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August 18, 2023

VIA HAND DELIVERY

Kathy Baker, Acting Director
Department of Planning and Zoning
1300 Courthouse Road
Stafford, Virginia 22554

RE: Chesapeake Ridge – Comprehensive Plan Compliance Review Application

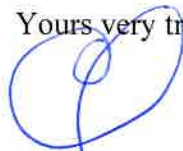
Dear Kathy:

Enclosed please find the submission materials for Brookstone Development and Building Corporation's Comprehensive Plan Compliance Review Application for Chesapeake Ridge to enable their water connection and loop construction. The following materials are enclosed:

1. Check for Application fee;
2. Application Submittal Checklist;
3. Project Information & Primary Contacts;
4. Statements of Understanding;
5. General Information;
6. Review Fee Calculation;
7. Justification with Exhibits;
8. Twelve (12) copies of the Overall Plat Site plan pages, the overall utility plan pages, and supplemental utility pages showing the connection and loop.

Please advise at your earliest convenience as to the date the Planning Commission will hear this matter. I look forward to working with you on this matter. Do not hesitate to contact me if you have questions.

Yours very truly,



H. Clark Leming

Enclosures

cc: Brookstone Development and Building Corporation

COMPREHENSIVE PLAN COMPLIANCE REVIEW

APPLICATION



OCTOBER 2018

Stafford County Department of Planning & Zoning

1300 Courthouse Road
P.O. Box 339
Stafford, VA 22555-0339

Phone: 540-658-8668
Fax: 540-658-6824

www.staffordcountyva.gov

NOTICE

Stafford County treats all applications and applicants equally. The County does not discriminate against religion, or on the basis of race, sex, age, national origin, or disability, in its planning, permitting, utilities, and land use processes.

Under the laws of the United States and the Commonwealth of Virginia, no government may discriminate against any religion or on the basis of race, sex, age, national origin, or disability, in its planning, permitting, utilities, and land use processes.

Under the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), no government may apply its zoning or land use laws, or its policies and procedures in a manner that unjustifiably imposes a substantial burden on the religious exercise of a person, assembly, or institution.

RLUIPA also provides that no government may apply its zoning or land use laws in a manner that treats a religious assembly or institution on unequal terms with a non-religious institution or assembly.

Finally, RLUIPA provides that no government may impose or implement a land use regulation in a manner that discriminates against a religious assembly or institution.

Stafford County does not discriminate in its planning, permitting, utilities, and land use processes, practices, and policies. Stafford County treats all applications and applicants equally.

Application Submittal Checklist

- Completed "Project Information & Primary Contacts" form (Page 3)
- Signed "Statements of Understanding" from the owner(s) and applicant (Page 4)
- Completed "General Information" sheet (Pages 5 & 6)
- Completed "Review Fee Calculation" sheet and appropriate fees payable to "County of Stafford" and "Virginia Department of Transportation" (if applicable) (Page 7)
- Completed "List of Adjoining Property Owners" (Pages 8 & 9)
- Site Layout Plans (12 Sets)

Applications for the **Extension of Water and/or Sewer outside the Urban Services Area** shall also include:

- Conceptual sewer and/or water line layout plan

Applications for **Telecommunication Facilities** shall also include:

- Propagation Maps showing the existing and proposed network coverage area (12 color copies)
- Profile or elevation views of the Telecommunication facility or structure being used to support telecommunication equipment, showing all proposed and future antenna locations (12 sets)

RECEIVED DATE: _____ INITIALS _____	OFFICIALLY SUBMITTED DATE: _____ INITIALS _____
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Type text here

Optional Application Materials:

Although not required, the following additional materials are requested to be included with the initial application submission, if available, to assist in the review process.

1. Electronic Version of any plans, surveys, and illustrations (a pdf on a CD, DVD, sent via email, or through ftp site is acceptable)

Project Information & Primary Contacts

<u>PROJECT INFORMATION</u>	<u>PROJECT #</u> _____
Chesapeake Ridge	_____
PROJECT NAME	SECTION
_____	49.305 ACRES
ADDRESS (IF AVAILABLE)	TOTAL SITE ACREAGE
TM 39N - A; TM 39-52	A1- AGRICULTURAL
TAX MAP /PARCEL(S)	ZONING DISTRICT
LOCATED AT THE END OF CHESAPEAKE DR - AQUIA ELECTION DISTRICT	_____
LOCATION OF PROJECT	_____

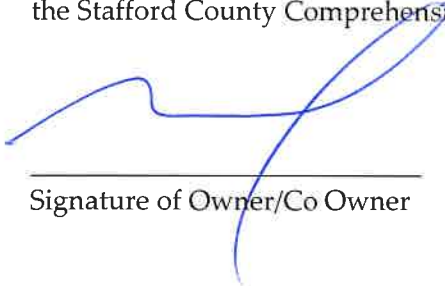
<u>APPLICANT/AGENT</u> (Provide attachment if Applicant and Agent differ)	Primary Contact Person <input checked="" type="checkbox"/>
H. Clark Leming	Leming and Healy, P.C.
NAME	COMPANY
233 Garrisonville Road, Suite 104, Stafford,	VA 22554
ADDRESS CITY STATE ZIP	STATE ZIP
540-659-5155 540-659-1651	lemingandhealy1@msn.com
PHONE NUMBER FAX NUMBER	EMAIL ADDRESS

<u>OWNER</u> (Provide attachments if multiple owners)	Primary Contact Person <input type="checkbox"/>
BROOKSTONE DEVELOPMENT AND BUILDING CORPORATION	BROOKSTONE DEVELOPMENT AND BUILDING CORPORATION
NAME	COMPANY
35 WALPOLE ST, STE 205 STAFFORD	VA 22554-6546
ADDRESS CITY STATE ZIP	STATE ZIP
540-659-9945 540-659-6777	mike_stonehill@hotmail.com
PHONE NUMBER FAX NUMBER	EMAIL ADDRESS

<u>PROFESSIONAL</u> (Engineer, Surveyor, etc.)	Primary Contact Person <input type="checkbox"/>
Ryan K. Foroughi	Bagby, Foroughi and Goodpasture, PLLC
NAME	COMPANY
125 Olde Greenwich Drive, Suite 115 Fredericksburg	VA 22408
ADDRESS CITY STATE ZIP	STATE ZIP
540.373.5178	rforoughi@bfgeng.com
PHONE NUMBER FAX NUMBER	EMAIL ADDRESS

Statements of Understanding

I, as owner/co-owner of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of comprehensive plan compliance for review and approval as provided under the requirements and applicable provisions of Section 15.2-2232 of the Code of Virginia and the Stafford County Comprehensive Plan.



Signature of Owner/Co Owner

Michael Stonehill Jr.

Printed Name

8-18-23

Date

Signature of Owner/Co Owner

Printed Name

Date

Signature of Owner/Co Owner

Printed Name

Date

I, as applicant or agent for the owner(s) of the property subject to this application, do hereby certify that I have submitted this application for comprehensive plan compliance for review and approval as provided under the requirements and applicable provisions of Section 15.2-2232 of the Code of Virginia and the Stafford County Comprehensive Plan.



Signature of Applicant/Agent

H. Clark Leming

Printed Name

8/18/23

Date

* Additional sheets may be used, if necessary.

General Information

CLEARLY INDICATE ALL INFORMATION THAT APPLIES TO THIS PROJECT:

NAME OF PROJECT: Chesapeake Ridge SECTION: _____

Is this application submitted in conjunction with another application? Yes No

If YES, application name or number (if available): 22154515

COMPREHENSIVE PLAN LAND USE DESIGNATION: AGRICULTURAL

FEATURE REQUIRING REVIEW FOR COMPLIANCE WITH THE COMPREHENSIVE PLAN:

- Extension of sewer outside of the Urban Service Area (complete additional information)
- Telecommunication facility or collocation of telecommunication antennas on a structure which is not a telecommunication facility. (complete additional information)
- New or relocation of a street, connection or change to existing street, not identified on the Transportation Plan or not shown on a Preliminary Subdivision or Site Plan approved by the Planning Commission.
- Public Park or Area
- Public Building or Structure
- Public Utilities Facilities
- Public Service Corporation Facility
- Other: _____

DETAILED DESCRIPTION AND LOCATION OF PROJECT/FEATURE:

See Attached Justification

COMPLETE ADDITIONAL INFORMATION IF APPLICABLE:

FOR EXTENSION OF SEWER OUTSIDE OF THE URBAN SERVICE AREA:

Number of lots connecting onto sewer: 15

Linear feet from existing sewer: _____

Connects to existing sewer outside of the Urban Service Area? Yes No

Will sewer extend outside the limits of the site? Yes No

If yes, how many existing dwellings would have access to the sewer? _____

Pump station required? Yes No

Type of proposed sewer:

Gravity

Low Pressure

 Type: Grinder

Ejector

Other: _____

FOR TELECOMMUNICATION FACILITIES:

New telecommunication facility

 Height of tower: _____

 Type of tower: Monopole

Self-supporting lattice

Guide wire

Stealth

Other; _____

Collocation on existing structure other than a telecommunication facility

 Type of structure: _____

 Height of structure (without antennas): _____

540- Total height of structure with antennas (not including lightning rod): _____

 Number of antennas: _____

 Telecommunication ground equipment? Yes No

 Within existing compound? Yes No

 Type of ground equipment: Unmanned shelter

Cabinets

 Dimensions of telecommunication ground equipment: _____

 Height of the telecommunication ground equipment: _____

Review Fee Calculations

A. Application Fee:	\$ <u>300.00</u>
B. Technology Fee (Application Fee x 2.75% or 0.0275).....	\$ <u>8.25</u>
TOTAL (Add lines A and B).....	\$ <u>308.25</u>

MAKE CHECK PAYABLE TO "STAFFORD COUNTY"

Note: The application fees are for the administrative process and review of this application and do not constitute an approval.

List of Adjoining Property Owners

Provide a list of the owners as shown on the current real estate tax assessment books of all abutting properties and properties immediately across the street or road from the property subject to this application. If the application applies to only a portion of a parcel, the entire parcel must be the basis for the below listing.

Provide additional pages if needed.

AGRICULTURAL		
<u>TM 39-48E</u>	<u>Peggy Lee and Todd John Wright</u>	
TAX MAP / PARCEL	NAME	
<u>119 SHELBYVILLE HWY</u>		
MAILING ADDRESS		
<u>FAYETTEVILLE</u>	<u>TN</u>	<u>37334-7175</u>
CITY	STATE	ZIP

<u>TM 39-49D</u>	<u>Susan R. and Michael Hughes</u>	
TAX MAP / PARCEL	NAME	
<u>129 DISHPAN LANE</u>		
MAILING ADDRESS		
<u>STAFFORD</u>	<u>VA</u>	<u>22554-5427</u>
CITY	STATE	ZIP

<u>T.M. 39-51A</u>	<u>Bradley Cave</u>	
TAX MAP / PARCEL	NAME	
<u>139 DISHPAN LN</u>		
MAILING ADDRESS		
<u>STAFFORD</u>	<u>VA</u>	<u>22554-5427</u>
CITY	STATE	ZIP

TM 39-51	Tanya Wilson	
TAX MAP / PARCEL	NAME	
143 DISHPAN LN		
MAILING ADDRESS		
STAFFORD	VA	22554-5427
CITY	STATE	ZIP

TM 39-22A	Stafford County Board of Supervisors	
TAX MAP / PARCEL	NAME	
PO BOX 339		
MAILING ADDRESS		
Stafford	VA	22555-0339
CITY	STATE	ZIP

TM 39-47E	David and Marianne Pastor	
TAX MAP / PARCEL	NAME	
129 OAKWOOD DR		
MAILING ADDRESS		
Stafford	VA	22554-3925
CITY	STATE	ZIP

TM 39-48F	Andrew Joseph Kapec Revocable Trust	
TAX MAP / PARCEL	NAME	
135 BLUEBIRD LANE		
MAILING ADDRESS		
STAFFORD	VA	22554-5431
CITY	STATE	ZIP

CHESAPEAKE RIDGE SUBDIVISION
COMPREHENSIVE PLAN COMPLIANCE REVIEW
BACKGROUND AND JUSTIFICATION

Chesapeake Ridge is a 15 lot Cluster Subdivision situated on Tax Map Parcel 39N-A and 39-52 with access from Chesapeake Drive which ties into Route 1 and will be extended to the new subdivision.¹ County water is presently located within the right of way of existing Chesapeake Drive and, also, within the right of way of Dishpan Lane, immediately to the south of the new subdivision. The Applicant, Brookstone Development and Building Corporation (the "Applicant"), has been advised by the Utilities Department that pursuant to Stafford County Code Section 25-71(c), and because the offsite costs do not exceed the onsite costs, the Applicant is required to connect to public water. (See Exhibit A from Chris Edwards, Director of Utilities). The Applicant has also been requested to create a water line "loop" to enhance water quality and pressure in the general area (see Exhibit A). Simultaneously, the Applicant has been advised by the Planning Department, in the context of the Subdivision review process, that it must submit to a Comprehensive Plan Compliance Review ("2232 Review") pursuant to Virginia Code Section 15.2-2232. (See Exhibit B from Kathy C. Baker, Acting Planning Director and Subdivision Agent for the County), The 2232 Review requires that the Commission find that the proposed water line is in substantial accord with the County's Comprehensive Plan. The 2232 Review is being required even though the connection is mandatory under the County Ordinance.

The Applicant suggests that the basis for a finding by the Commission that the water line is in substantial accord with the Comprehensive Plan is as follows:

- (1) The Comprehensive Plan is intended to "general or approximate location, character and extend of each feature shown on the plan" (including the Urban Services Area);
- (2) County ordinances, notably the Subdivision and Zoning Ordinances, are considered part of the County's Comprehensive Plan. This matter arises in conjunction with a subdivision review;
- (3) The Comprehensive Plan specifically allows for "extension of public water utilities outside the USA . . . to improve water quality by completing loops for water lines . . ."
- (4) The Stafford County Board of Supervisors has determined that property developed within proximity of public water should be required to connect to public water if the offsite costs of doing so do not exceed the onsite costs of doing so.
- (5) Tying into public water, particularly in this portion of the County, is environmentally preferable to drilling wells into the water table.
- (6) The construction of a water line to serve this subdivision enhances the utility system by creating a "loop" water line, which improves water quality and pressure.

¹ This access was authorized by Board of Supervisors Ordinance 020-24, which partially vacated a recorded plat, "Subdivision Plat The Reserve, dated February 12, 2007, to enable the extension of Chesapeake Drive into the subdivision.

RE: Chesapeake ridge

Christopher Edwards <CEdwards@staffordcountyva.gov>

Thu 8/17/2023 7:17 PM

To:Leming and Healy, P.C. <lemingandhealy1@msn.com>;Paul J. Santay <PSantay@staffordcountyva.gov>

Cc:Kathy C. Baker <KBaker@staffordcountyva.gov>;Michael A. Morris <MMorris@staffordcountyva.gov>;Bryon H. Counsell <BCounsell@staffordcountyva.gov>

📎 1 attachments (57 KB)

39-52.JPG;

Mr. Leming,

Section 25-71(c) of the Utility Ordinance states:

The developer or owner of any property who is required to submit a preliminary subdivision plan, a subdivision construction plan, a minor subdivision plan, or a major site plan located outside of the urban service area as defined in the county's comprehensive plan shall utilize the public water system if the developer's construction costs for the off-site water line, as determined by the director of utilities, does not exceed two thousand dollars per household equivalent unit, or one thousand one hundred fifty dollars (\$1,150.00) per acre when the number of household equivalents cannot be readily determined and if the use of the public water system is in accordance with good engineering practice, as determined by the director of utilities. The above dollar limits are based on an ENR Construction Cost Index of 7938.

Since the water system is on the two parcels of the site, there are no off-site construction costs associated with bringing water to the site (39-52 and 39N-A) to be considered. This is below the threshold outlined in this section, requiring connection to the public water system.

The requirement to loop the system is a separate issue. This can be found in section 2.1.3 of the Design Standards Manual:

2.1.3 Water Main Sizes

*In single-family residential districts, eight-inch (8") shall generally be used; six-inch (6") to be used only when it completes a good hydraulic grid and generally does not exceed six hundred feet (600') in length. **Dead-ends shall be eliminated by looping when feasible.***

Installing a single connection point would create a dead-end that this section is intended to prevent. In addition, the internal site cannot achieve the required fire flow without both points of connection as required by fire code.

I hope this helps. Have a good night.

Chris

Department of Utilities

Office: 540.658.8620 | Mobile: 540.226.9157



RE: Chesapeake ridge

Kathy C. Baker <KBaker@staffordcountyva.gov>

Thu 8/17/2023 10:03 AM

To:Leming and Healy, P.C. <LEMINGANDHEALY1@msn.com>;Paul J. Santay
<PSantay@staffordcountyva.gov>

Cc:Christopher Edwards <CEdwards@staffordcountyva.gov>;Michael A. Morris
<MMorris@staffordcountyva.gov>;Bryon H. Counsell <BCounsell@staffordcountyva.gov>
Clark,

The applicant for Chesapeake Ridge will need to file an application for the Comprehensive Plan Compliance Review. Extension of water and sewer lines outside of the USA requires a comprehensive plan compliance review pursuant to Virginia Code Sec. 15.2-2232, which provides that "unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof." The comprehensive plan defines the USA, where public water and sewer is available, but this project involves property outside the USA and therefore the connection to public water is not already shown on the plan and must be deemed to be substantially in accord with it pursuant to 15.2-2232. Although Sec. 25-71(c) requires connection to the utility system when certain conditions are met, it does not deem the connection as being in compliance with the Comprehensive Plan or as already shown on the adopted master plan.

I apologize for the delayed response. Please let me know if you have questions.
Kathy

Kathy C. Baker
Acting Director
Stafford County Planning and Zoning
PO Box 339
Stafford, VA 22555
kbaker@staffordcountyva.gov
(540) 658-8675



Information contained in this e-mail does not take the place of written zoning determination and is not intended to be an official zoning decision. An application is available on the Stafford County Government website and shall be submitted with the appropriate fee for an official Zoning Administrator determination.