

**RICHMOND COUNTY PLANNING COMMISSION  
MEETING MINUTES**

June 10, 2013

The Richmond County Planning Commission held its regularly scheduled meeting on June 10, 2013 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Glenn Bowen  
Jesse Clark  
Darnell Clayton  
Rick Cox  
Martha Hall  
Cassandra Jackson  
Clifton Jenkins  
John Lewis

The following members were absent:

Joseph Gaines  
Joyce Pemberton

Also present:

T. Richard English, Code Compliance Officer  
Mercedes Pierce, Planning Commission Secretary

**CALL TO ORDER**

Chairman Rick Cox called the meeting to order at 7:00 pm and asked Planning Commission member, Jesse Clark, to begin the meeting with a moment of prayer; he did so.

**APPROVAL OF MINUTES FROM APRIL 8, 2013 MEETING**

Chairman Cox asked if anyone would like to make corrections to the April 8, 2013 meeting minutes. Chairman Cox pointed out the following corrections needing to be made: on page 4- change “civil agricultural” to “silviculture” and delete the second “and” between required and additional and on page 5- replace “the number of years for the storm” with “and the year storm analyzed for the plan.” Martha Hall made a motion to approve the minutes with the corrections. Darnell Clayton seconded the motion and they were approved unanimously.

## **STORMWATER PROGRAM DEVELOPMENT**

Chairman Cox thanked T. Richard English for drafting the “Question & Answer” document and distributing it to each of the Planning Commission members.

Chairman Cox and Mr. English discussed the status of the most current draft Ordinance and its re-submittal to the County Attorney’s office. The last draft sent to the Planning Commission members has not been updated, but Mr. English has proposed new language to be incorporated into this draft. The draft Ordinance will be sent to the County Attorney once Mr. English updates the draft with the new language, any feedback from tonight’s meeting, and then additional feedback once the members receive an updated copy of the draft.

Chairman Cox questioned the State’s approval of the extension for the Stormwater draft Ordinance. Mr. English received a verbal approval approximately a month before receiving the hard copy letter. The hard copy letter approving the request for the extension is dated for May 9, 2013.

John Lewis and Mr. English discussed the implementation date, which will be July 1, 2014.

Chairman Cox questioned whether or not the Board of Supervisors looked over the draft Ordinance and are aware of the implementation of the Stormwater regulations. Mr. English explained that he has informed the Board of his collaboration with the Planning Commission on this program in his monthly staff reports, but has not gone into great detail with them.

Chairman Cox and Mr. English discussed the Department of Conservation Recreation’s (DCR) transition to the Department of Environmental Quality (DEQ). Mr. English informed the Planning Commission that starting next month the Stormwater program will be handled by the DEQ. This specific section of the DCR is being absorbed by the DEQ with the staff transferring over.

Clifton Jenkins questioned whether the DEQ is a state or federal agency. Chairman Cox and Mr. English clarified that the DEQ is a state agency. The EPA is a federal agency that serves as the enforcement behind the state agency.

Chairman Cox expressed concern that private homeowners will be burdened by the costs of the fees associated with complying with the Stormwater regulations and would like to try and find a way to lessen the financial impact on the homeowner.

Martha Hall suggested pointing out exactly where the flexibility in wording lies within the Ordinance and focusing on the issues that greatly affect Richmond County.

Chairman Cox asked Mr. English how the County can lessen the impact on the individual homeowner. Mr. English pointed out page 12 of the “Question & Answer” document, which contains the Stormwater bonding information. He suggests implementing the Stormwater bonding the same way the Erosion & Sediment bonding is addressed. For example, if a homeowner wants to receive his or her Certificate of Occupancy prior to installing any of the Stormwater practices, then the County would bond. Mr. English explained that a majority of the time, homeowners are willing to comply with the regulations before being given the Certificate of Occupancy in hopes of getting into the home faster.

Chairman Cox and Mr. English discussed whether or not there is a high request rate of individuals asking to move into their home before the Certificate of Occupancy is issued. Mr. English does not feel this is an issue and stated that Mr. Barry Sanders, Code Administrator, has the authority to issue a temporary Certificate of Occupancy (CO), but this is rare. They also discussed the conditions that must be met before a homeowner is issued a Certificate of Occupancy. If Stormwater compliance is not carried out by this time and the homeowner would still like to receive his or her CO, then a cash bond would be accepted. The bonding process was further discussed between Chairman Cox, Mr. English, and John Lewis.

Chairman Cox, Mr. English, and Mr. Lewis discussed the possibility of having a licensed building contractor designing the Stormwater plans and the availability of licensed professionals in this area. By law, licensed building contractors are not permitted to design the plans, only licensed professionals. Mr. English explained that many of the licensed professionals in this area are not willing to go out of their realm of expertise to design the Stormwater plans, but knows of two (Joel Pinnix and Jeff Howeth) who are. Mrs. Hall chimed in explaining that the Planning Commission cannot make the Ordinance address the issue of the low number of licensed professionals available to design the plans.

Chairman Cox asked Mr. English if he had any idea how much it will cost a homeowner to have a Stormwater plan constructed. Mr. English plans to find this information out based on a model for a detached single family dwelling on one acre of land, but thinks it may be a little difficult since there are many variables that must be considered. Glenn Bowen thought it would be a good idea to also inquire about the cost of actually implementing the plan. Mrs. Hall thought this may also be difficult because of the many variables associated with the implementation. Chairman Cox suggested listing cost categories, such as an application fee, plan design constructed by a professional, and implementation of the plan, for Stormwater regulation compliance.

Chairman Cox asked Mr. English who the primary presenter would be during the public hearing for the Stormwater adoption and Mr. English responded saying he would more than likely have

Stuart McKenzie from the Planning District Commission assist with the two presentations for the public.

Chairman Cox recommended Mr. English create some sort of visual presentation to be shown on a large screen during the public hearing that will compare three different types of plans to better inform the public.

Clifton Jenkins expressed his concern that the costs of the plan and implementation of the Stormwater compliance may escalate to a rather large amount for the homeowner, so he or she needs to be aware of these costs early on.

John Lewis questioned whether the Stormwater regulations would affect additions on existing homes. Mr. English stated that the regulations would affect additions if there is more than 2,500 sq. ft. in land disturbance associated with the addition.

Glenn Bowen questioned whether or not the Stormwater regulations will be applicable to pole sheds. Mr. English explained these structures are not exempt. Chairman Cox further noted that if the structure is more than 2,500 sq. ft. then it would fall under the Stormwater compliance.

Clifton Jenkins questioned whether the Stormwater regulations pertained to only roof water or the entire yard. Mr. English responded saying it pertains to the entire site and takes into account the pre-developed conditions of the site and then relates it to the post-developed conditions of the site to make sure less runoff results.

Chairman Cox and Mr. English discussed the possibility of creating a “cookie-cutter” formula that would substitute the need to contact an engineer to have a plan designed professionally and make it easier on the homeowner.

Martha Hall brought up the topic of appointing a work group to assist Mr. English in updating the draft Ordinance. Mrs. Hall now feels the work group may be helpful, after initially deeming it unnecessary.

Glenn Bowen suggested learning from the first few projects involving Stormwater compliance and creating some sort of template that could assist future homeowners in making it easier to comply with the regulations and hopefully allow them to save money.

Martha Hall discussed the distinction between the planning and implementation portions of the Stormwater program. She reiterated that the Planning Commission is in charge of developing the plan within reason. Mrs. Hall believes it is feasible to see how the program plays out and then

reconvene on the Stormwater topic to make more suggestions, but knows at this point the Commission cannot draw out every possible situation.

Chairman Cox questioned how the Planning Commission can relay feedback to the DEQ that there may be simpler solutions to maintaining Stormwater, rather than having a homeowner go out to a professional engineer to have a plan drawn out. Mr. English informed Chairman Cox that he can simply relay the message to the DEQ.

Chairman Cox suggested combining both the Erosion and Sediment (E&S) and Stormwater regulations. Mr. English explained that there are certain criteria that a homeowner can meet in Stormwater Management that will exempt him or her from having to do any E&S calculations; there is an overlap. Chairman Cox suggested combining the separate Stormwater and E&S fees into one fee.

Mr. English brought up the topic of plan review. He explained that during several Planning District Commission meetings the idea of having a regional plan reviewer for Stormwater Management came up. A regional plan reviewer would encompass having one person conducting plan reviews for the entire district. Mr. English further explained this could be a hired engineer reviewing the plans completed by another engineer.

Clifton Jenkins questioned the amount of homes that have been built thus far in the year. Mr. English and Ms. Pierce informed the Planning Commission that between five and ten new home construction projects have begun since January.

Clifton Jenkins wondered what would happen if a family acquired a loan from a bank for a certain amount of money that was just enough for the construction of the home and then were informed by the County that they must come up with several thousand dollars to cover the costs of having a Stormwater plan drawn up. Mr. Bowens suggested educating the public on what is to come with the Stormwater Management program and be sure to point out that homeowners will have to go through the same process across counties. Mr. Lewis stated that bankers will need to be informed of this new cost addition to the home construction process.

John Lewis wanted to make sure that the Stormwater Management was not just for new construction, but any construction that disturbs more than 2,500 sq. ft. of land. Mr. English confirmed this. Chairman Cox reiterated that driveways are included in this program and drainfields are not exempt.

Martha Hall asked if the Planning Commission had any direction to give Mr. English at that point. Chairman Cox stated that he has been trying to get everyone thinking about this topic, so

when the public comes and addresses the Planning Commission and Mr. English with questions during the public hearing, they will be prepared and have answers.

Mrs. Hall also asked Mr. English when he anticipates presenting another draft of the Ordinance to the Planning Commission. Mr. English asked if the proposed language in the “Q&A” document was acceptable to be incorporated into the draft. Chairman Cox stated he was okay with the language.

Chairman Cox pointed out that the State has granted funding to the PDC to have two presentations to the public for each locality. Mr. English stated that the presentations should occur for this locality by this coming fall. Chairman Cox asked Mr. English if he had a timeline for bringing the Stormwater Management program to public hearings. Mr. English stated he plans to have the Planning Commission give the recommendation to the Board of Supervisors by March 2014, which will occur after the educational workshops are offered.

Clifton Jenkins and Mr. English discussed advertising for the Stormwater Management educational workshops. Mr. English believes the PDC may have some sort of mailing list to inform the public of the workshops, but the locality will not make direct contacts to the public. Mr. English plans to contact Stuart McKenzie from the PDC to find out when the workshops will be available.

Chairman Cox pointed out page nine of the “Q&A” document and asked Mr. English if he was proposing the additional language he included in section eight. Mr. English replied saying he will be adding this language to the draft Ordinance. Chairman Cox suggested creating a check-off sheet where each agency involved in the review would have to initial to establish coordination amongst each other. Mr. English thought this was a good idea and a good way to make sure there aren't any conflicts between any of the agencies or individuals involved. Chairman Cox informed Mr. English that the additional language Mr. English proposed in Section 4-2-5A was okay and that he is still uncomfortable with the bonding.

Chairman Cox, Clifton Jenkins, and Mr. English discussed who would be held liable in the event an incident were to occur if homeowners occupied a dwelling before the Certificate of Occupancy was approved. The homeowner would assume liability.

Chairman Cox encouraged the Planning Commission members to submit any changes or revisions to Mr. English as soon as possible in hopes of receiving a revised draft of the Ordinance from Mr. English. Mr. English suggested updating the draft Ordinance with the proposed language he included in the “Q&A” document and sending it off to the County Attorney for their response.

Mr. English asked the Planning Commission to take some time to review the fee schedule and analysis and bring any questions or comments to the next meeting. Martha Hall requested that the fee schedule for Stormwater be placed on the agenda for the next meeting.

Chairman Cox brought up the topic of forestry exemption and said that the Ordinance shows this is only true when reforestation occurs. Mr. English explained that if the practice allows for natural regeneration, then it is exempt. Chairman Cox referenced Section 4-2.2 and asked Mr. English to take a closer look at the information presented in this section.

Chairman Cox thanked Mr. English for attending the meeting.

### **OTHER BUSINESS**

Mercedes Pierce, Planning Commission Secretary, read one of the “In Appreciation” resolutions up for adoption for William C. Herbert, II and Bristow Balderson.

Martha Hall moved to approve the resolution for William C. Herbert, II. Cassandra Jackson seconded this motion and all were in favor.

Darnell Clayton moved to approve the resolution for Bristow Balderson. Jesse Clark seconded this motion and all were in favor.

Chairman Cox informed the Planning Commission that he would be sending around a “Get Well Soon” card for Mr. Joseph Gaines and asked everyone to sign it.

John Lewis moved to have the Planning Commission recite the “Pledge of Allegiance” at the beginning of each meeting. Jesse Clark seconded this motion and all were in favor.

Ms. Pierce gave an update on the vacant “Director of Planning and Zoning” position. As of this meeting, there were six applications on file and the deadline to submit an application was June 21, 2013 at 5pm.

There being no further business, Martha Hall made a motion to adjourn the meeting and Cassandra Jackson seconded the motion. The meeting was adjourned at 8:22pm.

Respectfully submitted,

Mercedes Pierce  
Planning Commission Secretary