

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

April 7, 2014

The Richmond County Planning Commission held its regularly scheduled meeting on April 7, 2014 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
Joyce Pemberton
Patrick Weakland

Also present:

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

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Chairperson Martha Hall called the meeting to order at 7:00p.m. Jesse Clark gave the invocation and Chairperson Hall led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES FROM MARCH 10, 2014 MEETING

Jesse Clark requested his statements be clarified on page two of the minutes by making the following changes: on page two, reword the first sentence in the second “paragraph” under the “Pier Length Ordinance Amendment Decision” heading to read “Jesse Clark spoke against the proposal to make the change to the Zoning Ordinance based on the County Administrator’s assessment that the County...” and change the last sentence in the same paragraph to read “...if they submitted an application to VMRC and it was denied, and they would then have to drive...”

Joyce Pemberton made a motion to approve the minutes with the corrections. Darnell Clayton seconded the motion and they were approved unanimously.

PUBLIC HEARING – STORMWATER MANAGEMENT PROGRAM ADOPTION

Chairperson Hall opened the Public Hearing portion of the meeting. With no one from the public being present, Chairperson Hall closed the Public Hearing.

R. Morgan Quicke explained there may not be a need to conduct this public hearing after the developments that occurred over the past month. Legislation was passed giving localities the option to opt out of administering the Virginia Stormwater Management Program (VSMP) on projects greater than one acre. If the county decides to opt out, it is still required to administer the program for projects between 2,500 sq. ft. and one acre since Richmond County is a Chesapeake Bay locality. According to T. Richard English, this size limit for regulation comprises about 90% of projects occurring in Richmond County.

Chairperson Hall, Mr. Quicke and Rick Cox discussed the actual opening and closing of this public hearing.

Mr. English read the [Staff Report](#) he wrote regarding Richmond County's decision to opt in or out of the VSMP; each Planning Commission member received a copy.

Chairperson Hall asked if the county would be able to change its decision on opting in/out of the VSMP at a later date. Mr. English informed Chairperson Hall that this language has not been finalized, but it is the intent that localities will have the option to change their decisions on opting in/out of the program later on in the future.

Chairperson Hall asked Mr. Quicke if the staff's recommendation is to opt out of the program. Mr. Quicke replied stating that it is staff's recommendation to opt out of the program.

Mr. English clarified the definition of a common plan of development, which is a subdivision of three or more lots occurring in 2004 and later. Any dwelling being built on a subdivision that was created in 2004 or later will be subject to having to go to the DEQ for stormwater permits regardless of the square footage or acreage of the land. Lots created before 2004 would work strictly with the county for these permits. Mr. English feels that less than 10% of projects in Richmond County disturb more than one acre of land. John Lewis and Mr. English discussed how the clearing of land constitutes as land disturbing.

Chairperson Hall questioned the county's status in meeting the program implementation deadline of July 1, 2014 if deciding to opt out. Mr. English explained that if the county opts out, he is

hoping DEQ will provide specific provisions that need to be added or revised to the Chesapeake Bay Ordinance. Mr. Quicke explained that the only way the county will meet the July 1st deadline would be if the Planning Commission were to schedule a public hearing for May to publicly hear something that the Planning Commission is not completely aware of yet to be able to forward it to the Board of Supervisors for their June meeting and have it adopted by July 1st. Morgan feels DEQ will give localities opting out until January 1st (six months) to get their ordinances in order and up to DEQ's standards. This seems "doable" for Richmond County.

Chairperson Hall stated she felt Mr. English did a good job creating the stormwater ordinance before it was sent to DEQ.

Mr. Cox and Mr. Quicke discussed the reality that there is simply not enough time between now and July 1st to update the ordinances to comply with the stormwater regulations.

Patrick Weakland asked if there was any language in VSMP that provides penalties for lack of compliance with the deadlines. There was no further discussion regarding this question.

Glenn Bowen stated he was in favor of opting out of the VSMP.

Mr. Lewis asked if the other counties in the Northern Neck were under the same time constraints as Richmond County. He also questioned the amount of grant money received for the VSMP and if any of the amounts spent need to be refunded to the state. Mr. English responded stating other counties are under the same constraints and a portion of the grant funding has been spent on materials necessary to implement the program and attorney fees. Mr. English does not feel the county will have to refund this money back to the state; rather, they will simply put a freeze on remaining portions of the funding. Mr. Quicke stated he believes the county was awarded an \$8,000 grant and has spent about \$6,000 of that amount.

Chairperson Hall and Mr. English discussed the county's option to opt into the program. Mr. English is very cautious about doing so.

Mr. Cox stated that as a citizen of the county, he would prefer to deal with local officials than DEQ. Mr. Cox feels better knowing the local administrators will be handling about 90% of the projects coming in.

Mr. Quicke provided clarification on opting in and opting out. By opting out, the county is turning everything over to DEQ with the exception of projects between 2,500 sq. ft. to an acre. In order to opt in, the county would need to continue to hold the public hearings and approve the stormwater ordinance by the July 1st implementation deadline.

Mr. English and Cassandra Jackson further discussed the freezing of grant money for this program. Mr. English explained he recently attended a workshop and DEQ informed everyone they were drafting letters to be mailed to localities and they were freezing funds until they received a response back from localities on their decision to opt in or out of the program.

Mr. Weakland stated that Garland Lake is located in his district and believes that 90% of the lots in this subdivision are more than two acres. He shared his concern that when landowners decide to build, they will have to comply and work with DEQ's requirements rather than working directly with local administrators, if the county decides to opt out of implementing the program. Mr. Weakland stated that opting out is his preference, but still has a concern for citizens if this is decided.

Mr. English explained that the stormwater management regulations do not restrict a property owner from developing a property the way the owner would like to develop it, but the regulations do require them to mitigate for what they want to do; owners will need to have a plan in place.

There was further discussion on the opening and closing of the public hearing. It was determined the public hearing had opened and then closed after realizing no one from the public was present and the Planning Commission were now discussing the matter at hand.

Mr. Quicke further clarified the difference between opting in and opting out for Mr. Bowen.

Mr. Cox, Mr. Quicke, and Mr. English discussed whether or not it was specifically stated in House Bill 1173 that projects between 2,500 sq. ft. and one acre will be kept under local control. Mr. Quicke and Mr. English felt this was actually stated in the bill.

Rick Cox made a motion "to recommend to the Board of Supervisors that the stormwater management ordinance not be adopted at this time and that the county opt out of administering its own VSMP under new state law recently adopted that allows our locality to opt out of implementing a VSMP." John Lewis seconded this motion.

Mr. Weakland asked if Mr. English and Mr. Quicke were in agreement with the motion. They both stated they were.

Jesse Clark asked that if the county decided to opt in at a later date, if the ordinance would still need to be in compliance with and reviewed by the DEQ. It was confirmed that the ordinance would need to be in compliance with and reviewed by the DEQ. Mr. English explained that he submitted a review package to DCR back in December and they said it was acceptable and when

DCR transferred over to DEQ, he then submitted a package to DEQ, but has not received any comments.

Mr. Cox questioned DEQ's lack of response to the county's stormwater package submission. Mr. Quicke believes this has occurred as a result of all the recent changes DEQ has experienced and has had to decide on the best way to spend their time, which would be deciding what needs to be done if localities opt out rather than reviewing an ordinance that may not even be implemented.

The motion carried with a vote of 10-0 (*Glenn Bowen – yay; Jesse Clark – yay; Darnell Clayton – yay; Rick Cox – yay; Chairperson Martha Hall – yay; Cassandra Jackson – yay; Clifton Jenkins – yay; John Lewis – yay; Joyce Pemberton – yay; Patrick Weakland – yay*).

Chairperson Hall thanked Mr. English for all the work he has done and will do in the future pertaining to the VSMP.

OTHER BUSINESS

There was no other business to be discussed.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Chairperson Hall adjourned the meeting at 7:49p.m.

Respectfully submitted,

Mercedes Pierce
Planning Commission Secretary