

# Spotsylvania County Planning Commission

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Holbert Building Board Room, 9104 Courthouse Road, Spotsylvania VA 22553

**MINUTES:** October 17, 2018

**Call to Order:** Mr. Newhouse called the meeting to order at 7:00 p.m.

**Members Present:**

Richard Thompson	Courtland
Howard Smith	Livingston
Gregg Newhouse	Chancellor
Jennifer Maddox	Berkeley
C. Travis Bullock	Battlefield
Michael Medina	Salem

**Members Absent:** Mary Lee Carter Lee Hill

**Staff Present:**

Paulette Mann, Planning Commission Secretary  
Wanda Parrish, AICP, Director of Planning  
Kimberly Pomatto, CZA, Planner III  
Alexandra Spaulding, Senior Assistant County Attorney  
Jacob Pastwik, AICP, Planner III  
Troy Tignor, Zoning Administrator  
Richard Street, Sr. Environmental Engineer

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**Announcements:** There were no announcements

## **Review & Approval of minutes:**

Mr. Newhouse advised the Commission that Ms. Mann corrected SCC to sPower within Mr. Mueller's comments on page 13 and also corrected a typo within that same paragraph.

**Motion and vote:** Mr. Thompson made a motion, seconded by Mr. Smith to approve the revised minutes of October 3, 2018. The motion passed 6-0.

**Unfinished Business:** None

## **Review & Approval of preliminary Plat(s):**

### **P18-0003 Regency at Chancellorsville North**

Ms. Pomatto presented the plat. The preliminary plat for Regency at Chancellorsville North is the result of a proffer amendment for 48 acres of the Planned Development Housing District 8 (PDH-8) which was approved in 2015. The development consists of 137 age-restricted single family detached lots with an average lot area of 5,293 square feet. Access to the development will be provided by the existing Lee's Command Boulevard on Corter Avenue which is currently the entrance to Regency at Chancellorsville. Consistent with the approved proffers for the

development, a restricted access on Spotswood Furnace Road is provided for emergency use only. Private streets and public water and sewer will serve the proposed lots and over 25 acres will be reserved as open space for the development. The site lies within the Primary Development Boundary identified as tax parcels 11-4-6 and 11-14-2 and in the Courtland Voting District.

The preliminary plat was reviewed by the Technical Review Committee and meets the Ordinance requirements for approval. Staff recommends approval of P18-0003 by adoption of the resolution provided in the packet

At a meeting of the Spotsylvania County Planning Commission held October 17, 2018 on a motion by Mr. Newhouse seconded by Mr. Smith and passed 5-1, with Ms. Carter absent and Mr. Thompson denying, the Commission approved the following resolution:

**RESOLUTION**

**Approve Regency at Chancellorsville North**

**WHEREAS**, the applicant requests approval of the Preliminary Plat for 48.8 acres of Planned Development Housing 8 (PDH-8) zoned land in order to construct 137 age-restricted single-family detached homes. Tax map number 11-4-6 and 11-14-2, Courtland Voting District; and

**WHEREAS**, staff has reviewed the Preliminary Plat and recommends approval of the plat dated August 9, 2018 and last revised September 20, 2018; and

**WHEREAS**, the Planning Commission reviewed the Preliminary Plat on October 17, 2018 and a motion was made and seconded to recommend approval of the Plat with a vote of 5-1; and

**WHEREAS**, general welfare and good subdivision practice are served by approval of the Plat; and

**NOW, THEREFORE, BE IT ORDAINED** that the Spotsylvania County Planning Commission does hereby approve P18-0003 the Regency at Chancellorsville North.

**BE IT FINALLY ORDAINED** that the Spotsylvania Planning Commission’s approval does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

**Public Hearing(s):**

**CA18-0004 Spotsylvania County Board of Supervisors (Ordinance No. 8-15):** Amendments to County Code (“Code Amendment”) Chapter 8, Erosion and Sediment Control, Article I. In General, Sec. 8-4. – Definitions, to add exceptionally-large-scale land disturbance construction area, defined as 400 acres or larger; Article II. Local Erosion and Sedimentation Control Program, Division 3 - Special Requirements, Sec. 8-37. – Fees for inspection of corrections of violations of the provisions of this chapter; to letter the existing provision as (b); and to add:

(a) Fees for exceptionally-large-scale land disturbance construction area inspections shall be authorized by the Board of Supervisors from time to time to off-set Erosion and Sedimentation Control Departmental program administration and inspection costs and shall be designated in the Unified Fee Schedule.

(1) In accordance with the Unified Fee Schedule fee amount and determined by land disturbance acreage calculation on the approved site plan, the applicant shall be billed for the monthly inspection fee on the first day of each month during the period of validity of the construction site plan. Thereafter, the applicant will continue to be billed for the required monthly fee on the first (1st) day of the month until the site receives a final bond release inspection approval. The applicant shall remit payment within fifteen (15) days of invoicing to the Zoning and Environmental Codes Department by check payable to the County Treasurer. Failure to stay current on construction fee billing shall be cause for issuance of a project stop work order until such fees are paid current.

(2) If the monthly fee schedule amount received is more than the amount of billed third-party inspection costs required during any month, then the County collection overage amount will be discounted towards the next calculated County fee invoice to the applicant submitted on the subsequent first day of the next month’s invoice equalized to the monthly fee per the fee schedule.

(3) If the monthly fee schedule amount invoice is insufficient to cover the billed third-party inspection cost for any particular monthly billing cycle, then the applicant shall be invoiced for the County’s fee collection underage on the subsequent month’s invoicing in an equal amount totaling third-party inspections billing for that current month plus the previous month’s collection underage.

(4) At the closure of the land disturbance permit by a final bond release inspection, the applicant shall be due any County fee collection overage compared to the last month’s third-party billing cycle up to final bond release inspection.

Pursuant to Sec. 8-31(c), the following new fees are proposed to be added to the Fee Schedule for Land Use and Building:

<b>Division</b>	<b>Name of Fee</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
E&S	Exceptionally-Large-Scale land disturbance area inspections	New Fee	400 to <1000 Acres \$7000 per Month 3rd party inspections
		New Fee	1000 to <2000 Acres \$11,000 per Month 3rd party inspections
		New Fee	2000 to <3000 Acres \$22,000 per Month 3rd party

Division	Name of Fee	Current Fee	Proposed Fee
			inspections
		New Fee	3000+ Acres \$44,000 per Month 3rd party inspections

Mr. Newhouse opened the public hearing.

Mr. Street and Mr. Tignor presented the case. The proposed Erosion fee and Erosion Code amendment is to provide cost recovery of the Department’s costs for mandated erosion control inspections, enforcement, and erosion and sedimentation land disturbance activity construction compliance during the full construction time span of an exceptionally large project [hundreds or thousands of acres]. The Erosion and Sedimentation Control Program is mandated to conduct inspections per the Department of Environmental Quality, DEQ, every 2 weeks cycle, or within 48 hours of any run-off producing rainfall event. The recommended proposed fee covers regular maintenance inspections of the required site plan features to be compliant with both local and State law and to prevent off-site sediment transport and protection of water quality, wetlands, perennial streams, and resource protection areas adjacent to land disturbance construction activity on any exceptionally large acreage site plan and scope of operations. The current fee is insufficient to cover the department’s budgetary costs for inspecting for an exceptionally large scale project due to the exceptionally long time period to access, view, and record site conditions. The County has a four year contract with an established third party procured engineering firm certified to conduct inspections through DEQ and under the supervision and coordination with County personnel.

Mr. Tignor reminded the Commission that this is for land disturbance activity of 400 acres or more.

Mr. Smith inquired when this would go into effect.

Mr. Tignor stated that once approved by the Board of Supervisors it would go into effect.

Mr. Medina asked staff to provide examples of development over 400 acres or more.

Mr. Tignor provided Lee’s Parke Pod D is close to 300 acres which is pretty significant. He said that it will be fairly rare to use this fee because of land size.

Mr. Newhouse inquired about the 3<sup>rd</sup> party fee.

Mr. Tignor explained that the county has three 3<sup>rd</sup> party reviewers on standby in cases where we need them. He stated that they have 15 staff and 3 engineers at our disposal. The engineers would bill the County and then they would be reimbursed through fees collected by the applicants.

There was discussion about bonds.

Mr. Tignor also discussed phases of construction and the requirement for inspection after a rain event. He stated that DEQ follows up behind staff. There was discussion that the bond is maintained for as long as county staff had to inspect the site.

Mr. Medina inquired further about 3<sup>rd</sup> party review.

Mr. Tignor stated that we retain 3<sup>rd</sup> party reviewers for four years and then have to rebid.

There was a brief discussion about the possibility of the reviewer's fees going up.

Mr. Medina inquired if he feels the proposed fees adequate for the next four years.

Mr. Tignor stated that they feel the proposed fees should be sufficient for the next four years.

Staff recommends approval of CA18-0004 (Ord. No. 8-15).

*Speaking in favor or opposition:* None

*Mr. Newhouse closed the public hearing.*

**Motion and vote:** Mr. Thompson made a motion, seconded by Mr. Smith to approve the amendment. The motion passed 6-0.

### **Discussion Item(s):**

#### **Stormwater Management Technologies**

Mr. Street presented the discussion. He displayed slides show the updated technologies used at Mt. Zion Baptist Church and the Publix Grocery Store. He discussed the grass parking lots using geogrid stormwater techniques.

Mr. Tignor discussed the Engineers Quarterly meeting that Mr. Street hosts and it allows staff and local engineers to gain exposure to innovative practices being used in the industry. Vendors show up and provide presentations.

There was discussion about porous pavement and how it allows for quicker melting and removal of ice. Mr. Street discussed the Williamsburg Outlet Mall and how they have retrofit their parking lot to have porous concrete.

Mr. Street stated that with the proposed solar farms and other large scale projects, turfgrass should be used and native grasses and forbs with a common root depth of 4-8 feet are what he would recommend them using.

Mr. Thompson discussed his dislike of stormwater ponds and would like to see them completely eliminated.

Mr. Tignor stated he agrees and would like to see ways to get the water back into the ground.

Mr. Newhouse inquired if there is any data on ponds from engineers.

Mr. Tignor stated that engineers don't like them. They collect trash, debris, paper cups.

Mr. Street stated that the County currently has 5000 BMPs on file. That count began in 2005.

There was a brief discussion on homeowners using rainbarrels voluntarily and there is no measure to enforce those.

Mr. Street stated that he has seen some folk replace their driveways by using porous pavement.

Mr. Newhouse and the Commission thanked staff for their presentation.

**New Business - None**

**Public Comment:**

Rick Furnival, Engineer with SDI: He stated that he enjoyed the presentation by staff and suggested County look at reducing the lot size requirement for curb & gutter.

David Hammond, Livingston District: He discussed sPower's proposed watershed and that sites A & C will flow right into Po River watershed. He stated that this development poses a big risk to the Po River.

Sean Fogarty, Livingston District: He stated that sPower has been less than forthcoming with information about their application and that they are trying to lock in more land but has since withdrawn their application.

Vivian Stanley, Livingston District: She has serious concerns regarding cadmium poisoning of the entire community. She likened the sPower development to Nazi Germany. She stated that the Planning Commissioners have pledged to do the best for our community and if they approve this they are subjecting everyone to the sPower death camp and essentially telling everyone that humans have no value.

Ed Kerkhoven, Courtland District: He stated that he would like to express his disapproval of the preliminary plat this evening. He described the development as basic, boring, and not at all aesthetically pleasing and that it is not in keeping with the character of the current development.

Richard Genaille, Livingston District: He stated that he has concerns about biosolids being used as well as trench burning due to the lack of fire protection out in the county. He stated that the proposed development of sPower solar facility is the same size as the City of Fredericksburg. He has concerns about lightning strikes, wildfires and the 2700 homes around this proposal.

Low Sherman, Livingston District: He stated that the sPower decommissioning plan contains unrealistic funds for decommissioning.

Hugh Mulloy, Courtland District: He stated that he is present to discuss the plat P18-0003 and the he is dismayed that he did not know about this approval process. He stated that the development will have a severe impact on the community. He mentioned that the clubhouse is insufficient to accommodate more development and that he has worries about the construction traffic and children playing.

Mike Mikoloso, Livingston District: He discussed his concerns about the sPower proposal to use 300 million gallons of water during the construction. He also discussed his concerns about the traffic that the development of the site would bring and that large construction trucks will regularly be travelling the historic two lane Orange Plank Road which is already overburdened.

Russ Mueller, Livingston District: Mr. Mueller stated that the Board and the Planning Commission have all the authority necessary to include conditions that have been suggested by the concerned citizens for sPower. He has concerns about the use of County water.

Alfred King, Livingston District: Mr. King stated that there is no way that this proposal should move forward as requested by sPower. The schedule must be modified to allow for financial analysis and feels that sPower is asking taxpayers to subsidize their venture.

Michael O’Bier, Chancellor District: He discussed wastewater, cyanide in the water and sPower is doing testing and monitoring 1 mile away. He has concerns that people will lose the water in their private wells and that there is not enough water out there already. He stated that you can walk across the resevoir during a drought period.

**Adjournment:**

**Motion and vote:** Mr. Smith made a motion, seconded by Mr. Thompson to adjourn. The motion passed 6-0.

The meeting adjourned at approximately 8:30 p.m.

  *Paulette L. Mann*  \_\_\_\_\_

Paulette L. Mann

  November 7, 2018  \_\_\_\_\_

Date