

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

February 19, 2013

Call to Order The regular meeting of the Stafford County Board of Supervisors was called to order by Susan B. Stimpson, Chairman, at 3:01 p.m., on Tuesday, February 19, 2013, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

Roll Call The following members were present: Susan B. Stimpson, Chairman; Robert “Bob” Thomas, Jr., Vice Chairman; Jack R. Cavalier; Paul V. Milde III; Ty A. Schieber; Gary F. Snellings; and Cord A. Sterling.

Also in attendance were: Anthony Romanello, County Administrator; Charles Shumate, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pamela Timmons, Deputy Clerk; associated staff, and interested parties.

Presentations by the Public The following members of the public desired to speak:

Joe Littleton	-	Boat Tax
Douglas Overvolt	-	Taxi Cabs
Bashir Malik	-	Taxi Cabs
Alane Callandar	-	GOP Sign at Falmouth Intersection

Economic Development and Tourism; Budget and Appropriate Contributions to the Stafford County 350th Anniversary Fund and Endorse Program of Events Dr. Harry Crisp, Chairman of the 350th Blue Ribbon Committee, gave a presentation and answered Board members questions. Planned events include, but are not limited to, a parade beginning at the Stafford Hospital Center, traveling over Courthouse Road, and ending at Brooke Point High School. At the high school there are planned historic reenactments and other events that will take place. A New Year kick-off is planned for the first weekend in January, 2014, at Stafford Market Place; and a Legacy movie (about 20-30 minutes in length) about the story and history of Stafford possibly involving competition among high school videography classes is also planned.

Notable sites along the “Trail to Freedom” would be highlighted and “Wings to Wheels,” an event planned at the Stafford Regional Airport, is also scheduled to include the Army’s Golden Knights, and a battle of high school bands.

Mr. Cavalier stated that Hilldrup Moving and Storage had open-faced trailers that may be helpful to the Committee for use as the 40 x 60 “Celebration Stage,” for the proposed events at Pratt Park. Mr. Sterling asked if the requested \$350,000 would be used for programs and events at the Schools. Dr. Crisp said that it would be used for video projects as well as being incorporated into curriculum.

Ms. Stimpson said that she thought that the Committee did a fantastic job and conveyed her thanks for Committee’s time and efforts. Mr. Snellings, the Committee’s liaison to the Board, said that it was a dedicated group that was working hard on an important project.

Mr. Snellings motioned, seconded by Mr. Thomas, to adopt proposed Resolution R13-79.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Resolution R13-79 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE \$350,000 FROM THE FY2012 CAPITAL PROJECTS RESERVE TO THE STAFFORD COUNTY 350TH ANNIVERSARY FUND; ENDORSE PROGRAMS AND EVENTS; SUPPORT FUNDRAISING GOALS; ENDORSE SPONSORSHIP OPPORTUNITIES AND RECOGNIZE DONATIONS; AND ALLOW THE BLUE RIBBON PLANNING COMMITTEE DISCRETIONARY USE OF THE ADOPTED LOGO COMMEMORATING THE 350TH ANNIVERSARY OF STAFFORD COUNTY

WHEREAS, in October 2011, the Board appointed a ten-member Blue Ribbon Planning Committee (Committee) to plan and direct the commemoration of the 350th Anniversary of Stafford County, which will be celebrated in 2014; and

WHEREAS, dozens of volunteers and hundreds of hours have since been dedicated to this important community-building task; and

WHEREAS, at its meeting on February 2, 2013, the Committee unanimously approved a comprehensive list of planned programming, and the Committee now seeks the Board’s endorsement to proceed with the implementation steps required to provide a first-class anniversary celebration; and

WHEREAS, Board authorization is sought to establish a team of community leaders who will serve as volunteer community fundraisers to raise private donations from corporate and individual sources; and

WHEREAS, the Board recognizes that programming for the 350th Anniversary will have positive and far-reaching community benefits; and

WHEREAS, the Board acknowledges that raising private contributions will be greatly aided by a significant County contribution of \$350,000; and

WHEREAS, the Board recognizes that permitting contributions to be acknowledged by donor category, and through sponsorship or naming opportunities, are important to maximize potential contributions from private, individual, and corporate donors; and

WHEREAS, the Board endorses the fundraising goal of \$1 million, and supports the use of the adopted 350th logo as deemed necessary, appropriate, and desirable by the Committee;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2013, that it be and hereby does budget and appropriate a contribution of Three Hundred Fifty Thousand Dollars (\$350,000) from the FY2012 Capital Reserve to the Stafford County 350th Anniversary Fund in support of the fundraising goal of \$1 million; and

BE IT FURTHER RESOLVED by the Board that it endorses and approves the program of 350th Anniversary programs/events as follows:

2014 COUNTY-SPONSORED PROGRAMS/EVENTS

- Founders Day Parade and Heritage Festival – Spring, 2014
- Celebration Stage at Pratt Park
- Endorsed Programs Incorporated by Reference in Background Report
- Interactive Media/Signage
- Rowser African American History Wall & Dedication Ceremony; and

BE IT FURTHER RESOLVED that the Board approves the volunteer-led fundraising efforts to fund the following Anniversary programs/events:

2014 PRIVATELY-SPONSORED PROGRAMS/EVENTS

- New Year Kick-Off Event – North Stafford
- Legacy Film – Countywide
- Trail to Freedom Tour – Countywide
- Wings & Wheels – Stafford Regional Airport; and

BE IT FURTHER RESOLVED that the Blue Ribbon Planning Committee may, as needed, develop and approve sponsorship opportunities; designate charitable categories; and use and adapt the adopted 350th logo as it deems necessary, appropriate, and desirable; and

BE IT STILL FURTHER RESOLVED that the County Administrator, or his designee, may execute any and all agreements and contracts that are necessary and/or appropriate to facilitate the celebration of the 350th Anniversary of the founding of Stafford County as outlined above.

Presentations by Members of the Board Board members spoke on the topics as identified:

- Mr. Snellings - Defer
- Mr. Sterling - Infrastructure Committee update; Indoor Rec Center and Pool Design; Woodstream Trail to Smith Lake; Chichester Park bids; Rocky Pen Run Reservoir; Secondary Roads including Garrison Woods Drive; Pump and Haul; VDOT public hearing regarding the widening of Courthouse Road.
- Mr. Thomas - Bylaws Committee to be held on March 19th.
- Mr. Cavalier - Defer
- Mr. Milde - Defer
- Mr. Schieber - Defer
- Ms. Stimpson - Defer

Report of the County Attorney Mr. Shumate deferred.

Report of the County Administrator Mr. Anthony Romanello, County Administrator, reported that he attended the “Distinguished Person of the Year” banquet, honoring Charles McDaniel, who will be acknowledged at a future Board meeting. An addition to the Agenda, referring the Pool design to the Board from the Infrastructure Committee; and Board Bank Applications for proposed appointees to the Embrey Mill Community Development Authority were also included in the Add-on package.

Mr. Mike Smith, Director of Public Works, provided an update on transportation projects. A ribbon cutting ceremony for the Chichester Building is scheduled for March 5, 2013, at 5:00 p.m. Wayfinding Signs were being readied for installation and sign bases were currently being installed. Mr. Snellings asked about Truslow Road West, which is a PPTA project from Plantation Drive to Berea Church Road.

Mr. Chris Hoppe, Capital Improvements Project Manager, provided an update on parks bond and non-bond projects in the County.

Legislative; Additions and Deletions to the Agenda Mr. Snellings motioned, seconded by Mr. Schieber, to accept the agenda with the addition of Item 20. Infrastructure Committee; Indoor Recreation Facility Pool Design.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Legislative; Consent Agenda Mr. Sterling motioned, seconded by Mr. Schieber, to accept the Consent Agenda consisting of Items 4 through 10.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Item 4. Legislative; Approve Minutes of the February 5, 2013 Meeting

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R13-73 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED FEBRUARY 5, 2013 THROUGH FEBRUARY 18, 2013

WHEREAS, the Board appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February 2013, that the above-mentioned EL be and hereby is approved.

Item 6. Parks, Recreation and Community Facilities; Execute a Contract for Security Services

Resolution R13-72 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO AWARD A CONTRACT TO AMERICAN SECURITY PROGRAMS, INC., FOR SECURITY GUARD SERVICES AT THE GEORGE L. GORDON, JR., ADMINISTRATION CENTER

WHEREAS, private security services are needed at the George L. Gordon, Jr., Administration Center overnight, and on weekends and holidays; and

WHEREAS, nine (9) proposals were received, with American Security Programs, Inc., submitting the lowest responsive and responsible bid;

WHEREAS, the contract is for a period of one year, with the option to renew for four additional one-year periods, with the total annual amount of the contract not to exceed \$135,213; and

WHEREAS, staff reviewed the proposal and determined that it is reasonable for the scope of services; and

WHEREAS, funds for these services are available in FY2013 budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2013, that the County Administrator be and he hereby is authorized to award a contract to American Security Programs, Inc., for security guard services at the George L. Gordon, Jr., Administration Center in an amount not to exceed One Hundred Thirty-five Thousand Two Hundred Thirteen Dollars (\$135,213), unless amended by a duly-executed contract amendment.

Item 7. Planning and Zoning; Refer to the Planning Commission the Highway Corridor Overlay District (HC)

Resolution R13-76 reads as follows:

A RESOLUTION TO REFER ZONING AMENDMENTS TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY CODE SECTION 28-59, “HIGHWAY CORRIDOR OVERLAY DISTRICT (HC)”

WHEREAS, the Highway Corridor Overlay District (HC) was established to prevent or reduce traffic congestion and visual clutter along designated corridor highways; and

WHEREAS, several automobile-oriented uses require the issuance of a Conditional Use Permit (CUP) in the HC District to protect existing and future highways from unsafe uses; and

WHEREAS, the Board desires to amend the County Code to exclude drive-through facilities and hotels or motels from the requirement for a CUP in the HC District; and

WHEREAS, the Board desires to update and amend the development standards of the HC District; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 19th day of February, 2013, that the proposed amendments to the Zoning Ordinance, pursuant to proposed Ordinance O13-23, be and they are hereby are referred to the Planning Commission for a public hearing and its recommendations; and

BE IT FURTHER RESOLVED, that the Planning Commission may make modifications to the proposed ordinance as it deems necessary.

Item 8. Planning and Zoning; Refer to the Planning Commission an Amendment to the Zoning Ordinance Regarding Waivers to the Master Plan and Deviation or Modification of Siting and Configuration Standards in the Urban Development Zoning Districts

Resolution R13-71 reads as follows:

A RESOLUTION TO REFER ZONING AMENDMENTS TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY CODE SECTION 28-39, “SPECIAL REGULATIONS”

WHEREAS, the Board desires to allow flexibility in the design of individual development projects within the UD, Urban Development Zoning District; and

WHEREAS, waivers of required Master Plan components, or deviations or modifications to the development standards, are currently not permitted in the UD, Urban Development Zoning District; and

WHEREAS, the Board desires to allow for waivers of required Master Plan components or deviations or modifications to the development standards, to provide a level of flexibility for development in the UD, Urban Development Zoning District; and

WHEREAS, the Board desires to amend and reordain County Code, Section 28-34, “Purpose of districts;” and Section 28-39, “Special regulations;” and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 19th day of February, 2013, that the amendments to the County Code, pursuant to proposed Ordinance O13-20, be and they are hereby referred to the Planning Commission for a public hearing and its recommendations; and

BE IT FURTHER RESOLVED that the Planning Commission may make modifications as it deems appropriate to proposed Ordinance O13-20.

Item 9. Finance and Budget; Adjust Schools FY2013 Nutrition Fund and Construction Fund Budgets

Resolution R13-77 reads as follows:

A RESOLUTION TO INCREASE THE SCHOOLS’ FY2013 NUTRITION FUND AND CONSTRUCTION FUND BUDGETS AND APPROPRIATE FUNDS

WHEREAS, the School Board requested an increase to the Schools’ FY2013 Nutrition fund in the amount of \$375,00 to cover increased costs; and

WHEREAS, a sufficient unreserved fund balance is available in the Nutrition Fund to cover the increased appropriation; and

WHEREAS, the Schools requested that the unspent appropriation from the FY2011 Schools’ Operating Fund be reappropriated to the Schools’ Construction Fund to be used for elementary schools renovations; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2013, that it be and hereby does increase the Schools’ FY2013 Budgets and Appropriations as follows:

Nutrition Fund	\$ 375,000
Construction Fund	\$1,858,212

Item 10. Information Technology; Execute a Contract for a New Computer Aided Dispatch/Records Management System (CAD/RMS) for Public Safety

Resolution R13-80 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH ENROUTE EMERGENCY SYSTEMS TO UPGRADE THE COUNTY’S CURRENT ENROUTE PUBLIC SAFETY SYSTEM TO ENROUTE’S NEW GENERATION PUBLIC SAFETY SOFTWARE SOLUTIONS FOR COMPUTER- AIDED DISPATCH (CAD) AND RECORDS MANAGEMENT SYSTEM (RMS) FOR STAFFORD COUNTY’S PUBLIC SAFETY SYSTEM, AND TO BUDGET AND APPROPRIATE FUNDING FOR THE CONTRACT AND

TO DECLARE ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE FINANCINGS

WHEREAS, EnRoute Emergency System's (EnRoute) new technology upgrade is a significant advancement in capabilities of the County's current Computer Aided Dispatch (CAD) and Record Management (RMS) systems, and provides an infrastructure that is compatible with current technologies, which are newer, faster, easier to use, and more cost-effective to deploy; and

WHEREAS, unique to EnRoute's upgrade is its ability to migrate the County's existing data and protocols in the new environment and the value of 20 years of historical data is a significant advantage of upgrading with EnRoute; and

WHEREAS, EnRoute proposed to perform the upgrade and provide the related hardware, software, and services for a cost not to exceed \$2,349,069; and

WHEREAS, staff reviewed the proposal and determined that it is responsive and reasonable for the proposed scope of services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2013, that it be and hereby does authorize the County Administrator to execute a contract with EnRoute Emergency Systems to provide an upgrade from the County's current EnRoute Public Safety System to EnRoute's New Generation software for CAD/RMS for Law Enforcement and Fire/EMS with related services, including project management, computer programming, and data migration, in an amount not to exceed Two Million Three Hundred Forty-nine Thousand Sixty Nine Dollars (\$2,349,069), unless amended by a duly-executed contract amendment; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to budget and appropriate Two Million Three Hundred Forty-nine Thousand Sixty Nine Dollars (\$2,349,069) to the Capital Projects Fund; and

BE IT STILL FURTHER RESOLVED that:

1. The Board of Supervisors adopts this declaration of official intent under Treasury regulations Section 1.150-2.
2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of the CAD/RMS from the proceeds of one or more financings. The maximum amount of financing expected to be issued for the CAD/RMS is Two Million Three Hundred Forty-nine Thousand Sixty Nine Dollars (\$2,349,069).

Planning and Zoning; Adopt a Transfer of Development Rights (TDR) Ordinance and Refer to the Planning Commission a Comprehensive Plan Amendment Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members

questions. Mr. Milde suggested that Mr. Harvey limit his remarks to changes made since the Board’s public hearing held on December 4, 2012. He added that he, Mr. Snellings, and Mr. Thomas met on February 6, 2013, to discuss TDR.

Mr. Sterling questioned if the revision specified common/same entity ownership. Mr. Milde said that the reference to twenty acres was for twenty contiguous acres under the same ownership. Regarding a reduction in density, Mr. Harvey noted that it reduced density to 2.25 from 5.0 dwelling units per acre in the previous iteration. It also reduced the number of potential sending units from 913 to 666 units.

Ms. Stimpson talked about 2.25 acre maximum density bonuses. Mr. Harvey said that it shifted the bonus from one area to another. Ms. Stimpson added that it was good to create open space incentives. Mr. Milde said that no extra development rights were created. Ms. Stimpson said that the total number was the same, that it was moved to a smaller area. Mr. Harvey said that it was a totally voluntary program on the part of the land owner. Mr. Sterling inquired about architectural standards. Mr. Harvey replied that there were no architectural standards included in TDR. He added that since TDR is by-right, the County had limited enforcement ability.

Mr. Milde said that the Committee agreed with the version presented to the Board and thanked the Planning Commission for its efforts on behalf of TDR. Mr. Thomas said that he was happy with the 2.25 acres and would vote in support of TDR. Ms. Stimpson said that she would vote no; that she did not feel that TDR was worth it to tax payers, adding her concerns about the three groups of corporate landowners at Crow’s Nest Harbour. Mr. Milde said that Marriott Corporation owned a number of acres in Crow’s Nest Harbour.

Mr. Milde motioned, seconded by Mr. Snellings, to adopt proposed Ordinance O13-21 with an effective date 60 days from adoption.

The Voting tally was:

Yea: (5) Cavalier, Milde, Schieber, Snellings, Thomas
Nay: (2) Sterling, Stimpson

Ordinance O13-21 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTIONS 28-25, “DEFINITIONS OF SPECIFIC TERMS,” AND SECTION 28-35, TABLE 3.1, “DISTRICT USES AND STANDARDS;” AND TO ENACT, ADOPT AND ORDAIN CHAPTER 28, ARTICLE XX, “TRANSFER OF DEVELOPMENT RIGHTS”

WHEREAS, under Virginia Code §§ 15.2-2316.1 and 15.2-2316.2, the Board may adopt a transfer of development rights ordinance and establish a transfer of development rights program; and

WHEREAS, the Board desires to amend the Stafford County Code to adopt a transfer of development rights ordinance and establish a transfer of development rights program; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed amendment to adopt a transfer of development rights ordinance and has provided its recommendations to the Board on such proposed amendment; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, as well as the public testimony of citizens, if any, at the public hearing; and

WHEREAS, the Board finds that the proposed transfer of development rights ordinance serves and promotes the public health, safety, and general welfare of the County and its citizens; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 19th day of February , 2013, that Stafford County Code, Sections 28-25, “Definitions of specific terms,” and Section 28-35, Table 3.1, “District Uses and Standards,” be and they hereby are amended and reordained as follows, all other portions remaining unchanged; and

BE IT FURTHER ORDAINED by the Stafford County Board of Supervisors that Chapter 28, Article XX, “Transfer of Development Rights,” be and it hereby is enacted, adopted, and ordained as follows and shall become effective on the 20th day of April, 2013:

Chapter 28 – Zoning Ordinance

Article II. – Definitions and Construction

Sec. 28-25. - Definitions of specific terms.

When used in this Chapter, the following terms shall have the meanings herein ascribed to them:

County Attorney. The County Attorney or his/her designee.

Determination of Development Rights Document. A document issued by the Director that determines the number of residential development rights a sending property has available

for transfer to a receiving property or transferee. For purposes of this Ordinance, the right to build one residential dwelling unit equates to one development right.

Development right or rights. The permitted uses and density of development that are allowed on the sending property under Chapter 28 of the County Code on the date of severance of such rights. Development right or rights includes transferable development rights.

Director. The Director of the ~~office of planning~~ Department of Planning and Zoning or his/her designee.

Extinguishment of development rights. The process by which development rights from a sending property are severed and extinguished from a sending property and transferred to a receiving property or transferee, pursuant to the transfer of development rights program under Chapter 28 of the County Code.

Receiving area. One or more areas identified in Article XX of this Chapter and designated by the Comprehensive Plan as an area authorized to receive development rights transferred from a sending area.

Receiving property. A separate parcel of land within a receiving area and within which development rights are increased pursuant to a transfer of development rights to the property.

Retire. The process by which development rights are extinguished.

Sending area. One or more areas identified in Article XX of this Chapter and designated by this Ordinance and the Comprehensive Plan as an area from which development rights are authorized to be severed and transferred to a receiving area or transferee without relation to any particular property.

Sending property. A separate parcel of land or contiguous parcels as set forth in § 28-357(b) of this Ordinance within a sending area that are the subject of a transfer of development rights, where the owner of the parcel(s) is conveying development rights of the parcel(s), and on which those rights so conveyed are severed and may no longer be used on said property as a consequence of the transfer of development rights. If contiguous parcels comprise a particular sending property, those contiguous parcels are hereby deemed to be one sending property.

Transfer of development rights (TDRs). The process prescribed under Article XX of this Chapter whereby the owner of a parcel or lot in a sending area may convey development rights to the owner of a lot or parcel in a receiving area or to another person or legal entity, whereby the development rights so conveyed are severed and extinguished from the sending property and may be exercised on the receiving property in addition to the development rights already existing regarding that parcel or may be held without relation to any particular property by the transferee.

Transferable development rights. Development rights that are transferred or transferable from a sending property.

Transferee. The person(s) or legal entity(s) who owns a receiving property to which development rights have been transferred from a sending property or who receives and holds development rights transferred from a sending property without relation to any particular property.

Transferor. The owner(s) of a sending property and a person or legal entity who conveys development rights that are held without relation to any particular property.

Transfer of Development Rights (TDR) Certificate. A document issued by the Director agreeing, at the request of a transferor, to sever a specified number of residential development rights from a sending property in exchange for a restrictive covenant to which the County is a party, that restricts further development on the sending property.

Urban Development Areas (UDAs). The areas designated by the Comprehensive Plan that are appropriate for higher density development and, to the extent feasible, appropriate to be used for redevelopment or infill development.

Urban Services Areas (USA). Areas designated by the Comprehensive Plan that may be served by public water and sewer facilities and services.

Sec. 28-35. – Table of Uses and Standards.

Table 3.1, District Uses and Standards, sets forth the uses and standards for each zoning district in Stafford County. No land or structure shall be used, occupied or developed except in accordance with the standards set forth therein.

Table 3.1. District Uses and Standards

A-1, Agricultural.

(2) <i>Minimum lot area (in acres)</i>	3
(3) <u><i>Maximum density with TDRs</i></u>	<u>2.25 du/acre, TDR developments limited to single-family detached dwellings</u>

(3 4) *Minimum yards: (in feet)*

Conventional subdivision:

Front50

Side 20

Rear 35

Cluster subdivision:

Front40

Side 10
Rear 35

(4 5) *Maximum height (in feet)*.....35

(5 6) *Minimum lot width (in feet):*
Cluster subdivision100

R-1 Suburban Residential.

(d) *Requirements:*

(1) *Intensity:*

Allocated density for conventional subdivision1.5 du/ac

Open space ratio for conventional subdivision0.50

Allowable density for cluster subdivision (see conditional use permit)1.5 du/ac

Open space requirement for cluster subdivision = thirty (30) percent of total subdivision tract.

Maximum density with TDRs 14.0 du/acre, TDR developments may include townhouses at up to 6.0 du/acre and multi-family dwellings at up to 14.0 du/acre

Open space ratio....0.5

Open space ratio with TDRs....0.25

PD-1, Planned Development 1.

(d) *Requirements:*

(1) *Intensity:*

Allocated Density....7.0 du/ac

Maximum density with TDRs 12.0 du/acre, TDR developments may include single-family detached dwellings and townhouses at up to 7.0 du/acre and multi-family dwellings at up to 12.0 du/acre

Maximum floor area ratio (non-residential)....0.75

Maximum floor area ratio (non-residential) with TDR0.75

Open space ratio...0.25

Open space ratio with TDRs...0.15

PD-2 Planned Development 2.

(d) *Requirements:*

(1) *Intensity:*

Allocated Density....3.25 du/ac

Maximum density with TDRs 12.0 du/acre, TDR developments may include townhouses at up to 6.0 du/acre and multi-family dwellings at up to 12.0 du/acre

Maximum floor area ratio...1.0

Maximum floor area (non-residential) with TDRs0.75

Open space ratio...0.25

Open space ratio with TDRs...0.20

P-TND Planned Traditional Neighborhood Development

(c) *Requirements:*

(1) *Intensity:*

Minimum gross tract area/acres 75 except for redevelopment, provided there is no increase of impervious area greater than ten (10) percent, no minimum gross tract area/acres for such redevelopment.

Minimum gross tract area with TDRs 20 acres

Allocated density: 10.0 du/gross tract acres

Allocated density with TDRs: 12.0 du/gross tract acres

Open space ratio, gross tract 0.25

Open space ratio with TDRs, gross tract0.20

UD Urban Development.

(d) *Requirements:*

(1) *Intensity:*

<i>Single-family detached and duplex:</i>	
Minimum density	Three (3) dwelling units/gross acre
Maximum density	Six (6) dwelling units/gross acre
<u>Maximum Density with TDR</u>	<u>Seven (7) dwelling units/gross acre</u>
<i>Townhouse:</i>	
Minimum density	Five (5) dwelling units/gross acre
Maximum density	Eight (8) dwelling units/gross acre
<u>Maximum Density with TDR</u>	<u>Nine (9) dwelling units/gross acre</u>
<i>Multifamily:</i>	
Minimum density	Eleven (11) dwelling units/gross acre
Maximum density	Fourteen (14) dwelling units/gross acre
<u>Maximum Density with TDR</u>	<u>Fifteen (15) dwelling units/gross acre</u>
<i>Commercial and mixed use development:</i>	
Minimum floor area ratio	0.4
Maximum floor area ratio	1.0
Minimum floor area ratio with TDR	0.6
Maximum floor area ratio with TDR	1.2

Table 3.1(a) Standards for Transfer of Development Rights (TDRs), sets forth the uses and standards for all development utilizing (TDRs) for each zoning district in Stafford County that is permitted by Article XX to serve as a receiving area. No land or structure shall be used, occupied, or developed except in accordance with the standards set forth therein.

Table 3.1(a). Standards for Transfer of Development Rights (TDRs)

A-1 Agricultural

(a) Uses permitted by-right

Community use

Equestrian use and bridle path

Group family day care home

Home occupation

Park and playground

Public facilities/utilities but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted by a conditional use permit and not including propane and heating fuel distribution facilities

Public works excluding wastewater treatment facilities

Single-family dwelling

Small family day care

(b) Conditional use permit:

Bed and breakfast inn

Nursing home

Place of worship

Public facilities/utilities for generating facilities, substations, switching stations, and wastewater treatment plant facilities

Recreational facility

(c) Special exception:

Home business

(d) Requirements:

(1) Intensity:

Maximum density...5.0 du/gross acre

Open space ratio...0.5

(2) Minimum Yards In Feet

Front...30

Side...6

Rear...25

(3) Minimum lot size ...6,500 sf

(4) Maximum height in feet...35

(5) Minimum lot width in feet...60

R-1 Suburban Residential

(a) Uses permitted by-right

Community use

Group family day care home

Home occupation

Multifamily dwelling

Park and playground

Public facilities/utilities but not including generating facilities, substations, switching stations, and wastewater treatment facilities which are permitted by a conditional use permit and not including propane and heating fuel distribution facilities

Public works excluding wastewater treatment facilities

Single-family dwelling

Small family day care

Townhouse

Weak-link townhouse dwellings

(b) Conditional use permit:

Assisted living facility

Nursing home

Place of worship

Public facilities/utilities for generating facilities, substations, switching stations, and wastewater treatment plant facilities

Recreational facility

Retirement housing

(c) Special exception:

Home business

(d) Requirements:

(1) Intensity:

Maximum density...14 du/ acre for multi-family dwellings and 6 du/acre for townhouses

<u>(2) Minimum Yards (in feet)</u>	<u>Single-Family</u>	<u>Townhouse</u>	<u>Multifamily</u>	<u>Weak-link Townhouse</u>
<u>Front</u>	<u>30</u>	<u>8</u>	<u>15</u>	<u>15</u>
<u>Side</u>	<u>6</u>	<u>15</u>	<u>15</u>	<u>6</u>
<u>Rear</u>	<u>25</u>	<u>25</u>	<u>15</u>	<u>25</u>
<u>(3) Maximum Height (in feet)</u>	<u>35</u>	<u>40</u>	<u>4 stories</u>	<u>35</u>
<u>(4) Minimum Lot Width (in feet)</u>	<u>60</u>	<u>20</u>	<u>Not Applicable</u>	<u>36</u>
<u>(5) Minimum Lot Size (in square feet)</u>	<u>6,500</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>3,000</u>

PD-1 Planned Development –1

(a) Uses permitted by right:

Accessory dwellings.

Atrium house dwellings.

Bakeries.

Banks/lending institutions.

Barber/beauty shops.

Clinic, medical and dental.

Commercial apartments.

Community uses.

Convenience center.

Convenience store.

Dance studios.

Drug stores.

Dry cleaners/laundries.

Duplex dwellings.

Florists.

General office uses.

Gift/antique shops.

Group family day care home.

Home occupation.

Lot-line dwellings.

Medical/dental offices.

Multifamily dwellings.

Parks and playgrounds.

Patio house dwellings.

Places of worship.

Professional offices.

Public facilities/utilities but not including generating facilities, substations, switching stations, and wastewater treatment facilities which are permitted by a conditional use permit and not including propane and heating fuel distribution facilities.

Public works excluding wastewater treatment facilities.

Recreational facilities.

Restaurants without drive through.

Schools.

School, vocational.

Single-family dwellings.

Small family day care home.

Townhouse dwellings.

Village house dwellings.

Weak-link townhouse dwellings.

(b) Conditional use permit:

Adult day care center.

Assisted living facility.

Clubs/lodges/fraternal organizations.

Child care centers.

Dwellings for watchmen or caretaker on premises.

Low intensity commercial retail uses not otherwise listed

Public facilities/utilities for generating facilities, substations, switching stations, and wastewater treatment facilities.

Restaurants with drive through.

Retail food stores greater than ten thousand (10,000) square feet.

Retirement housing.

Theaters.

Vehicle fuel sales.

(c) Special exception:

Home business.

(d) Requirements:

(1) Intensity:

Allocated density TDRs 12.0 du/acre, TDR developments may include single-family detached dwellings and townhouses at up to 6.0 du/acre and multi-family dwellings at up to 12.0 du/acre

Maximum floor area (nonresidential) ratio0.75

Open space ratio0.15

Minimum tract size...20.0 ac

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<u>(2)</u> <u>Minimum</u> <u>yds (in</u> <u>feet)</u>	<u>Single-</u> <u>family</u>	<u>Duplex</u>	<u>Town-</u> <u>house</u>	<u>Multi-</u> <u>family</u>	<u>Com-</u> <u>mercial</u>	<u>Lot-line</u>	<u>Atrium</u>	<u>Village</u>	<u>Patio</u>	<u>Weak-link</u> <u>Townhouse</u>
<u>Front</u>	<u>20</u>	<u>20</u>	<u>8</u>	<u>15</u>	<u>40</u>	<u>20</u>	<u>8</u>	<u>15</u>	<u>12</u>	<u>15</u>
<u>Side</u>	<u>10</u>	<u>3/15</u>	<u>15*</u>	<u>15</u>	<u>0/15</u>	<u>5/20****</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>0</u>
<u>Rear</u>	<u>35</u>	<u>35</u>	<u>25</u>	<u>20</u>	<u>12/35</u>	<u>30</u>	<u>0</u>	<u>25</u>	<u>0</u>	<u>24</u>
<u>(3)</u> <u>Maximum</u> <u>height (in</u> <u>feet)</u>	<u>35</u>	<u>35</u>	<u>45</u>	<u>80</u>	<u>80</u>	<u>35</u>	<u>18</u>	<u>35</u>	<u>35</u>	<u>28</u>
<u>(4)</u> <u>Minimum</u> <u>lot width</u> <u>(in feet)</u>	<u>80</u>	<u>45</u>	<u>20</u>	<u>=</u>	<u>=</u>	<u>70</u>	<u>50</u>	<u>60</u>	<u>50</u>	<u>36</u>
<u>(5)</u> <u>Minimum</u> <u>lot size</u> <u>(in sq. ft.)</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>7,000</u>	<u>4,000</u>	<u>6,000</u>	<u>5,000</u>	<u>3,600</u>

*For duplex structures, the minimum required side yard setback is three (3) feet, and the minimum required distance between structures is fifteen (15) feet.

**For multi-family structures, the minimum setback is thirty-five (35) feet from any public right-of-way and thirty (30) feet from any other structure.

***For commercial uses adjacent to a nonresidential use, the minimum required side yard setback is zero (0) feet and the minimum required rear yard setback is twelve (12) feet. For commercial uses adjacent to residential use, the minimum required side yard setback is fifteen (15) feet and the minimum required rear yard setback is thirty-five (35) feet.

****For lot line dwellings, the minimum width of any individual side yard is five (5) feet, and the minimum required distance between structures is twenty (20) feet.

PD-2 Planned Development 2.

(a) Uses permitted by right:

Accessory dwelling.

Bakeries.

Banks.

Barber shops.

Commercial apartments.

Community uses.

Convenience center.

Convenience stores.

Dry cleaners/laundries.

Duplex dwellings.

Florists.

General office uses.

Gift/antique shops.

Group family day care home.

Home occupation.

Low intensity commercial retail.

Medical/dental offices.

Medium intensity commercial retail.

Multifamily dwellings.

Parks and playgrounds.

Places of worship.

Professional offices.

Public facilities/utilities but not including generating facilities, substations, switching stations, and wastewater treatment facilities which are permitted by a conditional use permit and not including propane and heating fuel distribution facilities.

Public works excluding wastewater treatment facilities.

Recreational facilities.

Restaurants without drive-through facilities.

Retail food stores.

Schools.

School, vocational.

Single-family dwellings.

Small family day care home.

Townhouse dwellings.

(b) Conditional use permit:

Adult day care center.

Assisted living facility.

Auto service centers.

Child care centers.

Clinics, medical or dental.

Clubs/lodges/fraternal organizations.

Dance halls.

Dwellings for watchmen or caretaker on premises.

Funeral homes.

High intensity commercial retail.

Hotels/motels.

Marinas.

Public facilities/utilities for generating facilities, substations, switching stations,
and wastewater treatment facilities

Recreational enterprises.

Restaurants with drive through.

Retail food stores greater than ten thousand (10,000) square feet.

Retirement housing.

Theaters.

Vehicle fuel sales.

(c) Special exception:

Home business.

(d) Requirements:

(1) Intensity:

Allocated density TDRs 12.0 du/acre, TDR developments may include townhouses at up to 6.0 du/acre and multi-family dwellings at up to 12.0 du/acre

Maximum floor area (nonresidential) ratio0.75

Open space ratio0.20

Minimum tract size...20.0 ac

<u>(2)</u> <u>Minimum yards (in feet)</u>	<u>Single-family</u>	<u>Duplex</u>	<u>Town-house</u>	<u>Multi-family</u>	<u>Commercial</u>
<u>Front</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>8</u>
<u>Side</u>	<u>0/10*</u>	<u>0/10*</u>	<u>0/30**</u>	<u>0/60**</u>	<u>0/15***</u>
<u>Rear</u>	<u>35</u>	<u>35</u>	<u>25</u>	<u>0/60**</u>	<u>12/35***</u>
<u>(3) Maximum height (in feet)</u>	<u>35</u>	<u>35</u>	<u>45</u>	<u>45</u>	<u>45</u>

*For single-family and duplex structures, the minimum required side yard setback is zero (0) feet, however, the minimum required distance between structures is ten (10) feet.

**For townhouses and multi-family structures, the minimum required side setback is zero (0) feet, however, the minimum required distance between structures is thirty (30) feet and sixty (60) feet, respectively.

***For commercial uses adjacent to a nonresidential use, the minimum required side setback is zero (0) feet and the minimum required rear setback is twelve (12) feet. For commercial uses adjacent to a residential use, the minimum required side setback is fifteen (15) feet and the minimum required rear setback is thirty-five (35) feet.

P-TND Planned-Traditional Neighborhood Development

(a) Uses permitted by right:

Bank, lending institution with no drive-through facility.

Bed and breakfast inn, up to five (5) rooms.

Bike station.

Carry out/cafe with no drive-through facility.

Center for the arts.

Conference center.

Convention center.

Country inn, up to twelve (12) rooms.

Day care center.

Dormitory, school.

Duplex.

Dwelling, accessory.

Dwelling, atrium house.

Dwelling, attached.

Dwelling, carriage house.

Dwelling, condominium.

Dwelling, lot line.

Dwelling, multifamily.

Dwelling, patio house.

Dwelling, quadruple-attached.

Dwelling, semi-detached.

Dwelling, single-family.

Dwelling, three-family attached.

Dwelling, townhouse.

Dwelling, village house.

Exhibition center.

Funeral home.

High-intensity retail uses not otherwise listed.

Home occupation.

Hotel.

Instruction with studio.

Kiosk.

Library.

Live/work unit.

Medical, dental office.

Medical, dental clinic.

Museum.

Open, farmers market.

Outdoor pavilion.

Place of worship.

Professional office.

Public facilities for water/sewer pump stations and water tanks.

Public works.

Push cart.

Restaurant.

Retail uses permitted by right in the B-2 zoning district.

School.

School, college or university.

School, vocational.

Telecommunication antennas as an ancillary use to an existing building or structure.

Theater, movie/multiplex.

Triplex.

(b) Conditional use permit:

Automobile repair.

Drive-through facilities.

Home business.

Golf course, minimum of eighteen (18) holes and may include practice tees and golf driving range as an accessory use only.

Hospital.

Motel.

Public facilities, except for water/sewer pump stations and propane and heating fuel distribution facilities.

Substation.

Telecommunication facility.

Telecommunication facility other than antennas which are ancillary to an existing building or structure.

Vehicle fuel sales.

(c) Requirements:

(1) Intensity:

Minimum gross tract area/acres 20.0 ac.

Allocated density, gross tract 12.0 du/gross tract acres

Open space ratio, gross tract 0.20

(2) Refer to tables 3.5(a), 3.5(b), 3.5(c), 3.5(d), 3.5(e), 3.5(f), and 3.5(g) for additional intensity regulations within specific Transect Zones.

UD Urban Development.

(a) Uses permitted by right: see Sec. 28-39(u) for detailed uses allowed by subdistrict.

(b) Conditional use permit: see Sec. 28-39(u) for conditional uses allowed by subdistrict.

(c) Special exception: see Sec. 28-39(u) for special exception uses allowed by subdistrict.

Article XX. – Transfer of Development Rights

Sec. 28-354. – Purpose.

Pursuant to Virginia Code §§ 15.2-2316.1 and 15.2-2316.2, a transfer of development rights (TDR) program is established. The purpose of the TDR program is to provide a mechanism by which a property owner can transfer residential density from sending areas to receiving areas and/or to a transferee without relation to any particular property through a voluntary process intended to permanently conserve agricultural and forestry uses of lands, reduce development densities on those and other lands, and preserve rural open spaces and natural and scenic resources. The TDR program is intended to complement and supplement County land use regulations, resource protection efforts, and open space acquisition programs. The TDR program is intended to encourage increased residential density in areas that can better accommodate this growth with less impact on public services and natural resources.

Sec. 28-355. – Applicability.

This Article shall apply to the transfer of development rights from land in sending areas to land in receiving areas and/or to a transferee without relation to any particular property. Land utilizing transferred development rights may be subdivided or developed in receiving areas at the maximum density specified by County Code § 28-35, Table 3.1, above the base density for the applicable zoning district.

Sec. 28-356. – Right to transfer development rights; general provisions.

(a) A development right shall only be transferred by means of the recordation of a TDR Certificate and a covenant to which the County is a party that restricts further development of the sending property and joins all lien holders, who must execute any necessary releases in order for the transfer of development rights to take place.

(1) The covenant shall limit the future construction of residential dwelling units on a sending property to the total number of development rights established by the Zoning Ordinance provisions applicable to the property, minus (i) all

development rights severed and extinguished from the sending property by the TDR Certificate and thereby transferred under this Article, (ii) any development rights previously severed and extinguished or limited as a result of an earlier recorded covenant or conservation easement against the property, and (iii) the number of existing single-family detached dwelling units located on the sending property, if any, as of the date the TDR Certificate has been issued and recorded by the Director.

(2) The County Attorney shall review and approve any such covenants and related document(s) for form and legal sufficiency.

(b) Each transferor shall have the right to sever all or a portion of the development rights from a sending property and to sell, trade, and/or barter all or a portion of those development rights to a transferee consistent with the purposes of County Code § 28-354 so long as the requirements of subsection (a) of this section are met.

(c) Any transfer of development rights under this Article only authorizes an increase in maximum density. It shall not alter or waive the development standards of any property in the receiving area, nor shall it allow a use otherwise not permitted in a receiving area.

(d) No development rights may be transferred from a sending property if those rights are materially restricted from development by covenant, easement, and/or deed restriction; provided, however, that no such restriction will be deemed to exist if it arose out of a note on a subdivision plat requiring the provision of public water and sewer to the subdivision.

(e) Any transfer of development rights shall be recorded among the land records of Stafford County, Virginia.

(f) No transfer of development rights will be effective until the Director has recorded the TDR Certificate and its related covenant in the land records of Stafford County, Virginia.

(g) The monetary or other value of transferred development rights is a private matter that is determined by the seller and buyer.

(h) The owner of development rights severed from a sending property under the provisions of this Article may make application to the Commissioner of the Revenue of Stafford County for a real estate tax abatement for a period up to 25 years, to compensate the owner of such development rights for the fair market value of all or part of the development rights, which shall retire the number of development rights equal to the amount of the tax abatement, and such abatement is transferable with the property. The Commissioner of the Revenue shall compute the tax abatement amount and the

retirement of development rights in fractional increments; provided, however, that any such fractional development rights are not transferable.

Sec. 28-357. – Sending properties.

(a) For the purposes of this Article, a sending property must be an entire tax map parcel or lot that complies with all requirements of this Article. Sending areas shall be limited to those areas designated as sending areas on the map entitled, “Transfer of Development Rights (TDR) Sending and Receiving Areas,” in the Comprehensive Plan, zoned A-1 (Agricultural) or A-2 (Rural Residential).

(b) In order for a property in a sending area to qualify as a sending property eligible for a transfer of development rights, such property shall be:

- (1) Designated for agricultural, rural, or park land use(s), in the Comprehensive Plan;
- (2) Located in areas designated as sending areas on the Map entitled “Transfer of Development Rights (TDR) Sending and Receiving Areas” in the Comprehensive Plan;
- (3) Zoned A-1 (Agricultural) or A-2 (Rural Residential); and either
 - (i) A separate parcel in existence on the effective date of this Article XX (Transfer of Development Rights) that is at least twenty (20) acres; or
 - (ii) Contiguous parcels in existence and under common ownership on the effective date of this Article XX (Transfer of Development Rights) comprising at least twenty (20) acres that are under the same ownership on the date of the application; or
 - (iii) Contiguous parcels that:
 - (A) comprise at least twenty (20) acres; and
 - (B) exist and are under common ownership on the effective date of this Article XX (Transfer of Development Rights); and
 - (C) are under common ownership on the date of the application; provided that the owner(s) on the effective date of this Article XX (Transfer of Development Rights) are not required to be the same as the owner(s) on the date of the application. (For example, if one party (Owner A) owns contiguous parcels comprising at least twenty (20) acres on the effective date of this Article XX (Transfer of Development Rights), Owner A can sell those parcels to a

second party (Owner B), who may then file a TDR application for those parcels.)

(c) If a sending property has any outstanding code violations and/or unpaid taxes, the owner(s) shall completely resolve all of these violations, including any required abatement, restoration, and/or payment of penalties or taxes, before the property may be made the subject of a TDR Certificate by the Director.

Sec. 28-358. – Receiving properties.

(a) In order for a property in a receiving area to qualify as a receiving property eligible for a transfer of development rights to said property, such property shall be:

- (1) Located in one of the following zoning districts: A-1, Agricultural; R-1, Suburban Residential; PD-1, Planned Development-1; PD-2, Planned Development-2; PTND–Planned Traditional Neighborhood Development; or UD, Urban Development;
- (2) Located in areas designated as receiving areas on the Map entitled “Transfer of Development Rights (TDR) Sending and Receiving Areas” in the Comprehensive Plan;
- (3) Located within the USA by the Comprehensive Plan;
Designated as part of a UDA by the Comprehensive Plan; and
- (4) Included in an assessment of the infrastructure in the receiving area that identifies the ability of the area to accept increases in density and its plans to provide necessary utility services within any designated receiving area.

(b) If a receiving property has any outstanding code violations and/or unpaid taxes, the owner shall completely resolve all such violations, including any required abatement, restoration, and/or payment of penalties or taxes, before the property may have any development rights transferred to it as part of the County’s TDR program.

(c) A receiving property may accept development rights from one or more sending properties, but the density allowed on the receiving property may not exceed the maximum applicable density specified in County Code § 28-35, Table 3.1.

(d) At the discretion of the owner of any residential development rights severed from a sending property, such development rights may be converted to commercial development rights. In the event residential development rights from a sending property are transferred to a receiving property and the owner of the receiving property wishes to convert those residential development rights to commercial development rights, each such residential development right shall be deemed the equivalent of the right to construct 3,000 square feet of commercial space on the receiving property.

(e) Every 3,000 square feet of commercial space, or fraction thereof, in a development project shall be deemed the equivalent of one development right. (For example, 2,788 square feet of commercial space shall be deemed one development right, 3,000 square feet of commercial space shall be deemed one development right, and 3,005 square feet commercial space shall be deemed two development rights.)

(f) The provisions of this Article XX are not intended to supersede any of the protections set forth elsewhere in this Ordinance relating to properties having historical significance and/or properties with environmentally sensitive features such as, but not limited to, hydric soils, wetlands, or steep slopes.

Sec. 28-359. – Calculation of development rights.

(a) The number of residential development rights that a sending property is eligible to send to a receiving property and/or transferee without relation to any particular property shall be determined by the Director after he initially calculates the number of residential dwelling units allowed as a matter of right on the sending property under the provisions of the zoning district in which the sending property is located. In making this initial calculation, the Director shall determine the gross acreage of the sending property from a valid, recorded plat or survey prepared and certified by an engineer or land surveyor licensed in the Commonwealth of Virginia provided to the Director by the applicant as part of the TDR application, and then subtract from the gross acreage of the sending property: (i) the portion, if any, of the sending property that is comprised of hydric soils and/or steep slopes (i.e., those slopes exceeding twenty-five percent (25%)) based on a review of the County's maps and the owner's TDR application by the Director; (ii) the portion, if any, of the sending property that is comprised of easements or rights-of-way for public roads; and (iii) for those sending properties that do not abut any public road, five percent (5.0%) of the gross acreage of such sending property. Upon rendering this initial calculation, the Director shall subtract all of the following to determine the number of development rights that are eligible to be transferred from the sending property:

- (1) All development rights previously transferred under this Article from the sending property;
- (2) All development rights previously extinguished or limited as a result of a recorded conservation easement or similar covenant/restriction against the sending property, or any portion thereof;
- (3) All development rights previously extinguished or limited as a result of any private agreement or any other County program relating to the extinguishment or limitation of development rights; and
- (4) The number of existing single-family residential dwelling units on the sending property as of the date of the TDR Certificate.

(b) Any fraction of development rights resulting from the calculations shall not be included by the Director in the final determination of total development rights available for transfer.

(c) Development rights from a sending property may be allocated to more than one receiving property and/or transferee. However, fractions of development rights shall not be transferrable.

(d) A receiving property and/or transferee without relation to any particular property may accept development rights from more than one sending property.

(e) The determination of the number of residential development rights a sending property has available for transfer to a receiving property and/or a transferee without relation to any particular property shall be documented in a Determination of Development Rights Document issued by the Director.

(f) A Determination of Development Rights Document shall be used by the Director as the basis for the issuance of a TDR Certificate if there has been no material change in the criteria used by the Director in relation to the sending property to issue the Determination of Development Rights Document.

(g) The decisions of the Director in the Determination of Development Rights Document shall be considered final determinations for purposes of the TDR program, except that if there is any material change in the criteria, in relation to the sending property, used by the Director to issue the Determination of Development Rights Document, then a new Determination of Development Rights Document must be issued for the sending property before a TDR Certificate may be issued for that sending property.

(h) Any determination made in a Determination of Development Rights Document shall be valid only for purposes of the TDR program and for no other purpose.

(i) A transferor may extinguish development rights, sever and hold development rights, sever and sell development rights, or apply severed development rights to a receiving property to allow development of that receiving property at a density greater than would otherwise be allowed on such land, up to the maximum density specified for the applicable zoning district in County Code § 28-35, Table 3.1.

Sec. 28-360. – Transfer of development rights sending property development limitations.

(a) Following the transfer of residential development rights, a sending property that has retained a portion of its development rights may subsequently accommodate remaining residential dwelling units on the sending property consistent with the requirements of the A-1 (Agricultural) or A-2 (Rural Residential) Zoning District, and all other applicable County Code requirements. A sending property that retains a portion of its development

rights may also transfer the remainder of those development rights through the TDR program; provided, however, that fractional development rights shall not be transferrable.

(b) On sending properties with environmental features as outlined in County Code § 28-359(a), (i.e., hydric soils and steep slopes exceeding twenty-five percent (25%)), the development rights shall be severed from the areas outside of the specified environmental features, and any such areas on the sending property that have either hydric soils or steep slopes exceeding twenty-five percent (25%) shall not be eligible for any consideration regarding the transfer of development rights. If development rights are retained on the sending property, future subdivision and development cannot occur on the areas where any development rights have already been severed and those areas cannot be considered as a portion of any buildable lot.

(c) The limitations in this section shall, when development rights are severed from a sending property, be included in a covenant applicable to the sending property which shall be recorded in the land records of Stafford County, Virginia. The County Attorney shall review and approve the covenant as to form and legal sufficiency. A plat shall accompany and be recorded with the deed delineating and describing the location of the portion of the property to be conserved.

(d) Unless otherwise specified in this Article XX, the severance of development rights from a sending property shall not deprive the owner of such sending property of the right to use that portion of the property from which development rights have been severed for any (i) agricultural uses; and (ii) forestal uses with reforestation plans; provided that such uses were permitted by right on the sending property prior to the transfer of such development rights. Any buildings or structures that exist on a sending property at the time development rights are severed shall be allowed to remain to support any such existing agricultural and forestal uses. New buildings and structures comprising up to a cumulative total of 6,000 square feet shall be allowed to be constructed on a sending property to support any such existing agricultural and forestal uses. Any building constructed as a lawful nonconforming use under the provisions of this Article XX shall not count against the allowance of up to 6,000 cumulative square feet for new buildings on any such sending property.

(e) Unless otherwise specified in this Article XX, the severance of development rights from a sending property shall not deprive the owner of such sending property of the right to use that portion of the property from which development rights have been severed for parks, campgrounds and related camping facilities, provided that such uses were permitted by right on the sending property prior to the transfer of such development rights. Any buildings or structures that exist on a sending property at the time development rights are severed shall be allowed to remain to support any such existing park, campground, and related camping facilities. New buildings and structures comprising up to a cumulative total of 2,000 square feet shall be allowed to be constructed on a sending property to support any such existing park, campground, and related camping facilities. Any building constructed as a lawful nonconforming use under the provisions of this Article XX shall not count against the allowance of up to

2,000 cumulative square feet for new buildings on any such sending property. For purposes of this section, the term “campgrounds” does not include any use by travel trailers, motor homes, and similar vehicular type structures.

Sec. 28-361. – Sending property certification.

(a) The Director shall be responsible for determining whether a proposed sending property meets the qualifications of County Code § 28-357. The Director shall respond in writing to an owner’s request for a Determination of Development Rights Document under this Article XX within sixty (60) days of the date of submission of a complete TDR application.

- (1) If the Director determines that a property satisfies the requirements of County Code § 28-357, the Director shall issue a Determination of Development Rights Document for the sending property.
- (2) If the Director determines that a property does not satisfy the requirements of County Code § 28-357 or any other applicable provisions of this Article, the Director shall issue a written decision to the applicant and shall state the basis for this decision.

(b) Any decision of the Director under County Code § 28-361(a) may be appealed to the Board of Zoning Appeals as provided by law.

(c) The Director shall be responsible for maintaining permanent records of actions taken pursuant to the TDR program under this Article XX, including, but not limited to:

- (1) TDR applications received, and all supporting documents, including plats and surveys showing the gross acreage of the sending property;
- (2) Determination of Development Rights Documents issued;
- (3) Other written decisions of the Director responding to an owner’s request in a TDR application for a Determination of Development Rights Document;
- (4) TDR Certificates issued;
- (5) Deed restrictions and covenants known to be recorded; and
- (6) Development rights retired, otherwise extinguished, or transferred to specific properties and/or transferees.

(d) The owner(s) of any property proposed to be the subject of a TDR application shall be responsible for preparing and submitting to the Director a complete TDR application for a transfer of development rights on a standard application form provided by the County that satisfies County Code § 28-357 and all other applicable provisions of this Article XX. All owners of any sending property that is the subject of a TDR

application must, at the time of application, each own the sending property in its entirety. All such owners must endorse and be parties to that application; otherwise, the application shall be deemed invalid and of no force and effect. In addition to a standard application form completed by the owner(s), an application shall contain:

- (1) At least one of the following:
 - a. A certificate of title for the sending property dated no more than thirty (30) days before the date that a complete TDR application is submitted; said certificate to be prepared by an attorney admitted to practice law in the Commonwealth of Virginia;
 - b. Title company report (commitment binder) dated no more than thirty (30) days before the date that a complete TDR application is submitted; or
 - c. Title company policy dated no more than thirty (30) days before the date that a complete TDR application is submitted.
- (2) Five (5) copies of a valid recorded plat or survey of the proposed sending property that shows the gross acreage of the proposed sending property, and a legal description of the proposed sending property prepared and certified by an engineer or land surveyor licensed in the Commonwealth of Virginia;
- (3) A statement by all owners of the sending property requesting that the Director issue a Determination of Development Rights Document for the transfer of a specified number of development rights in compliance with this Article;
- (4) A chain of title that includes all deeds, covenants, easements, and other encumbrances that materially limit or restrict the ability to develop the sending property;
- (5) A plan showing any existing residential dwelling units, proposed residential dwelling units, and improvements on the sending property and any areas on the sending property that are already subject to a conservation easement or other similar encumbrance;
- (6) A plan prepared and certified by an engineer or land surveyor licensed in the Commonwealth of Virginia that shows the location, extent, and gross acreage calculation of all hydric soils and steep slopes on the proposed sending property;
- (7) A complete density calculation worksheet that sets forth the number of available development rights and the basis for the applicant's request to

transfer the specified number of development rights from the sending property under the provisions of this Article;

(8) The applicable application fee adopted by the Board; and

(9) Any additional information that the Director deems necessary to determine the number of development rights that qualify for transfer.

(e) A Determination of Development Rights Document issued by the Director shall contain the following information:

(1) The name of the transferor;

(2) A legal description of the sending property on which the calculation of development rights is based;

(3) The tax map parcel number(s) of the sending property;

(4) A statement of the size, in acres, of the sending property on which the calculation of development rights is based; and a determination of the number of development rights, stated in terms of number of dwelling units, eligible for transfer;

(5) If only a portion of the total development rights is being transferred from the sending property, a statement of the number of remaining development rights, stated in terms of number of dwelling units, remaining on the sending property;

(6) The date of issuance;

(7) A serial number assigned by the Director; and

(8) The signature of the Director.

Sec. 28-362. – Instruments of transfer.

(a) Upon receipt of a Determination of Development Rights Document for a sending property, the TDR applicant may request the Director to issue a TDR Certificate to sever all or some of the development rights from the sending property that is the subject of the application. If such an applicant wishes to transfer development rights, the applicant shall request a TDR Certificate in writing from the Director and file with the Director a covenant to which Stafford County is a party, that restricts the development of the sending property to the extent the applicant desires to sever and extinguish development rights from the sending property for the purpose of transferring those development rights to a receiving property or a transferee without regard to a particular property.

(b) Upon receipt from an applicant of a request for the issuance of a TDR Certificate, the Director shall determine whether his decision to issue a Determination of Development Rights Document has been appealed to the Board of Zoning Appeals (BZA). If the Director’s decision to issue a Determination of Development Rights Document to an applicant has been appealed to the BZA, then the Director shall withhold the issuance of a TDR Certificate to that applicant until the issues raised in that appeal have been finally decided by the BZA and/or the courts.

(c) If the Director’s decision to issue a Determination of Development Rights Document to an applicant has not been appealed to the BZA, then the Director shall proceed with the issuance of a TDR Certificate. In this regard, the Director shall submit the covenant filed by the applicant to the County Attorney for approval as to form and legal sufficiency. If the County Attorney reviews the covenant and approves it as to form and legal sufficiency, the Director shall prepare and record the TDR Certificate and the related covenant(s) in the land records of Stafford County, Virginia, and shall provide a copy to the Commissioner of the Revenue. Upon such recordation, the development rights that are the subject of the TDR Certificate shall be deemed severed and extinguished from the sending property, and the Director shall notify the applicant of the applicable deed book, page number, instrument number, and plat book where the recorded documents may be found in the land records.

(d) The instruments recorded for the purpose of transferring development rights shall comply with the requirements of this section and shall consist of the following:

- (1) The names of the transferor and the transferee;
- (2) The number of residential development rights that are being transferred;
- (3) A legal description and plat of the sending property prepared and certified by an engineer or land surveyor licensed in the Commonwealth of Virginia;
- (4) The TDR Certificate(s);
- (5) A plat showing the portion of the sending property that is restricted from development as a result of the transfer of development rights;
- (6) A covenant(s) to which the County is a party, approved by the County Attorney as to form and legal sufficiency, specifying the number of development rights severed from the sending property and the number of development rights remaining on the sending property, and stating that the sending property may not be subdivided or developed to a greater density than permitted by the development rights remaining on the sending property;

- (7) A covenant that the transferor grants and assigns to the transferee, its heirs, assigns, and successors, a specified number of development rights from the sending property to a receiving property and/or a transferee without relation to any particular property;
 - (8) A covenant by which the transferor acknowledges that he has no further use or right to use the development rights being transferred; and
 - (9) A covenant that all provisions of the TDR Certificate and related covenants shall run with and bind the sending property in perpetuity and may be enforced by the County.
- (e) The covenants recorded as part of instruments transferring development rights shall be endorsed and approved by all lien holders.
- (f) The instruments of transfer of development rights shall be recorded prior to the approval of any development permits for the receiving property, including, but not limited to, building permits.

Sec. 28-363. – Transfer process.

Development rights shall be transferred using the following processes:

- (a) Following the issuance of a Determination of Development Rights Document, and the filing by the applicant of a request for a TDR Certificate with all other required documents and information, and compliance with all other provisions of this Article XX, the Director shall issue a TDR Certificate, agreeing to a transfer of development rights in exchange for the required covenant(s) to which the County is a party restricting development on the sending property.
- (b) The applicant at whose request a Determination of Development Rights Document has been issued may, if all other requirements of this Article are satisfied, request that the Director issue the TDR Certificate to said applicant or to another person or legal entity specified by the applicant, who may transfer those development rights to an eligible receiving property or may hold those development rights without relation to any particular property.
- (c) The owner of development rights severed from a sending property may transfer those rights to a receiving property or to another person, who may hold those development rights without relation to any particular property. In applying for the transfer of development rights to a receiving property or a transferee without relation to any particular property, the applicant shall provide the Director with the following:

 - (1) A TDR Certificate issued in the name of the applicant or another person or legal entity and an option to purchase the development rights covered by the Certificate signed by the applicant and the owner(s) of the receiving property or to a transferee without relation to any particular property; and

(2) Proof satisfactory to the Director that there are no delinquent taxes or penalties owed on the development rights being transferred.

(d) If development rights that are the subject of a TDR Certificate are transferred to another person or legal entity who wishes to hold those rights without relation to any particular property, the Director shall invalidate, in whole or in part, the TDR Certificate that created those rights, and shall issue a new TDR Certificate in the name of the new owner of those rights. The Director will record the new TDR Certificate in the land records of Stafford County, Virginia, upon payment to the Director of any applicable fees by the party requesting the transfer of development rights.

(e) If development rights that are the subject of a TDR Certificate are approved by the Director to attach to a receiving property, then the Director shall invalidate in perpetuity, in whole or in part, the TDR Certificate that created those rights to the extent those rights are transferred to the receiving property.

(f) Development rights from a sending property shall be considered severed and extinguished from the sending property and transferred to a receiving property or a transferee without relation to any particular property when the TDR Certificate and the applicable covenant(s) to which the County is a party and any other required documents have been recorded by the Director in the land records of Stafford County, Virginia.

Sec. 28-364. – Development approval procedures.

(a) A request to utilize transferred development rights on an eligible receiving property must be in the form of a preliminary subdivision plan or final site plan submitted to the Department of Planning and Zoning in accordance with the requirements of Chapter 22 and Chapter 28 of the County Code. Prior to approval of such plan, the Director must be provided proof that the transfer of the development rights has been completed and the development rights have been affixed to the zoning of the receiving property.

(b) A final recorded plat for a subdivision using transferred development rights shall contain a statement setting forth the development proposed, the zoning classification of the property, the number of development rights used, and a notation of the recordation of the conveyance required by County Code § 28-362.

Mr. Milde motioned, seconded by Mr. Cavalier' to adopt proposed Resolution R13-75.

The Voting tally was:

Yea: (5) Cavalier, Milde, Schieber, Snellings, Thomas
Nay: (2) Sterling, Stimpson

Resolution R13-75 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION
PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN,
INCLUDING A SENDING AND RECEIVING AREAS MAP, IN

ORDER TO FURTHER THE ESTABLISHMENT OF A TRANSFER
OF DEVELOPMENT RIGHTS PROGRAM FOR STAFFORD
COUNTY

WHEREAS, Virginia Code § 15.2-2316.2 allows localities to provide for a Transfer of Development Rights (TDR) program; and

WHEREAS, Virginia Code § 15.2-2316.2 requires the adoption of an ordinance, among other things, in order to establish a TDR program; and

WHEREAS, Virginia Code § 15.2-2316.2 also requires a locality to incorporate a map into its Comprehensive Plan designating sending and receiving areas under any TDR program adopted in such locality; and

WHEREAS, on February 19, 2013, the Board adopted a TDR ordinance pursuant to Ordinance O13-21, effective April 20, 2013, and desires to consider adoption of Comprehensive Plan provisions, among other things, as part of the TDR program for Stafford County; and

WHEREAS, the Board believes that adopting the proposed, attached Comprehensive Plan amendments, including the Sending and Receiving Areas Map, is consistent with good planning practices;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2013, that the proposed, attached amendments to the Comprehensive Plan, including a Sending and Receiving Areas Map, be and they hereby are referred to the Planning Commission for the Commission to hold a public hearing on said amendments and provide its recommendations to the Board within sixty (60) days of the Commission's receipt of this resolution; and

BE IT FURTHER RESOLVED that the County Administrator or his designee shall provide the Commission with a copy of this resolution forthwith.

Discuss the Board's Goal Setting/Metrics Mr. Sterling said that the Board originally discussed the issue at its January 12, 2013, meeting and agreed to come back with each Board member's goals, how to measure those goals, and suggested metrics, some of which were education; public safety; financial aspects; infrastructure; taxes, etc., and if the goals would be measured annually or biannually. Mr. Sterling also talked about using a citizen survey as a tool for measuring the aforementioned goals.

Mr. Thomas said that the Board had the same discussion in the previous year. He suggested that a mediator/facilitator be brought in and suggested Dr. Mike Chandler with Virginia Tech. Mr. Thomas suggested a 2 day (Friday p.m./Saturday) work session. He added that it may be fruitful to wait until the new Board is seated and to hold a work

session in January, 2014, when the Board was seated and could take a formal approach to a citizen survey, as well as establishing measurable goals and metrics.

Mr. Sterling said that the initial approach could take place either in Board Chambers or in the A/B/C Conference Room, it would start the process with Board input. Mr. Sterling said that he would prefer using a work session approach rather than hiring someone to lead the discussion as that cost would ultimately fall on County taxpayers. Mr. Thomas said that the process, as he outlined it, would not detract from the citizen survey process. He added that the cost of (approximately) \$4k - \$5k would be a good investment as Dr. Chandler had a unique and beneficial prospective to offer. Mr. Sterling said while Dr. Chandler was very good, the Board was not in need of conflict resolution but needed time to work on its measurable goals, similar to those that he (Mr. Sterling) had in place.

Mr. Schieber asked about the timeframe when citizen survey results would be back to the Board. Mr. Sterling responded that first; the Board would have to decide on what the survey would ask. Mr. Sterling suggested that by the next Board meeting (March 5, 2013) the Board should return with a set of measurable goals for discussion and that would be the beginning of putting together a set of survey questions. Ms. Stimpson asked what metrics and goals had to do with a citizen survey. Mr. Sterling answered that the Board needed to know citizen priorities. Ms. Stimpson said that she was eager to know the opinions of County citizens but did not agree with having base metrics on the survey, adding that the two should be separate. Mr. Schieber said that the Board's initial goals and prior measures could be morphed into survey questions and that the results could be used to measure the baseline of citizen opinion.

Mr. Thomas said that survey questions should start at ground zero and the Board could draw its measurable goals off responses that identify issues/concerns raised by County residents via their survey responses. Mr. Schieber said that procedurally, that was how to accomplish the first step, to benefit from harnessing the Boards questions into a survey document that would hit the target and give the Board something from which to work when establishing its measurable goals.

Mr. Sterling said that every journey starts with a first step. Ms. Stimpson, after determining the pleasure of the Board, suggested scheduling Dr. Tom Guterbock (UVA's Center for Survey Research) to come to the March 19, 2013, meeting for an afternoon work session geared at establishing survey questions and a timeline for a citizen's survey.

Legislative; Closed Meeting. At 4:19 p.m., Mr. Sterling motioned, seconded by Mr. Schieber, to adopt proposed Resolution CM13-04.

The Voting tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Resolution CM13-04 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion and consideration of appointment of the Embrey Mill Community Development Authority Board members; and (2) discussion regarding the potential acquisition of real property for a public purpose(s), including economic development, pertaining to the Technology and Research Park; and

WHEREAS, pursuant to Virginia Code Sections 2.2-3711(A)(1) and (A)(3) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors, on this the 19th day of February, 2013, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order At 5:19 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Schieber motioned, seconded by Mr. Sterling to adopt proposed Resolution CM13-04(a).

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Resolution CM13-04(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON FEBRUARY 19, 2013

WHEREAS, the Board has, on this the 19th day of February, 2013, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 19th day of February, 2013, that to the best of

each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

County Attorney; Consider Appointments to the Embrey Mill Community Development Authority Following the Closed Meeting vote, Mr. Schieber motioned, seconded by Mr. Thomas, to adopt proposed Resolution R13-81.

The Voting tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Resolution R13-81 reads as follows:

A RESOLUTION TO APPOINT MEMBERS OF THE EMBREY MILL
COMMUNITY DEVELOPMENT AUTHORITY BOARD

WHEREAS, on December 18, 2012, the Board adopted Ordinance O12-43, which created the Embrey Mill Community Development Authority; and

WHEREAS, the affairs of the Embrey Mill shall be conducted, and the powers of the CDA exercised, by a CDA Board of five members (the Embrey Mill CDA Board); and

WHEREAS, the Board is authorized to appoint all members of Embrey Mill CDA Board under Virginia Code 15.2-5113, Ordinance O12-43, and the Embrey Mill CDA Articles of Incorporation; and

WHEREAS, under Ordinance O12-43, NASH STAFFORD, LLC, is entitled to nominate Embrey Mill CDA Board members and submit such nominations to the Board in advance of any appointments by the Board, and the Board will consider these nominations as part of the Embrey Mill CDA Board selection process;

WHEREAS, NASH STAFFORD, LLC, submitted Embrey Mill CDA Board nominations to the Board for its consideration and the Board considered these nominations; and

WHEREAS, the Board considered the recommendations of staff; and

WHEREAS, the Board desires to appoint the initial members of the Embrey Mill CDA Board;

NOW THEREFORE BE IT RESOLVED, that the Stafford County Board of Supervisors, on this the 19th day of February, 2013, that it be and it hereby does appoint the following members of the Embrey Mill CDA Board to the following terms of office:

- (1) Stephen Beauch - Term of Office Expires December 31, 2014;
- (2) Gordon Howard - Term of Office Expires December 31, 2014;
- (3) Chris Hornung - Term of Office Expires December 31, 2016;
- (4) Wendy Maurer - Term of Office Expires December 31, 2016;
- (5) Henry Scharpenberg - Term of Office Expires December 31, 2016; and

BE IT FURTHER RESOLVED, that Schedule I of the Embrey Mill CDA Articles of Incorporation shall be revised to reflect these appointments; and

BE IT STILL FURTHER RESOLVED, that this resolution shall be effective upon adoption.

Discuss Taxicab Ordinance Mr. Cavalier stated that he was contacted by two taxicab companies about issues and problems resulting from the lack of a taxicab ordinance in Stafford. Mr. Cavalier asked that staff do research on taxicab ordinances in other localities and return to the Board with ideas about taxicab guidelines in Stafford County.

County Administration; Execute a Contract for Construction of Chichester Park Mr. Chris Hoppe, Capital Improvements Project Manager, gave a presentation and answered Board members questions. Mr. Sterling suggested that a vote on Chichester Park be held concurrently with a vote on the proposed indoor recreation facility pool design.

(Add-on) Infrastructure Committee; Indoor Recreation Facility Pool Design Mr. Keith Dayton, Deputy County Administrator, gave a presentation and answered Board members questions.

Ms. Stimpson asked why costs for the “new” pool exceeded the original bids. Keith Dayton, Deputy County Administrator, provided comparisons in the size and depth of the pool, and amenities offered by the revised proposal. He said after much study, the original design was not desirable and missed opportunities for economic development opportunities including hosting regional swim meets (in a pool that met US and International, but not Olympic standards); family swimming opportunities; a therapeutic pool with zero entry that met ADA requirements; seating for spectators; a scoreboard with timing capability; a warm up pool with a shallow depth; and a children’s playground.

Mr. Snellings asked about the potential for locating a private operator to run the pool facility. Mr. Dayton said that there are individuals who would be qualified, and that in

working on the design, contacts were established and individual(s) were anxious to fill that position if/when it became available.

Mr. Schieber thanked Mr. Dayton and said that the \$7M budget was based on the existing paradigm, the YMCA model, but as the process unfolded, it became clear that design constraints led to many missed opportunities, which lead to a realization of enhanced opportunities that could benefit the County, fueled the Option 5 design, as presented to the Board. Mr. Schieber added that Option 5 was more expensive but it created enhanced recreational opportunities for all citizens. He added that the plan was vetted by Economic Development and that while the impact to the County was on the low side, the payback in economic development opportunities was considerable. Option 5 was a good investment.

Mr. Sterling said that Mr. Schieber and Mr. Cavalier had considerable experience in that area and that if the County invested in the previous option, then had to spend additional money to update or upgrade the facility, it would cost more in the long run. He added that it should be done right the first time to avoid problems in later years. Mr. Sterling said that Option 5 came with the unanimous recommendation of the Infrastructure Committee and staff and it met long-term needs, even if it initially cost more.

Mr. Cavalier said that Mr. Schieber and Mr. Dayton learned to speak “pool-eze” and came back to the Board with the right answers to meet the needs (present and future) of Stafford County. Other options presented did not provide optimal use of the facility and the cost difference between previous plans and the proposed Option 5 were nominal over the life and use of the facility, and taking into account economic development opportunities offered by the new proposal.

After further discussion about financing Option 5, Chief Financial Officer, Maria Perrotte, walked the Board through a spreadsheet provided in the Add-on folder. Mr. Thomas inquired about losing a U12 field for parking. Mr. Dayton replied that there were no additional site costs, that thirty-five parking spaces were saved.

Ms. Stimpson suggested that no vote be taken on the pool to allow time for additional information to be gathered. Mr. Sterling said that Chichester Park was going to be voted on, that the plans for the pool were aggressive but that the Board should also vote on Option 5 at the same time as Chichester Park.

After the suggested deferral until March 5, 2013, Mr. Cavalier reminded the Board that he would not be attending the March 5th Board meeting due to scheduled surgery. Mr. Thomas said that he agreed with Mr. Sterling, that the vote should be taken at that time and it was a vote that would set forward the path on a much-needed facility.

Ms. Stimpson said that when she first heard about the proposed pool, the cost was \$4M. Mr. Snellings said that he did not know what a competition pool was and was concerned that a project that was originally designed for the community was being turned into something else. Mr. Dayton noted that there were comparable facilities in Northern Virginia and in Richmond. Mr. Snellings asked if a tour of a comparable facility be organized. Mr. Dayton said that he would arrange for a tour for any members of the Board who wished to visit a comparable facility to what was suggested for Stafford.

Ms. Stimpson asked about locations of comparable facilities and suggested the Freedom Center. Mr. Cavalier said that George Mason University had a comparable facility. Mr. Schieber noted that UVA and the University of Maryland also had like facilities. Mr. Sterling said that Option 5 does serve the community and that residents are going away from Stafford due to lack of a competitive facility. He suggested that both the vote on Chichester Park and the vote on the pool, Option 5, be returned to the Board for a vote at its meeting on March 19, 2013, and that a road trip be scheduled to view comparable facilities.

Mr. Milde said that the economic development prospects sounded good. He asked to be given a list of the yearly scheduled events at peer pools both bigger and smaller but comparable to the Option 5 proposal.

Mr. Romanello said that Mr. Hoppe reminded him that the hope was to have Chichester Park open in 2014; that a delay in signing the contract may result in a delay of opening the Park. Ms. Stimpson said that there is nothing new presented in the Chichester Park contract whereas with the pool, there were many things to be considered; that a 30-day deferral was in order.

Hearing no objections, the Board deferred this item to the March 19th meeting.

Recess At 6:11 p.m., the Chairman declared a recess.

Call to Order At 7:03 p.m. the Chairman called the meeting back to order.

Invocation Mr. Cavalier gave the Invocation.

Pledge of Allegiance Mr. Thomas led the recitation of the Pledge of Allegiance to the Flag of the United States of America.

Presentations by the Public The following members of the public spoke on topics as identified:

- Ranjit Singh - Brooke Road Project
- Alice Stewart - Brooke Road Project
- Alane Callander - Pool Project; Animal Shelter
- Paul Waldowski - Water Bill; Dumpster Ordinance; Mountain View Road Project; Boat Tax; Pump & Haul

Legislative Update Mr. Kenneth Hutcheson, with the firm of Williams & Mullen, gave a presentation to the Board regarding the latest information and updates on the General Assembly’s agenda, votes, and the progression of the Board’s adopted legislative initiatives.

The Freedom of Information Act (FOIA) initiative passed through the FOIA Council, the House, and the Senate.

Restoration of Aid to Localities, \$45M was included in the Governor’s 2013-2014 budget, and both the House and Senate included the same in their respective budgets.

Mr. Hutcheson talked about transportation funding formulas, saying that a vote would be taken in the upcoming week on the Governor’s Transportation Package. Regarding the Cost of Competing (COCA), Mr. Hutcheson reported that the Governor reduced COCA funding by \$12M in his 2013-2014 budget, and that Stafford County was considered for funding in Tier 2 (or four tiers). He said that it was currently in budget conference. He (Mr. Hutcheson) would work with the Governor’s Office over the summer in an effort to maintain funding.

In regards to the Admission Tax on an economic development prospect, Mr. Hutcheson said that Senator Richard Stuart carried it for the County and in spite of original objections from the VTHA, he worked behind the scenes and the Senate amended the initial language. The House moved to amend the language further to include a “grandfather clause” regarding existing establishments. Earlier that day, Admissions Tax passed the second reading by a vote of 19 – 2.

Gwyneth’s Law, sponsored by Delegate Mark Dudenhefer and Senator Richard Stuart, after having the initial language watered down so as to be less restrictive, according to Mr. Hutcheson, will pass without any problems.

Mr. Hutcheson said that the two basic issues remaining before the General Assembly was the Governor’s budget and Transportation issues, as well as the question of a Medicaid extension. He said that there was very little difference between the House and Senate

budgets. Mr. Hutcheson added that he felt as though there would be a vote on all issues by Saturday, February 23, 2013, followed by a vote to adjourn.

Planning and Zoning; Consider Reclassification of 2.5 Acres from R-1, Suburban Residential and B-1, Convenience Commercial to B-2, Urban Commercial Located at 3494 Jefferson Davis Highway, Assessor's Parcels 21-112B, 21-112E, and 21-112F Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Ms. Debrarae Karnes, for the applicant, also addressed the Board and answered Board members questions.

Mr. Harvey said that initial proffers on the property were unenforceable, which was one reason to consider the applicant's rezoning request. Mr. Milde asked how close the property was to the firehouse. Mr. Harvey responded that it was further north, and the firehouse was not visible from the property. Mr. Milde then asked why there was no GDP. Mr. Harvey said that a GDP was not required because the request was for a reuse of an existing building and that the existing building location survey met GDP requirements.

Mr. Sterling asked about architectural standards or other restrictions and what was not allowed. Mr. Harvey said that based on proffers, fast food establishments, and commercial retail, were not permitted. He added that it was by-right and not in the Boswell's Corner redevelopment area.

Ms. Debrarae Karnes, representing the applicant, Mr. Chhoy, said that Mr. Chhoy also operates Taylor's Store. She said that the applicant wished to use the 2700 square foot, single-family home for multiple uses, but that he had no intention to expand on the existing footprint at that time. She added that no matter what his eventual use, based on zoning, there would be no additional traffic impact; and that there were no considerations of architectural standards due to no planned rebuild at the time of he submitted his application. Ms. Karnes continued saying that the RPA on the property restricted most redevelopment. She said that the property was far enough off Route 1 so as to be unobtrusive.

Mr. Milde asked if there was any deeded right-of-way included in the proffers and talked about possibility of tearing down the structure but rebuilding for similar uses. Ms. Karnes responded that there were initial funding issues, which was why the property was vacant for a period of time and that there was no planned disturbance at the site.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Cavalier said that the house remained vacant for the past several years, and in a state of disrepair. He said that Mr. Chhoy did an admirable job at Taylor's Store, which was a well-run establishment. He said there came a time to trust the citizenry and to realize that a GDP and/or architectural standards were not always needed for a location that was in a good area for business. Mr. Thomas said that Mr. Chhoy appeared to be a great owner at his existing business, but that he had no idea what was ahead; only reservations.

Mr. Cavalier said that there were many of variations, not all appealing, but that the application would improve on what was currently there. He added that he was not big on over-regulation and that some leeway should be provided, that the requested rezoning was not located in the Falmouth Historic District.

Mr. Sterling asked about clinics being a by-right use. Mr. Harvey said that medical and dental clinics would be a by-right use. Ms. Stimpson asked about abortion clinics and talked about State Code and the definition of a hospital. Mr. Harvey said he would find out more detail. Mr. Sterling said that he agreed with Mr. Milde and Mr. Thomas and wished to have more follow-up about permitted uses on the property.

Mr. Thomas asked if the applicant had to start the process all over again, would he have to pay new fees, etc. Mr. Harvey said that with a new application, there would be new fees and a one-year waiting period if the Board declined the initial application. Ms. Karnes said there was no current plan to rebuild and that Mr. Chhoy was very anxious to get his project underway.

Mr. Milde said that the property was originally spot-zoned and was originally built as a single-family residence. He asked why further rezone the property, just because it was in an unattractive area, and said that it would be a mistake to rezone the property again.

Mr. Cavalier motioned, seconded by Mr. Schieber, to adopt proposed Ordinance O13-10.

Mr. Cavalier withdrew his original motion to adopt proposed Ordinance O13-10, and motioned to defer a vote to the March 19th meeting. Mr. Milde seconded the motion.

The Voting tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Planning and Zoning; Consider a Conditional Use Permit to Allow Motor Vehicle Sales in an M-1, Light Industrial Zoning District at 76 Le Way Drive Mr. Jeff Harvey, Director of Planning Zoning, gave a presentation and answered Board members questions. Ms. Gloria Frye, representing the applicant, also addressed the Board and answered Board members questions.

Mr. Sterling inquired about the property's location relative to Central Virginia Parkway. Mr. Harvey responded that it was not on Central Virginia Parkway, but on Le Way Drive off McWhirt Loop and two or three blocks of Route 17. He said there would be a 20' buffer to shield view of the property from the road, adding that the closest neighbor, Silver Companies, had no objection to the planned usage. Mr. Snellings said that he visited the property and that it was the best location in the County for its proposed usage.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Mr. Milde, to adopt proposed Resolution R13-34.

The Voting tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Resolution R13-34 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP1200352, TO ALLOW MOTOR VEHICLE SALES IN AN M-1, LIGHT INDUSTRIAL ZONING DISTRICT, ON ASSESSOR'S PARCEL 44-98F, WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, Insurance Auto Auctions, Inc., applicant, submitted application CUP1200352 requesting a Conditional Use Permit (CUP) to allow motor vehicle sales in an M-1, Light Industrial Zoning District, on Assessor's Parcel 44-98F, located within the Hartwood Election District; and

WHEREAS, the application was submitted pursuant to County Code Section 28-35, Table 3.1, which permits this use in an M-1, Light Industrial Zoning District, after a CUP is issued by the Board; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2013, that a CUP, pursuant to application CUP1200352, be and it hereby is approved with the following conditions:

1. This CUP is for a motor vehicle sales facility to be located on Assessor's Parcel 44-98F (the Property).
2. No vehicles shall remain on the Property for more than sixty (60) calendar days, unless involved in a legal hold or investigation preventing their sale or removal.
3. All vehicle storage areas and drive aisles on the Property shall consist of gravel or asphalt surfaces.
4. There shall be no sale of motor vehicle parts on the Property.
5. No motor vehicle auctions shall be conducted on the property.
6. All exterior lighting on the Property shall be directed downward and away from all maintained roadways and abutting properties.
7. Access to the Property shall be limited to Le Way Drive.
8. All vehicles taken to the property shall be immediately inspected for fluid leaks. If leaks are found, all appropriate measures shall be taken to stop said leaks or otherwise prevent fluids from contaminating the soil.
 - a. Any accidental spillage of vehicular fluids that takes place on the Property shall be cleaned up immediately upon discovery, in conformity with all Federal and State laws and regulations.
 - b. The applicant shall have a written Storm Water Pollution Prevention and Emergency Response Plan on file with the County.
 - c. All batteries, at the time they arrive on the Property, shall be inspected for leaks. Any leaking battery fluid shall be removed and disposed of in accordance with all applicable Federal, State, and County laws, regulations, and ordinances.
 - d. Any fluids removed from the vehicles on the Property shall be stored and disposed of in accordance with the County's Fire Prevention Code, and all applicable Federal, State, and County laws, regulations, and ordinances.

9. The applicant shall provide weekly trash and debris collection at the Property. The applicant shall promptly remove any trash and debris on Le Way Drive and McWhirt Loop associated with the operations on the Property.
10. There shall be no dismantling of vehicles or storage of vehicle parts on the Property.
11. The applicant shall provide to the County on an annual basis evidence of a Master Environmental Insurance Policy covering the Property.
12. The applicant shall pay the water connection fee for any Property within 1,000 feet from the Property boundary that is found to have a contaminated well, where the contamination was found to be caused by the applicant.
13. A functional water truck shall be employed as necessary on the property and the existing facility to reduce the amount of dust emanating from the Property and from the existing facility, but at least once daily except if there has been measurable precipitation within the previous 24 hours. Appropriate chemicals shall be added to the water as necessary to provide adequate dust control. In the event that repairs are necessary to the water truck, such repairs shall be made in a reasonable amount of time. In the event that such repairs take longer than one week, the applicant shall rent a water truck for use on the Property and the existing facility.
14. Any future buildings shall provide fire protection in accordance with NFPA 13 standards and the applicant shall install a fire hydrant on Le Way Drive prior to occupancy of any future building.
15. Trucks delivering vehicles to the Property shall not park or unload vehicles along Le Way Drive.
16. Fire and Rescue access through the site shall be provided by storing vehicles in rows with vehicle travelways, installing signage at the end of each parking row, and marking fire lanes on existing or new paved surfaces, in general conformance with the illustration and notes on the Conceptual Parking and Fire Department Access Plan, Page 5 of the Generalized Development Plan, prepared by Bowman Consulting, dated 12/19/12.
17. Any controlled access barriers into the Property shall include a Knox-box device to allow for emergency access.
18. The existing pole barn and mobile office trailers, located in the middle of the Property and shown on the Generalized Development Plan, shall be removed prior to occupancy of the Property.

19. Landscaping shall be installed within the 20-foot transitional buffer designated on the Generalized Development Plan in accordance with County requirements and within sixty (60) days of occupancy of the Property
20. This CUP may be revoked or conditions amended by the Board for violation of these conditions or any applicable County, federal, or state codes, laws, regulations, or ordinances.

Planning and Zoning; Consider Amending Stafford County Code, Section 28-35, Table 3.1 “District Uses and Standards” for Cluster Provisions Regarding Lot Area in the A-1, Agricultural Zoning District and Bonus Density in the R-1, Suburban Residential Zoning District Mr. Jeff Harvey, Director of Planning Zoning, gave a presentation and answered Board members questions.

Mr. Harvey began his presentation saying that Cluster Provisions was brought again before the Board because the County was not in compliance with State Code. He added that the Planning Commission, after its review, recommended approval of revised proposed Ordinance O13-04.

Mr. Milde asked about allowing the Conditional Use Permit (CUP) option. Ms. Stimpson asked why Cluster Provisions was sent back to the Planning Commission when the original vote was 4-3, and why change the original, proposed ordinance. Mr. Harvey said it had to do with the potential additional number of homes. Mr. Sterling said that the original ordinance created 1,000 new, by-rights in the County in the A zoned districts; that bonus density served no other outcome; and Mr. Sterling questioned why not put dwelling units on water/sewer when it would serve to expand the Utilities Department customer base and provide a long-term benefit (and improvement) to the environment. He said that bonus densities offered nothing other than a negative impact to the business of the County and the Department of Utilities.

Mr. Snellings asked if Resource Protections Areas (RPA) were included. Mr. Harvey said that total land area, of which 50% must be open space, was considered. He said that the average lot size was 1.5 acres regardless of water/sewer or well/septic.

Mr. Romanello told the Board that in its Add-on folder, there was a comparison chart that may help be helpful. Mr. Harvey said that the revised ordinance took away bonus density in the R-1 zoned districts. Mr. Thomas said that it made no sense to take bonus density from R-1 zoned districts and asked Assistant County Attorney, Rysheda McClendon, if it was possible to do a partial adoption of proposed Ordinance O13-04. Ms. McClendon said that it was written so as to give the Board as much latitude as possible.

Mr. Milde said that he agreed with Mr. Thomas about R-1 zoning districts and also agreed with allowing a CUP option. Ms. Stimpson asked for clarification of bonus densities in R-1 zoned districts. Mr. Milde responded that densities were not increased in A-1 and A-2 zoned districts and what was being proposed was the best vehicle to get to the asked-for densities. Mr. Sterling suggested going with the A-1 as written and leaving bonus densities in the R-1 zoned districts.

The Chairman opened the public hearing.

The following persons desired to speak:

Alane Callander

Paul Waldowski

The Chairman closed the public hearing.

Mr. Snellings asked if the ordinance was required by State law. Mr. Harvey responded that it was required by State law but that there were no specifications as to how it was crafted. Mr. Snellings said that if it would save 1,000 units (most likely in the Hartwood District) that he would support it.

Mr. Thomas clarified that it would include A-1 and A-2 zoned properties. Ms. McClendon said that A-2 was not included. Mr. Sterling said that there were eight Cluster applications in nine months and lawsuits in those that were turned down, with no way to know the outcome until the Courts rule. He said that the revised ordinance provided a customer-base and added value to houses that were on water/sewer. Mr. Sterling added that he did not wish to wait one more day to eliminate bonus densities or to risk adding 1,000 more units.

Ms. Stimpson clarified that in A-1 zoned districts, bonus density would be eliminated but that it would remain in R-1 zoned areas. Mr. Milde said that it created open space and said that he agreed with Mr. Sterling's remarks.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Ordinance O13-04, removing any reference to the R-1, Suburban Residential Zoning District.

The Voting tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Ordinance O13-04 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-35, TABLE 3.1 “DISTRICT USES AND STANDARDS”

WHEREAS, the Zoning Ordinance requires a specific minimum lot size for all residential developments in the A-1, Agricultural Zoning District; and

WHEREAS, the minimum area required for lots created under the cluster provisions in the A-1, Agricultural Zoning District is not the same for lots served by well and septic, or by public water and sewer; and

WHEREAS, the Board desires to provide a minimum uniform area requirement for lots created under the cluster provisions within the A-1, Agricultural Zoning District; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the testimony, if any, at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of an ordinance providing uniform lot sizes in the cluster provisions for the A-1, Agricultural Zoning District;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 19th day of February 2013, that Stafford County Code Section 28-35, Table 3.1, “District Uses and Standards,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 28-35. - Table of uses and standards.

Table 3.1. District Uses and Standards

A-1 Agricultural.

(d) *Requirements:*

(2) *Minimum lot area: (acres)*

Conventional Subdivision.....3

Cluster Subdivision.....1 (average density 1 lot per 1.5 ac)

~~Well/septic system~~

Public water/sewer.....1

BE IT FURTHER ORDAINED that this ordinance shall become effective upon adoption.

Planning and Zoning; Consider an Amendment to the Fee Schedule for Cluster Concept Plan Applications Mr. Jeff Harvey, Director of Planning Zoning, gave a presentation and answered Board members questions.

Mr. Sterling clarified that fees charged may not exceed costs. Mr. Harvey agreed, saying that it was fees intended for services provided, that the County could not make a profit. Ms. Stimpson said that if the County was over-charging, fees had to be adjusted. Mr. Schieber asked about the basis for the 2.75% tracking fee. Mr. Harvey said that it was a technological fee. Mr. Thomas asked if the fees would be dropped overnight and if the new fees would apply to the eight applications currently in-house. Mr. Harvey said that they would apply only if the applicants (in A-1 zoned areas) were willing to withdraw their applications and reapply.

The Chairman opened the public hearing.

The following persons desired to speak:

Alane Callander

The Chairman closed the public hearing.

Mr. Milde said that the County was lucky if a developer “clustered.” He added that it created open space and money for hook-up fees. Mr. Milde said that over-regulation was not the answer and that what was being considered made sense.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Ordinance O13-17.

The Voting tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Ordinance O13-17 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN FEES FOR CLUSTER CONCEPT PLAN APPLICATION REVIEW SERVICES PROVIDED BY THE DEPARTMENT OF PLANNING AND ZONING AND UTILITIES

WHEREAS, Virginia Code § 15.202240 authorizes the Board to set reasonable fees for land development application review services provided by the Department of Planning and Zoning and Utilities; and

WHEREAS, the Board acknowledges that the fees for these services should be kept current with the actual costs of providing these services; and

WHEREAS, Cluster Concept Plans (Plans) are now administratively approved, requiring less County staff time for review of the Plans; and

WHEREAS, the Board desires to reduce the fee for the review of the Plan, provided by the Department of Planning and Zoning and Utilities, to reflect the cost for the service rendered; and

WHEREAS, the Board carefully considered the recommendations of staff and the testimony, if any, at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare and good practices require adopt of such an ordinance;

NOW, THEREFORE BE IT ORDAINED by the Stafford County Board of Supervisors on this the 19th day of February, 2013, that Stafford County Code be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Service	Fee Schedule	Proposed Fees
Planning and Zoning Review:		
Cluster Concept Plan	\$1,975+(\$125/Lot)	<u>\$250.00 + \$5.00 per lot + \$400.00 Utility Review fee, if applicable + \$2.75 % technology fee</u>

BE IT FURTHER ORDAINED that this ordinance shall become effective upon adoption.

Adjournment: At 9:08 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Susan B. Stimpson
Chairman