

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the      day of      , 2004:

MEMBERS:

- Jack R. Cavalier, Chairman
- Gary D. Pash, Vice Chairman
- Peter J. Fields
- Robert C. Gibbons
- Kandy A. Hilliard
- Mark W. Osborn
- Gary F. Snellings

VOTE:

On motion of      , seconded by      , which carried by a vote of      to, the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN SECTION 28-25, DEFINITIONS OF SPECIFIC TERMS, AND SECTION 28-39, SPECIAL REGULATIONS, OF THE ZONING ORDINANCE REGARDING PERFORMANCE STANDARDS IN RURAL AREAS

WHEREAS, the Board adopted a vision statement in 2002 that recognizes the County as a community with an abundant and meaningful past building a thoughtful, sustainable future; and

WHEREAS, the Board's vision includes sustainability principles that foster sound development practices; and

WHEREAS, the Board believes that rural residential development should be designed to maintain the County's rural character, preserve natural and cultural resources, and minimize conflicts between agricultural and residential uses; and

WHEREAS, the Comprehensive Plan includes goals for protection of the natural environment and cultural resources, preservation of the rural character, and continuation of agricultural uses; and

WHEREAS, the County's Wildlife Habitat Protection Plan and the Cultural Resources Management Plan provide recommendations for protection of natural and cultural resources, respectively; and

WHEREAS, the Chesapeake Bay Preservation Area Plan encourages preservation of sensitive areas adjacent to tidal water bodies and streams with perennial flow; and

WHEREAS, development activities threaten natural and cultural resources through encroachment of man-made features and deposition by erosion; and

WHEREAS, the Board believes that current zoning regulations do not adequately promote good development practices in consideration of these resources; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare or good zoning practice requires adoption of such and ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the     day of     , 2004, that Section 28-25, Definition of specific terms, and Section 28-39, Special regulations, of the Zoning Ordinance be and it hereby is amended and reordained as follows, with all other portions remaining the same:

**Sec. 28-25. Definitions of specific terms.**

Active commercial farm. A tract of land or an area of water devoted to the commercial production of crops, domestic livestock, aquatic animals, or forest products, capable of producing \$5,000 or more in gross revenues per year. Farms devoted exclusively to the production of forest products would not need to meet the annual gross revenue requirements but would need to meet the minimum existing requirements for land use tax benefits. Crops shall include grains for human or domestic animal consumption, hay, fruits, vegetables, and other food and fiber plants common to the region. Domestic livestock shall include cattle, sheep, horses (breeding, training and boarding), and other domestic animals common to the region. Aquatic animals shall include catfish, hybrid striped bass, Tilapia, crayfish, fresh water shrimp, or any other aquatic animals raised in a pond, tanks, or other controlled bodies of water.

**Sec. 28-39 Special Regulations**

Sec. 28-39 (1) Performance standards in A-1 and A-2 districts. The following standards shall be the minimum required for all subdivisions in the A-1, Agricultural, and A-2, Rural Residential, districts:

- (1) Areas containing steep slopes greater than twenty-five (25) percent, Resource Protection Areas, wetlands and floodplains shall be deemed non-buildable areas. Non-buildable areas shall remain undisturbed with the exception of passive recreational activities, and road crossings where there is no alternative for access. Non-buildable areas shall be located in common open space to be maintained by a homeowner's association, land trust, or private entity; or shall be located in a conservation easement on a lot exclusive of the net lot area. The net lot area shall not be smaller than the minimum lot size required in the zoning district and shall not be physically divided by non-buildable areas.

For the purpose of this article, steep slopes do not apply to isolated steep slope areas that are less than five thousand (5,000) square feet in land area.

- (2) A building setback of two hundred (200) feet shall be maintained from the perimeter boundary of the parent tract where located adjacent to existing agricultural uses defined as active commercial farms.
- (3) A building setback of one hundred (100) feet shall be maintained along existing state-maintained roads to help retain the scenic quality of rural county roads.
- (4) Wildlife migration corridors shall be maintained along all designated Resource Protection Areas (RPA). This shall include an additional one hundred (100) foot buffer from the edge of any RPA as identified on the County's Chesapeake Bay overlay maps, or as identified in a site specific determination of RPA.
- (5) A cultural resources assessment and subsequent mitigation plan shall be submitted simultaneously with the preliminary subdivision plan. The cultural resources assessment shall contain an inventory of all known historic and/or archaeological resources on site, based on records located within the Stafford County Planning Office, the State Department of Historic Resources, review and comments from the Stafford County Historical Commission, individual site characteristics (such as proximity to water and/or hilltops), and oral history reported by neighboring residents. The cultural resources assessment shall be required to identify the sources and methodology used, whether or not cultural resources have been determined to exist, and the applicant shall certify that the assessment as submitted is accurate and conducted in a professional manner.

The applicant shall be required to conduct a Phase I archaeological investigation for the area deemed to be significant (not necessarily encompassing the entire area to be developed) performed in accordance with the guidelines of the Virginia Department of Historic Resources, which shall be submitted simultaneously with the preliminary subdivision plan in the event the cultural resources assessment reports that the site contains one or more of the following:

(a) Presence of resources that are listed or eligible for listing on the State or National Historic Register;

(b) Reported or suspected presence (even in the absence of tombstones) of cemeteries;

(c) Proximity of site to areas of known historical or archaeological sites, including historic communities, structures, or crossroads; and

(d) Proximity of site to areas deemed likely to contain significant prehistoric resources, defined to be the areas located near streams and atop significant rises.

In the event that the Phase I recommends further study, the applicant shall conduct a Phase II and/or Phase III as recommended in the Phase I unless the area of significance is contained within a preservation easement, conservation easement, or open space and will not be disturbed. Said studies shall be submitted no later than final site plan for that portion of the area being developed which includes the study site.

- (6) All Stormwater Management (SWM) Concept Plans shall incorporate Low Impact Development (LID) design methods, techniques and measures to the maximum extent practicable in accordance with the methodology in the County's SWM ordinance and design manual. If soil or topographic conditions warrant, conventional SWM methods may be considered only after LID methods have been exhausted. A written statement from the Director of Code Administration determining the appropriateness of LID shall be submitted prior to the submission of a preliminary subdivision plan.
- (7) Environmental Impact Assessment (EIA) and subsequent mitigation plans shall be submitted simultaneously with preliminary subdivision plans. The purpose of the EIA is to determine the limits of environmentally sensitive resource areas within any parcel(s) prior to development to promote

conservation of the resources and the incorporation of the features into the development design. The EIA shall be prepared using literature, data or County generated maps to illustrate the existing environmental resources identified herein, or the best available biological data. This requirement does not release the applicant from obtaining a permit from the Corps of Engineers for disturbances in wetland areas, or any other necessary local, state or federal permits. The EIA shall identify and illustrate the location of environmental resources on the property and shall be accompanied by a brief narrative description and the source of information for each. Examples of resources include but are not limited to:

(a) Rare plant or animal communities or rare, threatened or endangered species as identified by the U. S. Fish and Wildlife Service or the Virginia Department of Conservation and Recreation's Natural Heritage Program; or other significant habitat as determined by the County

(b) Forest or other vegetated cover as depicted in aerial photos or maps available from the Department of Planning and Community Development, or as indicated by a professional land surveyor;

(c) Floodplains, steep slopes, Resource Protection Areas (RPA's), intermittent streams and wetland areas;

(d) Description and location of the existing wildlife corridors on the site, along with connections to off-site habitats and wildlife corridors; and the assessed impacts of development on the continuity and viability of those corridors as protections for wildlife and natural communities.

Design of a development plan shall take into consideration the resources as stated above. Plans should be designed to preserve and protect resources, and to mitigate impacts to said resources. Mitigation plans shall be prepared based upon documented recommendations from entities such as the Virginia Department of Conservation and Recreation, Virginia Department of Game and Inland Fisheries, US Fish and Wildlife Service, or other agencies/individuals deemed appropriate by the Planning Department to make recommendations based upon sound science. Plans should provide clear limitations on disturbance within resource areas, and show proposed mitigation measures for destruction of habitat resulting from development. Site design should include:

i. Maintaining buffers between areas to be dominated by human activities and core wildlife habitat areas;

- ii. Maintaining wildlife movement corridors
- iii. General siting and disposition of improved areas arranged in a way that minimizes interference with potential wildlife corridors on the parcel;
- iv. Buildings and other land disturbance activities arranged so that they preserve the corridors of continuous woodland or shrub areas on site and minimize breaks and interruptions in these corridors.
- v. Providing additional 100-foot undisturbed buffer from the edge of the Resource Protection Areas (RPA's), wetlands and intermittent streams;
- vi. Restricting development in floodplains and on steep slopes greater than twenty-five (25) percent,
- vii. Minimizing disturbance of native vegetation to the extent possible.
- viii. Delineating existing vegetation on development plans and marking on site during all phases of construction;
- ix. Mimicking native landscapes by utilizing indigenous vegetation for supplemental plantings.