

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

February 11, 2013

The Richmond County Planning Commission held its regular scheduled meeting on February 11, 2013 in the Public Meeting Room, County Administrative Building, Warsaw.

The following members were present:

Darnell Clayton
Rick Cox
Martha Hall
Bill Herbert
Cassandra Jackson
Clifton Jenkins
John Lewis
Joyce Pemberton

The following member was absent:

Joseph Gaines

Also present:

Jon Grimm, Assistant County Administrator/Director of Planning and Zoning
T. Richard English, Jr., Code Compliance Officer
Mercedes Pierce, Planning Commission Secretary
Harry Smith, NNEC
Pat Weakland

Chairman Rick Cox called the meeting to order at 7:00 pm and asked if anyone would like to say a prayer to begin the meeting. Martha Hall nominated Chairman Rick Cox to continue with the prayer. The meeting began with a moment of prayer by Chairman Rick Cox.

Chairman Rick Cox welcomed John Lewis to the Planning Commission. All members then introduced themselves to Mr. Lewis.

John Lewis explained what he is looking forward to as a new member of the Planning Commission.

Chairman Rick Cox welcomed Mercedes Pierce, T. Richard English, and all the guests in attendance.

The Planning Commission briefly reviewed the minutes from the November 5, 2012 meeting. Martha Hall made a motion to approve the minutes as written. Joyce Pemberton seconded the motion and they were approved unanimously.

NOMINATING COMMITTEE

Chairman Rick Cox nominated Cassandra Jackson, Clifton Jenkins, and Joyce Pemberton to serve on the Nominating Committee. The three members agreed to serve on the committee and Chairman Rick Cox asked they prepare a report for the next meeting. By acclamation, Mercedes Pierce was nominated as Secretary and Denise Dunaway was nominated as Alternate Secretary.

SCHEDULE OF MONTHLY MEETINGS FOR 2013

The Planning Commission decided against formally adopting the 2013 schedule of monthly meetings after Jon Grimm explained the schedule was distributed in accordance with the Planning Commission By-Laws and was simply a notification.

DRAFT 2012 ANNUAL REPORT

Jon Grimm informed the Planning Commission that he compiled the major points listed in the draft of the 2012 Annual Report by reading over past minutes from the 2012 monthly meetings and highlighting the significant activities the Planning Commission had accomplished. Jon Grimm informed the members that Chairman Rick Cox and he discussed the idea of documenting future accomplishments and said the documents could be posted on the county website for patrons to view the activities the Planning Commission are accomplishing.

Chairman Rick Cox asked if the report would continue to be in the format of a bulleted list or a more descriptive narrative. Jon Grimm responded by saying the report should be at least five pages with descriptions of each bullet.

Joyce Pemberton asked for an update on the Comprehensive Plan. Jon Grimm explained the document is sitting on his desk, but he has taken time out of each day to examine it. He further explained that Morgan Quicke and he plan to take the Comprehensive Plan to the Board of Supervisors in April with a target date of April 11, 2013 after updating the numbers only, not the policy, in which the Planning Commission will not have to act further.

Martha Hall asked Jon Grimm if he plans to let the 2012 accomplishments stand. Jon Grimm responded that his intent is to let what is already written for the 2012 Annual Report stand and simply add onto it at the end of 2013, resulting in a more comprehensive document.

BOARD OF SUPERVISORS REPORT FOR JANUARY 2013

Chairman Rick Cox asked Jon Grimm if he would like to make monthly reports to the Planning Commission informing members of the information covered in the Board of Supervisors meetings. Jon Grimm agreed he would like to continue to report from the monthly Board of Supervisors meetings and continue to incorporate the “Board of Supervisors Report” section in future Planning Commission meeting agendas.

Jon Grimm read the Board of Supervisors Report for the January 2013 meeting, which included the approval of the Capital Improvements Program, approval of the Zoning Text Amendment, and the reappointment of Chairman Richard Cox and Cassandra Jackson for second and final terms.

STORMWATERMANAGEMENT DRAFT REGULATIONS

Jon Grimm explained why each member of the Planning Commission received information for the state mandated Stormwater Management Regulations and informed the members that he is working with the Planning District Commission and other counties in the Northern Neck to address training, education, and outreach to landowners and development agents. Jon Grimm informed the Planning Commission that by April 1, 2013, Richmond County has to show “substantive progress” to putting these new regulations into action.

T. Richard English, Jr. explained the timeline the county will have to follow in implementing the new Stormwater Management Regulations. He explained that this program is mandatory for Bay Act localities, but optional for those areas outside of the Bay Act region. As a result, Richmond County will have to adopt the Stormwater Management program. T. Richard English, Jr. informed the Planning Commission of the steps he has been taking in an effort to meet the deadline. He has been working on drafting an Ordinance for this program and provided the Planning Commission two models, consisting of a lengthy ordinance and more condensed version, for the Planning Commission members to review that the state is advising counties to use in drafting the final copy of the Ordinance. By April 1, 2013, Richmond County has to submit a letter to the state along with evidence of the progress being made in enforcing the new regulations and developing the new Ordinance. The county has to designate a responsible party

in charge of enforcement inspections, which would be Jon Grimm. T. Richard English, Jr. informed the Planning Commission of a request he would be submitting to the state for a one year extension, which would make the new deadline fall on July 1, 2014. This is the deadline to have the Board of Supervisors approve the new Stormwater Management program.

Chairman Rick Cox questioned the final deadline date after being informed of the request for a one year extension. T. Richard English, Jr. explained the initial deadline was July 1, 2013, but with the new extension, the final deadline will be July 1, 2014.

Chairman Rick Cox asked if there would be a series of workshops made available to the public to inform them of the new regulations pertaining to the Stormwater Regulation program. T. Richard English, Jr. informed the Planning Commission that grant money allotted to the Planning District Commission and Soil and Water Conservation District will be used to conduct public information meetings with sole purposes of informing the public of the new changes that will be put into place and to give the citizens a chance to voice his or her comments; these meetings are planned to occur by the end of the year.

Joyce Pemberton asked what greatest changes would be as a result of implementing the Stormwater Management program. T. Richard English, Jr. responded by saying that landowners would face more paperwork and larger fees and that there would be more work on the county's end when trying to explain the new rules and regulations to landowners.

Joyce Pemberton went on to question if more staff would need to be hired as a result of implementing the Stormwater Management Program. T. Richard English, Jr. felt that at this point, the county should not have to hire additional staff, but if construction significantly increases years down the road, there may be a need to revisit the question. T. Richard English, Jr. went on to add there are training opportunities that will become available to our present staff that will allow them to be certified in plan review, inspections, and the enforcement aspects of the program. Jon Grimm informed the Planning Commission that T. Richard English, Jr. is on track to become certified to conduct Stormwater Management reviews.

Martha Hall asked T. Richard English, Jr. if the county's Stormwater Management program will be incorporated with the Town of Warsaw or if they have to implement their own program. T. Richard English, Jr. informed Martha Hall that it is voluntary for the Town of Warsaw to adopt their own Stormwater Management program, but they will not be doing so and it will all fall under the county's program.

Martha Hall asked if the county is planning on conducting any aspects of the Stormwater Management program on a regional basis. T. Richard English, Jr. responded by informing the Planning Commission that Richmond County will not be doing so and confirmed that the county will have its own plan. Jon Grimm then informed the Planning Commission that Richmond County might cooperate with the other localities regionally to share training, but Richmond County would have its own regulations.

T. Richard English, Jr. informed the Planning Commission that the Ordinance he is drafting will be sent to the county's attorney at Sands Anderson to be reviewed for comments before it is presented to the Planning Commission.

Chairman Rick Cox asked "if the parameters were etched in stone." T. Richard English, Jr. confirmed that they are "etched in stone." Chairman Rick Cox described how burdensome the new guidelines may be for landowners.

Chairman Rick Cox urged the Planning Commission members to take a second look at the Stormwater Management draft because of important guidelines that need closer attention.

John Lewis asked if other counties will be adopting the Stormwater Management program because he has concerns that prospective homeowners may choose to refrain from building in Richmond County as a result of having to follow the new regulations. Jon Grimm and T. Richard English, Jr. confirmed that other localities are being mandated to adopt this new program. T. Richard English, Jr. informed the Planning Commission that these prospective homeowners would have to live out of the Bay Watershed area completely to avoid the regulations of the Stormwater Management program.

John Lewis further expressed his concern and is afraid that the implementation of the Stormwater Management program will prevent people from moving to Richmond County because of increased fees and paperwork. Jon Grimm replied by saying he does not feel this would be a result.

Chairman Rick Cox recommended "softening" the draft before it is sent to the Board of Supervisors. Jon Grimm was in favor.

Chairman Rick Cox further expressed his concern for the headaches that might result for landowners.

Jon Grimm discussed where the income will be allotted to from the fees associated with the program.

John Lewis asked if there was any grandfathering to the Stormwater Management program. T. Richard English, Jr. explained that there is grandfathering for previous developments and explained this further.

Chairman Rick Cox asked T. Richard English, Jr. if the installation of a drainfield that disturbs more than 2,500 feet will require a Stormwater Management Permit. T. Richard English, Jr. believes it may fall under some type of utility installation variance, but it is something he has to further verify.

Martha Hall asked T. Richard English, Jr. to take note of the question Chairman Rick Cox asked him pertaining to the drainfield. Jon Grimm informed the Planning Commission that the answer would be submitted into the minutes for the meeting and it is as follows:

“Under the Erosion and Sediment Control Laws and Regulations a **Land-Disturbing Activity** is defined as; any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, **except that the term shall not include**, installation of septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system.

I interpret this to mean that if the proposed extent of the project’s land-disturbance is specific to only the installation of a drainfield and/or septic tank system then this type of activity would be exempt from securing a land-disturbing permit. Since this activity would no longer be considered a required permitted land-disturbing activity I would further interpret that this activity would be exempt from acquiring a Stormwater Management Permit.

Furthermore it has recently come to my attention that Chesapeake Bay land-disturbing projects which disturb less than one acre of land area (but more than 2500 SF) will not be required to obtain the state issued VA Stormwater Management Program (VSMP) Permit however; the locality will still be required to review the project for compliance with the stormwater regulations.”

Chairman Rick Cox asked if the Stormwater Management regulation will come back to the Planning Commission after it has been drafted, in order to make a recommendation to the Board of Supervisors. Jon Grimm confirmed this was correct.

GROUND WATER MANAGEMENT EXPANSION BRIEFING

Jon Grimm informed the Planning Commission about the new regulations that will be affecting ground water monitoring and permitting.

Chairman Rick Cox explained that the state is beginning to look more closely into the withdrawal of ground water and addressed the reasons behind the new regulations. Jon Grimm described who would be affected by the expansion and what areas it would cover.

John Lewis asked if the expansion was something the state would control. Jon Grimm explained the state would control it through the Department of Environmental Quality.

Chairman Rick Cox asked if anyone had any questions pertaining to the Ground Water Management Area expansion. With no questions being asked, Chairman Cox asked Jon Grimm to keep the Planning Commission updated on any new information pertaining to the Ground Water Management Area expansion. The state sponsored public comment period was discussed and everyone was informed that it is now closed.

PLANNING COMMISSIONER'S TRAINING COURSE/ORIENTATION FOR NEW MEMBERS

Jon Grimm explained that Chairman Rick Cox and he have a desire to have the Planning Commission members participate in the Virginia Certified Planning Commissioner's program. Jon Grimm explained the three options he is willing to offer to members as a form of training: to make copies of the VA Certified Planning Commission program course information, create scenarios to inform the members what to expect as a new member on the Planning Commission, and/or provide resources, such as books pertaining to the Planning Commission, that members can read on his or her own time.

Chairman Rick Cox described the details of the Virginia Certified Planning Commissioner's program, recommended that the members enroll in the course, and informed the members that the county will pay for the fees associated with enrolling in the course.

John Lewis asked when the course would be available. Jon Grimm responded by saying it is available periodically. John Lewis asked Jon Grimm to provide him with the dates of upcoming trainings and Jon Grimm told him he would.

NEW BUSINESS

Chairman Rick Cox asked if anyone had any new business to discuss. No one replied. He then went on to ask if the Planning Commission would like to create a resolution thanking William C. Herbert, II and C. Bristow Balderson for their many years of service.

Martha Hall made a motion to have the resolution composed. Darnell Clayton seconded the motion and it was approved unanimously.

Chairman Rick Cox asked Jon Grimm to compose the resolution. Jon Grimm answered that he would.

Chairman Rick Cox, Joyce Pemberton, and Jon Grimm discussed the possibility of appointments being conducted during the upcoming Board of Supervisors meeting to fill the vacant seats in the Planning Commission.

Cassandra Jackson informed the Planning Commission of an issue she has noticed occurring recently. She has been seeing many trees being cut down on large tracts of land, but no seeding occurring afterwards. Cassandra Jackson asked if landowners are required to re-seed. Chairman Rick Cox explained the Virginia Seed Tree Law and concluded that the Department of Forestry would be best able to answer Cassandra Jackson's question.

John Lewis informed the Planning Commission of his personal story of cutting and replanting trees on his own property and his efforts to satisfy state guidelines.

PUBLIC COMMENT

Chairman Rick Cox asked those in attendance of the meeting if they had any questions or comments.

Harry Smith asked that the Planning Commission members speak louder into the microphones or they lower the background noise (heaters) in the room because he could barely hear what was being discussed during the meeting.

There being no further business, the meeting was adjourned at 7:45 pm.

Respectfully submitted,

Mercedes Pierce
Planning Commission Secretary