

**RICHMOND COUNTY PLANNING COMMISSION  
MEETING MINUTES**

July 8, 2013

The Richmond County Planning Commission held its regularly scheduled meeting on July 8, 2013 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Glenn Bowen  
Rick Cox  
Cassandra Jackson  
Clifton Jenkins  
John Lewis  
Joyce Pemberton

The following members were absent:

Jesse Clark  
Darnell Clayton  
Joseph Gaines  
Martha Hall

Also present:

R. Morgan Quicke, County Administrator  
T. Richard English, Code Compliance Officer  
Mercedes Pierce, Planning Commission Secretary  
Harry Smith

**CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE**

Chairman Rick Cox called the meeting to order at 7:03 p.m. He gave the invocation and led everyone in the Pledge of Allegiance.

**APPROVAL OF MINUTES FROM JUNE 10, 2013 MEETING**

John Lewis asked the following edits be made to the minutes: add “that” between agency and serves in the second to the last paragraph on page two; add “and” between comes and addresses in the first paragraph on page six continued over from page five.

Chairman Cox requested to make the following changes: delete "...which is derived from the Environmental Protection Agency (EPA)" in the second to the last paragraph on page two; change the name "Pennicks" to Pinnix in the second to last paragraph on page three.

John Lewis made a motion to approve the minutes with the corrections. Cassandra Jackson seconded the motion and they were approved unanimously.

### **STORMWATER MANAGEMENT PROGRAM DISCUSSION**

Chairman Cox thanked T. Richard English for attending another meeting to discuss the Stormwater Management Program.

Mr. English informed the Planning Commission that the dates for the workshops have not been secured, but will begin being offered in January 2014 by the Soil and Water Conservation District with the help of the PDC; the draft Ordinance provided to each member in the packet was the same document that was sent to the County Attorney; and he attempted reaching out to Jeff Howeth for his professional opinion on costs for preparing the Stormwater plans. Neither the County Attorney nor Mr. Howeth have responded to Mr. English. Mr. English feels it would be a good idea to go ahead and reach out to Joel Pinnix as well.

Mr. English explained that he provided each member with a correspondence between Mike Lee, DEQ, and himself for clarification as to agricultural and silviculture exemption. John Lewis followed with a question asking that if a landowner timbers his or her property, which is exempt from land disturbing regulation, and then decides to build instead of allowing natural growth, does he or she have to retroactively apply for permits and would there be any penalties for changing his or her mind? Mr. English replied explaining that the landowner would have to apply for permits retroactively and that hopefully the Department of Forestry would notify him or her and they would work together with the landowner to make sure he or she completed certain steps in order to be exempt or to comply.

Chairman Cox and Mr. English discussed the harvesting and then natural reseeding of a predominately hardwood forest crop. Reseeding would have to occur for a clear cut, but the Department of Forestry would have more information on this. Mr. Lewis shared a personal story of recently timbering his property after his grandfather clear cut the property in 1979.

Joyce Pemberton questioned whether replanting had occurred on Totuskey Hill. Clifton Jenkins stated that the replanting would not occur until the upcoming winter.

Mr. English opened the floor to comments and/or questions from the Planning Commission regarding the fee schedule.

Chairman Cox explained that he feels Mr. English should allocate more time to the job functions of the Stormwater Administrator. Mr. English confirmed he is at liberty to increasing the times.

Glenn Bowen suggested Mr. English keep metrics on fees collected and time spent on performing the job functions and revisit the data at a later date to see if any changes need to be made. Mr. English thought this was a good idea and feels he will be able to take future data to the Board of Supervisors and request to have the fees increased, etc. if necessary.

Mr. Lewis and Mr. English discussed travel time being included in the hours Mr. English allotted to performing the job functions as the Stormwater Administrator; travel time is not included.

Mr. Lewis and Mr. English discussed the possibility of a drainfield having to be relocated onto an adjacent cleared property and whether or not Stormwater permits would need to be applied for as a result of installing the reserve drainfield. In this scenario, Mr. English does not feel it would be necessary to have to go through the permitting process and feels the County would back him on his decision.

R. Morgan Quicke wanted to make sure Richmond County's fee structure was similar to adjoining counties, so that the County's fees will not be higher. Mr. English feels other counties are following the State's fee schedule, just as he did.

Mr. Bowen questioned whether the new owner of a property or business that was already in compliance with the Stormwater Management Program would have to continue to follow the Stormwater plan. Mr. English replied saying the plan would become a recorded document in the courthouse and would show exactly what the new owners would need to do to continue the Stormwater maintenance.

Chairman Cox and Mr. English participated in a discussion concerning whether or not inspections of the Stormwater practices will occur once every five years. The County will send out a reminder letter and County staff or a hired licensed professional by the property owner may conduct the inspection. Mr. English pointed out Section 14-5 in the draft Ordinance.

Cassandra Jackson and Mr. Bowen discussed the idea of properties established prior to the implementation of the Stormwater Management Program being grandfathered.

Chairman Cox pointed out that the program lacked reason and suggested having the County perform the simpler inspections. Mr. Bowen questioned whether or not Mr. English had the authority and/or qualifications to perform the inspections. Mr. English believes the locality has the authorization to perform the inspections.

Joyce Pemberton and Mr. Bowen discussed the possibility of having Mr. English perform the simpler inspections and creating a cut-off as to which practices he cannot “handle.”

Mr. Quicke pointed out the last sentence in Section 14-5 and shared his own perspective of what this means – that the property owner may hire a licensed professional to perform the inspections, but the locality may also perform the inspections with the appropriate certificate.

Mr. English suggested creating a cut-off at single family dwellings for locality performed inspections. Chairman Cox felt it would be appropriate for the County to charge a nominal fee for the inspections. Mr. English informed the Planning Commission that he will add language to the draft Ordinance that spells out that the locality will perform inspections on single family dwellings. Mr. Quicke suggested Mr. English include a provision that under certain circumstances some single family dwellings may require a licensed professional to perform the inspection.

Mr. Bowen and Mr. English discussed the review of Stormwater plans to determine if they may be more sophisticated or overdesigned than necessary. Mr. English believes he can only answer whether or not the plans meet the regulations.

Mr. Lewis questioned whether the State or the County takes an individual to court who is caught violating the Stormwater Ordinance. Mr. English confirmed the County would take the individual to court and any income from fines would go to the County, not the State.

Mr. Lewis pointed out Section 17-3 and discussed the difference in reprimand for an individual versus a CEO of a company. The individual is threatened with jail time, but the CEO’s freedom is not threatened, only given higher fines. Mr. Lewis feels the language should be changed. Mr. English explained this section is State language and the locality may not have any leeway in changing the content. Chairman Cox explained the County wants compliance with the Ordinance in hopes of protecting State waters, not to have to fine individuals or send them to jail.

Mr. English informed the Planning Commission that he would contact the County Attorney to update the draft Ordinance with new language discussed during this meeting, such as the County’s limit on inspections.

Mr. English discussed the fee schedule and explained the differences in State review and fees for common plans of development and those that are not considered common plans. Mr. English pointed out that the minimum acreage for land disturbing that would elicit State review is anything over one acre.

Mr. English explained that at the current fee schedule, the fees collected based on the hypothetical number of projects would not generate enough revenue to cover the costs of implementing the Stormwater Program; only half of the costs for the program would be covered. Mr. English feels that the fees should be higher. Mr. Bowen pointed out that fees would need to be doubled in order to meet the expenses of the program.

Mr. Lewis feels that if Richmond County's fees were increased then there will not be an increase in population. Chairman Cox and Mr. Bowen discussed the basic costs of the program.

Mr. English feels it will be necessary to revisit the fees in the future.

Chairman Cox thanked Mr. English again for attending another meeting to discuss the Stormwater Management Program.

### **OTHER BUSINESS**

Mr. Quicke had to leave before this portion of the agenda was conducted, but before leaving he informed the Planning Commission that the Board of Supervisors scheduled a Public Hearing for Public Comment and the adoption of the Comprehensive Plan on July 11, 2013 at 7 p.m. with conditions that the 2010 census data and new map to show Terrell Bowers's property to be zoned R-3 be added to the Comprehensive Plan. Mr. Quicke also gave an update on the status of the "Director of the Planning and Zoning" position and informed the Planning Commission that he may be back in August to discuss the Capital Improvement Plan (CIP) and provided more information on the CIP.

### **PUBLIC COMMENT**

Chairman Cox asked Mr. Harry Smith, the only citizen in attendance, if he would like to ask a question and/or make a comment. Mr. Smith questioned when the Stormwater Program will start. Chairman Cox replied saying it will begin on July 1, 2014.

Mr. Smith asked whether or not the Stormwater practices will be on plans. Chairman Cox explained that it had been discussed that a checklist be used to coordinate between the different agencies involved in a new development. Mr. English explained that major practices for Stormwater will be put on a recorded plat, so that utility companies, etc. will be able to view them and/or contact the engineer for specifications regarding the practice.

Mr. Smith stressed the importance of being aware of the Stormwater practices and being informed of any areas that may not be subject to disturbance by power companies and other utilities.

There being no further business, Cassandra Jackson made a motion to adjourn the meeting and John Lewis seconded the motion. The meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Mercedes Pierce  
Planning Commission Secretary