

STAFFORD COUNTY PLANNING COMMISSION MINUTES
January 11, 2017

The meeting of the Stafford County Planning Commission of Wednesday, January 11, 2017, was called to order at 6:30 p.m. by Planning Director Jeff Harvey in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Steven Apicella, Sherry Bailey, Roy Boswell, Tom Coen, Darrell English, Mike Rhodes, Crystal Vanuch

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Rysheda McClendon, Stacie Stinnette, Mike Zuraf, Andrea Hornung, Jason Towery

ELECTION OF OFFICERS

Mr. Harvey: The next item on the agenda is Election of Officers. We will begin the discussion for the election of a Chairman. I will take nominations from the floor and they'll be discussed in the order in which they're presented. Are there any nominations for Chairman?

A. Election of Chairman

Mr. Apicella: I'd like to nominate Mr. Coen for Chairman.

Mr. Harvey: Are there any other nominations? Congratulations Mr. Coen, you are now Chairman. Oh, excuse me -- there's a formality; we officially have to vote. All those in favor of Mr. Coen for Chairman please cast your ballot. Again, congratulations Mr. Coen as being the next Chairman for 2017.

Mr. Coen: I'd like to thank everyone. I appreciate the great honor. We have a great history on this board, especially while I've been here of excellent Chairs that I will certainly reach out to and get your wisdom. And excellent members who do a great job, and I'll certainly reach out to you all for your wisdom and your help. The next order of business would be the election of a Vice-Chair. And so I'll ask for any nominations from the floor.

B. Election of Vice-Chairman

Mr. Apicella: I'd like to nominate Mrs. Vanuch.

Mr. Coen: We have a nomination for Mrs. Vanuch. Are there any other nominations? Alright, seeing none, I'll close nominations and ask you to cast your votes for Mrs. Vanuch for Vice-Chair. Alright, congratulations Mrs. Vanuch. And so our last Officer is that of Secretary. Are there any nominations for Secretary?

C. Election of Secretary

Mr. English: I'd like to nominate Mrs. Bailey.

Mr. Coen: Alright, we have a nomination for Mrs. Bailey. Are there any other nominations? Seeing none, I'll close nominations and ask us to cast our votes in regards to Mrs. Bailey for Secretary. Alright,

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and congratulations Mrs. Bailey on your re-election as Secretary. We're going to take a short recess to readjust the seating, and we will be back momentarily.

Recess: 6:34 p.m. to 6:35 p.m.

DECLARATIONS OF DISQUALIFICATION

Recording equipment malfunction - 6:36 p.m. to 6:45 p.m. (no sound)

PUBLIC PRESENTATIONS

County Transportation Construction Project Quarterly Update By Chris Rapp, Director of Public Works

Mr. Rapp: ... intersection improvements of Route 1 at Courthouse, we've had utility test holes and geotech work performed and the consultants working on the next plan submission. We actually have a meeting with VDOT next week to try to expedite the right-of-way acquisition plan so we can start right-of-way acquisition. And then the last two slides...

Mr. Rhodes: Chris, I can't recall -- could you remind what the scope of that is?

Mr. Rapp: Of the uh...

Mr. Rhodes: Route 1/Courthouse.

Mr. Rapp: Yes sir. It actually also includes the Hope Road/Route 1 intersection as well. And there'll be turn lanes put in, the signals will be repatterned to improve the traffic flow.

Mr. Rhodes: Will it ultimately have a turn for both intersections?

Mr. Rapp: There's going to be road lane improvements, turn lane improvements for both intersections.

Mr. Rhodes: Thank you.

Mr. Rapp: Maybe not every single direction, but definitely at both intersections.

Mr. Rhodes: Thank you.

Mr. Rapp: So the next two slides are VDOT administered projects, but they're important projects for the County so I wanted to briefly update you. The Route 17 reconstruction project has opened with the additional lanes now open. The I-95 hot lanes are, as everyone is aware, under construction. The project was awarded to Branch Highways; it's a design build contract. It's on schedule, and the southbound ramps scheduled to be complete late 2017 and northbound ramp complete summer of 2018. The southbound I-95 Rappahannock River crossing, this project was approved under the Smart Scale last year. And a request for qualification is going... or was released November 1st with an RFP release date of March of this year, and anticipated completion date of April 2022. And late this afternoon VDOT issued a press release that there's actually a public hearing on this on January 25th, and I've passed that information on to Mr. Harvey. And then lastly, the Courthouse Road interchange and widening. This is really two projects that were combined. It's VDOT administered, it's design build; the project was awarded to Shirley Construction and Dewberry. In the spring and summer of 2017, the widening for Courthouse Road will start. Right-of-way acquisition for I-95 interchange will be going

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on. In early 2018, the interchange and park and ride lot will begin construction and the Courthouse Road widening would be complete by late 2019, with all work on the interchange complete by July of 2020.

Mr. Coen: Chris, if I could ask, because a lot of the businesses that are around the current underpass on Courthouse Road and 95 have already closed. So, is it safe to go on the premise that the actual... that passway will not be closed until the basically the 2020 time period?

Mr. Rapp: That's going to be part of the design by Dewberry and Shirley Construction. They have monthly progress meetings, so I can certainly look into that some more. But I don't know exactly if it's been determined what date that underpass will be closed.

Mr. Coen: It just was that numerous people who travel that way were surprised to see them closing so early since it's not... the end of the project isn't for quite a while. So, that would be helpful; I'd appreciate that. Thank you.

Mr. Rapp: Yes sir. And that concludes my presentation. Thank you.

Mr. Coen: Thank you Mr. Rapp. Any other questions or comments? Mr. Apicella.

Mr. Apicella: Mr. Chairman, I'm just... you mentioned one Smart Scale project that's been funded. I'm curious if there are any other updates on this Smart Scale Program? Where does that stand in terms of funding various projects that we're interested in?

Mr. Rapp: The current round of Smart Scale, we applied for several projects. And this month the CTB meets I believe it's January 19th, and at that time they will announce the project scores. One of those projects that we applied for is Enon Road, where that project was deferred we had started design. So we're anxiously awaiting to see how that project scores. There were several other projects that were submitted either by the County or regionally. So, next week we should be learning a lot more about the project scores.

Mr. Apicella: Great. And I know you don't own these but I'm curious if you have any updates on these as well; the Atlantic Gateway Program. That's a federal program or is that a state program?

Mr. Rapp: It's federal money. It's a combination of different money sources. I do have some information on it that I could share with Mr. Harvey and he could pass that along to you.

Mr. Apicella: Great. And the rail expansion; I saw that they were kind of rethinking that plan. Do you have any updates on that or know where they might be headed?

Mr. Rapp: Are you talking about the high speed rail?

Mr. Apicella: Yes. I mean, it's broader than high speed rail. I mean, it was first discussed as high speed rail but it's really about increasing capacity ultimately, right?

Mr. Rapp: And I think the best way to answer that is actually I attended a FAMPO meeting Monday and the project manager, the person that's in charge of that gave a presentation. And I'll try to get a copy of that presentation, that's a PowerPoint that I could relay that to you and I think that would answer a lot of your questions.

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Mr. Apicella: Great. And on behalf of all of us, I just want to say thanks for all the great work that you and your folks do. We really appreciate it.

Mr. Rapp: Yeah, thank you for having me.

Mr. Coen: Alright, anyone else? Just to echo, thank you very much because we appreciate these updates. Would it be possible... I really appreciate that you gave us a copy of the PowerPoint at our tables this evening. Would it be possible to get it electronically and then with the date, I know it's the 25th, but the date and location for that public hearing on the 25th so that we can let people know that? I'm sure it's in the press release but, I'm not trying to put you on the spot.

Mr. Rapp: I forwarded the press release to Mr. Harvey, but... and also he has a copy of the electronic version. But the press release states Wednesday, January 25th, from 5 to 7 p.m., Fredericksburg Hospitality House and Conference Center, at Central Park... Plank Road in Central Park.

Mr. Coen: Thank you sir, I appreciate that.

Mr. Rapp: You're welcome.

Mr. Coen: Alright. Thank you, have a good evening.

Mr. Rapp: Thank you.

Mr. Coen: Alright, and so that ends our special presentation of our quarterly update. And so we now move to public hearings. So I will turn it to Mr. Harvey for our first public hearing of the evening, which is the Subdivision Ordinances.

PUBLIC HEARINGS

1. Amendment to Subdivision Ordinance - Proposed Ordinance O17-06 would amend Stafford County Code Sec. 22-118, "Water and sewer," to modify standards for on-site sewage disposal systems by removing the minimum size of 4,000 square feet and 2,500 square feet in area for a drainfield to disperse septic tank effluent and secondary effluent, respectively. The proposed Ordinance would establish a new standard requiring on-site sewage disposal systems serving an individual, single-family detached dwelling unit in a residential subdivision to have a design capacity of at least 150 gallons per day per bedroom on a peak flow basis. Additionally, the minimum design capacity for community on-site sewage systems would establish at least 300 gallons per day per dwelling unit on a peak flow basis. The proposed Ordinance would also eliminate the minimum size requirements for onsite sewage disposal systems located on existing improved parcels where an existing on-site sewage disposal system has failed, is to be upgraded, or is subject to a boundary line adjustment. **(Time Limit: February 11, 2017)**

Mr. Harvey: Thank you Mr. Chairman. Mr. Jason Towery, who is our Director of Utilities, will be making this presentation for staff.

Mr. Towery: Computer please. Okay. Good evening Mr. Chairman, members of the Commission; Jason Towery, Director of Utilities. Thank you for having me over here. I don't get to come across the street too often, so thank you. This evening I'll be discussing the amendment to the Subdivision Ordinance for onsite sewage disposal systems. In 2008 there were three amendments to the Stafford County Code affecting subdivisions and utilities. Ordinances 08-05, 06, and 07, respectively, set

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minimum area requirements for onsite sewage disposal systems or, as they're more commonly known, drainfields. Recently, representatives from the development community expressed concerns about the Ordinances and how they might be affecting... or how they might affect the design of new drainfields and the ability to repair existing drainfields that might be failing. At its December 13th meeting, the Board of Supervisors referred R16-365 to the Planning Commission to review amendments to County Code Section 22-118. The standards that are proposed with this new Ordinance would be changed to reflect the treatment capacity of the drainfields, rather than surface area. Minimum treatment capacity for a single-family home on an individual lot would be 150 gallons per day per bedroom. And for community drainfields, it's recommended to have a minimum treatment capacity of 300 gallons per day per equivalent dwelling unit. Again, the minimum required areas of the drainfield and the reserve drainfield would be eliminated. Currently they're set at 4,000 square-foot. The proposed amendment would also eliminate the minimum size requirements for onsite sewage disposal systems located on existing improved parcels where an existing onsite sewage disposal system has failed, is to be upgraded, or is perhaps subject to a boundary line adjustment. Staff shared the draft amendments with the local building community, FABA, the Virginia Department of Health, as well as local AOSEs for their review and comment. Overall, the development community has been in favor of modifying the current code since it's often confusing and overly burdensome. Using surface area requirements for drainfields is an additional requirement beyond state standards, and can sometimes be in conflict with the state requirements. Specifically, I'll point out three... well, two sections of State Code and then an Attorney General's Opinion that references this; Section 32.1-164 stipulates the County's ability... I'm sorry, stipulates that the State Board of Health "shall govern the collection, conveyance, transportation, treatment, and disposal of sewage by onsite sewage systems and alternative discharging sewage systems, and the maintenance, inspection, and reuse of alternative sewage systems." The statute does not delegate any authority to localities to establish additional standard. Also, I would reference Section 15.2-2157, which is more explicit. It says that a locality cannot prohibit the use of alternative drainfields or require maintenance standards that are more rigorous than the State Board of Health. And then, I believe in your packages, you received the Attorney General's Opinions also referencing this fact. To boil this down, I would probably say that there are three takeaways with this Ordinance, specifically in regards to Chapter 22. First, it removes the minimum square-footage requirements and promotes the Virginia Department of Health's capacity based approach. Again, we're recommending 150 gallons per day per bedroom for single-family detached dwellings, and 300 gallons per day per equivalent dwelling unit on community systems. Secondly, it restricts the Virginia Department of Health's conditional permit process. And this is something that maybe hasn't been asked to discuss, but currently the Virginia Department of Health offers a conditional permit on drainfields that would perhaps allow for, I suppose you would say, loopholes to get around some of the capacity requirements it states of the 150 gallons per day. So, Stafford County would not, with this proposed Ordinance, would not allow for those conditional permits. And thirdly, it eliminates the minimum size requirements for onsite sewage disposal systems located on existing improved parcels. Where an existing onsite sewage disposal system has failed, it's to be upgraded or subject to a boundary line adjustment. In closing, staff recommends approval of the proposed Ordinance O17-06. And the deadline for the Planning Commission action is February 11, 2017. I'd be happy to answer any questions at this time. Also, I do note we have a couple representatives from the Virginia Department of Health, as well as a local AOSE here who may be able to clarify if there are other questions.

Mr. Coen: Oh, thank you sir. Are there any questions for him? Yes, Mr. Apicella.

Mr. Apicella: Mr. Chairman, just to clarify, the actual 150 gallons comes from the Virginia Administrative Code, and that's 12VAC5-610-670. So it's not something we made up.

Mr. Towery: That's correct.

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Mr. Apicella: That's not a vague state standard, it's very explicit in that Administrative Code.

Mr. Towery: That's correct.

Mr. Apicella: The state or regulatory bodies often change parameters and with that potential in mind, I'm wondering if tweaking the language to say something along the lines of this might be helpful, at least with respect to what is now the 150 gallons. The minimum density standard shall provide peak daily flow that is no less than prescribed amount under state regulations. Does that kind of basically cover it?

Mr. Towery: Yeah, I think that would be a reasonable suggestion, yes.

Mr. Apicella: Okay, thank you.

Mr. Towery: And a good point. Add if it changes then we'd want to make sure (inaudible).

Mr. Apicella: We'd probably be back here again to change it to 125, we'd have to go through this whole process.

Mr. Towery: That's right.

Mr. Coen: Okay. Mr. English?

Mr. English: I guess what my question is, is this for like even... do you have to be in a subdivision for these ordinances to follow through? Or is it going to be you're out in rural areas and your drainfield collapses or whatever, are you required by these standards?

Mr. Towery: Well, there's two parts in the County Code that refer to drainfields, or discuss drainfields. This section in the Subdivision Ordinance specifically deals with cases of a subdivision of land. And then Chapter 25, which is also the sister ordinance amendment that's going right now to the Planning... or I'm sorry, to the Utilities Commission next week, that's where the section of the code is that deals with any time you build a drainfield or repair a drainfield, what the standards are in those cases. So, the Code has both areas covered.

Mr. Coen: Any other questions?

Mrs. Vanuch: I have a question.

Mr. Coen: Yes, Mrs. Vanuch.

Mrs. Vanuch: And you'll have to bear with me because drainfields are not my area of expertise. So, let's say that you have an older home who did not meet the 150 gallons per day per bedroom threshold. But they met the 4,000 square-foot threshold. They technically could have gotten a drainfield previously, right? With a permit?

Mr. Towery: And perhaps the gentleman from the Department of Health could speak up to this, but generally speaking, the 150 gallons per day so I would say ultimately the County doesn't regulate the design of the drainfields per se. The drainfields still have to be designed and permitted to the Virginia Department of Health standards ultimately. So, if they could design it to the 150 gallons per day per the

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Virginia Department of Health standards, if they could design it and get it approved by the Department of Health then they could implement it and construct it. So, the 4,000 square-foot does not mean that they've necessarily met the Virginia Department of Health requirements. And this is an important point of clarification -- what the Stafford Code, with the minimum square footage is I believed sought to do in 2008 was to kind of set a baseline or kind of a protection zone if you will. But all along, all of the AOSEs and Department of Health, the design community, have always designed based on capacity, not a minimum square area.

Mrs. Vanuch: Okay. So, the reason I'm asking is, because let's say that you have an older home. And you somehow got it approved, you know, with the 4,000 square-foot and maybe didn't use the 150 gallons per day per bedroom. But then your drainfield fails so you have to create a new one on your property. Would they now have to do the 150 square feet a day, is there a grandfather clause?

Mr. Towery: Right. So in Chapter 25, which again is the sister ordinance to this, there is language that deals with cases of failing... there is actually some language in Chapter 22 that also deals with that, but primarily that would fall under Chapter 25 in that case, in which case there are some ways that those drainfields could be repaired. Specifically, actually we, at Ms. Maurer's request, we added a waiver process for allowing offsite easements to be obtained. In the case of you have a lot with a failing drainfield, but they could get perhaps some capacity on a separate lot. Right now there's no way to do that within the code. So, in those situations, we've provided some relief.

Mrs. Vanuch: Okay, thanks.

Mr. Coen: Alright, thank you sir.

Mr. Towery: Thank you.

Mr. Coen: Alright, now we open up the public hearing on this matter. This is an opportunity for the public to comment on this item. Please direct your comments to the Planning Commission as a whole, not to any specific member. You have up to 3 minutes to speak. Please state your name and address when the green comes on. The yellow light indicates you have 1 minute left. And the red light means that you need to quickly wrap up your comments. If you'd like to speak, please come forward at this time. Alright, seeing none, that ends the public hearing. Since we have some people from the state, I didn't know if we wish to have them say anything. They don't have to but I just thought I'd... you came all the way up here; I was just being polite.

Mr. McCord: I'm Brent McCord, I'm the Environmental Health Manager for the Rappahannock Area Health District. And I would like to bring... the 300 gallons per day is a little bit low as a minimum standard for mass drainfields. When we design a drainfield, we always have a safety factor in there. And generally, for individual houses with their own drainfield, we have a safety factor of about 63%. That's how we arrive at that 150 gallons per day. We don't expect the house is going to deliver 150 gallons per day, but they'll probably do somewhere between, you know, 180, 200; some might do 300. We don't know what house is going to do what amount, that's why we have to design on the largest one. With a mass drainfield we can balance out or average out our things a little bit. And if we use like 225 for an average for a house on flow and do a 63% safety factor, it comes to be about 360, somewhere in there. So we think that's a more appropriate minimum target for a mass drainfield to use instead of the 300. It gives a safety factor equivalent to what we use with 150 gallons per day.

Mr. Apicella: Mr. Chairman?

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Mr. Coen: Yes, Mr. Apicella?

Mr. Apicella: So there's not a state standard equivalent for alternative drainfields as there are for regular drainfields?

Mr. McCord: Not for mass drainfields.

Mr. Apicella: Okay.

Mr. McCord: That 150 is for you own your house, you have your own separate drainfield. The mass drainfield really doesn't have that standard in our regulations. Like if you were going to do a mass drain... ten houses on a mass drainfield, you would probably want to do maybe a little bit more than 360, compared to if you had fifty houses on it because you... the number of houses gives you a better average.

Mr. Apicella: So, at what... this is kind of the question I had last time this was in front of us... how would somebody who's trying to build a mass drainfield know what their minimum requirement would be based on the circumstances? So, if the floor is 360, at whatever amount of homes...

Mr. McCord: They would look at water use data. EPA has a book on water use data, and you get ranges for the, you know, house data you use. And you can base it on occupancy; the US Census says there's 2.7 people per bedroom. In this area, it's about 3 people per bedroom. So you can go back and say well, there's 60 gallons per person per bedroom times 3 people and then put you safety factor in it. The only way the Health Department can add a safety factor under our regulations is with a design factor. We can't... say someone gives it an estimated permeability rate; we can't require them to adjust that rate or anything like that. The only avenue we have to put in a safety factor is at the design flow level.

Mr. Apicella: And you're comfortable that the 360 is sufficient?

Mr. McCord: Yes, that's as a minimum. Yeah, 360 would be good for all sort of situations.

Mr. Apicella: Alright, thanks.

Mr. Coen: Thank you Mr. McCord. Mr. Towery did you... normally we go back to staff and see if they have anything they'd like to respond.

Mr. Towery: Sure. The... I think the original ordinance that was proposed and that came in front of the Commission originally, we were looking at a 400 gallon per day threshold for the community drainfields. And certainly the Board can set the threshold wherever they'd like. There was some question from the AOSE community... actually there was a suggestion of 250 gallons per day, which we felt was probably not reasonable. So, the 300 kind of came out of more of a compromise. And again, I would just say that again that's a minimum. Ultimately, the design is going to be required to be approved... reviewed and approved by the Department of Health. So there's some room there for them to add in those factors at that point. But 300, 360, 400 -- it's a minimum threshold.

Mr. Apicella: So, again, the Virginia Department of Health regulates it. Would it not be fair to go with the minimum that they're recommending? I'm just... we want to set the right floor and I'm just trying to figure out what it is. So, if... you guys are the experts. You're an expert and I would expect that the gentleman from VDH is even more of an expert, so (inaudible).

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Mr. Towery: That would be fair, yes. Again, the 300 was what staff thought we heard during the process. We believe that's where it had landed. The 360 has kind of been suggested since and that's, you know, another reasonable number. I wouldn't say that, you know, it's got to be 300 or it's got to be 400. I think...

Mr. Apicella: Right, the numbers should be based on some science, not... in my view it should be based on some science, not on a compromise in a room.

Mr. Towery: Right.

Mr. Apicella: So, again, I'm just trying to figure out, what is the right floor to set in this case.

Mr. Towery: I think 360 is reasonable.

Mr. McCord: The signs... I mean, I'm getting my data from the EPA onsite sewage, and I have copies if anyone wants to look. You can look at the studies they've done on water use. And 350, 360 is we think is more appropriate. It includes that safety factor that we normally get with individual homes; 300, you know, is just a little bit low we feel. We'd rather see 350 but we can, you know, whatever you all decide we'll work with it.

Mr. Apicella: Thank you.

Mr. Coen: Thank you. Alright, and so the public hearing has ended; so, now we come back and see how the Commission would like to proceed on this.

Mr. Apicella: Mr. Chairman, before we take a vote, I think we ought to change the language in front of us. I think we have the authority to do that. And so...

Mr. Coen: Wait a minute, Ms. McClendon is shaking her head.

Ms. McClendon: Mr. Chairman and Commissioner Apicella, the Board did not give the Planning Commission the authority to make changes to the proposed Ordinance.

Mr. Apicella: Really? Okay.

Ms. McClendon: However, you can include your changes in your recommendation to the Board and it can be communicated to the Board for their potential change.

Mr. Coen: Thank you. Alright, so, is there any feel? Ms. McClendon, do I understand we sort of have three, and Mr. Harvey, three options? We can either approve it as written, approve it with a recommendation of changing certain language, or we can deny it with a recommendation of changing certain language? And actually a fourth, we can just deny it outright. Is that basically the four options we have?

Mr. Harvey: Mr. Chairman, I think you summarized it, yes.

Mr. Coen: Well that's good, thank you. Alright, is there a desire by the Commission to do anything on this item?

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Mr. Rhodes: Mr. Chairman?

Mr. Coen: Yes Mr. Rhodes.

Mr. Rhodes: I make a motion to recommend approval of the amendment to the Subdivision Ordinance, also as a caveat to that that we suggest that they consider a higher minimum gallons per day for the community onsite sewage system.

Mr. Coen: Alright. I'm just writing down your language. Minimum per day...

Mr. Rhodes: Increase the minimum gallons per day per dwelling unit for the onsite sewage systems, 360 as was discussed tonight.

Mr. Coen: Okay. So I have a motion to approve with consideration that the Board should consider an increased minimum per day per dwelling unit... do you want to say by state minimum or do you want to say the actual 360?

Mr. Rhodes: I would just take the 360; I don't think there was a state minimum.

Mr. Coen: Okay. Per dwelling of 360. Is that what you like, Mr. Rhodes?

Mr. Rhodes: Yeah, right now we say that the community onsite sewage system would establish at least 300 gallons per day per dwelling unit. From the discussion tonight, I would suggest they consider something closer to 360 gallons per day per dwelling unit.

Mr. Coen: Alright. So, we have a motion on the floor; is there a second?

Mr. English: I'll second it.

Mr. Coen: Alright, it has been motioned by Mr. Rhodes, seconded by Mr. English. Mr. Rhodes, you have the floor.

Mr. Rhodes: No further discussion Mr. Chairman, thank you.

Mr. Coen: Okay, Mr. English?

Mr. English: No sir.

Mr. Coen: Alright, any other member wish to make any comments? Seeing none, we will call for a vote. Everybody understands that the motion on the floor is for approval with the recommendation of a higher minimum per day per dwelling unit of 360. Alright. Alright, and it passes unanimously (7-0). Thank you sir, thank you Mr. Towery. And thank you for the nice chart you did that we had asked at our last meeting; that was very much helpful. Alright, that ends our first public hearing for the evening, which brings us to our second public hearing. Mr. Harvey?

2. Amendment to the Zoning Ordinance - Proposed Ordinance O17-03 would amend Stafford County Code Sec. 28-33, "Districts generally;" Sec. 28-34, "Purpose of districts;" Sec. 28-35, "Table of uses and standards;" Sec. 28-39, "Special regulations;" and Sec. 28-102, "Off-street parking;" to create the ICTP, Integrated Corporate and Technology Park Overlay Zoning District. The ICTP district would promote the integration of uses—such as Class A office space,

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hotel space for corporate clientele, supporting retail services, data centers, child care, and multi-family housing—to facilitate the growth and development of large scale corporate office and technology parks. The proposed Ordinance would established by right, conditional, and special exception uses; development requirements; and special regulations. **(Time Limit: January 27, 2017)**

Mr. Harvey: Thank you Mr. Chairman. Please recognize Mike Zuraf for the presentation.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission; Mike Zuraf with the Planning and Zoning Department. If I could have the computer please? The issue before you tonight on this item is to consider a proposal for a new Integrated Corporate and Technology Park, or ICTP, Overlay Zoning District by amending Chapter 28 of the County Code. The ICTP District would promote the integration of different uses that would facilitate the growth and development of large scale corporate office and technology parks. The different uses would be office, hotel, supporting retail services, child care, and even multi-family housing within these areas. The overlay also would establish... in addition to establishing these uses would include new development requirements and special regulations within the overlay. For the benefit of the public and expansive audience watching online, you may not be familiar with what an Overlay District is. I'd like to kind of take a little moment to explain it, the overall concept. So, the Overlay District kind of serves as an extra layer of development standards that would address special situations that might call for extra regulation or attention based on different situations. The base zoning district on property would remain, such as your commercial districts, such as B-2, Agricultural, R-1. Those are different base zoning districts and those have setback requirements, use requirements, what uses are permitted by-right, what require conditional use permits, other setback building height and density requirements with them. So then the Overlay District just adds an extra layer of development standards on top of that. So, you know, we have several Overlay Districts already in the County. Some examples include Floodplain, Historic Resource, and Highway Corridor Overlay Districts, just to name a few. Some of the types of standards in Overlay Districts are those that might require a conditional use permit approval where a use might otherwise be allowed by-right. Another standard might add increased setback requirements, limit development area outside of flood zones for example, or require shared access in a Highway Corridor where there might be a higher level of traffic and greater potential impacts there. So, the approval process to go to an Overlay District is similar to a rezoning that would occur for a base zoning district. Adding an overlay would still require a public hearing, with both the Planning Commission and Board of Supervisors, with the overlay being adopted by Ordinance approval for a specific defined area. A zoning reclassification application would be required. It could be initiated by the Board of Supervisors, or can be initiated upon request by an individual or group of individuals. If an Overlay District is initiated by the Board of Supervisors, there would not be any landowner consent required and no development restrictions or proffers would be imposed in that type of situation. If it's initiated by individuals or landowners, landowner consent would be required and development impacts can be mitigated with proffered conditions. That's kind of a brief summary on an overlay. So, back to this specific request. This proposal came about when a request was made to the Board to allow for more zoning flexibility in Corporate and Technology Parks. The ICTP Overlay Zone, as written, would serve this purpose. Some of the highlights of the overlay; the ICTP would be applied where 400,000 square feet of office space already exists. There are... also, there are two sizeable Corporate and Technology Parks located in the County; Riverside Business Park and Quantico Corporate Center. They are predominantly zoned M-1, Light Industrial. The M-1 zoning district doesn't allow for a variety of by-right uses that could support large scale employment centers with other service commercial uses and uses such as hotels that might support those corporate uses. Some of the other standards in the ICTP would establish new height requirements for primary structures. There'd be a minimum height requirement of 40 feet and maximum height requirement of 80 feet. A variety of retail and service retail uses would be allowed in

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the overlay. Multi-family residential uses would be permitted, with a density up to 24 dwelling units per acre. And parking credits would be allowed if parking structures or parking garages is incorporated into the project. So, this slide covers the history of this request which started back in the fall. On September 20th, the Board first referred the Ordinance to the Planning Commission. During October meetings on the 12th and 26th the Planning Commission discussed and authorized a public hearing. The Planning Commission, when they authorized the public hearing removed the multi-family dwellings as a permitted use in the draft Ordinance. The Board expressed concern about this change and, at their December 13th meeting, they authorized a new Ordinance to come back to the Planning Commission. The public hearing, in the meantime, that was scheduled for December 14th with the Planning Commission was cancelled. The changes to the latest Ordinance clarify in the purpose that the district would be associated where there is 400,000 square feet of corporate office space existing. It deleted language that allowed the overlay where 400,000 square feet was approved but may be built. So, you have to be... there has to be 400,000 square feet of existing square-footage. And then also, the main change is added back in the multi-family residential as a use by-right and the associated density and special regulations. The ICTP could apply to a variety of zoning districts that allow office uses. The zoning districts that allow for large scale office development could potentially be eligible for the overlay zone. But based on the purpose of the statement for the district, which I just mentioned that requires that it shall include 400,000 square feet of existing office space, Quantico Corporate Center is currently the only location eligible for the Overlay District right now. Other locations that might be eligible in the near future include Riverside Business Center and North Stafford Technology and Research Center, just to name two locations. In the latter example, the North Stafford Technology Center, more land would likely actually need to be rezoned in the first place to accommodate additional office square-footage on that site before the overlay could even be adopted for that site. This action that's being considered this evening does not establish an Overlay District over this Quantico Corporate Center area, or any other location of the County. It simply establishes the Overlay District standards in the code. Separate action will need to be taken to apply it to a defined area within the County. Staff also estimated the residential build-out from the overlay. The estimated residential build-out is based on a density range from 12 to 24 dwelling units per acre; 12 was kind of identified as a typical average density for a multi-family unit project with 24 being the maximum permitted under this overlay. This image of the Quantico Corporate Center area highlights that three undeveloped areas have a potential of including multi-family dwelling units. The table quantifies a build-out range for each area, with a potential total of 278 to 556 units if those three areas were built out under these criteria. I want to stress again that this points out the extreme maximum potentials. The landowner may not intend on developing all available areas residentially, and ultimate build-out can also be limited through a rezoning process and proffered restrictions should it be initiated by the applicant or landowner. Continuing the evaluation of the Overlay District, staff was also asked to identify how the overlay may impact schools and how it is impacted by the new proffer legislation that we're now operating under. So, just for clarification or briefing on that, the State Code now only allows localities to collect monetary contribution if the new use will create a deficit to the current capacity of specific types of public facilities. Those include schools, parks, transportation, and fire and rescue. So, capacity cannot account for already approved but unbuilt development, and the contribution amounts must be limited to the amount of development that exceeds the available capacity.

Mr. Apicella: Mike?

Mr. Zuraf: Yes.

Mr. Apicella: That capacity determination, is it based on a specific area? Or is it countywide?

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Mr. Zuraf: It would be based on a specific area, specific receiving areas for the types of specific facilities.

Mr. Apicella: So, in the case of schools, it would be based on a specific attendance zone.

Mr. Zuraf: Correct.

Mr. Apicella: What if that attendance zone changed? I mean, the school system is thinking about doing some redistricting.

Mr. Zuraf: So, at the time of rezoning, proffers are established at that time and the amount would be set. And so that would be set until such time that a proffer amendment occurs. The landowner could come in if in the meantime redistricting occurs and the site becomes... moves it to a different attendance zone, then somebody could come in for a proffer amendment and change those proffers based on the different condition.

Mr. Apicella: So, if there were more capacity, that would kind of change the whole calculation.

Mr. Zuraf: It could, yes.

Mr. Apicella: Thanks.

Mr. Zuraf: So, given these new proffer standards, staff studied how this overlay applied to the Quantico Corporate Center site might impact schools and how proffers may be able to offset impacts. So, on the screen, the top table estimates the number of elementary school, middle school, and high school students that might reside in the Quantico Corporate Center area, assuming the projected build-out and countywide average number of students per multi-family unit. In some recent cases where we've received applications for multi-family units that had, you know, projects with smaller bedroom sizes in the units, there have been estimates proposing that they're estimating fewer students. But we do go by the countywide estimate that's in the Comp Plan. But there have been proposals that have suggested lower numbers of students in some of these different types of products.

Mr. English: Mike?

Mr. Zuraf: Yes.

Mr. English: I'm sorry to interrupt you. But in reference to the school, when you said capacity is seats available, that's as of today? The current seats available? Or is that...?

Mr. Zuraf: You have to consider it based on what is existing today.

Mr. English: So, that is as of today.

Mr. Zuraf: Yes.

Mr. English: Okay.

Mr. Coen: And Mr. Zuraf, I was just wondering -- have we heard from the school system in regards to this issue?

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Mr. Zuraf: We have not gotten an official response from the school system, from the School Board yet on this issue.

Mr. Apicella: Did they provide any indication that they want to provide some feedback?

Mr. Zuraf: I understand that they may be interested in doing so, yes.

Mr. Apicella: Do you know the soonest available date?

Mr. Zuraf: I'm not certain.

Mr. Harvey: Well, Mr. Chairman, Mr. Apicella, I received an email correspondence from the School Board Chairman today and she was interested in possibly coming to your next Commission meeting to talk about overall school attendance and projections of population in the school system. If that's so desired from the Chairman, we can add that to the agenda for the next meeting.

Mr. Coen: I certainly think that would be helpful. I also will let the Commission know that in communicating with different members of the Commission over the weekend, one had expressed interest to sort of get an update or refresher on the new proffer language. And I had asked Mr. Harvey and Ms. McClendon about doing so, and they thought that this meeting would be too difficult because of time constraints on staff. But they are going to put that on our agenda for next meeting I believe, right Mr. Harvey, Ms. McClendon? Yes. So we're already moving forward on that aspect. It would tie into that element but it doesn't really help us if the schools have something different today.

Mr. Zuraf: Okay, so back to these charts. The top chart again, that's the student estimation in the Quantico Corporate Center site. The bottom table provides you available capacity at the schools that are within the attendance zones of the area. And then you can look here, the comparison of the estimated number of students to the available seats at the schools within the attendance zones show that the projected number of students would result in Widewater Elementary exceeding capacity. So, based on the proffer legislation, the County would be able to accept proffer contributions relative to the number of students that might be projected above the capacity as it relates to elementary schools. But then with the case of middle schools and high schools, they would not exceed capacity and therefore the County would not be able to accept any monetary proffer contributions to mitigate those school impacts. And again, any area being considered for inclusion in this type of overlay would require this evaluation for all four public facility types as the impacts may vary by location.

Mr. Coen: Mr. Zuraf, if I could ask. So just to make sure everybody, including those throngs that are watching at home, understand, the way that the new proffer works is that we look at the current seats available, we don't look at what the school system is projecting that will happen that would actually be the enrollment when this kicks in.

Mr. Zuraf: Correct.

Mr. Coen: So, for example, if, and since you say Brooke Point, if for example Brooke Point because of Abberly is going to be getting more homes and more students, when this kicks in it actually may well not be that number. But the way that the wording is, is that we have to go by now and not by the logical projection.

Mr. Zuraf: Correct, yeah, you cannot assume what's been approved and (inaudible).

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Mr. Coen: Assumed, deduced, derived.

Mr. Zuraf: Yes.

Mr. Coen: Thank you sir.

Mr. Zuraf: So, on this slide I'd like to summarize how properties might become eligible to be included in the overlay. Again, it's going to require 400,000 square feet of office space existing; the request could be initiated by County action or specific individuals; it would require an application process and public hearings, both with the Planning Commission and Board; the evaluation of the impacts would occur resulting from the overlay; and then also you would get proffered mitigation if it's requested by individual property owners. Some other issues, the companion Comprehensive Plan Amendment that was already considered by the Planning Commission, that proposal adds some special Overlay District recommendations into the Comp Plan. It includes the purpose of the ICTP and what uses might be appropriate, and does identify Quantico Corporate Center and Riverside as recommended locations. And that had already been considered and is pending consideration by the Board. And staff would recommend approval of this Ordinance and the Planning Commission does have a deadline of January 27th to take action. I'll take any questions at this time.

Mr. Coen: Anyone have any questions for Mr. Zuraf? Mr. Apicella? Mrs. Vanuch?

Mrs. Vanuch: I have one question. I think I'm going to try to verbalize this. So, on your couple previous slides it said that it could be initiated by the County or by an individual. So that means the County could technically... you said this Ordinance is adopted, let's say, and we decide we want to implement this overlay on a specific area. Or... so that's one option, right?

Mr. Zuraf: Yes.

Mrs. Vanuch: The second option is the individual property owner can come to the County and request this overlay be placed on their property.

Mr. Zuraf: Correct.

Mrs. Vanuch: Now, can you tell me the difference in how proffers are treated based on those two different application processes?

Mr. Zuraf: If the County chooses to impose this overlay on property, there would be no proffers at all, because the County itself cannot impose proffers on land... on property owners. If the individual comes in, then they can provide and offer up proffers.

Mrs. Vanuch: Gotcha. And just to clarify, this meeting tonight is just to create the ordinance, it is not to impose any overlay on any particular property.

Mr. Zuraf: Correct.

Mrs. Vanuch: Okay, that's it.

Mr. Coen: Mr. Apicella?

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Mr. Apicella: Mr. Chairman, I beg the Commissions' indulgence; I have a few questions. So, you mentioned in the original version of the ICTP that came before us, we were given authority to make modifications. We made one modification by removing multi-family apartments as one of the potential uses. Do you remember kind of what the concern was from the Commission at that point in time when we took that out?

Mr. Zuraf: I actually wasn't at the meeting that evening, conveniently.

Mr. Harvey: Mr. Chairman and Mr. Apicella, my recollection was there was concern about community facilities and how they may be impacted by residential development.

Mr. Apicella: And we're operating... we're all operating under a new set of proffer rules that make it harder not only to discuss and negotiate proffers that mitigate the impacts of rezoning related growth, even to accept certain types of proffers, right? We've kind of talked about the capacity issue.

Mr. Zuraf: Right.

Mr. Apicella: And that's codified in 15.2-2303.4?

Mr. Zuraf: Correct.

Mr. Apicella: And again, it says that localities can neither ask for nor can they accept proffers that are deemed unreasonable, and they use the term unreasonable.

Mr. Zuraf: Correct.

Mr. Apicella: Do you remember how they define unreasonable?

Mr. Harvey: Mr. Chairman, there's a specific definition but to summarize, basically it's a proffer that deals with an offsite improvement that is not warranted by that project, and specifically attributable to that project. So it'd have to be, in other words, a reasonable proffer would be an offsite contribution, whether it'd be more than likely money but it could be a transportation improvement that is specifically generated from that impact of that project. And the improvement specifically serves that project. So, that goes back to the point that Mr. Zuraf was saying and you were also speaking to was that we'd have service areas that would have to be analyzed for a specific project for the County to be able to say yes, we can accept that proffer as reasonable.

Mr. Coen: One moment Mr. Apicella. To everybody, Ms. McClendon was very nice to provide to us at our chair a copy of the actual state language, so thank you ma'am. And if you look at page 2, letter c, that's where it talks about the unreasonable... if you want to actually look at the wording. And thank you Mr. Harvey for your summary as well. Go ahead Mr. Apicella.

Mr. Apicella: So, the staff report, and I commend you for the great information that was there, indicated that the potential number of residential units at Quantico Corporate Center ranged from 278 to 556, and the number of students that could arise if the ICTP proposal is approved and gets a rezoning could range anywhere from 90 to 180 students, right?

Mr. Zuraf: Correct.

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Mr. Apicella: And you also indicated that we do have currently existing capacity at various school grade levels, but that doesn't take into account things that are in the pipeline so to speak. So, even if there is capacity today, six months from now, a year from now, when Abberly comes online for example... how many units is at Abberly? Do you remember?

Mr. Zuraf: About 288.

Mr. Harvey: Two hundred eighty-eight.

Mr. Apicella: So, on the low end of what could happen here. That could offset the existing capacity that is currently in place today. And again, the State Code would not allow the County to just accept proffers for existing capacity, right?

Mr. Zuraf: Correct.

Mr. Apicella: Obviously we no longer have proffer guidelines in place in Stafford. But when we did, those guidelines recommended about \$26,000 per multi-family unit with about \$10,000 going to schools... a little bit lower than that. So, just for some context, under the old proffer guidelines, the amount recommended for between 278 to 556 units would range between \$2.7 million and \$5.4 million, right?

Mr. Zuraf: I believe so.

Mr. Apicella: What did we get... what was the proffer that Abberly provided and what was the value of that proffer?

Mr. Zuraf: I think I recall that somewhere around six to eight thousand dollars per unit.

Mr. Apicella: Right, on top of the land that they provided for a community college, and I want to say the value was like \$25 million, a pretty high amount.

Mr. Zuraf: Right, and then some other cash contributions...

Mr. Apicella: So we got both, both the cash contribution and land for a community college. Under the State Code, it's either the property owner or a rezoning applicant that can bring a lawsuit under the current proffer regime, right? So when I read that, I take that to mean that an applicant for a rezoning, who may not also be the owner of the property, could also file a suit, right? And we've had that happen here, not file suit, but we've had folks who were interested in a parcel who wanted a rezoning, they didn't own the parcel but they were pursuing a rezoning in anticipation that the rezoning would be approved and they'd be able to proceed forward with that rezoning, right?

Mr. Zuraf: Right.

Mr. Apicella: Can applicants waive their right to sue in proffer cases?

Mr. Zuraf: I'd have to defer to...

Ms. McClendon: No they cannot.

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Mr. Apicella: So, at best, we'd be working under a potential promise that they might provide some kind of help to offset the impacts of their potential apartment units if this were to go forward and there was a rezoning. Is that normal business practice to rely on a promise?

Mr. Zuraf: No.

Mr. Apicella: No. If we need more infrastructure like additional school seats and the County doesn't get sufficient proffers, who winds up paying for it?

Mr. Zuraf: The taxpayers.

Mr. Apicella: The taxpayers, the Stafford County taxpayers. How large is the overall Quantico Corporate Center parcel?

Mr. Zuraf: The entire area?

Mr. Apicella: Can you bring up that one slide? I think it shows areas 1 (inaudible).

Mr. Coen: Computer please.

Mr. Zuraf: So, the entire area surrounded in red? Is that what you're referring to?

Mr. Apicella: Right. Do you know how big that is?

Mr. Zuraf: I would have to estimate that as maybe being 60 to 70 acres.

Mr. Apicella: Okay. And the original Tech Park proposal that the County approved, and I assume it's kind of codified in the Comp Plan, did that envision or talk about residential uses at Quantico Corporate Center?

Mr. Zuraf: No.

Mr. Apicella: And we just approved a Comp Plan update. Did that talk about residential units at Quantico Corporate Center?

Mr. Zuraf: No.

Mr. Apicella: So this would not be in concert with the current Comp Plan.

Mr. Zuraf: Well, potentially under the new Comp Plan amendment...

Mr. Apicella: But I'm saying today...

Mr. Zuraf: ... but the one that was in place now...

Mr. Apicella: ... you can always amend the Comp Plan.

Mr. Zuraf: Right, right.

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Mr. Apicella: But I'm just saying, our leaders just approved the Comp Plan that we spent, what, a year and a half working on it. Is it fair to say that if hotels or apartments occupy the unbuilt areas, probably about half the space, that would further limit the expansion of the original intended uses of the Corporate Center which I believe was office uses? You can't have both, potentially; I mean, you could have offices below apartments, but that usually doesn't happen too often. Maybe some retail but... right?

Mr. Zuraf: It would limit the... what was originally projected.

Mr. Apicella: So it would kind of sub-optimize the whole Tech Park concept? At least in terms of office use?

Mr. Zuraf: Well, that Tech Park area is on separate... we've highlighted that as separate area, as County land, so that's not part of the estimation.

Mr. Apicella: Right. But it was, again, originally envisioned as primarily office related use.

Mr. Zuraf: Right.

Mr. Apicella: Lastly, and I know my fellow colleagues will be glad this is my last question. While the back and forth between the Commission and the Board led to a change that limits the ICTP to projects that have 400,000 square feet of office space in place, and this is the only site where that meets the threshold, if and when other properties meet that threshold they could also pursue this Overlay District, right? So, again, today it might apply to Quantico Corporate Center but tomorrow, and I use tomorrow in a broad sense, 5, 10 years from now other properties could meet this standard.

Mr. Zuraf: Yes, yes they can.

Mr. Apicella: Thank you.

Mr. Coen: Alright, any other questions for staff? Thank you Mr. Zuraf. And so now I will open up the public hearing on this matter. This is an opportunity for the public to comment on this item. Please direct your comments to the Planning Commission as a whole, not to any specific member. You have 3 minutes of which to speak. As you start, please give your name and address and the green light will come on. The yellow light will indicate when you have 1 minute left. And when the red light blinks means we would like you to wrap up quickly. I ask so that we can have others have the opportunity to speak. So, if anyone would like to speak, please come forward at this time.

Ms. Hall: My name is Amy Hall. I'd like to express my opposition to the multi-family housing portion of proposed Ordinance O17-03. Who would have thought that a proposal entitled Integrated Corporate and Technology Park Overlay Zoning District would include high density multi-family housing. I'm in favor of creating Corporate and Technology Parks. I'm in favor of creating vibrant environments that offer the workers in those office complexes the choices of great restaurants, high-end hotels for guests, retail stores that help make the lunch hour productive, and even child care centers so that workers can be close to their children and maybe even visit on their lunch hours. However, I'm very opposed to including high density multi-family housing in these office parks. The design concept is admirable. People who work there, live there. But it's not realistic nor is it enforceable. You limit the number of units that have three or more bedrooms to limit families. Maybe it will limit larger families, but it doesn't take three bedrooms to house a family. I'm trying to imagine the scene; as workers all converge on the office park at 7:30 in the morning, late for work, looking for a parking space, distracted. Then, add the school bus pulling up to a corner, activating its lights, and loading up. Imagine the same scene

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in reverse at 3:30 in the afternoon. It's an accident waiting to happen. These two uses are not compatible. The argument that residential development in an office park is necessary to support the retail and restaurant businesses is weak. Stafford needs good restaurants. It doesn't matter where they are, we'll find them. And after work happy hours will definitely be a hit. I urge you to remove the housing portion of this proposal from the final ordinance. Thank you.

Mr. Coen: Thank you Ms. Hall. Anyone else wishing to speak? Alright, seeing no one, I will close the public hearing and bring it to the Board. Is there any particular action by members of the Board? Mr. Boswell, this is... well, this would apply to numerous areas but this specific instance is in your district.

Mr. Boswell: Yeah, Mr. Chairman, thank you. Based on the fact that we've already seen this once already and we don't have the opportunity to make any changes to it, and it went up and was sent back down, I'm going to motion that we approve O17-03.

Mr. Coen: Alright, we have a motion to approve; is there a second?

Mr. Rhodes: Second.

Mr. Coen: Second by Mr. Rhodes. Alright, Mr. Boswell, anything else you'd like to say? Mr. Rhodes?

Mr. Rhodes: It's an interesting, interesting proposal in the way this is structured. And in the whole it will be interesting to see how it develops. It's actually in a sense backing into the P-TND's that we have been trying to develop in other ways. It's really bringing the added feature that makes it somewhat of a P-TND; probably a little less integrated than a P-TND might be. But it's kind of bringing those characteristics in to see how that added feature would go. The significant point to this element to this proposal is the fact that the Board did send it down to be acted on as a whole without the opportunity to make edits to it, so there will be a second public hearing with the Board of Supervisors where they have the opportunity to make modifications to the wording or the structure; we only can act on it in its verbiage as it stands right now. But I think it's worth seeing how it may play out. I know there are concerns about the fact that this now can be applied to another one should they get to the 400,000 square-foot standard and other things, but also in that intervening time there's the opportunity to modify it just like it's being modified now. It's not like it's locked into stone. So, if we're concerned about other locations or starts to become broader and they don't seem to be as applicable, there's the opportunity to make that modification as well. So, for those multiple reasons, that's why I've seconded the motion. Thank you.

Mr. Coen: Okay, thank you Mr. Rhodes. Anyone else on the Commission? Mr. Apicella?

Mr. Apicella: Mr. Chairman, like all of us on the Planning Commission, I support the optimization of the Quantico Corporate Center. And in large part I agree with the proposal that's in front of us as it will provide the developers at QCC with needed flexibility. But I remain concerned about including multi-family residential units as a by-right use. And even if the apartments could be approved under a CUP, that wouldn't solve my underlying concern here. Unfortunately, the ICTP is being sought with residential uses at the same time the state has made it very difficult not only to ask for, but also to merely accept proffers associated with existing infrastructure capacity. We've seen the numbers. There is existing school capacity at the Quantico Corporate Center attendance zone. This means the County cannot legally accept proffers for existing capacity that could accommodate most of the additional student population that might occur. That's a fact. There is capacity. So, when there's a delta between what the County needs to offset new growth and what a developer or applicant will provide, it is the Stafford County taxpayer who's left to make up the difference. That's no small data point here. I

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support the motion of live/work/play mixed use developments. We've advocated it. But unfortunately the timing is not right. I also believe new development should pay for itself. That's not going to happen here. I didn't create the new proffer rules that make it virtually impossible to obtain sufficient help from the development community to offset the impact of their growth proposals. While I want QCC to be successful, I don't believe this is the right time to authorize additional residential development there under the circumstances that we're operating under. If those circumstances change, I might have a different opinion. But we are where we are, and the proffer rules are the proffer rules that we're dealing with. I do not believe the cost of new apartments at Quantico Corporate Center should be borne by County taxpayers. And in this case, it can be millions of dollars, no small amount of money. So, for those reasons, I don't support the motion and I wonder how my colleagues are going to deal with other rezoning proposals that come in front of us in the next weeks and months where we're not able to get sufficient proffers, because it's going to be not a different situation than we're looking at right now. Thank you Mr. Chairman.

Mr. Coen: Thank you Mr. Apicella. Anyone else? Alright, I'll just say that I understand fully the concept and I think it has merit to try to do something mixed use. And this is sort of the way things are going as far as people living closer to work so that that is getting more in touch with where our economy and our country is going as far as housing. I do have some questions and, as we said with the last one, we have sort of four options we could have done; approve this as is, approve this with recommendations of change, deny it, outright deny it with recommendations of change. And so since the motion is not making any recommendations how to make this better, I feel very uncomfortable. I would hope that the Supervisors will take heart to the fact that between last year, when we dealt with the Cemetery Ordinance, and then this Ordinance, and then the next item on the agenda, we have many categories of zoning that we need to be looking at or have been looking at to try to bring Stafford County into this part of the 21st century. And so, my hope is that we can do this in a little bit more holistic approach. And I'm just very leery about how this would work, particularly with the proffer language as it is cast upon us. So, it coming forward with just as it is, I unfortunately have to vote against it. Had we been making some suggestions, I may well have been able to support it. Alright, so the motion before us is O17-03 to approve this as it is written. Please cast your vote. Okay, and so the motion has failed by a vote of 4 to 3 (*Mr. Coen, Mrs. Vanuch, Mr. Apicella, Mr. English voted no*). And I believe, Mr. Harvey, do we need to take another vote where we technically say we deny or does that sort of speak? Alright, so do we have any other motion since that motion has not passed?

Mrs. Vanuch: I would like to make a substitute motion, or I guess a new motion. I am particularly uncomfortable with the language that the County can implement this overlay on a particular property which would then waive the personal... the proffers for the property owner. I hope I'm verbalizing that so it makes sense. So, if the County decides that they want to put this overlay on the Quantico Corporate Center without the property owner submitting the application, they would then essentially be waived of all the liability for paying for proffers. I think, you know, if we can work with the State Legislature and the proffer legislation is amended, there may be some appetite for this in the future because I, like Steven, believe that development should pay for itself. I also believe Mr. Rhodes and a lot of the comments that my fellow Commissioners made about the future of the country and the live/work/play and it would reduce congestion on the roads, and, you know, I think that particular with Quantico and the Marine Corps being right there and a lot of the folks who are coming in on short stays, it would be very convenient for folks to be able to have access to apartment buildings right there. So, I think, from my perspective, I would like to amend, or I guess make a motion to deny with the language that I recommended. But I would like to solicit additional feedback if others had opportunities, because then at least the property owner has to submit the application and we have the ability to deny or approve it without it just getting passed.

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Mr. Coen: Alright. So, if I understand you Mrs. Vanuch, you're making a motion to deny with the language that the landowner would be required to submit the application for this zone. Is that something that is feasible or acceptable Ms. McClendon?

Ms. McClendon: Mr. Chairman, I believe that's outside of the scope of what's before the Commission for consideration. And ultimately it would be a question of binding a future Board because the Board could technically take up a rezoning of any property in the County as it so chooses. So it probably actually wouldn't stick bind a future Board.

Mr. Coen: Okay. So, we can't do that one. And if I read correctly... if I listened correctly, you also were denying with a concern due to the impact that such a district would have to the County, or do you just want to... with the proffer language? Is that something we can say or...?

Mrs. Vanuch: I don't know. I think my big...

Mr. Boswell: Can't it go up as failed? I thought that's what (inaudible)?

Mr. Coen: We can; that's one of the four options. But she was offering suggestions.

Mrs. Vanuch: Just some recommendations so people would be more comfortable with it.

Mr. Coen: Well, it may or may not, but that is one of the purviews that we're allowed to do.

Mr. Boswell: It failed 4-3, correct? That's what we did, right?

Mr. Coen: Yes.

Mr. Boswell: Okay, that's what I thought.

Mr. Coen: Okay. Mrs. Vanuch, you have the floor.

Mrs. Vanuch: Nope, I think that's it. I don't think it's going to work.

Mr. Coen: Okay. So, you just are making a motion to deny?

Mrs. Vanuch: Yes.

Mr. Coen: Alright. So now we have a motion on the floor by Mrs. Vanuch to deny. Is there a second?

Mr. English: I'll second it just to get it off the floor.

Mr. Coen: Okay. So we have a motion by Mrs. Vanuch. Anything else you'd like to say?

Mrs. Vanuch: Nope.

Mr. Coen: And anything Mr. English?

Mr. English: No.

Mr. Coen: Nope. Alright. Anyone else on the Commission?

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Mr. Rhodes: I would just submit that, I mean, it goes up either way. It's up to the Board to act on. But this is the Board's proposal. It's their proposal so I think certainly observations that we have of areas that we are uncomfortable with or comfortable with, whether we do it as a formalized portion of our motion, or not, which we're not in this instance. We always have the opportunity to talk to each of our Supervisors and we can share with them the observations for their consideration. But this is the one that they proposed twice for us to put forward, so they have some things that they are trying to pursue to see how they work out in this process.

Mr. Coen: Alright, Mr. Rhodes. Anyone else? Seeing none, we will cast the vote. The motion on the floor is for denial. Alright. Do you want to clear the board and try again Mr. English? Alright, we'll try again. Please cast your vote. Yes is for denial; no is for continue to discuss and deal. Alright, and so denial passes by a vote of 4-3. Alright, thank you very much. So that takes care of our public hearings for the evening. So no we move on to New Business. Mr. Harvey, we have one item of New Business.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

3. Amendment to the Zoning Ordinance - Proposed Ordinance O17-08 would amend Stafford County Code Sec. 28-33, "Districts Generally;" Sec. 28-34, "Purpose of Districts" Sec. 28-35, "Table of Uses and Standards;" and Sec. 28-125, "Types permitted in R-2, R-3, and R-4 districts," to create a new R-5 Age-Restricted Zoning District. The R-5 district would provide areas of high-intensity residential uses designed and intended to be multi-family dwellings for persons of 55 years in age or older, in accordance with all federal and state laws and regulations. Such districts are to be located within the designated Urban Services Area in the Comprehensive Plan, where public water and sewer are available and transportation systems are adequate.
(Time Limit: April 21, 2017)

Mr. Harvey: Yes, thank you Mr. Chairman. I'll lead the discussion on this item. The Planning Commission is to consider advertising a public hearing for proposed Ordinance O17-08. That would establish a new zoning category for the County termed R-5 Age-Restricted Housing. The purpose of the R-5 district would be to provide areas of high-intensity residential uses designed and intended to be multi-family dwellings for persons of 55 years in age or older, in accordance with all federal and state laws and regulations. Such districts are to be located within the designed Urban Services Area in the Comprehensive Plan where water and sewer are available, and transportation systems are adequate. The proposed amendment lists three permitted uses within... excuse me, four permitted uses with the district which are assisted living facilities, community use, multi-family dwellings, and retirement housing. The other requirements that are in the proposed amendment would be requiring minimum tract size of 2 acres in order for a property to qualify, a maximum allocated density of 24 units per acre, a minimum open space ratio of .25; in other words, 25% of a given piece of property would have to be in a lawn or landscaped area. There would be setbacks established; the front and side would be 15 feet, the rear would be 20 feet. However, if there's one multi-family structure next to another multi-family structure, they'd have to be separated by at least 35 feet. And that's similar to what we have in other multi-family zoning categories. Also it would set a maximum height of 65 feet which is typically a 5-story building. And there would be a maximum floor area if there was any non-residential component of .7. So, that's the summary of the proposed ordinance. There had been a request to the Commission to have some additional information about age restrictions and federal and state regulations, and Ms. McClendon has

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provided copies to the Commission which is at your dais. I can answer any questions you may have. In general, and correct me if I'm not paraphrasing this completely right, federal and state law allow the discrimination based on age. But there are certain requirements in order to qualify for that exemption... I should say discrimination and... pursuant to the fair housing act.

Mr. Apicella: Could we not use the word discrimination?

Mr. Harvey: So, any projects that would have the zone would have to comply with the age restricted standards in the state and federal statutes. Also, I'd like to bring to the Commission's attention, we provided a copy of an email that I received today from Steve Hundley. He's the Community and Plans Liaison Officer for Quantico. He was reminding me in the email that these types of populations are vulnerable to sudden noise impacts, and our military influence areas in our Comprehensive Plan recommend that we do not encourage high-density development for these types of populations in that area. So, he was suggesting that we consider possibly modifying a portion of the code. I would recommend maybe the purpose; in order to qualify for this zoning category to stipulate that they would not be in any noise impact area for Quantico. Mr. Hundley is here tonight if the Commission has any specific questions about the concerns that Quantico may have with regard to these types of populations. So, that concludes my summary of the proposed ordinance. I guess the next steps would be for the Commission to ask any questions or suggest any modifications. The Board, when it referred this Ordinance to the Commission for public hearings and recommendations, it did allow for modifications to be made.

Mr. Coen: And you said did?

Mr. Harvey: Yes, did.

Mr. Coen: Alright. So, first we'll see if anyone has any questions for Mr. Harvey. Yes, Mr. English?

Mr. English: I've got a couple for Mr. Hundley.

Mr. Coen: Thank you Mr. Hundley.

Mr. English: You can at least answer a question since you're here. I think I know why they want to keep this out of the, probably the noise zone in Quantico. How far would they recommend to go out? Because, I can hear the noise from here at the courthouse.

Mr. Hundley: I understand.

Mr. English: So, do they have a recommendation... I get what they're getting at, I understand that. But how far out?

Mr. Hundley: And frankly, you know, the sudden impact noises that vary because of the weather and the atmosphere...

Mr. English: Understood.

Mr. Hundley: ... and all kinds of variables. However, we did draw a line when we did the Joint Land Use Study a few years ago and that was incorporated into the Comprehensive Plan stating that these types of uses, particularly for that age group, are not considered compatible within the Military Impact

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Area. And those... that line is drawn on a map. That doesn't mean if you're outside that impact area you're not going to be impacted, but the line was drawn somewhere and that's where it's drawn.

Mr. English: Does Prince William... how does Prince William handle that since they're right on...?

Mr. Hundley: Well, they have a very good buffer because of Prince William Forest Park and also they have a low density, I think it's one dwelling unit per 10 acres beyond the park. And so very little... and also our training areas are on the south side which impacts Stafford County more than Prince William County. So, there's not the same kind of impact on Fauquier County or Prince William.

Mr. English: Understood. The impact areas that they do this, is it on the water or near the water too? Or is that, when they do these training, is it more inland?

Mr. Hundley: It's on the west side of the base, on the west side of I-95. That's where our major impact areas are for artillery fires and demolition areas.

Mr. English: Okay. Thank you.

Mr. Coen: Thank you. Any other questions for Mr. Hundley? Nope. Thank you sir, thank you for enduring.

Mr. Hundley: Thank you.

Mr. Coen: Alright, any other questions? Mr. Apicella.

Mr. Apicella: Mr. Chairman and Mr. Harvey, on the one hand I think this is a great idea and long overdue. And I think we've tried to promote age restricted or age defined housing in Stafford. We may even have a couple places where that happened, right?

Mr. Harvey: Yes.

Mr. Apicella: But I'm also a little concerned about the density of 24 units, so I'm kind of wondering where that came from.

Mr. Harvey: Mr. Chairman, Mr. Apicella, this request was initiated by a property owner. This was density that that property owner recommended based on the acreage of land that they own and the development scheme that they were considering.

Mr. Apicella: So, just simple math; if someone had 40 acres, roughly they could get almost a thousand units, right? If my math is correct based on that density.

Mr. Harvey: Yes.

Mr. Apicella: What other zoning categories do we have that provide for 24 units per acre?

Mr. Harvey: Currently, there aren't any, especially ones that handle retirement housing.

Mr. Apicella: Do any of our neighboring jurisdictions have a similar age-restricted zoning category and at what density?

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Mr. Harvey: Mr. Apicella, I'd have to research that information.

Mr. Apicella: How about any other Virginia localities? I guess I'm trying to figure out if we're being potentially trailblazers here.

Mr. Harvey: Again, I'd have to research that to find out what other localities provide for age-restricted housing.

Mr. Apicella: Are there any demands that age-restricted housing might place on county services or infrastructure?

Mr. Harvey: Just like any other housing, there are demands on transportation, schools, libraries, parks and recreation, as well as emergency services. For age-restricted housing it's a little bit different in that typically most senior citizens use the school system; however, they may use some of the facilities at the school on occasion if they're open to the public. With regard to transportation, generally people in age-restricted communities drive a little bit less than non-age-restricted residents. They often times can have higher calls for service, for emergency services purposes, and parks they probably utilize just like anybody else.

Mr. Apicella: And if this new zoning category was created, how would it be applied? How would areas be designated as R-5?

Mr. Harvey: It would require someone to apply for a rezoning, or if the Board wanted to designate a specific property for the R-5 district, they could rezone on their own motion.

Mr. Apicella: So, as I understand it the next step would be to advertise some language for a public hearing?

Mr. Harvey: Correct.

Mr. Apicella: Do you feel like we're there yet or do we need to do a little bit more homework?

Mr. Harvey: I think it's up to the Commission, if you have concerns or want to have additional consideration of regulations.

Mr. Apicella: Thank you Mr. Harvey.

Mr. Coen: And Mr. Harvey, if I understand correctly, if we advertise this at the 24 and then after the public hearing we could go down below the 24, correct? We just couldn't go over it.

Mr. Harvey: Yes.

Mr. Coen: Okay. And then, Ms. McClendon, is there any other type of language or issues that Mr. Apicella brought up that are such that if we were to go forward with a public hearing, we wouldn't be able to touch those with the language that's in there? I know he brought up many issues so I'm not holding you for that.

Ms. McClendon: Mr. Chairman, I would have to know of the specific recommendation that you're seeking. I can't think of anything that I heard off the top of my head, but it really comes down to specific changes and looking at those individually.

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Mr. Apicella: Mr. Chairman, just based on the 24th, I mean, we have to make a recommendation by the 2nd. Is the 24th the last date that we could recommend something for a public hearing to meet that deadline? Is that kind of what's driving you here? I'm just concerned about whether two weeks is enough time to do a little homework here.

Mr. Harvey: Mr. Chairman and Mr. Apicella, I had a typo in the staff report, a copy and paste typo. The deadline for action is in April because there was no time restriction on this referral. So, it's 100 days from, I guess it was back in December or at this meeting, I forget which. So there's plenty of time for the Commission to modify the Ordinance and schedule a hearing.

Mr. Apicella: And we've got already some things lined up for the 24th, right?

Mr. Harvey: Yes, yes. As far as the 24th of January, it wouldn't be enough time to advertise anything. It would have to be a February public hearing at the earliest.

Mr. Coen: Alright, and I think it's the 25th.

Mr. Harvey: The 25th, I'm sorry, yes.

Mr. Coen: That's okay. Alright, so is there a desire to pick a date in either February or have staff bring more information back in two weeks and then we go forward with picking a date for public hearing?

Mr. Apicella: I'd prefer the latter just to see where we are and to make sure... again, I'm uncomfortable with the 24; it might be the right number, I'm just not sure yet. And there may be some other considerations if we look at language from other jurisdictions that we haven't thought of that we... Again, this was recommended by someone who wants to develop a property under these parameters. Maybe it's perfect, I just don't know. It would be helpful to see what others have in place.

Mr. Coen: Is there any other impressions by the members of the Board?

Mr. English: In this Ordinance, is there anything in here... I was kind of glancing at it, I haven't really looked at it... about the Quantico restrictions on there? Should that be added in there?

Mr. Harvey: Mr. Chairman, Mr. English, that would be a question staff would have for the Commission. If it is deferred to the next meeting, would you want us to try to roll that language into the purpose of the district as a discussion point?

Mr. English: Yeah, if you don't mind.

Mr. Coen: And am I understanding correct, in Attachment 1, page 4 of the 17, under Purpose, that that's where you're talking about wrapping that in?

Mr. Harvey: Yes sir.

Mr. Coen: Okay. Yeah, I think that that's a wise thing to do. Is that sort of the feel?

Mrs. Bailey: Yes.

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Mr. Coen: Okay, I'm seeing enough head bops and yesses. So, yes Mr. Harvey. So why don't we, and I don't believe we need to take a vote on this, right Ms. McClendon? To say to bring it back in two weeks so that we can look at it and then at that point achieve more information from staff, as well as look at new language, and then schedule a public hearing at that point -- hopefully. Alright, okay. So that item is done so we are done with the items of New Business. We now move onto the Planning Director's Report; Mr. Harvey.

PLANNING DIRECTOR'S REPORT

4. 2016 Annual Report

Mr. Harvey: Thank you Mr. Chairman. Give me a second here. The first item on the Planning Director's Report was the 2016 Annual Report. I've provided a draft report to the Commission. It summarizes the activity that the Commission had from 2016. And just in general summary, 2016 was a very busy year. However, it was more of a qualitative year than a quantitative year. There were slightly fewer meetings from the Commission as a whole, but there were more meetings at the Committee levels. There was substantial work done on the Comprehensive Plan which was ultimately adopted by the Board. However, the workload that you normally see with rezonings and other types of similar applications was similar to a 2014 level; not as high as 2015. So, if you'd please let me know if there are any adjustments or modifications that the Commission would like to see to the Annual Report we can go forward and make them. Just as a reminder that the State Code requires the Commission to send its findings to the Board of Supervisors. So this would be something, once adopted, it would be transmitted to the Board.

Mr. Coen: Alright, are there any comments, edits, changes, recommendations, is there a desire to send it along?

Mr. Rhodes: I think it looks good.

Mr. Coen: Okay, is that a... do I take that as a motion Mr. Rhodes?

Mr. Rhodes: I'm fine at making a motion.

Mr. Coen: Okay, we have a motion to approve the Director's report and send it to the Supervisors. Is there a second?

Mrs. Bailey: I'll second.

Mr. Coen: Thank you Mrs. Bailey. Anything Mr. Rhodes?

Mr. Rhodes: Just appreciate the great work as always by Jeff and the team.

Mr. Coen: Mrs. Bailey?

Mrs. Bailey: Again, just appreciate all the work with staff and our other Commission members, and we came in budget too. So, that's good too.

Mr. Coen: Awesome. Anyone else? Alright, seeing none, we'll cast our vote to accept the Director's report as presented.

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Mr. Harvey: And Mr. Chairman...

Mr. Coen: We're still voting Mr. Harvey.

Mr. Harvey: Oh, sorry.

Mr. Coen: That's okay. But we are mastering this; we got it done a lot quicker this time. (*The motion passed 7-0.*) Thank you, and so Mr. Harvey you can send that along.

5. Code Amendment Process

Mr. Harvey: Thank you. So, the next item after the Annual Report is the Code Amendment Process. At the end of the last meeting, Chairman Apicella at the time recommended that I provide some information to the Commission on the way we do business for amending the Zoning and Subdivision Ordinance. There had been some concerns in recent discussion about the process and how it works; specifically, with regard to amendments and how they're referred to the Planning Commission. Sometimes amendments allow for modifications, sometimes they don't. So, to walk you through the process, how an ordinance typically comes about, a lot of the discussion starts initially with the Board of Supervisors and their Community and Economic Development Committee. The Board at times, the Committee will ask staff to work on certain projects, or they may have specific ideas in mind, or even receive requests from individual land owners to amend the Code. Staff would work with the Community and Economic Development Committee to come up with a draft amendment. Typically, the Community and Economic Development Committee will ask for a 1-page synopsis of the issue, the pros and cons, and what fiscal impacts there might be for adopting such an amendment, plus the amendment itself. If they feel that we've addressed all the issues, the Committee will recommend that it be sent forward to the Board of Supervisors. At that point in time, the Board of Supervisors will take it up and then consider it and refer it to the Planning Commission if it feels that it's an item that warrants a public hearing and is worth pursuing. Once the item has been referred to the Planning Commission, I'll report it typically at the next Planning Director's Report at the following Planning Commission meeting. From then, the Planning Commission would have for a zoning amendment 100 days to consider the amendment once it's been referred and we've had that first discussion. A subdivision amendment would be limited to 60 days, unless the Board gives the Commission more time. The Board also has the ability to restrict the time limit to less than 100 days if it so desires. Typically, the Commission will hear the initial report like the previous item, may suggest some changes and defer it for further discussion, and then ultimately advertise a public hearing. Once you hold the public hearing, you'll make a recommendation. If there's changes allowed and things come up during the public hearing, those changes can be incorporated into the amendment. If not, they can go forward to the Board as part of the Commission's recommendation for further adjustments to the ordinance once the Board holds its hearing. The Board will hold its hearing on the amendment as voted out by the Planning Commission and duly advertised. The Board can adopt it as initially proposed, it can make modifications as long as it's within the scope of the advertisement for the public hearing. And that gives you a quick rundown. There are a couple steps that also get involved which most people don't deal with. And once an ordinance is adopted, it's sent to the Clerk of the Court, the Municipal Code Corporation, and for actual adoption and codification. That's how it ends up showing up online on the website as far as this is now the County Code. There was some question about surrounding jurisdictions and what they do. I've provided a summary of the other jurisdictions codes and how they interact similar to ours. Our code basically follows the State Statute. There is one exception as our code does not reference a land owner filing an application for an amendment to the zoning text. That is permissible; however, even though our Code doesn't stipulate that it's permissible, it is because we're dealing with the State and the State says so, so we have to do it. However, the one thing that's interesting there, if it's an applicant

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initiated... or owner initiated amendment, it's similar to a rezoning. The Board of Supervisors has to act on it within a year; that's approve it or deny it. So that's one time limit that's different than we normally see with code amendments. One thing that's uniquely different about our Code compared to the State Code, is the State Code says before the Board takes action on an amendment it must refer the ordinance to the Planning Commission for a public hearing. I think in most jurisdictions that means that the Planning Commission is going to hold a hearing and make a recommendation. In our ordinance, it says that the Board must first refer the amendment to the Planning Commission. And that's how our current process works where ordinance amendments come from the Board of Supervisors to the Planning Commission. I know that there were some concerns about that process and more so I guess the communication between the Commission and the Board regarding ordinance amendments. So, in my memo, I was outlining two potential options for the Commission to consider. One would be for the Commission to work directly with staff on drafting ordinance amendments and then forward them to the Board for the Board's consideration. That's something always the Commission can do. Or, in the case of an amendment where the Board sends it to the Commission without changes, the Board... excuse me, the Commission can work with us to take the same ordinance, do an underline and overstrike, and that could be your recommendation to the Board. Or we can do like we did similarly tonight, suggest modifications in a motion fashion.

Mr. Coen: Okay, thank you Mr. Harvey. That's an awful lot of work and for compiling all that information of other communities. Mr. Apicella?

Mr. Apicella: Well, one thing that Mr. Harvey didn't mention, the entire package is great staff work. He's also provided us a synopsis of all of the ordinance changes that we've looked at over the last 4 or 5 years, and whether or not the Board gave us the authority to make modifications, whether we made modifications, and whether those modifications were accepted by the Board of Supervisors. I think it's this document right here. And I'm not trying to put words in Mr. Harvey's mouth, but at the end of it, it shows that of the 45 ordinances that came in front of us, we were allowed to make changes 19 times. And of those 19 times, the Board accepted every one of those changes that we made. So, in my mind, it demonstrates that we, from my perspective, add value. When we are given the ability to make changes, we do it through a thoughtful process. We might take weeks or months to get there, and the Board has accepted the changes that we've recommended. I really haven't had a chance to look at the circumstances where we weren't given an opportunity to make changes, but I'm just going to speak to a couple of opportunities that happened recently, the Cemetery Ordinance and the... I'm not sure if I'm saying it the right way... the FRAD, I think the Falmouth Redevelopment Overlay District. And today we had an opportunity to look at a potential ordinance and think about potential changes. I respect that we may not always be in agreement with the Board, and to me it's only happened once and recently. So, the vast majority of time that we've gone through this process where we've been given an opportunity to make changes, we've made thoughtful changes and, again, those changes have been accepted. And I'm concerned because I thought we were headed in a different direction. I thought we were headed in a direction where the Board might decide more often to give us an opportunity to make changes. We have a public hearing process. We get input from the public and sometimes that drives changes, like it did with the Cemetery Ordinance, like it did with the Falmouth Redevelopment proposal. And I'm not trying to be flippant but I'm just going to ask a couple of questions if, for no other reason than rhetorically. What's the purpose of the Planning Commission reviewing ordinance changes?

Mr. Harvey: Well, Mr. Chairman and Mr. Apicella, the purpose of the Planning Commission is to provide recommendations to the Board of Supervisors on Planning and Zoning matters; Subdivision Ordinance amendments, Zoning Ordinance amendments, and a variety of matters. Ultimately, the Board of Supervisors is a legislative body so they approve the ordinances in a form that they deem fit. The Planning Commission takes into account community concerns; that's part of why you have a public

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hearing. Plus the Commission is more involved in the community typically than the staff is and you share a broader perspective. So, staff, we provide a recommendation as well. In the case of these ordinance amendments, the State Code mandates that the Planning Commission make a recommendation. If the Commission fails to do so, it's automatically considered to be a recommendation of approval or ascent to the amendment.

Mr. Apicella: And you sort of spoke to it a little bit, but what's the purpose of having a public hearing?

Mr. Harvey: The purpose of a public hearing is to get community input.

Mr. Apicella: And sometimes that input causes us to make additional changes to what's in front of us.

Mr. Harvey: Certainly, yes.

Mr. Apicella: When is the Board having its retreat? Was that scheduled at the meeting yesterday?

Mr. Harvey: Yesterday they discussed the date of February 11th. However, they needed to speak to the future County Administrator who will start on February 1st to verify that date works for him. So it's not been locked in stone yet.

Mr. Apicella: And not to get too much into the weeds, the CEDC, when something in front of the CEDC, is the information published so that the community can know all the details?

Mr. Harvey: The agenda is published with the Board of Supervisors agenda. So, when you go to that item on the Board agenda, you'll click on it and it'll give you the listing of topics. It doesn't necessarily provide you with all the agenda material currently and how business is conducted.

Mr. Apicella: So, sometimes it does and sometimes it doesn't, whereas when something comes in front of the public, or the Planning Commission...

Mr. Harvey: It shows the specific items to be discussed but...

Mr. Apicella: ... but it doesn't give the... there may not be a staff report associated with the agenda item that's available to the public.

Mr. Harvey: Correct.

Mr. Apicella: And when a matter is in front of the CEDC, is it a public meeting where the public has an opportunity to provide thoughtful comments and an opportunity to recommend changes?

Mr. Harvey: At that level it's more of an informative stage; it's a meeting that's open to the public like all Board meetings and all committee meetings, but generally there is no public comment permitted, unless it's an issue that the Board wants to entertain... the Committee wants to entertain comment from people in the audience. Sometimes there are interested parties that participate and/or in the case of an owner initiated amendment, the owner may be there to provide further clarification as to why they want their amendment and what they're specifically looking for.

Mr. Apicella: So, just to kind of summarize, and with all due respect to the Board and the CEDC, sometimes the material is available to the public and sometimes it's not.

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Mr. Harvey: It's available at the meeting; there's always hard copies available. But as far as soft copy of the agenda materials, they typically are not attached to the agenda.

Mr. Apicella: Whereas, in front of the Planning Commission, it's always posted in advance and the material is available to the public.

Mr. Harvey: For items that are on a regular scheduled agenda, yes. On our Planning Commission Committees, typically we don't post those committees' agendas and materials.

Mr. Apicella: And again, on the public input potential, that doesn't necessarily exist at the CEDC level where it definitely exists at the Planning Commission level.

Mr. Harvey: Yes, in the public hearing setting. Or in either case with the Commission or Board, during presentations by the public, if someone wants to raise an issue at that point in time they can.

Mr. Apicella: I'm sorry to belabor the point, Mr. Chairman. Again, my overarching theme here is I think there's great value in giving the Planning Commission, more often times than not, the ability to make changes. If the Board thinks there's an item that they want to send to us that they definitely don't want to have us make changes to, they always have had and they always will have that authority. But I would be concerned as a Commissioner that some folks on the Board think we should never have the opportunity to make changes and I don't think that's necessarily a great path forward. And I think as the results demonstrate, more often times than not, all times we've been given an opportunity to make changes and we've made changes, the Board's accepted those. I think that's a very telling story that somehow needs to get back to the Board and their consideration of how to proceed forward. And not to take one instance where we didn't agree with them, and I think we had valid reasons and it wasn't necessarily uniform across the Commission, but there was a process that they could pursue which was to come back and say, hey no, we really wanted you to consider this language and we don't want you to make changes. So the process could work that way as it just did, rather than saying to the Planning Commission and to the public, because they drive a lot of the changes that we make, that we shouldn't be able to make changes. I think that's a bad way ahead and not necessarily in the public interest. So, what I'd like to see is perhaps some of this information be provided to the Board so they can make a thoughtful decision on how to proceed forward on whether or not to give us the authority to continue to make changes, rather than us just making recommendations. And what I would add to that is, sometimes it takes a lot of time and effort to look at these items and to make changes. It's not striking one word here and one word there. We're making significant changes and we're trying to get the public to help us to make those changes. So if the public thinks oh, at best the Planning Commission can only make a recommendation, are we going to get the same level of receptivity and the same responsiveness from the public when that's the only avenue for them to get their issues addressed in the final version that gets to the Board, if it gets to the Board. So, I'm sorry to belabor the point, I'm sorry to take up so much time, but I feel pretty strongly that I think we're doing a pretty good job on most items, and not to take one instance as a signpost of the way we should proceed forward in the future.

Mr. Rhodes: Mr. Chairman?

Mr. Coen: Yes, Mr. Rhodes.

Mr. Rhodes: I don't necessarily disagree with the comments per se, I would just add a little bit more from two different perspectives. One is, even if they referred everything without the authority to change, that does not stop to any degree two significant things from occurring: one is I think a significant role of the Planning Commission is the initial awareness in the public. We always talk about

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the difficulty of did everybody get public notice, other things, did enough folks get a public notice, or were they aware of the public notice for a hearing or something. It's the first round; it's never the final round. So there's always an opportunity. So it starts to generate an understanding, it gets an awareness whether somebody likes it or not. It then gives them the opportunity to know to be there for the Board of Supervisors when they're really going to make a decision. So it accomplishes that. Secondly, even if they didn't allow us to make changes on anything, that doesn't stop us from going up with our suggestions as to what are problematic, what are concerns, like we did on one of our proposals tonight. So we always have that opportunity. That said, I'm not sure that I sense as significant a complication or a challenge or an issue. I mean, we've got a couple we worked on tonight. One of them had the right... I mean, the one we're holding is the one that we've got an opportunity to make an input to changes. So I don't know that it's a universal... I'm not sure that I've got the sensing that it's going to a future universal issue or not. Sometimes they refer them down and they don't give us the opportunity to make a change, but we can still provide feedback. And then other times, like the one we're going to deal with and we've deferred to the next session, we get the opportunity to make change. I'm not sure that I have as much concern. I don't always understand why sometimes they come with the right for change or not, but I don't know if I have as much concern at this point. Thank you.

Mr. Coen: Well, I guess my only comment would be that it's sort of the mentality that if they sent it this way, then that's all we can do, and that was articulated this evening. I would just say, Mr. Harvey, you have the data; should this be something that comes up, you will have the information to provide it to the Supervisors. Should this issue percolate along as we believe, it may well be during their retreat. Because if memory serves me, at one of the meetings it was asked to be an item at their retreat. Am I correct sir?

Mr. Harvey: That's my recollection that one of the Board members suggested that it be added to an agenda.

Mr. Coen: Okay. So I think we have it available. If they did add it to the agenda, would they not solicit information from you as part of that?

Mr. Harvey: Well, Mr. Chairman, I haven't seen if there is an agenda yet.

Mr. Coen: No, but I mean in theory. If there was something that they were going to talk about, wouldn't they ask you for some input?

Mr. Harvey: More than likely I'd be invited to come and work with the attorneys on a presentation and discussion points.

Mr. Coen: Okay.

Mr. Apicella: Mr. Chairman, just for some additional context, when the ICTP issue was being punted back to us, several Board members made the comment that maybe they should change the rules and no longer provide us the opportunity to make changes. So, that's in part why this information was collected, and I think it would be helpful for the Board, if that's what they're considering, to have this information in front of them. So, it's not just hey, let's pull this information together because it serves no purpose; it's in part a reaction to what several Board members said that they're thinking based on one set of circumstances. And again, I'm not suggesting that in every single circumstance the Planning Commission be authorized to make changes because sometimes the Board may think this is the language they want, it's the right language to go forward with. But I think it would not serve the public's best interest to deny us in every and all cases the ability to make changes.

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Mr. Coen: Okay, thank you sir. Alright, anything else Mr. Harvey?

Mr. Harvey: Yes Mr. Chairman, I failed to put on the list of Planning Director's Report, the Planning Commission needs to consider adopting your calendar meeting schedule.

Mr. Coen: Yes sir, I was going to do that under mine but we can do that now under yours.

Mr. Harvey: Thank you.

Mr. Coen: Last meeting Mr. Harvey was kind enough to provide for us a draft schedule for 2017. Mr. Harvey, did you want to address anything in particular?

Mr. Harvey: Mr. Chairman, one thing that staff would note, that there was under your normal meeting schedule a meeting scheduled for November 22nd which would happen to be the day before Thanksgiving. County offices close at noon that day, so staff would recommend the Commission not have a meeting for that specific date.

Mr. Apicella: I think Jeff could bring the turkey to that meeting.

Mr. Rhodes: Or else they'd like us to know we'll be here alone.

Mr. Coen: That's right. Alright, and that's pursuant to our normal practices, only have one meeting in November; is that correct?

Mr. Rhodes: And December.

Mr. Coen: And December, yeah. I was just going piecemeal as he was bringing forward. But he's in the middle of conversation so I didn't want to interrupt him.

Mr. Harvey: And Mr. Chairman, also to make the Commission aware that the December 27th meeting, the County offices are closed the two prior days. I'm not sure if it makes a difference for the Commission or not.

Mr. Coen: But that's our norm to only have one meeting in November and December.

Mr. Harvey: The Commission has done that in the past, yes. It's up to the Commission whether you want to modify your schedule to go off the normal second and fourth Wednesdays, or do something different.

Mr. Coen: Okay. Okay, Mr. English is saying just take them off. Is there a second for just a consensus that we only one meeting in November and December?

Mrs. Vanuch: I was going to say, are those the only changes we're making (inaudible)?

Mr. Coen: Oh no, we'll probably make some others. But I figure we'll do it piece by piece.

Mr. Apicella: I don't know if we have any extra copies, I didn't bring mine because I didn't know it was going to be in front of us.

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Mr. Rhodes: That would be dropping the 22nd of November and the 27th of December.

Mr. Coen: Right.

Mr. Rhodes: And that's been the goodness I would submit of the switch to the second and the fourth. Now it gets it in the middle of each of those months so we do get a good point of business.

Mr. Coen: Yep. Okay, so do we need to take a vote on that Mr. Harvey or are we just going to go on the premise of that's what we want to do?

Ms. McClendon: Once the Commission has its calendar together, it does need to adopt it for the year.

Mr. Coen: Okay.

Mr. Rhodes: Yep.

Mr. Coen: Alright.

Mr. English: I thought we did something in July and August?

Mr. Coen: July and August, that's the next two dates I had circled, if I can get my paper back.

Mr. Apicella: Well, I would also say that... when is Spring Break?

Mr. Coen: Spring Break is the week, and I have no idea why I know this information, is the week of April 16th.

Mr. Rhodes: So it's the third Wednesday.

Mr. Coen: So it's in between our two, right, it's the third week in April, not the fourth. So it would not necessarily impact us.

Mr. Apicella: Okay.

Mr. Coen: So that Mrs. Vanuch will not have to worry about being home with her children, and her horses.

Mr. Rhodes: And then the other opportunity has typically been to best allow folks, staff and all, to be able to plan for their summer vacations. And we've tried two different approaches and both have worked. And one has been to take the second meeting in July and the first meeting in August to give a broad window. That'd leave a 6-week gap though. The other one is to take just the second meeting of July and the second meeting of August, that way we've got ongoing sessions and those are two 4-week gaps. There's not an extra week in there like there was last year.

Mr. Coen: That's right. So it'd be a choice of July 26th; the first one in July is the 12th which is I would think far enough away from the 4th of July that it wouldn't be problematic. So that would be eliminating July 26th definitely. And then it's just does the Commission and does staff have a preference whether it's August 9th or August 23rd?

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Mr. Apicella: The only thing I would bring up, Mr. Chairman, is when you have such a long gap and the Board has referred something to us, it creates a problem in terms of us having enough time to be able to deliberate. Sometimes we've had to move very quickly on an item because of that gap.

Mr. Coen: Okay. So, any other attitude about which we can...? Mr. Harvey, do you have a preference whether the 9th or the 23rd is eliminated?

Mr. Harvey: No sir, it's up to the Commission.

Mr. Coen: Alright, also eliminate July 26th and August 23rd, and that way we have the August 9th and July 12th, and then we come back September 13th. I mean, that in itself is a long haul. Alright, is that consense? Thank you, thank you.

Mr. English: I'll make a motion for that.

Mr. Coen: Alright, so the motion by the honorable Mr. English is to eliminate our meetings on July 26th, August 23, November 22nd, and December 27th. Is there a second?

Mrs. Bailey: I'll second.

Mr. Coen: Alright, any discussion?

Mr. Apicella: Mr. Chairman, I would just ask that, as a result of finalizing the calendar, two things happen: that we get a revised copy of the calendar and I wonder if it's worth putting our calendar on the internet site so folks know what the revised calendar is?

Mr. Coen: I believe you did last year because a couple times I looked it up online.

Mr. Harvey: Yes, Mr. Chairman, it is and it's also on the Board's main web page. When you look under Calendar of Events it shows up with all the Planning Commission meetings.

Mr. Coen: Alright.

Mr. Rhodes: Mr. Chairman, I just would highlight, because I can't count so now that I tried to recount when you all corrected the date in September when the first meeting was, what that will leave us is a 4-week and a 5-week gap versus one 6-week gap. So again that's just 6 weeks a long time, but 5 weeks only one week shorter plus we're adding a 4-week gap in there. I'm fine either way quite frankly, I have no druthers, but I would just remind we are putting two, a 4 and 5, or one 6 would be the two approaches.

Mr. Coen: Okay. Any other preferences or comments? Alright, so the motion before us is to eliminate July 26th, August 23, November 22nd, and December 27th. And seeing no other discussion we'll put it to a vote. Just because we like these devices. Alright, and so that is our official schedule (*the motion passed 7-0*). Anything else Mr. Harvey?

Mr. Harvey: No sir, that concludes my report.

COUNTY ATTORNEY'S REPORT

Mr. Coen: Okay. Anything Ms. McClendon?

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Ms. McClendon: Mr. Chairman, as you stated earlier, you've asked for a refresher on the new proffer legislation which my office plans to do at the next meeting. I would ask if the Commission has any specific concerns or anything they would like to see, to please get that to me or Dan Wisniewski in my office and we'll go ahead and have that information ready at the next meeting.

Mr. Coen: Thank you. And I feel honored that at my first meeting you actually had something to report, besides the fact that we made you do an awful lot of speaking tonight. So that brings us to the Chairman's Report. I believe, and I'll check with Mr. Harvey, but I believe we have to reappoint somebody to the ARB and to Parks and Rec this year at this meeting?

COMMITTEE REPORTS

CHAIRMAN'S REPORT

Mr. Harvey: Yes, Mr. Chairman. Also, if you want to establish any other committees and have appointments onto those committees.

Mr. Coen: Okay. So first off we'll deal with Mrs. Bailey, I believe you served on the ARB. Are you willing to serve again?

Mrs. Bailey: Yes.

Mr. Coen: And then Mr. Boswell, you've done yeoman's work on Parks and Rec. Would you like to stay on that?

Mr. Boswell: I will but if there's anybody that would love to do it, they're welcome to it.

Mr. Coen: I'm not seeing anyone rushing to unseat you, so thank you both for volunteering to serve on those committees. Are there any other committees that... I don't think... we used to have a Wetlands... not Wetlands but a Coastal Committee but we never met.

Mrs. Vanuch: Does that mean at the beach?

Mr. Coen: We've never met so... well, that would be nice but we've never actually met. So I don't think there's any specific committees. Mr. Harvey, did you have any in mind?

Mr. Harvey: No Mr. Chairman. From time to time there becomes a need for an Ordinance Committee or a Comp Plan Committee. Those are typical.

Mr. Coen: If there's some sign... the Sign Committee.

Mr. Rhodes: I nominate Mike Zuraf for the Comp Plan Committee... oh, I'm sorry, that's okay.

Mr. Coen: Do we know any... is that going to come back to us, the Sign Ordinance?

Mr. Harvey: No sir, I've not heard.

Mr. Coen: Okay.

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Mr. Harvey: Yeah, the Board held a hearing but deferred action on it.

Mr. Coen: Okay. I know they jokingly were volunteering certain members of the Commission to it. Alright, so that ends the Chairman's Report. We only have one TRC; that's in my district so I get that honor. And so the last item is the approval of the October 26th minutes.

OTHER BUSINESS

6. TRC Information - January 25, 2017
 - ⌘ Rappahannock Landing Section 4 - George Washington Election District

APPROVAL OF MINUTES

October 26, 2016

Mr. Apicella: Mr. Chairman, before we make a motion I do have a change. On page 16 of 64, line 797, close to the end of the second line there, or on 797, it should be "exempted" and not "excepted."

Mr. Coen: Okay, Mrs. Stinnette do you feel comfortable with what he just said? Alright, okay. Now Mr. Rhodes.

Mr. Rhodes: With that modification, I make a motion for approval of the October 26, 2016 minutes.

Mr. Coen: Alright, we have a motion; is there a second?

Mrs. Vanuch: Second.

Mr. Coen: All those in favor, I'll just say all those in favor say aye.

Mr. Apicella: Aye.

Mrs. Bailey: Aye.

Mrs. Vanuch: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye.

Mr. Coen: Aye. All opposed? Alright, I thank everyone again for the honor.

Mr. Rhodes: I would just make a comment, because it was referred to, that we made a conscious decision a long time ago to keep verbatim minutes which keeps minutes such as this at 64 pages for Mrs. Stinnette, so I think her timeliness on these are, and I don't think it was... it was a good comment, it was a fair comment in the public comment, but I would just remind that the Board does not do a verbatim set of minutes and yes, they can pump those suckers out a little bit faster, but they're just summary cut and paste of things versus the necessity of having to go through word for word and figure out my mumbling

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because I don't announce very well and many things like that. So I just think that's worth merit. I think Stacie does a tremendous job of staying on top of those.

Mrs. Vanuch: And I will comment also, just for the public watching on TV, that these video tapes are accessible at any point in time on the website, so you can download and watch the meeting live or recorded.

Mr. Coen: Right. And again, Mrs. Stinnette, you do a terrific job. School Board does not do verbatim either and, quite honestly, people sort of are envious of the fact that on this side of the street we do that. So thank you very much. It does take a great amount of work. Alright, seeing nothing else, this meeting is adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:41 p.m.