

STAFFORD COUNTY PLANNING COMMISSION
October 7, 2020

The meeting of the Stafford County Planning Commission of Wednesday, October 7, 2020, was called to order at 4:30 PM by Chairman Steven Apicella, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center and at remote locations throughout the County.

MEMBERS PRESENT: Steven Apicella (remote), Darrell English, Barton Randall (remote), Albert Bain, Kristen Barnes (remote), Dexter Cummings, Fillmore McPherson

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Kathy Baker, Mike Zuraf

Mr. Apicella: My clock shows 4:30 PM, today is October 7th and we have a work session I will call it to order. Mr. Randall will you call the roll?

Mr. Randall: Mr. Bain?

Mr. Bain: Here.

Mr. Randall: McPherson?

Mr. McPherson: Here.

Mr. Randall: Mr. English?

Mr. English: Here.

Mr. Randall: Mr. Cummings?

Mr. Cummings: Here.

Mr. Randall: Ms. Barnes?

Ms. Barnes: Here.

Mr. Randall: Mr. Apicella?

Mr. Apicella: Here.

Mr. Randall: And I am here, so we have seven here. Seven attending... accounted for.

DISCUSSION TOPICS

1. Amendment to the Comprehensive Plan - A proposal to amend the “Stafford County, Virginia, Comprehensive Plan 2016-2036,” adopted on August 16, 2016, as last revised pursuant to proposed Resolution R20-81. The amendment would revise Chapter 3, Future Land Use”, and Chapter 6, “The People and the Place” to specify that Agricultural/Rural Areas of the County are intended for farming, forestry and land conservation activities. Residential development should be discouraged and the maximum allocated density for residential dwelling units should not exceed one dwelling unit per ten (10) acres. Minimum lot sizes should be three (3) acres for

Planning Commission Minutes
October 7, 2020

conventional subdivisions, and one and one half (1.5) acres for cluster subdivisions which incorporate significant farming and forest lands into the required minimum open space land.

2. Amendment to the Zoning Ordinance - Proposed Ordinance O20-20 would amend the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of Specific Terms", Sec. 28-35, "Table of uses and standards" to establish an allocated density of one (1) dwelling unit per ten (10) acres for the A-1, Agricultural Zoning District. The definition of "Allocated Density" would be amended to specify that it applies to the number of dwelling units or rooms allowed for a lot divided by the net area of the lot.
3. Healthy Growth Initiative Subcommittee Report - A report prepared by the Healthy Growth Initiative Subcommittee of the Planning Commission. The Committee was comprised of Commissioners Bain, Barnes, and McPherson. The report studies possible alternatives to proposed Ordinance O20-20.

Mr. Apicella: Thanks Mr. Randall. So, before we dig into the meeting, I just wanted to address the objective here. Al, you can correct me if I am missing anything.

Ms. Lucian: Mr. Apicella, I am sorry to interrupt. I recommend that you guys who are participating remotely ask for a vote to allow the participation remotely, like we do with the Planning Commission meetings.

Mr. Apicella: Okay. Can I do it on behalf of everybody, or do we have to do it individually?

Ms. Lucian: I think you can do everybody at once, that's fine. If there is a motion to that effect.

Mr. Apicella: This is the Chairman, I would ask for a motion to allow Mr. Randall, Ms. Barnes and myself to participate remotely.

Mr. McPherson: So, moved.

Mr. Apicella: Thank you, thank you Mr. McPherson. Is there a second?

Mr. English: I second it.

Mr. Randall: Second.

Mr. Apicella: Thanks Mr. English. Any comments? None. Just a quick roll call vote, I will do the roll call Mr. Randall when we need to. Mr. Apicella votes aye. Mr. Bain?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Aye.

Planning Commission Minutes
October 7, 2020

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Great, thank you everybody. Okay again, just to reiterate before we dig into the meeting, I just wanted to address what our objective is here and again, Al you can correct me if miss anything. So, the Planning Commission wanted to study the Board's universal downzoning proposal. What I mean by that, the proposal to have the same minimum density regardless of parcel size. And we wanted to identify how the County got to this point, help inform the Board's deliberations, provide additional alternatives and identify the advantages and disadvantages of all options. Of particular concern to the Subcommittee was the potential impact a ten-acre or six-acre minimum density would have on owners of smaller parcels. Based on the information provided by staff, the vast majority of parcels that would be affected by the Board's proposed changes are between six to fifteen acres. Under current A-1 zoning requirements, they would normally yield between two to five lots, assuming all other requirements in the Zoning Ordinance could be met. Five lots is the current County threshold for creating a minor subdivision. So, under the proposed ten-acre minimum density regime, all of those parcel owners whether it's six or up to fifteen acres, would only get one lot. In that case someone who owns a fifteen-acre parcel would lose four development rights. So, if we compare that to the value of the County's PDR program, and what is placed on a development right, that amount is \$25,000. So, a person losing four lots, that is a loss of \$100,000. At a six-acre minimum density, the property owner would only get one to two lots. Again, someone with fifteen-acres would lose three development lots and in that case the loss to the property owner would be \$75,000. This Subcommittee identified three alternatives to the Board's proposal. Two of these alternatives a Sliding Scale and a Cap and Zone approach were briefly mentioned in an October 2018 to the Board of Supervisors. Based on a review of the briefing slides and meeting minutes from each of the Board's Healthy Growth meetings, it appears that there was little discussion about these alternatives and they were not flushed out as detailed proposals for the Board to consider. The Subcommittee of the Planning Commission has worked over five meetings to prepare detailed proposals on how of the two alternatives I just mentioned could work in Stafford. The Subcommittee also developed a detailed proposal on an additional alternative, called Transition Zones. In that case it would require higher minimum densities based on a parcels distance from the County's Urban Service Area boundaries. And you will see in the summary that's been provided as part of your package today that in total, there are seven separate options. So, with the Board's indulgence, I would like to summarize each one of these before we go into the details and review the Subcommittees report. The first option would be to make no changes to the A-1 zoning district, which could result in a total of 12,260 net additional units outside of the USA, the Urban Services Area. Option two would change the current zoning approach from one lot per three acres to a minimum density of three acres. By itself, changing the methodology here would be a down zoning as it would reduce the number of net additional units to 8,954. That is a 27 percent reduction from the 12,260 baseline. Option three would require a minimum six-acre density, which would reduce the number of net additional units to 5,230 units. That is a fifty-seven percent reduction from the baseline. Option four would require a minimum ten-acre density, which

Planning Commission Minutes
October 7, 2020

would reduce the number of net additional units to 3,406 units. That's a seventy percent reduction from the 12,260 baseline. Option five would create a Sliding Scale approach, similar to the one used by Fauquier County for the past forty years, four – zero years. It would reduce the number of net additional units to 4,379 units, and that turns out to be a sixty-five percent reduction from the baseline. Option six would create Transition Zones, which would be additional agricultural districts and one- and two-mile intervals from the primary Urban Services Area boundaries. This approach would reduce the number of net additional units to 6,540 units. That's a forty-seven percent reduction from the baseline. Lastly, option seven. Option seven would utilize a five-lot Cap and Zone alternative modeled after a similar approach in place in Spotsylvania County for the past eighteen years. It is my understanding that Louisa County also has a similar Cap and Zone approach. Under the Cap and Zone, it would reduce the number of net additional units to 7,129 units and that's a forty-two percent reduction from the 12,260 baseline. And while this approach does not reduce density as much as other alternatives that we have looked at and discussed, it would change by-right zoning in the agricultural area to a rezoning in order to exceed the cap. And in this case the Subcommittee is recommending a five-lot cap. It would thereby allow the county to negotiate offsetting proffers once a developer wants to go to six or more units in the agricultural district. So, I just again wanted to summarize what the Subcommittee came up with. Some comparisons to the ten- and six-acre minimum density the Board has been talking about. And just now open the floor back up to Mr. Harvey, who I think has a presentation to make. Mr. Harvey.

Mr. Harvey: Thank you Mr. Chairman. If I can have the computer please. The slide presentation will first talk about the Comprehensive Plan amendment, also the Zoning Ordinance amendment. Both of which are being considered at the joint public hearing. Then go into details of the Healthy Growth Subcommittee report. And then one of the last slides will talk about some additional commentary that the Land Conservation Committee of the Planning Commission has with regard to the effects of the Ordinance. As background, the Board of Supervisors adopted its 2040 Strategic Plan in November of 2018. The Priority 1.1 is to identify and execute growth management strategies that align our Comprehensive Plan and infrastructure. Primarily roads, broadband, schools, water and sewer, without negatively impacting taxation. And then there is two objectives to try to achieve that priority, one was to Incentivize Growth into the Targeted Growth Areas and two to Evaluate Zoning Outside the Urban Services Area to maintain the rural character of the County. The Board had a number of meetings over the past two years and have concluded to move forward with Proposed Ordinance O20-20. And on September 1st the Board adopted two to refer the amendments to the Comprehensive Plan and the Zoning Ordinance to the Planning Commission and request that the Planning Commission to have a joint public hearing with the Board on October 29th. October 29th is a Thursday and that public hearing will be at Colonial Forge High School at 6:30 pm. On September 9th the Planning Commission agreed to participate in the joint public hearing. Due to some concerns from members of the Planning Commission about the impacts of the proposal on to rural landowners, the Chairman formed a Subcommittee of the Planning Commission. That Subcommittee was consisted of Commissioners Bain, Barnes, and McPherson. Commissioner Bain was the Chairman of the Subcommittee. The Subcommittee studied alternatives to the ten-acre density requirement in Ordinance O20-20, as outlined by Commissioner Apicella. The Subcommittee met five times between June 17th and September 18th, and tonight will be a presentation of the culmination of the Committees work. The Subcommittee studied three alternative methods, as the Chairman... excuse me Commissioner Apicella outlined. They are Sliding Scale approach, Transition Zones and lot cap approach. The Subcommittee's report is specifically described in five through ten, on this presentation. The Board's proposal is to change the Comprehensive Plan to further emphasize that Objective 1.4 states discourage growth in the rural areas of the County. It would eliminate the stipulation that rural areas of the county would be characterized by large lot subdivisions. It further states the location of new

Planning Commission Minutes
October 7, 2020

residential development is discouraged; however, such uses should have a maximum allocated density of one dwelling unit per ten acres, a minimum lot size of at 3 acres would be retained, except where significant farming and forest lands can be incorporated into cluster development, where cluster development allows for smaller lot sizes. Chapter 3 of the Comprehensive Plan is amended in a number of locations to support the changes to Objective 1.4. Now the Comprehensive Plan is a guide for development, it's what we use to inform us on how we should implement our various ordinances in the county. So, Ordinance O20-20 is an effort to implement the change to the Comprehensive Plan that the Board is seeking. The proposed ordinance would establish a maximum allocated density of one dwelling unit per ten acres in the A-1 zoning district. That is different than the current method of operation for subdividing property in the A-1 district. The current method of operation for subdividing property is on lot size. So, the A-1 zoning district has a minimum lot size for three acres for conventional subdivisions and one and a half acres for cluster subdivisions. So, with regard to implementing the allocated density it's similar to what we see with residential zoning categories in the county. Where wetlands, floodplains, and slopes exceeding thirty-five percent are deducted from the total area of the property and a net area is determined. And density is calculated based on the net area. So, in this case the proposal is a density of one house per ten acres. So, that would be your allocated density and that would be multiplied by the net area of the property. This change to allocated density of one per ten would be based on the parcel size and acreage of the property when the ordinance is adopted. So, if the ordinance becomes adopted on October 29th of this year, that would mean that any property that is subdivided in the future would be based on the parcel size as of October 29, 2020. And the end result would be that there would be fewer residential lots created in agricultural zone of the county. These are some of the advantages and disadvantages that the Subcommittee saw. In this case with the Board proposal, the disadvantages outnumbered the advantages and outweighed the advantages. Chairman Bain would you like me to read through all of them or would you prefer me to summarize?

Mr. Bain: I think it would be sufficient to summarize right now. We can highlight some later if we want to.

Mr. Randall: Hey Jeff, I have a question for you.

Mr. Harvey: Yes sir.

Mr. Randall: Is it safe to say that the Board's goal is a number of units, i.e. 3,700 or 5,200 grid or is there a percent of reduction that they are talking about? Have they mentioned it to you at all what their goal is and they are using the one in six or one in ten to get to that goal? Or is it just one in six or one in ten, whatever it is it is? Over.

Mr. Harvey: Commissioner Randall, the discussion so far has been trying to address the concerns of the community about out loss of rural character in the county and the extent of which our agricultural zones are growing into residential neighborhoods. There's not been a specific percentage of number of units or a total number of units that has been identified as a target to meet. Also, too the proposed ordinance talks about a density, one home per ten acres. I know that there has been a lot of discussion thrown about with regards to one dwelling unit per six acres. But the Board has not made any decision to change beyond the one per ten, at least for the public hearing. At the public hearing the Board could choose to reduce the impact of the ordinance by going with a lower allocated density, if they choose. But we don't know if that is going to happen and what number that could be. If it does happen, it could be anything less than ten, but more than likely above three...

Planning Commission Minutes
October 7, 2020

Mr. Randall: Right.

Mr. Harvey: ... to meet their goal.

Mr. Randall: Okay, another following question to that and then a little off the topic. They have already publicized or advertised the public hearing. Are there op... are the things that we talk about today, if we want to present to the Board an option other than the one in ten, is there sufficient time for them to look at it, to review it, to adjudicate it and then to add that to the public hearing discussion? Or is the public hearing discussion strictly a one in ten and any variant of that and not including any of the other options that maybe pertinent to the (inaudible)? Over.

Mr. Harvey: Commissioner Randall, based on state law if the Board is to consider any change to the Ordinance, they have to do so in keeping with what's been advertised. So, these additional proposals are not within the scope of the advertisement. Therefore, would not be able to be considered at the joint public hearing.

Mr. Apicella: Okay, but with that said Jeff, the Board referred these items to the Planning Commission and the wording in the referral says to review and provide our recommendations. So, that's what we are potentially doing here. A worst-case scenario the Board could choose to re-advertise for the public hearing prior to, during or after that public hearing if they decide that any of these recommendations that we are putting forward have merit and they deserve further consideration. Is that correct?

Mr. Harvey: Commissioner Apicella, the Board at any time could modify what is being advertised for public hearing, yes.

Mr. Bain: And at the 29th meeting there will be opportunities for public input and public comment, whether it comes from the Commission or a citizen at large, is that not right?

Mr. Harvey: That is correct Commissioner Bain. The public hearing venue has been set for Colonial Forge High School so it will allow for social distancing to meet COVID concerns. Also, people have the opportunity to provide comments in writing by email, which will become part of the public record.

Mr. Randall: So, then to the point that we are discussing, if we chose an alternative to the one in ten, and I think there is some definite validity to what the effort that has been made with the Subcommittee. What you are saying is the only way we would be able to present that as an option to the public would be to change the public hearing to another date, so we have the necessary time to advertise an option to the one in ten. Is that what you are saying? Over.

Mr. Bain: No, they are just... we are saying that at that meeting they have the option to not approve that ordinance and to schedule another hearing to give an opportunity for these other alternatives to be considered in more detail. It would not... it's not a pass/fail meeting. They have the option of ignoring anything anybody says, whether it's the Commission or the public. And go ahead and approving the ordinance or they can say we've heard a lot of information. We think it's worth giving more deliberation to, we will schedule another meeting.

Mr. Randall: Yeah, I... no I understand all of that. I understand all of that. My point is that we want to be seen as working in tandem with the Board, not against the Board. And so, we want to be seen as helping the Board make a decision. Not throwing something out there at our public hearing that

Planning Commission Minutes
October 7, 2020

somewhat divide.... not opposes, but diverges from what they have been talking about and what the decided to go to public hearing with, for the last two years, you know.

Mr. Apicella: Bart, I am going to stop...

Mr. Randall: So, I just figured out a way we can try to work with the Board so that the Board has all of these things. So, they are not being surprised at the public hearing, that would be a bad look in my opinion.

Mr. Apicella: So, so, so a couple of things Bart. On August 28th, on behalf of the Planning Commission I sent an email, a cover letter and some general information about the three options that we were exploring. We were not ready to go at that point in time, because it took a lot of work and effort in a short amount of time to get where we were by August. You could see the meetings that we had, especially with regard to making sure that our numbers, both the ones that staff were using and the ones that we were using, all aligned. So, as part of that request, again on behalf of the Planning Commission, I asked the Board to give us an additional thirty days. That did not come up at the Board's meeting on September 9th and what they did do is decide at that point in time that they wanted to ask us to go ahead and work with them on a joint public hearing. I feel compelled to say, that with any item the Board refers to us, you know, our requirements under the state code is to look at it objectively and to provide our recommendations regardless of where the Board may be headed based on what we think is best for the county. And so, I think, our objective here, as I said, was to further inform the Board's deliberations. Because prior to us doing our deeper dive, I don't think that they had all the information, in my opinion, that they needed or could have gotten to make a fully informed decision, especially with respect to the knowledge that there were some other options available to them and how those specific options would work. And that's the most important part of this. What we did... what the Subcommittee did was took these ideas and crafted specific proposals, that had never been before the Board. And as part of those proposals the Subcommittee determined what the lot yield would be based on the specific proposal. That said, those proposals could always be adjusted to increase the lot yield or decrease the lot yield, but that requires further discussion and deliberation. So, I think we're... I think our objective here is to help the Board, not to work against the Board and ultimately to work towards the best interest of all...

Mr. Randall: Right.

Mr. Apicella: ... residents of Stafford County...

Mr. Randall: I am all on board Steven, I am all on board. So, here is how I think this is going to go. Based on what this is, we are going to see this as a great product. I am not sure, as Al said, who's going to present it at the public hearing (inaudible, audio not clear) going to present it. I don't think it's going to be a position where we can present it. We are there to vote and talk about (inaudible) public hearing on the resolution from the Board, which is one in ten. What's going to happen is that in this public hearing all fourteen of us are going to be there, the Planning Commission is going vote no and at the same time, in the same meeting and the same public hearing, the Board of Supervisors is going to vote yes. And I think that's just a really bad look. So, I am just trying to find a way to either postpone it or to get the information to the Board so the Board has some information they can use to say yes, we want to... we thank you for your input, we are going to defer any comments, we are going to defer a vote and then we are going to have another public hearing... joint public hearing later.

Planning Commission Minutes
October 7, 2020

Mr. Apicella: I don't...

Mr. Randall: That is my concern, that we are going to say no we don't go with your resolution and they are going to say, thanks for being here but we are going with it anyway.

Mr. Apicella: So, just to that point Bart, again we have a specific set of proposals and a presentation. At least the proposals and all the information for today's meeting has been posted to the county's website. The Board can certainly take a look at it individually or as a Board and decide what if anything they want to do about it, between now and the time the public hearing is scheduled. Again, I don't think... I would love to work with the Board, I wish they would work with us prior to the public hearing. I can't speak for them, I can't make them look at our stuff in advance, I am certainly willing to send the next... *inaudible*... to the Chairman on behalf of the Commission and request that they delay the public hearing. But, if they choose not to it doesn't mean that as a Commission, we can't and shouldn't do our responsibility and still present other alternatives and vote as we deem appropriate, as individual Planning Commissioners when we get that opportunity during the joint public hearing. Anyhow, if you don't mind Bart, I'd just like to kind of move on ...

Mr. Randall: That's fine, that's fine. No, I just think we needed to talk about how this is going to work down the road. So, thank you.

Mr. Apicella: Jeff, please go ahead.

Mr. Harvey: Looking at the Committees review of the Board's proposal, in general the Committee felt that the advantages of it were that it's fairly easy to understand, it treats all property the same way. There would be a substantial reduction in future that could be built in the rural areas of the county. As far a summary of the disadvantages, the concerns to the impacts of property owners in the rural parts of the county. Even though it goes to a ten-acre density, we are still going to have future homes that could be built in the rural areas of the county and those homes will not provide proffers to mitigate their impacts. Concerns about... in relation to disincentives for participating in the land conservation programs in the county, increase of potential cost for homeowners to build homes in the county. Because of the larger lot size, it's going to require a more expensive home to be able to afford the larger lot and also impacting the amount of acreage that is use up quite a bit because of the pension to have more estate sized lots. There is no relief for family subdivisions in this process specifically carved out for that purpose and then it pushes some of the growth towards the Urban Services Area where we already have stretched infrastructure. The first option that developed and studied by the Committee was the Sliding Scale. And as Commissioner Apicella mentioned, Fauquier County has been using it for approximately forty years. It applies to the RA and RC Zoning Districts. And generally, how it works is the number of lots obtained reduces as a percentage as the size of the parent parcel gets larger. The overall density is roughly one house per ten acres for up to... on tracts of land up to 205 acres. Above 205 acres, the density drops to as low and one per fifty-five acres. It allows smaller parcels to be on a more confined area on the property, so therefore more land is available for conservation and continued agricultural activities. Fauquier County requires open space be established and that open space parcel be a non-common open space. And it has a 25-year conservation easement on it, which runs in favor of the county. There is a process after the 25-years where someone can partition to come out of that conservation easement, but it requires approval by their Board of Supervisors. So, the Committee came up with a variation of the Sliding Scale that they felt was modeled appropriately for Stafford, and you can see that on the chart here. Based on lot sizes, it affects the size of the new lot you can create. So, for a zero to six acre parcel you could still do a three-acre lot size. For six to fifteen acre parcels you could do a four-acre lot size and similarly

Planning Commission Minutes
October 7, 2020

extending all the way up to twenty acres. And I will defer to Chairman Bain, if you want to add anymore commentary with regard to what I was describing.

Mr. Bain: One thing I would like to point out, the 0 to 6-acre range, that doesn't change for any of the proposals. Because that is currently our three-acre minimum, anything less than six-acres could not be subdivided. So, those units would always be available under any of the alternatives that both Board and the Committee have looked at.

Mr. Harvey: As far as potential advantages and disadvantages of the Sliding Scale. It is a proven approach, in discussion with the Zoning Administrator of Fauquier County, she said that it has been in existence in Fauquier for a long time, forty years almost, and people have gotten used to it and they operate with it. So, this is a reduction in the future number of dwelling units trying to meet the Board's goal. It does have more of an adverse impact to larger land owners, but also... in general reduces the impact to the County. The advantages outweigh the disadvantages. And I think... is there anything else you would like to add Commissioner Bain? Oh, with regard to transitions zones, with that concept would be that the lot sizes would increase farther away from the Urban Services Area. So, the Committee looked at three different zones, basically one mile, two miles and beyond two miles for the Urban Services Area. The idea being the closer a property is to the Urban Services Area the more likely hood that they have the option somewhere in the future to connect to public water and sewer. So, if the lot size was smaller and they ran into difficulties, that in the future maybe there could be an extension of utilities out to that area. And this chart shows the differing impacts of the different lot sizes that could be proposed based on the zone approach, and the number of lots yielded.

Mr. Bain: Would you explain what the zones are there in that chart as far as the distances or would you like me to?

Mr. Harvey: If you wouldn't mind.

Mr. Bain: Okay. If I remember right, and Steve correct me. Zone 1 was within a half mile of the general Urban Service.

Mr. English: I thought it was one mile.

Mr. Bain: Oh, was it one mile. One mile, okay.

Mr. Apicella: It's one mile.

Mr. Bain: One mile. Zone 2 was between one mile and two miles out, and Zone 3 was beyond two miles. The boundary obviously of the Urban Service Area isn't a nice smooth curve or straight line, but we had the GIS folk's kind of expand it and smooth out the curves to even it out. But it could be, those zone boundaries could be adjusted if this alternative was selected, certainly.

Mr. McPherson: And one other clarification, the two island Urban Services Areas were not included in Zones 1 and 3.

Mr. Bain: Right, right. Thank you, Fillmore.

Mr. Apicella: If I could just add, in the package that was provided this afternoon there is a map depicting generally where those lines would lie on the County's Land Use Map. So, you can get a

Planning Commission Minutes
October 7, 2020

general idea of what that means one-acre... I am sorry, one mile and two mile and two mile and beyond.

Mr. Harvey: Correct Commissioner Apicella. And that information as well as all the background materials have been posted to the web and attached to agenda item number 3, which is the Committee's report. The advantages and disadvantages of the Transition Zone, I did mention about proximity to the Urban Services Area. Also, too, as far as advantages it adversely impacts fewer land owners and proportionally land value. It's considered to be fair to land owners especially that are closer to the Urban Services Area. The disadvantage is there's a greater impact the further away properties are from the Urban Services Area. So, not all A-1 property is treated the same. It also would require, essentially creation of new zoning districts for each one of those zones that would have different lot size requirements. Then a Lot Cap, as Commissioner Apicella mentioned, Spotsylvania County has had a limitation on the number of lots that can be yielded off of any given tract of land, regardless of the size of that tract of land. Spotsylvania County in their A-3 zone, which is the majority of its rural zone in the county, has a ten-acre minimum lot size. There are some exceptions for annual divisions, which is three-acres, family divisions which are two-acres and then also cluster divisions which are three-acre lot sizes. An annual division gives the property owner the option to cut off a lot, one lot a year for up to six total lots. So, under the annual division, you are capped at six lots.

Mr. English: That's for families?

Mr. Harvey: No, that's just to sell off to anybody. It's equivalent to our minor subdivision process, but it is only limited to one lot in any given year. And the ten-lot cap would still apply in that case. Again, as I mentioned the ten lots is limited to any parcel, regardless of its size, whether it's 30-acres, 100-acres or 1,000-acres. So, the idea is that anybody wanted to exceed ten acres must apply for a rezoning to one of their rural preservation zoning categories. The Committee studies both a five-lot cap and a ten-lot cap for how it could apply to Stafford and also looking at maintaining the three-acre lot size for conventional and family subdivisions. The Committee ultimately thought that the five-lot cap would be more applicable to Stafford because of the fact that five lots is our cut off between a major and a minor subdivision. If you typically get more than five lots off of a piece of property, you are required to build public streets in order to meet the road frontage requirements. So, that is a significant difference in how the form of development occurs. And this is an example of the chart for the five-lot cap. And again, the increase in the number of dwelling units is still fairly significant but it would give other people that have rural land an option to pursue a rezoning to achieve more lots. And then also with their rezoning proffers could be potentially offered, which could mitigate impacts to capital improvements. That would require us to create a new zoning category or categories to facilitate this. So, that can be somewhat seen as a disadvantage because it is no longer a by-right activity. But again, the Committee felt that the advantages for the Cap and Zone offset the disadvantages. It still gave especially the smaller... the owner of smaller acreage the opportunity to continue to divide lots, similar to what they are doing today. If you went above five again, that's gives the landowner option, whether or not to pursue a rezoning or not. And this is a comparison chart of the various options that the Committee studied. The top number is the projection of how many future homes could be built in the county under the current three-acre zoning requirement, assuming that everyone that owned land divided their property up to the maximum extent that they could. So, all these numbers are theoretical, it's all assuming the landowners decide to divide their property to the maximum extent that they could. Build out under a three-acre density, which again subtracts out wetlands, floodplain, and steep slopes would have an impact. So, you can see the number drop from 12,260 to roughly 9,000 units. A drop of a little over 3,000 dwelling units. Buildout under six-acre, if that was the option the Board chose to pursue, would be 5,320. The current ten-acre density proposal is 3,706. Buildout with

Planning Commission Minutes
October 7, 2020

Sliding Scale is 4,379, buildout with Transition Zones is 6,540 and with the five-lot cap it's 7,129. So, that shows you the variety of impacts of going with different options that the Committee studied. And finally, the Planning Commission has another Subcommittee, called the Land Conservation Committee, and it was directed by the Board of Supervisors to help give the Board some guidance on our current land conservation practices. The Subcommittee has some concerns about Ordinance O20-20 and how it may adversely impact voluntary land conservation programs. Specifically, the concern is that it will result in fewer development rights that could be determined on properties. It may result in reduced value being offered to the property owners from the County. So, that's going to affect the desire to participate in the program. Also, too, if there are fewer development rights, it will likely impact a property owners' ability to seek state and federal tax credits for their putting their land in conservation. The way the tax credit program works is it looks at the difference between the market value of the property and the land conservation value. And by someone putting their property in land conservation, that means that they are essentially taking a loss in value, so they can get a tax credit based on that differential in property value. So, if the property value is reduced because there is less density that can be yielded, again that affects the person's ability to receive money and tax credits, and could affect their desire to participate in the program.

Mr. English: How many do we have in the pipeline for that? Do you know?

Mr. Harvey: Well Commissioner English, I could ask Ms. Baker to talk about the number of applications in the PDR Program, that are pending. We... also the Committee is studying whether the Board could voluntarily accept conservation easements from property owners. Ms. Baker, would you mind speaking a little bit to the PDR Program?

Ms. Baker: Right now, from our 2017 application round, which is what we have been working on... working through all of those applications, we still have about six in process. Two are getting very close to closing, which should happen by the end of the year. And then the others are still in process. We haven't received the matching funds for the last one yet. That application round is coming up soon. So, it will probably be at least another year before the remaining ones will be closed on.

Mr. Bain: A quick question Ms. Baker. If the Board were to implement this ten-acre minimum density, would that reduce the value in the PDR Program of the acreage that is being offered? Right now, I think it's \$20,000 or \$25,000 an acre after you have taken out steep slopes and wetlands. Would that dollar value drop since the land value itself will drop?

Ms. Baker: I think that would have to be a Board of Supervisors policy decision. We have calculated all of the development rights on these applications and notified the applicants back at the beginning of the process based on what it was at that time. However, with changes that is something that the Board would have to reconsider.

Mr. Bain: Okay, yeah. So, if they didn't change it, those six applications could go on through at that rate. But, if they said wait a minute, your land is not as valuable anymore, because of this ten-acre minimum density, so we are going to reduce the amount of money you could receive. And those people would have to decide if they wanted to stay in the program.

Ms. Baker: Yeah, the other side of that is if they are required to get an appraisal, then the appraisal would most likely reduce in value as well.

Mr. Bain: Change... *inaudible*.

Planning Commission Minutes
October 7, 2020

Mr. English: And also, the tax credits would be null and void too, right?

Ms. Baker: Well we don't get involved in the tax credit. That is an individual...

Mr. English: Right, okay.

Ms. Baker: ... property owner...

Mr. English: Okay thanks.

Ms. Baker: ... decision.

Mr. Harvey: So, Mr. Chairman now is the... or I should say that concluded the slide presentation. The other issue to be considered, if there is any questions or comments that need to be discussed about the options and alternatives. Also, at the dais this evening, Ms. Baker provided some information that Chairman Bain had requested regarding platted lots since 2010. Ms. Baker would you mind providing a summary of the handout, please?

Ms. Baker: The front page, and I emailed these to the members that are virtual. The front page is just a summary of the questions asked. I will note that number 4, we did not... have not been able to get to that information. A lot of this gathering we don't have readily available. So, we need to go back through our information. But, the first one is the number of residential units platted from A-1 properties, and we divided it from inside the USA and outside, and you see those numbers. Inside the USA 152 since January 1, 2010 and then outside the USA if 1,555. Then the second bullet would be other properties that are not zoned A-1. So, it covers A-2... all the other basically residential districts. That have been platted from this time. Then the summary at the bottom, I have attached the GIS spread sheet that was kind of manipulated to get to the data. You will see the first four pages is the entire spreadsheet, but then it's broken out by election district. So, for instance we have the first one being all... excuse me I think there's like seven, the main page and then you will get to the one that's the Aquia district and that provides the totals specific to that district. Both A-1 properties that are inside and outside the USA and then the other zoning lots... the other lots based on the zoning, does that make sense? Any questions on that? I apologize for getting that to you all last minute.

Mr. Bain: No, that...

Ms. Baker: But as you look at it and have...

Mr. Bain: That is quite alright.

Ms. Baker: ... questions, you can let us know.

Mr. Bain: I guess a question I have, then out of the 12,260, regardless of what happens, these 16,046 are already platted, could be developed. And I am just wondering and I didn't ask you to develop this data, but the thought occurred to me, are those, and I would have to look at your spreadsheet. The size of the parcel, are those mostly in that less than six-acre category?

Ms. Baker: These are all subdivisions that have been platted.

Planning Commission Minutes
October 7, 2020

Mr. Bain: Okay, so they would have to be three-acres or less? Would they? No, no they wouldn't, they wouldn't.

Ms. Baker: It's just any subdivision that has been submitted and platted.

Mr. Bain: Yeah.

Mr. Harvey: And Commissioner Bain, one issue we have in looking at this data is this date is current as of today, correct Kathy?

Ms. Baker: The last few days.

Mr. Harvey: Yes, and the data we have been using for all these analyses was from 2018...

Mr. Bain: Right.

Mr. Harvey: ... to try to keep it similar to what was initially presented to the Board. So, the difference in dates could have an impact.

Mr. Bain: Okay.

Mr. Apicella: Mr. Bain, I don't know if you want to chime in now that the presentation is over and talk anything about the Subcommittee Report, the process we went through, you went through. Do you have any thoughts?

Mr. Bain: Well I have a couple of questions in the back of my mind, if I could first. As I mentioned with the and it was highlighted in the Sliding Scale category. There are a number of parcels that could be developed by right, less than six acres that would not be affected by any of these proposals. And, there are probably a number of parcels in that... the numbers that Ms. Baker just presented that would add to that, we would have to go back and look at them individually. So, in terms of the total impact, I think the 12,260 number probably is a little misleading. It's not ever going to be that high and so I think, you know, people see that number and think oh my god. But then when you look at the number of development units that are going inside the Urban Services Area, you are already close to 10,000, and nobody seems to be concerned about that. So, it's kind of, I think the 12,260 is misleading in that sense. Another thing that I am wondering about, Jeff you had indicated, and I know Ms. Barnes brought this up in a recent email about the number of lots that are platted. That there's ten years of platted lots outside the USA that could be built at any time now, that were... explain that number to me a little more clearly, if you would.

Mr. Harvey: Yes, we tracked the active residential developments in the county, so that's applications that have received some sort of approval. Based on looking at what's been approved and not built on, not necessarily all platted, but approved and not built on. That equates to about nine years' worth of projected growth, based on our Comprehensive goal... Comprehensive Plan goal of a little over a thousand dwelling units a year. So, the rural areas is anticipated in receiving about twenty percent of that growth. So, that equates to about two hundred units a year. So, the nine years plus is about 1,800 potential future lots. So, that number is anticipated in looking at what is the potential trend, based on what's been approved. Not necessarily what has been built.

Mr. Bain: Okay.

Planning Commission Minutes
October 7, 2020

Mr. Apicella: Okay, so I am just... Al, do you mind if I chime in...

Mr. Bain: Oh, go right ahead.

Mr. Apicella: ... everyone else feel free to chime in as well. What I see when I look at that number or these numbers, the 1,967 approved lots in the rural district, the 3,941 in the suburban district and the 731 in the TGA. I am not sure if everybody has that, but what that tells me is, no matter what the Board does, if tomorrow the Board were to decide to downzone to whatever level they chose to downzone, there would still be ten years' worth of, you know, thereabouts depending on how fast the growth is. Just saying it was... it reached the target of around two hundred, there would still be over the next ten years another 2,000 rural lots unaffected by the change. So, for anyone who thinks the Board change of density is going to stop growth in the rural district, tomorrow or stop it at the same rate, that's actually not the case. Only when it has been exhausted, in theory, that's when the growth would start... the additional growth in the rural area might happen and once that growth gets exhausted, then it pushes the growth out into the suburban and the TGA. Again, because there is still, there is still supply, if you look at it from a supply and demand perspective. The demand being about 1,042 units per year based on the target. So, I just think it is important for folks to understand, both at the Commission and Board level and the public, that downzoning doesn't stop growth. It's still going to happen because there is still supply.

Ms. Barnes: Steven, can I, can I jump in here real quick? Because this was... I have got a whole page of questions that are specifically tailored to towards that. And I know that we've done... we have spent a lot of time on considering what will happen with all of the different scenarios that we have come up with, I think that we have seven all together. But what we haven't really discussed is, what would happen to the rest of the county, to the entire county if they went ahead and downzoned, even if it was a ten to one ratio, a six to one ratio, a five to one ratio, what would happen to the rest of the county, the county in totality? And how that pressure then would be then pushed towards, like the suburban areas. And Jeff, I sent you that email that said that we have like a... I think it's 12.24 years supply of already approved units within the suburban area, which is significantly more than we even have in the rural area. I am not sure why, you know, we are focusing on the rural area when it seems like where we've got the serious (inaudible) right now is outside of the TGAs and in the suburban area. But you gave me those numbers, and one of those numbers was that we have, what, 731 already approved units in the Targeted Growth Area, which is very short supply. When it comes to that Targeted Growth Area, because we are trying to get... we are trying to encourage people to develop within that Targeted Growth Area. Those 731 units that are already approved, are those just approved for projects that just happen to be geographically located within the Targeted Growth Area, or are they actually TGA type, high density, urban designed, planned development kind of projects that were specifically trying to get towards the TGA? Does that make sense, Jeff?

Mr. Harvey: Yes, Commissioner Barnes it makes perfect sense. The numbers reflected in that message that I sent you, deal with dwelling units, not necessarily a type or style of dwelling unit. So, that is one aspect of the Board's concern, is overall growth management and how to deal with that. But also, too, comes into effect, which we haven't got to is, is the growth that we are getting the right type of growth we want in the right locations. Some of it is being discussed with regard to the rural area in particular because our agricultural zone is really intended for agriculture no housing. So, that's one of the contextual issues the Board's looking at, is that the growth that we are getting in that area isn't what we anticipate based on how the zoning district is set up and what our goal of the Comp Plan are. But, going forward we have an update to the Comprehensive Plan to start looking at it in 2021. Those are going to be some of the key questions that the Planning Commission and Board are going to

grapple with are the percentages in the Comprehensive Plan right for the Targeted Growth Area having half of our future growth occurring there. Is the suburban area having thirty percent of our future growth occurring there? Is that right? And also, the rural areas is twenty percent correct? So, those percentages will be looked at. But also, too, looking at the size and scope of these areas, especially the Targeted Growth Area. Is it still in the right place? Is it still the right size? Are we ... what do we need to do to get the kind of development we want to see in those areas? It may require us to study and reevaluate our zoning districts, some of it may go towards housing type too. Because we do have in our Comprehensive Plan, recommendations for how many future apartments and townhomes that we need in the Targeted Growth Area as well as single family homes to meet our goals and thresholds. The suburban area is primarily single family detached, the same with the rural area, as far as housing types. So, this public hearing on the 29th is part of the Boards grappling with growth management.

Ms. Barnes: And I have a follow up question if you all will indulge me. We... one of the things that you sent me was that there was the 12.24 years supply in the suburban area, which clarifies within the Urban Services Area and outside the TGAs, that if we go ahead and do this downzoning, it's going to increase pressure on developers to apply for rezonings in order to keep up with the demand. However, why would they need to do that? If we already have nearly 4,000 approved units in the suburban area, why would these developers then need to come in and start rezoning? It seems like that they are good to go, they could just... and I don't understand what the hold-up is, why do we have 4,000 approved units, you know, sitting, you know, ready... approved and ready to go and they are not being built. But why, why would there be increased pressure on rezonings in the suburban area? It doesn't seem like that is necessary, it seems like they could just go and just explode and take those 4,000 units and just start building like crazy.

Mr. Harvey: Some of that will put pressure to rezone for certain properties. There are a number of properties that have prior zoning approvals that have been sitting dormant for years, and if there is additional pressure and/or increase in value for those properties, it may spur them on to develop. I will give you two examples. The Westlake project off of Route 17 as well as the Staffordshire project near Abel Lake. Those two developments would comprise roughly a thousand dwelling units and both of them were initially approved in the late 80s or early 1990s, and they have sitting dormant for thirty years. Some of their issues are market, some of the issues are infrastructure and the cost to provide it. But, that may change if the dynamic of where and how the county is growing and the demand for housing changes based on some of the actions that the Board takes.

Ms. Barnes: So, and if you will indulge me one last time. My main point here is, is that we are considering these options and these are all really great options. Initially when I came on this Committee, I thought it was kind of a no brainer, we need to do this, it sounds like, you know, theoretically or philosophically the ten-acre minimum sounded like a good idea. But in further examining some of the other options that we have come against, that those seem like, to me, they might be a better option. What we are not considering is basically we're saving one part of the county at the cost of another part of the county. And what that impact is going to be to the rest of the county, if we go ahead and do that ten acre minimum, what's going to happen to the rest of the county? Because the rest of the county, if it puts that much pressure on the rest of the county to start building like crazy again, I know that within the Urban Services Area we can't handle that growth. And judging by the 12.24 years supply, the suburban area, we really can't handle that growth. Because we are way out of line with our phasing in the Comp Plan. So, that's my main problem, is while philosophically, I don't necessarily have an issue with the ten-acre limit, I just don't think that we are all considering the repercussions of that down the line and what that will do to the rest of the county.

Planning Commission Minutes
October 7, 2020

And I think that that's something that we really need to really bring home to the Board if possible, or even consider ourselves within this particular discussion. Over, as Bart says.

Mr. Apicella: Kristen, if you don't mind, if I could just springboard off of this, and I apologize if I am stealing some thoughts that somebody raised at our last meeting. But, I think the point here, or the concern is that whether or not we really analyze what will happen with the amount of growth inside the county's suburban area and not specifically the TGAs, but the suburban areas, if the county reduces the supply in the rural areas. And I go back to what I said earlier, the target is 1042, I am not an economist, but I don't think that changes in the short term that demand, annual demand, just because we reduced the supply in the rural areas. I think it just moves where that demand ends up happening, pushing it towards the suburban areas. And so, I am concerned that we haven't done that analysis yet, and again, I think somebody captured it as a three-legged stool, and a three-legged stool being, one leg is the rural area, one leg is the suburban area and the third leg is the TGA. And we are only dealing, at this point in time, with the one leg that deals with the rural areas without understanding what the consequences are long term and short term, when you move some of much that growth to the suburban area, which is already stretched, schools are busting at the seams, traffic is horrible and will only be made worse, requiring more school seats, requiring more lane miles in the suburban area. And I just don't know that we've kind of program, what's that going to be once we make these potential changes in the rural area. And I just want to give a reality check on the TGAs. So, those... the TGA concept came up during the 2016... 2015-2016 Comp Plan development process. It was a different world at that point, it was before the State Legislature restricted how proffers could be accepted by counties. The thought was when those were created, those hi... I call them uber high density developments, mixed use developments that developers would kick in a significant amount of the help associated with that growth. And what I mean by that is helping build the schools or helping pay for the schools, helping pay for the infrastructure associated with that very high growth. And again, the world has changed, we can only accept proffers based on the specific impacts. It might be that means a developer couldn't help build a school, they could only give their pro-rata share. But really, even absent that, TGAs have been in existence for four years, we have only had one request, that was the Highlands on the Rappahannock, that was for a 324-unit apartment building. It was ultimately denied by the County, because it was inconsistent with the TGA requirements, which wanted more than one use and more than one housing type and also because of concerns about how, guess what, that growth would impact schools and roads. So, we could say we want fifty percent of the growth to be in the TGAs, unfortunately based on the experience over the last four years, I think it wishful thinking, to say that that's going to significantly increase just because we change the mix in the rural area and push growth towards the USA. I think much of that growth is going to happen in the suburban area, where there are so many units available, 4,000 units now. So, I just think... I think we are only dealing with one piece of the problem without dealing with all the pieces of the problem at the same time and coming up with a true balanced approach. So...

Ms. Barnes: that is exactly what I was trying to say. Nine years of experience on the Planning Commission has made it, you've made it very clear. Those are exactly my concerns, if you get that three-legged stool and you pull one leg, what happens to the stool? We are not taking a comprehensive overall look at managing growth. We are just trying to save one specific section of the County, which is where I... I... which is where I kind of... I can't support anything that doesn't take a more comprehensive view, and I don't... that's for people who are smarter than I, to try to figure out how you take a more comprehensive review instead of just looking at one spot or one particular part of the County.

Mr. Apicella: So, Darrell, Fillmore, Dexter, what are your thoughts?

Planning Commission Minutes
October 7, 2020

Mr. McPherson: I just have one comment that I have brought up a couple time at... in our Subcommittee meetings. We've talked about different advantages and disadvantages, and we talked about how if we go to the ten-acre minimum or even the six acres, how that would adversely affect folks who live out in the A-1 area. As we know from our last two Planning Commission meetings, Wi-Fi, sorry not WIFI, broadband and internet access for students, people working remotely is very important. If we start reducing very much, the number of houses out in the far parts of the County, how will that effect their ability to be getting broadband? Because, it will not be very cost effective for companies to be building their towers out there. And so that could affect the people who are already out there and make it more difficult for kids to learn remotely, or people to work remotely and so on. And also, one thing I have been thinking about is, you know, we've been calling all of this healthy growth. As we start forcing people, you know this is an opinion, closer to the dense areas of the County, would that actually slow Stafford's growth. I don't think the number of people moving into Stafford County might remain the same, it would decrease a little bit if they don't have the option to live out in the non-I95/Route 1 corridor. So, the growth may actually slow a little bit, which would be maybe different from what the Comp Plan is saying, just in my opinion.

Mr. English: Is it cost... another thing, is it costing them more to build in the Targeted Growth Areas and USAs and that is the reason they want to go out to A-1 areas.

Mr. Bain: Exactly.

Mr. English: Is it something we can do... maybe that's the key that we need to look at. What does it cost them? I kind of on Ms. Barnes thing, I think we're just focusing in one area and not focusing in the whole County. And I don't know, I don't know what the answer is really.

Mr. Cummings: I concur, I think it's the comprehensive approach that would be ideal and the bad part of it is we have what we have, right. I know they you are trying to put together, and I think you've done and the committee now, and Steve and all you guys have put together an amazing array of options. And I think, and I tried to sit in on many of the Committee meeting. And I think there is ... if we have to do something, I think that there is enough here for us, or for the Board to be able to put together something that would work, to minimize the damage to landowners as well. I am concerned about that, I am sensitive to it. Darrell has made me sensitive to it. But I think that we could do a first step and I would be supportive of whatever the Board decides, in terms of putting forward our first step in that direction. But to make a commitment to look at it more comprehensively. And I think, you are absolutely right, that it is the cost. We haven't looked at the Targeted Growth Areas and looked at what it takes for develop... we haven't incentivized developers to come into that space, and there are things that we can do. And for me, we talk about healthy growth, that encompasses more than just simply what the Planning Commission does from a zoning perspective, alright. It takes us looking at what types of businesses we want in that area as well. And I don't think we've really looked at that and in the rural sector as well. And I think there are options out there for rural communities and landowners, but we haven't really welcomed them, we haven't opened up the door to say, hey you can have agricultural here or new agricultural tech, alright. We haven't opened up that path... that box yet. So, I think that once we go through the Comprehensive Plan, I think we will have more tools in our tool kit and we will be able to fashion something that truly does work for this community. And I don't think that the growth is going to stop, we just happen to be in the D.C. corridor, the federal government, Quantico and everything else. It's just going to come and it's... and we are going to have to find ways to, as I ... my favorite words are, resilient sustainable community and it's going to be vastly different than what we imagine right now. And what we are doing is, you know, sort of legislative... *inaudible*... things that are past and we've got to catch up. And so, I am hoping whatever

Planning Commission Minutes
October 7, 2020

the Board decides, we will be able to articulate some of this stuff at the meeting. And I am with you Steven, I think that the zoning limitations with the sliding scale and transition zones, I think they work and hopefully they will pick something that will allow us to be flexible moving forward.

Mr. Bain: I think...

Mr. Apicella: Thanks Dexter.

Mr. Bain: ... If I could jump in Steve...

Mr. Randall: Steven, could I..

Mr. Bain: Bart, go ahead.

Mr. Apicella: Please go-ahead Bart.

Mr. Randall: Well, I guess we shouldn't have voted to do the public hearing then. I guess, based on what we are saying, we should have pushed back to the Board before we approved to go to the public hearing, the joint public hearing. It sounds like we've got some work, you know, I would like to come out with something that we'd recommend. But to apply an old axiom, the cow is out of the barn already. This is already moving out and I think the Board is ready to make a decision. So, Jeff... hey Jeff, how many meetings has the Board had on Healthy Growth and work sessions, over the last two years? Do you know that number off hand?

Mr. Harvey: Commissioner Randall, I know it's in some of the background information from the meeting on September 23rd. My recollection is was sixteen total meetings.

Mr. Randall: So, the Board has had sixteen total meetings and work sessions regarding Healthy Growth. I would suggest that much of what we are talking about, they have already looked at. It may not be in their meetings, it may not...

Mr. Apicella: That is not true Bart. I mean I have been through every slide deck and every set of meeting minutes, and our options were not discussed. To the extent that they were, again, it was just in a report that they were provided. I think the report was fifty pages and in a couple of sentences the cap and zone was mentioned, but it really did not get into any details at all. So, I have to go by what's there.

Mr. Randall: Okay. So, I, so based, okay, so, so it didn't. So, where does that leave us? Does that leave us backing out of the public hearing? Does that leave us saying, we are going to get the public hearing again, to the point I made before, when we go to public hearing, what's the intent? Are we going to say that we are going to vote no?

Mr. Apicella: So, so, can I start... can I start with one thing? So, the Board asked us to review the Comp Plan Amendment, we have sixty days from the date that the referral was made to us, October 30th or November 1st would be the sixtieth day. So, we really didn't have a choice, we would have either had to have our own public hearing or had a joint public hearing, at least with respect to the Comp Plan Amendment. I mean I hear what you are saying, the Board only invited us one time to participate in their effort, that was a year and a half ago plus. Much of that discussion was on TDRs, as a means to provide relief to property owners...

Planning Commission Minutes
October 7, 2020

Mr. Randall: Yep.

Mr. Apicella: ... that fell... and if you look at the meeting minutes, the Board spent a ton of time on TDRs across its dozen or sixteen meetings. So, it's unfortunate that there wasn't more collaboration or an opportunity for us to, as a Planning Commission, vet this. I mean we're kind of pushed up against a wall because of the joint public hearing without the ability to do our own effort, separate from the Board effort, as we normally would.

Mr. Randall: Totally agree, I know.

Mr. Apicella: And so, I think at the end of the day it's our responsibility to provide them with the best information possible and they can decide what they want to do with it, which is to go a different path or to ignore what we provided. And I don't think we should stop just because there is going to be a public hearing on October 29th. I think the Subcommittee did yeoman's work, it has a lot of information and I would hope the Board would at least take a look at it and maybe consider some alternatives to just the one size fits all approach.

Mr. Randall: I totally agree. My point is I don't think based on what we were told by Lauren, that they can discuss anything other than what was advertised. And the only thing that was advertised was the one in ten or they can lower it to one in six. But we can't discuss any alternatives at the joint public hearing.

Mr. Apicella: Sure, we can...

Mr. Randall: I read...

Mr. Apicella: We can't vote on something that is inconsistent with the advertisement, I don't disagree with that, okay? But the Board can still decide that, and I can't tell you how the Commission is going to vote on the 29th, but what I can tell you is the Board can decide to do a complete course correction, based on the information that we presented, if they want to. They can decide to go a different path, decide to close out the public hearing and refer the matter back to the Planning Commission for further consideration, if they want to, and hold a future a joint public hearing or do the normal process. Which it to allow the Planning Commission to do its work over several months, which again we didn't get here...

Mr. Randall: Nope.

Mr. Apicella: ... and let us come back with a fully flushed out proposal.

Mr. Randall: I totally agree.

Mr. Apicella: Okay.

Mr. Randall: (Inaudible, audio glitching).

Mr. Cummings: Let me ask, let me ask a question...

Mr. Randall: The issue I have is that we... they... we are doing a joint public hearing because their intent is to vote on it and approve it...

Planning Commission Minutes
October 7, 2020

Mr. Cummings: Let me ask this...

Mr. Randall: ... that's why we are doing a joint public hearing.

Mr. Apicella: Hey Bart, I would hope they have an open mind, that is the purpose of a public hearing. They really haven't heard from the hundreds of people, hundreds of people who are going to provide comments either in person or on paper. I guarantee you, I bet you a coke or whatever your favorite drink is, even an adult drink, that they are going to hear from a lot of people at that joint public hearing.

Mr. Cummings: Is this a TV commercial? So, the question... so the process, right and is there an opportunity to structure the agenda in such a way that so we could have some meaningful discussion about it? Because I agree with Steven, I think that we have an obligation to put forward the work that the Committee has done. And, I think that they... one because they are great options and two, I think that the public deserves to hear them, to a certain extent. To the... how do we effect that it that's what we decide to do as a group. That's... I am totally in support of that, I am advocating for that, to be honest with you. If we choose not to do that, I understand the reasons why we won't, but I think that if we focus on the agenda and how the meeting is structured, we might have an opportunity to have the Committee present its information. If I didn't see the agenda, please let me know. But I think that... so, for... Jeff, is there an opportunity for us to structure the meeting is such a way so we could make sure we make a presentation, get this information to the Board's suggested agenda and get their feedback as to how, you know, how that is going to present in the public eye. And then also, you know, letting them know that we have an announced preference to be able to have these options put out there, and see what their feedback is.

Mr. Harvey: Commissioner Cummings, similar to the Planning Commission, the Board has by-laws and procedures for their meetings...

Mr. Cummings: Um-hum.

Mr. Harvey: ... and with their published agenda. The Planning Commission, if you all adopt a report or accept the Subcommittee's report, that could be included in the staff report documentation for the public hearing. But, normally with the... similar to the Planning Commission, you hold a public hearing, you receive a staff presentation, both bodies as questions of staff, they open the public hearing and then someone make a motion. And once someone makes a motion, usually it's question and answer time frame until the motion is disposed of. So, procedurally it may be difficult to go into a full-blown discussion about Committee options.

Mr. Cummings: Well I am thinking about a presentation, right, of the options. And I think Steven, that's what you are envisioning, right?

Mr. Apicella: Right.

Mr. Cummings: And I am not sure within the context of the meeting how that's going to happ... how is that potentially going to happen? Is there a way for that to happen? Within the structure of the Board of Supervisors meeting?

Mr. Apicella: Well it's not just a Board of Supervisors meeting, it's a Planning Commission and Board of Supervisors meeting.

Planning Commission Minutes
October 7, 2020

Mr. Cummings: Right.

Mr. Apicella: So, I don't disagree with what Jeff said about the staff making a presentation that doesn't preclude us from potentially having Al do a presentation or staff augment a presentation with our information...

Mr. Cummings: Un-hum.

Mr. Apicella: ... and for us to have questions and answers like we normally do during a Planning Commission meeting. We still have our... we still have our own by-laws that we adhere to. There is no set of separate by-laws for a joint public hearing, that I have seen.

Mr. Cummings: And so...

Mr. Randall: And Jeff I... oh, I am sorry.

Mr. Cummings: No, go ahead.

Mr. Randall: Sorry about that. No, no, I was wondering, Jeff, when does the Board meet again?

Mr. Harvey: They meet on October 20th.

Mr. Randall: Is there any way that we can get this presentation or... I am hoping by the end of this, I mean, I ... at some point in time we are going to have to finalize the work session and come up with our recommendation of one of the seven options and say this is what we want to recommend to the Board. But, is there any way we can get this presentation in front of them on that meeting? On the 20th?

Mr. Harvey: Commissioner Randall we certainly can send an email to the Board with the information. As far as what's actually on the agenda, it's limited to the public hearing items.

Mr. Randall: Okay, it couldn't be in new business discussion that you could present as a matter of new business, as far as something... I just... and the other thing is and then I will shut up on the subject. You know, the way we want to do this, the way we present this, each one of us takes this recommendation, this slide presentation, something to our own Board members. We sit down with them individually, one on one and we walk them through this. So, at that joint public hearing they are not seeing this for the very first time. We all were appointed by them, we all have a relationship with them, we all need to go back to our Board members, we need to say we disagree with doing this unilaterally at one in ten without some type of a discussion over all these things. Talk to them about what we are doing, lay out what our recommendation is, so that they are prepared to have a discussion like this at the joint public hearing. And my guess is, once we do that, they will get amongst themselves and they will already have a direction ahead. Yes, we are (inaudible, audio glitch) public hearing, but you guys brought forth great points, we are going to leave it open and we are going to do it again at the end of November, after we've answered all these questions.

Mr. Cummings: So, so let me ask this question again, and I think that is a great idea and a great approach, tactical approach for us to be able to sort of get on the same page. But, I felt like I got in a white panel truck, van. So, because we don't have any... it's our... we have a... and Steven said that we have our... we have a meeting scheduled at that time, right? And we are limited by the publication

Planning Commission Minutes
October 7, 2020

and I agree with Steven that we do, within the context of that an opportunity or should have an opportunity to articulate our recommendations as it relates to the determination or the published notice. And so, if there isn't an opportunity to do that, again, I feel like I am in a white panel van, and I don't like that feeling. So, and I think we owe an obligation to the community to let them hear... get the benefit of our work. And so, if we can do what Bart suggested, I think that is a great first step. Aside from that I think we really need to decide once we, as we said, put together this working session, the finalized working session and decide what we really do recommend. I think that we need to carve out a space, an opportunity to have that articulated in some way at the meeting. And I don't know right now, as it stands... well it sounds like it's going to happen within the context of our agenda for the meeting. Right? To a certain extent.

Mr. Harvey: Well Commissioner...

Mr. Apicella: Yes.

Mr. Harvey: ... Cummings...

Mr. Cummings: I knew you would say yes Steven.

Mr. Harvey: ... the meet...

Mr. Cummings: I am looking at Jeff.

Mr. Harvey: ... the meeting on October 20th is definitely the Board meeting and right now the draft agenda doesn't have anything with regard to this topic on it. So, it would be... ultimately, it's the Chairman of the Board who set... agrees to the agenda and what's on the agenda. The Chairman and Vice Chairman have the meeting with the County Administrator to finalize those details. So, if the Commission wants to have a presentation on the 20th, it may be advisable for the Chairman of the Planning Commission to talk to the Chairman of the Board about adding it on to the agenda. In years past, when we have done Comprehensive Plan updates, the Planning Commission Chairman and others have come to the Board meeting and presented. And I would assume that this would be somewhat similar to that kind of situation. With regard to the joint hearing on the 29th, my understanding is that the joint hearing is a hearing called by the Board of Supervisors. So, it follows the Board of Supervisors agenda and protocol. Again, if there's a desire to have a separate discussion about these alternatives, that may be something that the Chairman of the Planning Commission should work out with the Chairman of the Board.

Mr. Apicella: Jeff, I have reviewed the by-laws of the Board of Supervisors and the Planning Commission and nothing in those by-laws of either entity talks to the procedures for a joint public hearing. So, I think... I don't think its necessarily a Board meeting or a Planning Commission meeting, I think we reserve the opportunity to have the meeting within the context of how we would normally have a meeting for our piece of it. So, you are going to have to help me or Lauren is going to have to help me, to show me where it says that we can't, we can't have Al make a presentation after you do your staff report.

Mr. Randall: Well if he could do it on the 20th, wouldn't that be a better...

Mr. Apicella: It would, but.

*Planning Commission Minutes
October 7, 2020*

Inaudible, two speakers at once.

Mr. Randall: ... just to do it on the 20th?

Mr. Apicella: We have no control over what happens on the 20th. It's not our meeting. So, we can ask, I just don't know, I just can't tell you for certain that the Board is going... the Chairman and Vice Chairman with the consent of the rest of the members are going to allow us to make a presentation. I just don't know. And the other question is when, who knows how busy their agenda is, it could run way into the late hours of the evening. We can ask, I am just saying worst case scenario, on the 29th, we should still be able to have... we should still be able to get a staff report and make a presentation to ourselves and ask and answer questions at that joint public hearing. I don't see anything in the by-laws of either the Board or the Planning Commission that precludes us from doing that.

Ms. Barnes: Hey Steven, do they ever have joint work sessions? I know that the School Board and the Board of Supervisors will have a joint work session. Has the Planning Commission and the Board of Supervisors had a joint work session.

Mr. Apicella: We have, but the question would be, is there enough time. Again, the Board would have to agree to it. And do we have enough time to advertise it?

Mr. Randall: I just remembered doing our joint public hearing and Steven I am sure you have done a couple as well. And we were there at the behest of the Board and the Board ran the meeting.

Mr. Apicella: That's...

Mr. Randall: It was a Board of Supervisors...

Mr. Apicella: Yeah...

Mr. Randall: ... public hearing...

Mr. Apicella: ... that's because that's what was agreed to by the Planning Commission Chairman and the Board Chairman, at that point in time. I am just going by the by-laws. The by-laws don't specify how a joint public hearing is held. There may be standards that have been applied in the past. Again, what's the big deal about Al making a presentation during the context of the...

Mr. Randall: The big... come on man...

Mr. Apicella: ... or for that matter...

Mr. Randall: The big deal is we can't blindsides them the first time they hear about this at a joint public hearing in front of 600 people at Colonial Forge High School. That the bad... that's the wrong time ...

Mr. Apicella: Hey Bart...

Mr. Randall: ... to be bringing this up for the first time.

Mr. Apicella: What are we doing right now? We are having a work session, it's public, it's going to be posted, okay.

Planning Commission Minutes
October 7, 2020

Mr. Randall: So, you think this is the same as Colonial Forge High School in front of 600 people?

Mr. Apicella: No, I don't. But you are saying the Board...

Mr. Randall: No.

Mr. Apicella: You are saying the Board is going to be blindsided. I am saying that... they are only blindsided if they choose not pay attention to the information. I'm happy, whatever we decide to do at the end of the meeting, I am happy to work with Al to send the material over to the Board, just like I did previously. And to suggest that we have an opportunity to brief them on the 20th, and/or to have these options considered during the joint public hearing. I am not trying to blindside them...

Ms. Barnes: Steven, haven't you already sent them an email telling them we are doing this? They know about this.

Mr. English: Yeah, Steven, I think you should... I am agreeing with... I think you should send it to the Board with what you and Al have come up with. And if they have... if they decide, hey we need to stop this or whatever, then so be it. But I'm with you, just send them the information we send them tonight.

Mr. Apicella: Yeah, and I am happy to do that. I am just saying, I am just going back to, at worst case scenario during the joint public hearing, I still believe that we reserve the right to have this information presented during the joint public hearing. We are a statutory created body just like the Board of Supervisors.

Ms. Barnes: I think one of the up sides of that would also be is that the public hasn't heard of these options. That it might be a good, I mean, at some point in time I think the public would... deserves to know about these other options. And if they don't or at that meeting, if we can go over those options, the Board of Supervisors might, might feel some pressure if you've got some landowners or a lot of people there saying hey, these are really great options. You need to stop and consider this. Otherwise the public is not going to hear about this, because I know... people... this is a public work session that we've got, but you know people aren't tuned into this like they would be tuned into that joint public hearing.

Mr. Apicella: There is at least two or three people watching, at least two or three. Alright, so again, what I am hearing is at a minimum we are going to send something to the Board, through the Board Chairman providing this information. I would just ask for a couple of things before we decide what that's going to look like, is that Al and I have an opportunity to work with staff to give us a couple days to finalize it. Just to make sure there's no misspellings or something is mis-characterized. These things were drafted... finished or tweaked as of Monday and Tuesday. So, I would just want to make sure that they are squared away before we send it to the Board.

Mr. Randall: So, so...

Ms. Barnes: Are we sending all three or are we going to pick one?

Mr. Apicella: I would recommend that we maybe provide a preferred option, but I would not want to not give them the other information because what if they don't like the preferred option and just say okay, we are done.

Planning Commission Minutes
October 7, 2020

Mr. Randall: It would be prudent, good leadership and good sense that you give them a recommendation, you give them a second recommendation. They already have the one in ten, they already have the one in six. They already have those, we would only want to choose... this is our recommended alternative and this is why. This is our second recommended alternative, this is why and be done with it. Give them two, we are good. I think we try to get in front of them... the whole Board on the 20th, I don't think we just send it to them. I think we move as hard as possible to get in front of the Board on the 20th, in any way possible.

Mr. Apicella: I hear you Bart, but there is no guarantee that that... we will be allowed to do that. I would like to hear from other folks.

Unknown speaker: Inaudible.

Mr. Apicella: I can't... who's talking?

Ms. Barnes: That was in Bart's background.

Mr. Randall: Oh.

Ms. Barnes: Yeah. Yeah, I think that... Steven, I agree that we should have all three options, but I think that we should have all three options. But, I think that we should have a, you know, a big gold star by it that says hey, we really like this one, but here are our other two. But, we have to, I mean, as a Commission should we decide which one we would really want to highlight?

Mr. Apicella: I would like to... well if I was able to make the decision and I am not, I would like to provide this whole package. But on top of that say this is the recommendation. Here is all the material but this is the recommendation that we have based on the work that we have done. I wouldn't want to exclude anything that we have here, because it's all good information. A lot of which, I don't think they have seen before.

Mr. McPherson: Agreed.

Mr. Bain: I agree.

Mr. Cummings: I agree as well Steven. So, just to clarify, so we are going to send the cleaned-up package to the Chairman, with a request to have an opportunity to present at the joint hearing. And we are going to include... we are going to distill it to at least a preferred one or two items or models and... to the Board. Is that correct?

Mr. Apicella: Well, I think what I heard Bart say is he would like us to see if they would be willing to get this brief to them on the 20th. I have no problem, I just, again I just can't guarantee that that's...

Mr. Cummings: No, no, no, no, no, I know. But at least we are formally putting forward the request. Right?

Mr. Apicella: Absolutely.

Mr. Cummings: And I wouldn't say formally, but we can ask but we don't know that they are going to comply or say yes, or agree to do that. But at least we have done the work that we were supposed to

Planning Commission Minutes
October 7, 2020

do. And I think the second part of it is just making sure that we... I agree with everyone else that we just need to have a preferred one or two recommendations or options that we prefer and then we can, like I said, throw caution to the wind at the hearing. And just take what we have... what we can get in terms of providing information that we've gleaned or come up with. So, I am comfortable with that, with that scenario.

Mr. Apicella: Alright, so I am going to try to make this a little easier, maybe as easy. If I could just go around and if everybody could tell me what their top two options are and then we can maybe whittle it down from there. So, just for the sake of numbers, option 1 is a sliding scale. Option 2 is the transition zone and option 3 is the cap and zone. So, with that, Al what is your number one and number two.

Mr. Bain: Number one would be the sliding scale. Number two would be actually the cap and zone.

Mr. Apicella: Okay. Kristen?

Ms. Barnes: I am just going to reverse that. I like the five-lot cap and zone with sliding scale as number two. And bringing up the rear is the transitions zones, last place.

Mr. Apicella: Okay. Dexter?

Mr. Cummings: I line the sliding scale as number one, cap and zone (inaudible, not speaking into microphone).

Mr. Apicella: Okay, I could barely hear you, I think you said sliding scale ...

Mr. Cummings: Sorry.

Mr. Apicella: ... and then cap and zone.

Mr. Cummings: First is sliding scale. Five lot cap and zone has crept up and can I put a third? It would be a mixture of a sliding scale and the transition zones.

Mr. Apicella: Okay.

Mr. Bain: There are no alternatives.

Mr. Apicella: Darrell?

Mr. Bain: It's complex enough.

Mr. Apicella: Darrell?

Mr. English: Number... I go with the sliding scale as number one and number three would be the five-lot cap.

Mr. Apicella: Okay. Fillmore?

Mr. McPherson: For me number one is transition zone, number two is five lot cap.

Planning Commission Minutes
October 7, 2020

Mr. Apicella: Bart?

Mr. Randall: The sliding scale and then cap and zone, five lot.

Mr. Apicella: Okay, I'm... since I think sliding scale is pretty much the one that's got the most number ones, or sliding scale votes. And then I will say my second is the cap and zone. So, just to throw it out there, can everybody live with sliding scale as our preferred option and then cap and zone as the second?

Mr. Bain: Yes.

Mr. Cummings: Yes.

Mr. English: Yeah.

Mr. Apicella: Okay. Okay, great. So, again, what I am going to ask if Bart... I am sorry, if Al and I can have a couple of days to work with staff to fully square away the information and draft a cover letter and get it out to the Board with what we talked about. There's two other pieces here that I would like to mention. One is the Land Conservation Subcommittee raised an issue about how the ten-acre lot would potentially dis-incentivize people from participation in PDRs and conservations easements. Do you mind if I add that to the memo or letter that we are going to send to the Board, just as an additional piece of information?

Mr. English: Yes, absolutely Steven.

Mr. Apicella: Anybody object to that?

Mr. Cummings: No.

Mr. Apicella: Okay, the last thing that I would ask for, if you saw the letter from FAR, the Fredericksburg Area Realtors Association. I kind of mentioned this last time, we met back on September 23rd and it's also in the advantages and disadvantages. Family subdivisions are treated the same way as everybody else. There's only a small number of family subdivisions that are requested annually. I think the total number that Jeff said across the county, in all the zoning districts, there were seventy-three, so that averages about... seventy-three over a ten- or eleven-year period. So, that's seven per year and then eighty percent of those are in the rural district. So, that is five or six. So, I would ask if you would allow, again, to allow Al and I to work with staff to make some recommendation for the Board to consider treating family subdivisions or providing some relief to family subdivisions. Does anybody object to that?

Mr. Bain: No.

Mr. Cummings: No.

Mr. Apicella: Okay, great. Alright, well I think we made a lot of headway. Is there anything else that anyone would like to talk about before we close out the work session?

Mr. Bain: I just have one comment. It's been bothering me since the beginning of this whole program. The county looked at development, by-right development in the rural areas and basically said oh my

Planning Commission Minutes
October 7, 2020

God, it's too much. We are going to lose the opportunity to go out on a Sunday ride and look at horses and cows. And so, their response, in my opinion, was let's stop that development out there. Rather than saying why is the development occurring there and not in the areas that we want. Is there something that we could do in the Targeted Growth Areas to make it more attractive to the developers. Right now, from what I have heard from developers, it's too costly, it takes too long, and they just don't want to put up with that kind of delay and cost to work in the Targeted Growth Areas or the Urban Service Area. And I think that actually the Board took the wrong approach, right from the beginning. They should have been looking at the reasons and try to change things to encourage the development, where they want it rather than trying to discourage it in the rural areas. Just my opinion.

Ms. Barnes: Can I, can I respond to that real quick? And I think Darrell hit on this a little earlier about incentivizing growth in the Targeted Growth Areas and I am good with that. I mean I definitely, looking at the numbers, that's where it should be incentivized. Under no means should be... should it be incentivized at all within the suburban area. Because the suburban area is actually the area in the County that has the most... *inaudible*. They are the ones that, I mean, it's 12.24 years supply, according to our Comp Plan. So, I think it's a good idea to incentivize the TGA, but the last thing we need to do is incentivize more growth within the suburban area. In my opinion, that's where we have a real problem. That's my opinion.

Mr. Bain: I would agree with that, yeah.

Mr. Apicella: So, I guess what I would say and Jeff can chime in, I think he did earlier. We are where we are, unfortunately this isn't the Comprehensive approach that I think should have been taken. We are running up against a hard deadline and I think all we can do is deal with what's in front of us. The Comp Plan will be an opportunity to really look at growth across the County including how to deal with getting more growth in the Targeted Growth Areas and how that whole construct needs to be revisited and tweaked to hopefully get it to where it needs to be. So, any other comments? Okay Jeff and Al, we just need to get our heads together in the next couple of days and get these documents squared away. So, if we can chat about it tomorrow, let's please do that. I thank everybody for their time. I really want to thank this Subcommittee for, again, what I think is a valiant and great effort to try to identify some additional options, the Board could consider. So, my thanks to the three of you. Again, unless anybody else has anything to say, thanks and meeting adjourned.

OTHER ITEMS

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 6:16 PM.