning Commission Minutes
Work Session
December 17, 2008*

Mrs. Schulte stated that would serve the lot it currently served. She stated it was a gravel road to a land lock piece of property owned by Mr. Bowling.

Ms. Kirkman asked how large was that parcel serving.

Mrs. Schulte stated she did not have that information and would have to bring it back to the Commission. She stated it was a very large parcel.

Ms. Kirkman asked if it was greater than five acres.

Mrs. Schulte stated yes.

Ms. Kirkman asked for staff to show her the entire preliminary plan with the information legend and without the match line key.

Mrs. Schulte stated the overall plan which also showed profiles was on sheet five.

Ms. Kirkman asked where the legend was located on that page.

Mrs. Schulte asked what Ms. Kirkman was looking for in a legend. She stated the engineer said it was on sheet two.

Ms. Kirkman stated on page 7 it referred to the long cul-de-sac being 2,660 feet and asked if that was correct. She asked if the cul-de-sac exceeded 2,500 feet.

Mrs. Schulte stated yes.

Ms. Kirkman stated on page 5 the calculations came up with 2,556 feet and asked if that was correct. She stated she was referring to the area by Sycamore Drive that was divided into two segments. On the west side it was a solid block that exceeded 2,500 feet.

Mrs. Schulte stated yes, that 2,500 feet was from the center of Raven to the center of the first break, which was Waling Marsh Court.

Ms. Kirkman stated that would be true for a break in the road but in looking at the definition of block, the definition of a block was "an area that was bounded by streets". She stated on the western side that was the block and staff was referring to measuring the street length and there was a difference between street and block as stated in the definitions.

Mrs. Schulte stated she would need to look at that. She stated how staff measured in the past was a road segment that could not be any longer than 2,500 feet.

Ms. Kirkman stated she would encourage staff to read the definition of block which was different from the definition of road segment. She stated the plan notes referred to the easement W00600705CL and asked what that was. She asked if the application had a copy of that easement.

Mrs. Schulte stated no.

Planning Commission Minutes
Work Session
December 17, 2008

Ms. Kirkman asked what that was in reference to and what that meant.

Mrs. Schulte stated she was not sure.

Ms. Kirkman stated it seemed to indicate there was an easement somewhere and if so she would like to know where it was depicted on the plan.

Mrs. Schulte stated staff did not have a title report submitted and most easements would need to be verified at plat.

Ms. Kirkman stated the requirements of the Subdivision Ordinance were on the plan and the applicant needed to show the presence of easements.

Mrs. Schulte stated the engineer may be able to answer the question regarding the easement.

Ms. Kirkman stated that would be a good question for the applicant. She stated on page 10, two additional parcels were part of this parcel and asked what the disposition of those were.

Mrs. Schulte asked if she was referring to the remainder of 48-1 and 49-27.

Ms. Kirkman stated yes.

Mrs. Schulte stated there was a note on the plan which stated that both would be consolidated with 24D at record plat, as note 31 on sheet 2.

Ms. Kirkman asked if these lots were adjacent to tax map 40-24D.

Mrs. Schulte stated yes, on page 5 there was a very odd shaped lot, along Brook Road, which was labeled 40-24D and the line of the property followed along the road. To the left of the property was 49-27 and above it was 48-1.

Ms. Kirkman stated Mrs. Schulte was looking at something different.

Mrs. Schulte stated she was looking at page 5.

Ms. Kirkman stated she was referring to the two out-lots on sheet 10 and were adjacent to the lots in Crow's Nest Harbor.

Mrs. Schulte stated those parcels were created as part of the Crow's Nest Harbor and were separate lots according to the Commissioner of Revenue. She stated for tax purposes and billing, those were separated when they divided the lots in Crow's Nest Harbor.

Ms. Kirkman stated the Subdivision Ordinance said that everything in a parcel had to be disposed of and did not say unless it was there for tax purposes.

Mrs. Schulte stated the lots were created when Crow's Nest Harbor was created.

Ms. Kirkman asked why they were not part of 49-D.

*Planning Commission Minutes
Work Session
December 17, 2008*

Mrs. Schulte stated they kept the same number for billing purposes.

Ms. Kirkman stated lots 30, 29, 23, 3 and 21 had side lot lines that were not at right angles to the frontage. She asked if there were any side lot lines that were parallel to the street.

Mrs. Schulte stated lot 29 had a part of the side line which was the rear of lot 28. She stated that rear line ran parallel to the road, lot 22 was the same, lot 3 was a part of lot 4 which became lot 4 property line and lot 21 was the same with lot 20.

Ms. Kirkman stated when the Commission first reviewed the subdivision plan, she asked the applicant to obtain from Virginia Department of Transportation (VDOT), Bridge Department, a letter stating that the bridge was safe because it was a weight restricted bridge. She asked the applicant to obtain a letter saying that the bridge could safely carry the weight of construction vehicles and the residential traffic generated from this project. She asked if the applicant submitted that letter to staff.

Mrs. Schulte stated no. She stated she spoke with the VDOT reviewer of the plan and they stated it was not part of this plan because it was offsite and could not comment to it as part of this plan. She stated that was why they issued an approval letter for this proposed plan.

Ms. Kirkman asked if staff spoke with anyone in the Bridge Department.

Mrs. Schulte stated no, that would be referred from the department that reviewed the plans to any appropriate department. She stated VDOT did not do that because the bridge was considered offsite.

Ms. Kirkman stated in the Subdivision Ordinance, Section 22-26 said there was a mutual responsibility between the applicant and the County to develop subdivision plans in accordance with the Comprehensive Plan. She stated both the Comprehensive Plan, in goal 14 and the Transportation Plan that was incorporated by reference into the Comprehensive Plan, had multiple goals and objectives regarding the safety of transportation facilities and roads. She stated she raised the concern about the bridge because it was a weight limited bridge. On a scale of 0 to 100 it had a efficiency rating of 17, where 100 was the safest possible and anything below 50 should be replaced

Mrs. Schulte stated staff did not receive anything and said the Commission may want to refer to the engineer.

Mrs. Carlone asked if a Phase One had been completed.

Mrs. Schulte stated yes.

Mrs. Carlone asked if there was any documentation of what was found in the Phase One Study.

Mrs. Schulte stated staff had a copy of the Phase One Study that was performed and was outlined in the first staff report. She stated she would provide a copy of the study to the Commission.

Ms. Kirkman asked on page 5 if the shaded areas were areas where the Phase One was completed or areas of significance.

Mrs. Schulte stated those areas showed where the study identified resources. She stated the Phase One produced two areas of significance that could potentially be eligible for the National Register.

Planning Commission Minutes
Work Session
December 17, 2008

Ms. Kirkman asked where those two areas located.

Mrs. Schulte stated she believed lot 17.

Mr. Fields asked if there were any questions for the applicant.

Ms. Kirkman asked the applicant to clarify what W00600705 easement was.

Terry Yates, Dewberry, stated he was the engineer for the applicant. He stated he believed the W reference was a title report reference.

Ms. Kirkman made a motion to move this to the evening session for review.

Mrs. Carlone seconded the motion.

Mr. Rhodes stated given that the plan did not comply with the overlay and was not a plan that was workable any more with our structure; the county would not give them any more time after the county changed the rules that they were operating under. He stated it seemed to be an inconsistent approach the Commission had and they were required to vote on the project even if it did not meet the requirements of the overlay. He stated he felt the Commission proceeded in this manner inappropriately, unfairly, changed the rules, deferred the project in October, passed the overlay and now had not given the applicant time to rework the plan appropriately. He stated the Commission was now going to vote on a plan that the Commission was aware that did not comply with the overlay and the applicant stated they were trying to rework the plan down to the eighteen lots.

Mr. Mitchell stated in many cases the Commission had granted delays or deferment to allow applicants to put something together and agreed with the comments from Mr. Rhodes. He stated this was an unfair situation and the county had a good record of working with people and trying to present the best use for their land and seemed very lopsided.

The motion passed 4-2 (Mr. Mitchell and Mr. Rhodes opposed) (Mr. Howard was absent).

Mr. Fields stated since there were no public hearing he would recommend moving the Work Session items for Hills of Aquia and would recommend at the evening session that the Commission first discuss Hills of Aquia which would allow that Commission to dispose of items 1, 2 and 4 under unfinished business.

3. RC2800372; Reclassification - Hills of Aquia Commercial - A proposed reclassification from R-1, Suburban Residential to B-2, Urban Commercial Zoning District to allow for commercial development on Assessor's Parcel 21Y-2A-F consisting of 3.19 acres, located at the southeastern intersection of Coachman Circle with Jefferson Davis Highway within the Aquia Election District. The Comprehensive Plan recommends the property for Urban Commercial and Resource Protection Area use. The Urban Commercial designation would allow development of commercial, retail and office uses. The Resource Protection Area is intended for the preservation of natural resources. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the B-2 Zoning District. **(Time Limit: February 4, 2009) (History -**

Planning Commission Minutes
Work Session
December 17, 2008

Deferred at November 6, 2008 Regular Meeting to November 19, 2008 Work Session)
(Deferred at November 19, 2008 Work Session to December 17, 2008 Work Session)

ORDINANCE COMMITTEE

4. Establishment of time limits for plans
6. Propane Distribution Facilities
7. Agricultural Districts Lot Yield
8. Reservoir Protection Overlay (Deferred to subcommittee - Archer Di Peppe, Ruth Carlone and Gail Roberts)
9. Rappahannock River Overlay District (Deferred to subcommittee - Peter Fields, Ruth Carlone, Friends of the Rappahannock and Rappahannock River Basin Commission)

Mr. Fields stated the Commission would move Ordinance Committee to the regular meeting.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:02 p.m.

Peter Fields, Chairman
Planning Commission

STAFFORD COUNTY PLANNING COMMISSION MINUTES
December 17, 2008

The regular meeting of the Stafford County Planning Commission of Thursday, December 17, 2008, was called to order at 7:34 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, Carlone, and Kirkman

MEMBERS ABSENT: Howard

STAFF PRESENT: Harvey, Roberts, Stinnette, Zuraf, Stepowany and Schulte

DECLARATIONS OF DISQUALIFICATIONS:

PUBLIC PRESENTATIONS:

Paul Ortiz stated he lived in Hills of Aquia and also owned property in Aquia Harbour. He thanked the Commission for allowing him time to speak and the correspondence he received from several of the Commission members. He stated the issue he was speaking about was RC28000372 in the Hills of Aquia area and would get specifically to the point because he did not have much time. He stated he was concerned about several different things which were, when he purchased his home he was given specific information on what would happen with the property. He stated to date he had been told nothing truthful, the one or two level hotel he was told about was now six levels. In terms of the distance between the dealership and the residential area he was told would be forty or fifty feet with trees left and was told no structures would be built on the northern part of Coachman Circle because that area was unbuildable. He stated another concern was safety, when those areas were built the entrances or egresses of the dealership, Coachman Circle residents, the road that lead to the Church and the potential road that would lead to the new structure, when exiting it was quite dangerous. He stated he was concerned about the developmental planning and the noise. He stated more importantly he was concerned about the deed or the declaration of what the property was supposed to be. Was it open space or R-1, it looked to be buildable. He stated if the property was built upon there would be problems, and the residents would not support building in that area and were very sincere. He stated he would like to wish the Commission Happy Holiday and would ask that the builder be clear on their intentions because of the things that have happened in the past. He stated there were issues with the grade and drainage but was confused about the state of the property and the deed.

David Lizana stated he would like to speak in reference to the strip mall in front of Hills of Aquia. He stated he was against the project because that was a wetland area which should remain that way for environmental reasons. There were currently significant problems with drainage for Aquia Harbour in Aquia Creek and just like the dealership, there was a residential road. He stated there would be approximately two hundred houses in the development when completed. It would be hard for the residents to use that part of the circle to get in and out because it was dangerous when turning left. He stated the residents were not informed the dealership would be having an access on to the road, there was no buffer zone between the dealership and the residences and with a school at the church, there would be an increase in traffic. He stated, in his opinion, the traffic survey was done prior to Hills of Aquia being developed and if the project was put in, the property values would drop which would affect taxes. He stated if you were to drive on Route 610 you would find many vacant offices and buildings and suggested the businesses for the strip go in the vacant buildings.

John Wasser stated he lived in Hills of Aquia and was opposed to the rezoning of the property on several points. He stated his first concern was safety. The developer had proposed an exit egress at the north entrance to the subdivision on Coachman Circle, which would mean customers exiting the proposed business and the already being built Rosner car dealership that would be attempting to turn south on to Route 1, would make a left turn on Coachmen and a blind left turn on to Route 1. The entrance to Coachman at this intersection sat just over the crest of a hill, which forced people to make a dangerous turn, since they could not see approaching traffic. He stated his second concern was traffic options. If drivers opt not to turn left to Route 1 they would have two options, they could

Planning Commission Minutes
December 17, 2008

cross Coachman Circle and come down the access drive to Saint William of York Catholic Church which runs parallel to Route 1 and use the traffic light at that location or they could make a right on Coachman, a right on Palisades and another right on Coachman, which would make that business traffic go right in front of my house. He stated the subdivision was growing, there were several homes with small children, and in his opinion, citizens in an automobile that were in a hurry, cutting through a neighborhood and chatting on cell phones was not a good mix and an invitation for trouble. He stated his third point was aesthetics. Currently the entrance to Hills of Aquia was an eyesore. There was a six story extended stay hotel and Rosner car dealership on the east side of the street and a used car, car parts and a U-Haul rental business to the west. He stated at the north end was a quaint wooded parcel that was a draw to the neighborhood. He stated he was sure members of the Commission would agree an upscale neighborhood with an estimated growth of two hundred homes sounded attractive from a tax revenue standpoint. He stated a short drive north past Hills of Aquia was a perfect example of growth unchecked. There was nothing attractive about dilapidated strip malls, unkempt parking lots side by side with used car establishments. He stated this small wooded piece of property was pleasing to the eye of prospective home owners and in his opinion, did not need another example of scorched earth engineered by a land development company for a yet to be determined business. He stated, in his opinion, no further business development was needed in Stafford County to remind the citizens of our Prince William and Fairfax neighbors who have built a concrete jungle along Route 1 in their jurisdictions resulting in sprawl. He stated the citizens need the Commission to take a stand and vote no on the proposed rezoning.

Suzanne Lizana stated she lived in Hills of Aquia and was also against the proposed development. She stated she purchased her property in good faith that she would be living away from some of the overdeveloped areas in Stafford so she would have a quiet and safe area to raise her family. She stated there were already a lot of buildings in Stafford that had yet to fill their empty space, and in her opinion, there really was not be a need for more. She asked why in these economic times, would the county allow a developer to create more empty spaces. She stated she felt the neighborhood should be kept a neighborhood. Currently the neighborhood was great and people had a concern for one another. She stated she would like to urge the Commission that perhaps we need to go back to basic and maintain some of the old school ways, where it was about people and not development and money. She stated she was not knowledgeable about zoning, retaining walls, and construction, but she was a mother and a grandmother. She stated she purchased the home to raise her grandchildren in the Hills of Aquia, where there was a place to play. She asked the Commission to consider those things when they were making their decision on the issue. She stated, in her opinion, Stafford did not need more buildings, but more neighborhoods with good solid people creating and maintaining a neighborhood that was beautiful and appreciated.

Anita Martin stated she was also a resident of Hills of Aquia. She stated when she and her husband purchased their home, they specifically asked questions about what construction was coming in to the area and no knowledge was expressed concerning the construction going on now. Three months before they moved into their home they were told Rosner was bringing in a car dealership. She stated her home was in preparation for over a year and for all those months had no knowledge of the construction. She stated she had a fourteen year old child that had to travel Coachman Circle every morning to be picked up by the bus, and in her opinion, the additional incoming traffic would cause a problem. She stated the increase in traffic, when he was walking home in the afternoon, would be a safety issue. She stated she had called the School Board and asked if the bus could come to the end of the court to pick her son up and was told no, because there was construction. She stated she was concerned about the safety of her child.

Andrennia Martin stated she was also a resident of Hills of Aquia and would like to speak to the Commission concerning how she was opposed to the construction in the area. She stated she was not informed of the construction of either Ron Rosner or the hotel and when she was informed about the hotel, she was told it would be two stories not six. She stated she recently worked at a hotel and there were a number of robberies, which made her feel uncomfortable and did not want that to come into her community. She stated her parents purchased in good faith and she gave them her input. She felt they could have a good traditional American neighborhood where you would feel safe. She stated with the car dealership there would be more traffic, with people test driving, and she was not

Planning Commission Minutes
December 17, 2008

comfortable with the increased traffic with small children and pets in the area, she felt it would not be safe. She stated she was worried about the construction about the proposed shopping center, because of increased crime in the area. She stated the environment would also be affected. Currently, there were deer in her backyard, which was nice, when you were from the city, that the animals had a place to roam. She stated she felt the development was not right and hoped the Commission could understand how she felt in losing her comfort zone.

Mr. Field stated seeing no one else to speak he would close public presentations.

PUBLIC HEARINGS:

None

Mr. Fields stated there were no public hearings and explained the Commission did not finish their discussion in the work session. He stated the Commission would pick up the work session and begin with Hills of Aquia.

WORK SESSION CONTINUED

3. RC2800372; Reclassification - Hills of Aquia Commercial - A proposed reclassification from R-1, Suburban Residential to B-2, Urban Commercial Zoning District to allow for commercial development on Assessor's Parcel 21Y-2A-F consisting of 3.19 acres, located at the southeastern intersection of Coachman Circle with Jefferson Davis Highway within the Aquia Election District. The Comprehensive Plan recommends the property for Urban Commercial and Resource Protection Area use. The Urban Commercial designation would allow development of commercial, retail and office uses. The Resource Protection Area is intended for the preservation of natural resources. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the B-2 Zoning District. **(Time Limit: February 4, 2009) (History - Deferred at November 6, 2008 Regular Meeting to November 19, 2008 Work Session) (Deferred at November 19, 2008 Work Session to December 17, 2008 Work Session)**

Mike Zuraf stated the Hills of Aquia application was to rezone the property from R-1, Suburban Residential, to B-2, Urban Commercial. He stated the site was located at the corner of Coachman Circle and Jefferson Davis Highway. He stated this item was deferred at the November 19, 2008 work session and was deferred due to the realization of section 2A, a plat for Hills of Aquia was recorded and the subject parcel, parcel F, was identified as open space. He stated there was a note on the plat that stated all open space parcels must be dedicated to the Homeowners Association (HOA). He stated the applicant requested deferral to work through the issues and get it resolved. He stated staff contacted the applicant and informed them of the procedure they could attempt to try to resolve the issue, in accordance with section 22-108 of the Subdivision Ordinance, there was a method to attempt to vacate a portion of the subdivision plat to remove the reference of the property being open space. He stated the applicant had two options to correct the issue, they would need to prepare a deed and new plat and signed by all the property owners within section 2A, the other option would be to go through a public hearing process with the Board of Supervisors to make the change. He stated the applicant requested additional time due to the lengthy process to correct the parcel. He stated the Commission received a request for deferral to the January 21, 2009 meeting and noted that the deadline for the case was February 4, 2009.

Mr. Di Peppe asked if the parcel was originally an open space parcel for Hills of Aquia and was the original deal upon plat approval.

*Planning Commission Minutes
December 17, 2008*

Mr. Zuraf stated no, the cluster and preliminary plans for Hills of Aquia did not include this portion and designation this portion as open space. He stated this was a remnant piece that was adjacent to Coachman Circle that would run out to Route 1. He stated the parcel was never designated on the original preliminaries as the required open space. He stated this parcel was offsite and only became part of the site after Coachman Circle was dedicated on the plats.

Mr. Di Peppe asked what the required percentage of open space was for the development to begin with.

Mr. Zuraf stated fifty percent.

Ms. Kirkman asked if there could often be changes from the preliminary shows and what was recorded.

Mr. Zuraf stated there could be slight modifications.

Ms. Kirkman stated the plat recorded in the courthouse designated this parcel how.

Mr. Zuraf stated it was designated as open space.

Ms. Kirkman stated it was verified through the tax assessor records that the applicant only paid one hundred dollars. She stated the price paid was so low because the parcel was designated as open space.

Mr. Zuraf stated it was designated as open space.

Mr. Di Peppe asked if the parcels were designated as unbuildable.

Mr. Harvey stated there were slope and drainage easements on that property associated with Coachman Circle. He stated those slope and drainage easements incorporated more than half the property and was also a Resource Protection Area (RPA). He stated the buildable area outside of the easements was very limited at this point. He stated for the parcel to become a developable property, the slope and drainage easements would need to be vacated. He stated the developers proposed to raise the grade of the property to come flush with the road and the slope and drainage easements would no longer be necessary. He stated a public hearing with the Board of Supervisors would be required to vacate the slope and drainage easements on the property.

Mr. Di Peppe if the applicant would use fill to bring to property to road level.

Mr. Harvey stated yes, that was the proposal from the applicant.

Mrs. Carlone asked if the county had any limits or restrictions on how much fill could be used.

Mr. Zuraf stated he did not have the answer.

Mr. Mitchell made a motion to defer to January 21, 2009. Mr. Rhodes seconded the motion.

Ms. Kirkman stated she opposed the motion to defer. She stated the applicant should have been aware that the property had slope and drainage easements as well as being recorded as open space. She stated the residents of the subdivision have informed the Commission that they were led to believe

Planning Commission Minutes
December 17, 2008

that the parcel would remain open space and purchased properties based on that information. She stated she would oppose the motion to defer this item any longer.

Mr. Rhodes stated he felt there were a lot of complications with the reclassification and the site. He stated he was uncomfortable with the applicant currently but in fairness to the process the applicant should be allowed to have the time allotted within the time limits of the application. He stated the Commission discussed concerns and the applicant was working to address those concerns.

Mr. Mitchell stated January 21, 2009 was not that far away and in fairness, he felt the Commission owed the applicant enough time to present any additional information. He stated deferring the item for another thirty days would not be a big deal and the Commission had deferred many items, numerous times over the years.

Mr. Fields stated the opinion of the Commission was only a recommendation to the Board of Supervisors and would be plenty of time to address, refine and reflect on the issue. He stated he was not inclined to prolong the application to much longer.

The motion to defer this application failed 2-4 (Mrs. Carlone, Ms. Kirkman, Mr. Fields and Mr. Di Peppe opposed).

Ms. Kirkman made a motion to move to the evening agenda. Mrs. Carlone seconded the motion. The motion to move this item to the regular session passed 4-2 (Mr. Mitchell and Mr. Rhodes opposed) (Mr. Howard absent).

Mr. Fields stated at this point the Commission had taken care of the work session unfinished business items. He stated he would like to proceed with the unfinished business, item 1 - Arkendale Estates, 2 - Sycamore Hills, 3 - Adoption of the Comprehensive Plan, 4 - Hills of Aquia and 5 - which had requested a deferral to January 7, 2009, which would be off of the evening agenda. He stated at that point, before the Commission moved on to Ordinance Committee, he would like to move the Planning Directors report up because regarding the nature of the Commission's activities had been changed quite a bit due to actions of the Board of Supervisors last evening. He stated before the Commission proceeded to other ordinance issues, he would have Mr. Harvey explain where the new lay of land was, so the Commission could collectively make a decision on how they would proceed in a new regulatory climate. He stated the Commission would now move on the Arkendale Estates for unfinished business.

UNFINISHED BUSINESS:

1. 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) (Deferred at November 6, 2008 Work Session to December 17, 2008 Work Session)**

Mr. Fields stated the majority voted to not grant the deferral and put it on the evening session. He asked if anyone had questions for staff or the applicant.

Ms. Kirkman stated she had one additional question for staff. She asked if Mrs. Ennis was present.

*Planning Commission Minutes
December 17, 2008*

Mrs. Schulte stated Mrs. Ennis was not present.

Ms. Kirkman stated in a number of places in the plan there were notations that a parcel would be dedicated to a conservation easement. She stated in order for that to occur, some entity would have to agree to accept the conservation easement and asked if that had occurred and who would.....

Mrs. Schulte stated she was not sure.

Ms. Kirkman stated now you were required to have someone accept the conservation easement and asked Mr. Harvey if that was correct.

Mr. Harvey stated there would need to be a recipient for an easement.

Ms. Kirkman stated perhaps the applicant could answer.

Mr. Fields asked if the applicant would like to address that question.

William Heuser stated it was his understanding the Homeowners Association (HOA) would be the recipient of the conservation easement.

Ms. Kirkman stated that was not stated on the plan and you have to be certain qualified bodies to accept a conservation easement, not just anybody can do it.

Mr. Heuser stated given an opportunity to meet with staff again, that could be taken care of. He stated he could not answer the question, but the intent was to dedicate the conservation easement to the HOA with other open space properties on the site.

Ms. Kirkman stated as of now you did not have a qualified organization that had agreed to accept the easement.

Mr. Heuser stated that was correct. That would be something worked out between the preliminary plan and the final plan.

Ms. Kirkman stated okay.

Mr. Fields asked if there were any more questions.

Ms. Kirkman stated she would like to know, given the discussion the Commission had during the work session, if the applicant had any additional information he would like to add for the Commission's consideration.

Mr. Heuser stated thank you for that opportunity, yes there was. He stated, in his opinion, the impression the Commission had as a result of the earlier discussion that there was a lack of diligence on the part of the applicant on moving this forward. He stated the plan did start in 2002 in which the applicant was first directed to provide well and septic on the site even though it was in the Urban Service Area (USA), because that seemed to be the practical thing to do. The applicant prepared the plan and moved forward and later, after the plan was in the system, they were correctly advised that was not appropriate. The applicant would have to redesign the plan to show public water and sewer, which they did. After that occurrence the applicant was asked to design a low impact road design, by the county, which they did. After some lengthy delay, that may appear to the fault of the applicant,

*Planning Commission Minutes
December 17, 2008*

but this was in the hands of VDOT, who looked at what had been recommended in terms of the road design and said no, that can not be done. He stated then another design was required and had to go back to staff for a further road design review and approval, subsequent to that there was a year delay due to staff lack of availability to simply get a field verification of the perennial stream study. So what looked like an applicant delay for an extended period of time in the 2004-2006 timeframe, the applicant was waiting for a county environmental staff person to simply go out to validate what the applicant had submitted. He stated as a result of those delays, subsequent changes were made to the wetland requirements and the applicant had to change some of the wetlands information. He stated the applicant worked cooperatively on all of the issues and the staff files and records did not indicate that, but the applicant's records were clear as to what happened and what occurred. He stated that delay happened with both the perennial stream study and the environmental study. He stated the site distance requirement changed after one of the delays, so the applicant again worked very cooperatively to comply with the site distance changes and the ordinance changes. He stated a couple last minute things, such as the plan was submitted in May, staff changes and things going on showing all of the corrections and revision. In September the applicant stated these things needed to get wrapped up and the plan that was submitted several months previously, was not available in the county files. He stated he knew the workload and the issues, but it was interesting that in September again, this applicant was instructed to prepare the plans with public water and sewer and remove a pump station and do other corrections, so it could move forward to the Planning Commission in October, at which time it was recommended for approval. He stated, in his opinion, there was also some lack of clarity of what had happened as a result of the Potomac River Overlay District. He stated the applicant did come in and brought topo in and said our understanding of the Potomac River Overlay District, these changes and adjustments would have to be made. He stated that was somewhere around November 12, 2008 and the applicant stated they wanted to do this and presented examples of some lots, topo and the applicant stated this was what we think needed to be done and how we needed to proceed with our design. He stated, frankly, the newness of the ordinance and the County advised they had not yet developed all of the guidelines and there was some uncertainty about where the measurements were going to occur and what did constitute a steep slope and when the guidelines were done the applicant would be invited to again incorporate those Potomac River Overlay Standards into the plan. He stated, in his opinion this had been going on since 2002 and everybody wanted this thing to end, but thought the applicant had been most diligent in working cooperatively. He stated if he had a request to make of the Planning Commission it would be to take advantage of the opportunity and reconsider and grant the deferral request and allow the applicant a chance to work with the County, to perfect this plan and comply with the Potomac River Protection District Overlay Standards. He stated the applicant had been committed to meet County standards and had run into frustrations and delays, not of his making, that had placed him at a great economic disadvantage. The applicant had not once suggested litigation as an option, but how can we cooperatively resolve these problems. He stated, in his opinion, the Planning Commission had a opportunity to further that objective that was in the best interest of Stafford County and asked the Commission to reconsider their previous action.

Mr. Fields asked if there were any further questions. Hearing none, he asked Ms. Kirkman if she had a motion.

Ms. Kirkman stated she would make a motion to deny subdivision plan 220849, Arkendale Estates, for the following reasons. First the plan did not supply the required documentation to meet the requirements of Section 22-118(4) regarding Septic Systems, lots 3, 115 and 114 were served by a private access easement, Section 22-176(f) stated very clearly you cannot have private access easements in a major subdivision. She stated the plan did not contain the required match line key plan in depiction of subdivision plan in its entirety with an information legend as required in Section

*Planning Commission Minutes
December 17, 2008*

22-58(1), the vicinity sketch map did not meet the requirements outlined in Section 22-52(2). Sheet 13 contained lots that were not numbered, this was not in compliance of Section 22-58(4)(d) which required that all lots were numbered. The area south of Arkendale that was designated as park in the Comprehensive Plan was not depicted anywhere in the plan and therefore was not in compliance with Section 22-58(5)(a) which stated the plan must depict area in the Comprehensive Plan designated as park. Section 22-151 stated there cannot be reverse frontage without approval from the administrator in writing and in response to a request from the applicant. Lots 24, 104, 105 and 106 were out of compliance with this section of the Subdivision Ordinance as they did not contain the required reverse frontage and there was no letter in the file requesting a waiver of this or approval from the agent. Lots 112, 113, 114, 111, 110, 117, 118, 119, 120 and all of the lots in Section 9 did not comply with 28-57 regarding the Flood Hazard Overlay. Lot 15 did not comply with Section 22-146 regarding side lot lines. Lot 32 did not comply with Section 22-143 regarding lot shape, all of the open space parcels in some form or fashion did not comply with Section 22-147 regarding remnant or out lots. Section 22-142 regarding lot size, Section 22-143, regarding lot shape and Section 22-144, regarding lot frontage. She stated there was a single tier block along Brent Point Road and Savoy Place, this was out of compliance with Section 22-157, block width which stated the agent must approve single tier blocks. Blocks along Brent Point Road and Cheering Cross Way from Decatur to Flagler exceed 2,500 feet which was not in compliance with Section 22-156 regarding block length. She stated we cannot determine compliance with Section 22-190 regarding street access to adjoining subdivisions because the application did not depict subdivisions within one mile as required in Section 22-58(2). Finally, although this was not the reason for her motion, she would like to note for the record there was a question about the conservation easements and whether or not they were in compliance, because they did not have an entity that had accepted those conservation easements. She stated she also had questions, as it appeared there might be some contiguous wetlands that were not included in the CRPA as required and finally as discussed, again although this was not the reason for the motion for denial, it would have to comply with the Potomac River Resource Overlay.

Mrs. Carlone seconded.

Mr. Rhodes stated he would like to make a substitute motion. He stated given that the Commission had changed the overlay and essentially made this plan moot for all the changes that would need to be made for the overlay, that the Commission deferred the action before and passed the overlay district and now the applicant would have to work to comply with that, he stated he would like to make a substitute motion that the Commission defer this back to Committee.

Mr. Mitchell seconded.

Ms. Kirkman stated as a point of order, the Commission had already voted on substantially the same motion in this meeting and did not believe the Commission can entertain the exact same motion twice without some special parliamentary procedures.

Mrs. Roberts stated the initial motion was for deferral until June and Mr. Rhodes' motion was to defer it back to Committee for further action.

Ms. Kirkman stated okay.

Mr. Fields stated there was a substitute motion on the floor to defer back Committee and asked if there was any further discussion.

*Planning Commission Minutes
December 17, 2008*

Mr. Rhodes stated he would like to reiterate the fact that the Commission had substantially changed the basis from which the Commission had the applicant act on the subdivision plan with the Overlay and with that he thought the Commission had a responsibility to give a bit of time to deal with those issues that had been raised.

Ms. Kirkman stated she would like to reiterate that her motion to deny was not based on the requirement of the Potomac River Resource Overlay.

Mr. Mitchell stated again he believed in due diligence and believed in giving people a chance to present something. He stated in his opinion, automatically denying an application did not give an applicant in any case, on any piece of land or issue they were discussing, a chance to do a proper presentation and he felt the Commission owed the applicant that. He stated whether the Commission was to vote for or against was another issue, but he felt the Commission owed the applicant the due diligence of listening to what they present.

Mr. Fields asked if there was any other discussion on the substitute motion. Hearing none he called for the vote.

The substitute motion failed 2-4 (Ms. Kirkman, Mr. Fields, Mr. Di Peppe and Mrs. Carlone voted no).

Mr. Fields stated the original motion was on the table to deny the subdivision plan and asked if there was any discussion.

Mr. Rhodes stated he would like to reiterate he would not support the motion to deny for the very fact he did not think the Commission was acting in good faith. He stated the rules were changed and the Commission should give them a little time to act.

Mr. Mitchell stated he would have to make a comparison of this situation as if two people started a chess game and got halfway through and then said by the way we are changing the entire rules.

Mr. Fields stated he would have to say the motioner had made very clear that the Potomac River Resource Overlay was not the reason for denial, there seemed to be a number of reasons why this plan was flawed and in his opinion a denial of the plan was appropriate and if the applicant would want to reapply, they could proceed and try to correct many of the defects. He stated, in his opinion, this plan was irrevocably flawed.

Mr. Rhodes stated that he would just submit that given that the Commission had changed the whole basis as to how the Commission would judge the plan with the passage of the Overlay, the plan did not exist anymore. He stated the way the County set up the Overlay, this plan could not work anyway, the applicant would have to go back to the drawing board and to deny it without giving the opportunity to do so was not giving due process.

The motion to deny passed 4-2 (Mr. Mitchell and Mr. Rhodes voted no) (Mr. Howard absent).

2. 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**

Planning Commission Minutes
December 17, 2008

November 6, 2008 Work Session) (Deferred at November 6, 2008 Work Session to December 17, 2008 Work Session)

Mr. Fields stated the Commission had discussed item 2, Sycamore Hills in work session and moved it on a 4-2 vote to the evening session. He asked if there were additional questions for staff or the applicant before proceeding.

Ms. Kirkman asked if there were any additional clarifications. The Commission received the clarification concerning the easement.

Mr. Fields stated yes, to the best of his recollection all the questions were answered. He stated the subdivision was in the Aquia district and asked Mr. Mitchell if he had a motion.

Mr. Mitchell stated he would go back to the original scenario and at least give the applicant a deferral. He stated his motion was for deferral.

Mr. Fields stated there was an issue with the moving of the same issue twice and the other one was a request for a deferral timeframe. He asked the County Attorney if the motion to defer this item was a repeat of an item.

Mrs. Roberts stated she thought the last motion was to defer to March. If Mr. Mitchell was requesting this item be sent back to Committee, no it was not the same motion.

Mr. Mitchell stated his motion was not to send back to Committee, but a motion to defer to a later date.

Mr. Fields stated something had to be done.

Mrs. Kirkman stated as a point (inaudible).

Mrs. Roberts (inaudible).

Mr. Mitchell stated, in his opinion, it was not the same motion.

Mrs. Roberts stated it was in another meeting.

Mr. Fields asked if Mrs. Roberts construed the work session and the regular meeting as two separate meetings.

Mrs. Roberts stated she did.

Mr. Fields stated the motion was to defer and asked if there was a second.

Mr. Rhodes seconded.

Ms. Kirkman stated she would like to make a substitute motion to deny application SUB2700206. She then asked the County Attorney since this was a separate meeting would the Commission have to redo disclosures and disqualifications.

Mrs. Roberts (inaudible).

*Planning Commission Minutes
December 17, 2008*

Mr. Fields stated that item was on the agenda and he apologized that he looked over it at the beginning of the meeting.

Ms. Kirkman stated just to cover all the bases she would like to go back to that item.

DECLARATIONS OF DISQUALIFICATIONS:

Ms. Kirkman stated her name was Cecilia Kirkman and she was the Planning Commissioner from Griffis-Widewater and was a member of Save Crows Nest and also has property in proximity to the proposed subdivision plan. She stated the Commonwealth Attorney had determined that she did not have a conflict of interest and she believed that she was able to participate fairly, objectively and in the public interest in this matter.

Mr. Fields asked if she was not back to her motion.

Ms. Kirkman stated she was back to her substitute motion to deny subdivision application 2700206, Sycamore Hills for the following reasons. Section 22-176(f) stated a private access easement (PAE) cannot serve a major subdivision and also defined if it runs through a property, it was serving that property. She stated there was a lot in this major subdivision that was served by a PAE. Section 22-176(c) stated a PAE serving five acres or greater must be fifty foot in width and the easement depicted on the plan was only twenty feet in width. Section 22-58(1) stated if there was a multi-sheet plan there needed to be a preliminary plan in its entirety with an information legend and without the match line key information. She stated she was not clear this plan met all the requirements of Section 22-58(1). There was a long cul-de-sac in a block with a length exceeding 2,500 square feet which was not in compliance with Section 22-156. Lots 30, 29, 23, 3 and 21 did not comply with Section 22-146 regarding side lot lines. The open space parcel appeared to be a pipe stem lot, the Subdivision Ordinance stated very clearly that you cannot have a pipe stem lot unless it was specifically allowed in the Zoning Ordinance and the Zoning Ordinance did not specify that pipe stem lots were allowed in the Agricultural District. She stated the open space parcels did not meet the requirements of 22-142, lot size, 22-143, lot shape, 22-144, lot frontage. Additionally, Section 22-26 regarding mutual responsibility stated that subdivision plans needed to be developed in accordance with the Comprehensive Plan and the Comprehensive Plan had clear goals regarding road safety. There was a question in regards to the bridge and the carrying capacity with the weight restriction. She stated finally, although this plan did not currently comply with the Potomac Resource Protections Overlay, that was not the reason for her motion to deny.

Mrs. Carlone seconded.

Mr. Fields asked for any discussion on the substitute motion.

Mr. Rhodes stated this County passed a new overlay that essentially made this entire plan moot and required the applicant to rework it to comply with something they were told to comply with by passing the overlay. He stated the applicant had started in that process and the Commission was in receipt of initial preliminary thoughts as to how they might approach it and the applicant was going down the path in an attempt to make the modifications necessary. He stated what the Commission was voting on and holding them against was something no longer applicable. He stated the applicant was starting down the path to work with staff and adjust to the requirements set upon them. He stated, in his opinion, the applicant should be given the opportunity to do that. He stated this was wrong and arbitrary and too early in the process, the applicant was going along the path to be consistent with the overlay the County passed.

*Planning Commission Minutes
December 17, 2008*

Mr. Mitchell stated he would say it one more time in the doctrine of fairness of all people concerned, he felt, the Commission owed the applicant a deferral and could not support Ms. Kirkman's motion. He stated, in his opinion, this was rushing ahead and was not good planning. He stated you could deny something, but you must give someone due diligence and he did not think the Planning Commission was giving the applicant due diligence.

Ms. Kirkman stated she would like to say the Commission had already granted the applicant one deferral and secondly her motion to deny was not based on the changes to the Potomac River Resource Overlay Protection and, finally, she would like to add the Commission was required by the Subdivision Ordinance to make every good faith effort to identify any possible defect when denying a subdivision plan in order to give the applicant every possible opportunity to comply with the Subdivision and Zoning Ordinances, should they choose to resubmit a new application. She stated she had done everything she could to make a good faith effort to identify those areas.

Mr. Rhodes stated he would like to expand on an earlier comment that reinforced the fact that the Commission would be voting on a plan that would be obsolete. The County passed an overlay that made this plan obsolete and the applicant was starting to work to comply with the new overlay requirement. Now the Commission was going to deny something we knew they were in the process of modifying to meet the requirements.

Mr. Mitchell stated he thought if he was sitting on the other side of the podium he would want fairness if he was standing there making a presentation. He stated, in his opinion, that had not been presented tonight, it had been a rush to try to stop some particular issue. He stated had the Commission given the applicant the ability to make the changes instead of rushing it through. The applicant asked for a deferment and the Commission, by a majority vote of 4-2, had not been willing to do that. He stated, in his opinion, the applicant was not receiving a fair shot.

Mrs. Carlone stated there were a number of problems within the subdivision that had been brought to the floor and it would not have been approved based on the problems at this time, whether it was in or out of the overlay district.

Mr. Fields stated the motion on the floor was the substitute motion to deny.

The motion to deny passed 4-2 (Mr. Rhodes and Mr. Mitchell voted no) (Mr. Howard absent).

Mr. Fields stated the motion passed 4-2 therefore superseding the original motion.

3. 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. **(History - Deferred at October 15, 2008 Regular Meeting to November 6, 2008 Work Session) (Deferred at November 6, 2008**

Work Session to November 19, 2008 Work Session) (Deferred at November 19, 2008 Work Session to December 3, 2008 Work Session) (Deferred at December 3, 2008 Work Session to December 17, 2008 Regular Meeting)

Mr. Fields stated item 3, adoption of the Comprehensive Plan.

Mr. Zuraf stated he had several items to go over based on previous discussions held on the Draft Comprehensive Plan. He stated the Commission received in the mail another memo with additional information as requested. He stated the Commission received three sheets regarding policy and a spread sheet at their desk tonight. He stated first he wanted to cover some of the issues in the memo that responded to some of the questions. He stated the first issue was dealing with comments received from Quantico, when their representative came to speak to the Commission there were several questions that were raised and he had responses to those questions. He stated attachment 1 in the package included an email from Ken Oliver from Quantico with responses to some of those questions. He stated one of those was a question whether the noise contours identified in the RCUZ study were verified on the ground. He stated in the email response, Mr. Oliver stated no they were not verified on the ground. The noise areas and zones were generated by using computerized noise models. He stated the next question was clarification of where the location of noise zone 1 was located. He stated it was clear on the maps provided previously, noise zone 3 and noise zone 2 were the smaller rings that were close to Quantico on Garrisonville Road. He stated the response regarding noise zone 1 stated there were no specific limits. Noise zone 1 were all areas outside of noise zones 2 and 3. He stated another question was about the munitions area five mile radius. There was a suggestion to revise the current military overlay zone and the suggested boundaries would have included the five mile radius. He stated there was also a recommendation of one dwelling unit per ten acres as a density in those areas. The question was how many parcels would actually be affected and staff provided data that identified 382 parcels that were equal to or greater than six acres would be somewhat affected by this request. Those were properties that currently would be allowed to subdivide. He stated the next group was parcels ranging from six acres up to twenty acres that could currently subdivide, that with this provision could no longer subdivide. That total was 248 properties within the five mile radius and the remaining numbers provided were the number of parcels that were equal to or greater than 20 acres were 134 properties which were the remaining A-1 zoned properties that would be allowed to subdivide under a minimum ten acre density. He stated attachment 2 in the package was regarding suggested objectives and policies for the Planning Commission to consider, which were specific recommendations from Quantico and, in addition, some background information that would go into Chapter 3 which would provide additional information concerning the military operations and more of a discussion of the Range Compatible Use Zone (RCUZ) study and identification of where those zones would fall on the county land use plan. He stated regarding the policies, staff had provided a proposal but the Commission did receive was a suggested revision from Ms. Kirkman that was somewhat a modification of what was recommended by staff. He stated he was not sure how Ms. Kirkman would want to proceed.

Ms. Kirkman asked Mr. Fields how he wanted her to proceed.

Mr. Fields asked Mr. Zuraf if everyone had a copy of the suggestion from Ms. Kirkman.

Mr. Zuraf stated yes, it was one sheet titled Objective 4.7 with nine policies.

Ms. Kirkman stated for the Commissions' information it was the same as what Mr. Zuraf had presented with a few clarifications. She stated the speakers from Quantico differentiated between the five mile radius and the Range Compatible Use Zone 3, and in addition of what Mr. Zuraf had

*Planning Commission Minutes
December 17, 2008*

proposed, she created a category for the possibility, should an Ordinance be enacted, to have a separate density for RCUZ 3. She stated it also recommended the Commission look at developing the boundaries of an Airport Overlay District for the approach to the air facility into Quantico. She stated other than those two changes, it was identical to what Mr. Zuraf presented in the packet.

Mr. Fields stated if this were to become part of the plan, the Commission would have to advertise the Comprehensive Plan again.

Mr. Zuraf stated he would believe so.

Mr. Fields stated because you would be talking about major changes in the land use density.

Mr. Harvey stated from what he recalled, these were recommendations to be put in a plan, but were not necessarily changing the land use map, so unless the Commission were to make changes to the Land Use Map accordingly you would not be changing the development scheme...

Mr. Fields stated you could incorporate these into The Comp Plan.....

Mr. Harvey stated these were suggestions for future implementations, rather than the density the Commission was recommending.

Mr. Zuraf stated staff had a question regarding the suggested policy 4.7.2, which recommended one dwelling unit per ten acres for the entire Military Facility Impact Overlay District and that would include land through north Stafford which was one of the more heavily populated areas. He stated that policy may conflict with the Land Use Plan as we were preparing it, because there were also two urban development areas within this suggested Military Overlay District. He stated there may be some conflict in the policy, the way it was written, just a broad ten acre density across the area. He stated that was why staff suggested the ten acre density to parcels outside of the Urban Service Area (USA). He asked if the intent for the ten acre density to apply through the entire area and, if so, it would create conflict, in his opinion.

Ms. Kirkman stated that was her (inaudible). She thought those were the kinds of details that could be worked out once the Ordinance was written.

Mr. Zuraf stated he was just raising that point.

Mr. Di Peppe stated he thought Mr. Zuraf raised a valid point. He stated he would love to downzone it to ten acres, but he felt Mr. Zuraf was pointing out a conflict and maybe the recommendations should say one every ten acres outside the USA. He asked Mr. Zuraf if he thought that would solve the problem.

Mr. Zuraf stated that was what staff had suggested and ...

Ms. Kirkman stated currently, as proposed, there were parcels of land inside the USA that were greater than three acres. She stated we have A-1 inside the USA, inside the five mile radius. She stated the Commission would want to try to limit the density, for the purpose of meeting Quantico's needs, and that was her concern. The USA seemed to ever expand up in the northern part of the county, and that was her concern about having the USA.

*Planning Commission Minutes
December 17, 2008*

Mr. Zuraf stated maybe if it applied to land that was designated agricultural, then that would cover those agriculturally designated land uses in the growth area.

Mr. Rhodes stated he would like to note with these nine proposed policy amendments, it was a degree of specificity that he thought was much more significant than many of the other policy items, it was in to the implementation and in to the points to what was to be implemented. He stated if the intent was to amend the existing Military Facility Impact Overlay District boundary map, it seemed the wording was too specific and directing exactly what, where, four hundred and thirty feet, etc. He stated you would get the intent of what you wanted to do and you get a general sensing and you work it out into Zoning. He stated it struck him upon first reading, that there was a degree of specificity that was actually the zoning writing of the Ordinance and not a policy statement of the Comprehensive Plan.

Ms. Kirkman stated she disagreed, in her opinion, this was fairly broad. She stated there were a number of ways you could accomplish a density of one dwelling unit per three acres or one dwelling unit per ten acres. She stated this did not specify how that would happen and that was what the implementation was about, the how part. She stated this was only guidance, it was not a zoning ordinance.

Mr. Zuraf stated he did have one other point. He stated the other policy material that was suggested that did not get carried over was the first point on Attachment 2, page 2 of 4, "work cooperatively with Quantico to limit land uses to those compatible with military training activities as recommended in the August 2006 Range Compatible Use Zone Study". He stated the reason why he provided that as well was because it had a table that was more broad reaching to several different types of land uses and that would allow the County to evaluate all land uses within these zones.

Ms. Kirkman asked how that would differ from the suggested language she had on 4.7.7, which said evaluate the need to adopt regulations that promote compatible land use areas outside of the... She asked if there was some way to merge the two.

Mr. Zuraf stated that was outside of the military zone, his suggestion was for areas inside the military zone, and those tables really applied to the areas inside the military zone.

Mr. Di Peppe stated underneath that bullet that was just discussed it stated limit the residential density to one dwelling unit per ten acres for parcels outside of the USA.

Mr. Zuraf stated that was the one that was talked about...

Mr. Di Peppe stated it would have to state agricultural land designations. He stated he was eluding right back to the discussion we had a few minutes ago. He stated that seemed to be much broader.

Ms. Kirkman stated she could make this easy. She stated she would like to make a motion to amend the draft to include the language that she suggested as an alternative with the addition of a policy that stated work cooperatively with Quantico to limit land uses to those compatible with military training activities as recommended in the August 2006 Range Compatible Use Zone. She stated so it would be these recommendations plus that additional one that Mr. Zuraf had.

Mr. Fields stated Ms. Kirkman was making a motion to add all of these suggestions to the draft Comprehensive Plan.

***Planning Commission Minutes
December 17, 2008***

Ms. Kirkman stated Objective 4.7 as written along with the additions.

Mr. Di Peppe seconded.

Mr. Rhodes asked what would happen to objective 4.7 that was on page 1 of 4, Attachment 2 that was “create a diversity of recreations opportunities for Stafford ...”

Ms. Kirkman stated they would have to be renumbered.

Mr. Zuraf stated it would be 4.8.

Mr. Rhodes stated the Commission would be taking nothing of what Mr. Zuraf suggested in red on page 1 of 4 and page 2 of 4.

Mr. Zuraf stated a lot of it was mirrored, it was just worded differently.

Mr. Fields stated both overlap and say the same thing.

Mr. Mitchell stated the Commission was just given this information after 7 o'clock tonight. He stated many times there have been issues where things were brought to the Commission at the last minute. He stated, in his opinion, it was really inappropriate to throw them in now, just because they were suggested. He stated something like this should not be thrown in immediately tonight.

Mr. Fields asked if there was any other discussion on the motion.

The motion passed 4-2 (Mr. Mitchell and Mr. Rhodes voted no)(Mr. Howard was absent).

Mr. Fields stated he was assuming the Commission could move on to issue 2, which was really.....

Ms. Kirkman asked if the Commission needed to make a motion to add the section on 3.4, military facilities impacts to the land use chapter.

Mr. Zuraf stated Attachment 2, page 4 of 4, would add in a sub-chapter into the land use section of the Comp Plan and provide more of an explanation on the military activities and include an actual map that identified these areas.

Mr. Fields asked if there was a motion to that effect.

Ms. Kirkman stated so moved.

Mr. Di Peppe seconded.

The motion passed 5-1. (Mr. Mitchell voted no)(Mr. Howard was absent).

Mr. Fields stated the next item was sent to the Transportation Committee. He read the language the Committee decided to recommend for use in the Comp Plan stating, “Road improvements shall be focused on the Urban Service Area to support the areas of targeted growth. Any road improvements outside of the Urban Services Area shall be focused on safety and general welfare”. He stated the Committee felt it was important to say that there may be a little flexibility and still make it very clear that all transportation improvements outside of the USA were focused on safety, not on increased

*Planning Commission Minutes
December 17, 2008*

volume capacity but acknowledging there may be secondary results to volume capacity when the objective of safety was engaged. He stated that being said, the transportation committee report needed to roll into the discussion. He stated this was the general language, but when the Committee got to the implementation they identified thirteen key transportation corridors, not only automotive but transit, pedestrian, bicycle and all types of potential transportation. He stated there were at least thirteen key corridors of ways that people moved currently from major destinations, both into and out of the county and into and out of the USA. Identifying the reality and the needs and the future desired trajectory of these corridors on a corridor by corridor basis was a way at getting at a far richer and more meaning transportation policy that addressed the primary goal of the original language to say we were not going to arbitrarily increase volume and capacity to facilitate development outside the USA. He stated these transportation corridors existed as units that moved in and out of the USA and, therefore, in a way to make transportation and land use interlocked in a meaningful way and to address the transportation needs in a meaningful way, the Committee wanted to address these corridors in their entirety and for each corridor come up with a plan that really implemented the spirit of the language of the Comprehensive Plan. He stated that was how they got to the broader language, but this was in no way an attempt to dilute or divert the intent of original language, this was actually in conjunction with the corridor analysis and corridor plans would come up with a meaningful and ultimately a more significant way at looking at the transportation future of the county.

Mr. Rhodes made a motion to add the revised language for policy 1.4.5 as reflected on attachment 3 of the handout.

Mr. Di Peppe seconded.

The motion passed 6-0 (Mr. Howard was absent)

Mr. Zuraf stated issue three dealt with several recommended land use changes, changes to the Land Use Map and more specifically the USA boundaries. He stated he would go through each one and the Commission could vote on each.

Ms. Kirkman stated as a point of order, all of the items on the first page, Celebrate Virginia through Enon Road area, the Commission had already voted to add those at a previous meeting.

Mr. Zuraf stated he did not recall that.

Mr. Fields stated he did recall that the Commission voted to make...

Ms. Kirkman stated she could look it up if she needed to.

Mr. Di Peppe stated he thought the Commission voted on them one at a time.

Ms. Kirkman stated we sure did.

Mr. Fields stated Celebrate, Rappahannock, Westlake, Musselman Jones and Enon Road, those five. When the Commission got to Widewater, that was rescinded anyway, so that was off the table.

Mr. Zuraf stated correct.

Mr. Fields stated the Commission was actually at a point of considering four changes on Garrisonville Road, two on Roseville Farms and four on Courthouse Road. He asked the

*Planning Commission Minutes
December 17, 2008*

Commission if they were in agreement that those three had not yet been disposed of by the Commission to either add or not add by vote.

Ms. Kirkman stated that was correct.

Mr. Fields stated he heard no dissent, so he was assuming everyone agreed. He asked Mr. Zuraf if he had a presentation for those areas.

Mr. Zuraf stated yes he had maps that identified what the changes were. He showed a map of the Garrisonville Road area with the recommended changes area highlighted in red. He stated these were suggested by Mr. Howard and these changes correspond with the changes the Board of Supervisors were making to the growth area, on the current Land Use Plan. He stated the change would add frontage properties on the north side of Garrisonville Road, west of Toluca Road into the USA. He stated he did not know if the Commission wanted him to discuss the Garrisonville Road group...

Mr. Fields stated the Commission should probably vote on each of these individually. He stated the question was, "add frontage properties on north the side of Garrisonville Road west of Toluca Road into the USA" and asked if there was a motion.

Mr. Rhodes stated so moved.

Mr. Mitchell seconded.

Ms. Kirkman stated she would oppose the motion because that land was currently zoned Agricultural. She stated if there was a good proposal for a commercial development the Commission could consider a change to the USA at that time.

Mr. Fields stated the motion failed as a tie with the vote being 3-3 (Ms. Kirkman, Mrs. Carlone and Mr. Fields voted no) (Mr. Howard was absent). He stated "Remove a portion of the rock quarry properties and adjacent properties to the south from the USA".

Mr. Zuraf showed the area on a map and stated the area did conflict with a previous suggestion Ms. Kirkman had in retaining that area in the USA. He stated this was the latest recommendation from Mr. Howard.

Ms. Kirkman stated she had a question, the proposal before the Commission (inaudible) including the frontage along Garrisonville Road from the USA. She asked Mrs. Roberts, since the Commission was just a recommending body, if the change was made on the USA line would the Commission have to re-advertise and hold another public hearing.

Mrs. Roberts stated the Commission would be voting on the map that was advertised and when the Commission sends it up to the Board you would be recommending to remove that so when they held their public hearing it would be advertised correctly.

Ms. Kirkman stated that was how the motion would have to be stated, that the Commission was retaining the original USA as they heard the public hearing, but the Board...

Mrs. Roberts stated your recommendation was that the Board considered removing...

***Planning Commission Minutes
December 17, 2008***

Ms. Kirkman stated then the Commission would not have to do another public hearing and re-advertisement.

Mr. Rhodes asked if the Commission could consider splitting those two, from the frontage portion and the back portion. He stated he recalled some split discussions on different portions of that block of property.

Ms. Kirkman stated she was fine with keeping it all together.

Mr. Fields asked if there was a motion to recommend the Board consider removing this area.

Ms. Kirkman stated so moved.

Mr. Rhodes seconded.

The motion passed 6-0 (Mr. Howard was absent).

Mr. Fields stated number three was adding property along DeShields Lane to the USA.

Mr. Zuraf showed the area on a map and stated the current map had this area in the phase 2019 growth area.

Mr. Fields asked about the current zoning.

Mr. Zuraf stated A-1.

Mr. Di Peppe asked why the Commission would put A-1 in the USA.

Mr. Fields stated that was the debate.

Mr. Di Peppe stated he would like to know why.

Mr. Fields stated Mr. Howard was not present to defend himself.

Mr. Rhodes stated it had to do with what was already developed around the property.

Mr. Fields stated he would guess the consideration was it was logical commercial.

Mr. Rhodes stated everything around it, with the private school, the Bloom and the other development (inaudible).

Mr. Zuraf stated if the Commission would remember that in his memo he made a point to consider the underlying land uses when making changes to the growth area.

Mr. Fields asked if there was a motion to add this property to the USA.

Mr. Rhodes stated so moved.

Mrs. Carlone seconded.

*Planning Commission Minutes
December 17, 2008*

Mr. Fields asked if there was any discussion.

Ms. Kirkman stated she would oppose the motion to add that property. She stated really it was not adding it, but moving it from the expansion area as it was currently on the urban service plan to go to water and sewer in 2019 and what was being proposed was to put it in the USA now. She stated, in her opinion, some of the growth did need to be phased and that was why she was going to oppose the motion to take it out of the expansion area.

Mr. Rhodes stated, in his opinion, the Commission did a good job with the USA in general and the phasing was reasonable. He stated he did not necessarily think it was all right and this was one area matching with what was around it would be a good adjustment.

The motion failed 2-4 (Mr. Fields, Mrs. Carlone, Ms. Kirkman and Mr. Di Peppe voted no) (Mr. Howard was absent).

Mr. Fields stated this would remain in the 2019 expansion area. He stated number four added Urban Commercial Designated properties behind the shopping center at the intersection of Garrisonville Road and Shelton Shop Road into the USA.

Mr. Zuraf stated that was combined in with the previous presentations. He showed on the map the area of DeShields Lane and the area behind the shopping center.

Mr. Fields asked if that was also in the 2019 expansion.

Mr. Zuraf stated yes.

Mr. Fields asked if the zoning on this property was Urban Commercial.

Mr. Zuraf stated it was A-1.

Mr. Fields asked if there was a motion to move this from the 2019 expansion area to the current USA.

Mr. Rhodes asked what was being done different.

Mr. Zuraf stated this bullet point applied to the area adjacent to the area just reviewed.

Mr. Rhodes stated earlier the discussion was just the left half of that area.

Mr. Zuraf stated yes.

Mr. Rhodes stated now the discussion was concerning the right half which was Winding Creek, approaching the private school and the Bloom area.

Mr. Zuraf showed the Bloom and the private school on the map.

Mr. Rhodes asked if the Commission was looking for a motion.

Mr. Fields stated yes.

Mr. Rhodes stated so moved.

***Planning Commission Minutes
December 17, 2008***

Mr. Mitchell seconded.

Ms. Kirkman stated she would again oppose the motion because if the County received a really good commercial application then the Commission could move the schedule forward at that time.

The motion failed 2-4 (Mrs. Carlone, Mr. Fields, Mr. Di Peppe and Ms. Kirkman voted no) (Mr. Howard was absent).

Mr. Fields stated moving on to the Roseville Farms area, add existing subdivisions zoned A-2 in the Roseville Farms area to the 2019 expansion area.

Mr. Zuraf showed the area on the map and stated it was highlighted in red.

Mr. Fields stated it looked like USA creep.

Mr. Zuraf stated the area known as the Roseville Plantation area was currently outside of the USA and the proposal was to include all of that land in the 2019 expansion of the USA. He stated a lot of the property was zoned A-2, Rural Residential and most was completely subdivided. He stated at the previous meeting he provided some background information concerning septic pump and haul and an eleven by seventeen map of the area that highlighted the area and identified all the structures and lots. He stated tonight there was a spreadsheet provided that identified the pump and haul customers, the dates those customers were added and highlighted nine properties that were within the boundaries of this area.

Mr. Fields asked of those nine properties were currently on pump and haul.

Mr. Zuraf stated yes.

Mr. Fields stated these were all the subsidized pump and haul customers.

Mr. Zuraf stated yes.

Mr. Fields asked if it was known for a fact that all of the pump and haul on all of these properties had attempted to avail themselves of current state-of-the-art alternative systems and those had not been workable and they were still on pump and haul or if they were grandfathered on pump and haul.

Mr. Zuraf stated he did not have the answer.

Mr. Fields stated it was a complicated answer.

Mr. Harvey stated staff would have to check with the Utilities Department because they indicated there were a couple of properties identified on the list that had been authorized for pump and haul but had not gone into the program yet, so it may be that they had found that alternative type system could work for them or other means or perhaps the property was abandoned. He stated that would have to be refined if the Commission wanted more detail.

Mr. Fields asked Mr. Harvey if he knew the Ordinance the County finally ended up with. He stated he remembered the debate, but not the Ordinance. He stated in the dialogue concerning the fees for pump and haul, citizens came forward telling their own stories and it became evident that some had not fully availed themselves to all of the alternative technologies. He asked if the current pump and

***Planning Commission Minutes
December 17, 2008***

haul Ordinance there was a time frame that people had to reapply or pump and haul had to be reviewed so as new technology evolved people could not eternally remain on pump and haul.

Mr. Harvey stated he did recall discussion at the Board level, but did not recall the outcome. He stated he knew there were limitations if you were on pump and haul that you could not expand your home.

Mr. Fields stated as the Commission looked at this he wanted to make sure everyone was aware if the discussion was a 2019 expansion specifically because of residential pump and haul. It may be that many of these pump and hauls had not availed themselves of alternative technology so the perceived inevitability of failed septic systems in that area may be based on technologically obsolete notion of onsite system technology.

Mr. Di Peppe asked the amount spent per year for pump and haul.

Mr. Zuraf stated he would have to get back to the Commission with that information.

Mr. Di Peppe stated Mr. Zuraf could email that information to him. He stated he had heard different numbers over the years and would like to know.

Mr. Zuraf stated yes sir.

Ms. Fields stated he thought it was about two to three thousand per year.

Mr. Di Peppe asked per house.

Mr. Fields asked Mr. Harvey if that was correct.

Mr. Harvey stated to his recollection it was about four thousand a few years ago.

Mr. Di Peppe stated so it was like eighty thousand dollars.

Mr. Fields stated twenty homes would be eighty thousand.

Mr. Harvey stated that was the subsidized portion.

Mr. Fields stated they would pay the rate as if they were hooked up to sewer.

Mr. Di Peppe stated yes, but the County paid the eighty thousand dollars.

Mr. Fields stated Stafford was the only county in the Commonwealth of Virginia that did that.

Ms. Kirkman stated she wanted to get some clarification from staff. She stated there were six hundred and forty six parcels in the proposed expansion of the USA, and of those eight had been approved for pump and haul, but not all of those had actually started using pump and haul.

Mr. Zuraf stated nine, there was a second sheet.

Ms. Kirkman stated nine, but not all of those are actually using pump and haul.

*Planning Commission Minutes
December 17, 2008*

Mr. Harvey stated staff would have to verify if that would apply to any of these identified within this area.

Ms. Kirkman stated so we just do not know, but a maximum nine of the six hundred forty six parcels were served by pump and haul.

Mr. Zuraf stated correct.

Ms. Kirkman stated Mr. Zuraf stated earlier that all the land had been subdivided. She stated she was looking at the map provided previously, and there was a good twenty percent of the acreage that could be subdivided.

Mr. Zuraf stated he thought he mentioned most of it was subdivided and there was some property that could be subdivided.

Ms. Kirkman stated so if the properties were on water and sewer would it be a lot different than if they were on well and septic.

Mr. Zuraf stated it would be much easier to build at that one acre lot size.

Ms. Kirkman stated it sure would.

Mr. Fields asked if this discussion also included Magnolia Woods area. He stated because of the time he wanted to be thorough, but wanted to keep the Commission moving forward.

Mr. Zuraf stated a portion of Magnolia Woods was already in the draft and the portion in the 2019 expansion already had public sewer. The remainder of Magnolia Woods would be included as part.

Mr. Fields asked about the right diagram on the screen and asked if it included Roseville Farms and Magnolia Woods.

Mr. Zuraf stated yes.

Mr. Fields asked since these properties were contiguous, would the Commission members want to vote on them separate or did the members feel they were the same issue. He asked if anyone was opposed to voting on them together. He asked if he had a motion to add the existing A-2 subdivisions of Roseville Farms and Magnolia Woods to the 2019 area. He stated at this point he had no motion to add these.

Mr. Rhodes stated he would make a motion (inaudible) Magnolia Woods subdivision to the 2019.

Mr. Fields stated that Mr. Rhodes would make a motion to separate them.

Mr. Rhodes stated yes.

Mr. Fields stated there was no motion on the first, no one was willing to make that addition. He asked if there was a map showing Magnolia Woods tied into 2019.

Mr. Zuraf stated he did not have a map of just Magnolia Woods. He tried to illustrate the area on the map.

***Planning Commission Minutes
December 17, 2008***

Mr. Fields asked how much of Magnolia Woods was in and how much the Commission would be adding.

Mr. Zuraf stated he would guess fifty/fifty.

Mr. Fields stated it was currently A-2 and asked if the area being discussed was currently on sewer.

Mr. Zuraf stated Magnolia Woods was zoned A-1 and that area was not currently on sewer, but as you get further out to Roseville Plantation area, that was zoned A-2.

Mr. Fields stated the part that was being discussed to be added was A-1 and on septic.

Mr. Zuraf stated yes.

Mr. Mitchell seconded.

Ms. Kirkman asked if all of that had an approved subdivision plan.

Mr. Zuraf stated yes, it was all subdivided. He stated they were three acre lots and they were all built out.

Ms. Kirkman asked if it was all built out and there were no problems, then why would the Commission add it. She asked if anyone could speak to the rationale for that it would be helpful.

Mr. Fields stated these were Mr. Howard's suggestions also and it was unfortunate he was not here.

Mr. Zuraf stated his guess would be as kind of a connection to Rose...

Ms. Kirkman stated if that was the only reason the Commission would be adding it, then she was going to oppose the motion.

Mr. Fields stated the motion was to add all of Magnolia Woods to the 2019. He stated there was no action on the motion because the vote was 3-3 (Mr. Fields, Ms. Kirkman and Mr. Di Peppe voted no)(Mr. Howard was absent).

Mr. Fields stated Courthouse Road.

Mr. Zuraf stated the change areas were highlighted in red on the map. The first point was the removal of A-1 zoned areas around Augustine from proposed 2019 expansion area. He showed the areas on the map and stated it was primarily the area around the golf course.

Ms. Kirkman stated she did not understand what was being proposed. She asked Mr. Zuraf if he was removing area from the 2019 expansion and putting it into the current USA.

Mr. Zuraf stated placing it outside of the USA because it was zoned Agricultural.

Mr. Fields stated it would simply make 2019 consistent with the current policy of excluding A-1 land, or partial policy...

*Planning Commission Minutes
December 17, 2008*

Ms. Kirkman stated she would suppose the Commission would have to do the motion by saying the Commission would recommend the Board consider that in their advertisement.

Mr. Rhodes stated it would be to carve it out and make it jig-jag around the stuff on the right-hand side of the map.

Mr. Zuraf stated correct. Currently it was all included in the 2019 expansion. As a result of this change only the area where the homes were located would be in the 2019 expansion.

Mr. Rhodes asked if that portion was already on water.

Mr. Zuraf stated Augustine North subdivision was, yes.

Mr. Fields asked if there was a desire to make a future customer neutral balance between things being added on Garrisonville Road and the Roses and being subtracted in this area.

Mr. Zuraf stated he could not speak to that.

Ms. Kirkman stated she was not one to throw more area into the USA, but the Commission was trying to avoid doughnut holes and funny jigs. She stated if someone could speak as to why the Commission should do this, she would like to hear the reasoning.

Mr. Fields asked if there was a motion. Hearing nothing he moved on. He stated remove A-1 zoned properties south of Courthouse Road, west of I-95, from proposed 2019 expansion area.

Mr. Zuraf showed the area on a map and stated the area was zoned A-1 and would be removed from the USA.

Mr. Fields asked Mr. Zuraf if he knew the basis of this, or the logic.

Mr. Zuraf stated he believed the idea with this land had somewhat to do with transportation and Courthouse Road and the need to hold off on too much development until Courthouse Road was expanded into four lanes. He stated that was his understanding for excluding some of these A-1 properties out in this area of Courthouse Road.

Mr. Fields asked if there were any questions, or a motion.

Ms. Kirkman stated she did not understand the rationale. She asked if the Commission would just put it in the transportation plan and then the right-of-way would have to be dedicated.

Mr. Zuraf stated you would get the dedication, but as far as the full construction of Courthouse Road and the full widening of Courthouse Road likely would not happen until VDOT came in several years down the road. He stated he thought the idea would be to then bring development in line with when Courthouse would get widened.

Mr. Fields stated, he thought, as the Commission moved on these types of corridor plans, that would be exactly the type of issues the Commission would be addressing.

Ms. Kirkman stated this was just keeping it for a 2019 expansion, so it would not happen for ten years anyway.

*Planning Commission Minutes
December 17, 2008*

Mr. Fields stated it would seem to him because of commercial reasons it would be a logical expansion. He asked if there was any motion. Hearing no motion he moved on to item three. He stated remove A-1 zoned properties on the east side of Shelton Shop Road, west of the Amyclae subdivision from the proposed expansion area.

Mr. Zuraf showed that area on a map and stated it was for the same reason of...

Mr. Fields asked if there was a motion. Hearing no motion he moved on to item four. He stated remove the area south of Courthouse Road between Colonial Forge High School and Shelton Shop Road. He asked if that was also in the whole fiesta of...

Ms. Kirkman stated it looked like a fiesta of bites.

Mr. Zuraf showed the area on a map.

Mr. Fields asked if there was a motion. Hearing no motion he stated alright.

Mr. Zuraf showed a map and stated one of the points that was not mentioned was the area within the vicinity of Embrey Mill. He showed section one of Embrey Mill and the mixed use area and stated this was recommended to be expanded and included in the current growth area.

Mr. Fields asked if that was the one the Commission just talked about.

Mr. Zuraf stated that was not mentioned in this summary.

Ms. Kirkman stated this was a new suggestion from staff.

Mr. Zuraf stated this was all part of the suggestion that was not mentioned in the memo.

Mr. Fields asked if there was a motion on this. Hearing none he stated he would sum up where the Commission was, starting with things already dealt with. He stated the Commission has had the Comp Plan a long, long time and would like to move forward a recommendation to the Board of Supervisors this evening and he would sum up the changes to the USA. He stated he believed the Commission voted in the affirmative for the first five. Add the remaining portions of land zoned RBC into the USA. Remove portions of property of each side of I-95 adjacent to the Rappahannock River from the USA. Westlake, add the land within the limits of the Westlake project in the 2019 phased area. Musselman Jones Tract, add the parcels near the intersection of Truslow and Enon that are planned for a future County park in the USA. Enon Road area, add south of Enon Road between Wyatt Lane, US 1 USA include land et cetera, et cetera and the Commission voted in the affirmative on that. He stated those disposed of before, Widewater Elementary School, prior suggestion was rescinded so that was not going to be part of the recommendation. He stated what the Commission did tonight, Garrisonville Road, add frontage properties on north side of Garrisonville Road west of Toluca, that suggestion failed 3-3, so the Commission had no recommendation. Next, remove a portion of the rock quarry properties and adjacent properties to the south from the USA. He stated that passed 6-0 as a recommendation. Add property along DeShields Lane to the USA, failed 2-4. Add Urban Commercial properties behind shopping center at the intersection of Garrisonville and Shelton Shop failed 2-4. Roseville Farms area, add existing subdivisions Roseville Farms to 2019, no motion. Add all of Magnolia Woods subdivision to 2019 expansion area, failed 3-3. He stated the

*Planning Commission Minutes
December 17, 2008*

following, all of the bullets including the extra bullet items under Courthouse Road the Commission declined to take any action on those recommendations. He stated that was what he had for the USA.

Mr. Zuraf asked if the only change on the last sheet was the second bullet under Garrisonville Road.

Mr. Fields stated that was correct.

Ms. Kirkman stated that was not a change, but a recommendation.

Mr. Zuraf stated if he could raise a point on the first page, the second bullet, the property adjacent to the Rappahannock River, may also be a recommendation as well because that was a removal.

Mr. Fields stated that would be phrased as a recommendation.

Ms. Kirkman stated thank you.

Mr. Fields stated the Commission has been looking at the Comp Plan, Mr. Di Peppe and other people started this while he was part of the Board when this was discussed in 2005. He stated this had been a long time coming. He stated if you go bit by bit of the Comp Plan he had reasons to vote against parts of it and had reasons to support all of it. He stated he thought everyone could find parts that they were not thrilled with and parts we liked. He stated he felt the Commission needed to make a motion to recommend the Comprehensive Plan with all the additions and amendments the Commission had been discussing, forward to the Board of Supervisors.

Mr. Di Peppe stated he would like to make that motion having been there for the entire time.

Mrs. Carlone seconded.

Mr. Fields stated this was a momentous decision and he would go down the line and all seven members would have a chance to make a brief statement on this to voice our opinion and then we would take the vote.

Mrs. Carlone stated she felt this was the best product the Commission had for the years.

Mr. Rhodes stated he would like to get one more full copy. He stated the Commission had iteratively modified this as they went along and would love to spend Christmas reading this just to see how the final pieces had come together. He stated secondly, the fact that the Commission had nine goals, and with those goals had forty-three objectives and one hundred sixty-four policies. In those two hundred and seven objectives and policies, we had one hundred and one with the term shall in the general guidance document. He stated as some research, he read Augusta County which passed in August 2007 and Goochland which passed in October 2008. Between those, one had four hundred and forty-eight objectives and the other had four hundred and fifty-four. Between those nearly one thousand different objectives and policies there was one shall and one will. He stated he felt the Commission was setting up a structure that had not been experienced before. He stated it was not a controlling document, that was clear by statute and by Supreme Court precedence and to do this confused the fact and, in his opinion, should have the structure as should. He stated even with the use of shall in the objectives and policies, the fact was the Commission was inconsistent with that use, as you go down the nine goals from the growth and development goal one, there are forty-three shalls, about eighty percent. In the fiscal responsibilities there were ninety percent and others were only ten percent. He stated it was an inconsistent application and was part of the iterative process to building

Planning Commission Minutes
December 17, 2008

this and again thought those terms should be should, which still reinforced intent and expectations, and would be more consistent with the structure of a Comp Plan.

Mr. Di Peppe stated first he wanted to thank everybody who worked on this. Especially Mike Zuraf, who was the lone staff person standing for three years, and there was tremendous work. Also at this time, he would like to take a moment to remember Juan Chavez, who passed away this past weekend, who worked awfully hard for two year on the Steering Committee. He stated as a former school teacher, he liked the word shall. He stated he spent three years trying to decide what it was, the course we thought the County should take and he thought shall was a good word. He stated he was excited about moving this forward and would like to thank everyone one last time.

Mr. Mitchell stated he was in the room upstairs when we sat down and worked with the consultant. He stated it had been a long time coming and would like to thank Mr. Rhodes, Mr. Di Peppe, Mr. Fields, Ms. Kirkman and Mrs. Carlone for all their diligent work. He stated like Mr. Rhodes he would like one more shot rather that send it up tonight. He stated there were portions he liked and disliked and Mr. Di Peppe could tell you, as Chairman of the Comp Plan Committee, he voted against ninety percent of the issues, but at least everyone had their say and look-see, our due diligence. He stated he would not be supporting it tonight based on a number of issues. One being, there was a plan for Boswells Corner area with this beautiful plan and no one was willing to sell their land. He stated he objected to the main business corridor in the center of the County, not closer to Quantico.

Ms. Kirkman stated first she wanted to thank Commissioner Mitchell and particularly Commissioner Di Peppe. She stated one of her first assignments as a new Planning Commission member was to serve on the Comprehensive Plan sub-committee and particularly Mr. Di Peppe did a great job of orienting her to those responsibilities. She stated in the last election what was heard loud and clear from the residents of Stafford County was they wanted to see their leaders take affirmative steps to manage growth and control property tax increases. She stated she thought this draft of the Comprehensive Plan, if implemented and passed by the Board, as the Commission sent it to them, would go a long way towards doing that. First by tightening up the USA and removing agriculturally zoned land from the USA, we were both slowing the rate of growth but also preserving our land for and giving the Board greater control to promote commercial development. Secondly, for the first time ever a chapter that was on the cost of growth and development was included in the Comprehensive Plan and for the first time ever the citizens of Stafford County could pick up the Comprehensive Plan and find out exactly how much growth and development was costing them as property tax payers. She stated, finally, she was particularly proud of the fact that weasel words like should, where possible, as feasible and instead made it very clear what the intent what the policies in the Comprehensive Plan are.

Mr. Fields stated thank you all again, a giant thank you to everybody who spent a tremendous amount of time on this. He stated this was not an easy task and particularly not an easy task in a County like Stafford, which was already along a very long trajectory towards a certain type of evolution as a county. He stated the Commission was not given a blank slate, and had a concern all along of what people's expectations of what a new Comprehensive Plan could in a county like Stafford with tens of thousands of already vested units for development, could accomplish. He stated he thought everyone, no matter how they felt about the end result, with the establishment of a newer and more compact USA, we should confidently say we have taken the very best shot we could at managing the future growth of the county. He stated peoples' expectations should not be that we were going to change forever things, but he thought the best possible job, under the circumstances of hoping to create a better, more sustainable future with a higher quality of life for all the residents. He stated although he could certainly argue with some points of the Comprehensive Plan he had a great deal of gratitude for

*Planning Commission Minutes
December 17, 2008*

all the work done, all the staff and all the citizens that came to meeting and served on the first steering committees, all the members of the Board of Supervisors starting with the Board two election cycles ago and the current Board of Supervisors. He stated he thought now it was time to place it in their hands and let them begin the process of making it the document for the future. He stated with that, all those in favor of recommending approval of the draft Comprehensive Plan as modified, amended and recommended, signify by saying aye, opposed. He stated the motion passed 4-2 (Mr. Mitchell and Mr. Rhodes voted no)(Mr. Howard was absent).

Mr. Fields stated patiently the people from Hills of Aquia had been waiting, so the Commission would dive into this.

4. RC2800372; Reclassification - Hills of Aquia Commercial - A proposed reclassification from R-1, Suburban Residential to B-2, Urban Commercial Zoning District to allow for commercial development on Assessor's Parcel 21Y-2A-F consisting of 3.19 acres, located at the southeastern intersection of Coachman Circle with Jefferson Davis Highway within the Aquia Election District. The Comprehensive Plan recommends the property for Urban Commercial and Resource Protection Area use. The Urban Commercial designation would allow development of commercial, retail and office uses. The Resource Protection Area is intended for the preservation of natural resources. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the B-2 Zoning District. **(Time Limit: February 4, 2009) (History - Deferred at November 6, 2008 Regular Meeting to November 19, 2008 Work Session) (Deferred at November 19, 2008 Work Session to December 17, 2008 Work Session)**

Mr. Mitchell stated he listened to everyone who spoke and received a number of emails from different people and, in his opinion, this item should be deferred to allow all of the information to come in then make an informed decision based on the information. He stated he felt this item was being rushed through and did not have any strong feeling in favor or opposition of the application.

Mr. Mitchell made a motion to defer item 4. Mr. Rhodes seconded the motion.

Ms. Kirkman made a substitute motion to recommend to the Board of Supervisors denial of application RC2800372, reclassification, Hills of Aquia Commercial for the following reason, first, the land was currently platted as open space; second, there were significant sewer drainage easements on the property; third, she believed significant concerns were raised regarding the traffic safety and environmental impacts of the proposed reclassification.

Mr. Di Peppe seconded the motion.

Mr. Rhodes stated he agreed with many of the general comments Ms. Kirkman made but did think there was a time limit and an opportunity to respond, the process to allow the Commission the time to receive all of the information. He stated the Commission was deciding to early to be fair to the process.

The motion to recommend to the Board of Supervisors denial of application RC2800372 passed 4-2 (Mr. Mitchell and Mr. Rhodes opposed) (Mr. Howard was absent).

Mr. Fields stated the Commission would take a five minute break and come back with the Planning Directors report.

Planning Commission Minutes
December 17, 2008

5. SUB2600305; Southgate, Section 2 - A preliminary subdivision plan with 24 duplex units on 12 lots, zoned R-1, Suburban Residential, pursuant to the previously approved Cluster Concept Plan, consisting of 10.81 acres located on the west side of Cambridge Street approximately 1,500 feet south of Edward E. Drew Middle School on Assessor's Parcels 45-163 and 45-163A within the Hartwood Election District. **(Time Limit: March 4, 2009)**
(History - Deferred to December 3, 2008 Regular Meeting at Applicant's Request)
(Deferred at December 3, 2008 Work Session to January 7, 2009 Work Session)

Mr. Fields called the meeting back to order he asked Mr. Harvey to give his report and explain a new resolution passed by the Board of Supervisors at their meeting held last night.

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated to give his complete report he would like to first congratulate the Commission on moving forward and making a recommendation for a new Comprehensive Plan. He stated he would proceed to describe some on the actions of the Board. He stated there were three actions in particular that affect the Planning Commission. The Board did approve the rezoning and conditional use permit for property on Route 17 for commercial property and development for four drive-through facilities. He stated there were changes and discussion in the proffers and the proffers ended up being very similar at to what was presented to the Planning Commission, that there be no construction on a portion of it until the telecommunication tower was relocated. He stated there was an additional proffer dealing with the relocation of a signal pole dealing with the widening of Route 17. And the Board also set up a committee to establish a Civil War park at the landfill and the Board had requested one member from the Planning Commission, so that would require an appointment in the future. The third thing that pertained to the Commission was the Board discussed a new process for reviewing zoning text amendments. Specifically, the Board passed a Resolution directing the Commission that any future zoning text amendments would first be required to be vetted through the Board before any significant staff time or expenditure was made on those zoning text amendments.

Mr. Fields asked if the Commission could have a copy of that Resolution.

Mr. Harvey stated no sir that was not prepared in advance of the vote and was in the process of being prepared currently.

Ms. Kirkman stated just to clarify when the Board voted they did not have a Resolution in front of them.

Mr. Harvey stated that was his understanding.

Ms. Kirkman stated so somebody made a motion and somebody seconded it. She asked if anyone had looked at the DVD to get the exact words.

Mrs. Roberts stated she did look at it today.

Ms. Kirkman asked what the words in the motion were.

Mrs. Roberts stated pretty much what Mr. Harvey stated. She stated she did not write it down and bring it with her, but it was the zoning text amendments, not advertising and not directing staff to perform work on them until...

*Planning Commission Minutes
December 17, 2008*

Ms. Kirkman stated since there was not a written Resolution, if the Commission could get a transcript of the motion.

Mrs. Roberts stated as soon as it was ready, absolutely.

Ms. Kirkman stated that would be great.

Mr. Fields asked Mrs. Roberts to amplify this and to proceed forward in, the Code of Virginia and the Code of Stafford, the Board had the authority to make this kind of a Resolution.

Mrs. Roberts stated she had put the relevant sections of State Code and local Ordinances at each Commission member's desk. She stated, in her opinion, they get most of their authority because they control of the purse strings. She stated if the Commission would look at 15.2-2216 and you look at the last part of the sentence that said "the governing body may appropriate funds needed to defray the expenses of the Commission" and if you move to 15.2-2222, it talked about "the local Planning Commission may expend under regular local procedures provided by law, sums appropriated to it for the purposes and activities". She stated it also allowed the Commission to collect donations for your purposes.

Ms. Kirkman stated she had a question about that. Since both refer to expenditures by the Commission, she asked if they had a budget that the Commission controls.

Mrs. Roberts stated to her knowledge you do not, in the past it had come out of the Planning budget.

Mr. Harvey stated the Planning Commission and stipend is located within the Planning and Zoning Departments budget. He stated there were specific line items for those purposes.

Ms. Kirkman asked if any money had ever been appropriated to the Planning Commission.

Mr. Harvey stated not to his knowledge.

Mr. Fields asked if this would imply that if the Commission could request of the Board that a separate budget, make a budget request and appropriate funds at our direction.

Mrs. Roberts stated yes, you could request that and of course it would be up to the Board.

Mr. Fields stated it had not been done that way, but this was certainly opening up a lot of possibilities.

Ms. Kirkman stated while the Commission was on that one particular piece, in looking at the notice requirements, nowhere did it say the Planning Commission pays for the notice requirements. It just stated that things shall be advertised and noticed properly. She stated she was confused by appropriating money to the Planning Commission, because the Commission had never had any money.

Mrs. Roberts stated now the Board had said staff did not have money to advertise the ordinances unless they were referred to the Board first for referral back down to the Commission.

Ms. Kirkman asked where the process of referring up to refer back down was outlined in the State Code.

*Planning Commission Minutes
December 17, 2008*

Mrs. Roberts stated it was outlined clearly in the State Code before the Board could vote on it, it had to be referred down to the Commission. She stated she believed it was in the County Ordinance and asked the Commission to look at the second to the last page. She stated Section 28-332 and Section 28-334.

Ms. Kirkman stated since State Code was controlling, she would like to see the references in the State Code.

Mrs. Roberts stated it was not point blank in the State Code. The State Code said the Planning Commission could initiate Ordinances, but it did not mandate that the Board provide money for giving notice.

Ms. Kirkman stated she was trying to make sense of the process of up to the Board and down to the Commission, particularly given that under Section 15.2-2285(a) where it spoke of “the Planning Commission may prepare a proposed Zoning Ordinance and hold at least one public hearing” and the final sentence in that section was “upon the completion of its work, the Commission shall present the proposed Ordinance or amendment, including the district maps to the governing body”. She stated this did seem to indicate the sequence of events, if the Planning Commission initiated the Ordinance, it should not go up to the Board until after the work was completed.

Mrs. Roberts stated she and Mr. Howard had discussed that paragraph, but when you read it with all the other provisions, clearly the intent was the Board cannot pass an Ordinance, whether they initiated it or the Commission initiated it without the Commission holding a public hearing. She stated it would not make any sense for the Commission to hold a public hearing, send it up to the Board and have them send it back down for another public hearing.

Mr. Di Peppe stated the Commission was required to have public hearings.

Mrs. Roberts stated correct.

Mr. Di Peppe stated then the County would be required to pay to advertise a public hearing since the Commission was required to hold a public hearing and required to advertise public hearings. He asked how the Board could say they would not advertise the public hearing. He stated he also had another question concerning 15.2-2211. It stated “The planning commission of any locality may cooperate with local planning commissions or legislative and administrative bodies and officials of other localities so as to coordinate planning and development among the localities. Planning commissions may appoint committees and may adopt rules as needed to effect such cooperation. Planning commissions may also cooperate with state and federal officials, departments and agencies. Planning commissions may request from such departments and agencies, and such departments and agencies of the Commonwealth shall furnish”. He stated surely the Planning Department was an agency of the Commonwealth.

Mrs. Roberts asked Mr. Di Peppe which section he was reading

Mr. Di Peppe stated 15.2-2211, Cooperation of local Planning Commissions and other agencies. He stated “Planning commissions may request from such departments and agencies, and such departments and agencies of the Commonwealth shall furnish such reasonable information which may affect the planning and development of the locality”. He stated since the Commission was allowed to request information from agencies and they shall give it to the Commission, he did not see how the Planning Department could say they would not do the research or since the Commission was

*Planning Commission Minutes
December 17, 2008*

required to hold public hearings how the Board could refuse, since the Commission was required by law, to advertise them.

Mrs. Roberts said as she stated in the first two provisions, there was no requirement that the Board fund.

Mr. Di Peppe stated the Commission was required to hold a public hearing.

Mrs. Roberts stated yes.

Mr. Di Peppe stated the Commission was required to advertise that public hearing.

Mrs. Roberts stated yes.

Mr. Di Peppe asked how the Board could not fund it if the Commission was required to hold it and advertise it. Who would fund it but the Board?

Mrs. Roberts stated under 15.2-2222 it envisioned other people interested in the legislation possibly funding it, as a locality may accept gifts and donations.

Ms. Kirkman stated you have got to be kidding.

Mr. Di Peppe stated to Mrs. Roberts, she was the attorney and he believed she was the Planning Commission Attorney.

Mr. Fields stated he would like to clarify that. Mrs. Roberts was in an uncomfortable spot because she was a County Attorney and they work directly for the Board of Supervisors. He stated she was an employee for the Board of Supervisors, she was not an employee of the Planning Commission. He stated she was being very gracious when we were asking for her advice. He stated in the final analysis the Commission had to understand the County Attorney and Mrs. Roberts work directly for the Board as does Mr. Harvey through the County Administrator. He stated they were their employees and were required to do as they were directed by both of those entities. He stated they were not required anything the Commission asked of them, they were gracious enough to do so. He stated the Commission had no independent counsel.

Mrs. Carlone stated she would like to say she found this absolutely ludicrous, what had been done to the Commission. She stated, in her opinion, each individual Board member should have informed their Commissioner, because this came as a surprise to read it in the paper this morning. She stated since the Board went into a closed session rather than have a discussion in an open forum, in the public eye and she was very distressed by this.

Mr. Mitchell stated he would like to say he missed that portion of the meeting and asked the final vote.

Mr. Di Peppe stated 5-2.

Mr. Mitchell suggested the Commission members contact their Board member.

Ms. Kirkman asked under what section of Chapter 37 the Board cited for discussing this in closed session.

*Planning Commission Minutes
December 17, 2008*

Mrs. Roberts asked 37.

Ms. Kirkman stated that was the freedom of information chapter.

Mrs. Roberts stated she would look at the agenda and get back...

Ms. Kirkman stated she would like to know what exemption they cited for meeting in closed session on this.

Mr. Fields stated that was another trajectory, the fact that this was discussed in closed meeting.

Ms. Kirkman stated she did want to hear from the County Attorney that State Code clearly states that the Planning Commission may initiate Zoning Ordinances. She asked if that was correct.

Mrs. Roberts stated correct.

Ms. Kirkman stated and nowhere in the State Code did it say it was permissible or may or shall be this process of getting permission from the Board before proceeding with the Zoning Ordinance.

Mrs. Roberts asked Ms. Kirkman to repeat the question.

Ms. Kirkman asked if anywhere in the State Code did it say that the Planning Commission needed to get permission from the Board to move forward with initiating a Zoning Ordinance.

Mrs. Roberts stated no.

Ms. Kirkman asked finally, was there any other locality, anywhere in the Commonwealth of Virginia that had a process like what the Board had now passed.

Mrs. Roberts stated yes.

Ms. Kirkman asked what that was.

Mrs. Roberts stated she knew an email was received from Goochland and other localities.

Ms. Kirkman asked Mrs. Roberts when she received that email.

Mrs. Roberts stated she did not receive the email.

Ms. Kirkman asked when the email was received.

Mrs. Roberts stated it was received December 4, 2008.

Ms. Kirkman asked what the process in Goochland was.

Mrs. Roberts stated that each Ordinance was referred up from the Planning Commission to the Board and then the Board would send it back down. She stated "a referral was done in every case, whether initiated by the Board of Supervisors, Planning Commission or an application from a land owner".

*Planning Commission Minutes
December 17, 2008*

Ms. Kirkman stated so they were saying no matter who initiates it, it would go up to the Board. That was true now as well.

Mrs. Roberts stated it would go to the Board before the Planning Commission would hold its public hearing.

Ms. Kirkman asked if that was an Ordinance.

Mrs. Roberts stated she would have to check, she was not sure if it was policy...

Ms. Kirkman stated that was December 4th, a couple of weeks ago.

Mrs. Carlone asked if that also would apply to the planning office, if they were to initiate one on their own. She asked if in the future the planning office would go directly to the Supervisors with a recommended Ordinance.

Mr. Harvey stated State Code did not allow administrative initiation of Ordinances, it would have to be a body of the Planning Commission or the Board or as Mrs. Roberts stated some localities allow a petitioner to partition a proposal. He stated ultimately, it would be up to the Board or the Planning Commission to say, they thought that would be a good idea and go forward with a public hearing.

Mrs. Carlone stated she found this very interesting because the class that all the Commissioners went to and was certified under stated the Planning Commission could initiate Ordinances. She asked if the training would have to be changed because of this.

Mr. Mitchell stated speaking personally, he felt the Commission members was peppering legal counsel with legal questions that he felt the Commission needed to look at this and let her do her job. He stated he felt she was being badgered. He stated if the Commission members had questions, perhaps they could email the questions. He stated this just happened last night and it was responsive in a very short period of time.

Mrs. Carlone stated this was not badgering, this was something....

Mr. Mitchell (inaudible)

Mrs. Carlone stated this was not badgering. She stated she felt the Commission was certainly due some explanations.

Mr. Fields stated two things needed to happen if the Commission members were dissatisfied with the decision, such as he was. He stated he spoke to his Supervisor, Mr. Crisp, who voted in the affirmative for this, however when he had a long and very constructive dialogue on this topic, Mr. Crisp articulated to him that his reasons were frustration about a lack of understanding on the Boards' part about the scope of what the Planning Commission was working on. He stated to Mr. Crisp, if communication and knowledge was the issue, there were certainly a number of ways to address that. He stated as Chair of the Planning Commission he would be happy to make a monthly report to the Board, both written and/or in person which outlined all the details of what the Commission was doing. He stated he did believe that staff did that to some degree, but he would be happy to take that responsibility as Chair. He stated he explained to Mr. Crisp and he agreed, the unintended consequences to this was that the Board could have a very chilling effect to issues brought to the Board by the Planning Commission if every ordinance would have a thumbs up or thumbs control of

*Planning Commission Minutes
December 17, 2008*

all planning initiatives brought to the Board. He stated there was a process here and hoped over the next week or two the Board would consider an alternative. He stated the next issue the Commission had to deal with were the Ordinances before the Commission. He stated he was instructed by the Deputy Administrator, Mr. Neuhard who was in charge of the Planning Department, that from this point forward the Commission can not direct staff to work on any text amendment to the Zoning Ordinance without going through this process. He stated no matter what was done, said or wanted tonight or no matter how painful, staff was not allowed to work on any of these. The Commission would have to suggest them to the Board of Supervisors, which raised two very important questions that he would like staff's response. He stated there were Ordinances on the agenda that were already being worked on, so he was asking, how was the Commission with things in the pipeline. Were the Ordinances that were currently being discussed, does staff now abandon working on them until the Board reauthorized resumption of that activity or can the Commission finish those and not start anything new under this Resolution.

Mr. Harvey stated the direction he was given was that staff would cease all work until it had been recommend for additional work by the Board. He stated items that were already on the Agenda, staff could work with the Commission to put together a memorandum or motions to refer to the Board for additional work as necessary to complete, if the Board so desired. He stated there were a number of items on the Ordinance Committee that were Zoning text amendments that staff could forward on to the Board to give them information as to where the Commission had been and what was accomplished so far. He stated he wanted to let the Commission be aware that previously, the Commission authorized a public hearing dealing with clubs, lodges and fraternal organizations in the B-1 zone. He stated the Commission then came up with an alternative and the ad had initially gone to the paper first thing this morning and he was instructed to pull the ad back and take off the Planning Commissions alternative since it was not authorized by the Board. He stated that would not be going forward, only the Board recommended Ordinance would be going forward.

Ms. Kirkman asked if she could clarify what she believed the Commission was just told. She stated that the Planning Commission initiated an Ordinance regarding a Conditional Use, and voted to send it to public hearing so the Commission could vote on it and upon the direction of the Board, the required State Statute required notice advertisement had not been done. She asked Mr. Harvey if that was correct.

Mr. Harvey stated it was not being advertised, correct.

Ms. Kirkman stated, just to understand what the process was, the Commission would have to send something to the Board and the Commission could not do anything further until the Board allocated resourced.

Mr. Harvey stated that was his understanding.

Mr. Rhodes stated what he perceived from the Goochland discussion and some of the discussion here was at the end of the day, the Commission had ideas that they felt was worth staff time, and would have to somehow develop an executive summary of that to go up to the Board to see if they will authorize staff to work on it and explore and expand on it. He stated it seemed to be where this action was headed, the Commission would have to get some concept and the Board would determine the concept seemed to merit investigation and review and would authorize the expenditure of resources so the Commission could then do their full process which included the advertisement of a public hearing and go through the process.

*Planning Commission Minutes
December 17, 2008*

Mr. Fields stated the question that the Commission members would have to answer was if that was a tolerable situation.

Ms. Kirkman stated she finds that an absolutely intolerable situation and in fact, in her opinion, was a deliberate attempt from some members of the Board to deprive the Planning Commission of its current ability to initiate Ordinances.

Mr. Fields stated part of the costs of this advertisement was that all Zoning Ordinance text amendments require a letter to the affected property owners which was one of the big issues that was discussed about costs. He stated he was there at the Coalition of High Growth Communities at the House, Counties, Cities and Towns when delegate Terrie Suit, who was also a realtor and a pro-development member of the House of Delegates who introduces all the attempt to modify Section 15.2 to the advantage of the development industry. He stated he was present the day she introduced this legislation, it was in response to Spotsylvania's Agricultural Zoning. He stated her valid intent was the enormous cost of having to go through this would have a damping on the promulgation on these types of Ordinances. He stated what she was saying was the due process, the democratic process of suggesting Ordinances and going to public hearing would have a damper on it that would be to the detriment of the public interest and accrue to the benefit of the development industry. He stated Counties, Cities and Towns, being bought and paid for by the development industry approved it and it became law. He asked the Commission to remember that many of the requirements of the Code of Virginia sadly were written by the homebuilders of Virginia. He stated this was exactly of what Ms. Suit envisioned that the cost of trying to make meaningful changes to the Zoning Ordinance would be prohibitive and localities would shy away from making meaningful changes because that was what the citizens that elected them wanted them to do. He stated to simply pull a public hearing that the Commission had already moved forward, showed that the Board wished to exert total political control over everything the Commission did in terms of Ordinance initiation. He stated at that point there was no reason to discuss the Ordinances and suggested each Commission member call their Board member to suggest they initiate an Ordinance. He stated why go through the charade of the Commission coming up with suggestions and sending them up to the Board for them to debate and the Board say you can work on this one and not this one. He stated he did not believe the Board had the legal authority and certainly did not believe they had the moral or ethical authority to do it, but they were doing it. He stated he did not believe that was the intended consequence of what they were doing, their concern was about budgetary considerations and information flow, which, in his opinion, were valid concerns that he felt could be worked out. He asked the Commission what they would like to do about Ordinance Committee.

Ms. Kirkman stated she would like to suggest the Commission move forward with the work of the Ordinance Committee as they had planned to do and if the Commission decided to move something forward to public hearing and it did not happen, then we will see what happens next after that.

Mr. Di Peppe stated staff had been directed to not do any work. He stated for example, if he were to recognize Mr. Stepowany and he had been directed to not...

Ms. Kirkman stated the Commission was not asking staff to do any additional work, they were asking them to report on the work already done.

Mr. Rhodes stated that was doing work to him. He stated the Commission had staff summaries so they could figure out how to package them up and send them forward to the Board as items the Commission would like to work on...

*Planning Commission Minutes
December 17, 2008*

Ms. Kirkman stated no way.

Mr. Fields stated Mr. Rhodes had the floor.

Ms. Kirkman stated she apologized.

Mr. Rhodes stated he had been working in big processes and procedures and there were steps that he did not like and there were a lot of things he had to do to get his job done, that he did not feel was the smartest way to do business. He stated you had to deal with the decision you have and work with it and continue to go forward. He stated the Commission had a responsibility to move forward. He stated if these were the conditions the Commission had been given for now, until we can get the Board of Supervisors to change things, or until maybe we can clear up some communication or miscommunication that existed, you had to look at the situation and figure out how to move forward given the constraints that the Commission had been given. He stated what he was hearing was the Board wants a summary of what the Commission was doing before they expend the resources of the County before they go further to see if there was some merit. He stated the challenge as Planning Commissioners was to figure out how to package that and get it up to the Board to deal with the current conditions until we can get the changes by dealing with each of our Supervisors.

Mrs. Carlone stated in the newspaper article that really set everything off for her was the statement, the Board did not know what was going on. She asked if the Board gets a package like the Planning Commissioners received.

Mr. Harvey stated yes.

Mrs. Carlone stated the Board does get a package, so it would be a matter of them reading what was in the package and if they had questions, it would be up to them to talk to their appointee or speak with staff.

Ms. Kirkman stated she would like to reiterate that actually even though clearly that the County Attorneys office has been working on this since early December, the Board did not have in their packets a Resolution regarding this matter. She stated she disagreed with the suggestion that the Commission should package this up as a proposal to the Board. She stated, in her opinion, doing that would grant legitimacies to a process that the Commission had not had a Court confirm that was constitutional. She stated at this point she would like to recommend that the Commission move forward on the Ordinance Committee item 4, which was establishment of time limits for plans.

Mr. Fields stated he felt the Commission needed to drop back and wait until the next meeting. That would give everyone time to communicate with the Board and a couple of weeks to think through how we wanted to react. He stated the Commission was reacting to what just happened last night and were lacking a formal Resolution. He stated he spoke today with general counsel of Vako, Phyllis and Rico and asked for advice. He stated before the Commission reacted, they needed some guidance and staff could not give that guidance because they work directly for the Board of Supervisors. He suggested the Commission give themselves the Holidays to reflect and come back in January and see how we want to act, whether we package these things up as Mr. Rhodes suggested and request permission to work on them or attempt to move them forward contrary to the Board Resolution. He stated rather than being reactive and emotional, like we all were, he would suggest the Commission come back to this in the January meeting.

Ms. Kirkman stated she would defer to the Chairman's wisdom and experience.

*Planning Commission Minutes
December 17, 2008*

Mr. Fields stated he did not like to be reactive.

Mr. Di Peppe stated he could not speak to the motives of the entire Board, but it was very clear that some of the people that voted this way felt that they thought a lot of the Ordinances that the Planning Commission had written lately affected the developers lot yield, and if it affected their lot yield, it would cost the developers money. He stated he saw this as a very clear and deliberate attempt to have the development community put their hands around the Planning Commissioners necks and to throttle them for daring to cost them money and daring to pass Ordinances that were good for the homebuyer or the taxpayer. He stated, in his opinion, that was where some of the motivation for some of the people came from, it was purely for the development community and just like the last four or five decades the development community had controlled the Stafford government.

Mr. Mitchell stated the Commission could kick this dead horse, but he will not get up, so he would make a motion to adjourn the meeting.

Mr. Fields stated the Commission was not finished with everything. He said again, give it two weeks and bring it back in January when we all have a clearer head.

Ms. Kirkman stated she would like to have a copy of all the responses that were received to the Local Government Attorneys (LGA) list serve.

Mr. Fields stated he would like to have a printed copy of the Resolution for this action in the packet for the next meeting as well as the Resolution that authorized the closed meeting or the documentation for the closed meeting.

Ms. Kirkman stated also, because there was no Resolution in front of the Board when they voted she had requested the exact transcript of the item.

Mr. Mitchell stated he would go back to his original motion to adjourn the meeting if the Commission was not back on track.

Mr. Fields stated that was just a request for materials.

ORDINANCE COMMITTEE

6. Establishment of time limits for plans
7. Elimination of the Preliminary Subdivision Plan Process
8. Propane Distribution Facilities
9. Agricultural Districts Lot Yield
10. Reservoir Protection Overlay (Deferred to subcommittee - Archer Di Peppe, Ruth Carlone and Gail Roberts)
11. Rappahannock River Overlay District (Deferred to subcommittee - Peter Fields, Ruth Carlone, Friends of the Rappahannock and Rappahannock River Basin Commission)

Planning Commission Minutes
December 17, 2008

NEW BUSINESS

No Report

MINUTES

No Report

Mr. Fields stated the Planning Director gave his report and asked the County Attorney if she had anything else.

COUNTY ATTORNEY'S REPORT

Ms. Roberts asked for clarification from Ms. Kirkman, did she want the minutes transcribed or did you want the CD of the meeting.

Ms. Kirkman stated just the exact words of the motion and the second, not the minutes of the whole meeting.

SECRETARY'S REPORT

No Report

STANDING COMMITTEE REPORTS

Mr. Fields stated the Transportation Committee would be looking forward to working on the corridor plan and he thought, in his opinion, it was very exciting. He stated from a personal level this was the type of planning he had been waiting to do ever since he got on the Board in 2000, to get into how the nature of specific land and specific corridors dictate a specific policy.

SPECIAL COMMITTEE REPORTS

CHAIRMAN'S REPORT

Mr. Fields stated at the next meeting the Commission members would select officers. He stated normally the Commission did the Nominating Committee, he stated he thought the Commission would do well with nominations from the floor. He stated it had been an honor to serve as Chairman and he felt that the Planning Commission had been professional, dignified and consistently striving towards the public interest of all the citizens of Stafford County. He thanked all the Commissioners for their effort and insight they brought. He thanked staff for all of their hard work, tolerance and respect for the Commissions' lack of education and understanding. He stated he would be delighted to serve as Chair again next year. He stated he would wish everyone a very Merry Christmas and a Happy New Year.

Mr. Rhodes stated he would like to thank his fellow Commissioners for their professionalism in the past year. He stated as we approached the holiday season, the one area where we tended to have a recurring challenge was with making the assumption what others think, what others were and what others do instead of staying on point. He stated, in his opinion, the Commission may do well to reflect upon that during this time of reflection so that the Commission would come into 2009 very productive. He stated he would also like to take a moment to thank staff for their hard work during

Planning Commission Minutes
December 17, 2008

the year, they dealt with many competing priorities, many different bosses, many different views and he felt they handled it with tremendous decorum and professionalism. He stated he was thankful for Mrs. Roberts stepping in for the last half of the year and on top of all that, the tremendous professionalism of Mr. Harvey, the Planning Director. He stated the way Mr. Harvey dealt and handled issues, the depth of knowledge that he had and the way he can reflect on the issues with a steady hand he felt was a tribute to the professionalism of the staff. He stated as the Commission goes into a period of time that was very important to many people of many faiths and backgrounds he wished everyone the very best in their faith, their family and their friends during this time.

ADJOURNMENT

With no further business the meeting was adjourned at 10:46 p.m.

Peter Fields, Chairman
Planning Commission