

**Board of Supervisors**

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L. Mark Dudenhefer  
Wendy E. Maurer  
Cindy C. Shelton

Thomas C. Foley  
County Administrator

**Community & Economic Development  
Committee Meeting  
AGENDA**

March 6, 2018 – 12:00 Noon  
Conference Room A/B/C, Second Floor

**Committee Members:** Chairman Wendy Maurer, Cindy Shelton and Gary Snellings

Agenda Item	
1.	Ordinance Amendment for E-plan reviews
2.	Continued discussion on TDR to provide more information
3.	PDR Application Discussion
4.	Discuss Changes to the Cluster Ordinance
5.	Amendment to Stafford County Code Section 25-105 Discontinuance of Service for Failure to Pay and Consider Changes to the Utilities Advance Payment Fee
6.	Discussion regarding Land Use Taxes in Stafford
7.	Discuss Community Drainfields
	Next CEDC meeting is scheduled for April 3, 2018

CEDCAgenda03060218



### **Current Situation**

- The Board delegates it's authority to approve development projects that have proper zoning in place to the County Administrator and his staff
- The County is going towards allowing development applications and plans to be submitted for review and approval in electronic format (e-plans) with no paper copies
- E-plans will minimize the need for an in-person meeting between the development applicant and the Technical Review Committee (TRC)
- A Planning Commissioner is designated as a member of TRC and provides community input to the administrative review process

### **Proposed End State**

- The County Code would be amended to allow e-plans submissions pursuant to county e-plans format specifications
- The ability to file e-plans at any time of day would eliminate the need for application filing deadlines
- In-person TRC meetings could be held on an as-needed basis upon request of the development applicant
- The Planning Commission recommended at the 2/14/2018 meeting that TRC meetings be held on an as-requested basis by applicant or Board or Planning Commission district representative

### **Request for the CEDC Committee/Board of Supervisors**

- The County Code needs to be amended in order to require standards for e-plans submissions
- Need to consider whether or not a face to face meeting with applicants will continue to be required given that e-plans makes it clear what corrections need to be made to plan submittals
- Need to determine if a Planning Commissioner will continue to be part of the TRC and their role given e-plans

### **Benefits to the County**

- Facilitating e-plans will save development applicants significant time and cost savings
- As-needed TRC meetings will lead to operational efficiencies and convenience for development applicants, their engineers and staff

### **Current Situation**

- The County has received 9 TDR applications to date, all in the vicinity of Crow's Nest Natural Area Preserve (NAP).
- Mr. Joseph Samaha, acting on behalf of several property owners, has asked about the disposition of lots in the sending area once development rights are severed, and whether the County and/or State is interested in owning the lots.
- The County is joint-owner of portions of Crow's Nest NAP with Virginia Department of Conservation and Recreation (DCR).
- The CEDC discussed on February 6, 2018 and requested additional information (see attached).

### **Proposed End State**

- Potential ownership by the County or joint-ownership with DCR of lots with severed development rights.
- Potential use of lots with severed development rights, including addition to Crow's Nest NAP.

### **Request for the CEDC Committee/Board of Supervisors**

- Discuss potential ownership of lots with severed development rights that could potentially become part of Crow's Nest NAP.
- Discuss potential uses of lots if severed.

### **Benefits to the County**

- The addition of lots adjacent to Crow's Nest NAP would allow management of open space lands by one entity instead of individual lot owners.
- The addition to NAP lands would permit additional public access to the Crow's Nest peninsula.

## Questions and Answers from February 6, 2018 CEDC Meeting

### 1. Provide a cost benefit analysis if the County or State acquires ownership of the Crow's Nest Harbour lots once development rights are severed under the TDR program.

Below is a breakdown of lot ownership in Crow's Nest Harbour. A map is included on Page 5.

Crow's Nest Harbour Lot Ownership		
Owner	Number of Lots	Acreage
JCM East	131	283
7K Investments	129	342
Heron Harbor LLC	25	58
Northern Virginia Conservation Trust	8	18
Stafford County	5	12
Individual Owners	55	128
<b>Total</b>	<b>353</b>	<b>841</b>

The following table shows a breakdown of the 2018 tax amounts that would be due on all the lots in Crow's Nest Harbour, with the exception of 5 County-owned lots. Based on the assumed reduced value of the lots once development rights are severed, the annual loss in revenue would be \$8,089.

Tax Implications	
Total 2018 tax amount due for all lots in Crow's Nest Harbour (except those owned by Stafford County)	\$32,356
Total 2018 tax assuming a reduced value after development rights are removed	\$8,089
2018 difference in tax value after development rights are removed	\$24,267
<b>Total amount of annual lost tax revenue if the County and/or State acquires ownership of lots after development rights are severed (based on 2018 figures)</b>	<b>\$8,089</b>

*Note: severed development rights will be taxed separately until they are extinguished and landed in receiving area*

### 2. What will be the impact to the remaining lots that are owned by individuals? What do the owners of these lots want? Have any of these lot owners stopped paying taxes?

If a majority of lots are obtained by the County or State, the remaining lots could be retained by individuals, who would have a right to continued access to the lots.

Mr. Joseph Samaha initiated discussion with the County regarding disposition of the remaining lots in Crow's Nest Harbour after the development rights of the majority of lots have been severed. He has indicated that he has spoken with 15-20 lot owners who have an interest in the TDR program. He noted that one of the concerns expressed is paying the application fee, as well as the engineering and title fees, as required by ordinance. Upon preliminary review, the remaining lot owners would be entitled to at least one development right each, per lot, under the current TDR ordinance, which could be severed, sold to a developer, and added to a project within the TDR receiving area.

One Crow's Nest Harbour lot owner is currently in default for non-payment of taxes for one lot.



### 3. How many Crow's Nest Harbour lots are owned by the County?

The County owns 5 lots, totaling about 12 acres.

### 4. What is the possibility of using potential donated lot area as an active park?

#### Virginia Department of Conservation and Recreation Comments (via email 2/16/18)

*The Department of Conservation and Recreation prefers that as much of the Crow's Nest Harbour area as possible is dedicated as an addition to Crow's Nest Natural Area Preserve. Doing so will help assure the long term viability of the significant investment the Commonwealth and the County have made to protect resources and retain the natural features on the Crow's Nest peninsula.*

*DCR staff believe it is necessary that all Crow's Nest Harbour lots east of Raven Road should be added to the existing preserve. This is an area comprising approximately 667 acres, and combines Parcel Groups A and B on the map shown in Figure 1.*

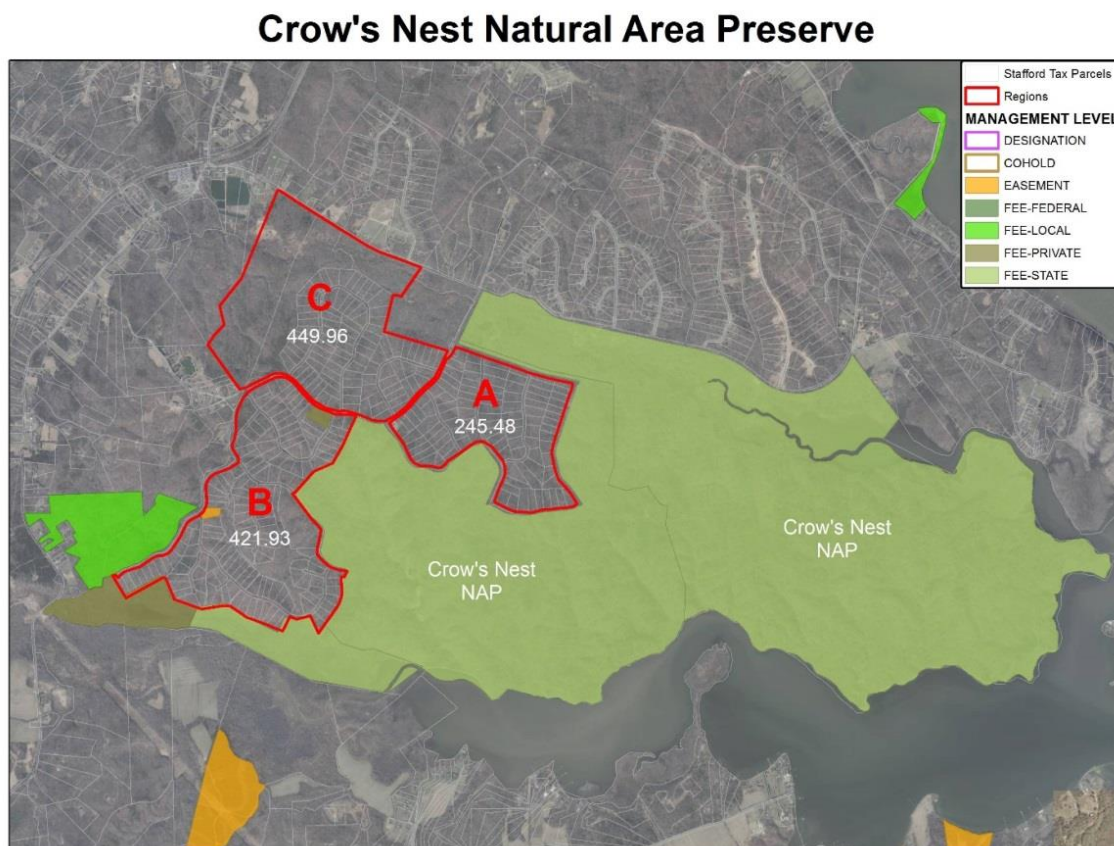


Figure 1. Map showing three Parcel Groups (A, B, C) comprising current Crow's Nest Harbour lots. Group A and B lie east of Raven Road. Group C is west of Raven Road.

*The possibility exists to identify areas for consideration as developed recreation sites that would not be dedicated as additions to Crow's Nest within the 450-acre area to the west of Raven Road (Parcel Group C). An initial analysis indicates that this area includes considerable areas of steep topography, wetlands associated with Accokeek Creek and a known occurrence of the federally- and state-listed plant species,*

*Small Whorled Pogonia. While it may be possible for soccer/baseball/recreational fields to be developed in this section of Crow's Nest Harbour, considerable permitting and earth-moving work would be required; and, the construction costs would be very high. For reference, E&S measures failed during the construction of the Sentinel Ridge subdivision a few years ago on similarly steep slopes north of Brooke Road. This resulted in large sediment discharges into Crow's Nest and Accokeek Creek.*

*If permitting and construction costs are prohibitive within Parcel Group C for developed recreation such as ball fields, DCR staff are happy to discuss the following concepts.*

*1) Identifying an area for a County Park with picnic areas, restroom facilities, multi-purpose trails; perhaps an environmental education center. While these park facilities would not be considered as an addition to the preserve, these types of outdoor experiences would be consistent with the preservation purposes of the Crow's Nest peninsula.*

*2) Identifying an area with potential to construct an additional parking area and hiking trails similar to those that currently exist east of Raven Road, which could be dedicated as part of Crow's Nest Natural Area Preserve.*

*3) Some combination of 1 and 2 above.*

*Access to natural areas is now the most popular and most needed outdoor recreation in Virginia, followed by parks and trail access (2017 Virginia Outdoors Survey). These same trends are represented for the George Washington Region, where twice as many respondents expressed a need for natural areas (54%), as did for playing fields (22%) Not to say outdoor sports fields are not important; rather, we want to highlight the changing demographics in play with outdoor recreation needs in Virginia, based on the Virginia Outdoors Survey <http://www.dcr.virginia.gov/recreational-planning/vop>*

*DCR has identified certain recreational uses as being incompatible with natural areas management. These include ball/playing fields, mountain biking, equestrian trails, other forms of outdoor recreation that require forest clearing/conversion, and built facilities that exceed DCR's capacity to provide maintenance and law enforcement.*

### **County Staff Comments**

Parks, Recreation and Community Facilities staff notes that the 2014 Park Utilization Study (Phase 1) focused on athletic fields. The study identified areas of growth using projection data from the US Census and Stafford County. Rectangle and diamond field user groups identified a travel time to facilities as a common issue to participants. The plan focused on a 3 mile radius from the 5- to 19-year-old population. The study identified target areas for additional fields. The North Central (Garrisonville Road corridor) and South East areas of the County are targeted for both rectangle and diamond fields. The South West area is targeted for additional rectangle fields.

Staff also notes that there would be access issues to the Crow's Nest area for any future athletic fields. Approximately 1/2 mile of Raven Road is private at the western end. The eastern end contains a one-lane bridge across Accokeek Creek.

Lastly, new structures on sending properties that have been severed and retain park use may not exceed a cumulative total of 2,000 square feet, and may not be located on parcels less than 20 acres in size. New structures must support park use, campgrounds, and related camping facilities.

**5. If the severed lots are donated to the State, can the County retain the right to use as a park?**

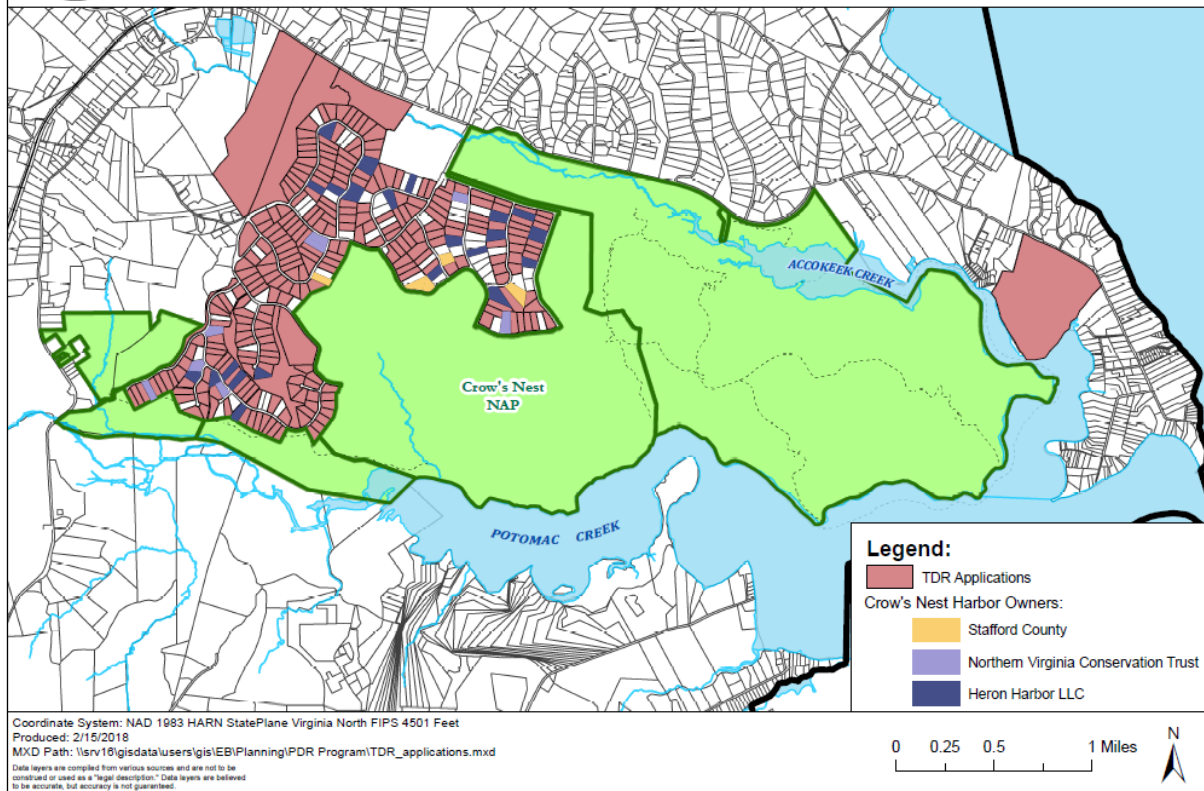
DCR has provided the following response to this question:

*Technically, the answer to this question is “Yes” if the land was donated to DCR and not dedicated as a natural area preserve. However, DCR believes the best solution is to sort this out now and decide which, if any, of the lots the County feels are critical and appropriate for outdoor recreation facilities development.*



## TDR Applications

Produced by the Stafford County GIS Office  
540-658-4033 | www.StaffordCountyGIS.org



### TDR APPLICATIONS

TDR SENDING PROPERTY DETERMINATION AND/OR SEVERANCE OF DEVELOPMENT RIGHTS						
TDR File #	Owner Name	Parcel #	Date Received	Acreage	Zoning Designation	TDR Rights Determined
17151919	Frederick/Lynn	49C-1-1-7	7/19/2017	131.99	A-2	50
17152062	7K Investments	129 lots in Crows Nest Harbor	10/23/2017	356.55	A-2	145
17152071	7K Investments	40-24D	10/30/2017	35.19	A-2	TBD
17152072	7K Investments	49-27	10/30/2017	67.96	A-2	TBD
17152073	7K Investments	48-1	10/30/2017	119.08	A-2	TBD
17152075	Five Cedars LLC	49D-C-117	10/31/2017	2.19	A-2	2
17152118	JCM East	131 lots in Crows Nest Harbor	11/30/2017	298.1	A-2	157
18152117	Stilmar	49D-B-75	1/3/2018	2.12	A-2	1
18152196	Vuong	49D-B-60 & 61	2/8/2018	4.56	A-2	TBD
				<b>1017.74</b>		<b>355</b>



### Current Situation

- The County received 12 new PDR applications in June, 2017 (1 application now withdrawn).
- In accordance with County Code Chapter 22A, the PDR Committee has scored the 11 applications based on ranking criteria.
- The PDR Committee is forwarding recommendations for the Board to consider easement acquisitions, subject to available funding.
- Approximately \$745,000 is available in PDR funds, with \$61,000 available in state matching funds. Additional matching fund application rounds will be available this year.

### Proposed End State

- The Board would opt to purchase new easements based on funding available, and authorize request for matching funds through appropriate agencies.

### Request for the CEDC Committee/Board of Supervisors

- The PDR Committee recommends the CEDC consider the application rankings and make recommendation to the Board regarding easement acquisitions.
- Staff recommends that the CEDC and Board authorize additional applications for matching funds.
- *Note: some of the matching fund applications are property-specific*

### Benefits to the County

- The PDR program allows property owners to receive compensation for retaining their land in agricultural/open space and limit future residential development.
- The PDR program enables retention of open space lands outside the Urban Services Area, thereby reducing the costs of infrastructure and public services to the Agricultural/Rural areas.

# **2017 Purchase of Development Rights (PDR) Applications**

## **Summary of Properties**

### **Total**

11 applications (one withdrawn)(5 - George Washington District, 5 - Hartwood District, 1 - Aquia District)

Total acreage - **654**

Total number of Development Rights - **173**

Cost to purchase easements - **\$4,325,000**

Available County Funds (as of 1/23/18) - **\$936,000 (includes FY18 rollback funds to date)**

Available Matching Funds (as of 1/23/18) - **\$61,000**

### **Harris - 36 Development Rights, \$900,000 – Rank 1**

- 1 parcel
- 122 acres (125 minus proposed 3-acre lot)
- Zoned A-1
- Hay, corn, soybeans, winter grain, forestry
- Forestry plan and Conservation plan
- 90% prime Ag soils, 95% well-drained soils
- Environmental features (Department of Conservation and Recreation (DCR) ecological core, Natural Heritage Conservation (NHC) site, perennial stream, Threatened & Endangered (T & E) species habitat)
- Cultural resources
- Adjacent to Spotted Tavern Farm PDR easement (Same owners)
- Century Farm

### **Moore - 19 Development Rights, \$475,000 – Rank 2**

- 3 parcels
- 82 acres
- Zoned A-1
- No structures
- Soybeans/corn/timber
- 34% prime Ag soils, 92% well-drained soils
- Forestry plan
- Environmental features (DCR ecological core, wildlife corridor, wetlands/perennial stream – Potomac Creek)
- Adjacent to Holsinger PDR easement and wetland mitigation easement
- Adjacent to cultural resource

### **Secrest - 15 Development Rights, \$375,000 – Rank 3**

- 1 parcel
- 58 acres (subtracting out 3.6-acre lot)
- Zoned A-1
- No structures
- Beans/corn
- 53% prime Ag soils, 87% well-drained soils
- Conservation plan for no-till system, & nutrient management plan
- Adjacent to cultural resource
- Active purchase agreement 7/20/17 through 9/20/18 (subject to sale)

**Shelton - 19 Development Rights, \$475,000 – Rank 4**

- 1 parcel
- 81 acres
- Zoned A-1
- 1 existing house, agricultural buildings
- Hay, cattle
- 31% prime Ag soils, 54% well-drained soils
- USDA CREP plan
- Environmental features (DCR ecological core, NHC site, perennial stream, T & E species habitat)
- Adjacent to cultural resource
- Near Virginia Outdoors Foundation (VOF) easement

**Beach - 9 Development Rights, \$225,000 – Rank 5**

- 1 parcel
- 32 acres
- Zoned A-1
- No residences
- Agricultural buildings
- 87% prime Ag soils, 93% well-drained soils
- Hay, grazing, forest
- Forestry plan
- Near VOF conservation easement
- Environmental features (DCR ecological core, perennial stream)
- Adjacent to cultural resource
- Designated REPI parcel (MCB Quantico buffer parcel)

**Littlejohn - 26 Development Rights, \$650,000 – Rank 6**

- 3 parcels
- 49 acres
- Split-zoned A-1 (30 acres) and A-2 (19 acres)
- 1 existing house, agricultural buildings
- Soybeans, corn, horses
- 15% prime Ag soils, 100% well-drained soils
- Near Jones PDR easement
- Adjacent to VOF easement
- Cultural resources
- Century Farm

**Jones - 15 Development Rights, \$375,000 – Rank 7**

- 4 parcels
- 76 acres
- Zoned A-1
- 2 existing houses (1 on each of larger parcels), and agricultural buildings
- Cattle, hay
- 25% prime Ag soils, 59% well drained
- Near Jones PDR easement, adjacent to VOF easement
- Streambank Protection plan
- Environmental features (DCR ecological core, NH resource, perennial stream)

- Adjacent to cultural resource (Sherwood Forest Farm)

**Snyder - 9 development rights, \$225,000 – Rank 8**

- 2 parcels
- 45 acres
- Zoned A-1
- 2 houses (1 each parcel), 1 garage apartment
- Hay/timber
- 44% prime Ag soils, 64% well-drained soils
- Forestry plan submitted
- Near Adams PDR easement
- Cultural resources

**Johnson - 6 Development Rights, \$150,000 – Rank 9**

- 2009 PDR application (2009 application determined 6 development rights)
- 1 parcel
- 21 acres
- Zoned A-1
- Private road
- 1 existing house, outbuilding
- Hay
- 65% prime Ag soils, 83% well-drained soils
- Environmental features (DCR ecological core, wetlands/perennial stream-Muddy Creek)
- Near Old Dominion Land Conservancy (ODLC) easement

**Caton - 7 Development Rights, \$175,000 – Rank 10**

- 1 parcel
- 30 acres
- Zoned A-1
- 1 existing house, agricultural buildings
- 75% prime Ag soils, 75% well-drained soils
- Hay, horses
- Environmental features (DCR ecological core, perennial stream, T & E species habitat)
- Near VOF easement
- Designated REPI parcel (MCB Quantico target buffer parcel)

**Petley - 12 Development Rights, \$300,000 – Rank 11**

- 1 parcel
- 54 acres
- Zoned A-1
- Private road
- No structures
- Forested, hunting permitted
- 40% prime Ag soils, 91% well-drained soils
- Environmental features (DCR ecological core, wetlands/perennial stream – tributary to Aquia Creek, T & E species habitat)

2017 PDR Application Rankings  
January 22, 2018

Applicant Name	Parcel #	Acreage	Zoning	Address	Election District	Score	Ranking	No. of Devt. Rights	Cost to Purchase
Harris, John and Cathy	26-3	122.17	A-1	1020 Hartwood Road	Hartwood	195	1	36	900,000
Moore, William	47-70, 47-71, 48-6A	82.68	A-1	New Hope Church Road	George Washington	179	2	19	475,000
Secrest, David	55-157E	58	A-1	New Hope Church Road	George Washington	147	3	15	375,000
Shelton, Frank	34-46A	81.78	A-1	2300 Warrenton Road	Hartwood	145	4	19	475,000
Beach, Carlton	17-2	32.84	A-1	Heflin Road	Hartwood	142	5	9	225,000
Littlejohn, Janet	59-34,36, 36A	49	A-1/A-2	433 McCarty Road	George Washington	138	6	26	650,000
Jones, Kevin	58D-1-35, 35A, 37, 37A	76.1	A-1	145 and 161 Forest Lane Road	George Washington	137	7	15	375,000
Snyder, John	36-58D, 58F	45.76	A-1	524 and 544 Mount Olive Road	Hartwood	123	8	9	225,000
Johnson, Mary	60-5	21.68	A-1	129 Homers Lane	George Washington	104	9	6	150,000
Caton, Charlotte	17-49G	30.87	A-1	201 Dunbar Drive	Hartwood	102	10	7	175,000
Petley, Sarah	39-158	54	A-1	Courthouse Road	Aquia	101	11	12	300,000
<b>Total</b>		<b>654.88</b>						<b>173</b>	<b>4,325,000</b>

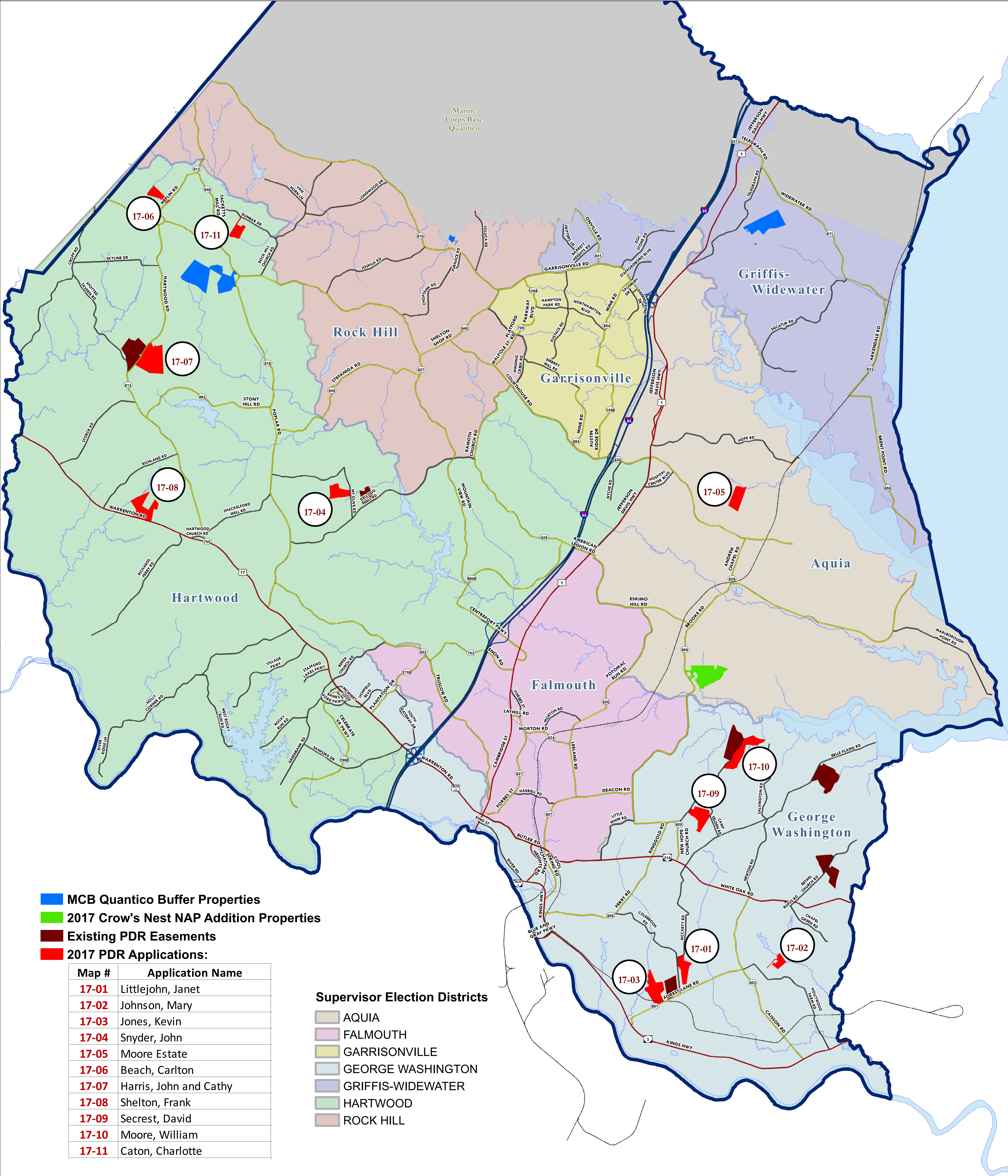
Brent Point LLC	32-9, 10	33.68	A-2	158 Waller Point Drive/ 800 Brent Point Road	Griffis- Widewater			7	Withdrawn
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# PDR | Land Conservation Properties Stafford County

Produced by the Stafford County GIS Office 540-658-4033 | [www.StaffordCountyGIS.org](http://www.StaffordCountyGIS.org)



- MCB Quantico Buffer Properties
- 2017 Crow's Nest NAP Addition Properties
- Existing PDR Easements
- 2017 PDR Applications:

Map #	Application Name
17-01	Littlejohn, Janet
17-02	Johnson, Mary
17-03	Jones, Kevin
17-04	Snyder, John
17-05	Moore Estate
17-06	Beach, Carlton
17-07	Harris, John and Cathy
17-08	Shelton, Frank
17-09	Secrest, David
17-10	Moore, William
17-11	Caton, Charlotte

### Supervisor Election Districts

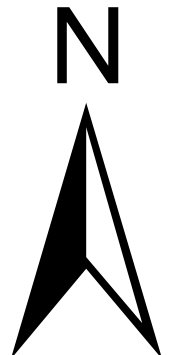
- AQUIA
- FALMOUTH
- GARRISONVILLE
- GEORGE WASHINGTON
- GRIFFIS-WIDEWATER
- HARTWOOD
- ROCK HILL

Coordinate System: NAD 1983 HARN StatePlane Virginia North FIPS 4501 Feet  
MXD Path: \\srv16\gisdata\users\gis\EB\Planning\PDR Program\PDR\_Overall.mxd

Data layers are compiled from various sources and are not to be construed or used as a "legal description." Data layers are believed to be accurate, but accuracy is not guaranteed.

Produced: 1/24/2018

0 0.5 1 2 3 4 5 Miles





### **Current Situation**

- See attached State Code authority.
- The Board is dissatisfied with the outcomes of the current cluster development standards.
- The Board believes that the new residential subdivisions that are being built under the current cluster development standards do not meet the intent of the Comprehensive Plan for preserving rural character and promoting quality development.
- The Board is considering repealing the cluster development standards and replacing them with new standards.

### **Proposed End State**

- New cluster development standards which address the concerns identified in the attached document by promoting the preservation of the County's rural character and environmentally sensitive areas, opportunities for community recreation, and creation of new residential subdivisions that are known as quality communities that are desired for their homes and open spaces.
- Potential solutions to be considered are included in the attached document.

### **Request for the CEDC Committee/Board of Supervisors**

- Consider a path forward to improve the cluster development standards.
- Stakeholders should be identified to facilitate the creation of new cluster development standards.
- Changes to the subdivision and zoning ordinances will be required.
- Potential changes to the Comprehensive Plan may be necessary depending on the direction and nature of changes to the cluster development standards.

### **Benefits to the County**

- Limiting Cluster Subdivisions to areas where services such as public safety can be efficiently provided.
- Preservation of land for continuation of farming, forestry, environmental protection, scenic vistas and recreation enhance the sustainability of the County.
- Cluster development, when done correctly, can create desirable communities that are stable, provide high quality housing, are enjoyable to live in, and enhance the tax base of the County.

## CEDC

March 6, 2018

### **Cluster Development Concerns**

- Subdivisions are configured such that lots front on existing roads giving the perception of over-crowding in rural areas.
- Open space configured such that it is not visible by the public creating a perception overcrowding and loss of rural character
- Use of community drainfields increases lot yield for properties with substantial environmental constraints that would normally not support that level of development.
- Community drainfields being located outside of the subdivision they serve.
- Use of community drainfields and long-term maintenance concerns with those systems.
- Open space areas not suitable for farming or forestry due to configuration.
- Open Space is not contiguous with other open space areas within the subdivision or adjacent open space areas outside of the subdivision.
- Open space is configured such that there are no usable areas or usable areas that can be accessed without crossing a stream.
- Lack of recreational amenities being placed in open space areas for the community
- Open space can be sold off to lot owners or other parties.
- Lack of specific standards for the various forms of open space – observed small remnant open space parcels that are not useable or functional.
- Open space substantially comprised of stormwater management facilities, and utility easements.

### **Potential Solutions**

- Require subdivisions to utilize new internal streets only. No driveway access to existing rural roads.
- Require that a minimum percentage of frontage along existing rural roads be comprised of open space.
- Specify larger setbacks for lots that front on existing rural roads.
- Require extensive buffers or open space areas be located adjacent to existing rural roads
- Require that drainfields must be located on the lots that they serve.
- Focus the location of cluster development to be within or in relative close proximity to the Urban Services Area.
- Require open space to be contiguous to any existing conservation areas or recorded open space parcels.
- Specify size and configuration requirements for the various types of open space.
- Require that some of the open space be cleared and useable for recreational purposes.
- Specify that all open space shall be conveyed to a homeowners association and cannot be owned by an individual.
- Require that areas for stormwater management facilities and utility easements not count towards meeting minimum open space requirements.

## **Next Steps**

- State Code requires the County to provide an ordinance to allow cluster development
- The process to develop a comprehensive ordinance that addresses all of the issues listed above will be complex and will take several months
- The Committee may want to recommend a phased approach to quickly enact a cluster ordinance that will be similar to the existing ordinance, but will limit the area where cluster development is permitted to the State minimum of 40% of the undeveloped land. The delineation of the areas and the approval process will take approximately 2 - 4 months.
- The second phase would include an in depth review of the concerns and potential solutions listed. This could be done through a task force of stakeholders that would make recommendations to the Board. Once those recommendations are incorporated into an ordinance it could then be sent to the Planning Commission for a public hearing and then back to the full Board for a second public hearing. This process could be expected to take 9-12 months.
- Another option would be to send directly to the Planning Commission for them to consider changes to the ordinance. The Planning Commission would likely establish a working group of stakeholders, develop an amended ordinance and then hold a public hearing. If the Board does not send a specific ordinance for them to consider, the development may extend past the normal 100 day limit for the Planning Commission to hold a public hearing. It is estimated that this process would also take 9-12 months.
- If the Board desires to speed up this process (specifically with phase I), it can offer language to the Planning Commission and provide a shortened timeline for them to hold a public hearing.

## Stafford County Cluster Development Regulations

Cluster development is a by-right form of development that allows for reduced lot sizes in exchange of preservation of open space. It has long been considered an option for residential development in lieu of conventional development where residential subdivisions are comprised of lots and streets. Cluster development is a form of performance based zoning where the ordinance allows for certain “benefits” to a developer in exchange specified amenities.

The County first established cluster development standards on May 5<sup>th</sup>, 1987, pursuant to Ordinance O87-05. Cluster development was allowed in the R-1, R-2 and R-3 residential zoning districts. The regulations were modified a number of times during the next 25 years to address such items as: minimum tract size for a cluster development, percentage of required open space, requirement for usable open space, exclusions for floodplains and powerline easements from counting towards minimum open space requirements and use of pipestem (flag) lots.

The County is required to make provisions for cluster developments pursuant to State Code 15.2-2286.1. The County “shall provide in its zoning or subdivision ordinances, applicable to a minimum of 40% of the unimproved land contained in residential and agricultural zoning district classifications, standards, conditions, and criteria for the clustering of single-family dwellings and the preservation of open space developments”. That mandatory code provision came into effect in 2006.

On December 13, 2011, the Board adopted Resolution R11-337 requesting the Planning Commission to review and make recommendations for new cluster subdivision regulations. On March 20, 2012, The Board adopted Ordinance O12-30 which temporarily repealed the cluster development ordinances. The Board had previously requested the Planning Commission to complete its work on a new cluster ordinance by the end of May 2012. The Board adopted Ordinance O12-17 on June 19, 2012. The new ordinance extended cluster development standards to the A-1 and A-2 zoning districts while eliminating them from the R-2 and R-3 districts.



# State Code Requirements for Cluster Development

## § 15.2-2286.1. Provisions for clustering of single-family dwellings so as to preserve open space.

A. The provisions of this section shall apply to any county or city that had a population growth rate of 10% or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census. However, the requirements of this section shall not apply to any such county or city that has a population density of more than 2,000 people per square mile, according to the most recent report of the United States Bureau of the Census.

B. Any such locality shall provide in its zoning or subdivision ordinances, applicable to a minimum of 40% of the unimproved land contained in residential and agricultural zoning district classifications, standards, conditions, and criteria for the clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions, and criteria, the governing body may, in its discretion, include any provisions it determines appropriate to ensure quality development, preservation of open space, and compliance with its comprehensive plan and land use ordinances. A cluster development is otherwise subject to applicable land use ordinances of the locality; however, the locality shall not impose more stringent land use requirements for such cluster development.

The locality shall not prohibit extension of water or sewer from an adjacent property to a cluster development provided the cluster development is located within an area designated for water and sewer service by a county, city, or town or public service authority.

For any "open space" or "conservation areas" established in a cluster development, the locality shall not (i) require in such areas identification of slopes, species of woodlands or vegetation and whether any of such species are diseased, the locations of species listed as endangered, threatened, or of special concern, or riparian zones or require the applicant to provide a property resource map showing such matters in any conservation areas, other than that which may be required to comply with an ordinance adopted pursuant to § [15.2-961](#) or [15.2-961.1](#) or applicable state law; (ii) require such areas be excluded from the calculation of density in a cluster development or exclude land in such areas because of prior land-disturbing activities; (iii) prohibit roads from being located in such areas for purposes of access to the cluster development, but the locality may require such roads be designed to mitigate the impact on such areas; (iv) prohibit stormwater management areas from being located in such areas; or (v) require that lots in the cluster development directly abut such areas or a developed pathway providing direct access to such areas.

For purposes of this section, "open space" or "conservation areas" shall mean the same as "open-space land" in § [10.1-1700](#).

The density calculation of the cluster development shall be based upon the same criteria for the property as would otherwise be permitted by applicable land use ordinances. As a locality provides for the clustering of single-family dwellings and the preservation of open space developments, it may vary provisions for such developments for each different residential zoning classification within the locality. For purposes of this section, "unimproved land" shall not include land owned or controlled by the locality, the Commonwealth or the federal government, or any instrumentality thereof or land subject to a conservation easement.

If proposals for the clustering of single-family dwellings and the preservation of open space developments comply with the locality's adopted standards, conditions, and criteria, the development and open space preservation shall be permitted by right under the local subdivision ordinance. The implementation and approval of the cluster development and open space preservation shall be done administratively by the locality's staff and without a public hearing. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for such developments. However, any such ordinance may exempt (a) developments of two acres or less and (b) property located in an Air Installation Compatible Use Zone from the provisions of this subdivision.

C. Additionally, a locality may, at its option, provide for the clustering of single-family dwellings and the preservation of open space at a density calculation greater than the density permitted in the applicable land use ordinance. To implement and approve such increased density development, the locality may, at its option, (i) establish and provide, in its zoning or subdivision ordinances, standards, conditions, and criteria for such development, and if the proposed development complies with those standards, conditions, and criteria, it shall be permitted by right and approved administratively by the locality's staff in the same manner provided in subsection A, or (ii) approve the increased density development upon approval of a special exception, special use permit, conditional use permit, or rezoning.

D. Notwithstanding any of the requirements of this section to the contrary, any local government land use ordinance in effect as of June 1, 2004, that provides for the clustering of single-family dwellings and preservation of open space development by right in at least one residential zoning classification without requiring either a special exception, special use permit, conditional use permit, or other discretionary approval may remain in effect at the option of the locality and will be deemed to be in compliance with this section. Any other locality may adopt provisions for the clustering of single-family dwellings, following the procedures set out in this section, in its discretion.

**Current Situation**

- The following County Code Sections must be updated to adhere to State Code which was amended and approved on March 24, 2017:
  - Sec. 25-1- Definitions.
  - Sec. 25-104. - When due and payable; delinquencies generally.
  - Sec. 25-105. - Discontinuance of service for failure to pay.
- The amended State Code Sections 15.2-2119.4(D) and 15.2-2119D does not allow the disconnection of services until 60 days after delinquency. The current County Code, which is no longer in compliance with State Code, allows the disconnection after 15 days.

**Proposed End State**

- Revise the County code to match the State Code, as shown on the attached document.
- Increase the Advanced Payment on all accounts to help reduce the County's risk of lost revenue due to delinquent final accounts.
  - Staff recommends a total Advanced Payment Fee of \$180. (\$90/Water & \$90/Sewer)
  - Accounts will be billed over a course of 3 months, with the option of paying upfront.

**Request for the CEDC Committee/Board of Supervisors**

- Changes to the County Code and Utility Fees require Public Hearings by the Utilities Commission and BOS
- Schedule:
  - November- Notified the CEDC and Utilities Commission of the State Code change
  - February- Presented Advanced Payment options to the Utilities Commission
  - March- Present Options to the CEDC
  - April- Utilities Commission holds Public Hearing
  - May- BOS holds Public Hearing

**Impact to the County**

- State Code changes impact Utilities collections on past due accounts will be delayed
- Increase Advanced Payment on all accounts:
  - Must be no less than 3 months but not more than 5 months of water and sewer charges
  - Without a security deposit the County will waive the right to lien the property owner for the tenants failure to pay

## Required Changes to County Code Section 25 to Match State Code

### **Sec. 25-1- Definitions.**

*Customer:* Any individual, partnership, corporation, association, or group who or which (i) receives utility service from the county under either an express or implied contract; (ii) is the owner occupant of the property serviced or where a single meter serves multiple units; or (iii) lessee or tenant with (a) written or electronic authorization to obtain water and sewer services in the name of such lessee or tenant from the property owner, or (b) a copy of the lease or rental agreement from the property owner, lessee or tenant in lieu of the written authorization.

### **Sec. 25-104. - When due and payable; delinquencies generally.**

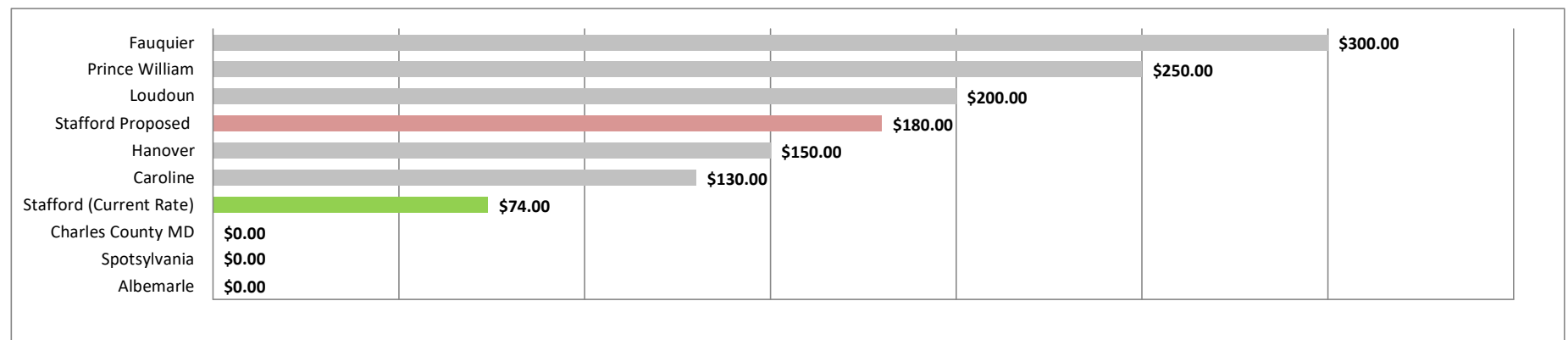
Bills for water and sewer service charges shall be due and payable when rendered. The grace period for the payment of such bills shall be twenty-five (25) days. The bill becomes delinquent in twenty-five (25) days, at which time a ten (10) percent penalty on the unpaid balance shall be imposed. If such customer does not pay the full amount of charges and penalties for water and sewer service charges provided or cease disposal of sewage or industrial waste within 30 days thereafter, the county shall notify such customer of the delinquency.

### **Sec. 25-105. - Discontinuance of service for failure to pay.**

Water and sewer service shall be discontinued ~~sixty (60) fifteen (15) days~~ after a bill rendered under this article becomes delinquent and all charges and penalties remain unpaid, unless the health officers certify that shutting off the water will endanger the health of the occupants of the premises or the health of others. County shall provide the customer with written notice of such cessation ten (10) business days prior to ceasing the supply of water and sewer services. If the customer is a tenant or lessee, the county shall provide the customer with written notice of the cessation of water and sewer services with a copy to the property owner. When such services are so discontinued, they shall not be reinstated until the reconnection charge has been paid, together with all delinquent bills, including penalties. Such reconnection charge shall not be refundable.

### Advance Payment/Security Deposit Comparison, Residential

	Advance Payment	Security Deposit	Total	Notes
Albemarle	\$0.00	\$0.00	<b>\$0.00</b>	Tenants pay a security deposit. The amount is based on the two highest bills from the past 12 month history of the prior tenant.
Spotsylvania	\$0.00	\$0.00	<b>\$0.00</b>	No advance payment or security deposit required.
Charles County MD	\$0.00	\$0.00	<b>\$0.00</b>	No advance payment or security deposit required.
Stafford (Current Rate)	\$74.00	\$0.00	<b>\$74.00</b>	All customers with a 5/8" meter pay an advance payment of \$37.00 per service. Advance payment amount is determined by meter size.
Caroline	\$0.00	\$130.00	<b>\$130.00</b>	Tenants pay a security deposit of \$65.00 per service.
Hanover	\$0.00	\$150.00	<b>\$150.00</b>	Tenants pay a security deposit
Stafford Proposed	\$180.00		<b>\$180.00</b>	All customers meter less than 1" will pay an advance payment of \$90 for water and \$90 for sewer. Advanced payments for meter 1" or larger will remain unchanged.
Loudoun	\$200.00	\$0.00	<b>\$200.00</b>	Tenants pay an advance payment.
Prince William	\$250.00	\$0.00	<b>\$250.00</b>	Tenants pay an advance payment.
Fauquier	\$0.00	\$300.00	<b>\$300.00</b>	Tenants pay a security deposit of \$150.00 per service.





## Proposed Residential Advanced Payments

Water and Sewer Rates Effective 6/01/2017

### Current Residential Bill Based on Consumption

Consumption Per Gallon	Bill based on Consumption	Total Due for Both Services
2000	41.08	<b>123.24</b>
3000	50.57	<b>151.71</b>
<b>4000</b>	<b>60.06</b>	<b>180.18</b>
4001	70.85	<b>212.55</b>
6000	81.64	<b>244.92</b>
7000	92.43	<b>277.29</b>
8000	103.22	<b>309.66</b>

Current Advanced Payment Required **74.00**

*\*3 Month Minimum Charge*

**Staff Recommendation based on the average residential use**

Current Advanced Payment				Proposed Advanced Payment				Amount Increase
Advance Payment	Water	Sewer	Total	Advance Payment	Water	Sewer	Total	
5/8" Meter (1 EDUs)	\$37	\$37	<b>\$74</b>	5/8" Meter (1 EDUs)	\$90	\$90	<b>\$180</b>	\$106.00
3/4" Meter (1.5 EDUs)	\$56	\$56	<b>\$112</b>	3/4" Meter (1.5 EDUs)	\$90	\$90	<b>\$180</b>	\$68.00
1" Meter (2.5 EDUs)	\$93	\$93	<b>\$186</b>	1" Meter (2.5 EDUs)	\$93	\$93	<b>\$186</b>	
1 1/2" Meter (5 EDUs)	\$185	\$185	<b>\$370</b>	1 1/2" Meter (5 EDUs)	\$185	\$185	<b>\$370</b>	
2" Meter (8 EDUs)	\$296	\$296	<b>\$592</b>	2" Meter (8 EDUs)	\$296	\$296	<b>\$592</b>	
3" Meter (16 EDUs)	\$592	\$592	<b>\$1,184</b>	3" Meter (16 EDUs)	\$592	\$592	<b>\$1,184</b>	
4" Meter (25 EDUs)	\$925	\$925	<b>\$1,850</b>	4" Meter (25 EDUs)	\$925	\$925	<b>\$1,850</b>	
6" Meter (50 EDUs)	\$1,850	\$1,850	<b>\$3,700</b>	6" Meter (50 EDUs)	\$1,850	\$1,850	<b>\$3,700</b>	
8" Meter (80 EDUs)	\$2,960	\$2,960	<b>\$5,920</b>	8" Meter (80 EDUs)	\$2,960	\$2,960	<b>\$5,920</b>	



OFFICE OF THE COMMISSIONER OF THE REVENUE

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# LAND USE 2018



In 1978, the Commonwealth began enforcing the standard of 100% Fair Market Value (FMV) assessments. The Land Use program was created at the same time to minimize the impact on agricultural properties.

- Land use is the first program enacted by the General Assembly specifically directed toward preserving farm land and open-space.
- Prior to 1978, Stafford County assessed real estate at 40% of FMV.
- Local option



## CATEGORIES OF USE

Land may qualify for Land Use taxation under one of three categories:

- FORESTRY - 20 acre minimum
- AGRICULTURE - 5 acre minimum
- HORTICULTURE - 5 acre minimum
- OPEN SPACE - Stafford had not adopted open space as a category



## LAND VALUATION

Qualifying land is assessed at 2 separate values:

- **Fair Market Value** - the most probable selling price of the land if offered on the open market.
- **Use Value** - Based upon the value of the soil.
  - ▶ SLEAC - State Land Evaluation Advisory Council.
  - ▶ We utilize GIS to determine the soil types on each qualifying parcel.

The difference between the FMV and the Use Value is deferred until the property is subject to the rollback tax.





## ROLLBACK TAXES

Rollback taxes are due for the following reasons:

- When the property changes from a qualifying use to a non-qualifying use.
- When the property is rezoned to a more intensive use.
- When a subdivision plat is recorded in the Clerk's office.
- Taxes are delinquent.

Rollback taxes are the deferred amount for the current tax year and the 5 previous tax years plus 10% interest.

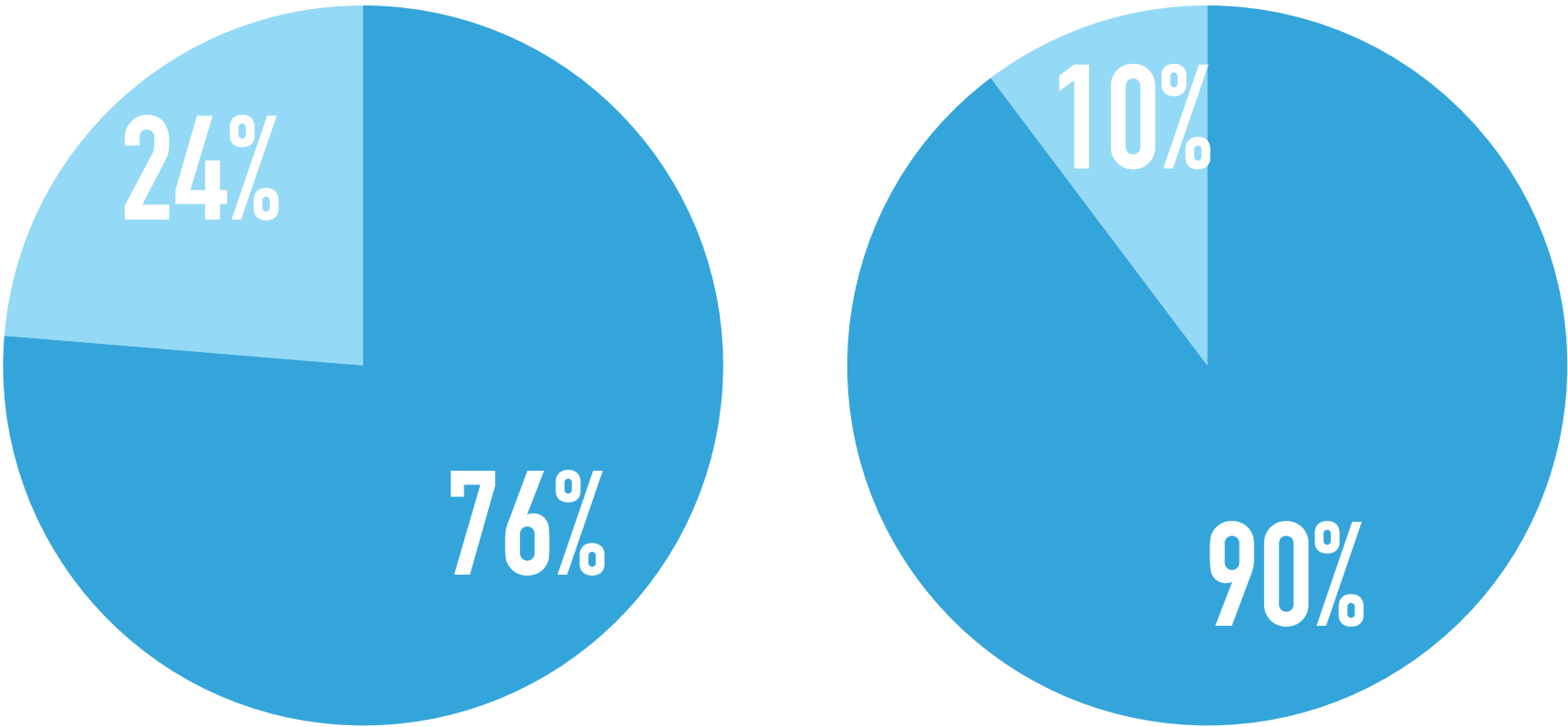


# ROLLBACK TAXES

Rollback		Notes							
Years			Installments				Totals		
Year	Value	Tax Code	Inst	Tax	Interest	Months	Tax	Interest	Due
2017	\$877,222.00	01 - Real Estate	1	\$4,342.25	\$0.00	0	\$8,684.50	\$0.00	\$8,684.50
			2	\$4,342.25	\$0.00	0			
2016	\$877,222.00	01 - Real Estate	1	\$4,342.25	\$687.52	19	\$8,684.50	\$1,375.04	\$10,059.54
			2	\$4,342.25	\$687.52	19			
2015	\$877,222.00	01 - Real Estate	1	\$4,469.45	\$1,154.61	31	\$8,938.90	\$2,309.22	\$11,248.12
			2	\$4,469.45	\$1,154.61	31			
2014	\$877,222.00	01 - Real Estate	1	\$4,469.45	\$1,601.55	43	\$8,938.90	\$3,203.10	\$12,142.00
			2	\$4,469.45	\$1,601.55	43			
2013	\$877,222.00	01 - Real Estate	1	\$4,693.14	\$2,151.02	55	\$9,386.28	\$4,302.04	\$13,688.32
			2	\$4,693.14	\$2,151.02	55			
2012	\$891,150.00	01 - Real Estate	1	\$4,767.65	\$2,661.94	67	\$9,535.30	\$5,323.88	\$14,859.18
			2	\$4,767.65	\$2,661.94	67			
Rollback Totals:							\$54,168.38	\$16,513.28	\$70,681.66



# COMPOSITION OF LAND USE PARTICIPANTS



LLC's comprise 24% of all total acreage in land use and only 10% of the parcels.

Only 1.8% of the parcels in Stafford County are in the Land Use program.



# PEER JURISDICTIONS

	Agriculture	Horticulture	Forest	Open
Albemarle	✓	✓	✓	✓
Fauquier	✓	✓	✓	✓
Hanover	✓	✓	✓	✓
Prince William	✓	✓	✓	✓
Spotsylvania	✓	✓	✓	✓
Stafford	✓	✓	✓	✗



# COMMISSIONER OF THE REVENUE

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### **Current Situation**

- County Code currently permits Community Drainfields and defines them as “on-site sewage disposal system ... that serves more than three (3) attached or detached single-family dwellings with a combined average daily sewage flow greater than one thousand (1,000) gallons per day (GPD)”
- A Community Drainfield is referenced in Chapters 22 and 25 of the County Code

### **Proposed End State**

- Require new subdivisions that are not connected to public sewer to provide for on-site sewage disposal systems on the same lot as the dwelling unit

### **Request for the CEDC Committee/Board of Supervisors**

- If the Committee supports the change in the County Code, please recommend the change be referred to the full Board. Chapter 22 will need to be sent to the Planning Commission.

### **Benefits to the County**

- The requirement to have on-site sewage systems on the lot with the dwelling unit will eliminate community drainfields which could become a liability for the County in the future