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9019 OLD BATTLEFIELD BLVD., STE 320
SPOTSYLVANIA, VA 22553
PHONE: (540) 507-7434

May 25, 2017

SENT VIA EMAIL

Edward Leonard
7700 River Road
Fredericksburg, VA 22407

Re: Barrington Rezoning

Dear Mr. Leonard:

Thank you for your patience as we completed our research and coordinated with other agencies in order to provide you a complete response to your questions. Please find below each of your submitted questions followed by staff's response in italics.

1. Please define "field located" wetlands as referenced on the site design document. Like most woodlands in this area the Barrington parcel flora and fauna are dependent on seasonal moisture. Were seasonal wetlands assessed as part of the Barrington site planning process?

Regulating and delineating wetlands is the responsibility of the Army Corps of Engineers (ACOE). If the developer impacts wetlands or streams (temporary or permanent), a Corps and DEQ permit may be required. In addition, a Section 106 screening with the Department of Historic Resources and a Section 7 (USFWS) for endangered species may be required. This level of review is not required for purposes of the rezoning; however should the rezoning be approved, the necessary ACOE approvals will be required prior to construction plan (site plan) approval.

2. Please define "field located" Civil War earthworks as referenced on the site design document. Civil War earthworks have been identified on the site by the developer. Because of the significant amount of Civil War activity in the general area we believe that a broader historical assessment to determine if there are additional Civil War sites on the property is warranted.

In this case, "field located" means the earthworks identified on the plan were observed by the applicant and the applicant's engineer physically walking the property. As part of the initial review, staff noted the property is within area associated with the Chancellorsville Battlefield and discussed the potential need for further study. The applicant indicates the property has been extensively timbered and disturbed in the past and that no other historical sites have been field located other than those identified on the plan. The applicant has proposed a preservation easement around the identified earthworks; however staff has concerns with the potential

disturbance to these sites given the location of the proposed driveway and that they are located on individual lots.

3. What long-term protection are in place for the existing Civil War earthworks? If protections exist, how will those protections be monitored by Spotsylvania County.

The applicant has proposed preservation easements around the identified earthworks which are located on individual lots. As part of the review and approval of the construction plans and plats, the County would ensure the preservation easements were created. However, beyond that point, there is no monitoring by the County, but any complaint about disturbance would be investigated. Staff has raised concerns related to the location of the earthworks within individual lots as this increases the likelihood of disturbance. An alternative which could decrease the likelihood of disturbance would be to include the earthworks within the open space area for the development.

4. This general design plan document includes significant areas marked as “waters of the United States”. We believe that it is appropriate that the proposal be evaluated by the Army Corps of Engineers to ensure that impacts on the “waters of the United States” and the Clean Water Act are given full consideration.

Please see response to Question #1.

5. The applicant’s Market, Fiscal Impacts & Proffer Analysis includes specific assessments of the costs and revenues associated with the project. Given that the site has zero development rights we believe that it is appropriate for Spotsylvania County to develop a comparable cost benefit analyses for the site under the scenario where no development occurs.

Please find enclosed staff’s comment letter to the applicant which includes staff’s analysis of the project’s impacts on capital facilities in accordance with the Code of Virginia Sec. 15.2-2303.4.

6. Please provide a general estimate of the dollar cost-per-acre required in County services for large wooded lots (100+)

Please find enclosed staff’s comment letter to the applicant which includes staff’s analysis of the project’s impacts on capital facilities in accordance with the Code of Virginia Sec. 15.2-2303.4.

7. The applicant’s Market, Fiscal Impacts & Proffer Analysis specifies that the three schools serving the proposed development are operating at approximately 97% of available capacity. The fiscal impact analysis also states that the 152 large lot subdivision houses approved since 2007, 70 of the approved homes have not been built. Since approval of Barrington would bring the unsold inventory to 109 houses (39 + 70) and generate an additional 63 students will be housed in the existing school buildings or, alternatively, how the County might finance the required classroom space.

Please find enclosed staff’s comment letter to the applicant which includes staff’s analysis of the project’s impacts on capital facilities in accordance with the Code of Virginia Sec. 15.2-2303.4.

8. The applicant’s Market, Fiscal Impacts & Proffer Analysis is inconsistent in the number of homes used in the base calculations throughout the document – the applicant uses both 38

and 39 homes when calculating costs and revenues to the County. We request that the applicant provide a new Market, Fiscal Impacts & Proffer Analysis using a consistent number of proposed houses.

The project will include a total of 39 lots; however, the property as it exists today is one (1) lot which is deducted from the projected impacts on capital facilities since one house could be built without the rezoning being approved. Please see staff's analysis of the project's impacts on capital facilities in accordance with the Code of Virginia Sec. 15.2-2303.4.

9. The proposed development is less than 1,200 yards from the Rappahannock River and fully engulfs Pipe Run, a year-round stream that feeds the Rappahannock River. Has the County assessed the impacts of the development on downstream water quality for Fredericksburg as well as the non-point source pollution impacts on the Chesapeake Bay and regional clean-up efforts currently being implemented under the Clean Water Act?

Per the Code of Virginia, a conceptual sketch of the proposed development is what is required at the rezoning stage; however, the construction plans must include a water quality impact assessment, field identified setbacks and impacts to Resource Protection Areas (RPA) as well as the County's River Protection Overlay.

10. Property development rights associated with the current Barrington property were previously clustered to form the Woodland Manor subdivision leaving the current property with zero development rights. Approving the Barrington rezoning effectively creates 39 previously unaccounted development rights out of thin air. How prevalent is this type of rezoning across Spotsylvania County and is it consistent with land use planning best practices?

The purpose of rezoning is to achieve a higher density/number of lots than what is permitted under the existing zoning. Any approved residential rezoning results in additional development rights being granted to a property consistent with the new zoning designation. The details of each rezoning vary, but the principle remains the same. The County receives several rezoning applications each year and each application is evaluated on its merits.

The original Barrington parcel had 10 development rights, nine (9) of which were used to plat Woodland Manor, leaving one (1) development right on the remaining acreage. If approved, the rezoning will result in 38 additional lots. If the rezoning is denied, the property is already developed to the maximum number of lots permitted under the existing Rural zoning.

Consider an alternative scenario in which Woodland Manor was not platted. The applicant could have proposed a maximum 49 lot rezoning (calculated off the original parcel acreage) and received credit for 10 development rights, resulting in 39 additional lots. If this alternative scenario rezoning were denied, the applicant could still plat a 10 lot subdivision under Rural zoning.

The property has a rural residential land use designation on the Future Land Use Map of the Comprehensive Plan. In general, rural residential development has a density of one (1) unit per two (2) acres and greater, including large lot residential, cluster development, farms, and forestland. These properties are served by private wells and septic systems. The preservation of land through conservation easements or preservation methods defined by the County Code may also be appropriate within this land use.

The Barrington proposal seeks to establish a maximum density of one (1) dwelling unit per five (5) acres and preserve over 53% of the property in open space.

11. Lot 26 house is shown on a slope steeper than 15%.

Per County Code Sec. 20-5.1.9 single-family detached lots shall contain a minimum of ten thousand (10,000) contiguous square feet of buildable area exclusive of floodplains, wetlands, resource protection areas, steep slopes greater than fifteen (15) percent, reservoir protection overlay district buffers, river protection overlay district buffers, and drainfields. This level of review is confirmed during the construction plan review and approval stage.

12. Lot 4,6, 8, 10, 14, 26 &28 have drainfield or construction shown on or near slopes steeper than 15%.

Drainfield construction is allowed on slopes greater than 15% by the Virginia Department of Health's Sewage Handling and Disposal Regulations (SHDR). Slopes from 0 to 50% are allowed without terracing the site to allow equipment to install drainfields safely. Slopes greater than 50% are to be terraced prior to drainfield installation. Also, one of the purposes of showing the areas of the property greater than 15% slopes is to confirm that there is at least 10,000 sq. ft. of land area exclusive of floodplains, wetlands, resource protection areas, greater than 15% slope areas, reservoir protection overlay district buffers, river protection overlay district buffers, and drainfields.

13. Lots 4 & 5 driveways will disrupt wetlands.

Chesapeake Bay Act allows for crossing the streams and wetlands with driveways.

14. Lots 4 & 5 septic fields will impede or disrupt wetlands.

Per the SHDR 12VAC 5-610-593.1., 4., 7., and 8 regulations the placement of subsurface soil absorption systems are prohibited in (1.) Marshes and Swamps. (4.) Drainageways. (7.) Floodplains with annual or more frequent flooding for 24 hour duration or more. (8) Alluvial and Colluvial Deposits with shallow depths, extended periods of saturation, or possible flooding.

Table 4.1 lists the minimum horizontal separation distances for pretreatment units (which includes the septic tank), conveyance lines (gravity or pump), and header lines to structures or topographical features. The minimum horizontal standoff distance is 50 ft. to Natural Lakes & Impounded Waters and Streams.

For conventional drainfield systems the minimum horizontal separation distances from the bottom or sidewall of soil absorption system trench to structures or topographical features is given in Table 4.2 of the regulations. The minimum horizontal standoff distance is 50 ft. to Natural Lakes & Impounded Waters and Streams; the distance can be reduced to 10 ft. in Group III and IV soils and 20 ft. in Group I and II soils where the subsurface soil absorption system is designed to provide unsaturated flow conditions in the soil.

The Alternate Onsite Sewage System Regulations (AOSS Regs.) list in Section 12VAC 5-613-200.4 a minimum 5 ft. horizontal separation distance to wetlands subject to permitting by

Virginia Department of Environmental Quality (VDEQ) pursuant to the requirements of Title 62.1 of the Code of Virginia.

The proposed drainfield areas shown on the copy of the plat received by email are not actual drainfield sites that have been investigated by Licensed Onsite Soil Evaluators (OSE) and approved by the health department. The purpose of these areas shown, again, is to represent drainfield areas that are exclusive of the minimum 10,000 sq. ft. land area with slopes less than 15%. As you will notice all of the shown proposed drainfield areas are exactly the same size. These are just typical representations of drainfield sites. The actual size (area) of the approved drainfield sites will be determined by the OSE and is based on soil properties, absorption rates of the soil, slope, landscapes, presence of any limitations to the site or soil, the number of bedrooms proposed, and standoff distances to structures, property lines, or topographic and site features.

15. The road shown in front of Lot 19/Lot 18 crosses steeper slopes than 15%.

Grading will be required to ensure the proposed roads meet VDOT and County standards with respect to slope. The maximum grade of street construction is 9% per the County's Design Standards Manual Article 5-3.4E(1).

16. What long-term protections will lots 33 & 34 have for Civil War earthworks?

The applicant has proposed preservation easements around the identified earthworks which are located on individual lots. As part of the review and approval of the construction plans and plats, the County would ensure the preservation easements were created. However, beyond that point, there is no monitoring by the County. Staff has raised concerns with the earthworks located within individual lots as this increases the likelihood of disturbance. An alternative which could decrease the likelihood of disturbance would be to include the earthworks within the open space area for the development.

17. Lot 34 driveway cuts through a Civil War earthwork.

It appears the earthworks stop and start in areas and the proposed driveway goes through the existing gap. Staff has raised the concern of potential disturbance of the earthworks.

If you have any questions, concerns or comments please do not hesitate to contact me directly by phone at (540) 507-7434 or via email at wparrish@spotsylvania.va.us.

Respectfully,



Wanda Parrish, AICP
Director of Planning

Ms. Wanda Parrish, Director of Planning
County of Spotsylvania, Virginia
9019 Old Battlefield Blvd., Suite 320
Spotsylvania, Va. 22553

April 3, 2017

Dear Ms. Parrish,

I am contacting you on behalf of a coalition of citizens concerned about the fiscal, environmental and land use issues associated with the Barrington subdivision proposal (project number R17-0003).

We believe that it is not in the Spotsylvania County taxpayer's best interest to allow a property owner to strike a development deal with the County to cluster and exhaust building rights under an existing RU zoning designation and then subsequently request that the same property be rezoned to PRR-2 in order to generate new development rights where none previously existed.

We understand how this type of re-zoning benefits the property owner and developer, but our concern is that in approving such a re-zoning request the County's actions foster increased taxes and unfairly deprives adjacent landowners of the ability to rely on County zoning practices and the County's comprehensive plan.

Specifically, we ask that you address the following questions and concerns:

1. Please define "field located" wetland as referenced on the site design document. Like most woodlands in this area the Barrington parcel flora and fauna are dependent on seasonal moisture. Were seasonal wetlands assessed as part of the Barrington site planning process?
2. Please define "field located" Civil War earthworks as referenced on the site design document. Civil War earthworks have been identified on the site by the developer. Because of the significant amount of Civil War activity in the general area we believe that a broader historical assessment to determine if there are additional Civil War sites on the property is warranted.
3. What long-term protections are in place for the existing Civil War earthworks? If protections exist, how will those protections be monitored by Spotsylvania County?
4. This general design plan document includes significant areas marked as "waters of the United States". We believe that it is appropriate that the proposal be evaluated by Army Corps of Engineers to ensure that impacts on the "waters of the United States" and the Clean Water Act are given full consideration.
5. The applicant's Market, Fiscal Impacts & Proffer Analysis includes specific assessments of the costs and revenues associated with the project. Given that the site has zero development rights we believe that it is appropriate for Spotsylvania County to develop a comparable cost benefit analysis for the site under the scenario where no development occurs.
6. Please provide a general estimate of the dollar cost-per-acre required in County services for large wooded lots (100+ acres).

7. The applicant's Market, Fiscal Impacts & Proffer Analysis specifies that the three school's serving the proposed development are operating at approximately 97% of available capacity. The fiscal impact analysis also states that of the 152 Large Lot Subdivision houses approved since 2007, 70 of the approved homes have not been built. Since approval of Barrington would bring the unsold inventory to 109 houses (39 + 70) and generate an additional 63 students (109 houses * .57 pupils per home) please describe how the additional 63 students will be housed in the existing school buildings or, alternatively, how the County might finance the required classroom space.
8. The applicant's Market, Fiscal Impacts & Proffer Analysis is inconsistent in the number of homes used in the base calculations throughout the document – the applicant uses both 38 and 39 homes when calculating costs and revenues to the County. We request that the applicant provide a new Market, Fiscal Impacts & Proffer Analysis using a consistent number of proposed houses.
9. The proposed development is less than 1200 yards from the Rappahannock River and fully engulfs Pipe Run, a year-round stream that feeds the Rappahannock River. Has the County assessed the impacts of the development on downstream water quality for Fredericksburg as well as the non-point source pollution impacts on the Chesapeake Bay and regional clean-up efforts currently being implemented under the Clean Water Act?
10. Property development rights associated with the current Barrington property were previously clustered to form the Woodland Manor subdivision leaving the current property with zero development rights. Approving the Barrington re-zoning effectively creates 39 previously unaccounted development rights out of thin air. How prevalent is this type of re-zoning across Spotsylvania County and is it consistent with land use planning best practices?

Based on the Barrington Generalized Development plan we note the following site specific concerns:

- Lot 26 house is shown on a slope steeper than 15%
- Lot 4, 6, 8, 10, 14, 26 & 28 has drain field or construction shown on or near slopes steeper than 15%
- Lots 4 & 5 driveways will disrupt wetlands
- Lots 4 & 5 septic fields will impede or disrupt wetlands
- The road shown in front of Lot 19 / Lot 18 crosses slopes steeper than 15%
- What long-term protections will lots 33 & 34 have for Civil War earthworks
- Lot 34 driveway cuts through a Civil War earthwork

Thank you for your kind assistance. We look forward to your response.

Sincerely

Edward Leonard