

## Spotsylvania County Planning Commission **DRAFT**

---

Holbert Building Board Room, 9104 Courthouse Road, Spotsylvania VA 22553

**MINUTES:** October 17, 2018

**Call to Order:** Mr. Newhouse called the meeting to order at 7:00 p.m.

**Members Present:**

Richard Thompson	Courtland
Howard Smith	Livingston
Gregg Newhouse	Chancellor
Jennifer Maddox	Berkeley
C. Travis Bullock	Battlefield
Michael Medina	Salem

**Members Absent:** Mary Lee Carter Lee Hill

**Staff Present:**

Paulette Mann, Planning Commission Secretary  
B. Leon Hughes, AICP, Assistant Director of Planning  
Kimberly Pomatto, CZA, Planner III  
Alexandra Spaulding, Senior Assistant County Attorney  
Jacob Pastwik, AICP, Planner III  
Troy Tignor, Zoning Administrator  
Richard Street, Sr. Environmental Engineer

---

### **Public Hearing(s):**

**CA18-0004 Spotsylvania County Board of Supervisors (Ordinance No. 8-15):** Amendments to County Code (“Code Amendment”) Chapter 8, Erosion and Sediment Control, Article I. In General, Sec. 8-4. – Definitions, to add exceptionally-large-scale land disturbance construction area, defined as 400 acres or larger; Article II. Local Erosion and Sedimentation Control Program, Division 3 - Special Requirements, Sec. 8-37. – Fees for inspection of corrections of violations of the provisions of this chapter; to letter the existing provision as (b); and to add:

(a) Fees for exceptionally-large-scale land disturbance construction area inspections shall be authorized by the Board of Supervisors from time to time to off-set Erosion and Sedimentation Control Departmental program administration and inspection costs and shall be designated in the Unified Fee Schedule.

(1) In accordance with the Unified Fee Schedule fee amount and determined by land disturbance acreage calculation on the approved site plan, the applicant shall be billed for the monthly inspection fee on the first day of each month during the period of validity of the construction site plan. Thereafter, the applicant will continue to be billed for the required monthly fee on the first (1st) day of the month until the site receives a final bond release inspection approval. The applicant shall remit payment within fifteen (15) days of invoicing to the Zoning and Environmental Codes Department by check payable to the County

Treasurer. Failure to stay current on construction fee billing shall be cause for issuance of a project stop work order until such fees are paid current.

(2) If the monthly fee schedule amount received is more than the amount of billed third-party inspection costs required during any month, then the County collection overage amount will be discounted towards the next calculated County fee invoice to the applicant submitted on the subsequent first day of the next month's invoice equalized to the monthly fee per the fee schedule.

(3) If the monthly fee schedule amount invoice is insufficient to cover the billed third-party inspection cost for any particular monthly billing cycle, then the applicant shall be invoiced for the County's fee collection underage on the subsequent month's invoicing in an equal amount totaling third-party inspections billing for that current month plus the previous month's collection underage.

(4) At the closure of the land disturbance permit by a final bond release inspection, the applicant shall be due any County fee collection overage compared to the last month's third-party billing cycle up to final bond release inspection.

Pursuant to Sec. 8-31(c), the following new fees are proposed to be added to the Fee Schedule for Land Use and Building:

Division	Name of Fee	Current Fee	Proposed Fee
E&S	Exceptionally-Large-Scale land disturbance area inspections	New Fee	400 to <1000 Acres \$7000 per Month 3rd party inspections
		New Fee	1000 to <2000 Acres \$11,000 per Month 3rd party inspections
		New Fee	2000 to <3000 Acres \$22,000 per Month 3rd party inspections
		New Fee	3000+ Acres \$44,000 per Month 3rd party inspections

*Mr. Newhouse opened the public hearing.*

Mr. Street and Mr. Tignor presented the case. The proposed Erosion fee and Erosion Code amendment is to provide cost recovery of the Department's costs for mandated erosion control inspections, enforcement, and erosion and sedimentation land disturbance activity construction compliance during the full construction time span of an exceptionally large project [hundreds or thousands of acres]. The Erosion and Sedimentation Control Program is mandated to conduct inspections per the Department of Environmental Quality, DEQ, every 2 weeks cycle, or within

48 hours of any run-off producing rainfall event. The recommended proposed fee covers regular maintenance inspections of the required site plan features to be compliant with both local and State law and to prevent off-site sediment transport and protection of water quality, wetlands, perennial streams, and resource protection areas adjacent to land disturbance construction activity on any exceptionally large acreage site plan and scope of operations. The current fee is insufficient to cover the department's budgetary costs for inspecting for an exceptionally large scale project due to the exceptionally long time period to access, view, and record site conditions. The County has a four year contract with an established third party procured engineering firm certified to conduct inspections through DEQ and under the supervision and coordination with County personnel.

Mr. Tignor reminded the Commission that this is for land disturbance activity of 400 acres or more.

Mr. Smith inquired when this would go into effect.

Mr. Tignor stated that once approved by the Board of Supervisors it would go into effect.

Mr. Medina asked staff to provide examples of development over 400 acres or more.

Mr. Tignor provided Lee's Parke Pod D is close to 300 acres which is pretty significant. He said that it will be fairly rare to use this fee because of land size.

Mr. Newhouse inquired about the 3<sup>rd</sup> party fee.

Mr. Tignor explained that the County has three 3<sup>rd</sup> party reviewers on standby in cases where we need them. He stated that they have 15 staff and 3 engineers at our disposal. The engineers would bill the County and then they would be reimbursed through fees collected from the applicants.

There was discussion about bonds.

Mr. Tignor also discussed phases of construction and the requirement for inspection after a rain event. He stated that DEQ follows up behind staff. There was discussion that the bond is maintained for as long as County staff had to inspect the site.

Mr. Medina inquired further about 3<sup>rd</sup> party review.

Mr. Tignor stated that we retain 3<sup>rd</sup> party reviewers for four years and then have to rebid.

There was a brief discussion about the possibility of the reviewer's fees going up.

Mr. Medina inquired if he feels the proposed fees adequate for the next four years.

Mr. Tignor stated that they feel the proposed fees should be sufficient for the next four years.

Staff recommends approval of CA18-0004 (Ord. No. 8-15).

*Speaking in favor or opposition:* None

*Mr. Newhouse closed the public hearing.*

**Motion and vote:** Mr. Thompson made a motion, seconded by Mr. Smith to approve the amendment. The motion passed 6-0.

**Adjournment:**

**Motion and vote:** Mr. Smith made a motion, seconded by Ms. Carter to adjourn. The motion passed 6-0.

The meeting adjourned at approximately 8:50 p.m.

\_\_\_\_\_  
Paulette Mann

\_\_\_\_\_  
Date