

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

MINUTES  
Regular Meeting  
June 21, 2011

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 3:01 p.m., Tuesday, June 21, 2011, in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Harry E. Crisp II; Gary F. Snellings; Susan B. Stimpson; and Robert “Bob” Woodson. Cord A. Sterling was absent.

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.

Presentation of a Proclamation to Ms. Tammi Ellis, Retired Executive Director of Organizational Development Mr. Dudenhefer presented the proclamation.

Presentation of a Proclamation to Ms. Rachel Hudson, Retiring Zoning Administrator Mr. Dudenhefer presented the proclamation.

Legislative; Standing Committee Reports by Board Members Board members provided Standing Committee updates as identified:

- Ms. Stimpson: Community and ED: work force study and survey; Tech Park; Permit Center update given by Keith Dayton, Director of Public Works
  
- Paul Milde: Presented pictures of the new bridge on Route 630/Courthouse Road. The bridge has been named Mingles Hill Bridge, built at a cost of \$7M, and was completed on-time.

Urban Development Area Update: Rhodeside and Harwell Senior Planner, Mike Zuraf, introduced Ms. Dina Rhodeside, who gave an update on Urban Development Areas and focused on the choice of a UDA for further study as and development of a small area plan. Ms. Meredith Judy, also with Rhodeside and Harwell, provided a transportation analysis. Discussion ensued.

Mr. Milde motioned, seconded by Mr. Snellings, to adopt proposed Resolution R11-204, selecting the Courthouse UDA as the focus for a small area plan.

The Voting Board tally was:

Yea: (6) Milde, Snellings, Crisp, Dudenhefer, Sterling, Woodson

Nay: (0)

Absent: (1) Sterling

Resolution R11-204 reads as follows:

A RESOLUTION TO SELECT ONE OF THE URBAN DEVELOPMENT AREAS FOR THE DEVELOPMENT OF A SMALL AREA PLAN IN ACCORDANCE WITH THE URBAN DEVELOPMENT AREA PLANNING GRANT

WHEREAS, the County was awarded a grant from the Virginia Department of Transportation for the designation and implementation of Urban Development Areas (UDAs) in its Comprehensive Plan; and

WHEREAS, a deliverable of the UDA grant is to develop a small area plan for at least one of the UDAs; and

WHEREAS, the Consultant assisting with the grant has evaluated the County's UDAs and conducted stakeholder interviews to determine the UDA that is most suitable for the development of a small area plan; and

WHEREAS, the Board has considered the analysis and recommendation provided by the Consultant, staff, and testimony at the public meetings; and

WHEREAS, the Board believes the Courthouse Urban Development Area would be the most appropriate for the development of a small area plan;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that the Board hereby directs the County staff and Consultant to proceed with the development of a small area plan for the Courthouse Urban Development Area, in accordance with the parameters of the Urban Development Area Planning Grant.

Mr. Milde motioned, seconded by Mr. Snellings to adopt proposed Resolution R11-203.

The Voting Board tally was:

Yea: (6) Milde, Snellings, Crisp, Dudenhefer, Stimpson, Woodson

Nay: (0)

Absent: (1) Sterling

Resolution R11-203 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO REQUEST AN EXTENSION OF THE SEPTEMBER 30, 2011, DEADLINE ESTABLISHED IN THE CONTRACTUAL AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE URBAN DEVELOPMENT AREA PLANNING GRANT, TO JANUARY 31, 2012

WHEREAS, the County was awarded a grant from the Virginia Department of Transportation to utilize on-call consultant services for the designation and implementation of Urban Development Areas (UDAs) in its Comprehensive Plan; and

WHEREAS, the County entered into a contractual agreement with VDOT that includes an established deadline of September 30, 2011 to provide specified deliverables; and

WHEREAS, the County is committed to completing the UDA grant requirements and has satisfied several of the criteria, having adopted UDAs into its Comprehensive Plan prior to the July 1, 2011 deadline, and the Consultant assisting with the designation of the UDAs, has conducted statutory analysis of the UDAs and held stakeholder interviews; and

WHEREAS, the County did not want to overlap UDA implementation with an amendment to the Comprehensive Plan regarding UDAs, thus causing a delay in the original timeline; and

WHEREAS, conducting the required public meetings, Small Area Plan development, and public hearings in accordance with Virginia Code requirements by the September 30, 2011 grant deadline is not feasible; and

WHEREAS, the Board's by-laws do not allow land use action(s) to be taken during November and December in an election year; and

WHEREAS, the Board believes an extension to the timeline would be in the best interest of the citizens of Stafford County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that the County Administrator be and he hereby is authorized to request an extension of the September 30, 2011 deadline established in the contractual agreement with the Virginia Department of Transportation for the UDA Planning Grant, to January 31, 2012.

Planning and Zoning; Wetlands Mitigation Banks Michael Lott, Environmental Planner, Department of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Milde requested that staff contact Hanover County for information on its Mitigation Banks and inquired if, in the absence of an ordinance, a Wetlands Mitigation Bank would be considered by-right or if it required a Conditional Use Permit. Mr. Milde also asked that the County Attorney look into by-right use in relation to Urban Services Areas. At the request of the Board, additional information on Wetlands Mitigation Banks will be presented at the next meeting, July 5, 2011.

Economic Development; Appoint a Blue Ribbon Committee for the 350<sup>th</sup> Anniversary of the Founding of Stafford County Mr. Dudenhefer and Mr. Snellings were appointed to the Committee. After an initial meeting is held, a list of additional Committee members will be presented to the Board in September, 2011.

Mr. Milde motioned, seconded by Dr. Crisp, to adopt proposed Resolution R11-193.

The Voting Board tally was:

Yea: (6) Milde, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Absent: (1) Sterling

Resolution R11-193 reads as follows:

A RESOLUTION TO FORM A BLUE RIBBON PLANNING COMMITTEE TO COMMEMORATE THE 350<sup>TH</sup> ANNIVERSARY OF THE FOUNDING OF STAFFORD COUNTY

WHEREAS, Stafford County has distinguished itself in the historic fabric of the Commonwealth and the nation in a myriad of unique and fascinating ways; and

WHEREAS, Stafford County's recorded history is varied and distinct; and

WHEREAS, contributions of the residents of Stafford County are as important as the precepts and concepts of liberty, religious tolerance, free enterprise, freedom, art, racial equality and social justice; and

WHEREAS, to mark this occasion appropriately and to commemorate the people, places and stories of Stafford County, planning and resources shall be dedicated to the task of organizing a year-long celebration of special events and programs marking this important occasion;

NOW, THEREFORE BE IT RESOLVED, that the Stafford County Board of Supervisors be and it hereby does agree to establish a Blue Ribbon Planning Committee, comprised of ten members including one chairman chosen from the Stafford County community, and representing varied interests and expertise, that will be approved by the Board of Supervisors on or before September, 2011; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that this committee, once seated, will report to the Board of Supervisors in early 2012 with a preliminary plan of action to commemorate the 350<sup>th</sup> Anniversary of the founding of Stafford County.

Economic Development; Budget and Appropriate Grant Funds and Securities Verification for Civil War Park Funding Mr. Anthony Romanello, County Administrator, gave a presentation and answered Board members questions.

Mr. Milde motioned, seconded by Dr. Crisp, to adopt proposed Resolution R11-195.

The Voting Board tally was:

Yea: (6) Milde, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Absent: (1) Sterling

Resolution R11-195 reads as follows:

A RESOLUTION TO AUTHORIZE FUNDING, PROVIDE SECURITY FOR EROSION AND SEDIMENT CONTROLS, AND THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH THE NATIONAL GUARD FOR THE STAFFORD COUNTY CIVIL WAR SITES PARK

WHEREAS, the Board desires the National Guard (Guard) to mobilize in July, 2011, to initiate construction of the roads and other infrastructure valued at approximately \$800,000 for the proposed Stafford County Civil War Sites Park (Park); and

WHEREAS, approximately \$150,000 in expenses necessary for erosion and sediment control, stormwater management, and engineering services during construction will not be provided by the Guard and must be funded by other means; and

WHEREAS, the Civil War Preservation Trust has committed to providing \$150,000 to Stafford County which could be used to offset expenses related to the development of this Park; and

WHEREAS, this funding may not be available until June 2012; and

WHEREAS, a performance agreement and security must be posted for this project prior to issuance of a grading permit to allow the work to proceed; and

WHEREAS, the Board, by resolution, can satisfy the performance agreement and security requirement; and

WHEREAS, the Guard has requested a Memorandum of Agreement be executed to identify the obligations of all parties in the completion of the work;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June 2011 that the amount of One Hundred Fifty Thousand Dollars (\$150,000) in grant proceeds be and it hereby is budgeted and appropriated in FY12 for work agreed upon as necessary for the Park; and

BE IT FURTHER RESOLVED that the Board hereby guarantees the construction and maintenance of the erosion and sediment control, stormwater management, and engineering services necessary for construction of the roads and other infrastructure for this Park; and

BE IT STILL FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute a Memorandum of Agreement with the Guard for construction of the Park.

Legislative: Authorize Circuit Court Judicial Assistant Mr. Woodson motioned, seconded by Dr. Crisp, to adopt proposed Resolution R11-198.

Resolution R11-198 reads as follows:

A RESOLUTION TO APPROVE THE REQUEST FOR A JUDICIAL ASSISTANT TO SUPPORT THE THIRD CIRCUIT COURT JUDGE

WHEREAS, the General Assembly has approved the addition of a third Circuit Court Judge; and

WHEREAS, the Circuit Court Judges submitted a letter dated May 7, 2011, to the Board requesting a judicial assistant to support the new Judge;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of June, 2011, that it be and hereby does approve the request from the Judges and directs the County Administrator to implement the Judges' plan as outlined in their May 27, 2011 letter, including one additional judicial assistant to support the third Circuit Court Judge.

Discuss Subdivision Ordinance Following discussion, Mr. Snellings motioned, seconded by Dr. Crisp, to refer to the Planning Commission the Subdivision Ordinance as it relates to dividing property when a will or probate is involved. The Planning Commission was asked to review and provide recommendations to the Board.

The Voting Board tally was:

Yea: (6) Snellings, Crisp, Stimpson, Dudenhefer, Milde, Woodson

Nay: (0)

Absent: (1) Sterling

Legislative: Additions/Deletions to the Regular Agenda There were no additions or deletions.

Legislative: Consent Agenda Mr. Milde motioned, seconded by Mr. Snellings, to adopt the Consent Agenda consisting of Items 13 thru 26.

The Voting Board tally was:

Yea: (6) Milde, Snellings, Crisp, Dudenhefer, Stimpson, Woodson

Nay: (0)

Absent: (1) Sterling

Item 13. Legislative; Approve the Minutes of the June 7, 2011 Board Meeting

Item 14. Finance and Budget; Approve Expenditure Listing and Waive Approval of July and August Expenditure Listings

Resolution R11-191 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED JUNE 7, 2011 THROUGH JUNE 20, 2011

WHEREAS, the Board has 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 21 1st day of June 2011 that the above-mentioned EL be and hereby is approved.

Resolution R11-192 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO WAIVE BOARD APPROVAL OF JULY AND AUGUST 2011 INVOICES  
IN EXCESS OF \$100,000

WHEREAS, accounts payable invoices in excess of \$100,000 are released only upon Board approval; and

WHEREAS, the Board has scheduled only one meeting each month during July and August 2011; and

WHEREAS, the Board meeting schedule may cause late payment and some vendor checks to be held for several weeks; and

WHEREAS, the Board will be provided with the expenditure listings for ratification at its August 16th meeting;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of June, 2011 that the County Administrator be and he hereby is authorized to waive Board approval of expenditures in excess of \$100,000 for the months of July and August, 2011 and that these expenditures will be ratified at the August 16, 2011 Board meeting.

Item 15. Parks, Recreation and Community Facilities; Authorize the County Administrator to Renew a Contract for Custodial Services at the Administration Center

Resolution R11-169 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE A CONTRACT RENEWAL FOR CUSTODIAL SERVICES AT  
VARIOUS COUNTY FACILITIES

WHEREAS, professional custodial services are needed at various County facilities; and

WHEREAS, the current contract with C. C. Building Services is up for renewal; and

WHEREAS, C. C. Building Services has agreed to offer the County the same services for a two percent (2%) increase over the FY11 cost; and

WHEREAS, funds are included in the FY2012 Adopted Budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that the County Administrator be and he hereby is authorized to execute a contract renewal with C. C. Building Services in an amount not to exceed Two Hundred Sixty-eight Thousand, One Hundred Nineteen Dollars (\$268,119).

Item 16. Parks, Recreation and Community Facilities; Authorize the County Administrator to Renew a Contract for Security Services at the Administration Center

Resolution R11-165 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE A CONTRACT RENEWAL FOR SECURITY SERVICES  
AT THE COUNTY ADMINISTRATION CENTER

WHEREAS, security services are needed at the County Administration Center; and

WHEREAS, the County currently has a contract with Securitas Security Services, USA, Inc. for security services at the County Administration Center and the contract provides for renewal; and

WHEREAS, the current contract for security services with Securitas Security Services, USA, Inc. is up for renewal; and

WHEREAS, funds are available in the FY2012 Adopted Budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that the County Administrator be and he hereby is authorized to execute a contract renewal with Securitas Security Services, USA, Inc., in an amount not to exceed One Hundred Thirty-one Thousand, Seven Hundred Thirty-three Dollars (\$131,733).

Item 17. Utilities; Authorize the County Administrator to Execute Contracts for Biosolids Management Services

Resolution R11-187 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE CONTRACTS FOR BIOSOLIDS MANAGEMENT SERVICES

WHEREAS, the County's treatment facilities produce biosolids which must be managed in accordance with Virginia Department of Health and the Department of Environmental Quality Regulations; and

WHEREAS, bids were solicited and received for the transporting services; and

WHEREAS, Agri-Services Corporation was the low bidder for transporting from the Aquia Wastewater Facility to the Regional Landfill, and Recyc Systems was the low bidder for transporting and land-applying the biosolids from the water plants and the Little Falls Run Wastewater Facility; and

WHEREAS, funds have been appropriated in the FY2012 budget for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that the County Administrator be and he hereby is authorized to execute a one-year contract with Agri-Services Corporation in an amount not to exceed One Hundred Fifteen Thousand Six Hundred Five Dollars (\$115,605) and a one-year contract with Recyc Systems Inc. in an amount not to exceed Three Hundred Fifty-three Thousand Two Hundred Fifty (\$353,250).

Item 18. Public Works; Petition VDOT to Include Brooksmill Lane within Brooksmill estates Subdivision; Arden Lane with Manor Woods Estates; and Toluca Road and Masters Mill Court within the Masters Mill Estates Subdivision into the Secondary System of State Highways

Resolution R11-188 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT  
OF TRANSPORTATION TO INCLUDE BROOKESMILL LANE  
WITHIN BROOKESMILL ESTATES INTO THE SECONDARY  
SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Brookesmill Lane within Brookesmill Estates into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011 that VDOT be and it hereby is petitioned to include the following street within Brookesmill Estates into the Secondary System of State Highways:

<u>Street Name/Route Number</u>	<u>Station</u>	<u>Length</u>
Brookesmill Lane (SR-2171)	From: 0.01 mi. S of Millbrook Road (SR-2170) To: 0.33 mi. S of Millbrook Road (SR-2170)	0.33 mi. ROW 50'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled Brookesmill Estates, Section Two, recorded in PM070000174 with Instrument Number 070023178 on September 26, 2007; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and to the Transportation and Land Use Director of the VDOT Fredericksburg District.

Resolution R11-189 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION TO INCLUDE ARDEN LANE WITHIN MANOR  
WOOD ESTATES INTO THE SECONDARY SYSTEM OF STATE  
HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Arden Lane within Manor Wood Estates into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011 that VDOT be and it hereby is petitioned to include the following street within Manor Wood Estates into the Secondary System of State Highways:

<u>Street Name/Route Number</u>	<u>Station</u>	<u>Length</u>
Arden Lane (SR-2188)	From: Mount Olive Road (SR-650) To: Intersection of Madeline Lane	0.44 mi. ROW 50'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled Manor Wood Estates, recorded in PM04000095, with Instrument Number 040015939, on April 28, 2004; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and to the Transportation and Land Use Director of the VDOT Fredericksburg District.

Resolution R11-190 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE TOLUCA ROAD AND MASTERS MILL COURT WITHIN MASTERS MILL SUBDIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Toluca Road and Masters Mill Court within the Masters Mill Subdivision into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable; and

WHEREAS, in accordance with Section 24 Va. Admin. Code 30-91-140, a Street Surety Bond in the amount of \$28,000 is required to be posted, however, VDOT has agreed to accept said bond in the form of a resolution by the Board; and

WHEREAS, in accordance with Section 24 Va. Admin. Code 30-91-140, a Street Maintenance and Administrative Cost Recovery Fee is required by the Virginia Department of Transportation (VDOT) and cannot be waived;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011 that VDOT be and it hereby is petitioned to include the following streets within Masters Mill Subdivision into the Secondary System of State Highways:

<u>Street Name/Route Number</u>	<u>Station</u>	<u>Length</u>
Toluca Rd. (SR-675)	From: 0.80 mi. N of Garrisonville Rd. (SR-610) To: Inter. of Masters Mill Ct. (SR-2187)	0.03 mi. ROW 50'
Toluca Rd. (SR-675)	From: Inter. Masters Mill Ct. (SR-2187) To: 0.40 mi. N of Masters Mill Ct. (SR-2187) to the Toluca Rd. cul-de-sac	0.44 mi. ROW 50'
Masters Mill Ct. (SR-2187)	From: Inter. Toluca Rd. (SR-675) To: 0.25 mi. W of Toluca Rd. (SR-675) to the Masters Mill Ct. cul-de-sac	0.25 mi. ROW 50'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled Masters Mill recorded in PM050000212 with Instrument Number 050037437 on September 20, 2005; and

BE IT FURTHER RESOLVED that the Board hereby guarantees the performance of the streets requested herein to become a part of the state maintained Secondary System of Highways for a period of one year from the date of this Resolution and will reimburse all costs incurred by VDOT to repair faults in the streets and related drainage facilities associated with construction, workmanship, or materials as determined exclusively by VDOT; and

BE IT STILL FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and to the Transportation and Land Use Director of the VDOT Fredericksburg District.

Item 19. Legislative; Authorize the Appointment of Scott Mayausky, Commissioner of the Revenue, as Interim Real Estate Assessor

Resolution R11-144 reads as follows:

A RESOLUTION TO APPOINT SCOTT MAYAUSKY, COMMISSIONER OF THE REVENUE, AS INTERIM REAL ESTATE ASSESSOR

WHEREAS, a vacancy has occurred in the Office of the Commissioner of the Revenue for the position of County Assessor; and

WHEREAS, Scott Mayausky serves as the Commissioner of the Revenue; and

WHEREAS, Scott Mayausky has sixteen (16) years of experience in the Office of the Commissioner of the Revenue and has been certified to serve as an Interim Real Estate Assessor by the Virginia Department of Taxation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that Scott Mayausky be and he hereby is appointed as the Interim Stafford County Real Estate Assessor effective July 30, 2011.

Item 20. Legislative; Authorize the Appointment of Andrea Hornung as Interim Zoning Administrator

Resolution R11-205 reads as follows:

A RESOLUTION TO APPOINT ANDREA HORNUNG AS INTERIM ZONING ADMINISTRATOR

WHEREAS, due to the retirement of the current Zoning Administrator, a vacancy has occurred in the Department of Planning and Zoning; and

WHEREAS, Andrea Hornung has been employed by Stafford County since 2006 and has a combined eighteen (18) years of experience in the counties of Caroline, Culpeper, Spotsylvania, and Stafford;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that Andrea Hornung be and she hereby is appointed as the Interim Stafford County Zoning Administrator effective June 30, 2011.

Item 21. Public Works; Rescind Resolutions Regarding Conveyance of School-Owned Parcel and Convey to VDOT Acceptance of Option Two (2) for the Staffordboro Commuter Lot

Resolution R11-200 reads as follows:

A RESOLUTION TO RESCIND RESOLUTION R11-161 REQUESTING CONVEYANCE OF PARCEL 21-65F FROM THE SCHOOL BOARD TO THE COUNTY AND RESOLUTION R11-171 TRANSFERRING \$1 MILLION TO THE SCHOOL BOARD CAPITAL PROJECTS FUND

WHEREAS, the Board, by Resolution R11-161, requested the School Board convey Parcel 21-65F to Stafford County; and

WHEREAS, the Board has determined that it is no longer in the best interest of the county to transfer the property in this manner; and

WHEREAS, it is necessary to rescind Resolution R11-161; and

WHEREAS, the Board, by Resolution R11-171, authorized the transfer of \$1 million to the School Board Capital Projects Fund; and

WHEREAS, the Board has determined that it is no longer in the best interest of the county to transfer these funds directly to the School Board; and

WHEREAS, it is necessary to rescind Resolution R11-171;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that Resolution R11-161 be and it hereby is rescinded; and

BE IT FURTHER RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that Resolution R11-171 be and it hereby is rescinded.

Resolution R11-201 reads as follows:

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) DESIGN AND CONSTRUCT THE OPTION IDENTIFIED AS STAFFORDBORO PARK AND RIDE PHASE 2

WHEREAS, the State has allocated \$5.9M for an increase of up to 1,000 commuter parking spaces at the Staffordboro Commuter Lot; and

WHEREAS, VDOT has determined that this amount of funding will result in the elimination of the connector between Staffordboro Boulevard and Doc Stone Road, an improvement necessary for the proper and safe flow of traffic onto the Mine Road and Garrisonville Road intersection; and

WHEREAS, VDOT has determined an additional \$2.75 million is required to provide the connector between Staffordboro Boulevard and Doc Stone Road, along with other associated improvements, of which fifty percent (50%) is eligible for Revenue Sharing, with the remainder provided from the Transportation Fund and the Garrisonville Service District Funds; and

WHEREAS, VDOT has designated the option with connectivity between Staffordboro Boulevard and Doc Stone Road as Staffordboro Park and Ride Phase 2;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that the County Administrator be and he hereby is authorized to request VDOT to design and construct the Staffordboro Park and Ride Phase 2; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to VDOT.

Item 23. Human Resources; Adopt VRS-Approved Resolution Regarding Opt-Out of Self-Funded Line of Duty Death Act Claims with VRS

Resolution R11-199 reads as follows:

A RESOLUTION TO AUTHORIZE THE IRREVOCABLE ELECTION NOT TO PARTICIPATE IN THE LINE OF DUTY ACT FUND

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the “Fund”) for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits

relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of Stafford County to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that it be and it hereby does irrevocably elect to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

BE IT FURTHER RESOLVED that the following entities, to the best of the knowledge of Stafford County, constitute the population of its past and presently covered employees under the Line of Duty Act; and

Stafford County Sheriff Department (all sworn Deputies);  
Stafford County Sheriff Department Volunteers (all sworn Deputies);  
Stafford County Fire and Rescue Department;  
Volunteer Company 1 – Falmouth - Stafford County Fire and Rescue Department;  
Volunteer Company 2 – Stafford - Stafford County Fire and Rescue Department;  
Volunteer Company 3 – Widewater - Stafford County Fire and Rescue Department;  
Volunteer Company 4 – Mt. View Fire - Stafford County Fire and Rescue Department;  
Volunteer Company 5 – Brooke - Stafford County Fire and Rescue Department;  
Volunteer Company 6 – Hartwood - Stafford County Fire and Rescue Department;  
Volunteer Company 7 – White Oak - Stafford County Fire and Rescue Department;  
Volunteer Company 8 – Rockhill Fire - Stafford County Fire and Rescue Department;  
Volunteer Company 10 – Potomac Stafford County Fire and Rescue Department

BE IT STILL FURTHER RESOLVED that, as a non-participating employer, Stafford County agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of Stafford County on or after July 1, 2010; and

BE IT STILL FURTHER RESOLVED that, as a non-participating employer, Stafford County agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and

BE IT STILL FURTHER RESOLVED that Stafford County shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller; and

BE IT STILL FURTHER RESOLVED by the Stafford County Board of Supervisors, that this resolution is adopted in Stafford County, Virginia this 21<sup>st</sup> day of June, 2011.

Item 24. Legislative; Approve Reappointments of Mr. Don Newlin and Ms. Wendy Surman to the Economic Development Authority

Item 25. Parks, Recreation and Community Facilities; Authorize a Public Hearing for a Natural Gas Easement to Columbia Gas on County-Owned Property on Mountain View Road

Resolution R11-207 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONVEY A NATURAL GAS PIPELINE EASEMENT ON COUNTY-OWNED PROPERTY AT MOUNTAIN VIEW HIGH SCHOOL AND MARGARET BRENT ELEMENTARY SCHOOL TO COLUMBIA GAS OF VIRGINIA, INC.

WHEREAS, natural gas services are desired at Mountain View High School and Margaret Brent Elementary School; and

WHEREAS, Stafford County Public Schools leases the land occupied by these two schools from the County as part of the arrangements from the Public Private Education and Infrastructure Act project used to construct these schools; and

WHEREAS, the County must convey a natural gas pipeline easement to Columbia Gas of Virginia, Inc. to install natural gas service at these schools; and

WHEREAS, a public hearing is required for conveyance of easements on County-owned property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of June, 2011, that the County Administrator be and he hereby is authorized to advertise a public hearing to convey a natural gas pipeline easement on County-owned property at Mountain View High School and Margaret Brent Elementary School to Columbia Gas of Virginia, Inc.

Legislative; Closed Meeting. At 4:49 p.m. Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Resolution CM11-11.

The Voting Board tally was:

Yea: (6) Milde, Stimpson, Dudenhefer, Snellings, Crisp, Woodson

Nay: (0)

Absent: (1) Sterling

Resolution CM11-11 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to discuss in Closed Meeting a Personnel Matter regarding the County Attorney's Performance Evaluation; and

WHEREAS, pursuant to Section 2.2-3711 A.1, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 21st day of June, 2011, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order At 5:05 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Ms. Stimpson motioned, seconded by Mr. Milde, to adopt proposed Resolution CM11-11(a).

The Voting Board tally was:

Yea: (6) Stimpson, Milde, Crisp, Dudenhefer, Snellings, Woodson

Nay: (0)

Absent: (1) Sterling

Resolution CM11-11(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JUNE 21, 2011

WHEREAS, the Board has, on this the 21<sup>st</sup> day of June, 2011 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 21<sup>st</sup> day of June, 2011, 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.

Recess At 5:06 the Chairman declared a recess until 7:00 p.m.

At 5:30 p.m., the Board, staff, representatives from Motorola, and public safety personnel assembled in front of the Administration Building for the dedication of the Public Safety Communications System.

Call to Order At 7:00 p.m., the Chairman called the meeting back to order.

Invocation Mr. Snellings gave the Invocation.

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

Legislative; Presentations by the Public

The following persons desired to speak:

Glenn Trimmer - Thanked the Board for its continued help with the Civil War Park at the Landfill

Planning and Zoning; Reclassification of Quantico Corporate Center from R-1, Suburban Residential and M-1 Light Industrial Zoning Districts to the B-2 Urban Commercial Zoning District Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Samer Shalaby, Applicant, also addressed the Board as did Chris Hornung and Jon Riley with the Silver Companies.

Mr. Woodson inquired about the traffic impact in regards to the proposed third entrance to the Quantico Corporate Center. He also said that it does not commit the County to use Eminent Domain in order to obtain the necessary right-of-way. Mr. Woodson also asked about the family cemetery located on the property. Mr. Shalaby replied that a buffer, fence, and parking area would be provided.

Dr. Crisp inquired about the cap on square footage in the Center and asked for a review of the proffers which were revised by the Applicant prior to the start of the meeting. He also inquired about a date for full build-out. Mr. Shalaby responded, “2024.”

Mr. Dudenhefer talked about defense access road funding and planned, major improvements to the intersection and Route 1.

The Chairman opened the public hearing. The following persons desired to speak:

Tina Jackson

The Chairman closed the public hearing.

By unanimous vote of the Board, and following the advice of the County Attorney, the public hearing was reopened so that questions and comments made by the public hearing speaker, Tina Jackson, could be addressed. Following discussion, Mr. Dudenhefer again closed the public hearing.

Mr. Woodson motioned, seconded by Ms. Stimpson, to adopt proposed Ordinance O11-17 with proffer statement changes dated June 21, 2011.

The Voting Board tally was:

Yea: (6) Woodson, Stimpson, Crisp, Dudenhefer, Milde, Snellings

Nay: (0)

Absent: (1) Sterling

Ordinance O11-17 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE R-1, SUBURBAN RESIDENTIAL AND M-1, LIGHT INDUSTRIAL ZONING DISTRICTS, TO THE B-2, URBAN COMMERCIAL ZONING DISTRICT ON ASSESSOR'S PARCELS 12-1, 12-3, 12-4, 12-5, 13C-A (PORTION) AND 13C-D (PORTION) WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, Development Consulting Services, applicant, has submitted application RC1000338 requesting a reclassification from the R-1, Suburban Residential and M-1, Light Industrial, to B-2, Urban Commercial Zoning District on Assessor's Parcels 12-1, 12-3, 12-4, 12-5, 13C-A (portion), and 13C-D (portion); and

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

WHEREAS, the Board has determined that the requested zoning is compatible with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of an ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the zoning district map to reclassify from R-1, Suburban Residential and M-1, Light Industrial Zoning Districts, to B-2, Urban Commercial Zoning District, on Assessor's Parcels 12-1, 12-3, 12-4, 12-5, 13C-A (portion) and 13C-D (portion), with proffers entitled "Proffer Statement", dated November 19, 2010, and last revised on June 21, 2011.

Planning and Zoning; Amend Stafford County Code by Establishing a New Zoning District, Redevelopment Area 1, Boswell's Corner (RDA-1) Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Faye Knapp Carroll

Heather Stefl

Steve Hundley

The Chairman closed the public hearing.

Dr. Crisp motioned, seconded by Mr. Milde, to adopt proposed Ordinance O11-14 with the following changes: Eliminate Table 3.9A; reduce acreage from 30 to 10; and reduce the number of dwelling units from 1700 to 750.

The Voting Board tally was:

Yea: (6) Crisp, Milde, Woodson, Stimpson, Dudenhefer, Snellings

Nay: (0)

Absent: (1) Sterling

Ordinance O11-14 reads as follows:

AN ORDINANCE TO (1) AMEND AND REORDAIN THE STAFFORD COUNTY CODE BY AMENDING SECTION 28-25, DEFINITIONS OF SPECIFIC TERMS; SECTION 28-33, DISTRICTS GENERALLY; SECTION 28-34, PURPOSE OF DISTRICTS; SECTION 28-35, TABLE 3.1, DISTRICT USES AND STANDARDS; SECTION 28-39, SPECIAL REGULATIONS; AND, SECTION 28-137, TYPES OF SIGNS PERMITTED IN THE P-TND DISTRICTS; AND (2) ENACT, ADOPT AND ORDAIN STAFFORD COUNTY CODE, SECTION 28-39, TABLE 3.6(a), RESIDENTIAL USES WITHIN TRANSECT ZONES; TABLE 3.6(b), LODGING USES WITHIN TRANSECT ZONES; TABLE 3.6(c), OFFICE USES WITHIN TRANSECT ZONES; TABLE 3.6(d), INSTITUTIONAL USES WITHIN TRANSECT ZONES; TABLE 3.6(e), RETAIL/EATING ESTABLISHMENTS USES WITHIN TRANSECT ZONES; TABLE 3.6(f), CULTURAL/ENTERTAINMENT USES WITHIN TRANSECT ZONES; TABLE 3.6(g), PUBLIC/CIVIC USES WITHIN TRANSECT ZONES; TABLE 3.7(a), PARKING REQUIREMENTS PER USE AND TRANSECT ZONES; TABLE 3.7(b), SHARED PARKING FACTOR; TABLE 3.7(c), PARKING FOR BICYCLES; TABLE 3.8(a), ADDITIONAL RESTRICTIONS AND LIMITATIONS FOR SPECIFIC USES; TABLE 3.8(b), OPEN AND PARK SPACE; TABLE 3.9(a), BASE RESIDENTIAL DENSITY; TABLE 3.9(b), LOT OCCUPANCY; TABLE 3.9(c), SETBACKS, MAIN BUILDING; TABLE 3.9(d), SETBACKS, ACCESSORY BUILDINGS; TABLE 3.9(e), HEIGHT/NUMBER OF STORIES; AND, TABLE 3.9(f), BUILDING HEIGHT TO STREET RATIO OF THE ZONING ORDINANCE

WHEREAS, the Boswells Corner Redevelopment Plan, an element of the Comprehensive Plan, encourages the creation of a form-based code in this area of the County; and

WHEREAS, the current Stafford County Zoning Ordinance regulations for traditional neighborhood developments do not provide for the specific type, mix, and intensity of development envisioned in this area of the County; and

WHEREAS, the Comprehensive Plan anticipates that the Zoning Ordinance will contain detailed development standards for mixed-use development, and

WHEREAS, the Board believes that establishment of a Redevelopment Area 1, Boswell's Corner Zoning District (RDA-1) with detailed development standards is desirable for shaping the future land use within this area of the County; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, after a public hearing on the matter, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-25, Definitions of specific terms; Section 28-33, Districts generally; Section 28-34, Purpose of districts; Section 28-35, Table 3.1, District uses and standards;

Section 28-39, Special regulations; and Section 28-137, Types of signs permitted in P-TND districts; and

BE IT FURTHER ORDAINED that Stafford County Code Section 28-39, be and it hereby is amended by the adoption and enactment of Table 3.6(a), Residential uses within Transect Zones; Table 3.6(b), Lodging uses within Transect Zones; Table 3.6(c), Office uses within Transect Zones; Table 3.6(d), Institutional uses within Transect Zones; Table 3.6(e), Retail/Eating Establishments uses within Transect Zones; Table 3.6(f), Cultural/Entertainment uses within Transect Zones; Table 3.6(g), Public/Civic uses within Transect Zones; Table 3.7(a), Parking requirements per use and transect zones; Table 3.7(b), Shared parking factor; Table 3.7(c), Parking for bicycles; Table 3.8(a), Additional restrictions and limitations for specific uses; Table 3.8(b), Open and park space; Table 3.9(a), Base residential density; Table 3.9(b), Lot occupancy; Table 3.9(c), Setbacks, main building; Table 3.9(d), Setback, accessory buildings; Table 3.9(e), Heights/Number of stories; and, Table 3.9(f), Building height to street ratio, all of the Zoning Ordinance as follows, with all other portions remaining unchanged:

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

*Bike Stations.* A centrally-located, secure bicycle parking garage that also offers bike rentals and repairs, with easy links to transit stations, lockers, and a variety of other services.

*Parking Garage/Deck.* An above-grade and/or below-grade structure used or intended to be used for the off-street parking of operable vehicles on a temporary basis, under public or private ownership.

**Sec. 28-33. Districts generally.**

RDA-1 – Redevelopment Area 1, Boswell’s Corner

**Sec. 28-34. Purpose of districts.**

*RDA-1 – Redevelopment Area 1, Boswell’s Corner.* The purpose of the RDA-1 district is to establish land-use planning and urban design standards through form-based codes that promote the creation of a pedestrian-friendly destination neighborhood at the northern gateway to the County, with a focus on development of an employment center with a mix of uses, including educational and entertainment uses, supporting retail, and higher-density residential, with architectural variety, a network of streets that may include on-street parallel parking, and recreational opportunities.

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

*Table 3.1. District Uses and Standards*

*RDA-1 Redevelopment Area 1, Boswell’s Corner*

The purpose of the RDA-1 district is to establish land-use planning and urban design standards through form-based codes that promote the creation of a pedestrian-friendly destination neighborhood at the northern gateway to the County, with a focus on development of an employment center with a mix of uses, including educational and

entertainment uses, supporting retail, and higher-density residential, with architectural variety, a network of streets that may include on-street parallel parking, and recreational opportunities.

(a) Uses permitted by right:

Bank, lending institution with no drive-through facility

Bike station

Carry out/café with no drive-through facility

Center for the arts

Conference center

Convention center

Day care center

Dormitory, school

Duplex

Dwelling, accessory

Dwelling, atrium house

Dwelling, carriage house

Dwelling, condominium

Dwelling, lot line

Dwelling, multi-family

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

Parking garage/deck

Place of worship

Outdoor pavilion

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  
Theater, movie/multiplex  
Triplex

(b) Conditional use permit:

Automobile repair  
Convention Center  
Drive-through facilities  
Home business  
Hospital  
Night Club  
Public facilities, except for water/sewer pump stations  
Substation  
Telecommunication facility, including as an ancillary use to an existing structure  
Vehicle fuel sales

(c) Requirements:

(1) Intensity:

Minimum gross tract area/acres..... 10 (less than 10 if parcel is contiguous to land currently zoned RDA-1, except if separated by a public street)

Maximum residential development.....The total number of residential dwelling units within the Boswells Corner Redevelopment Area, as defined in the Comprehensive Plan, shall not exceed 750 units, including existing units, County approved units that are un-built, and proposed units.

Allocated density .....As listed in each transect zone referenced in Table 3.9(b)

Open Space Ratio, gross tract .....As listed in each Transect Zone referenced as Maximum Lot Occupancy in Table 3.9(b)

(2) Refer to Tables 3.9(a), 3.9(b), 3.9(c), 3.9(d), 3.9(e), and 3.9(f) for additional intensity regulations within specific Transect Zones

**Sec. 28-39. Special regulations.**

(t) Redevelopment Area – 1, Boswell’s Corner (RDA-1)

- (1) Applicability. The regulations and provisions for RDA-1, where permitted, by-right or with a conditional use permit, in accordance with Table 3.1 of this Chapter shall comply with this section. No use shall incorporate any of the regulations or provisions of this section unless reclassified as a RDA-1 district in accordance with this Chapter.
- (2) Submission requirements. An application requesting reclassification to this district shall include, in addition to the requirements of Article XII of this Chapter, the following additional information:
- a. A transportation network plan that designates the classification of the street(s) within the subject property, as categorized in the Traditional Neighborhood Development Plan element of the Comprehensive Plan.
  - b. Transect Zone Exhibit that denotes the limits of each transect zone on the subject property. The Transect Zones shall be in general conformance with the Transect Zone map included as part of the Boswell's Corner Redevelopment Plan.
- (3) Streets.
- a. The RDA-1 shall use the narrowest width of streets permitted to present the traditional town-center environment, reduce the speed of vehicles, and encourage pedestrian access throughout the RDA-1.
  - b. Refer to the Boswell's Corner Redevelopment Plan appendix to the Comprehensive Plan for the specific network of streets within the RDA-1 district.
- (4) Pedestrian Access.
- a. Development in the RDA-1 district shall provide for pedestrian accessibility with sidewalks along public streets to provide connectivity between residential, office, retail, and open space and recreational uses.
  - b. Residential uses shall be located within one thousand three hundred twenty (1,320) feet of supporting commercial retail uses, civic buildings, or civic uses.
- (5) Transect Zones.  
The RDA-1 shall be comprised of one or more of the following transect zones:
- a. T4, General Urban Zone.  
Consists of a mixed-use (including commercial), but primarily residential, urban fabric. It has a wide range of residential building types. Setbacks and landscaping are variable. Streets typically define medium-sized blocks.
  - b. T5, Urban Center Zone.  
Consists of higher density mixed-use building types that accommodate retail, offices, townhouses, and multifamily. It has a tight network of

streets with wide sidewalks, steady street tree planting, and buildings set close to the frontages.

c. T6, Urban Core Zone.

Consists of the highest density, with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks. Streets have steady street tree planting and buildings set close to the frontage.

(6) Specific regulations for all Transect Zones.

a. Regulations in addition to those found in Table 3.1 for the RDA-1 district, shall apply specifically to development within the Transect Zone. Modification or deviation from a specific regulation per Tables 3.9(a), 3.9(b), 3.9(c), 3.9(d), 3.9(e), and/or 3.9(f) for a Transect Zone may be approved by the Board as part the approval of the reclassification to the RDA-1 district.

b. All lots shall front on an existing, state-maintained street or a street meeting the requirements of Chapter 22 of the County Code with the exception of lots with non-residential uses and not subject to County Code Section 22-144.

c. The front setback for infill lots shall not be less than the shortest front setback established by the existing buildings on the same side of the street on the same block.

d. Setbacks from alleys shall be measured from the edge of the easement, not the centerline.

e. Street lights shall be designed to not cause any glare into any residential use that may be above the first floor at street grade.

f. Outdoor storage shall be screened from view of any principal street by a streetscreen and screened from view of any other street or adjoining property in compliance with Section 130 of the DCSL.

(7) Construction of infrastructure and amenities in all Transect Zones.

If any transportation, utility, open space, recreation, or other type of infrastructure and/or amenities are included as part of a development proposal, they shall be provided in accordance with the recommendations of the elements of the Comprehensive Plan.

(8) Parking and loading for all Transect Zones

a. Unless listed as prohibited, all parallel parking spaces shall count towards the required number of parking spaces, provided that the size of the parallel space is in compliance with County Code Section 28-102.

- b. The required parking for all uses within the Transect Zone shall be provided within the specific Transect Zone unless the required parking for a use is provided in another Transect Zone, provided:
    - i. The parking is tied to a specific list of uses that are sharing parking spaces per Table 3.7(b).
    - ii. The location of the parking spaces for a residential use is within 150 feet, and within 500 feet if for a non-residential use.
  - c. Parallel parking spaces shall not be designated or reserved for patrons of any particular use or building.
  - d. A private parking garage for a residential dwelling may be counted towards the required number of parking spaces; however, the driveway accessing the private parking garage shall not count towards the required number of parking spaces even if the area of the driveway is adequate for a parking space.
  - e. Other than parallel parking spaces, all parking spaces shall be accessed by an alley or a street that is not a principal street.
  - f. Parking lots, loading areas, and service areas shall be screened from any principal street by buildings or street screens.
  - g. Loading areas and service areas shall be connected to the parking area and shall not have direct access from any main street of the RDA-1.
  - h. Parking Garage/Deck Standards.
    - i. Parking garages/decks shall not exceed the eave height of any building that is located within 50 feet of the parking garage/deck.
    - ii. Parking garages/decks shall not front on a principal street, with the exception of access to the parking garage/deck.
    - iii. When located above grade, two or more sides of a structure shall not be less than fifty (50%) percent open on each floor or level, measured from the floor to the ceiling.
- (9) Parking and storage facilities for bicycles for all Transect Zones.
- a. Facilities for bicycle parking and/or storage shall be provided for all uses listed in Table 3.7(c).
  - b. Bicycle parking shall be visible, accessible, easy to use, convenient, and plentiful. Parking of bikes should preferably be covered, well lit, and in plain view without impeding pedestrians or motor vehicles.
  - c. The racks shall be installed on sidewalks that have five (5) or more feet of clear sidewalk space remaining.

- d. The racks shall be installed in a manner to prevent theft of the rack or the bicycles.
- e. The racks shall be four (4) feet from all fire hydrants, curb ramps, and building entrances.
- f. The racks shall be well distributed (have four or five racks distributed along the block rather than a group of four or five racks mid-block in one location).
- g. Located in areas of high pedestrian activity.
- h. The racks shall be located on the private property on which the use is located unless approved by the board as part of the reclassification to the RDA-1 district, provided the racks are located no more than 500 feet from the proposed use.
- i. Long-term bicycle storage facilities, such as “Bike Stations,” shall comply with the following:
  - i. Individual lockers are provided for one or two bicycles;
  - ii. Racks are within an enclosed, lockable room; and
  - iii. Racks are in an area that is monitored by security cameras or guards (guard station located no more than 100 feet from the rack(s)) and always in an area visible to employees.

(10) *Architectural standards in all Transect Zones.*

Development within the RDA-1 shall incorporate the following design standards, unless design guidelines that meet the intent of these standards are submitted and approved as part of a reclassification.

- a. The exterior finish material on all facades, colors of balconies and porches, and material for fences along the principal or side street line shall be determined by the following criteria and in general conformance with the illustrations in the Boswell’s Corner Redevelopment Plan appendix to the Comprehensive Plan.
- b. Flat roofs will be enclosed by parapets. Parapets shall be tall enough to conceal all mechanical equipment located on a roof from view of any street; however, no parapet shall be less than forty-two (42) inches tall.
- c. Mechanical equipment, whether located on the ground or on the roof of a building, shall be screened so that it is not visible from any street.
- d. To maintain positive drainage of rainfall, all residential buildings, excluding multifamily units, shall have pitched roofs that shall be symmetrically sloped no less than 6:12, except that porches and attached sheds may be no less than 2:12.

- e. Any building shall be faced on all sides with durable, attractive, high-quality materials, comparable to clay brick, stone, wood, architectural concrete masonry unit (e.g., regal stone, split face, precision, ground face), precast concrete panels, or architectural metal panels. All elevations visible from the nearest edge of any existing or proposed public right-of-way shall have a combination of primary and accent materials. In no case shall Exterior Insulation and Finish Systems (EIFS), corrugated or channeled metal, pre-engineered metal, exposed metal wall system, unfinished/smooth face concrete block, or simulated masonry be used as a primary exterior façade. Where parking structures are used, the exterior facades shall be compatible with respect to materials, accents, and color.
- f. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate vertical elements such as wall plane projections or recesses having a depth of at least three (3) percent of the façade length, and extending at least twenty (20) percent of the façade length. In no case shall an uninterrupted façade length exceed one hundred (100) feet. Each projection or recess shall show a change in color, texture, or pattern.
- g. Ground floor facades that face a public street shall have arcades, display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.
- h. Facades must include a repeating pattern that shall include no less than three (3) of the following elements: color change; texture change; material module change, expression of architectural or structural bay though a change in plane no less than twelve (12) inches in width, such as an offset, reveal, or protecting rib. At least one (1) of these elements shall repeat horizontally or vertically.
- i. With the exception of flat roofs, all roof materials shall be durable, high-quality materials, comparable to standing seam metal or architectural grade dimensional asphalt shingles.
- j. The primary building façade shall incorporate two (2) types of roof features or designs such as overhanging eaves (extending no less than three (3) feet past the supporting walls; sloping roofs or pitched roofs that do not exceed the average height of the supporting walls with a slope between 1:3 and 1:1 (rise:run) along the primary building façade; three (3) or more roof slope planes; or raised accent elements such as dormer windows, gables, and chimneys.
- k. Each commercial building shall have clearly defined, highly visible customer entrances featuring no less than three of the following: canopies or porticos; overhangs; recess/projections; arcades; raised corniced parapets over the door; peaked roof forms; arches; outdoor patios; display windows; architectural details such as tile work and

moldings which are integrated into the building structures and design; or, integral planters or wing walls that incorporated landscaped areas and/or places for sitting.

- (11) Encroachments and projections in all Transect Zones.
- a. Awnings may encroach on the public sidewalk, provided that the sidewalk is not located within the right-of-way.
  - b. Stoops may encroach one hundred percent (100%) of the depth of the setback.
  - c. Open porches and awnings may encroach up to fifty percent (50%) of the depth of the setback.
  - d. Balconies and bay windows may encroach up to twenty five percent (25%) of the depth of the setback.
- (12) Additional regulations for T-4 Transect Zones.
- a. A minimum residential housing mix of three (3) types, such as but not limited to: townhouse, duplex, triplex, patio, atrium, or village, shall be provided; and each type shall consist of at least twenty percent (20%) of the total number of residential units within the transect zone.
  - b. Average lighting levels for street lights measured at the building frontage shall not exceed 2.0 fc (foot-candles).
  - c. Except for a secondary dwelling fifty (50) or more years in age upon referral of the Stafford County Historic Commission, no more than one (1) principal dwelling and one (1) accessory dwelling, or one (1) carriage house shall be permitted on one (1) lot.
- (13) Additional regulations for T-5 Transect Zones.
- a. All primary buildings shall have their principal pedestrian entrances along the street. For a corner lot, the pedestrian entrance shall be along the principal street.
  - b. Facades shall be built parallel to the principal street frontage line along a minimum of seventy percent (70%) of its length of the lot. A streetscreen shall be built along the remainder of the length of the lot.
  - c. The floor at street grade of a residential unit or a building used for lodging shall be raised a minimum of two (2) feet above the average grade of the sidewalk.
  - d. All parking areas, including parking garages/decks, shall have pedestrian access to the principal street, except for a parking garage that is below the average grade of the principal street. Pedestrian access shall be provided from the principal street through the building which contains a parking garage below the average grade of the street.

e. Average lighting levels measured at the building frontage shall not exceed 5.0 fc (foot-candles).

(14) Additional regulations for T-6 Transect Zones.

a. All principal buildings shall have pedestrian access to a street. For a corner lot, the pedestrian access shall be along the principal street.

b. The façade for buildings shall be built parallel to the principal street frontage line along a minimum of eighty percent (80%) of its length of the lot. The remainder of the length shall be a streetscreen.

c. The floor at street grade of residential units or a building used for lodging shall be a minimum of two (2) feet above the average grade of the sidewalk.

d. Awnings may encroach the public sidewalk without limit, provided the sidewalk is not within the right-of-way.

e. All parking areas, including parking garages/decks, shall have pedestrian access to the principal street except for a parking garage that is below the average grade of the principal street. Pedestrian access shall be provided from the principal street through the building which contains a parking garage below the average grade of the street.

f. Average lighting levels measured at the building frontage shall not exceed 5.0 fc (foot-candles).

(15) List of uses permitted within specific Transect Zones.

a. All uses listed in Table 3.1 are subject to specific Transect Zones and may not be permitted in a particular Transect Zone, either by-right or with a Conditional Use Permit (CUP), unless listed in the following tables.

b. Only the uses listed in the following tables are permitted in the RDA-1, either by-right or with a CUP. All other uses are prohibited in the RDA-1.

**Table 3.6 (a) Residential uses within Transect Zones.**

<u>Residential Use</u>	<u>T4</u>	<u>T5</u>	<u>T6</u>
Single-Family Detached	By-right		
Duplex	By-right		
Semi-detached	By-right		

<u>Townhouse</u>	<u>By-right</u>	<u>By-right</u>	
<u>Triplex</u>	<u>By-right</u>	<u>By-right</u>	
<u>Three-family attached</u>	<u>By-right</u>	<u>By-right</u>	
<u>Quadruple-attached</u>	<u>By-right</u>	<u>By-right</u>	
<u>Atrium</u>	<u>By-right</u>	<u>By-right</u>	
<u>Village</u>	<u>By-right</u>	<u>By-right</u>	
<u>Lot-line</u>	<u>By-right</u>	<u>By-right</u>	
<u>Patio house</u>	<u>By-right</u>	<u>By-right</u>	
<u>Accessory Dwelling</u>	<u>By-right</u>		
<u>Carriage House</u>	<u>By-right</u>		
<u>Condominium</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>
<u>Multifamily</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>
<u>Live/work units</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>

**Table 3.6(b) Lodging Uses Within Transect Zones.**

<b><u>Lodging</u></b>	<b><u>T4</u></b>	<b><u>T5</u></b>	<b><u>T6</u></b>
<u>Hotel</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>
<u>School Dormitory</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>

**Table 3.6 (c) Office Uses Within Transect Zones.**

<b><u>Office Use</u></b>	<b><u>T4</u></b>	<b><u>T5</u></b>	<b><u>T6</u></b>
<u>Professional Office</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>
<u>Medical/Dental Office</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>
<u>Medical/Dental Clinic</u>			<u>By-right</u>
<u>Bank/Lenders Inst. Without drive-through</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>

Use with drive-through	CUP	CUP	CUP
Live/work unit	By-right	By-right	By-right
Home Occupation	By-right	By-right	By-right
Home Business	CUP	CUP	

**Table 3.6(d) Institutional Uses Within Transect Zones.**

<b><i>Institutional</i></b>	<b><i>T4</i></b>	<b><i>T5</i></b>	<b><i>T6</i></b>
Day Care Center	By-right	By-right	By-right
Elementary School	By-right		
College/University		By-right	By-right
Vocational School	By-right	By-right	By-right
Instruction with studio	By-right	By-right	By-right
Place of Worship	By-right		

**Table 3.6(e) Retail/Eating Establishments Uses Within Transect Zones.**

<b><i>Retail/Eating Establishments</i></b>	<b><i>T4</i></b>	<b><i>T5</i></b>	<b><i>T6</i></b>
Open-Market	By-right	By-right	By-right
Retail uses permitted by-right in B-2 Zoning Dist.	By-right	By-right	By-right
High intensity retail not otherwise listed		By-right	By-right
Vehicle Fuel Sales	CUP	CUP	
Automobile Repair	CUP		
Push Cart			By-right
Kiosk	By-right	By-right	By-right
Restaurant	By-right	By-right	By-right
Night Club		CUP	CUP
Carry-out/Café with no drive-through	By-right	By-right	By-right
Use with drive through	CUP	CUP	CUP

**Table 3.6(f) Cultural/Entertainment Uses Within Transect Zones.**

<b><i>Cultural / Entertainment</i></b>	<b><i>T4</i></b>	<b><i>T5</i></b>	<b><i>T6</i></b>
<u>Fountains / Public Art</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>
<u>Library</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>
<u>Museum</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>
<u>Outdoor Pavilion</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>
<u>Center for the Arts</u>		<u>By-right</u>	<u>By-right</u>
<u>Movie Theater</u>		<u>By-right</u>	<u>By-right</u>
<u>Conference Center</u>		<u>By-right</u>	<u>By-right</u>
<u>Convention Center</u>		<u>CUP</u>	<u>By-right</u>
<u>Exhibition Center</u>		<u>CUP</u>	<u>By-right</u>
<u>Bike station</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>

**Table 3.6(g) Public/Civic Uses Within Transect Zones.**

<b><i>Public/Civic Uses</i></b>	<b><i>T4</i></b>	<b><i>T5</i></b>	<b><i>T6</i></b>
<u>Fire / Rescue Station</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>
<u>Police Station</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>
<u>Hospital</u>		<u>CUP</u>	<u>CUP</u>
<u>Funeral Home</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>
<u>Water/Sewer Pump Station</u>	<u>By-right</u>	<u>By-right</u>	<u>By-right</u>
<u>Water Tank</u>	<u>By-right</u>		
<u>Substation</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
<u>Telecommunication Facility, including as an ancillary use to an existing structure</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
<u>Telecommunication Antennas as an ancillary use to an existing building</u>			<u>By-right</u>
<u>Parking Garage/Deck</u>		<u>By-right</u>	<u>By-right</u>

- (16) Parking regulations for all Transect Zones.
- a. The uses within all transect zones shall comply with the required number of parking spaces as listed in Table 3.7(a)
  - b. The RDA-1 shall be exempt from Article VII of this Chapter.

**Table 3.7(a) Parking requirements per use and transect zones.**

<u><i>Parking Requirements/ Uses</i></u>	<u><i>T4</i></u>	<u><i>T5, T6</i></u>
<u>Residential per Table 3.6(a)</u>	<u>1.5 spaces per unit</u>	<u>1.5 spaces per unit</u>
<u>Lodging per Table 3.6(b)</u>	<u>1.0 spaces per room</u>	<u>1.0 spaces per room</u>
<u>Retail/Eating Establishments per Table 3.6(c)</u>	<u>4.0 spaces per 1,000 square feet</u>	<u>3.0 spaces per 1,000 square feet</u>
<u>Institutional per Table 3.6(d)</u>	<u>Refer to Table 7.1 of the Zoning Ordinance.</u>	<u>Refer to Table 7.1 of the Zoning Ordinance.</u>
<u>Office per Table 3.6(e)</u>	<u>3.0 spaces per 1,000 square feet</u>	<u>2.0 spaces per 1,000 square feet</u>
<u>Cultural/Entertainment per Table 3.6(f)</u>	<u>Refer to Table 7.1 of the Zoning Ordinance.</u>	<u>Refer to Table 7.1 of the Zoning Ordinance.</u>
<u>Public/Civic per Table 3.6(g)</u>	<u>Refer to Table 7.1 of the Zoning Ordinance.</u>	<u>Refer to Table 7.1 of the Zoning Ordinance.</u>

- (17) Shared parking for specified uses in all Transect Zones.
- a. Only the uses listed in Table 3.7(b) may apply to the shared parking tabulations.
  - b. To determine the total number of spaces to be shared by two (2) categories, add the maximum number for each use and multiply the number by the factor then subtract that difference from the total. *Example:* Office use requires sixty (60) spaces and Retail use requires forty (40) spaces, total spaces required for both uses is 100; multiply by 1.2 = one hundred twenty (120); a difference of twenty (20), therefore, subtract twenty (20) from the original required parking of one hundred (100); number of spaces now required for both uses is eighty (80).
  - c. When more than two (2) categories in Table 3.7(b) will share parking, add the maximum number for each use and multiply the number by the smallest factor then subtract the difference from the total. *Example:* The multiple categories are residential, retail, and entertainment and the smallest factor is 1.1, the maximum number of spaces required is 500 and with a factor of 1.1, five hundred (500) x 1.1 = 550; five hundred (500) – fifty (50) = four hundred fifty (450) spaces required.

**Table 3.7(b) Shared Parking Factor.**

<u>Use with Use/Factor of reduction</u>	<u>Residential per Table 3.6(a)</u>	<u>Lodging per Table 3.6(b)</u>	<u>Office per Table 3.6(c)</u>	<u>Retail per Table 3.6(e)</u>	<u>Cultural/entertainment per Table 3.6(f)</u>
<u>Residential per Table 3.6(a)</u>	<u>1</u>	<u>1.1</u>	<u>1.4</u>	<u>1.2</u>	<u>1.1</u>
<u>Lodging per Table 3.6(b)</u>	<u>1.1</u>	<u>1</u>	<u>1.7</u>	<u>1.3</u>	<u>1.5</u>
<u>Office per Table 3.6(c)</u>	<u>1.4</u>	<u>1.7</u>	<u>1</u>	<u>1.2</u>	<u>1.4</u>
<u>Retail per Table 3.6(e)</u>	<u>1.2</u>	<u>1.3</u>	<u>1.2</u>	<u>1</u>	<u>1.4</u>
<u>Cultural/entertainment per Table 3.6(f)</u>	<u>1.1</u>	<u>1.5</u>	<u>1.4</u>	<u>1.4</u>	<u>1</u>

(18) Bicycle slot for each Transect Zones.

- a. Table 3.7(c) shall determine the number of slots for bicycle parking required per the type of use listed. If a use is not listed, it shall not require a slot for a bicycle. See County Code Section 28-39(t)(9) above for additional regulations pertaining to the location of the bicycle parking facilities.

**Table 3.7(c) Parking for Bicycles**

<u>Use</u>	<u>Number of slots required for parking bicycles</u>
<u>Multifamily units</u>	<u>1 slot per 10 units</u>
<u>Lodging per Table 3.2(b)</u>	<u>1 slot per 10 rooms</u>
<u>Office per Table 3.2(c)</u>	<u>1 slot per 6,000 square feet of office space within one side of a street on a block</u>
<u>Retail/Eating establishment per Table 3.2(e)</u>	<u>1 slot per 2,000 square feet of retail/eating establishments within one side of a street on a block</u>
<u>Schools – all types</u>	<u>1 slot per 100 students</u>
<u>Library</u>	<u>1 slot per 1,500 square feet</u>
<u>Community Building, museum, cultural center</u>	<u>1 slot per 2,500 square feet</u>
<u>Center for performing arts, auditorium, outdoor pavilion and other public assembly uses</u>	<u>1 slot per 100 seats</u>
<u>Bus depot, terminal</u>	<u>10 slots</u>
<u>Park</u>	<u>1 slot per 20 required parking spaces, minimum of 10 slots</u>

(19) Additional regulations and restrictions for all Transect Zones.

**Table 3.8(a) Additional Restrictions and Limitations for specific uses.**

<u>Transect Zone/</u>		

<u>Use</u>	<u>T4</u>	<u>T5, T6</u>
<u>Residential per Table 3.2(a)</u>		
<u>Lodging per Table 3.2(b)</u>	<u>Food service in the a.m. only. Extended stay facility prohibited. Additional parking required for dwelling.</u>	<u>No restrictions on food service.</u>
<u>Office per Table 3.2(c)</u>	<u>Additional parking required for dwelling.</u>	
<u>Retail per Table 3.2(e)</u>	<u>The building area available for retail use is limited to corner locations. Not more than one (1) retail use per block.</u>	

(20) Open and park spaces.

**Table 3.8(b) Open & Park Space.**

<u>Type of Open &amp; Park Space</u>	<u>Transect Zones</u>	<u>Description, Restrictions or Limitations</u>
<u>Open Space</u>	<u>T4, T5, &amp; T6</u>	<u>Generally unimproved or restored natural areas serving significant environmental functions or landscaped buffer and edge areas.</u>
<u>Square</u>	<u>T4, T5, &amp; T6</u>	<u>Areas spatially defined by surrounding building frontages with a landscape consisting of paths, lawns, shrubs, flowers, and trees, formally disposed and available for unconstructed recreation and civic purposes.</u>
<u>Plaza</u>	<u>T5 &amp; T6</u>	<u>Areas spatially defined by surrounding building frontages with a landscape consisting primarily of pavement with optional planters for trees, shrubs, and flowers, available for civic purposes and commercial activities such as a farmers market.</u>
<u>Playground/tot-lot</u>	<u>T4, T5, &amp; T6</u>	<u>Fenced areas designed and equipped for recreation of children. May be included with park or greens or stand alone as tot lots.</u>
<u>Green</u>	<u>T3, T4 &amp; T5</u>	<u>Areas spatially defined by their landscape of trees, shrubs, flowers and lawn available for unstructured recreation.</u>
<u>Recreational</u>	<u>T4, T5, &amp; T6</u>	<u>Areas improved for outdoor recreational activities.</u>

- (21) Additional density and intensity regulations for specific Transect Zones.  
The request for deviation or modification from the tables may be approved by the board with the reclassification approval for the RDA-1 district or upon agreement with the board and subject to the provision of appropriate additional off-site improvements.

**Table 3.9(a) Base Residential Density.**

<u>Transect Zones</u>	<u>T4</u>	<u>T5</u>	<u>T6</u>
<u>Base Residential Density - maximum</u>	<u>6 units / acres - gross</u>	<u>12 units / acres - gross</u>	<u>18 units / acres - gross</u>

**Table 3.9(b) Lot Occupancy.**

<u>Transect Zones</u>	<u>T4</u>	<u>T5</u>	<u>T6</u>
<u>Lot Width - minimum/maximum (feet)</u>	<u>18/96</u>	<u>18/180</u>	<u>18/700</u>
<u>Maximum Lot Coverage</u>	<u>70%</u>	<u>90%</u>	<u>95%</u>

**Table 3.9(c) Setbacks, main buildings.**

<u>Transect Zones</u>	<u>T4</u>	<u>T5</u>	<u>T6</u>
<u>Front – minimum/maximum (feet)</u>	<u>6 / 18</u>	<u>0 / 20</u>	<u>0 / 50</u>
<u>Side – minimum/maximum (feet)</u>	<u>0 / none</u>	<u>0 / 24</u>	<u>0 / 24</u>
<u>Rear – minimum (feet)</u>	<u>3</u>	<u>3</u>	<u>0</u>

In the T-5 zone and T-6 zone, if a use is associated with state or federal government agencies or contractors for state or federal agencies that require building design and location standards for security purposes, the Agent to the Board may waive the above-noted maximum setback requirements upon finding that the project is not detrimental to the character of the surrounding area. Any appeal of the Agent’s decision shall be made to the board.

**Table 3.9(d) Setbacks, accessory buildings.**

<u>Transect Zones</u>	<u>T4</u>	<u>T5</u>	<u>T6</u>
<u>Front (feet)</u>	<u>20 feet behind the setback of the main bldg</u>	<u>Setback of the main bldg and no more than 40 feet from rear property line</u>	<u>0</u>

Side (feet)	<u>0</u>	<u>0</u>	<u>0</u>
Rear (feet)	<u>3</u>	<u>3</u>	<u>0</u>

**Table 3.9(e) Heights / Number of Stories.**

<b><u>Transect Zones</u></b>	<b><u>T4</u></b>	<b><u>T5</u></b>	<b><u>T6</u></b>
<u>Maximum Height (feet)</u>	<u>65</u>	<u>75 at the finished floor level of the top story</u>	<u>75 at the finished floor level of the top story</u>
<u>Number of stories – minimum/maximum</u>	<u>2 / 4</u>	<u>2 / 6</u>	<u>1 / 6</u>

**Table 3.9(f) Building height to street ratio.**

The building height ratio is the distance between the right-of-way line at the opposite side of the street from the building to the front edge of the building (width) and the distance from the right-of-way line at the opposite side of the street from the building to the top of the building (height). The building may terrace back each story provided that the ratio is maintained.

<b><u>Transect Zones</u></b>	<b><u>T4</u></b>	<b><u>T5</u></b>	<b><u>T6</u></b>
<u>Building Height to Street Ratio</u>	<u>N/A</u>	<u>N/A</u>	<u>3(height):2(width)</u>

- (22) The maximum number of dwelling units (existing and future) in each transect zone in the RDA-1 district shall not exceed the numbers provided on the regulating plan referenced as part of the Boswell’s Corner Redevelopment Area Plan, and entitled “Regulating Plan, Boswell’s Corner Redevelopment Area”.
- (23) Addresses and street names for streets and travelways in all Transect Zones.  
All travelways and/or streets which provide access to a building shall be named as approved by the Planning & Zoning Department. Any building or unit whose primary access will be via the travelway or street shall be assigned an address number to that travelway or street. When the travelway is a secondary access for a residential use and the lot has a carriage house, the carriage house shall be assigned an address to the travelway and the principal resident shall have an address of the main street it fronts on, even if the principal resident’s vehicle access is from the travel way.
- (24) Landscape, buffering and screening.  
The RDA-1 district shall be exempt from County Code Sec. 28-82 and Sec. 28-86. A RDA-1 development shall be subject to the transitional

buffer requirements along the perimeter of the RDA-1, if applicable, per Section 110.3 of the DCSL.

**Sec. 28-137. Types of signs permitted in P-TND and RDA-1 districts.**

Planning and Zoning; Amend Section 28-35, Table 3.1, “District Uses and Standards” Regarding Floor Area Ratio (FAR) Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Milde asked about fees. Mr. Harvey replied, “\$10,000 and up depending on the size of the project.” Ms. Stimpson talked about economic impact. Mr. Harvey said that this amendment was needed to level the playing field with surrounding localities.

Mr. Woodson indicated that he would be voting against Floor Area Ratios as he felt that it gave the County less oversight and less control. Mr. Harvey said that it could, potentially, create less oversight.

Dr. Crisp stated that in his opinion, this was a much needed amendment adding that current FAR’s inhibit business development in the County and that now, with UDAs on the books, Stafford County must be competitive with surrounding localities.

Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Ordinance O11-10.

The Voting Board tally was:

Yea: (5) Milde, Stimpson, Dudenhefer, Crisp, Snellings

Nay: (1) Woodson

Absent: (1) Sterling

Ordinance O11-10 reads as follows:

AN ORDINANCE TO AMEND STAFFORD COUNTY CODE, SECTION 28-39(q)(4)a., “T1, NATURAL ZONE,” OF THE ZONING ORDINANCE

WHEREAS, H. Clark Leming, applicant for the Clift Farm Quarter reclassification, requested a text amendment to a portion of the Planned – Traditional Neighborhood Development (P-TND) Zoning District standards that would apply to the proposed development; and

WHEREAS, the Board desires to amend Stafford County Code, Section 28-39(q)(4)a., entitled “T1, natural zone,” of the Zoning Ordinance to promote the higher development densities provided for in the P-TND Zoning District and Urban Development Area standards in the Comprehensive Plan; and

WHEREAS, the Board has carefully considered the recommendations of the Planning Commission and staff, and public testimony at the public hearing; 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 ORDAINED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that Stafford County Code, Section 28-39(q)(4)a. “T1, Natural Zone,” be and it hereby is amended:

Section. 28-39. Special Regulations.

- (q) Planned – Traditional Neighborhood Development (P-TND).
- (r) Planned – Traditional Neighborhood Development (P-TND).
- (4) *Transect Zones.* The traditional neighborhood development (TND) shall comprise of all or some of the following transect zones:
  - a. *T1, natural zone.* Consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. This shall include all lands designated as critical resource protection area (CRPA), ~~any lands adjoining CRPA which have a slope equal to or greater than twenty five (25) percent, and an area of thirty five (35) feet in width from an intermittent stream if the intermittent stream adjoins the CRPA,~~ unless approved by the appropriate county, state, or federal offices to permit certain activities within the CRPA, ~~steep slope or the intermittent stream.~~

BE IT FURTHER ORDAINED that this Ordinance shall take effect on June 21, 2011.

Planning and Zoning; Amend Stafford County Code, Section 28-25, “Definitions of Specific Terms” and Chapter 28, Article X, “Conditional Zoning” Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Woodson noted that he would be voting against the new procedure adding that while developers may not like the oversight, it was in the best interest of the citizens of the County adding that protection of the public’s interest is primary.

Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Ordinance O11-18.

The Voting Board tally on the motion was:

Yea: (5) Milde, Stimpson, Crisp, Dudenhefer, Snellings

Nay: (1) Woodson

Absent: (1) Sterling

Ordinance O11-18 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-25, “DEFINITIONS OF SPECIFIC TERMS,” AND CHAPTER 28, ARTICLE X, “CONDITIONAL ZONING”

WHEREAS, the Board currently utilizes conditional zoning authority under Virginia Code § 15.2-2298; and

WHEREAS, under Virginia Code § 15.2-2298(A) the Board is expressly authorized to utilize conditional zoning authority under Virginia Code § 15.2-2303; and

WHEREAS, pursuant to Virginia Code § 15.2-2298(A), the Board desires to utilize conditional zoning authority under Virginia Code § 15.2-2303; and

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

WHEREAS, the Board finds that adopting and utilizing conditional zoning authority under Virginia Code § 15.2-2303 is in the best interest of the County and its citizens; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that Stafford County Code, Section 28-25, “Definitions of specific terms,” and Chapter 28, Article X, “Conditional Zoning,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

### **Chapter 28 – ZONING ORDINANCE**

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

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

Conditional zoning means, as part of classifying land within the county into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

### **ARTICLE X. – CONDITIONAL ZONING**

#### **Sec. 28-161. – Authority.**

Pursuant to Virginia Code § 15.2-2298(A), the board of supervisors hereby adopts and utilizes the conditional zoning authority granted under Virginia Code § 15.2-2303.

State law references: Virginia Code §§ 15.2-2298 and 15.2-2303.

#### **~~Sec. 28-161. – Purpose.~~**

~~The purpose of conditional zoning is to provide for the reasonable and orderly development and use of land in those situations in which circumstances indicate that the existing district regulations are not adequate. Conditional rezoning is intended to be used where reasonable conditions, voluntarily proffered by the applicant for rezoning and not generally applicable to land similarly zoned, would make the requested rezoning compatible with the surrounding zone districts and uses.~~

#### **~~Sec. 28-162. – Applicability.~~**

~~A conditional zoning district is a zoning district, or portion thereof, which has been established pursuant to the provisions of this article, and which is subject to certain reasonable conditions voluntarily proffered in writing by the owner, or agent of the owner, and agreed to by the board of supervisors as part of a reclassification of property in a zone district.~~

~~The voluntary conditions proffered by the applicant for a conditional rezoning, if approved by the board of supervisors, are applicable in addition to those regulations applicable to a particular zoning district or portion thereof.~~

**Sec. 28-163 162. – Review and requirements.**

~~(a) — [Applications.] Applicants for rezoning using proffers, major proffer amendments or minor proffer amendments shall make application on forms provided by the planning department to the director of planning or his designee and shall include the voluntarily proffered conditions, or a statement of intent to file written proffers, the required fee, an affidavit and required analysis of significant impact. The director of planning or his designee shall forward the application to the planning commission for a public hearing, after proper legal notice, who shall make its findings and recommendation to the board of supervisors. The board of supervisors shall advertise and hold a public hearing pursuant to the requirements of this article after which it shall vote on the application. The board may consider additional proffers, withdrawal of proffers, substantial changes the package of proffers, or amendments to conditions, if the same have been voluntarily proffered in writing by the applicant and the owner.~~

(a) Any applicant(s) for rezoning, major proffer amendments, or minor proffer amendments and the property owner(s), may, as part of a zoning map amendment, voluntarily proffer reasonable conditions in addition to the conditions provided for in the zoning district(s) by the zoning ordinance, including, but not limited to, off-site improvements, dedications of real property, and/or cash payments.

(b) Any applicant(s) for rezoning, major proffer amendments, or minor proffer amendments and the property owner(s) who wish to submit voluntary proffers for the board of supervisors' consideration shall submit the proffers to the director of planning and zoning or his designee on forms provided by the planning and zoning department.

(1) Every proffer statement shall include the voluntarily proffered conditions and a statement that the applicant(s) and property owner(s) voluntarily proffer the conditions.

(2) Every proffer statement shall state that the applicant(s) and property owner(s) proffer that the use and development of the property shall be in strict accordance with the proffered conditions.

(3) Any revised proffer statements shall state that it supersedes any previously submitted proffer statements and shall show the revisions (i) on the face of the revised proffer statement by appropriate annotation, and (ii) by reference to a narrative description of changes that is submitted with the revised proffer statement.

(4) In the event that the applicant(s) and property owner(s) voluntarily proffer to develop and use the property in accordance with the schematic land use plan, or other plans, proffers, elevations, demonstrative materials, and written statements submitted as part of the general development plan, the proffer statement shall so state and each copy of such materials shall so provide, in accordance with the provisions of the adopted proffer policy.

- (5) Every proffer statement shall be signed and acknowledged by the applicant(s) and the property owner(s). Every proffer statement shall be notarized.
- (c) The director of planning and zoning or his designee shall forward the rezoning application to the planning commission for a public hearing. After proper legal notice and a public hearing, the planning commission shall make its recommendation to the board of supervisors.
- (d) The board of supervisors shall advertise and hold a public hearing pursuant to the requirements of this article after which it shall vote on the rezoning application. The board may consider any proffers that are voluntarily proffered in writing, signed by the applicant(s) and the property owner(s), and submitted in advance of the public hearing. The board may accept amended proffers once the public hearing has begun only if the amended proffers are in writing, signed by the applicant(s) and property owner(s), and do not materially affect the overall rezoning application. The board, when acting on an application for a zoning map amendment, may accept proffered conditions as part of a zoning ordinance amendment.
- (e) Once accepted by the board of supervisors, proffered conditions shall be binding on the use and development of the property that was the subject of the zoning map amendment, and shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions. However, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance and/or zoning map.
- ~~(b)~~(f) *Minor amendments to approved proffers.* In an approved conditional zoning, based upon approved proffers by the owner(s) of the property, minor amendments to approved proffers shall be allowed subject to the following requirements:
- (1) No more than two (2) proffered conditions can be changed at the time of request;
  - (2) Changes do not materially affect site layout; and
  - (3) Changes do not affect intensity, use, or functionality of the site.
  - (4) Applications pursuant to this paragraph may be exempt from the requirements of County Code subsection 28-203(e).
- ~~(e)~~(g) *Major amendments to approved proffers.* Any amendment to proffered conditions other than that defined in subsection ~~(b)~~(f).

**State law references:** Virginia Code § 15.2-2303.

**Sec. 28-164. Requirements.**

~~(a) — *Requirements for proffers.* Conditional rezoning, based upon proffers by the owner of the property, will be allowed subject to the following requirements:~~

- ~~(1) — The proffered conditions must be part of the rezoning request;~~
- ~~(2) — The proffered conditions must be offered by the owner prior to the public hearing of the board of supervisors, except that the board may accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal;~~
- ~~(3) — The proffered conditions must be voluntarily offered by the property owner;~~
- ~~(4) — The proffered conditions must be in writing and signed by the owner;~~
- ~~(5) — The proffered conditions must be reasonable;~~
- ~~(6) — The rezoning itself gives rise to the need for the proffered conditions;~~
- ~~(7) — Such conditions have a reasonable relation to the rezoning; and~~
- ~~(8) — All such proffered conditions are in conformity with the comprehensive plan of the county and with the requirements of the Code of Virginia.~~

~~(b) — *Dedications included in proffers.* In the event that a proffer includes the dedication of real property or the payment of cash, such property shall not transfer and such cash payment shall not be made until the facilities for which such property is dedicated or cash is tendered are included in the capital improvements program of the county; provided however, that nothing herein shall prohibit the county from accepting proffered conditions which are not normally included in the capital improvements program.~~

~~If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall include provisions for the disposition of the property or cash in the event the property or cash is not used for the purpose for which it was proffered. Such provisions may include the return of the property or cash to the owner, or such other disposition as is agreed to by the county and the owner at the time the proffer is made.~~

~~**Sec. 28-165. — Appeals.**~~

~~Appeals of a decision of the board of supervisors may be taken to the Stafford County Circuit Court, as prescribed by law.~~

~~**Sec. 28-166 163. - Indexing of conditions.**~~

~~The zoning map shall show, by an appropriate symbol on the map, the existence of proffered conditions attaching to the zoning on the zoning map. The zoning administrator or his designee shall keep in his office and make available for public inspection a conditional zoning index. The index shall provide ready access to any zoning ordinance amendment creating proffered conditions in addition to the regulations for in a~~

particular zoning district. The index shall also provide ready access to all proffered cash payments and expenditures disclosure reports prepared by the board of supervisors pursuant to Virginia Code § 15.2-2303.2. The zoning administrator or his designee shall update the index annually and no later than November 30 of each year.

State law references: Virginia Code §§ 15.2-2300 and 15.2-2303.

**Sec. 28-167 164. - Enforcement of conditions.**

- (a) Any site plan, subdivision plan, development plan, or permit application thereafter submitted for development of property to which proffered conditions have attached shall conform with all such conditions, and shall not be approved by any county official in the absence of such conformity. For the purpose of this section, conformity shall mean such conformity which leaves a reasonable margin of adjustment due to final engineering data, but conforms with the general nature and intent of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials presented by the applicant.
- (b) The zoning administrator or his designee shall be vested with all necessary authority on behalf of the board of supervisors to administer and enforce conditions attached to a rezoning or a zoning map amendment, including but not limited to:
- (1) Issuance of written orders requiring to compliance with such conditions;
  - (2) Initiating legal action to ensure compliance with the proffered conditions, including injunction, abatement, or other appropriate action or proceeding;
  - (3) Requiring a guarantee ~~or contract, or both,~~ satisfactory to the board of supervisors, in an amount sufficient for and conditioned upon the for construction of any physical improvements required by the proffered conditions and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the board of supervisors or its agent thereof, upon the submission of satisfactory evidence that construction of the improvements is complete in whole or in part; and/or
  - (4) Denial of issuance of any use, occupancy, or building permits. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy or building permits.

State law references: Virginia Code §§ 15.2-2299 and 15.2-2303.

**Sec. 28-165. Amendments and variations of conditions.**

There shall be no amendment or variation of conditions created pursuant to the provisions of Virginia Code §§ 15.2-2298 or 15.2-2303 until after a public hearing before the governing body advertised pursuant to the provisions of Virginia Code § 15.2-2204.

State law references: Virginia Code §§ 15.2-2298, 15.2-2302, and 15.2-2303.

~~Secs. 28-168 – 28-180. Reserved.~~

Planning and Zoning; Amend Section 28-39 (q)(4)A, “T1 Natural Zone – Traditional Neighborhood Development Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Clark Leming, Applicant, also answered Board members questions and provided a diagram of Clift Farms.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Snellings asked about the impact on Chesapeake Bay Act regulations. Mr. Harvey said that the ordinance goes beyond current restrictions. In response to Dr. Crisp’s question, Mr. Leming said that there are two perennial streams on the property.

Mr. Woodson said that he would oppose this change because it reverses environmental protection efforts for the County. Dr. Crisp said that he is not happy with the definition of “intermittent streams” and the restriction on steep slopes adjacent to the resource protection area (RPA). Dr. Crisp added that he was not opposed to a change from 25% to 35% on steep slopes.

Mr. Milde motioned, seconded by Mr. Snellings, to adopt proposed Ordinance O11-01.

The Voting Board tally was:

Yea: (4) Milde, Snellings, Dudenhefer, Stimpson,  
Nay: (2) Crisp, Woodson  
Absent: (1) Sterling

Ordinance O11-01 reads as follows:

AN ORDINANCE TO AMEND STAFFORD COUNTY CODE,  
SECTION 28-39(q)(4)a., “T1, NATURAL ZONE,” OF THE  
ZONING ORDINANCE

WHEREAS, H. Clark Leming, applicant for the Clift Farm Quarter reclassification, requested a text amendment to a portion of the Planned – Traditional Neighborhood Development (P-TND) Zoning District standards that would apply to the proposed development; and

WHEREAS, the Board desires to amend Stafford County Code, Section 28-39(q)(4)a., entitled “T1, natural zone,” of the Zoning Ordinance to promote the higher development densities provided for in the P-TND Zoning District and Urban Development Area standards in the Comprehensive Plan; and

WHEREAS, the Board has carefully considered the recommendations of the Planning Commission and staff, and public testimony at the public hearing; 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 ORDAINED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that Stafford County Code, Section 28-39(q)(4)a. “T1, Natural Zone,” be and it hereby is amended:

Section. 28-39. Special Regulations.

- (r) Planned – Traditional Neighborhood Development (P-TND).
- (5) *Transect Zones.* The traditional neighborhood development (TND) shall comprise of all or some of the following transect zones:
  - (b) *T1, natural zone.* Consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. This shall include all lands designated as critical resource protection area (CRPA), ~~any lands adjoining CRPA which have a slope equal to or greater than twenty-five (25) percent, and an area of thirty five (35) feet in width from an intermittent stream if the intermittent stream adjoins the CRPA,~~ unless approved by the appropriate county, state, or federal offices to permit certain activities within the CRPA, ~~steep slope or the intermittent stream.~~

BE IT FURTHER ORDAINED that this Ordinance shall take effect on June 21, 2011.

Recess At 8:50 P.M., the Chairman declared a recess.

Call to Order At 8:58 P.M., the Chairman called the meeting back to order.

Planning and Zoning; Consider an Amendment to the Subdivision Ordinance Regarding On-Site Soil Evaluators (OSE) Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Dr. Crisp motioned, seconded by Ms. Stimpson, to adopt proposed Ordinance O11-19.

The Voting Board tally was:

Yea: (6) Milde, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Absent: (1) Sterling

Ordinance O11-19 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 22-87 “CONTENT,” OF THE SUBDIVISION ORDINANCE

WHEREAS, the General Assembly amended Virginia Code §§ 32.1-163, 54.1-2301, and 54.1-2302; and

WHEREAS, the Board desires to amend and reenact Stafford County Code, Section 22-87, entitled “Content,” to bring it into compliance with the Virginia Code; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of June, 2011, that Stafford County Code, Section 22-87, entitled “Content,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Section. 22-87. Content.**

(e) (12) *Drainfields*: Lots to be served by on-site sewage disposal system approved by the department of health shall include the following statements:

a. ~~Authorized Licensed On-Site Soil Evaluator (AOSE)~~ (LOSE) ~~certification statement:~~

"This is to certify according to Section 32.1-163.5 of the Code of Virginia, 1950 as amended, that work submitted for each lot in this subdivision is in accordance to and complies with the *Sewage Handling and Disposal Regulations* (and *Private Well Regulations* if applicable) of the Virginia Department of Health and all local Stafford County ordinances related to onsite sewage disposal systems and private wells. All proposed onsite sewage disposal systems areas (primary and reserve) will support systems that have general approval under, or for which design criteria

are contained in, the *Sewage Handling and Disposal Regulations* (excludes provisional systems, experimental systems, and systems with conditions). I recommend approval of this subdivision."

Typed name of <del>AOSE</del> <u>LOSE</u>	<del>AOSE</del> <u>LOSE</u> #
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Signature of <del>AOSE</del> <u>LOSE</u>	Date
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*b. Health department statement:*

"This subdivision was submitted to the Health Department pursuant to Section 32.1-163.5 of the Code of Virginia, 1950 as amended, which requires the Health Department to accept private soil evaluation and designs from an ~~Authorized Licensed~~ On-Site Soil Evaluator (AOSE) (LOSE) or a Professional Engineer working in consultation with an ~~AOSE~~ LOSE for residential development. The Department is not required to review these evaluations. This subdivision has been certified as being in compliance with the Board of Health's regulations by an ~~AOSE~~ LOSE (see ~~AOSE~~ LOSE Certification Statement on this plat). This subdivision approval is issued in reliance upon that certification.

"Pursuant to Section 360 of the *Sewage Handling and Disposal Regulations* this approval is not an assurance that Sewage Disposal System Construction Permits will be issued for any lot in the subdivision unless that lot is specifically identified as having an approved site for an onsite sewage disposal system, and unless all conditions and circumstances are present at the time of application for a permit as are present at the time of this approval.

A permit will not be issued for any lot later identified as being incorrectly certified. This subdivision may contain lots that do not have approved sites for onsite sewage disposal systems. "The Health Department's dated signature on this plat represents verification that on this date the site and soil evaluator (see ~~AOSE~~ LOSE Certification Statement) is ~~certified by the Virginia Department of Health as an Authorized Onsite Soil Evaluator (AOSE)~~ licensed by the Virginia Department of Professional and Occupational Regulation (DPOR) as a Licensed Onsite Soil Evaluator (LOSE)."

BE IT FURTHER ORDAINED that this Ordinance shall take effect on June 21, 2011.

Parks, Recreation and Community Facilities; Authorize a Conservation Easement at Embrey Mill Mr. Chris Hoppe, Director of Parks, Recreation and Community Facilities, gave a presentation and answered Board members questions. Mr. Dudenhefer requested that a copy of the Embrey Mill design be provided and inquired about the number of acres available. Mr. Hoppe responded that there are 10.7 acres at the site. Mr. Woodson requested that the spelling of the word "easement" be corrected on the resolution.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Woodson motioned, seconded by Dr. Crisp, to adopt proposed Resolution R11-180.

The Voting Board tally was:

Yea: (6) Milde, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Absent: (1) Sterling

Resolution R11-180 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO CONVEY A PRESERVATION EASEMENT ON COUNTY-OWNED  
PROPERTY IN THE EMBREY MILL DEVELOPMENT

WHEREAS, this property, Instrument #080011653, was conveyed to the County in June 2008 to fulfill a proffer requirement; and

WHEREAS, the U. S. Army Corps of Engineers Permit No. 03-V1324-45, which covers the entire Embrey Mill development, requires preservation easements to protect stream valley environments including on the County-owned property; and

WHEREAS, this easement will not negatively impact future uses of the parcel;  
and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of June, 2011, that the County Administrator be and he hereby is authorized to convey a preservation easement on County-owned property in the Embrey Mill development.

Legislative: Authorize Stafford County to Join the George Washington Toll Road

Authority Anthony Romanello, County Administrator, gave a presentation and answered Board members questions. He explained that at the second public hearing, scheduled for July 5, 2011, the Board will be asked to name three appointees to serve on the Authority.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Adjournment At 9:06, the Chairman declared the meeting adjourned.

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Anthony J. Romanello, ICMA-CM  
County Administrator

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Mark Dudenhefer  
Chairman