

BOARD OF SUPERVISORS
STAFFORD COUNTY, VIRGINIA
REGULAR MEETING
MINUTES
DECEMBER 13, 2022

CALL TO ORDER – A regular meeting of the Stafford County Board of Supervisors was called to order by Crystal Vanuch, Chairman, at 3:02 p.m. on Tuesday, December 13, 2022 in Board Chambers, George L. Gordon, Jr. Government Center, 1300 Courthouse Road, Stafford VA.

ROLL CALL – The following members were present: Crystal L. Vanuch, Chairman; Pamela Yeung, Vice-Chair; Tinesha O. Allen; Meg Bohmke; Thomas C. Coen; Darrell E. English

Ms. Vanuch asked for a motion to allow Supervisor Monica Gary to participate remotely, and to allow Supervisor Coen to participate later on in the meeting if he were to receive a phone call that would require his abrupt departure from the meeting.

Ms. Yeung motioned, seconded by Supervisor Bohmke, to allow the remote participation of Supervisors Gary and Coen. *(All Supervisor Gary's votes were counted and recorded as oral votes.)*

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	

Also in attendance were Randal E. Vosburg, County Administrator; Rysheda McClendon, County Attorney; Cheryl Giles, Deputy Clerk; Julia Holmes, Assistant Deputy Clerk; various staff members; and other interested parties.

CHAIRMAN'S COMMENTS

Ms. Vanuch said that at the December 2 Christmas tree lighting, thousands of residents showed up, and the Quantico Base Commander Colonel Michael Brooks and his wife, Starr Brooks, were special guests. She said that the event could not have been accomplished without generous sponsors who ensured the event was funded for the community. She said that Silver Companies was a diamond sponsor, paying a majority of the cost, Jarrell Properties was a platinum sponsor, Atlantic Builders was a gold sponsor, Lifecare Medical Transports was a silver sponsor, and the bronze sponsors were Stafford Printing, the Hornung family, Rob Gallahan, and the Economic Development Authority.

Ms. Vanuch thanked the Economic Development Authority for helping secure all of the checks from sponsors and making sure printing materials were prepared. She said that she also wanted to thank their Parks and Recreation Community Facilities staff, Economic Development & Tourism, Utilities, the Sheriff's Office, Fire and Rescue, and Community Engagement departments. She said that many hours went into planning the event from July until now, so she was thankful for the difficult and painstaking work that went into making sure the community had a wonderful time, and she looked forward to doing so next year.

Ms. Vanuch said that later in the week, the annual state of the County update and video would be released. She said that all of the Supervisors were asked constantly about what the County was doing and what it was accomplishing, and she was in the midst of all of the decisions and actions, but even she was surprised at the achievements made just in this year alone. She said that this Board had been aggressively busy at work and worked every day to move the County forward. She urged the public to watch the story's release and video on December 16 and see all of the great things that this Board and staff had done on behalf of Stafford County residents this year.

Ms. Vanuch said that she was proud of the action made to give deputies with the rank of first sergeant and below a 15% pay raise to help recruit and retain the best employees, and also for providing one of their last budget's largest transfers to the schools ever last year, but there were many more things that they did to improve traffic and other services provided to the community. She said that it had been a great year in Stafford and she looked forward to 2023.

Ms. Vanuch said that on behalf of the Board of Supervisors, she would like to wish the residents of Stafford a Merry Christmas and a Happy New Year. She said that the County offices would be closed for the holidays on December 23, December 26, and January 2.

PRESENTATIONS

There were no presentations.

ADDITIONS - DELETIONS AND APPROVAL OF THE REGULAR AGENDA

Mr. Vosburg said that there was a handout for the Board that was related to agenda Item 12 on the Consent Agenda, which was an update to the grant numbers for that Item.

Ms. Vanuch asked for a motion to approve the agenda with this updated item.

Mr. English motioned, seconded by Mr. Coen, to approve the Consent Agenda as amended.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay: (0)

PRESENTATIONS BY THE PUBLIC - I (3 MINUTES EACH)

Ms. Vanuch read the protocol for public presentations.

1. Ms. Shannon Fingerholz stated that she was a resident of the Hartwood District and said that she would be leaving this meeting early to attend the School Board meeting, and she would send the Board emails in the time she would not be able to attend meetings. She wished everyone a joyous winter, Happy Channukah, a warm and bright Winter Solstice, a Merry Christmas, and a Happy Kwanza, and whether someone was celebrating something or not that they felt love and spread love.

Ms. Fingerholz said that they all were seeing the dire need for more schools and how other schools needed to be rebuilt. She said that during the recent meeting of the School Board and Board of Supervisors, the communication struggle was evident, but there were evident signs of it improving. She said that a suggestion was to stop doing presentations and to have more discussions. She said that the two groups shaped the County and they needed to shape it together.

Ms. Fingerholz said that as a community, they kept hearing questions about specific schools, and hearing this from the outside showed that it was a glaring sign of what the lack of planning had done. She said that it had caught up to them and to their children and was spread across the County as a whole-County issue. She said that they needed one of their oldest schools, Hartwood, to be rebuilt, and that money was approved, however, it was done with little research, and there were very limited geographical areas to place that rebuild, and the reason appeared to be a refusal to do responsible planning of infrastructure in years past.

Ms. Fingerholz said that a requirement for Hartwood's reconstruction was for it to be on public water and sewer due to capacity and public safety issues. She said that however, in the attendance zone of this school, that was not really an option, and from her understanding, it was because the County had not seen a public need for it because they did not want to encourage growth, wanted developers to run the infrastructure, and decided that waiting on those developers was the best plan at the moment. She said that the planning for the Westlake community was started around 1989, which was 33 years ago and more than a generation.

Ms. Fingerholz said that it was time to do what was needed for the community and to stop waiting. She said that she did not care who they had to blame or about people's political party, or what they had to do to encourage themselves, but they had to begin with the truth. She said that they had to step up and focus on their schools. She said that while they were increasing capacity with elementary schools #18 and #19, they needed to work on extending the real need of public water and sewer to allow Hartwood to be rebuilt, and these two hurdles must be fixed together. She said that there was a difference between being fiscally responsible and cheap. She said that as she heard Supervisor Gary say, sometimes being fiscally responsible meant raising taxes, and she thought she was right.

2. Ms. Stephanie Deane said that she resided at 46 Honor Court in the Aquia District, and that Ms. Monica Gary was her representative. She said that she had been a resident of Stafford County for 27 years. She said that for the first two years she lived in Stafford, they took their trash to the landfill, and she then got Shifflett's trash about two years in, and that company was later bought out by County Waste. She said that everything was good, then GFL came in and bought everyone out except for Waste Management and Davis. She said that she had been fighting them for months now to pick up her trash, as others had done as well. She said that they told her now that her driveway was unsafe, after 27 years.

Ms. Deane said that she had images of this that she would like to leave for Ms. Gary, and thanked Ms. Gary for having Erica reach out to her with GFL's contact. She said that ironically, it was Danny Shifflett, and he did not return her two messages. She said that she wrote him a letter to let him know that she would be here today, because she would love to receive an explanation and an apology. She said that they wanted her to take her trash cans 820 feet to the end of her road, off of Hope Road between the 500 and 600 blocks, where trash cans could not be placed safely or without environmental hazard.

Ms. Deane showed an image of her driveway, which her husband maintained with his own equipment, and was in better shape than some roads out there. She said that for 25 years, a trash truck was able to come down their driveway and had no issue. She said that she wanted to know how Stafford County allowed GFL to bill her and not pick up her trash, only refunding her partially for the issue. She asked how GFL was allowed to come in and make rules to determine that her driveway was unsafe. She said that she would like for someone to come see her driveway and explain to her how it was unsafe.

Ms. Vanuch asked Ms. Deane to give her materials to Mr. English.

Ms. Deane said that Ms. Gary and Erica had her contact information.

3. Ms. Margaret Mock stated that she lived at 215 Randolph Road in the George Washington District. She said that she was present to continue requesting approval for the walking and biking trail known as Belmont to Ferry Farm. She said that since August, her walking partner, Ginny Christina, who was present at the meeting, had spoken with her to hundreds of Stafford County residents who were in favor of completing the Belmont to Ferry Farm Trail. She said that they sat in front of Giant Food, attended community events, and went door-to-door in south Stafford subdivisions to get signatures on petitions in favor of completing the trail. She said that some of their friends took petitions into their neighborhoods. She said that they found people to be very interested in the progress of the trail, and overwhelmingly positive.

Ms. Mock said that they gathered over 400 signatures on paper copies, and 34 of those signatures were from the Chatham Landing subdivision, which was next to the uncompleted part of the trail. She said that a total of 585 people had signed online petitions. She said that there was no question that Stafford County residents wanted the trail completed, but the question was when it would happen. She said that it was her understanding that the Belmont Ferry Farm trail had been under discussion for more than ten years. She said that delaying completion of the trail was not sensible, and the wise thing to do was to move the project forward so that Stafford County residents could enjoy its benefits sooner rather than later. She said that she hoped she could look forward to walking on this trail in the near future.

Ms. Mock noted that just this morning, she went to the FAMPO site for the new east-west corridor study, where she found a reference to a new shared-use path from Chatham Bridge to Chatham Heights Road. She said that this was a much-needed trail, but she hoped that it would not supplant or take priority over the Belmont to Ferry Farm trail which had been on the books for so long. She said that she had the petitions with her, but she did not think that the Board would want to read 441 names and addresses. She said that she could supply them to the Board if needed, and there were paper copies available showing the contact made with over 500 people in Stafford who were all in favor of the trail.

Ms. Vanuch said that the Board would appreciate Ms. Mock's materials being shared with the Supervisors.

4. Ms. Ginny Christina said that she lived at 204 Taylor Street in the George Washington District. She said that she agreed with Ms. Mock that there was an enthusiastic response in signing the petitions for the trail, and people were excited to hear about it. She said that several people had mentioned that they had wondered why the trail was never completed. She said that they were happy to hear of the campaign to bring the plan back to life and

were very encouraged by it. She said that people loved trails and walking on the Belmont Trail as well as several in the city, she saw that they were full of people, and she thought the Supervisors would agree that the places where the trails were provided were perceived to have better quality-of-life.

Ms. Christina said that they needed more trails in south Stafford, and this one had the advantage of linking directly to the Belmont Park trails as well as numerous existing trails in the city. She said that when CSX Railroad shut down the spur line running east along King's Highway, it would be a perfect rails-to-trails site, offering opportunities for really extending the network. She said that she recently received email notifications about postings made about some of the south Stafford neighbors on a social platform called Nextdoor.

Ms. Christina said that the postings appeared just after the Christmas parade was held downtown and were about pedestrians returning to Stafford from the event by way of the Chatham Bridge. She said that arriving at the Stafford Inn, they had no choice but to navigate a dark shoulder of the road where several vehicles had now parked. She said that it felt very unsafe, especially for families with small children pushing strollers, all with traffic whizzing by inches away. She said that since then, she had heard two people from Chatham Landing had planned to go to the parade and gave up on the idea because they felt that it was not safe to walk there. She said that this proposal would provide a safe place to walk as they exited the bridge and would provide places to park not too far away.

5. Mr. Brandon Watkins stated that he lived at 17 Remington Court in the Garrisonville District. He greeted the Board and stated that he was autistic and wanted to provide the wonderful community of Stafford County with a positively reinforced message. He said that the holidays were here and Christmas was just around the corner. He said that they had been through a lot in this community and were trying to better improve and grow Stafford County. He said that as a wonderful and amazing community member, he made a huge positive impact on North Stafford High School through their High Five Friday and Johnson's Renaissance, which was about improving the school climate and community.

Mr. Watkins said that to everyone in the community, this holiday season they should spread joy and positivity to help those who did not feel it all that much this year, and to the Board for what they did to better help this community, even though they may have agreements or disagreements. He wished the Board Happy Holidays and a Happy New Year.

6. Mr. Daniel Cortez stated that he lived at 19 Hidden Springs Lane in the Aquia District. He said that the Cortez family thanked the County Administrator and the Sheriff's Department

for their outreach and leadership this year, and all County employees for their efforts in spite of the visible and some of the sometimes-disappointing political intervention. He said that he wished them all a Merry Christmas and a Happy New Year, but the end of the year was upon them and was a time for reflection on the actions of their elected officials. He said that the Freelance Star, in their December 9 editorial, responsibly addressed the issue of the impact of independent voters who would be more informed in 2023 of who was worthy and who was not.

Mr. Cortez said that as an independent voter and the Co-Chairman of Latinos for Youngkin Coalition, and a Commissioner on the President's Advisory Commission on Hispanic Prosperity in the last two administrations, he suggested that the impact that independent voters demonstrated during the midterms in the 7th District election of Democratic Congresswoman Abigail Spanberger, and Republican Congresswoman-elect Jen Kiggans in the 2nd District spoke volumes about integrity and experience. He said that at a recent public session discussing ARPA funds disbursement, it was very troubling hearing a Board of officials state "people who were typically more fiscally conservative saying we don't mind a tax increase."

Mr. Cortez said that during a recession, independent voters who were financially or fiscally conservative absolutely did mind a tax increase, especially when the Board had a history of approving housing or commercial ventures that did not pay their own way for infrastructure costs. He said that the blight called the Aquia Town Center remained a prime example of the failed leadership of former elected officials who must not be returned to office. He said that next year, a more responsible Board Chair must be transparent in advancing development and more inclusive affordable housing with low-cost units interspersed in all new housing formats, not in large blocks of housing that directly and indirectly segregated individuals by class. He said that it was a concept whose time must not just be examined but better implemented.

7. Ms. Kristin Maxson said that she lived at 1816 Richmond Highway. She said that she wanted to educate the Stafford people to make sure they had the speaker on when they used their cell phones. She said that she was on her cell phone for 43 minutes and got a 2-degree burn on her face in the first week of November. She said that she did not know how it happened, but it did. She said that there were images on the internet of 2-degree scars from cell phone use. She said that they should make sure that Stafford County educated people to make sure that they had a speaker and not put their phones up to their faces. She said that there seemed to be more power and energy in phones.

Ms. Maxson said that there was also an anomaly on Route 1, east of the Log Cabin restaurant called "The Lake." She said that on maps, there showed a small circle there, but when she clicked on it, there was nothing. She said that there was no lake there, and she would like to find out what that represented. She said that she understood that the trail was something that everyone wanted, but it was in people's front yard, so it had to be taken into consideration. She said that she went to a park in Virginia, which was on her map but was closed because it was taken over by utilities.

Ms. Maxson said that if they built a trail, it was possible that it would be an extension to widening the road and the trail would be gone., and everyone needed to understand that. She said that she had personally invested in Route 1, and she did not understand why her address, 1816, was now Route 1 and not Richmond Highway, when across the street was called Patriot Highway. She said that she would like to see everything as Patriot Highway and not either/or. She said that there were many addresses that were defined as Route 1, and she did not understand it. She wished the Board a Merry Christmas and happy season.

8. Mr. Justin Thacker said that he lived at 56 Well Lane and was a PBM in Fredericksburg. He said that the custodial contract that was appointed by the School Board was absurd, and it was absurd to the point of farce, and was below board. He said that Mary McCauley is his neighbor, and she sent the Board an email that complained about local businesses being shipped out of state, and he wanted to read what Jim Stemple replied.

Mr. Thacker read "as a public school system in Virginia, they were held to Virginia Procurement Act, citing the code, where this clearly enunciates the public policies pertaining to government procurement for non-government sources. These policies created a level playing field where non-local companies had opportunity to bid and meet the requirements of procurement. Nowhere in the code does it permit public governments to set aside these policy and award contracts locally for any reason to include keeping public dollars local. The Virginia Procurement Act awarded bids locally would open the school system up to potential litigation that would be possible to fend at a significant cost of taxpayer money."

Mr. Thacker said that there, he was either being dishonest or did not know, and he assumed it was the latter, because he personally knew Mr. Stemple. He said that they had a shared contract with the University of Mary Washington that all the public schools and public universities could jump in, which was not uncommon and was done by real procurement offices and personnel. He said that he was still the lowest bidder, but they gave it to a company in Maryland for \$500,000 more per year. He said that their price was \$7,328,738.77, and his own price was \$6,849,669.50, for a difference of \$479,69.27. He

said that he had also offered free fire and flood protection for the entirety of the contract, which pushed it over \$500,000 in savings. He said that it became personal for him when the contract said that it could take from two to as many bidders to negotiate with as they wanted, so they took six, and did not take two.

Ms. Vanuch asked Mr. Thacker to email the rest of his comments to the Board. Seeing no further speakers, she closed the public comment.

REPORTS BY BOARD MEMBERS

Ms. Bohmke – thanked staff for the entire Christmas tree event, which was a phenomenal time and a lovely evening. She said that the children who participated in the gingerbread house competition and those who were just there having fun really had a good time. She thanked Supervisor Vanuch for spending several hours getting all of the sponsors to ensure that the event would happen due to how the Board dictated the message. She said that as they knew, there were things that they could have done differently, and parts that were so superb they may never be able to repeat them. She said that the horse and buggy was a true hit, and she did not think they could have supplied enough horses for that event. She said that she enjoyed every bit of it.

Ms. Bohmke said that yesterday, she was at the Bay Consortium Workforce Development Board meeting, and they were giving metrics for the past year. She said that the Workforce Board covered 16 counties on the Northern Neck and in the Planning District 16. She said that they had 458 placements since January of 2022, which did not include December. She said that the Workforce Board was working harder, smarter, and differently more now than they ever had.

Ms. Bohmke said that under Secretary Slater, there as a whole new compilation and reorganization of how the Workforce Development Boards in this state were going to operate, and it was going to be awesome, and while perhaps not perfect, they would not be competing amongst each other. She said that she commended Mr. Youngkin for taking her remarks about workforce stabilization seriously, and it was known that they did not have enough workers, and there was so much that could be done in that realm.

Ms. Bohmke said that there was a library meeting yesterday during which they reviewed the strategic plan from the consultant. She said that most of the comments about the library were all excellent, but one of the areas they did need to make improvements in was in their minority communities, where outreach was needed. She said that she would send each Board member a copy of the strategic planning results so that they could review the material.

Ms. Bohmke said that they also talked about recording their meetings, because she felt that it was important for the public to hear what was being said by different Board members. She said there would be a vote on the matter at the February meeting, and many people there did not feel that it was important, but she felt that for public transparency, she considered it high on the list, and it was 2022 when there was no reason that they should not be recording their meetings and upload them to a website.

Ms. Bohmke said that she was excited that the Board added the Belmont to Ferry Farm trail into the CIP. She said that she had been a huge supporter of this from its inception, and when the Board voted on it last year, she was the one vote that said no, they should be building this trail. She said that it would have now been under construction had the Board moved forward with that. She said that they could not just go with a few naysayers but must look at the good for the entire public. She said that she was excited that it was on the Board's agenda, and they would not be voting on the CIP until April or May, but it was in there for now.

Ms. Bohmke said that she would like to remove items 13, 16, and 17 from the Consent Agenda.

Mr. Coen – remarked that he was thrilled that the bike trail was back on the CIP, where it was taken off of last year. He said that he met with many members of the public and was happy with the work they were doing on that. He asked Mr. Vosburg to contact the Superintendent on the contract issue again, because when they first discussed it, it seemed that they could look more into it.

Mr. Coen said that next, he would like to share his appreciation for the employees and members of the public who participated in Toys for Tots, as it had been successful so far and it was great to see the public stepped up to help them celebrate the holidays. He said that he hoped everyone would have Happy Holidays, Merry Christmas, Happy Channukah, and a Happy New Year, and to please cherish friends and family. He thanked staff, citizens, and VDOT for addressing needs this year, and he hoped everyone had a blessed and Happy New Year.

Mr. English – thanked Ms. Vanuch for the event held, noting its excellence and his hope that things would get bigger and better every year. He said that he could not stress enough the hard work that Travis and Chris did to put things together. He said that he and Ms. Vanuch had been invited to the Hartwood Fire Department's banquet on Saturday night. He said that it was somewhat sad because there seemed to be fewer volunteers every year he attended these events, but they were still going strong there. He thanked Chief Jimmy Newton and President Jason Moore for the invitations. He said that they also mentioned Steve Dempsey, who they lost on May 23, 2022.

Mr. English said that on another sad note, he wanted to recognize Ruth Carlone, who passed away recently. He said that Ms. Carlone was well-known to the Board and to staff, but members of the public may be unaware of who she was. He said that Ms. Carlone was very engaged in her civic duties associated with local government, educating herself on issues important to her and speaking at all Board meetings. He said that she was among the top five people who participated in public comments, which was something that he admired, and while they did not always agree with each other, she always did her homework and came prepared to make sure her voice was heard.

Mr. English said that she served on the Planning Commission from 2006 to 2009, where she was a strong advocate for high-quality development and served as a Commissioner liaison for the Technical Review Committee and Architectural Review Board. He said that she was also involved in historic preservation and as a president of the Citizens to Serve Stafford for many years. He said that she loved organization events that brought citizens together, like the Little Red Barn and Christmas programs, and Celebrate Stafford Days. He said that she was also involved in Crime Solvers, and he served on that Board with her for many years. He said that they could make no better citizen than Ruth Carlone, a lady who understood the meaning of service. He said that his thoughts and prayers went out to her family and to her husband, Mike.

Ms. Gary – wished everyone a wonderful holiday.

Ms. Yeung – thanked the Board members who spent their time with her and County Administration staff during the Christmas tree lighting. She said that she seconded the comment made by Supervisor Bohmke that Supervisor Vanuch took it to task with little time to get the sponsors' funds, and she was thankful for that. She said that it was a great time. She said that she did not wish to talk about the many meetings that she had attended, or the issues that were brought up by the community.

Ms. Yeung said that over the last year, she had participated in many transformational strategies to better their community, and continually looked for infrastructure solutions, and met with real estate agencies and the development community to learn why some were resistant to building workforce housing. She said that workers who supported their community should be able to live there, and she continued to seek solutions to development issues and to bring more workforce and affordable housing for teachers and firefighters.

Ms. Yeung said that it was also critical for their children that Stafford County step up the pace of buying land for schools and to tackle the redevelopment opportunities. She said that many discussions had been had at this dais about building data centers or distribution centers, but they never discussed the human capital, such as where these employees were going to live and spend their hard-earned money, and what these centers did to their quality-of-life and to the sustainability

of their natural environment, and the natural beauty of the County and the desirability to live there. She asked when they would handle the traffic created by such facilities. She said that Stafford must take into consideration a holistic approach.

Ms. Yeung thanked the Board and her constituents and said that it had been an honor to serve her first year as Stafford's first Black Vice-Chair, and she was ready and willing to serve as Chair when this distinguished body allowed her to. She said that in January, she hoped that they would consider her for that position or at least re-elect her as Vice-Chair. She said that from what had been stated, they desired transformational leadership, and she was here to serve, committed to work with staff and attend Chair and Vice-Chair meetings, enrolled in a Chair Supervisor course, and continued to attend meetings on behalf of other Supervisors and representing the County.

Ms. Yeung said that she planned to continue to represent the County and did not plan to run for any other office. She said that the Board talked about transforming Stafford County with healthy growth, not stifling the growth, and they discussed infrastructure needs, their responsibility for transportation system not bringing plans as they saw fit, and quality education that required building new schools. She said that as they closed this year and began a new one, she wished everyone a Merry Christmas and Happy New Year. She said that their motto behind them said "Progress since 1664," so they should let progress continue.

Ms. Allen – thanked the Chair for putting something together for the community with such a tight timeline, and congratulated staff on a good job. She said that she regretted her absence and had heard great things about the event, so she looked forward to the next one. She said that Carl Lewis had been added to the CIP, and they were earmarking funds. She said that they would begin the design process soon, and when that occurred she and the County would post about it so that citizen input could be gathered on what they would like to see. She said that she would also be doing an end-of-year review and provide an update for what was done this year and what to look forward to on her Facebook page.

Ms. Vanuch – thanked Mr. Vosburg for coming to Stafford and becoming their County Administrator. She said that she had heard each Board member talk about the wonderful things that he had been able to do since his joining in July. She thanked him for moving from Florida to Virginia and moving their County forward. She said that she had never heard anyone speak so positively and unanimously across the board about his accomplishments, and she was grateful. She said that it had been an honor to have him as their County Administrator and to serve as Chair underneath his leadership, because he had been very good and effective at keeping the Board efficient.

Ms. Vanuch thanked Supervisor Yeung for serving as Vice-Chair, noting that when they worked this out last year, everyone in the community thought that they would be the two Supervisors to fight the most, and it turned out that they got along the best. She said that it spoke wonders to where their community was and how they worked together in a bipartisan way to shape the community. She said that they put differences aside in looking at what was best for the community, staff, and constituents, and she hoped that they would continue to do that.

Ms. Vanuch thanked all the Board members for keeping these relationships to ensure that they served the communities and constituents, and she knew that they all spent as much time as she did doing their civic duties, and it was not an easy job. She said that in addition, they were paid very little to hold their positions, so one must be passionate about helping the community to do so. She thanked the Supervisors for helping make them an effective Board.

Ms. Vanuch said that they were able to effectively lead the community out of COVID-19 using their ARPA funds not only to benefit the community, the Sheriff's Office, the schools, and other community stakeholders, but they also increased funding to the schools to one of the highest amounts ever. She said that they had moved up new construction of schools over the last few year, and even over the last year had paid teachers \$23M in pay raises, which was a huge accomplishment in investing in the community, made a focus and priority by the Board. She said that as always, they continued to focus on public safety, and if people followed what the Board accomplished, they did some incredible things for the community, building relationships and doing the right thing.

Ms. Vanuch said that Santa runs were going to still be happening even though there was no volunteers in Rock Hill, because staff had stepped up and would begin some Santa runs out of Station 14 today, and would be running them Wednesday, Thursday, Friday, and potentially one day next week out of Rock Hill and Garrisonville.

REPORT OF THE COUNTY ATTORNEY

Ms. McClendon said that she had no report at this time.

REPORT OF THE COUNTY ADMINISTRATOR

FY2022 Audit Results and Annual Comprehensive Financial Report

Chief Financial Officer Mr. Jon Munch said that he would present some information about the results of the FY2022 audit. He said that he was pleased to report that they were expecting to receive an unmodified opinion from the auditors on their financial statements, which meant that the auditors believed that their financial statements were presented fairly and in conformity with

generally accepted accounting principles. He said that he was also pleased to report that they were expecting to receive no findings or question costs with respect to their single audit of grant resources expended by the County during FY2022.

Mr. Munch continued that the auditors had provided five management letter recommendations based on their internal control observations made during the FY2022 audit. He said that members of the PBMares, LLP engagement leadership were here to present the results of the FY2022 audit to the Board of Supervisors, which included required auditor communications to the Board of Supervisors and those management letter recommendations.

Mr. Mike Garber of PBMares stated that Betsy and Andrea were the leads on the audit for the County, and he and Betsy were partners who had been doing local government auditing for almost 30 years, and Andrea had been with them for about 17 years working on local governments. He said that they would be issuing an unmodified opinion on the financial statements, and currently everything was in draft form, but they were 99.9% done, and hoped to have everything issued by Thursday, when everything was due to the state.

Mr. Garber said that they would issue some other reports, including a report on internal control and compliance, in which they had no findings, so it would be a clean report. He said that when they were looking at their single audit and the federal dollars that they also would audit, they would have a clean report regarding the dollars spent that came from the federal government. He said that everything done there looked very good.

Mr. Garber said that looking back at the financial statements themselves and the audit work, they had no adjusting entries from their audit procedures, so the trial balances, reconciliations, and other things provided to them, they did not find anything to be adjusted in the work done, which was excellent for a county of this size. He said that many different teams were involved in that, so it was a very impressive feat. He said that they did not find any other items that they found necessary to report and had no difficulties performing procedures. He said that inquiries, observations, and things of that nature were provided to them that was asked for.

Mr. Garber said that they had some observations and recommendations that had to do with the IT and internal controls there, and they had not finalized that document, but it should be finished by Thursday. He said that typically, because IT was so sensitive, they did not go through those things in a public session. He said that the letter would be provided to all of the Board to look at, and while there was nothing overly sensitive in there, when it came to IT, they did not necessarily bring it out in a public session, so those were some things to look for within the next week.

Ms. Bohmke said that the Department of Finance had her trust and support. She said that it seemed that they were somewhat down to the wire, and that she was curious as to if it was due to additional ARPA responsibilities.

Mr. Garber said that there were likely several reasons that fed into that. He said that one was that they were a new audit firm this year and it had taken time for them to get things documented and processed with staff. He said that they were working diligently to make sure they met the deadline, and they came early today to discuss with Mr. Munch and his team about what could be changed for next year to be better prepared.

Mr. Garber said that it was possible to not always be against the deadline, but there were different reasons, however he did not think it was because of the federal funds. He said that Mr. Munch would also likely discuss the GASB statements and implementation of the new lease standard this year. He said that even though they knew it was coming and had to prepare for it, finding time to do that was difficult, so getting the new standard implemented took extra time this year as well.

Ms. Bohmke said that those statements made sense. She said that she was glad that they were already looking at what could be improved while it was all fresh in their minds.

Mr. Munch said that the materials for this were still being revised prior to the deadline, which was the reason for there not being more complete information provided in the Board materials for this meeting. He said that he was happy with the timeline for this year, because past financial reports had been presented in January and even February until they issued the financial statements.

Mr. Munch said that as a finance department, they set a goal that they would try to be done with the financial report by the Thanksgiving holiday so that they would not need to work on it over the holiday, and they were largely able to achieve that goal. He said that they actually bringing the financial statements back in house this year instead of giving it to the audit firm to produce exhibits and schedules, and that was a large piece of being able to be in more control of the timeline for writing the management's discussion, analysis, notes, statistical tables, and so forth.

Mr. Munch said that there were several new pronouncements, but the main one was GASB Statement No. 87, Leases, which in layman's terms meant that they had to report certain elements of their lease transactions on the balance sheet for certain types of leases they would only report on what was known as an income statement or profit/loss statement, but much more went on a balance sheet. He said that the net impact was approximately \$1600 for the County after all that was done to implement this.

Mr. Munch said that one thing to notice as they published a financial report was that their total reporting entity net position from the past five years had gone from \$284M to \$403M, which showed positive growth. He said that they were able to maintain their policy requirement of the 12% unassigned fund balance requirement for the general fund for many years in a row, which put them at approximately \$43.1M at the end of FY2022, which was good news.

Mr. Munch said that in terms of governmental fund revenues, a comparison of growth patterns showed that the two highest were general property taxes, where they finished at about \$244M, and other local taxes where they finished at about \$61M. He said that they were seeing positive growth in revenues, with an annualized growth rate on the general property tax of about 4.2% over the last five years, and a 7% annual growth rate on other local taxes over the last five years as well, which was very positive growth.

Mr. Munch showed a chart that was to compare five years ago to today in terms of the government fund revenues by source. He said that their taxes had combined to represent 84% of the governmental fund revenues, whereas it was about 82% five years ago, so they were relatively stable. He continued that with the general property tax revenue growth, the driver was the assessment of real estate, which they had observed to have substantial growth, going from \$13.9B in 2018 to \$19.9B in 2022 for residential, and for the commercial side, they were going from \$3.2B in 2018 to \$3.8B in 2022.

Mr. Munch said that with the goals stated and priorities in terms of budgetary policy, when looking at general fund expenditures and comparing the budget to actual, the overwhelming majority of the expenditures in the general fund were going to education and public safety, and even that third category, which was debt service, was 71% for education, and 14% of the debt service was also public safety.

Mr. Munch showed a chart that showed the general fund expenditures with a five-year comparison to see the growth rates. He noted that it could be seen on the education one, the tallest of the bars, there was fluctuation up and down, the reason for which was the inclusion of contributions to capital projects. He said that if they were only looking at the operating contribution for their ongoing operations, they were going from \$116.4M operating contribution in 2018 to \$135.6M, which was an annual growth rate of 3.5%, which spoke to the priorities of the Board being met, and the same could be observed with public safety, which had almost a 6% annual growth rate in the amount of money dedicated in public safety.

Mr. Munch said that the debt portfolio was an important piece of their overall expenditures. He said showed a chart that had the general obligation bonds from 2018, indicating that it went from \$333M, and at the end of 2022, they were down to \$289M. He said that they could also see the

outstanding debt per capita that went from the highpoint of \$2,336 per capita in 2017 to \$1,840 per capita. He said that from that, they could understand that over the last several years, they had been building some room in terms of debt capacity.

Mr. Munch said that the debt capacity as a percentage of assessed values showed the effect of debt service on their balance sheet, shown on the left side of the slide, and on the right was the debt capacity as a percent of the general government revenues, which was how the debt impacted their income statement. He said that it could be seen that they had been able to, over the last five years, to build up some capacity, which was important. He showed a slide that he said was from the budget book and showed the adopted CIP was planning on utilizing the debt capacity without being able to build up over the last several years in support of the projects for education and public safety that were in the budget.

Mr. Munch said that for the water and sewer fund, they had been able to have their operating revenues cover their operating expenses for the last five years very well and had been able to build up some net position as well. He said that the revenues had been increasing at about 5.5% annualized growth rate, while the expenses had increased at only a 4.5% annualized growth rate, so they were building up that position so they could use it to do capital improvements in upcoming CIP years.

Mr. Munch said that to summarize, Stafford County had a strong net position, with an unassigned general fund balance which had consistently met or exceeded the 12% policy requirement, the County had been in a prolonged period of rising revenues, with opportunity to strengthen the diversity of its revenue mixture, the County appeared to have a stable and controlled costs that had been compliant with budgetary policy as well as Board of Supervisors priorities, and the County maintained a well-managed debt portfolio with lowered principal balances outstanding on its general obligation debt over the last five consecutive fiscal years.

Ms. Yeung said that Mr. Munch had discussed the current state of finances. She asked Mr. Munch what was considered healthy and what should be changed to get to his estimation of healthy.

Mr. Munch asked if Ms. Yeung was referring to the financial report.

Ms. Yeung said that she heard Mr. Munch say that the County was doing well, but she would like to know what changes they should be making.

Mr. Munch said that he was trying to show the diversity of the revenue mix, which he thought they had made progress on, but unfortunately, sometimes when progress was made, the assessed values could get in the way, because it came back and made them have a much higher percentage of

general property taxes coming from real estate taxes. He said that there was good and healthy growth on other local taxes such as fuel tax, sales tax, and meal tax, so progress was made there, but when assessments went up, it looked like they were more dependent on real estate taxes because it made up so much of the revenue.

Mr. Munch said that for overall financials, looking back at the OPEB footnote, one thing that would stick out was their funded status on their OPEB obligations right now was about 11%, so if he was to call out anything, he would say that if they could put something in the base budget about the contribution to their OPEB obligations, it would be good, because what happened was that 30 years from now, there would be all these promises that had been made to people to pay for things like health insurance coverage, and if they did not put the money aside now, then it would come from general tax revenues at that time.

Ms. Bohmke said that on page 18, it was looking at their debt. She said that as they discussed today in their CIP meeting, she would like to see that slide taken into account the debt that they discussed as a Board with the levy tax for Fire and without. She asked Mr. Munch how Stafford's per capita data compared to other localities and if there was a chart that was submitted to the state of Virginia that could be used as a resource, or if that was something not measured by the state.

Mr. Munch said that he was unaware of any chart that went to the state that talked about that, but they could certainly put something together to compare Prince William, Loudoun, Fairfax, Chesterfield, Henrico.

Ms. Bohmke said that that would be interesting, especially as they were trying to make decisions regarding taxes and fire levies, so it would be helpful information for the Board. She said that OPEB was important, and she liked Mr. Munch's idea that they should put something in the budget. She asked how Stafford compared to peer localities as far as OPEB contributions.

Mr. Munch said that there was no monitoring by the state. He said that it was totally voluntary, and some localities chose to go with the pay-go model, and other localities chose not to. He said that because it was strictly a single-employer plan, they did not have interest in monitoring or policing that. He said that he could take a look at the funded status and would have to see what information was available about the funded status of other localities.

Ms. Bohmke said that it would be interesting information for the Board to have during the budget season.

Review of Virginia Railway Express (VRE) FY2024 Budget Request and Historical Jurisdictional Ridership

Ms. Andrea Light said that some additional budget information from VRE had been received just this morning for their request for FY2024 VRE subsidy. She said that post-pandemic, FY2022 and FY2023 jurisdictional subcommittees were reduced with VRE so they could use in place their federal dollars to help as those riderships were very low. She said that in planning for the FY24 budget, it appeared that there was a \$4.7M increase in jurisdictional subsidies as a total, and they were being asked to go back to FY2021 requests.

Ms. Light said that for Stafford, that meant almost \$2.7M in subsidy, an increase of \$848,000, or 46%. She said that their VRE subsidy was paid out of their fuels tax, and that fuels tax supported all of the transportation partner agencies as well as any additional funding going to help the transportation capital projects. She said that Supervisors Bohmke and Gary were on the VRE Committee and would begin working with their budget requests on Friday.

Ms. Allen said that they were requesting \$2.6M. She asked if Mr. Dalton had suggested that there would be an increase back in pre-pandemic ridership to want to have the budget that reflected pre-pandemic.

Ms. Bohmke said that she had worked with Mr. Vosburg and Ms. Vanuch to bring this information to the Board because of their meeting on Friday. She said that as she and Ms. Gary were representing the Board on the VRE Committee, she needed to know what the thoughts were as relating to the subsidy for Stafford County. She said that as it related to ridership, ridership was very low, around 5,400, and it used to be 18,000 riders per day pre-pandemic. She said that looking at northern Virginia, about 60% of northern Virginia was still teleworking. She said that she understood that many federal agencies had been allowed to do their own thing, so they were not making a big mandate for all of the agencies, and VRE monitored all of the different agencies.

Ms. Bohmke said that there were about 40 or so whose employees rode VRE. She said that they had had a number of meetings, and she was the Chair of Finance for VRE. She said that the dilemma was that VRE was given \$86M when the pandemic hit from the CARES Act for fair revenue replacement, which had now been spent, were given \$70M of what was called CRISA money, for funding partner relief, and some of that money was remaining. She said that there was also ARPA money of approximately \$100M to support post-pandemic capital projects.

Ms. Bohmke said that they had three different pots of money, and she appreciated the view of the VRE staff, who wanted to keep the money as long as possible, but their ridership was unfortunately not returning, so she had constituents who asked why they should pay \$2.7M when they did not have the ridership. She said that when looking at what they were subsidizing per rider, it would be

very high, so while she was not asking the Board for a number, she would like to know the opinions on where they should be from a subsidy standpoint.

Ms. Vanuch said that Supervisor Gary also had a comment.

Ms. Gary said that they did need to hear more from constituents, because there seemed to be conflicting messages. She said that she had heard that people did ride the VRE and wanted to but needed more flexibility. She said that making an assessment of what they should do while the federal government was still figuring out what they were doing and still figuring out that plan, and she did not think it was logical for each of them to guess what the solution was.

Ms. Gary said that they could continue to look at it, but they still required more information, and she would like to see what VRE came back with in terms of providing additional funding that would lighten the subsidies they would have to pay. She said that there were constituents all over the County who did make use of the VRE and they would continue to see more of that, especially with people moving and the change in teleworking schedules imminent. She said that they needed more information before pontificating on what number was correct because there was not a lot of clarity.

Ms. Yeung said that she was alternate for the VRE Board and did not vote for Mr. Dalton's raise that day. She said that she saw that the November 2022 ridership was third with 537. She asked if that was correct.

Ms. Bohmke said that was right.

Ms. Yeung said that she did not know when the ridership was taken and she would like to know when. She asked why they could not forecast 2023 so they could at least base the percentage off of the forecast. She said that she currently would be unable to do that because they did not have that number.

Ms. Bohmke said that she did not know. She said that she had not had the chance to call the CFO about this ridership. She said that the November ridership was for the entire month, and there was a Thanksgiving holiday, along with most riders coming on Tuesdays, Wednesdays, and Thursdays, not on Mondays and Fridays.

Ms. Yeung said that it told her that they did not take an average of the full year but only gave them November.

Ms. Bohmke said that when they were making projections, it was hit or miss. She said that she herself thought that ridership would come back sooner, but it was not coming back.

Ms. Yeung said that she understood that there were some programs to increase ridership. She said that she did not have to make a decision for the whole year of 2022, its average, and the forecast for 2023, because if it went from October 2019 at 1,500 and November 2022 to 537, and that percentage decrease was correct. She said that if this was all they had, they should be paying based on that.

Ms. Bohmke said that because this was only a snapshot of information, she would like direction as to whether the Board would like the committee to make its full subsidy regardless of ridership.

Ms. Yeung said no.

Ms. Vanuch said no.

Ms. Allen said that she said that she had originally asked that question of Ms. Bohmke.

Ms. Bohmke apologized.

Ms. Allen said that she had not realized that they had not discussed this. She said that she served on PRTC, and VRE reports their information to them, but they had not yet received this information. She asked if any information indicated why the subsidy was so high if the ridership was not where it was. She asked where the excess money would go, and if they had plans to put the excess money toward capital construction.

Ms. Bohmke said no. She said that it would go toward operational expenses.

Ms. Allen asked how that would occur.

Ms. Bohmke said that the fee revenue only covered 50% of their operation. She said that last year, Fairfax led in not doing the full \$18M subsidy, but things had changed, and they were now in the #3 position. She said that they got seats based on their ridership. She said that Fairfax's ridership had come down and they would not get three seats beginning in January and would only have two. She said that Prince William would continue to get three, and Stafford was in second position. She said that Arlington and Alexandria had very little ridership, perhaps 100 people each. She said she would like to know if the Board thought they should be paying the full amount, and if they wanted a 25% reduction like what they did in FY2022, where the full subsidy was \$4.7M. She said that they should not discuss numbers.

Ms. Yeung said that she required more data before making a final decision.

Ms. Bohmke said that she would like to know if the Board wanted to provide a full subsidy with low ridership.

Ms. Gary said that she would like to continue to provide the full subsidy with the caveat that she would like to see them provide funding to lessen that, and since that was proposed, it would be nice to see. She said that part of the background of this was that because they had people who wanted to ride the VRE who could not because of the way their work schedules were currently, they had more flexibility, and they did not run lines during certain times that they would prefer to use it, and they had access to federal funds to be able to use the VRE.

Ms. Gary said that part of this was that she did not want to pull away from that subsidy, because all of these dollars went into their funds to budget for expenses, and part of that was extending and doing another rail. She said that a large part of the issue now was the scheduling, that people could not get access to the VRE when it was more convenient for their schedule, and that was because the VRE was sharing a rail with commercial lines, CSX owned the lines, and a lot of other trains went through there that limited scheduling flexibility. She said that they could potentially expand something that was beneficial to their constituents.

Ms. Vanuch said that Ms. Gary was discussing expanding the rail capabilities because they were not running on the rails at the times people needed them. She asked Ms. Bohmke if that was related to the ridership subsidies or if that was separate for the capital projects through the ARPA funds.

Ms. Bohmke said that that was different money through DRPT. She said that it was very complex.

Ms. Vanuch said that it was similar to FAMPO.

Ms. Bohmke said that was correct.

Ms. Vanuch said that they as a Board influenced and impacted what their representatives on VRE argued, beckoned, or voted for. She said that Supervisor Bohmke was requesting direction so that Supervisors Gary and Bohmke could adequately ask for the direction that this Board would like to go. She asked if they should be given the opportunity to negotiate or work through not paying the full subsidy regardless of the ridership numbers.

Mr. English said that he was agreeable.

Ms. Vanuch asked if he was referring to giving them the flexibility to negotiate.

Mr. English said yes.

Ms. Vanuch said that they would bring it back to the Board to agree upon.

Ms. Yeung said that she would allow the representatives to negotiate on their behalf, and in order for herself to make a decision when they came back, she required data.

Mr. Coen said that he would give them the authority. He said that the amount of ridership should be a prescient factor in this discussion.

Ms. Allen said that she would defer to the representatives to return to the Board.

Ms. Vanuch said that she agreed with Supervisor Bohmke about not fully funding and allowing them the ability to negotiate on the ridership numbers based on the amount of subsidy given. She said that a majority of the Board had agreed to that. She asked Ms. Gary if she supported having the full subsidy provided.

Ms. Gary said that was correct.

Ms. Vanuch said that the six Board members were supportive of giving the two appointees the latitude to be able to negotiate down and saying that Stafford's position was that the subsidy amount should be based on the amount of ridership. She said that she looked forward to receiving additional information on the topic.

Monthly Expenditure Listing Report (For Information Only)

Mr. Vosburg said that the monthly expenditure report was available to the Board of Supervisors in their packets.

CONSENT AGENDA

Ms. Vanuch asked if there was a motion to approve the Consent Agenda without items 7, 13, 16, and 17.

Mr. Coen motioned, seconded by Ms. Bohmke, to approve the Consent Agenda as amended.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	

Item 1. County Administration; Approve November 15, 2022 Board of Supervisors Meeting Minutes.

Item 2. County Administration; Approve November 15, 2022 Board of Supervisors Capital Improvement Program (CIP) Work Session Minutes

Item 3. County Administration; Approve November 15, 2022 Board of Supervisors American Rescue Plan Act Work Session Minutes.

Item 4. County Administration; Endorse The Virginia Association of Counties' 2023 Legislative Program.

Resolution R22-169 reads as follows:

A RESOLUTION ENDORSING THE VIRGINIA ASSOCIATION OF
COUNTIES' 2023 LEGISLATIVE PROGRAM

WHEREAS, the Board recognizes that Virginia and its local governments are partners in providing many services to our citizens; and

WHEREAS, Virginia Association of Counties (VACo) exists to support County officials, to effectively represent, promote, and protect the interest of counties, and to better serve the people of Virginia; and

WHEREAS, a formal endorsement of the VACo legislative program provides Stafford's legislative delegation and liaisons with a clear statement of Stafford's intent to support VACo's legislative positions and advocacy efforts, thereby maximizing Stafford's lobby efforts through shared resources; and

WHEREAS, the Board is also seeking enabling legislation and amendments to the Virginia Code to accomplish Stafford County's legislative priorities—identified in a separate General Assembly Legislative Program adopted pursuant to Resolution R22-168 on October 18, 2022—for the 2023 and 2024 Virginia General Assembly sessions; and

WHEREAS, the Board reserves the right to adopt positions contrary to VACo in the event VACo's positions adversely affect Stafford County or contradict those expressed by the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that it be and hereby does endorse the Virginia Association of Counties' (VACo) 2023 Legislative Program; and

BE IT FUTHER RESOLVED that staff and the County's legislative consultants will keep the Board apprised of legislative changes and other matters that may adversely impact Stafford County, its residents, and businesses; and

BE IT STILL FURTHER RESOLVED that the County Administrator, or his designee, will provide a copy of this Resolution to each member of the Stafford County General Assembly legislative delegation.

Item 5. Budget And Management; Approve Corrected Resolution to Budget and Appropriate FY2022 Yearend Encumbered Funds For FY2023.

Resolution R22-233(R) reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE FISCAL YEAR (FY) 2022
YEAREND ENCUMBERED FUNDS FOR FY2023

WHEREAS, at the end of the fiscal year all prior year unspent appropriations lapse and the associated funds return to the fund balance of the General Fund or the fund they were originally appropriated and encumbered within; and

WHEREAS, the Board requires prior-year reappropriation to be reviewed under the standards of the Principles of High-Performance Financial Management; and

WHEREAS, the Board directed staff of the County and Schools to provide a year-end report of encumbrances over \$50,000, which staff desire for reappropriation; and

WHEREAS, the School Board will provide its reappropriation request at a future meeting of the Board;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the FY2022 unspent encumbrance funds from the County's funds be and they hereby are budgeted and reappropriated to the funds, departments, and account lines said funds were within on June 30, 2022, in the amounts as follows:

FUND	AMOUNT
General Fund	\$3,322,328
Grants Fund	\$174,084
ARPA Fund	\$1,230,973
Transportation Fund	\$1,979,945
Garrisonville Road Service District	\$1,125,407
Warrenton Road Service District	\$254,851
Asset Forfeiture State Fund	\$14,236
Asset Forfeiture Federal Fund	\$41,254
Tourism Fund	\$46,441
Lake Carroll Service District	\$8,459
Hidden Lake Service District	\$1,823
Lake Arrowhead Service District	\$3,217
Capital Projects Fund	\$2,395,952
Utilities Fund	\$27,135,824

Total re-appropriation	\$37,735,064
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Item 6. Budget and Management; Appropriate American Rescue Plan Act (ARPA) Grant Funds.

Resolution R22-340 reads as follows:

**A RESOLUTION APPROPRIATING AMERICAN RESCUE PLAN ACT (ARPA)
GRANTS FUND**

WHEREAS, on March 11, 2021, the Federal Government approved the American Rescue Act (ARPA) and provided ARPA grant funds to support localities recovering from the COVID-19 public health pandemic and Stafford County has received \$29,695,536 in ARPA grant funding; and

WHEREAS, the Board of Supervisors has held ARPA Work Sessions to determine the best use of ARPA grant funds to benefit the citizens and reduce the fiscal burden of future necessary capital projects; and

WHEREAS, staff believes that ARPA funding that was appropriated for Priority Based Budgeting in the amount of \$18,750 is not necessary and the Board desires to redistribute those ARPA grant funds to other projects;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that ARPA grant funds be and they hereby are appropriated to the ARPA Grant Fund as follows:

DEPARTMENT	PURPOSE	AMOUNT
Budget and Management	Redistribute appropriation for Priority Based Budgeting	-\$18,750
Capital Construction	Reimburse Transportation for Patawomeck Tribe Access Drive	\$75,000
Economic Development	Wrap Around Services	\$72,000
Fire and Rescue	• Three Ambulances • HAZMAT Apparatus • Light and Air Apparatus • Refueling Stations • Rehab Apparatus • Storage Needs	\$3,981,000
Information Technology	• Firewalls • Wi-Fi Access Points	\$910,000
Parks, Recreation and Community Facilities	Generators for Shelters	\$982,000
Sheriff's Office	• Command Bus • Message Boards	\$1,257,515
Utilities	Duff Green Park Water Line	\$150,000
Total Appropriation		\$7,408,765

Item 7. Capital Projects Utilities; Authorize the County Administrator to Execute a Task Order with AECOM Technical Services, Inc. for the Design of the 342-15 Transmission Upgrade Project

Ms. Vanuch asked Ms. Yeung to address Item 7.

Ms. Yeung said that she wanted to clarify what they were allocating the funds for. She said that she did not vote for this, but it did pass, and she wanted the opportunity to vote on it and wanted a live vote rather than consenting to the entire thing.

Mr. Coen moved, seconded by Ms. Bohmke, to approve proposed Resolution R22-322.

Ms. Vanuch asked if Mr. English must read a disclosure for this motion because it was on Cedar Lane.

Mr. Bryon Counsell said that this was not Cedar Lane.

Ms. Yeung asked if it was not the 93 acres at the top.

Mr. Counsell said that Item 7 was a water transmission line from the new Enon Road take to Centerport and the design services for that utilities project.

Ms. Yeung asked if this was not already approved by the Board.

Ms. Vanuch said no.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung

Nay: (0)

Resolution R22-322 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE A TASK ORDER WITH AECOM TECHNICAL SERVICES, INC.
FOR THE DESIGN OF THE 342-15 PRESSURE ZONE UPGRADE PROJECT

WHEREAS, the County's Water and Sewer Master Plan identifies numerous County Capital Improvement Program (CIP) projects required over the next several years, including the 342-15 Pressure Zone Upgrade Project (Project); and

WHEREAS, the Project includes installation of a 24-inch water main from Enon Road Water Storage Tank to Centerport Parkway to satisfy increasing water demands in the Centerport area and improve water conveyance between the County's two water treatment facilities; and

WHEREAS, design, bidding, and construction administration services are needed for the Project; and

WHEREAS, these engineering services may be procured via a task order through the County's On-Call Professional Engineering Services Contract for Utilities Construction Projects, Contract No. 22-004-5001-SP-AEC; and

WHEREAS, AECOM Technical Services, Inc. (AECOM) has submitted a proposal to provide design, bidding, and construction administration services for the Project for the cost of \$660,828; and

WHEREAS, staff has reviewed the proposal received from AECOM and determined it is reasonable for the services proposed; and

WHEREAS, funds for the services are available within the Utilities Capital Improvement Program budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the County Administrator be and he hereby is authorized to execute a task order with AECOM Technical Services, Inc., in an amount not to exceed Six Hundred Sixty Thousand Eight Hundred Twenty-Eight Dollars (\$660,828) for design, bidding, and construction administration services for the 342-15 Pressure Zone Upgrade Project, unless modified by a duly authorized contract amendment.

Item 8. Capital Utilities; Authorize the County Administrator to Execute a Change Order with Creative Maintenance Solutions, LLC for Concrete Repairs at the Aquia and Little Falls Run Wastewater Treatment Plants

Resolution R22-329 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE A CHANGE ORDER WITH CREATIVE MAINTENANCE
SOLUTIONS, LLC FOR CONCRETE REPAIRS AT THE AQUIA AND LITTLE
FALLS RUN WASTEWATER TREATMENT PLANTS

WHEREAS, the concrete tanks at both Aquia and Little Falls Run Wastewater Treatment Plants exhibited signs of surficial failure and required rehabilitation to ensure successful operation; and

WHEREAS, on June 2, 2021, the County contracted with Creative Maintenance Solutions, LLC, Stafford County Contract No. 21-024-9408SB-R, for the repair of concrete walls and construction joints on the reactor tanks at process train #1 at Aquia Wastewater Treatment Facility (WWTF) and process trains #1 and #2 at Little Falls Run WWTF (Project) in the amount of \$468,980; and

WHEREAS, during construction additional areas of the tanks that required repair were identified, that were not contemplated within the original scope of the Project; and

WHEREAS, funds for these additional costs are available in the Utilities Fund for Rehabilitation, Replacement, and Repair (3R) and can be used for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the County Administrator be and he hereby is authorized to approve the change order to Stafford County Contract No. 21-024-9408SB-R with Creative Maintenance Solutions, LLC for the additional construction associated with the concrete repairs at the Aquia and Little Falls Run Wastewater Treatment Plants, in an amount not to exceed Two Hundred One Thousand Five Hundred Three Dollars (\$201,503), for a total contract amount of \$670,483, unless modified by a duly-executed change order.

Item 9. Capital Projects Utilities; Authorize the County Administrator to Execute a Contract Change Order with Patterson Construction Company, Inc. for the Sweetbriar Woods Pump Station Site Upgrades Project.

Resolution R22-330 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE A CONTRACT CHANGE ORDER WITH PATTERSON
CONSTRUCTION COMPANY, INC, FOR EXTENDED CONTRACT WORK
AT THE SWEETBRIAR WOODS PUMP STATION

WHEREAS, Patterson Construction Company, Inc. was awarded the construction contract for installation and site work for the upgrade of Sweetbriar Woods Pump Station, at the Board of Supervisor's meeting of October 19, 2021, in the amount of \$283,444; and

WHEREAS, the awarded contract was priced on the basis of an installation and site design, to install Owner pre-purchased equipment and provide the balance of materials necessary to complete the station upgrade; and

WHEREAS, subsurface support of an antenna tower, tree removal and replacement, site security/screening fence was improved, discharge piping of the station was changed, bypass pumping for the installation of the station was increased beyond specified amounts, and electric power upgrades were needed to improve compatibility with the Virginia Power; and

WHEREAS, funds are available and have been appropriated in the Utilities CIP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the County Administrator is authorized to execute a contract amendment with Patterson Construction Company, Inc. in an amount not to exceed Ninety Two Thousand Nine Hundred Seventy Nine Dollars and Sixty Five Cents (\$92,979.65) for the additional construction associated with the installation and site work at the Sweetbriar Woods Pump Station site, unless modified by a duly authorized change order.

Item 10. Commissioner of the Revenue; Appropriate American Rescue Plan Act (ARPA) Grant Funds for the Health and Safety Improvements in the Commissioner of the Revenue's Office.

Resolution R22-323 reads as follows:

A RESOLUTION APPROPRIATING AMERICAN RESCUE PLAN ACT (ARPA)
GRANT FUNDS FOR HEALTH AND SAFETY IMPROVEMENTS TO THE
COMMISSIONER OF THE REVENUE'S OFFICE

WHEREAS, on March 11, 2021, the Federal Government approved the American Rescue Act (ARPA) and provided ARPA grant funds to support localities recovering from the COVID-19 public health pandemic and Stafford County has received \$29,695,536 in ARPA funding; and

WHEREAS, the Commissioner of the Revenue's Office has identified a risk to the health and safety of both the citizens and County employees, as there are no dividers in the office's front lobby; and

WHEREAS, the installation of workstations with dividers is considered an adaptation of a public building that implements a COVID-19 mitigation measures authorized under ARPA; and

WHEREAS, these improvement to the Commissioner of the Revenue's Office is estimated to cost \$150,000;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that ARPA Grant funds be and they hereby are appropriated as follows:

FUND	PURPOSE	AMOUNT
ARPA GRANT FUND	Commissioner of the Revenue Safety and Security Office Improvements	\$150,000

Item 11. Community Engagement; Increase the County's Authorized Strength to Convert a Graphic Specialist Position From Part-Time to Full-Time as Part of the Organizational Restructure.

Resolution R22-332 reads as follows:

A RESOLUTION INCREASING THE COUNTY'S AUTHORIZED STRENGTH
FOR THE CONVERSION OF A GRAPHIC SPECIALIST POSITION FROM
PART-TIME TO FULL-TIME

WHEREAS, the Stafford County Administration Office on behalf of the Community Engagement Department requested the conversion of a part-time graphic specialist position to a full-time position to meet the growing graphic and digital branding demands of the organization; and

WHEREAS, the Board recognizes the department's needs and agrees to approve this request to increase the County's authorized strength;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the County's authorized full-time strength be and it hereby is as stated below, and recruitment and maintaining full-time positions up to the authorized strength is permitted. With approval of the County Administrator, the County's authorized strength may be temporarily exceeded for no longer than two weeks to allow training of a new employee by a leaving employee:

	FY2023	Revised FY2023
General Fund		
• Non-Public Safety	428	429
• Public Safety	526	526
Utilities Fund	164	164
Capital Projects Fund	2	2
Transportation Fund	3	3
Total	1123	1124

Item 12. Development Services; Ratify a Sub-Application to the Virginia Department of Emergency Management for the Federal Emergency Management for the Federal Emergency Management Agency's Building Resilient Infrastructure and Communities Fund for the Brooke Road Flood Mitigation Project.

Resolution R22-328 reads as follows:

A RESOLUTION TO RATIFY A SUB-APPLICATION TO THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES FUND FOR THE BROOKE ROAD FLOOD MITIGATION PROJECT

WHEREAS, the Department of Development Services has submitted a sub-application for the Brooke Road Flood Mitigation and Resiliency Project (Project) to the Virginia Department of Emergency Management (VDEM) for inclusion in the state's application to the Federal Emergency Management Agency (FEMA) for 2022 Building Resilient Infrastructure Communities (BRIC) Funding; and

WHEREAS, the Project will be scored on technical and qualitative criteria in a national competition and grant funding will be awarded based on overall score and available funding by FEMA to VDEM; and

WHEREAS, if awarded, the County would be reimbursed \$7,468,385.72 and would be required to provide a \$4,021,438.46 local match, which funds are available in the County's Transportation Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the sub-application for funding for the Brooke Road Flood Mitigation and Resiliency Project, which was submitted to the Virginia Department of Emergency Management for inclusion its application to the Federal Emergency Management Agency's 2022 Building Resilient Infrastructure Communities Grant be and it hereby is ratified and approved.

Item 13. Finance and Budget; Authorize the County Administrator to Execute Contract Renewals with PFM Financial Advisors LLC (PFM) for Financial Advisory Services.

Ms. Vanuch asked Ms. Bohmke to address Item 13.

Ms. Bohmke said that she was in favor of this item but wanted to point out to the Board that she received an email from Jon Munch that was very explanatory, an email that she forwarded to the Supervisors. She said that she wanted the Board to know that they had a contract with PFM for financial services, but also that when they went out and issued debt, they would charge an additional fee. She said that she did not want people to think that there was only one fee for everything that they were doing. She said that there was an annual fee and a charge per issuance.

Ms. Bohmke moved, seconded by Mr. Coen to approve proposed Resolution R22-338.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay: (0)

Resolution R22-338 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACT AMENDMENTS WITH PFM FINANCIAL ADVISORS LLC FOR FINANCIAL ADVISORY SERVICES

WHEREAS, the current contract with PFM Financial Advisors LLC (PFM) for financial advisory services has nine, one-year renewal options; and

WHEREAS, the second year (1st renewal) of the contract with PFM was approved pursuant to Resolution R19-04, the third year (2nd renewal) pursuant to Resolution R19-211, the fourth year (3rd renewal) pursuant to Resolution R20-154, and the fifth year (4th renewal) pursuant to Resolution R21-242; and

WHEREAS, the current contract with PFM is due for renewal; and

WHEREAS, funds for these advisory services have been budgeted and appropriated in the FY2023 budget, and future contract renewal years are subject to annual budget and appropriation by the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the County Administrator be and he hereby is authorized to execute contract amendments to exercise each of the four remaining optional contract renewals with PFM Financial Advisors LLC for financial advisory services, in a total remaining contract amount of One Hundred Seventy-Eight Thousand Eight Hundred Dollars (\$178,800); and

BE IT FURTHER RESOLVED that the contract term for FY2023, which is the fifth renewal year, shall not exceed Forty-Four Thousand Seven Hundred Dollars (\$44,700), and subsequent renewal costs shall not increase by more than the annual increase in the Consumer Price Index for All Urban Consumers (CPI-U), unless amended by a duly-authorized contract amendment.

Item 14. Fire and Rescue; Budget and Appropriate Funds for the Purchase of a Utility Vehicle for White Oak Volunteer Fire Department.

Resolution R22-318 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE FUNDS FOR THE
PURCHASE OF A UTILITY VEHICLE FOR WHITE OAK VOLUNTEER FIRE
DEPARTMENT

WHEREAS; the County's Department of Fire, Rescue and Emergency Services (Department) operates utility vehicles as part of its all-hazards approach to emergency response; and

WHEREAS; the White Oak Volunteer Fire Department desires to purchase a Chevrolet Tahoe Special Services Vehicle (SSV); and

WHEREAS; the White Oak Volunteer Fire Department purchases are subject to the County procurement policies and procedures; and

WHEREAS; the White Oak Volunteer Fire Department has provided the funds to purchase the vehicle to the County for the purpose of processing the purchase through the County's Department of Finance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that Forty Thousand Seven Hundred Forty-Two Dollars and Fifteen Cents (\$40,742.15) received from the White Oak Volunteer Fire Department be and it hereby is budgeted and appropriated to the General Fund for the purchase of a utility vehicle for the White Oak Volunteer Fire Department.

Item 15. Information Technology; Authorize the County Administrator to Approve Expenditures with Cas Severn, Inc. to Purchase Remote Switches, Routes, and Related Software.

Resolution R22-336 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE EXPENDITURES WITH CAS SEVERN, INC. TO PURCHASE REMOTE SWITCHES, ROUTERS, AND RELATED SOFTWARE

WHEREAS, the Department of Information Technology (IT) will replace end-of-life switches and routers to support all remote County sites; and

WHEREAS, the County can purchase the remote switches, routers, and related software through its contract with CAS Severn, Rider Agreement No. 19-3120-CO080, which rides Fairfax County Contract No. 4400006324 for IT hardware, software and related services; and

WHEREAS, the expenditures for the network equipment, which include 58 switches, 42 routers, and related software, will not exceed \$1,277,736.31; and

WHEREAS, funds are available for this purchase in the Capital Improvement Program fund under 3R projects;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the County Administrator be and he hereby is authorized to approve expenditures with CAS Severn, Inc. for remote switches and routers in the amount not to exceed One Million Two Hundred Seventy-Seven Thousand Seven Hundred Thirty-Seven Dollars (\$1,277,737).

Item 16. Parks, Recreation, Community Facilities & Tourism; Authorize the County Administrator to Execute a Contract Amendment with Local Services, LLC. for Portable Sanitary Facilities and Pump and Haul Services.

Ms. Vanuch asked Ms. Bohmke to address Item 16.

Ms. Bohmke said that at the Port of Falmouth, there were usually about 13 port-a-pottys, and staff gave them additional information that she shared with the Board about there being only two down there, but even if there were 13, they were only paying for certain ones. She said that they did not pay for everything during the winter months and she wanted the public to know that. She said that the Port-o-John company may leave them there because they did not want to move them and had no place to keep them, but she wanted the public to know that they were not using extra taxpayer dollars for all of those port-o-pottys.

Ms. Bohmke moved, seconded by Mr. Coen, to approve proposed Resolution R22-327.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung

Nay: (0)

Resolution R22-327 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT AMENDMENT WITH LOCAL SERVICES, LLC, FOR PORTABLE SANITARY FACILITIES AND PUMP AND HAUL SERVICES

WHEREAS, the Department of Parks, Recreation, Community Facilities, and Tourism requires portable sanitary facilities and pump and haul services for various sites and facilities; and

WHEREAS, the County entered into a contract on January 30, 2019 with Local Services, LLC for portable sanitary facilities and pump and haul services, Stafford County Contract No. 19-7110-B021, for one year with four optional one-year renewal terms through December 31, 2023; and

WHEREAS, the current contract is due for renewal; and

WHEREAS, funds have been budgeted and appropriated in the FY2023 budget and are available for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the County Administrator be and he hereby is authorized to execute a contract amendment to exercise the final one-year renewal term with Local Services, LLC, for portable sanitary facilities and pump and haul services at various County facilities, for a total contract amount of Three Hundred Fifty Thousand Dollars (\$350,000); and

BE IT FURTHER RESOLVED that the contract term for FY23 shall not exceed One Hundred Forty-Seven Thousand Forty-Three Dollars (\$147,043), unless authorized by a duly-authorized contract amendment.

Item 17. Sheriff; Authorize the County Administrator to Execute a Contract with VIRTRA, Inc. for the Purchase of Firearm Training Simulator Upgrades and Training Services.

Ms. Vanuch asked Ms. Bohmke to address Item 17.

Ms. Bohmke said that it was important for the public to know that in light of the past five years of Sheriff Department activities throughout the nation and their use of force, this was a VIRTRA system that the Sheriff Department purchased in 2017 with a five-year contract. She said that this was a 300-degree simulator that trained deputies on how to make decisions regarding use of force. She said that this was an upgrade to that system because its useful life was expiring. She said that

it would also incorporate use-of-force options including firearms and less lethal options. She said that the upgrade would include the latest taser-7 less lethal option.

Ms. Bohmke moved, seconded by Mr. Coen, to approve R22-337.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay: (0)

Resolution R22-337 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT WITH VIRTRA, INC. FOR THE PURCHASE OF
FIREARM TRAINING SIMULATOR UPGRADES AND TRAINING
SERVICES

WHEREAS, in 2017, the Stafford County Sheriff's Office purchased a 360-degree use of force training simulator from VirTra, Inc. that is used for de-escalation training, use of force decision-making, and active shooter training; and

WHEREAS, the current simulator needs hardware and software upgrades from VirTra, Inc.; and

WHEREAS, the cost for the first year of hardware and software upgrades is \$51,328.80 and the cost for each year thereafter is \$42,858.80; and

WHEREAS, funding is available in the Fiscal Year 2023 budget and may be used for this purpose, and funding for future years is subject to annual budget and appropriation by the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the County Administrator be and he hereby is authorized to execute a contract for five (5) years with VirTra, Inc. for the purchase of firearm training simulator upgrades and training services in an amount not to exceed Two Hundred Twenty-Two Thousand Seven Hundred Sixty-Four Dollars (\$222,764), unless amended by a duly-authorized contract amendment.

Item 18. Utilities; Authorize the County Administrator to Execute a Contract with Howard Bros., Inc. for Utilities Restoration Services.

Resolution R22-302 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE A CONTRACT WITH HOWARD BROS., INC. FOR UTILITIES
RESTORATION SERVICES

WHEREAS, the Department of Utilities requires demolition and restoration construction services related to the County's water and sewer distribution and collection systems; and

WHEREAS, the County solicited competitively sealed bids pursuant to Invitation for Bid (IFB) No. 22-033-5030-SB-R to furnish labor and material on an as-needed basis for restoration services for the Utilities water and sewer maintenance and repair; and

WHEREAS, Howard Bros., Inc. was determined by staff to be a responsive and responsible bidder; and

WHEREAS, funds for the restoration services are available in the Utilities Operations Fund and future contract years are subject to annual budget and appropriation by the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the County Administrator be and he hereby is authorized to execute a contract for one-year with two one-year contract renewal periods, with Howard Bros., Inc. to provide restoration services for the Department of Utilities in an amount not to exceed Six Hundred Thousand (\$600,000), unless modified by a duly-executed change order.

Item 19. Utilities; Authorize an Application for the Virginia Department of Environmental Quality's American Rescue Plan Act Wastewater Funds, Sewer Collection System Program.

Resolution R22-321 reads as follows:

A RESOLUTION TO AUTHORIZE AN APPLICATION FOR THE VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY'S AMERICAN RESCUE
PLAN ACT WASTEWATER FUNDS, SEWER COLLECTION SYSTEM
PROGRAM

WHEREAS, the Falls Run Pump Station (FRPS) and force main were constructed in the 1970s to serve the Route 17 corridor of Stafford County; and

WHEREAS, due to the age of the force main, Stafford County is rebuilding a portion of the Falls Run force main to improve reliability and capacity of the collection system; and

WHEREAS, the American Rescue Plan Act (ARPA) Wastewater Funds, Sewer Collection System (SCS) Program through the Virginia Department of Environmental Quality is a grant program to help localities with funding for sewer collection system projects; and

WHEREAS, the award of grant funds in the amount of \$5,582,000 would allow for the construction of a 24-inch force main from FRPS to Claiborne Run Parallel force main;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the County Administrator be and he hereby is authorized to submit a grant application for funds in the amount of Five Million Five Hundred Eighty-Two Thousand Dollars (\$5,582,000) from the American Rescue Plan Act (ARPA)

Wastewater Funds, Sewer Collection System (SCS) Program to the Virginia Department of Environmental Quality for the construction of a 24-inch force main for Falls Run Pump Station to Claiborne Run parallel force main.

Item 20. Utilities; Authorize the County Administrator to Execute Task Orders and Approve Expenditures with Tri-State Utilities Company for the Cured-In-Place Pipe Lining Rehabilitation of Sanitary Sewer Infrastructure.

Resolution R22-331 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE TASK ORDERS AND APPROVE ADDITIONAL EXPENDITURES
WITH TRI-STATE UTILITIES LLC FOR THE CURED IN PLACE PIPE
LINING REHABILITATION OF SANITARY SEWER INFRASTRUCTURE

WHEREAS, the inspection, cleaning and lining of degraded sanitary sewer mains and laterals using cured-in-place pipe (CIPP) lining is one method of rehabilitating aging sewer pipe, which eliminate costly emergency repairs and reduce damaging overflows; and

WHEREAS, the CIPP lining will reinstate the integrity of a deteriorating sanitary sewer pipe and places it back to full active service; and

WHEREAS, the County has an existing contract with Tri-State Utilities LLC for CIPP lining through Rider Agreement No. 21-062-5080CI, which rides a contract awarded by the City of Hampton dated September 27, 2018, expiring on October 30, 2023; and

WHEREAS, the Department of Utilities anticipates issuing several task orders for CIPP lining work exceeding \$200,000 through the remainder of the contract term; and

WHEREAS, funds are available in the Utilities Capital Improvement Program Fund for the sanitary sewer CIPP lining rehabilitation services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the County Administrator be and he hereby is authorized to execute task orders with Tri-State Utilities LLC, and approve additional expenditures for cured-in-place pipe lining rehabilitation of sanitary sewer infrastructure in an amount not to exceed Nine Hundred Thousand Dollars (\$900,000).

Item 21. Utilities; Authorize the County Administrator to Execute a Work Order with Hitt Contracting, Inc. for the Replacement of the Magnesium Hydroxide Tank at the Aquia Wastewater Facility.

Resolution R22-334 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE A WORK ORDER WITH HITT CONTRACTING INC. FOR THE

**REPLACEMENT OF THE MAGNESIUM HYDROXIDE TANK AT THE
AQUIA WASTEWATER TREATMENT FACILITY**

WHEREAS, magnesium hydroxide is an essential chemical in the wastewater treatment process; and

WHEREAS, the magnesium hydroxide tank at the Aquia Wastewater Treatment Facility is aging and needs to be replaced in order to maintain operations and serve existing wastewater demands; and

WHEREAS, the work to replace the tanks may be procured through the County's Job Order Contract (JOC), Contract #20-1210-SP134.5HITT; and

WHEREAS, HITT Contracting Inc. submitted a work order package, Work Order #SC-HT-020 in the amount of \$489,582 for these services; and

WHEREAS, Department of Utilities staff have reviewed the work order, and find it to be responsible for the scope of work to be completed; and

WHEREAS, funds are available in the FY23 Utilities Operations Budget for the work;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the County Administrator be and he hereby is authorized to execute Work Order No. SC-HT-020 with HITT Contracting Inc., for the replacement of the magnesium hydroxide tank at the Aquia Wastewater Treatment Facility in an amount not to exceed Four Hundred Eight-Nine Thousand Five Hundred Eighty-Two Dollars (\$489,582), unless modified by a duly-executed change order.

UNFINISHED BUSINESS

Item 22. Capital Projects Transportation; Discuss Creation of a Safety-Wedge Widening Contract with the Virginia Department Of Transportation.

Transportation Planner Mr. Matt Lehane said that these transportation projects were identified in the 2019 Transportation Bond Referendum and included 35 different roadways across the County. He said that safety widening consisted of two feet of widening on either side of the roadway in order to increase safety and to reduce run-off-the-road crashes. He said that originally, the estimated cost for the safety widening was approximately \$10M, and the County had dedicated \$1M per fiscal year in the FY23-32 Transportation CIP.

Mr. Lehane showed a cross-section of the existing pavement and new pavement on either side of the roadway. He continued to show a map of the location of the 35 projects in the County, denoted

in orange on the slide. He showed a table listing the original costs for those projects, which was approximately \$10M. He said that currently, projects were selected and identified in conjunction with VDOT's annual maintenance paving program, where each year, VDOT performed a survey of the County to decide where to complete paving, and the County selected roads off of the VDOT list when they matched the bond referendum list. He said that the County then executed an agreement with VDOT to perform the widening and compensated VDOT for the cost.

Mr. Lehané said that to date, they had completed nine of these projects, with work along Kellogg Mill Road scheduled to take place in FY2023. He said that they also reviewed crash data prior and post-widening, but it was too limited to ascertain any appreciable decrease in run-off-the-road crashes or crashes in general. He said that they also reviewed speed data prior and post-widening, and it showed that 95% of traffic was traveling just slower than it was prior to the projects being completed. He said that some challenges included that selection was limited, and they selected roads from what VDOT had on its list each year, some roadways could not be completed due the existing right-of-way drainage culverts, proximity of ditch line, utilities, and lack of available right-of-way.

Mr. Lehané said that VDOT would not prioritize roadways for safety widening that had been recently resurfaced in the past three or four years. He said that the cost of widening and asphalt had significantly increased, so the \$350,000 per linear mile was for the full cost, but part of that included the cost that VDOT gave for asphalt in part, and the cost without VDOT's portion was \$275,000 for the widening. He said that due to the increase in cost, they were looking at approximately \$23.5M. He said that at their current funding rate, this would take 20 years to complete.

Mr. Lehané said that potential solutions included a separate paving contract with VDOT, which would allow the County to prioritize the roadways itself, independent of VDOT's paving schedule, so they would select off of their own list of projects to complete the additional wedge-widening for. He said that they could do contracts at \$2M or more to allow for competitive pricing and a larger selection of VDOT contractors. He said that they could also increase the funding for this program. He showed another list with the updated cost estimates.

Mr. Lehané said that the crossed-out sections were ones that had already been completed, which were noted, as well as the number of road departure crashes. He said that the recommendations were to create a separate contract with VDOT so that the County could prioritize and select roadways for safety widening based off of the list just shown. He said that they could restructure the current funding for every two years beginning in FY24 to accommodate this. He said that they could also identify additional funding.

Ms. Allen said that she had already met with staff on this issue so she had no questions.

Ms. Vanuch asked if Board direction was sought for the separate contract.

Mr. Lehane said yes. He said that next month they would bring a resolution to the Board to execute that separate contract.

Ms. Vanuch asked what contractors they would be soliciting. She asked if they would not be the same contractors used by VDOT.

Mr. Counsell said that it would be the same contractors that VDOT would be using for paving.

Ms. Vanuch asked if it was possible to research what company did the paving in Lake Arrowhead to avoid executing a contract with them.

Ms. Allen said that she was in favor of this and thought that it was a good idea. She said that they often missed opportunities, or VDOT scheduled things when the County did not want to, so it ended up costing them. She said that doing it this way was a great idea and she supported it.

Ms. Allen moved, seconded by Mr. English, to move forward with the creation of the safety-wedge widening contract.

Ms. Vanuch asked if a friendly amendment could be made to exclude the contractor responsible for the paving at Lake Arrowhead.

Ms. Allen asked Ms. McClendon her opinion of the legality of Ms. Vanuch's suggestion.

Ms. McClendon said that Mr. Counsell mentioned that the resolution would be brought back at the next meeting, and they could have the language appropriate for the Board at that time.

Ms. Allen withdrew her motion.

Ms. Vanuch said that this item would be heard again at the meeting in January on the Consent Agenda.

Item 23. Planning and Zoning: Consider Authorizing the County Administrator to Advertise a Public Hearing to Consider Conveying an Undivided Interest in County-Owned Property to the Virginia Department of Conservation and Recreation for Addition to Crow's Nest Natural Area Preserve.

Ms. Vanuch asked Ms. Gary if another Supervisor could make the motion in her district.

Ms. Gary said that was fine and that she would second the motion.

Ms. McClendon clarified that this motion was for R22-274.

Ms. Allen moved, seconded by Ms. Gary, to adopt proposed Resolution R22-274.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	

Resolution R22-274 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER CONVEYING AN UNDIVIDED INTEREST IN COUNTY-OWNED PROPERTY TO VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION FOR ADDITION TO CROW'S NEST NATURAL AREA PRESERVE

WHEREAS, Stafford County and Virginia Department of Conservation and Recreation (DCR) jointly own portions of Crow's Nest Natural Area Preserve (Preserve); and

WHEREAS, DCR's Natural Heritage Division is responsible for management of the Preserve, which includes protection of ecologically important lands while allowing public outdoor recreational access; and

WHEREAS, within the Crow's Nest Harbour subdivision the County owns 305 parcels of land totaling approximately 770 acres and right-of-way totaling approximately 84 acres (Property); and

WHEREAS, DCR has expressed its interest in obtaining the Property within Crow's Nest Harbour to incorporate it into the Preserve; and

WHEREAS, the County desires to add the Property to the Preserve; and

WHEREAS, the Stafford County Comprehensive Plan (Comprehensive Plan) recommends the area of Crow's Nest Harbour as Parkland; and

WHEREAS, the addition of the Property to the Preserve complies with the goals and recommendations of the Comprehensive Plan; and

WHEREAS, the Board desires to hold a public hearing to consider conveying an undivided interest in the Property to DCR pursuant to Virginia Code § 15.2-1800(B);

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider conveying an undivided interest in County-owned land located within the Crow's Nest Harbour subdivision to Virginia Department of Conservation and Recreation.

NEW BUSINESS

Item 24. Lake Arrowhead Dam Spillway Improvement Project Update.

Mr. Bryon Counsell said that this was an update on the Lake Arrowhead Service District. He said to summarize, the Lake Carroll had directed staff to wait on that project and not offer any additional loans to Lake Carroll to complete that dam, while Lake Carroll Property Owners Association would seek some information from DCR about the consequences of an incomplete project, so that would be translated over to Lake Arrowhead. He said that it was a similar situation, where over the last few years they had procured the property, then got the project finalized for a bid, then advertised for bid construction.

Mr. Counsell said that the bids came in significantly higher than the budget that was available, shown on the slide was approximately \$450,000 additional dollars would be needed to do this project. He showed slides giving information on the history of that status and the history of the events at Lake Carroll. He said that they were seeking any direction that the Board would have them do to pursue this work or not.

Ms. Vanuch asked to see the previous slide showing funding. She said that this all started when her district's predecessor was on the Board, who knocked on all the doors. She said that that was because DCR told Arrowhead that if they did not fix their dams, they would have to drain the dams and there would be no more lakes in Lake Arrowhead, obviously creating a blight because the residents purchased the properties there because of the lakes, which were utilized as amenities. She said that they were able to secure over 51% of support to institute the County Service District in order to pay for the work to be done.

Ms. Vanuch said that they had hired project managers, and one of the big holdups was that the staff member who was the consultant for them at the time did not realize how much property they needed to have easement access to in order to repair the big dam work. She said that the little dam repairs had already been completed, but there were two or three pieces of property that they had to get easement access to in order to do repair work. She said that because of the defunct HOA and figuring out who owned the land, the owner had died, and Laura Rudy had to send a lot of it to tax sale.

Ms. Vanuch said that the County previously, in a closed session, authorized the Board to purchase that land at the tax sale so they would have the easements worked out. She said that at that point in time if all the easements had been worked out and if they had access to the big dam. She said that it took the entirety of her term to get access to the big dam by all of the property acquisition. She said that the work could now get done, but the rebidding had a cost increase of \$450,000.

Mr. Counsell said that was based on everything that was spent to date, and the remaining budget subtracted from the low bid gave them that amount.

Ms. Vanuch said that she knew that staff had drafted a letter but not sent it out because there was not enough detail in it. She said that those residents had no idea what had happened to date. She said that she would like a detailed letter explaining everything that the County had to do, including acquiring the land, the holdups on the work on the big dams, and why it had taken seven years of waiting for the work to be started, with the explanation that it was because they could not get access to the property that they had to and had to go through this legal battle to get access. She said that there was a Lake Arrowhead Board that was supposed to run this service district, and they should let them survey the membership, because perhaps they still wanted the work to be done, their service fees would have to increase to pay for that next year.

Mr. Counsell said that not only would the tax amounts have to increase, but the loan amount from the County from the service district would have to increase as well.

Ms. Vanuch asked for the Board's consensus on this path forward. She said that she would like to seek feedback from people because otherwise, they had paid in a lot of money to fix one dam and not the other, which was a mess.

Mr. Counsell said that there were some maintenance activities that would move forward out there, and some immediate needs that had a separate maintenance fund to take care of. He said that that would happen as an aside and a matter of course. He said that the spillway improvement was what was being discussed, and that was the hydroturf being put on the downhill slope to protect the damming in case of an overflow, and that was the project that still needed to happen.

Ms. Vanuch asked if all of that and the maintenance work that would continue to happen in a write-up that the County could send to all Lake Arrowhead residents that were a part of that service district as a start, and then she could seek them to get on the Lake Arrowhead Service District Board so that they could get feedback from them and they could figure it out from there.

Ms. Yeung said that she did not understand any of this information because she was not on the Board then and needed the background information. She asked if Lake Arrowhead was in Rock Hill. She asked what the service district referred to.

Ms. Vanuch said that it was similar to the service district in Embrey Mill.

Ms. Yeung said that the dam only serviced the Lake Arrowhead constituents. She asked if they were only discussing raising fees for Lake Arrowhead individuals.

Ms. Vanuch said yes.

Ms. Yeung said that she understood.

Ms. Vanuch said that if there were no issues with moving forward, she would like to go that route, and this could come back to the Board when they had more clarity.

Mr. Counsell said that sounded good.

Item 25. Budget and Management; Discuss Postponing Hartwood Elementary School Rebuild to Move Forward with the Construction of Elementary School #18.

Ms. Andrea Light said that at the joint School Board and Board of Supervisors CIP meeting, the School Board requested the Board of Supervisors look at replacing Hartwood Elementary School with Elementary School #18. She said that Hartwood Elementary School rebuild was planned in the CIP to start in FY23 and funding had been allocated to that project, but funding had not been spent to date. She said that the Board asked for this matter to be brought back to New Business, and they had checked with bond counsel to determine that the Board could make this change from Hartwood Elementary School to Elementary School #18. She said that a new public hearing was not necessary, and the Board would just need to formally amend the CIP to make the School Board's request changes. She said that this was not time sensitive, and if the Board directed this to happen, they could bring this back at the second meeting in January.

Ms. Vanuch said that when they had the joint meeting with the School Board, this was something that they asked for the Board to do, and she requested the Board discuss it. She said that one of the reasons they asked for this was because they were hoping that they would also move up Elementary School #19 and contract them in tandem. She said that they had a robust discussion about that and contracting with fire stations and a new courthouse build today in their CIP meeting, but she knew their big push to swap Elementary School #18 and Hartwood out was so that they could begin negotiating on land acquisition.

Ms. Vanuch said that the Board's perspective was that when they moved up Hartwood in the CIP last year, they believed the land at the high school would be available, and she did not know what was stopping the School Board from negotiating on behalf of the Hartwood Elementary rebuild

now, and then in the budget or bond if they ended up moving around #18 and #19, they could swap it out. She said that it was the same school district and same area, so she had a difficult time understanding that.

Ms. Light said that the School Board wanted to confirm that they were adding additional capacity of seats. She said that with the Hartwood rebuild, they would be adding approximately 300 seats, and with the new elementary school, it was about 950, so the focus was on the new elementary school.

Ms. Vanuch said that they would be building the same school and same footprint. She said that they could work this out during the CIP and budget. She asked if they must have an action and public hearing to remove Hartwood in the middle of the budget season that they were going through at the exact same time in January and February. She said that the school was going in the exact same spot.

Ms. Light said yes.

Ms. Vanuch asked if there was anything stopping the School Board from acquiring the land and saying an elementary school to seat 980 kids of this footprint would go on this land. She said that it was really just the name.

Ms. Light said that she did believe it was just the name. She asked Ms. McClendon if they did not have to be more generic in the CIP and adjust that there was no public hearing required, so the School Board could apparently negotiate the land for a new elementary school.

Mr. English said that they had no land that the Board knew of. He asked if that was correct.

Ms. Light said not to her knowledge. She said yes.

Mr. English said that he had made his stance clear.

Ms. Vanuch asked Ms. McClendon if a public hearing was necessary to swap out a CIP item.

Ms. McClendon said that the Board could amend the CIP, but it would require being done via resolution.

Ms. Yeung said that she wanted to make sure that they honored the School Board's request and that they had their own autonomy, and she would go with what they wanted versus the Board making those changes without asking them. She said that whatever the School Board requested was what she would go with, because they knew their situation better than they did, and she

understood what they were talking about due to her past experience on the School Board. She said that she would respect their decision.

Ms. Bohmke said that the only thing that was confusing was that when people referred to the "Hartwood Rebuild" was that that building would not be on that site, and it was a little confusing. She said that the word "rebuild" should include "rebuild on another site" because only "rebuild" sounded like it was on the exact same site. She said that they should be clearer. She said that while it did not answer the other question, it had come up at their meeting today.

Ms. Vanuch said that a decision did not need to be made today, and she would like to work with and get feedback from the School Board, but it appeared that they were under the impression that they could not negotiate on new land because it said "Hartwood Rebuild," but in fact, they really could, because no matter what, the CIP changed to this budget cycle or if they did a bond referendum for the schools, they would be getting an elementary school in that area. She said that it begged the question of if they wanted to change it on the CIP outside of the budget or wait and do it as part of the total reorganization.

Ms. Allen said that she thought that they wanted #18 and then wanted to consider a future rebuild of Hartwood.

Ms. Vanuch said that they wanted #18, #19, and the rebuild of Hartwood. She said that all they were talking about was switching out the name of Hartwood Elementary as a rebuild to Elementary School #18, but she was unsure why they must be involved in this.

Ms. Yeung said that Hartwood was already funded and the money was already there.

Ms. Vanuch said that they were already paying for an elementary school, and it was the same amount. She said that it was something for the Board to think about over Christmas break. She asked if the School Board's interpretation could be received so they could find out what was stopping them from negotiating on the land.

Ms. Light said absolutely.

Mr. Coen said that he watched the meeting online. He asked if they could have the closed session with whatever school entity necessary to tell them about sites. He said that he and Mr. English had asked about it, and they also both thought that they would be coming in today to explain that during closed session, but he was told no. He said that he believed they required that to have an intelligent discussion on this issue in closed session.

CLOSED MEETING

At 4:57 p.m., Ms. Yeung motioned, seconded by Ms. Allen, to adopt Resolution CM22-26 to authorize closed session.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung

Nay: (0)

Resolution CM22-26 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) briefing by legal counsel and staff members pertaining to potential litigation involving tax assessment and valuation State Code provisions, where such briefings in an open meeting would adversely affect the litigating posture of the County; (2) discussion and consideration of the acquisition of an interest in real property for fire and rescue purposes, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; (3) discussion of the disposition of a former elementary school site, which is publicly held property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; (4) discussion concerning a prospective business where no previous announcement has been made of the business' interest in locating its facilities in Stafford County, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; and (5) Discussion of a minor contract amendment for a specific employee of the Board of Supervisors; and

WHEREAS, pursuant to Virginia Code § 2.2-3711 (A)(1), (A)(3), (A)(5) and (A)(7) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that it be and hereby does authorize discussion of the above matters in Closed Meeting.

CERTIFY CLOSED MEETING - SEC. 2.2-3711 (A)

At 6:34 p.m., Ms. Yeung motioned, seconded by Ms. Bohmke, to adopt Resolution CM22-26(C) to certify the closed meeting.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung

Nay: (0)

Resolution CM22-26 (C) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON DECEMBER 13, 2022

WHEREAS, the Board has, on this the 13th day of December, 2022, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act provides for certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 13th day of December 2022, that to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the Motion by which the Closed Meeting was convened, were heard, discussed, or considered by the Board.

Following certification of the closed meeting, Ms. Yeung made a motion, seconded by Mr. Coen to approve proposed Resolution R22-339.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay: (0)

Resolution R22-339 reads as follows:

A RESOLUTION TO AUTHORIZE ENTERING A FIRST AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH RANDAL E. VOSBURG

WHEREAS, the Board entered an employment agreement with Mr. Vosburg on June 7, 2022 and effective on July 5, 2022 (Employment Agreement); and

WHEREAS, the Board and Mr. Vosburg desire to amend the Employment Agreement to modify the deferred compensation provision;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the Chairman be and she hereby is authorized to execute a first amendment to the employment agreement with Randal E. Vosburg.

RECESS

At 6:35 p.m., the Board recessed its meeting until the evening session

At 7:03 p.m. Ms. Vanuch called the meeting to order. Mr. English gave the invocation and Ms. Allen led the Pledge of Allegiance to the flag of the United States of America.

PRESENTATIONS

There were no presentations or proclamations to present.

PRESENTATIONS BY THE PUBLIC

Ms. Vanuch read the protocol for public comment.

1. Mr. Mike Hammond said that he had been a resident of Stafford for 18 years and resided at 125 Austin Run Boulevard in the Aquia District and Monica Gary was his Supervisor. He said that about 20 years ago, the HOA went defunct, and he had lived without an HOA for the last 18 years. He said that his neighbors had come to the meeting to show support for what they were going through. He said that while they had no HOA, on November 4, Shanks Towing came into their neighborhood and put up signs in common areas on private property. He said that residents called them, believing it to be a mistake, because it was an easy mistake to mix up the two HOAs in the neighborhood.

Mr. Hammond said that they were very unpleasant people to deal with and insisted that they had a contract, but on November 25, they escalated by putting letters on cars, and on November 28, they towed eight vehicles off of private property in front of their homes. He said that they called the police and asked for help but they said that it was private property and there was nothing they could do. He said that Mr. Jim Baron had written an article with details about this issue on the cover of the Freelance Star's Saturday edition. He said that when they were able to reach Ms. Gary, she was very helpful, and he was not asking for anything, but wanted to tell the Board how impossible it was for the average citizen to stand up for themselves on private property against these predatory towing companies.

Mr. Hammond said that it was ridiculous, and he was thankful that Jim Baron and Monica Gary stepped in. He said that they now had Captain Lee Peters running the investigation, and he had full faith that he would come to a great resolution, but something must be done. He said that he could provide the papers to the Board, or they could be found online. He said that the Board members should educate themselves on this, as it was an ongoing investigation and they needed help passing future legislation.

PUBLIC HEARINGS

Item 26. Planning And Zoning; Consider a Request for a Conditional Use Permit to Allow a Communications Facility Within the M-1 Light Industrial Zoning District on Tax Map Parcel No. 30-3B, Consisting of a 150-Foot Tall Telecommunications Monopole With Ancillary Equipment (Project Known as Telecom Milestone Aquia WWTP).

Principal Planner Mr. Michael Zuraf said that this was a request for a Conditional Use Permit to allow a communications facility on a property that was zoned M-1 light industrial on Tax Map Parcel No. 30-3B on an area of 55.12 acres. He said that this was County-owned property where the Aquia Wastewater Treatment Plant was located. He said that the applicant for this permit was Milestone Communications and the facility would consist of a 150-foot-tall monopole tower with ancillary equipment.

Mr. Zuraf said that the property was located on the north side on Coal Landing Road, approximately 550 feet east of Greenridge Drive, and the location of the tower within the site was highlighted on the zoning map displayed on the screen. He said that adjacent properties were residentially zoned to the north, south, and east, with Commercial B-2 zoned property to the west in the vicinity of Route 1.

Mr. Zuraf said that the location of the tower was proposed near the southeastern property boundary on the Aquia Wastewater Treatment Plant site, a site that was in a previously cleared and undeveloped area of the parcel with generally level topography. He said that the tower site was adjacent to and just outside of resource protection area buffers associated with Austin Run, and the site was to the east of the main entrance to the treatment plant. He said that residential uses were located in Aquia Harbor farther to the northeast, and the Greenridge subdivision to the south. He said that the closest residential structure was approximately 202 feet to the south and was a property located on Coal Landing Road.

Mr. Zuraf said that the general development plan depicted how the 150-foot-tall tower would be developed, and the circle on the slide indicated the location of the tower. He said that there would be a 2,460-square-foot compound that would house the equipment cabinets for the providers located on the tower, and it would be enclosed by an 8-foot-tall chain-link fence and screened with privacy slats. He said that there would be a gravel access road that would be constructed from the treatment plants at an existing access road over to the tower. He said that the tower was located 107 feet from the closest property line.

Mr. Zuraf said that the plan included an elevation view of the monopole tower, with the potential of co-location of five wireless providers. He said that T-Mobile would be the initial provider at the

top of the tower. He said that the tower was not proposed to be lighted since the FAA would not require lighting for a tower of this height. He said that the applicant submitted radiofrequency propagation maps that illustrated the existing and proposed radiofrequency coverage, and the gap that would be filled by the tower.

Mr. Zuraf said that the slide on the screen showed the existing coverage, and the pink markers identified the existing antenna locations that were served by T-Mobile, the blue was the proposed site, the dark green represented stronger signals, and the lighter shading was weak signal. He showed an image that represented the potential signal coverage that was gained by the proposed tower. He showed an aerial image with a view of the setbacks from the tower to the property line and the nearest residential structure.

Mr. Zuraf said that the applicant also submitted photograph simulations of the tower, and the one displayed was of the view of the site entrance. He said that there were many existing mature trees in the area that would likely help to screen the view of the tower from many vantage points. He said that the view was of the entrance to the treatment plant and likely the most visible point. He said that proposed conditions would limit the tower height, style, and location as proposed, and the conditions also required safe emergency access and security fencing, as well as prohibiting lighting on the tower unless required by the FAA. He said that it also required that it should also be able to accommodate up to five carriers, and other standard conditions were proposed, including the requirement to remove the tower once the use was discontinued.

Mr. Zuraf said that there were several positive aspects, including that the proposed facility met the standards of issuance for review of the Conditional Use Permit, the approval of the request would result in enhanced coverage of wireless broadband service to an underserved area, in the vicinity of Richmond Highway and Austin Run, the tower was designed to ensure the health and safety of nearby residents, and conditions would off-set any negative impacts. He said that one negative aspect found by staff was that the proposed tower would be visible to nearby residences. He said that staff recommended approval of the request, and on October 12, the Planning Commission recommended approval.

Ms. Allen asked if this would solve the issue of Route 1 having a bad signal from Hope Road to El Gran Charro. She said that she had discussed this with the County Administrator, and it was also a safety issue. She said that on that stretch, if someone had a 911 call, they could not get through due to no signal. She said she was curious about how much of an improvement this would be.

Mr. Zuraf showed the radioactivity map and indicated the difference in coverage.

Ms. Vanuch asked what carrier this coverage pertained to.

Mr. Zuraf said this information was for T-Mobile. He indicated Route 1 and the proposed signal coverage would cover it. He said that once the tower was built, it was likely that AT&T and Verizon would use that same tower.

Mr. Coen asked if they had ever discussed disguising the monopole as a tree, which was a common practice in some areas.

Mr. Zuraf said that it was something not requested. He said that the applicant held a community meeting and that issue did not lead to that need. He said that that was not being proposed on this site.

Ms. Gary said that she looked forward to the coverage that would be provided to the area that was currently a dead spot, and they could perhaps get other carriers there as well. She said that it was also necessary as a safety issue for the population in the area. She said that there were concerns brought up by a constituent early on, and Milestone had addressed as sufficiently as possible by abiding by the perimeter of safe distance from homes and other structures. She said that she was in favor of this.

Mr. Oswaldo Reyes-Chica said that he had no additional information to present. He noted that the tree pole was not a great solution, because when the leaves fell off of the other trees, it was still an eyesore.

Ms. Vanuch asked if there were any other questions for the applicant. Hearing none, she opened the public hearing.

1. Mr. Jack Oldroyd stated that he lived at 102 Coal Landing Road, which was across the street from the proposed tower. He said that he had moved to Coal Landing Road over 25 years ago into his first house, and then on his move-in date, he realized that the water treatment plant produced odor, which he did not notice when he purchased the house. He said that while he was moving in, he smelled the water treatment facility, and then there was a water treatment expansion, so there was even more odor. He said that he had powerlines in his front yard that were intrusive to the point where they could not play catch in the front yard. He said that there was water that dumped off the street behind Coal Landing Road that essentially came through his yard to the point where he had to rent a grade-all bucket and dig a ditch around their entire house because the city said that they were responsible for keeping it off of the road.

Mr. Oldroyd said that after doing all of that, they now wanted to put this unsightly tower across the street. He said that he knew that the cell phone service was bad there because he lived there, but if they were going to put this up regardless of what anyone thought, they should at least make it look like a tree like the one in Fredericksburg. He said that Coal Landing Road had bared enough of burden of unsightliness, air quality, powerlines in front yards, water in the backyards, and he and other residents had dealt with enough personally to where that should be taken into consideration.

Mr. Oldroyd said that it should at least look nice if it had to be there, and he knew of powerlines down the street that ran toward Government Island that went forever, so this could be located anywhere where those powerlines were and place it where no one could see it in the woods. He said that to put it directly across from his house asked the question of how much they had to take.

Ms. Vanuch asked if there were any comments to the public or questions for staff.

Ms. Gary said that she empathized and that it was very unfortunate. She said that if someone could get the speaker's information so that they could discuss the other issues that she may be able to assist with, she would appreciate it. She said that she knew what they were referencing in making it look like a tree, and while it did not look as much like a real tree as it did an eyesore to her, she understood what they were trying to solve. She said that they had to make the best decision possible to serve everyone, and unfortunately, these things impacted a few people in a big way, so she wanted to express her understanding, although she supported this item. She said that it was unfortunate that this was the situation, but she would like to help with the other things going on if possible.

Ms. Allen said that what the speaker stated was unfortunately something that she sympathized with. She said that it was difficult to weigh the public good, because it was not only their cell phones that were an issue but public safety faced issues there too, and if this were something that could help alleviate that, it was a difficult choice. She asked if there was something the applicant could do to take into consideration for it to not be unsightly to homeowners, and perhaps the location could be somewhere with equal coverage but less visibility.

Mr. Reyes-Chica stated that they looked at different alternative solutions as they were exploring the project with staff, but unfortunately there were not any other options. He said that it was a great property of 53 acres, but going any further in was not viable for the water authority. He said that there were some wetlands in that area, so it became more of an environmental issue. He said that this was the best location available given the feedback received from staff and the parcel itself.

Mr. Coen said that the speaker had mentioned expansion plans, and he assumed that he meant for the water treatment. He asked if someone could get that information to the homeowner so that he was aware. He said that he assumed Ms. Gary would also ask that question.

Ms. Gary motioned, seconded by Ms. Allen to approve proposed Resolution R22-263.

Mr. Coen said that he would reluctantly vote for this. He said that he believed that it could be made sightlier, and yes the tree stuck up on Route 3, but he went to Riverbend every summer due to school activities, and trees were growing around it, so it was not sticking out as much. He said that it was a consideration to be had, because they would still have the same service area, but it would not be as much of an eyesore for people who had to look at it. He said that he would vote for it but sympathized with the public speaker.

Ms. Gary said that she wished she were present in person to see the person who spoke, and she knew that he was not the only one who had issue with that. She said that she wanted to better express and say sorry that this was the situation, and she hoped that they could mitigate the visual impact in some way. She asked again for the speaker's information to be collected so that he could be contacted about the other issues as well.

Ms. Allen said that she had talked to the County Administrator about this for almost five months, because she felt it was a public safety issue, and would hate for someone to need help in a medical emergency, or public safety personnel needed to respond and there was no signal. She said that for that reason she would support this item.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	

Resolution R22-263 reads as follows:

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A COMMUNICATION FACILITY IN THE M-1, LIGHT INDUSTRIAL ZONING DISTRICT, ON TAX MAP PARCEL NO. 30-3B, LOCATED WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, Milestone Tower Limited Partnership-IV submitted application CUP22154481 (Application), requesting a conditional use permit (CUP) to allow a communication facility in the M-1, Light Industrial Zoning District on Tax Map Parcel No. 30-3B, located within the Aquia Election District; and

WHEREAS, the Application was submitted pursuant to Stafford County Code Sec. 28-35, Table 3.1, which permits this use within the M-1 Zoning District, after a CUP is issued by the Board; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board has considered the criteria in Stafford County Code Sec. 28-185 and finds that the request meets the standards of the Zoning Ordinance for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that a conditional use permit (CUP) pursuant to application CUP22154481 be and it hereby is approved with the following conditions:

1. This CUP permits one communication facility (Facility) in the M-1, Light Industrial Zoning District on Tax Map Parcel No. 30-3B (Property).
2. One communication tower is permitted on the Property. The tower shall be a monopole type construction and shall be no more than 150 feet in height.
3. The location of the communication facility on the Property shall be in conformance with the plan entitled "Milestone Site Name: Aquia Run Wastewater Treatment Plant Site Address: 71 Coal Landing Road Stafford, Virginia 22554 Stafford County," prepared by Morris and Ritchie Associates, Inc., dated December 30, 2021 (Plan).
4. Clearing associated with the Facility shall be limited to the area designated on the Plan.
5. The existing site entrance shall be maintained to ensure sufficient emergency access to the Facility and to ensure adequate drainage. The driveway shall have a minimum 12-foot travel width, consisting of pavement or gravel, and a minimum 13.5-foot overhead clearance free of vegetation for adequate fire and rescue access to the Facility.
6. There shall be no lights on the telecommunications tower unless required by the Federal Aviation Administration.
7. There shall be no signs on the communication tower other than an identification sign required by the Federal Communications Commission or other federal or state agency.
8. A security fence shall be installed and maintained along the perimeter of the Facility at the base of the communication tower. A sign identifying the name of the tower owner and a telephone number to call in the event of an emergency shall be installed and maintained on the security fence.
9. Once the communication tower is no longer in use, written notice shall be sent to the County Administrator specifying the discontinuance of use of the Facility. All the

Facility's structures shall be removed within six months of cessation of commercial public telecommunications use or the expiration of the lease, whichever comes first.

10. The tower shall be designed to accommodate at least five (5) telecommunications providers.
11. Prior to issuance of a final zoning permit for the Facility, copies of a certified as-built survey for the communication tower shall be provided to the County. The as-built survey shall identify the mean surface elevation for the base of the tower and shall include any lightning rods or similar appurtenances.
12. Any frequencies or signals emitted by equipment at the Facility shall not interfere with or be incompatible with communications frequencies associated with the County's Emergency 911 system or the Stafford Regional Airport.
13. This CUP may be revoked for a violation of any of these conditions or any applicable County, federal, or state code, law, ordinance, or regulation.

Item 27. Utilities; Authorize the County Administrator to Execute a Real Property Deed of Lease Agreement With Milestone Tower Limited Partnership-IV for a Telecommunications Facility on County Tax Map Parel No. 30-3B, Located On a Portion of the Aquia Wastewater Treatment Facility.

Mr. Chris Edwards, Director of Utilities, said that Mr. Zuraf had discussed most of the relevant information, so he would be brief in his comments. He said that this was coupled with the previous public hearing because this would be the site of the tower location. He said that the lease agreement would lease an 82x30 site to Milestone Communications to construct the tower that would carry up to five antennae. He said that the County would have access to one tower site, and they planned to use for an air telemetry system. He said that they worked with public safety to make sure that they did not need the site for the public safety radio system. He said that the expansion of the wastewater treatment plant was not imminent, but the contract was good for 30 years, and they anticipated a wastewater treatment plant expansion within that 30-year period.

Ms. Allen asked how soon the tower would be erected.

Mr. Oswaldo Reyes-Chica said that the timeframe was between April and June for it to be erected, and about six months after that for the carrier to build their own site on there.

Ms. Vanuch opened the item for public hearing.

1. Mr. Kearemba Emerson said that his address was 50 Confederate Way in Stafford, Virginia. He said that he was not certain of the district his address was in. He said that his

question was concerning the environment as far as there being a nature reserve in that area, and he was concerned about the wildlife and if this proposal posed a risk to health and wildlife.

Mr. Reyes-Chica said that two items that were brought up, and specifically the environment piece included the performance of a NEPA study as part of working with staff, which identified no specific issues related to the environment or wildlife. He said that in terms of health risk, Paul Dugan from Millennial Engineering was present, who was an independent professional engineer and could talk about those specific items.

Ms. Vanuch said that the Board would like to quickly hear the findings.

Mr. Paul Dugan said that he was with Millennial Engineering, PC. He said that he provided an RF safety certification for this facility. He said that the CTIA put out a statement that said that the consensus of the international scientific community was that radiofrequency energy from wireless devices and networks including 5G had not shown to cause any health problems. He said that the evidence included thousands of peer-reviewed studies conducted over decades, including input from expert organizations such as the FDA, World Health Organization, and American Cancer Society. He said that as a registered professional engineer, his first priority was the health, safety, and welfare of the public, and he would not stand behind any proposal that he thought could jeopardize the community in any manner.

Ms. Vanuch asked if there were any other questions from the Board. Hearing none, she asked Ms. Gary if she had a motion.

Ms. Gary motioned, seconded by Ms. Allen, to approve proposed Resolution R22-310.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung

Nay: (0)

Resolution R22-310 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A REAL PROPERTY DEED OF LEASE AGREEMENT WITH MILESTONE TOWER LIMITED PARTNERSHIP-IV FOR A TELECOMMUNICATION FACILITY ON STAFFORD COUNTY PARCEL NO. 30-3B LOCATED ON A PORTION OF THE AQUIA WASTEWATER FACILITY

WHEREAS, Milestone Tower Limited Partnership-IV (Milestone) desires to lease space to construct a free-standing monopole telecommunication tower (Monopole) and base station telecommunications facility on Stafford County Tax Map Parcel No. 30-3B, located on a portion of the Aquia Wastewater Treatment Facility at 71 Coal Landing Road, within the Aquia Election District; and

WHEREAS, once constructed, Milestone proposes to lease space on the Monopole to telecommunications and wireless communication providers, and in exchange pay the County monthly rent in the amount of 40% of the gross revenues received from providers, along with a one-time site fee payment of \$25,000 and a \$5,000 colocation fee per carrier, for up to three carriers that locate on the Monopole; and

WHEREAS, construction and use of the Monopole will also require the grant of access, utility and temporary construction easements to Milestone; and

WHEREAS, the Board carefully considered the recommendations of County staff and public testimony, if any, received at the public hearing; and

WHEREAS, the Board has determined the telecommunications facility will not adversely affect County operations and will provide additional source of revenue for the Utilities Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the County Administrator be and he hereby is authorized to execute a lease agreement for ten year, with up to four five-year extension terms, with Milestone Tower Limited Partnership-IV (Milestone) to lease space to construct a free-standing monopole telecommunications tower and base station telecommunication facility on Stafford County Parcel No. 30-3B; and

BE IT FURTHER RESOLVED, that the Board grants Milestone a non-exclusive temporary construction easement which shall extinguish upon completion of construction and installation of the monopole and base station facilities, and grants a ten-foot utility easement and right-of-way easement, which shall extinguish upon termination of the lease agreement; and

BE IT FURTHER RESOLVED that the County Administrator, or his designee, is authorized to execute any and all documents that he deems necessary and appropriate to effectuate this Resolution.

Item 28. Planning and Zoning: Consider Zoning Reclassification Request, With Proffers, from the A-1, Agricultural Zoning District to the M-1, Light Industrial Zoning District on Tax Map Parcel Nos. 38-6B (Portion), 38-69 (Portion), 38-70 (Portion), 38-70A, 38-78, and 29,-78A (Project Known as RC22154477 Austin Ridge Logistics Center).

Mr. English said that for the Austin Ridge Logistics Center reclassification request, he would like to disclose that he was the owner of property at 60 Cedar Lane. He said that as a property owner,

he was a member of a group of property owners which may be affected by the Board's actions on this proposal reclassification request to rezone property from the A-1 agricultural to the M-1 light industrial zoning district to support the Aquia Austin Ridge Logistics Center project, which contained a proffer condition that could permit the extension of public water along Cedar Lane.

Mr. English said that the Board's decision to consider a vote on this reclassification required did not apply to his property solely and may only indirectly benefit himself and his family by providing a future possibility to connect to public water system. He said that in accordance with Virginia Code Sec. 2.2-3112(b)1, he was able to participate fairly, objectively, and in the best interest of the public. He asked the Clerk to record this declaration in the records today and in any future meetings where the Board discussed and considered this matter.

Mr. Zuraf said that he would present the staff report in this case for the Austin Ridge Logistics Center reclassification request. He said that it was a request for a reclassification from the A-1 agricultural zoning district to the M-1 light industrial zoning district. He said that it covered several parcels, and the proposal would allow for the development of 2 million square feet of multi-tenant industrial uses in several buildings. He said that the total area of the site was 187 acres in the Hartwood District, and North Point Development was the applicant. He said that Charlie Payne was representing the applicant in this case.

Mr. Zuraf said that the subject parcel was located at the terminus of Cedar Lane, approximately 2,000 feet south of Courthouse Road, and on the west side of Interstate 95. He said that the zoning plat displayed on the screen identified the 187-acre rezoning area, shaded in bright blue, and the remainder of the subject parcels not part of the rezoning and to remain A-1 were shaded in light green. He showed another map of the current zoning of the site, where the light green shade represented A-1 zoning of the subject property, the surrounding property included A-1 and A-2 zoning around the majority of the site, and B-2 to the north of the site. He said that the property did not include any proffers.

Mr. Zuraf showed an aerial photograph of the existing conditions. He said that two of the parcels on the site included residential dwellings, and the remainder of the site was undeveloped. He said that there was a pond located on the northern end of the site. He said that the site topography sloped gradually downward from north to south toward Accokeek Creek, which was also south of the proposed zoning area. He said that undeveloped land surrounded much of the property, and residential uses were adjacent to the site to the north along Cedar Lane. He said that the General Development Plan identified four industrial buildings, which were shaded in orange.

Mr. Zuraf said that there would be up to 50 feet tall in height, and in combination would include 2 million square feet of floor area under roof. He said that access to the site would be provided by

extending Austin Ridge Drive south from Courthouse Road as a public road to the northern edge of the property, and within the site there would be private streets internal to the site. He said that the southwestern edge of the zoning area recognized and avoided the planned extension of Mine Road, as recommended in the comprehensive plan. He said that there was also gated emergency access points off of the planned Mine Road extension, as well as to Cedar Lane.

Mr. Zuraf said that there was a 60-foot-wide transitional landscape buffer required along I-95. He said that the general development plan identified two tree-save areas that ran along two-thirds of the property boundary, which were highlighted in green. He said that there was a proffer that would require trees to be preserved to the maximum extent practical, but it said that if impacts were unavoidable, new trees would be planted in the places that were cleared. He showed another aerial photograph and stated that the green line indicated the location of the proposed extension of Austin Ridge Drive as a public road to the northern end of the property.

Mr. Zuraf showed architectural renderings that displayed the design of the industrial buildings, which had been provided with the application and the applicant was proffering the general character of these buildings. He said that a traffic impact study was required with the application, and it was estimated that the use would generate approximately 2,800 vehicles per day. He said that the traffic study evaluated impacts to uses at the signalized intersections on Courthouse Road from Mine Road to Hospital Center Boulevard in the spots highlighted on this map.

Mr. Zuraf said that the traffic study submitted with the application determined that the project would negatively impact the Courthouse Road and Austin Ridge Drive intersection during the afternoon peak hour, shown with an orange dot on the map. He said that it would have an overall service of D with an increased delay at several of the traffic movements at that intersection. He said that VDOT expressed concern with the proposed amount of industrial use in the area, citing that it was not in line with the County's long-range plans, and the number of tractor trailers may not be suited for the diverging diamond interchange.

Mr. Zuraf said that as mitigation, there were proffered transportation improvements to be completed by the issuance of the first occupancy permit, including construction of a 150-foot-long second westbound left-turn lane on Courthouse Road that would provide left-turn movements into Austin Ridge Drive going south. He said that they would also construct a two-lane extension of Austin Ridge Drive to allow for connection to Courthouse Road, dedicating 91 feet of right-of-way along that public road extension, and providing a gated emergency access from the future extension of Centreport Road and Cedar Lane.

Mr. Zuraf said that the Comprehensive Plan identified a site within the courthouse targeted development area, which included the conceptual land use plan, and the site included a mix of

three different recommended uses, including commercial, mixed use, and residential. He said that staff noted the use was not fully compatible with the land use recommendations and believed the eastern portion of the site that was designated commercial would be compatible given its proximity to the interstate, however, the other areas of the site to the west of the pond, designated mixed-use and residential, would not be compatible with those recommended uses.

Mr. Zuraf said that the proposed proffers committed to the development of the site to many of the features that were submitted with the zoning request, including site layout, total building square footage, and the design of the site. He said that several uses were prohibited that otherwise would be allowed by-right, and several transportation improvements were proposed, as he had previously reviewed, the preservation of trees to the extent possible with the provision for replanting.

Mr. Zuraf said that there would be removal of the two dwellings to avoid future non-conforming uses once the zoning changes, allowing for grading of the site to accommodate future construction on Mine Road, requiring extension of a public waterline along Cedar Lane to allow for connection or drill new wells if impacted, and provide a cash contribution of \$100,000 for public safety.

Mr. Zuraf said that staff found the positive aspects to be that the proposed use was consistent with the recommended land use guidance in the comprehensive plan, was consistent with the planned industrial uses to the north and was appropriate along Interstate 95. He said that higher intensity uses were prohibited within the proffers, and they committed to the general appearance of the buildings, which would be consistent with the comprehensive plan policy that encouraged development of accessible, convenient, and attractive commercial and industrial locations within the urban services area. He said that it would also generate a positive fiscal and economic benefits for the County.

Mr. Zuraf said that there were some negative factors, such as that the use would be inconsistent with the recommended mixed-use and residential land uses in the comprehensive plan, would be inconsistent with transportation policies regarding degradation of intersection levels of service, and as noted, VDOT had concerns expressed about the diverging diamond interchange. He said that staff saw many positive aspects of this reclassification, but from a comprehensive plan and land use perspective, staff could not support the rezoning application. He said that on November 9, the Planning Commission voted 5-1 to recommend approval of the proposal with the proffers as amended.

Ms. Yeung asked if Mr. Zuraf had said that the Planning Commission voted 5-1.

Mr. Zuraf said that it was 5-1.

Ms. Yeung asked what the first vote.

Mr. Zuraf said that it was 5-1 to recommend approval.

Ms. Yeung said that the first vote that they made was 3-3 with one absence.

Mr. Zuraf said that yes, at the prior meeting, before coming to an ultimate decision.

Ms. Yeung asked how they changed from 3-3 and one absent to 5-1.

Mr. Zuraf said that perhaps the applicant could refresh the details on that matter, but they deferred it because it was 3-3 and an absent member, but he could not say exactly how two of those members changed their minds.

Mr. Charlie Payne, representative of the applicant, greeted the Board and wished them a Merry Christmas. He said that Ryan Marshall with North Point Development was present with him and would introduce his company and why he was in Stafford County before going through the other slides.

Mr. Ryan Marshall said that he was here on behalf of North Point Development, the applicant for the item being heard this evening. He said that he appreciated the time and consideration the Board was taking this evening. He said that they were new to Stafford County and a relatively young company about ten years old, based out of Kansas City, Missouri. He said that he sat in St. Louis, and he wanted to introduce the company and why they decided to invest in this specific site in Stafford County. He said that the company began in Kansas City, MO and had grown into the most active industrial developer in the United States.

Mr. Marshall said that they had a number of offices across the country and a number of projects. He said that they had an operating portfolio of about 150 million square feet across the country, representing about \$15B in investments since the company's inception. He said that the bottom of the slide shown had a list of some of the corporate partners they had across the country. He said that some things they did differently than competitors was that they were a long-term holder of their buildings, which meant that they would not lease the buildings and sell them immediately, but would be there for the long haul, and they wanted to be good community partners with the communities they invested in.

Mr. Marshall said that if the County had an issue and reached out, his office in St. Louis would receive the call. He said that they were also primarily a speculative developer, which meant that by the time they got to this stage in the process, they had to have a lot of conviction in the site,

location, and infrastructure around the sites that they were pursuing, because they were going to build the structures before they had identified a tenant to use them. He said that part of his job was to make sure that they identified sites and went through the process for locations that were intriguing and leasable to tenants, and they believed this site met many of their qualifications, one of which was the proximity for I-95, which had been the premiere trucking corridor and transportation logistics corridor of the east coast.

Mr. Payne said that staff noted in going through much of the material that the proposed zoning from A-1 to M-1, and the proposed use was light industrial/distribution, and they had proffered about 22 of the more intense uses that would generate much more traffic. He said that the future Comprehensive Plan for this was mixed use, as staff noted, and it was within the courthouse TDA. He said that later in the slides, it could be seen that if they were to develop this site for purposes of what the future land use plan showed, although staff noted that the project did meet much of the criteria of the Comprehensive Plan. He said that if they were to build out for mixed use, they would be potentially dealing with 30,000 more daily trips than what was proposed.

Mr. Payne said that there was some confusion at the Planning Commission about how much of this parcel was actually being rezoned. He showed on the slide the light blue shaded area was proposed for the rezoning, which was basically everything north of Accokeek Creek. He said that this parcel was between I-95 and 1,800 feet from Courthouse Road, sitting south before Courthouse Road before reaching the creek. He said that it was very tucked away, and it could not be seen easily from Courthouse Road. He showed an image of the overview of the site and the extension of Austin Ridge Drive.

Mr. Payne said that they would be dedicating about 90 feet of right-of-way, which was consistent with the current stub-out at Austin Ridge Extension. He said that it was 1,800 feet from Courthouse Road, and it was well-buffered from surrounding areas and was just north of the creek. He said that the proposal included construction of four buildings of over 2 million square feet of industrial space, and the main and only access would be on the Austin Ridge Extension from Courthouse Road. He said that they were about 700 or 800 feet from the interchange, so it was a short trip to that interchange.

Mr. Payne said that some numbers that were important to note were that this was the second-largest CapEx investment in Stafford County's history from what he understood from the Economic Development Office and was a \$260M investment. He said that this was a speculative build, so they would build it out, lease it out to tenants, and they were confident that they would attract viable tenants to the site. He said that they were projecting about 730 to 800 or more employees at this location, which sat on 187 acres.

Mr. Payne said that economic development was important for a project of this nature. He said that this was the second-largest CapEx investment in Stafford's history, and he had given a copy of the Virginia Port Authority's recommendation of support for this project to the Board. He said that it would create jobs and a major tax revenue generator. He said that they predicted that over the first ten years of this project to generate over \$22M in real estate tax, which averaged to \$2.2M per year. He said that toward year ten, they were looking at \$2.5M in real estate tax, and did not include sales tax, meals tax, or personal property tax. He said that there would likely be investment of a project of this nature and size anywhere CapEx for personal property \$50M to \$200M, and potentially greater. He said that these facilities were modern and robotic, with top-end equipment and technology uses on the site.

Mr. Payne showed another map to show the location and the proximity to the interchange. He said that the site was not very visible, and it could be seen in the sight line exhibit on the slide that the top of the building would barely be seen from Courthouse Road depending on the viewshed location. He said that he appreciated staff's comments regarding the level of service impacts to one of the 32 movements studied in the traffic impact analysis. He said that 30 of the movements did not change the level of services at all. He said that when doing a traffic impact analysis, the study looked at all of the projects that had been approved and not just this one.

Mr. Payne said that for example, the Burns Family project, which generated a lot of traffic because it had lots of office and retail space, was included as part of this equation. He said that thinking about this with this project and the traffic generated, and 30 of the movements had no changes in level of services, it spoke to this being a low traffic-generating project. He said that the westbound a.m. trip movement actually decreased the wait time and improved the level of services.

Mr. Payne said that the westbound was the only one that actually increased the delay time by 5.9 seconds, which was how they got the degradation issue with the westbound movement. He said that it could be seen on the slide that part of the improvements they were making would be a left-turn lane, and all of the improvements were based on VDOT recommendations to mitigate issues. He said that in addition to the Austin Ridge Extension, the left-turn lanes off of Courthouse Road and the other improvements, including the concrete median.

Mr. Payne said that Ms. Yeung had asked what changed the 3-3 vote to 5-1 in the Planning Commission. He said that a big issues that arose at that meeting was how this project would impact the future Mine Road extension. He said that Mr. Apicella was one of the members concerned about if this project were built and there was not enough area near their project, how that would impact the road extension, which was a very important part of Stafford's thoroughfare program in the future. He said that at the time, they had difficulty moving some of the travel areas and parking

areas in concern for impact to the building, because these buildings were specifically designed for future users coming to the site.

Mr. Payne said that they went back to the drawing board and were able to relocate some of the internal travel areas, and the industrial access travelway could be seen to the north of where the Mine Road extension would be, and they were able to reserve future right-of-way for the road. He said that they were able to resolve that problem with the Planning Commission, which garnered their support. He said that the other question that came up was economic development and clarifying their economic development numbers, especially on wages, which was a question asked by Mr. Cummings, and that also resolved the issues they had. He showed another exhibit that displayed the area for the future Mine Road extension.

Mr. Payne said that for cultural resources, two sites were identified and were a part of the discussion at the Planning Commission. He said that for one site, 44ST1270, they were able to complete the Phase IA and also the Phase IB, and they were reporting this back to the Historic Commission to confirm with them that there was not a historically significant resource on that site. He said that there was another location that was identified, 44ST1312, for which they had completed Phase IA and were in the process of going through Phase IB. He said that they had proffered that whatever the recommendations were of Phase IB, they would implement, so that was in their proffer statement. He showed a slide of the locations of the two cultural resources identified on the parcel.

Mr. Payne said that they held a community meeting with citizens of Cedar Lane in May, which was a very positive experience. He said that for the proffers, they had architectural materials and features and materials proffered, and for transportation, they would be making improvements such as construction of a westbound left-turn lane along Courthouse Road with 260 feet of storage and 200 feet of taper. He said that this was important to note because VDOT was concerned of any backup traffic to the interchange, so they added an extra 100 feet of taper and turn lane storage to follow those recommendations.

Mr. Payne said that they would also be installing the variable width concrete median along Courthouse Road, which was also recommended, a two-lane extension of Austin Ridge, tucked away from Courthouse Road, and some emergency access points at Cedar Lane for the future Mine Road extension. He said that all of these improvements would be done before the first CO was issued.

Mr. Payne said that tree preservation also came up as a question. He said that any trees that would be removed or cleared pursuant to this project would be replanted, and there were two homes on the site that would be razed prior to construction. He said that the County had asked them to have

access for the future grading of Mine Road, which they gladly did. He said that their neighbors desired for them to extend the public water line to Cedar Lane residents, which they agreed to do, and this would be completed prior to the first CO being issued for any building, so the neighbors would have access to that water prior to it. He said that public safety came up with Commissioner Sheldon about the number of calls that may occur at a facility of this size, so they proffered \$100,000 to EMS for that purpose.

Mr. Payne showed a slide that he said showed what the Comprehensive Plan was projecting for this area versus what was proposed for this project. He said that logistics facilities had trucks that did not typically travel during peak hours because driving during congested traffic was not good practice for a logistics center. He said that there would be movement of employees during peak traffic hours, but it was a low traffic generator. He said that the peak hours in the a.m. were 164 for this facility, and in the p.m. it was 206, with only 2,800 daily trips.

Mr. Payne said that a shopping center projected under the Comprehensive Plan meant that they were looking at 37,000 trips if they built a 1.2-million-square-foot facility and mixed in residential uses. He said that that was a net difference of 34,000 trips per day, so from a traffic perspective, impact at the DDI and impact on traffic on Courthouse Road, this project was much less traffic-intensive as a development, not to mention that it was a huge economic development opportunity for the County.

Ms. Vanuch said that the Board members each had a letter in front of them from Mr. Payne. She said that she was doing research on the distribution facilities and the infrastructure needs on public safety, and knowing that they already had quite a few distribution centers located in the County, and the importance of their homeland security taskforce and canine bomb detectors, as they began creating additional facilities such as this, they needed to make sure that their Sheriff's Office had the resources and the training necessary to service these facilities because they sometimes had the Sheriff's Office teach classes on safety protocols with the team.

Ms. Vanuch said that she reached out to the Sheriff this morning and to Mr. Payne, and Mr. Payne was able to have the applicant donate \$50,000 to the Sheriff's Office for training purposes, which was part of the package they would be voting on. She asked Ms. McClendon if this information must be stated in any motions or if it would only be presented as the packet.

Ms. McClendon said that this was information for the Board and there was no action for the Board with regards to the letter that Mr. Payne sent.

Ms. Vanuch asked Mr. Payne if he was committing to doing it in the letter.

Mr. Payne said yes. He said that they looked forward to the partnership.

Ms. Bohmke asked if the town hall was held primarily with residents of Cedar Lane.

Mr. Payne said yes.

Ms. Bohmke asked what their concerns were. She said that Mr. Payne earlier made a statement about the residents having access to water. She said that those residents would have to pay fees to hook up to that waterline. She asked if that was correct.

Mr. Payne said that was correct.

Ms. Bohmke said that the County was not paying that.

Mr. Payne said that was right. He said that they were extending the waterline to Cedar Lane so that they could connect to public water.

Ms. Vanuch said that was if they wanted to and it was not a requirement.

Ms. Bohmke said that was correct, and that it was optional. She asked to hear about the comments made at the town hall meeting.

Mr. Payne said that Ryan Marshall did not invite the lawyer, so he was there handling and hosting it.

Mr. Marshall said that a concern that was raised during that meeting was that they had heard of some other developments in the area that had caused some people who had well water to have some difficulties or problems with the quality of the well water, and they were seeking assurance that the activity on this site would not cause similar problems. He said that that was the nexus of the idea of the waterline extension. He said that they understood that the residents themselves would be responsible for the connection fees should they elect to do that, which was why they also brought up the possibility of drilling new wells, so that if a problem should arise with a Cedar Lane resident, they would not necessarily be forced to pay for that connection but could have a new well drilled.

Mr. Marshall said that another issue that came up was the traffic on Cedar Lane. He said that he had driven it many times, and it was not well-equipped to handle substantial amounts of traffic, so they assured them, and it was never the intention to put trucks or employee traffic on Cedar Lane, which was why they proffered the Austin Ridge Drive extension, which would be for both employees and trucks entering and leaving the site. He said that the discussions they had with the County public safety and fire marshal led to the determination that they required an emergency

access to the site, so that was seen on the GDP being provided from Cedar Lane. He said that it would be gate and would use a device called a KNOXBOX, so that fire, EMS, and police would be the only people who had access to that gate, and although the plan showed it as a connection, employees and trucks would not have that as an option to access that site.

Ms. Bohmke asked if there were any concerns from the town hall meeting that they were unable to address.

Mr. Marshall said that he did not feel that that was the case.

Ms. Yeung asked Mr. Payne what the bad side of the state of Missouri was.

Mr. Marshall said that Kansas City was on the western side of the state on the border of Missouri and Kansas, and St. Louis was on the very eastern part of the state on the Missouri and Illinois border. He said that they had headquarters in Kansas City and a large office in St. Louis, so there was back and forth as to which side of the state was the good one.

Ms. Yeung asked if they had a town hall with Embrey Mill and with Austin Ridge.

Mr. Marshall said that they did not. He said that they talked to several people, including staff, and tried to understand what the notification requirements would be. He said that they were not instructed by staff to hold the meeting, rather it was something that they proactively did, given the proximity to their project to the Cedar Lane community.

Mr. Coen asked about the phrase “maximum extent possible” used in regard to keeping vegetation, and if they were looking at keeping the vegetation as a realist thing. He said that Mr. Payne had pointed out a space between Courthouse Road and their parcel that currently was wooded, but were it to be developed, then it would be a development in between. He said that small trees that were replanted did not help to mitigate visual impacts.

Mr. Payne said that the goal was to preserve as much tree cover as possible, while still extending utilities and clearing space. He said that they were surrounded by an environmentally sensitive area so they would not be clearing many trees, and anything that was cleared would be replanted.

Ms. Allen asked if there were impacts to the wetlands.

Mr. Zuraf said that they were largely avoiding the wetlands. He said that if there was anything on site, it was minor, because they were avoiding the RPA fully along Accokeek Creek, and a channel that went in toward the pond was also being avoided.

Ms. Allen asked if there would be any buffer between the parking lots at the facility.

Mr. Zuraf said that the RPA area would have buffering, but there was also perimeter buffering that must be provided as well. He said that there would be transitional buffering if they cleared areas, which may mean that they were allowed to clear some areas but then had to plant if it was around the perimeter.

Ms. Allen asked if there was another warehouse approved recently in the area.

Mr. Zuraf said that yes, there was on the opposite side of I-95.

Ms. Allen asked about this side of the road.

Mr. Zuraf said that there was the Merritt Industrial Park that was approved by-right, which was a flex warehouse with multiple buildings, located between the subject parcel and Courthouse Road. He said that he could indicate it on the screen. He showed an aerial photograph of the parcel and indicated the Merritt site, with flex office space and warehouse.

Ms. Allen asked if the space would be similar to what was at Quantico Town Center.

Mr. Zuraf said yes.

Ms. Allen asked if the subject project would be more of only a warehouse.

Mr. Payne said that this would not only be a warehouse, but a logistics facility and also some fairly large office area. He said that most of these modern logistics facilities included much larger than traditional office areas. He said that to the question of preservation of trees, because they were around the creek and some environmentally sensitive areas, they would not be disturbing trees for that very reason.

Ms. Yeung said that proffer 4 said that VDOT stated that this was not a compatible use based on the use of the 630 interchange. She asked what had been accomplished with VDOT to rectify that.

Mr. Payne said that VDOT provided them no recommendation or options for any of that comment. He said that the comment was more of a policy comment, and it did not come from its engineering or technical team but from its long-range planning personnel. He said that they had not provided routes to remedy this.

Ms. Yeung asked if the applicant had asked VDOT what the statement meant and what the issue was. She said that it was either about the material or about the shape of the interchange.

Mr. Payne said that he had spoken to VDOT about it and there was no recommendation on that statement. He said that they were bringing it to their attention that there was more truck activity in that area, and VDOT would state that that interchange was designed to handle truck traffic. He said that the markets had changed since Covid-19, and that interchange was attractive to investors, so it was an attractive infrastructure to have in the County.

Mr. Payne said that VDOT did not say that they could not have the project there, but they were saying that there was more truck traffic at that intersection. He said that the DDI design was great for trucks because it was traffic controls all through that traffic control area and prohibited certain movements that were undesirable for the logistics center truck drivers. He said that the DDI design alone was attractive to these types of users.

Ms. Yeung said that at some point, FAMPO had the budget cut for that at some point. She said that it was something that should be discussed, whether determining what material or design was the issue, and perhaps the developer could work with VDOT to get an answer. She asked if Mr. Payne had seen the latest study from FAMPO.

Mr. Payne asked if Ms. Yeung was referring to the study about the interchange.

Ms. Yeung said yes. She said that it was available to the public.

Mr. Payne said that he had not seen a study for the DDI interchange. He said that Ms. Yeung's last point was fair, and this interchange was designed many years ago. He said that at the time it happened, they were fortunate to have the funds to design and build that interchange. He said that it had become a great asset to the County and had attracted lots of positive investment. He said that it was a benefit, and he understood there was impact, but there were trucks successfully traversing that interchange today.

Ms. Yeung asked what impact the east-west study that had Mine Road connecting to Centreport would have on the GDP.

Mr. Payne said none. He said that part of the discussion at the Planning Commission level was to ensure that there was enough area for that road to be extended from Courthouse to Ramoth Church.

Ms. Yeung said that she heard mention of Austin Ridge. She said that it originally was going to be punched through. She asked where it ended right now. She said that it was supposed to connect through the Centreport park.

Mr. Payne asked if Ms. Yeung was referring to the Mine Road extension.

Ms. Yeung said that she was referring to Austin Ridge.

Mr. Payne said that Austin Ridge would not go any further.

Ms. Yeung said that originally it was in the Comprehensive Plan.

Mr. Marshall said that when they first discussed these plans with VDOT, their proposal was to kick that all the way through the site and leave it open for connection to the future Mine Road. He said that as they had their traffic-scoping meeting with VDOT and socialized their plans with them, it was VDOT's recommendation that the connection not be made. He said that from his own perspective, the reason was that if they were to make the connection, the trucks entering and leaving the site would now have more opportunities and options for how to access the site.

Mr. Marshall said that as the GDP showed today, the public portion of Austin Ridge would dead-end in a cul-de-sac toward the northern end of the site and turn into a public internal roadway for their development. He said that by doing that, they eliminated the possibility that those trucks would be more intermingled with regular pedestrian or vehicular traffic on the future Mine Road and any of these other areas, so the setup that they had proposed kept truck traffic in the short route between the I-95 interchange and the site without introducing increased possibilities of trucks intermingling with pedestrian traffic.

Ms. Yeung said that Austin Ridge had an ordinance that did not allow trucks on that road.

Mr. Marshall said that that was correct. He said that it was not their expectation that trucks would need to go that way.

Ms. Yeung noted the extension of the public waterline. She stated that the applicant agreed to extend the public waterline to the property. She said that the statement, "the applicant agrees" implied that the County requested the proffer. She asked who requested the proffer. She asked if there was a plan to extend the public waterline and how much it would cost an individual.

Mr. Payne responded that there concerns that prior developments had impacts on wells, and the neighbors had requested the extension.

Ms. Yeung noted that the developer would be required to drill new wells for property owners whose wells were adversely impacted and who did not want to connect to the public waterline. She asked how and when the property owners would know the well was adversely impacted.

Mr. Payne said he assumed the property owner would notify the developer or the County.

Ms. Yeung asked how they would know that there was an issue.

Ms. Vanuch said that well-owners would know if there was an issue.

Mr. Marshall said that feedback they received from Cedar Lane community members was that disturbances to their wells occurred during the site work portion of prior developments. He said that they had proffered to provide the updates or drill new wells by the time they received their first CO. He said that they expected if there was a problem, it would present itself.

Ms. Yeung asked where the public water utility right-of-way was located along Cedar Lane. She asked where the closest waterline was located.

Mr. Marshall responded that there were a couple in the area. He stated that there was a watermain on the northside of Courthouse Road, and there was an additional line that had been brought to the southside of Courthouse Road. He stated that northwest of the site on the westside of I-95 there was an existing stub that came from the watermain on the northside of Courthouse Road crossing the road to the south.

Ms. Yeung asked how it would impact the current residents of Garrisonville.

Mr. Marshall said that based on initial conversations with the County, it was their understanding that there was adequate pressure and flows in the area so that no resident currently on the water system would be adversely affected.

Ms. Yeung noted that the waterline extension and new wells would be completed prior to the County's issuance of the first certificate of occupancy permit for the project. She asked for clarification.

Mr. Payne explained that before they could occupy the buildings that were constructed, they had to have the waterline extended to Cedar Lane.

Ms. Yeung asked how the residents would know when the permit would be issued. She said that according to the statement, residents had to identify if the project had adversely impacted them and request access to the utility line or a new well. She asked how a resident would make a request.

Mr. Payne said that they were extending the line no matter what happened, so residents would be able to connect to public water if they wanted to. He said that if there was an adverse impact to the well during construction, then they assumed that the residents would notify the County or the developer of the impact.

Ms. Yeung clarified if there was a timeframe within which they had to be notified.

Mr. Payne responded that it could be after if residents could show the development activity caused the issue. He noted that the proffers ran with the land and was encumbered with the property in perpetuity. He said that if there was a zoning violation where the developer was not remediating the issue, then the County could pursue a violation and make the developer act.

Ms. Yeung noted the \$1.6M in ARPA funding approved by the Board. She asked if there was more funding or if it was in addition to the \$1.6M.

Mr. Marshall explained that the \$1.6M was for a project with Merritt Development. He said that they had been in close contact with Merritt Development and coordinated with them on the location of the sewer. He said that they would have other utility needs for the site, mainly the waterline extension, and likely electrical line relocations. He said that they would likely need to relocate an existing force main on the site. He said that the developer would bear the costs.

Ms. Yeung clarified that \$100K would be dedicated to public safety. She said that there were no projects on the 3R list under \$100K. She suggested the funds be dedicated to the courthouse project.

Mr. Payne stated that the \$100K proffer was in reaction to Mr. Shelton's concerns. He said that Mr. Shelton had an EMS background. He said that the project would have an emergency action plan, and it was a large tax generator. He said that if there were concerns, then they would be more than able to afford them.

Ms. Vanuch clarified that the proffers for public safety would not show up on the 3R list, but they would show up under the budget.

Ms. Bohmke clarified that if no one chose to connect to the watermain on Cedar Lane, then the developer was taking the responsibility to drill new wells for the surrounding homes in perpetuity.

Mr. Payne said that was correct.

Ms. Bohmke emphasized that it would be in perpetuity.

Mr. Payne said that as long as the proffer was in place, Ms. Bohmke was correct. He said the only way to change the proffer was to come back before the Board.

Ms. Vanuch opened the public hearing for comment. She noted there were no speakers and closed the public hearing. She brought the item back before the Board.

Ms. Allen asked if the TDA in the area was unchanged when the Comprehensive Plan was redone.

Mr. Zuraf said that in the 2021 update, the area was not adjusted.

Ms. Allen asked if the site was to be built, was there a way to know the number of remaining sites in the TDA.

Mr. Zuraf said he would have to research to determine how much area had changed from mixed-use residential to industrial, and they would have to run estimates to see how many units would be affected.

Ms. Allen said that if it were on the other side of I-95, she would not object to it. She said she had an issue with the TDA part.

Mr. Payne responded that it was only 182 acres of the entire TDA, and there was a lot of acreage to the south and to the west that would still be in the TDA. He said that there were surrounding sites which could be developed for a TDA use or commercial retail use. He said that the environmental constraints prevented them from expanding Austin Ridge. He said that the proposed use for the site was a lower traffic generator and was closer to the interchange. He said that it met the components of the TDA with the office and industrial-commercial components.

Mr. Coen moved, seconded by Ms. Vanuch, to approve proposed Ordinance O22-23.

Ms. Yeung moved to request answers from VDOT regarding the diamond and the materials for the road and the traffic impact and noting that Austin Ridge and Embrey Mill residents were not informed.

Mr. Coen clarified that Ms. Yeung wanted to defer the item to another date to get more information.

Ms. Yeung responded yes.

Ms. Allen seconded the motion.

Ms. Vanuch called the vote on the motion to defer the item by Ms. Yeung.

The Voting Board tally was:

Yes:	(2)	Allen, Yeung.
Nay:	(5)	Bohmke, Coen, English, Gary, Vanuch.

The motion failed.

Ms. Vanuch asked for further discussion on the motion to approve the Ordinance by Mr. Coen.

Ms. Gary said that the project was a huge opportunity and would be an economic investment. She noted that it would be the second-largest in the County, and it was what was needed. She said she would prefer that it be located closer to the highway so that construction vehicles were not driving through neighborhoods. She said she supported the item.

Mr. Coen said that the proposed use was good for the area. He noted the environmental impacts and how the developer made an effort to avoid streams and wetlands.

Ms. Vanuch said she supported the proposal. She noted how the Board discussed diversifying its tax base, building road infrastructure, building schools, and increasing public safety. She said that in order to build new schools, they had to increase taxes on residential or personal property taxes. She said that the proposal would generate \$22M in revenue to the County over 10 years. She noted that the site was located near I-95 which was an ideal location. She thanked the applicant for obliging the Sheriff's Department donation.

Ms. Vanuch called the vote on the motion to approve the Ordinance by Mr. Coen.

The Voting Board tally was:

Yes:	(6)	Allen, Bohmke, Coen, English, Gary, Vanuch.
Nay:	(1)	Yeung

Ordinance O22-23 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE A-1, AGRICULTURAL ZONING DISTRICT TO THE M-1, LIGHT INDUSTRIAL ZONING DISTRICT TAX MAP PARCEL

NOS. 38-68 (PORTION), 38-69 (PORTION), 38-70 (PORTION), 38-70A, 38-77A, 38-78, AND 29-78A, ALL LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, Northpoint Development, LLC submitted application RC22154477, requesting a zoning reclassification from the A-1, Agricultural Zoning District to the M-1, Light Industrial Zoning District all on Tax Map Parcel Nos. 38-68 (portion), 38-69 (portion), 38-70 (portion), 38-70A, 38-77A, 38-78, and 29-78A, located within the Hartwood Election District; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that the requested zoning amendment is compatible with the surrounding land uses and meets the criteria for a rezoning in Stafford County Code Sec. 28-206; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of this Ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from the A-1, Agricultural Zoning District to the M-1, Light Industrial Zoning District Tax Map Parcel Nos. 38-68 (portion), 38-69 (portion), 38-70 (portion), 38-70A, 38-77A, 38-78, and 29-78A in the location shown on sheet 15, "Plat Showing Proposed Zoning General Development Plan Austin Ridge Logistic Center" of the generalized development plan entitled "General Development Plan Austin Ridge Logistics Center Hartwood Election District, Stafford County, Virginia," prepared by Bowman, dated April 2022, with proffers entitled "Voluntary Proffer Statement," dated November 11, 2022 and completely signed November 29, 2022.

Item 29. Planning and Zoning; An Ordinance to Amend Stafford County Code Sec. 28-185, "Conditional Use Permits," Sec. 28-205, "Notice," Sec. 28-350, "Grant of Variances," and Sec. 28-351, "Grant and Revocation of Special Exceptions," to Amend the Notice Requirements for Conditional Use Permits, Zoning Reclassifications, Variances, and Special Exception.

Zoning Administrator Mr. Doug Morgan said that the ordinance before the Board was for a change to the zoning ordinance to enhance and expand notifications. He said that the zoning ordinance currently followed state code provisions which notifies adjacent property owners and property owners across the road. He said the change proposed before the Board was in regard to conditional use permits, zoning reclassifications, variances, and special exceptions.

Mr. Morgan said that the Planning Commission requested the Board expand the public notice requirements with O22-24. He said the ordinance would expand 500 feet of the boundary of the

property subject to a public hearing for any zoning classification, conditional use permit, special exception, or variance.

Mr. Morgan said that the action of providing written notice was in addition to the current practices of posting notices to the County website and in the Freelance Star and posting signs and advertisements of the public hearing on the property. He said that the proposed ordinance was consistent with organizational excellence for prioritization, point 7.5 of the Board's Strategic Plan.

Ms. Vanuch opened the hearing for public comment. She noted there were no speakers and closed the public hearing. She brought the item back before the Board.

Ms. Bohmke moved, seconded by Mr. English, to approve proposed Ordinance O22-24.

The Voting Board tally was:

Yes: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung.
Nay: (0)

Ordinance O22-24 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-185, "CONDITIONAL USE PERMITS," SEC. 28-205, NOTICE," SEC. 28-350, "GRANT OF VARIANCES," AND SEC. 28-351, "GRANT AND REVOCATION OF SPECIAL EXCEPTIONS," TO AMEND THE NOTICE REQUIREMENTS FOR CONDITIONAL USE PERMITS, ZONING RECLASSIFICATIONS, VARIANCES, AND SPECIAL EXCEPTIONS

WHEREAS, the Planning Commission has expressed concerns about lack of citizen participation at public hearings; and

WHEREAS, County Code requirements meet minimum state standards for public notification to property owners who abut property subject to a zoning change; and

WHEREAS, the Board's 2040 Strategic Plan has a goal to "implement a comprehensive communications system to keep the public informed and engaged;" and

WHEREAS, the Board desires to amend the Zoning Ordinance to change how notification of proposed zoning changes to properties is provided to the public; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require the adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that Stafford County Code Sec. 28-185, "Conditional Use Permits," Sec. 28-205, "Notice," Sec. 28-350, "Grant of Variances," and Sec. 28-351, "Grant and Revocation of Special Exceptions," be and they hereby are amended and reordained as follows, with all other portions remaining unchanged:

Sec. 28-185. - Conditional use permits.

(c) *Conditional use permits.* No conditional use permit shall be issued except in conformance with the following provisions:

(1) An application for a conditional use permit shall be submitted to the county ~~the Stafford County Department of Planning and Community Development,~~ and shall contain the following information:

a. A completed application for a conditional use permit ~~in~~ on an approved form provided by the ~~department of planning and community development~~ county.

(6) At least fifteen (15) days prior to a conditional use permit public hearing before the planning commission, board of supervisors, or a joint session of both, the planning commission or its representative shall erect on the property proposed for a conditional use permit a sign or signs furnished by the planning director or his designee indicating the proposed use, and the date, time, and place of the hearing. If the county offices are closed fifteen (15) days prior to the public hearing to consider the conditional use permit when said sign should be erected and the sign cannot be erected on or prior to that date, the sign shall be erected on the next business day the county offices are open. The sign shall be erected within ten (10) feet of whatever boundary line of such property abuts a public road, and shall be placed so as to be clearly visible from the road. ~~The bottom of the sign shall be not less than fifteen (15) inches above the ground.~~ If more than one public road abuts such property, then a sign shall be erected in the same manner for each such road. If no public road abuts the property proposed for the ~~Conditional~~ conditional use permit, then signs shall be erected in the same manner as provided for, above on at least two (2) boundaries of the property abutting land owned by the applicant.

(7) Written notice shall be given by the planning commission or its representative to all adjoining property owners whose property is located within five hundred (500) feet of any property line of the property subject to the application no less than five (5) days before the public hearing before the planning commission ~~or~~ and board of supervisors. Notice sent to the last known address of any such owner, as shown on the current real estate tax assessment books of the county, shall be deemed adequate compliance with this requirement. In the event the adjoining property is within another jurisdiction of the commonwealth, the notice shall be sent to the administrator or executive of that jurisdiction. If the public hearing before the planning commission and/or board of supervisors is cancelled, notice shall be remailed no less than five (5) days before the rescheduled public hearing.

- a. The written notice by the planning commission or its representative shall be by certified mail. However, in cases where the number of adjoining property owners—within five hundred (500) feet of any property line of the property subject to the application—to be notified is greater than twenty-five (25), written notices may be sent by first class mail. Costs of all notices, including publication, posting, and mailing, as required under this section, shall be taxed to the applicant.
- (8) The notice requirements provided in subsections (c)(6), (c)(7), and (c)(7)(a) directly above that are in addition to the Virginia Code notice requirements are supplemental notice requirements. For any supplemental notice requirement, neither the planning commission's recommendation nor the board of supervisors' approval of a conditional use permit shall be invalid solely due to the failure to comply with any such supplemental notice requirement.

Sec. 28-205. - Notice.

- (b) At least fifteen (15) days prior to a map amendment public hearing before the planning commission, the board of supervisors, or a joint session of both, the planning commission or its representative shall erect on the property proposed for a rezoning, a sign or signs furnished by the planning director or his designee indicating the change proposed, and the date, time, and place of the hearing. If the county offices are closed fifteen (15) days the public hearing to consider a map amendment when said sign should be erected and the sign cannot be erected on or prior to that date, the sign shall be erected on the next business day the county offices are open. The sign shall be erected within ten (10) feet of whatever boundary line of such property abuts a public road, and shall be placed so as to be clearly visible from the road. ~~The bottom of the sign shall be not less than fifteen (15) inches above the ground.~~ If more than one public road abuts such property, then a sign shall be erected in the same manner for each such road. If no public road abuts the property proposed for rezoning, then signs shall be erected in the same manner as provided for, above on at least two (2) boundaries of the property abutting land owned by the applicant. The sign posting requirement shall not apply to any change in zoning district designation involving an overlay zoning district.
- (d) Written notice shall be given by the planning commission or its representative to all adjoining property owners whose property is located within five hundred (500) feet of any property line of the property subject to the application no less than five (5) days before the public hearing before the planning commission ~~or~~ and board of supervisors. Notice sent to the last known address of any such owner, as shown on the current real estate tax assessment books of the county, shall be deemed adequate compliance with this requirement. In the event the adjoining property is within another jurisdiction of the commonwealth, the notice shall be sent to the administrator or executive of that jurisdiction. If the public hearing before the planning commission and/or board of supervisors is cancelled, notice shall be remailed no less than five (5) days before the rescheduled public hearing.

i. Written notice by the planning commission or its representative shall be by certified mail. However, in cases where the number of adjoining property owners—within five hundred (500) feet of any property line of the property subject to the application—to be notified is greater than twenty-five (25), written notices may be sent by first class mail. Costs of all notices, including publication, posting, and mailing, as required under this section, shall be taxed to the applicant.

(e) The notice requirements provided in subsections (b), (d), and (d)(i) directly above that are in addition to the Virginia Code notice requirements are supplemental notice requirements. For any supplemental notice requirement, neither the planning commission's recommendation nor the board of supervisors' approval of a conditional use permit shall be invalid solely due to the failure to comply with any such supplemental notice requirement.

Sec. 28-350. - Grant of variances.

(e) At least fifteen (15) days prior to a public hearing to consider an application for a variance, the board of zoning appeals or its representative shall erect on the property proposed for a variance, a sign or signs furnished by the planning director or his designee indicating the variance proposed, and the date, time, and place of the public hearing. If the county offices are closed fifteen (15) days prior to the public hearing when said sign should be erected and the sign cannot be erected on or prior to that date, the sign shall be erected on the next business day the county offices are open. The sign shall be erected within ten (10) feet of whatever boundary line of such property abuts a public road and shall be placed so as to be clearly visible from the road. If more than one public road abuts such property, then a sign shall be erected in the same manner for each such road. If no public road abuts the property proposed for the variance, then signs shall be erected in the same manner as provided for above on at least two (2) boundaries of the property abutting the property proposed for a variance.

(f) Written notice shall be given by the board of zoning appeals or its representative to all adjoining property owners whose property is located within five hundred (500) feet of any property line of any property subject to the application no less than five (5) days before the public hearing before the board of zoning appeals. Notice sent to the last known address of any such owner, as shown on the current real estate tax assessment books of the county, shall be deemed adequate compliance with this requirement. In the event the adjoining property is within another jurisdiction of the commonwealth, the notice shall be sent to the administrator or executive of that jurisdiction. If the public hearing before the board of zoning appeals is cancelled, notice shall be remailed no less than five (5) days before the rescheduled public hearing.

(1) Written notice by the board of zoning appeals or its representative shall be by certified mail. However, in cases where the number of adjoining property owners—within five hundred (500) feet of any property line of the property subject to the application—to

be notified is greater than twenty-five (25), written notices may be sent by first class mail.

- (g) The notice requirements provided in subsections (e), (f), and (f)(1) directly above that are in addition to the Virginia Code notice requirements are supplemental notice requirements. For any supplemental notice requirement, the board of zoning appeals' grant of a variance shall not be invalid solely due to the failure to comply with any such supplemental notice requirement.

Sec. 28-351. - Grant and revocation of special exceptions.

- (c) No special exception shall be granted or revoked except after notice and hearings provided in section 15.2-2204 of the Code of Virginia (1950), as amended. At least fifteen (15) days prior to a public hearing to consider granting a special exception before the board of zoning appeals, the board of zoning appeals or its representative shall erect on the property proposed for a special exception, a sign or signs furnished by the planning director or his designee indicating the change proposed, and the date, time, and place of the hearing. If the county offices are closed fifteen (15) days prior to the public hearing when said sign should be erected and the sign cannot be erected on or prior to that date, the sign shall be erected on the next business day the county offices are open. The sign shall be erected within ten (10) feet of whatever boundary line of such property abuts a public road, and shall be placed so as to be clearly visible from the road. If more than one public road abuts such property, then a sign shall be erected in the same manner for each such road. If no public road abuts the property proposed for a variance, then signs shall be erected in the same manner as provided for above on at least two (2) boundaries of the property abutting the subject property.
- (1) Written notice shall be given by the board of zoning appeals or its representative to all adjoining property owners whose property is located within five hundred (500) feet of any property line of the property subject to the application no less than five (5) days before the public hearing before the board of zoning appeals. Notice sent to the last known address of any such owner, as shown on the current real estate tax assessment books of the county, shall be deemed adequate compliance with this requirement. In the event the adjoining property is within another jurisdiction of the commonwealth, the notice shall be sent to the administrator or executive of that jurisdiction. If the public hearing before the board of zoning appeals is cancelled, notice shall be remailed no less than five (5) days before the rescheduled public hearing.
- (2) The written notice by the board of zoning appeals or its representative shall be by certified mail. However, in cases where the number of adjoining property owners—within five hundred (500) feet of any property line of the property subject to the application—to be notified is greater than twenty-five (25), written notices may be sent by first class mail.

~~(g) A special exception previously granted by the board of zoning appeals may be revoked by the board, if the board determines that there has not been compliance with the terms or conditions of the special exception. No special exception may be revoked except after notice and hearing as provided by Virginia Code § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.~~

(g) The notice requirements provided in subsections (c), (c)(1), and (c)(2) directly above that are in addition to the Virginia Code notice requirements are supplemental notice requirements. For any supplemental notice requirement, the board of zoning appeals' grant of a special exception shall not be invalid solely due to the failure to comply with any such supplemental notice requirement.

Item 30. Planning and Zoning: Consider a Request to Amend Proffered Conditions on 21.77 Acres Zoned LC, Life Care/Retirement Community Zoning District, to Remove the Requirement to Provide Lighting Along the Recreational Walking Trail, on Tax Map Parcel Nos. 44FF-1, 44FF-2, And 44FF-2B (Project Known as RC22154492, Stafford Nursing Home and Retirement Community Proffer Amendment).

Mr. Harvey stated that the proffer amendment consolidated two sets of proffers on the property. He explained that the project developed over time with multiple phases and multiple sets of proffers. He said that the proffers as they currently existed required a trail system to be built around each of the buildings. He stated that the last building to be built had its trail system built, but the proffers required the trail be lit. He explained that the trail went down and up a hill which was not a desirable situation for the nearby residents of the nursing home.

Mr. Harvey said that the Sheriff's Department recommended that the lighting condition of the proffer be eliminated. He said that the applicant had modified the proffer to specify that they would post a sign at either end of the trail head stipulating the trail was limited to residents of the community and that the trail hours were from dawn to dusk. He said that the Planning Commission had reviewed the application and recommended approval. He said that staff recommended approval.

Ms. Vanuch opened the hearing for public comment. She noted that there were no speakers and closed the public hearing. She brought the item back before the Board.

Ms. Yeung clarified that a trail already existed.

Mr. Harvey responded that there was a trail that went around the building and down to a creek. He said that it was an existing condition, and the applicant had not installed lighting due to safety concerns. He said that removing the proffer would eliminate the requirement to put in the lighting.

Ms. Yeung clarified that the only concern was that the trail went down to the creek.

Mr. Harvey said that the creek was a wooded area because it had a resource protection area. He noted that it was part of the concern because it would be out of line of site from the building.

Mr. Coen moved, seconded by Ms. Yeung, to approve proposed Ordinance O22-25.

The Voting Board tally was:

Yes: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung.
Nay: (0)

Ordinance O22-25 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING PROFFERED CONDITIONS ON TAX MAP PARCEL NOS. 44FF-1, 44FF-2, AND 44FF-2B, ZONED LC, LIFE CARE / RETIREMENT COMMUNITY, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Smith/Packett Med-Com, LLC, applicant, submitted Application RC22154492, requesting an amendment to proffered conditions on Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B, zoned LC, Life Care/Retirement Community Zoning District, within the George Washington Election District; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that the requested zoning amendments are compatible with the surrounding land uses and meets the criteria for a rezoning in Stafford County Code Sec. 28-206; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of this Ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending proffered conditions on Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B, zoned LC, Life Care/Retirement Community, as specified in the proffer statement entitled "Proffer Amendment Statement," dated September 26, 2022 and completely signed on December 2, 2022.

Item 31. Development Services; Consider an Ordinance to Amend Stafford County Code Chapter 11, "Erosion And Sediment Control".

Environmental Programs Administrator Mr. John Saunders said that before the Board were amendments to Stafford County Code Chapter 11, Erosion and Sediment Control Ordinance. He said that it was a culmination of the effort to satisfy DEQ's corrective action for the County's erosion and sediment control ordinance. He said that during the 2020 program review, DEQ noted that it had been some time since the ordinance had been updated.

Mr. Saunders said that they coordinated with the County Attorney and outside legal counsel using the state's model ordinance to update the County ordinance. He said that they coordinated the update with DEQ to ensure it was consistent with the corrective action agreement, and they had received DEQ concurrence. He said that they had circulated it to the Fredericksburg Builders Association for their concurrence, and they were supportive.

Ms. Bohmke noted that stormwater management was complicated and expensive. She asked how long they had worked on the amendments with DEQ and when DEQ brought the issue to the County's attention.

Mr. Saunders said that it was identified in the 2020 program review, and they received the results in December 2020. He said that the corrective action agreement was executed in March 2021. He said that the changes had been scheduled to be adopted for a while. He said that they made an effort to holistically review the ordinance.

Ms. Bohmke asked how many developments were impacted.

Mr. Saunders said that the stormwater ordinance Chapter 21.5 was separate. He said that the subject code referenced those sections and reinforced them. He said that he did not believe the ordinance was impeding the County's efforts. He said that the ordinance just needed to be updated. He said by 2014, they had the correct code sections in place in their stormwater ordinance. He said that the proposal was updating the erosion and sediment control ordinance.

Mr. Saunders said that the ordinance had hampered enforcement, but the updates had corrected it. He explained it had corrected it by removing some of the ambiguous language. He said that the ambiguous language regarded non-permitted or unapproved land disturbing activities. He said that the County could intervene sooner with a higher level of enforcement than the former code.

Ms. Vanuch opened the public hearing for public comment. She noted there were no public speakers and closed the public hearing.

Ms. Bohmke moved, seconded by Ms. Allen, to approve proposed Ordinance O22-26.

The Voting Board tally was:

Yes: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay: (0)

Ordinance O22-26 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY
CODE CHAPTER 11 "EROSION AND SEDIMENT CONTROL"

WHEREAS, Stafford County has experienced substantial growth over the past several decades, resulting in soil erosion and sediment deposits in streams and rivers; and

WHEREAS, the County's existing ordinance for erosion and sediment control needs to be updated to comply with current standards and practices for the protection of streams and rivers; and

WHEREAS, the amendments are adapted from the Commonwealth of Virginia's model ordinance for erosion and sediment control, while retaining portions of the County's pre-2012 ordinance that contained more stringent provisions than are provided in Article 2.4 of Chapter 3.1, Title 62.1 of the Code of Virginia, as authorized by Virginia Code § 62.1-44.15:65 (B); and

WHEREAS, the amendments will bring the County's Erosion and Sediment Control Ordinance into conformance with State regulations, as required by the 2021 Corrective Action Agreement between the County and the Virginia Department of Environmental Quality, and incorporate by reference, the current Virginia Erosion and Sediment Control and Virginia Stormwater Management Program regulations; and

WHEREAS, the amendments will also provide stronger enforcement mechanisms to discourage and stop land disturbance activities that occur without a permit; and

WHEREAS, the Board conducted a public hearing in accordance with Virginia Code § 15.2-1427, and carefully considered the recommendations of staff and the public testimony, if any, received at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13th day of December, 2022, that Stafford County Code Chapter 11, entitled "Erosion and Sediment Control," be and it hereby is amended and reordained as follows, with all other portions remaining unchanged:

Chapter 11 EROSION AND SEDIMENT CONTROL

ARTICLE I. IN GENERAL

Sec. 11-1. - Chapter title; Incorporation of Future Amendments to Statutes and Regulations.

This chapter shall be known and may be cited as the Erosion and Sediment Control Ordinance of Stafford County, Virginia. Any reference in this chapter to provisions of the Code of Virginia or Virginia Administrative Code shall include any future amendments to or recodification of such provisions.

Sec. 11-2. - Definitions.

Unless the context clearly indicates otherwise, the following words, terms and phrases, when used in this chapter, whether capitalized or not, shall have the meanings ascribed to them in this section:

Agreement in lieu of a plan means a contract between the VESCP authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the VESCP authority in lieu of an erosion and sediment control plan.

Board means the ~~Virginia Soil and Water Conservation Board~~ State Water Control Board.

Certified inspector means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the department in the area of project inspector or (ii) is enrolled in the department's training program for project inspection and successfully completes such program within one year after enrollment.

Certified plan reviewer means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the department in the area of erosion and sediment control plan review, (ii) is enrolled in the department's training program for erosion and sediment control plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 or a professional soil scientist as defined in § 54.1-2200 of the Code of Virginia.

Certified program administrator means an employee or agent of a VESCP authority who (i) holds a certificate of competence from the department in the area of program administration or (ii) is enrolled in the department's training program for program administration and successfully completes such program within one year after enrollment.

Clearing means any activity which removes the vegetative ground cover including, but not limited to, root mat removal; or topsoil ~~stripping~~ removal.

Conservation plan, erosion and sediment control plan or plan means a document containing material and information or drawings for the conservation of soil and water resources of a unit or group of units of land. It shall include appropriate maps, an appropriate soil and water plan, with timing of proposed sediment control measures, inventory and management information, with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall conform to the standards and specifications, stormwater management methods, calculations

and criteria set forth in the Virginia Erosion and Sediment Control Handbook, the Virginia Erosion and Sediment Control Regulations, and this chapter.

Conservation standards means standards adopted by the County pursuant to this chapter. ~~or standards means standards adopted by the county pursuant to this chapter.~~

Construction phasing, or "staging of construction," as the term is used in this chapter, means a construction process to control erosion and sedimentation where only a specified portion of an entire construction site is disturbed at any one time for the construction of the required infrastructure within that portion, and no subsequent portion of the construction site is allowed to be disturbed until the previous portion of land has been stabilized. Construction phasing is not to be confused with the terms "phasing of development" or "construction sequencing."

County means the County of Stafford County, Virginia as referenced herein, acting through such officers as the county administrator may designate from time to time.

Department means the Virginia Department of Environmental Quality.

District or Soil and Water Conservation District refers to the Tri-County City Soil and Water Conservation District.

Erosion and Sediment Control Law means Article 2.4 of Chapter 3.1, Title 62.1 of the Code of Virginia (Virginia Code §§ 62.1-44.15:51 et seq.)

Erosion and sediment control plan or plan means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, ~~an appropriate soil and water plan inventory,~~ and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives. The erosion and sediment control plan shall conform to the conservation standards and specifications, stormwater management methods, calculations and criteria set forth in the Virginia erosion and sediment control handbook, the Virginia Erosion and Sediment Control Regulations, and this chapter.

Erosion and sediment control regulations means Chapter 840 of 9VAC25 of the Virginia Administrative Code.

Erosion impact area means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of ten thousand (10,000) square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

Excavating means any digging, scooping or other methods of removing earth materials.

Filling means any depositing or stockpiling of earth materials.

Flocculents (also known as polymers or polyacrylamide (PAM)) means natural materials or a class of chemicals that cause colloidal (clay) particles to coagulate and settle out in detained stormwater runoff.

Grading permit means the written approval by the county to commence and complete grading and the associated sediment control and stormwater management devices in accordance with the

~~approved plan and this chapter. This permit shall be valid for one year and may be renewed upon payment of the required fees.~~

Land-disturbing activity means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- (3) Installation, maintenance or repair of any underground public utility lines; when such activity occurs on an existing hard-surfaced road, street or sidewalk, provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced; ~~electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the board for review and written comments. The specifications shall apply to:~~
 - a. ~~Construction, installation or maintenance of electric transmission, natural gas and telephone utility lines, and pipelines; and~~
 - b. ~~Construction of the tracks, rights of way, bridges, communication facilities and other related structures and facilities of the railroad company.~~

~~The board shall have sixty (60) days in which to approve the specifications. If no action is taken by the board within sixty (60) days, the specifications shall be deemed approved. Individual approval of separate projects within subdivisions a. and b. of this subsection is not necessary when approved specifications are followed. Projects not included in subdivisions a. and b. of this subsection shall comply with the requirements of the appropriate local erosion and sediment control program. The board shall have the authority to enforce approved specifications;~~

- (5) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1 of the Code of Virginia;
- (6) Exploration or drilling for oil and gas, including the well site, roads, feeder lines and off-site disposal areas;
- (7) Tilling, planting or harvesting or agricultural, horticultural or forest crops or livestock feedlot operations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of chapter 11 (section 10.1-1100) et seq., Code of Virginia (1950), as amended, or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163, Code of Virginia (1950), as amended;
- (8) Repairing or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;

- (98) Agricultural engineering operations including, but not limited to, the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, article 2 (section 10.1-604 et seq.) of chapter 6 of title 10.1 of the Code of Virginia (1950), as amended, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;
- (409) Disturbed land areas of less than two thousand five hundred (2,500) square feet in size, providing land disturbing is not for the development of a residential lot(s) in a subdivision or no special site conditions or site development plans warrant conservation treatment and no erosion is evident during development;
- (4410) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- (4211) ~~Shore~~ Shoreline erosion control projects on tidal waters when all of the ~~projects~~ land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the mMarine rResources eCommission, or the U.S. Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this chapter; and
- (4312) Emergency work to protect life, limb or property, and emergency repairs; ~~provided that however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity~~ land-disturbing were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority this chapter.

Land-disturbing permit means a permit or other form of approval issued by the county for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any other land-disturbing activity.

Local erosion and sediment control program ~~or local control program~~ means an outline of the various methods employed by ~~Stafford County~~ the county to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement and evaluation.

Operator has the meaning given in Virginia Stormwater Management Regulations at 9VAC25-870-10.

Owner means the legal owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person ~~firm or corporation~~ in control of a property.

~~Permit-issuing agency means the county department of code administration.~~

Peak flow rate means the maximum instantaneous flow from a given storm condition at a particular location.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative,

county, city, town or other political subdivision of the commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

Plan-approving authority means the ~~county department of planning and zoning, which, as the designated agent for the board of supervisors, shall be~~ county designee responsible for determining the adequacy of the ~~conservation plan submitted for land disturbing activities in accordance with this chapter~~ erosion and sediment control plans submitted for land disturbing activities on a unit or units of land and for approving erosion and sediment control plans in accordance with this chapter.

Plan-review agency means the department of planning and zoning, which is responsible for evaluating the adequacy of a conservation plan submitted for land disturbing activities on a unit or units of and which shall recommend approval or disapproval to the plan-approving authority.

Program administrator or VESCP administrator means the county administrator or his designee or individual(s) designated by the county administrator to perform inspections, issue notices to comply, issue orders under this chapter, and carry out such other duties as may be assigned by the county.

Renewal fee means the annual fee charged for a grading land-disturbing permit after the initial grading land-disturbing permit is obtained.

Responsible land disturber means an individual ~~from the project or development team who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who~~ (i) holds a responsible land disturber certificate of competence, (ii) holds a current certificate of competence from the Virginia Soil and Water Conservation Board in the areas of combined administration, program administration, inspection, or plan review, (iii) holds a current contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to article 1 (sec. 54.1-400 et seq.) of chapter 4 of title 54.1 [Code of Virginia 1950] holding a certificate issued by the department who is responsible for carrying out the land-disturbing activity in accordance with the approved erosion and sediment control plan. The responsible land disturber may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The responsible land disturber must be designated on the erosion and sediment control plan or permit as a prerequisite for engaging in land disturbance.

Runoff volume means the volume of water that runs off the land development project from a prescribed storm event.

Single-family residence has the same meaning as is provided for that term in the zoning ordinance as amended from time to time.

Stabilized means the condition of an area of land ~~that can be expected to withstand normal exposure to atmospheric conditions without incurring erosion and or sediment damage to it or to any abutting or adjacent land or water feature.~~

State permit means an approval to conduct a land-disturbing activity issued by the department in the form of a state stormwater individual permit or coverage used under a state general permit.

Virginia Erosion and Sediment Control Handbook means the third edition of the handbook under that name as published by the department.

VESCP authority means the county, which has adopted a soil erosion and sediment control program that has been approved by the department.

Virginia erosion and sediment control program or VESCP means a program approved by the department that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and non-agricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications submitted to and approved by the department, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in this chapter, and evaluation consistent with the requirements of this chapter and its associated regulations.

Virginia Stormwater Management Act means Article 2.3 of Chapter 3.1, Title 62.1 of the Code of Virginia (Virginia Code §§ 62.1-44.15:24 et seq.).

VSMR Regulations means Chapter 870 of the Virginia Administrative Code.

Water quality volume means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

Sec. 11-3. - Purpose of chapter; administration and enforcement generally Local Sediment Control Program.

- (a) The county hereby establishes a VESCP program and adopts the regulations promulgated by the Board for the effective control of soil and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources, and the Virginia Erosion and Sediment Control Handbook. The purpose of this chapter is to conserve the lands and waters comprising the watersheds of the county which are great natural resources. As a result of erosion of lands and sediment deposition in waters within the watersheds of the county, such waters are being polluted and despoiled to such a degree that they are being adversely affected, and the rapid shift in land use from agricultural to nonagricultural uses has accelerated the process of soil erosion and sedimentation, as a result of which it is necessary for the county to establish and implement procedures with the technical assistance of the Virginia Department of Conservation and Recreation.
- (b) An erosion and sediment control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The erosion and sediment control program shall contain a certified program administrator, a certified plan reviewer, and a certified inspector (who may be the same individual). This chapter shall be administered and enforced as provided for by section 10.1-560 et seq., (1950), as amended, the criteria of the Virginia Erosion and Sediment Control Handbook and the Virginia Erosion and Sediment Control Regulations. This chapter provides for, both during and following land-disturbing activity, the control of soil erosion and sedimentation and stormwater management and establishes procedures for the administration and enforcement of such controls.

- (c) The program and regulations provided for in this chapter shall be made available for public inspection at the appropriate county office. No grading permits shall be issued pursuant to this chapter prior to either site plan or subdivision approval as required under chapters 22 and 28 of this Code (Effective date, March 1, 1990).
- (d) The department of code administration shall be responsible for enforcement of this chapter.

Sec. 11-4. - Authorization for chapter Submission and Approval of Plans; Contents of Plans.

- (a) Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the county an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the plan-approving authority. No approval to begin a land-disturbing activity will be issued unless evidence of state permit coverage is obtained where it is required. Where land-disturbing activities involve lands under the jurisdiction of more than one VESCP authority, an erosion and sediment control plan, at the option of the applicant, may be submitted to the county for review and approval rather than to each jurisdiction concerned. Where land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.
- (b) The standards contained within the Virginia Erosion and Sediment Control Regulations to include the Virginia Erosion and Sediment Control Handbook, as amended, and the Stafford County Stormwater Management Design Manual, as amended, are to be used by the applicant when making a submittal under the provisions of this chapter and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the more stringent standard shall apply.
- (c) The plan-approving authority shall review erosion and sediment control plans submitted to it and grant written approval within sixty (60) days of the receipt of the plan if it determines that the plan meets the requirements of the Erosion and Sediment Control Law and the board's regulations, and if the person responsible for carrying out the plan certifies that he will properly perform the measures included in the plan and will conform to the provisions of this chapter. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of the responsible land disturber to the plan-approving authority, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of the responsible land disturber prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this chapter.
- (d) When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within forty-five (45) days. The notice shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within forty-five (45) days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

- (e) The plan-approving authority shall act on any erosion and sediment control plan that has been previously disapproved within forty-five (45) days after the plan has been revised, resubmitted for approval, and deemed adequate.
- (f) The plan-approving authority may require changes to an approved plan when:

 - (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
 - (2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements for this chapter, are agreed to by the plan-approving authority and the person responsible for carrying out the plan.
- (g) Variances: The plan-approving authority may waive or modify any of the conservation standards that are deemed to be inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:

 - (1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for the requested variance in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.
 - (2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within ten (10) days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional information.
 - (3) The plan-approving authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.
- (h) In order to prevent further erosion, the county may require approval of a plan for any land identified in the local program as an erosion impact area.
- (i) When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.
- (j) Any person engaging, in more than one jurisdiction, in the creation and operation of wetland mitigation or stream restoration banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operations of wetland mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation or stream restoration banks annually with the board for review and approval consistent with guidelines established by the board. Approval of general erosion and sediment control specifications does not relieve the owner or operator from compliance

with any other local ordinances and regulations including requirements to submit and obtain permits as may be required by such ordinances and regulations.

- (k) State agency projects are exempt from the provisions of this chapter except as provided for in the Erosion and Sediment Control Law.

~~This chapter implements the provisions of section 10.1-560 et seq., of the Code of Virginia, the criteria of the Virginia Erosion and Sedimentation Control Handbook and the Virginia Erosion and Sedimentation Control Regulations.~~

Sec. 11-5. - Reserved Permits; Fees; Security for Performance.

- (a) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities shall not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan, certification that the plan will be followed and evidence of State permit coverage where it is required.
- (b) No person may engage in any land-disturbing activity until he has acquired a land-disturbing permit (unless the proposed land-disturbing activity is specifically exempt from the provisions of this chapter), and has paid the fees and posted the required bond.
- (c) Administrative fees pursuant to the county's adopted fee schedule shall be paid at the time of application for a land-disturbing permit.
- (d) No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan or agreement in lieu of a plan of an approved erosion and sediment control plan and certification that the plan will be followed.
- (e) The applicant must pay renewal fees annually in accordance with the county's adopted fee schedule.

Sec. 11-6. - ~~Violations of chapter~~—Generally Monitoring, Reports, Inspections and Stop-Work Orders.

- (a) The responsible land disturber shall be in charge of and responsible for carrying out the land-disturbing activity. The county may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. If a violation of this chapter or a plan approved pursuant to this chapter is observed, a notice to comply shall be served upon the person who submitted the plan or his representative. Such notice shall set forth specifically the measures needed to come into compliance with this chapter and the plan and shall specify the time within which such measures shall be completed.
- (b) The county shall periodically inspect the land-disturbing activity in accordance with the Virginia Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

If the county determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities (such a notice is a "Notice to Comply").

The Notice to Comply shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be subject to the penalties provided by this chapter.

~~A violation consists of failure to comply with an approved plan or undertaking a land-disturbing activity without an approved plan or permit required by this chapter, or failing to observe any notice delivered to comply with the approved plan or this chapter. When a violation is noted, the following may be considered to secure compliance, in addition to any other remedy provided by law or this chapter:~~

- ~~(1) On-site delivery of a written notice to comply.~~
 - ~~(2) Written notice to comply sent to the person who submitted the plan by registered return receipt requested, mail.~~
 - ~~(3) Utilization of the performance guarantee provided for in section 11-15.~~
 - ~~(4) Revocation of all grading, building or other permits relative to the site.~~
 - ~~(5) Cease building inspections.~~
 - ~~(6) Issue a stop work order for all construction authorized by the approved building permit(s).~~
- (c) ~~Upon receipt of a sworn complaint of a substantial violation from the designated enforcement officer, the county administrator, or his designee, may, in conjunction with or subsequent to a notice to comply as specified in this section, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, such an order may be issued without regard to whether the permittee has been issued a notice to comply. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the circuit court of the jurisdiction wherein the violation was alleged to have occurred. Upon completion of corrective action, the order shall immediately be lifted. Upon issuance of an inspection report denoting a violation of Virginia Code §§ 62.1-44.15:55 or 62.1-44.15:56, the county may, in conjunction with or subsequent to a Notice to Comply, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken (a "Stop Work Order").~~

- (1) If land-disturbing activities have commenced without an approved plan or land-disturbing permit, the county may issue an order that all of the land-disturbing activities be stopped until an approved plan or any requirements are obtained (a "Stop Work Order – No Permit"). A Stop Work Order – No Permit shall be served upon the owner by mailing with confirmation of delivery to the address specified in the land records, shall be posted on the site where the disturbance is occurring, and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies.
- (2) An order to stop land-disturbing activities that are not in compliance with an approved plan is a "Stop Work Order – Noncompliance." Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, the county may issue an order simultaneously with a Notice to Comply. Otherwise, a Stop Work Order - Noncompliance may be issued only after the alleged violator has failed to comply with a Notice to Comply. A Stop Work Order - Noncompliance shall be served in the same manner as a Notice to Comply and shall remain in effect for a period of seven (7) days from the date of service pending application by the County or alleged violator for appropriate relief to Stafford County Circuit Court.
- (3) If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of a Stop Work Order – No Permit or Stop Work Order - Noncompliance, the County may issue a Stop Work Order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained (a "Stop All Work Order"). A Stop All Work Order shall be served upon the owner by mailing with confirmation of delivery to the address specified in the permit application or the land records of the county.
- (4) The owner may appeal the issuance of any Stop Work Order to the Stafford County Circuit Court within thirty (30) days of the date of such order.
- (5) Any person violating or failing, neglecting, or refusing to obey a Stop Work Order may be compelled in a proceeding instituted in the Stafford County Circuit Court to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.
- (6) Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the Stop Work Order shall immediately be lifted.
- (7) Nothing in this section shall prevent the county from taking any other action authorized by this chapter.

Sec. 11-7. - ~~Same~~—Penalty Penalties, Injunctions, and Other Legal Actions.

- (a) ~~Enforcement.~~ The county attorney's office will assist with the enforcement of this chapter. Any person who violates any provision of Virginia Code §§ 62.1-44.15:55 or 62.1-44.15:56 shall, upon a finding of the Stafford County District Court, be assessed a civil penalty. The civil penalty for any one violation shall be not less than \$100 nor more than \$1,000, except that the civil penalty for commencement of land-disturbing activities without an approved

plan shall be \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$10,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000. Any such civil penalties shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under Virginia Code § 62.1-44.15:63A.

(b) *Civil penalties.*

(1) ~~A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:~~

a. ~~Commencement of land-disturbing activity without an approved plan as provided in subsection 11-14(a) shall be one thousand dollars (\$1,000.00) per day.~~

b. ~~Failure to comply with any of the minimum standards of the Virginia Erosion and Sediment Control Regulations shall be one thousand dollars (\$1,000.00) per violation per day.~~ Plan

e. ~~Failure to comply with any of the standards of section 11-12 shall be one thousand dollars (\$1,000.00) per violation per day.~~

d. ~~Failure to obey a stop-work order shall be one thousand dollars (\$1,000.00) per day.~~

e. ~~Failure to stop work when permit is revoked shall be one thousand dollars (\$1,000.00) per day.~~

(2) ~~Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00).~~

The county, or the owner of the property which has sustained damage or which is in imminent danger of being damaged, may apply to the Stafford County Circuit Court to enjoin a violation or a threatened violation of Virginia Code §§62.1-44.15:55 or 62.1-44.15:56, without the necessity of showing that an adequate remedy at law does not exist. However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the VESCP authority that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the VESCP authority has taken corrective action within fifteen (15) days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

(c) *Civil violations, summons, generally.*

(1) ~~The program administrator shall prepare an appropriate "erosion and sediment control civil-violations summons" for use in enforcing the provisions of this chapter.~~

- (2) Any inspector of the plan approving authority charged with enforcing this chapter shall serve upon any owner or permittee in violation of this chapter a summons notifying the owner or permittee of said violation. If unable to serve the owner or permittee in person, the inspector may notify by summons an owner or permittee committing or suffering the existence of a violation by certified, return receipt requested mail, of the infraction. The Stafford County Sheriff's Office may also deliver the summons. The summons shall contain the following:
- a. The name and address of the person charged.
 - b. The nature of the violation and ordinance provision(s) being violated.
 - c. The location, date, and time that the violation occurred, or was observed.
 - d. The amount of the civil penalty assessed for the violation.
 - e. The manner, location, and time that the civil penalty may be paid to the County.
 - f. The right of the recipient of the summons to elect to stand trial for the infraction and the date of such trial.
- (3) The summons shall provide that any person summoned for a violation may within five (5) business days of actual receipt of the summons or, within ten (10) calendar days from the date of mailing of the summons, elect to pay the civil penalty by making an appearance in person, or in writing by mail to the Stafford County Treasurer's Office and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the violation charged and provide that a signature to an admission of liability shall have the same force and effect as a judgment in court; however, an admission shall not be deemed a criminal conviction for any purpose.
- (4) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the county shall cause the Sheriff of Stafford County to serve the summons on the person charged in the manner prescribed by law. The violation shall be tried in the Stafford County General District Court in the same manner and with the same right of appeal as provided for in title 8.01, Code of Virginia. In any trial for a scheduled violation authorized by this section, it shall be the burden of the county to show the liability of the violator by the preponderance of the evidence. Any admission of liability, or finding of liability shall not be a criminal conviction for any purpose.
- (5) The remedies provided for in this section are cumulative, and are not exclusive and, except as provided above, shall be in addition to any other remedies by law.
- (6) The owner or permittee may pay the civil penalty to the treasurer prior to the trial date, provided he also pays necessary court costs in addition to the civil penalty.
- (7) Within the time period prescribed in (3), above, the owner or permittee may contest the violation by presenting it to the program administrator, who shall certify the contest in writing, on an appropriate form, to the general district court.
- (8) Failure to pay the civil penalty, or to contest the violation, within the time period prescribed in 3., above, shall result in the immediate issuance of a stop work order and the revocation of the permit, if any.

In addition to any criminal or civil penalties provided under this chapter, any person who violates any provision of the Erosion and Sediment Control Law may be liable to the county in a civil action for damages.

- (d) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or failing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the county. Any civil penalties shall be paid into the treasury of the county, except that where the violator is the county itself, or its agent, the court shall direct the penalty to be paid into the state treasury.
- (e) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this Chapter, or order of the VESCP authority, the county may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in County Code Sec. 11-7(a). Such civil charges shall be instead of any appropriate civil penalty which could be imposed under County Code Sec. 11-7(a).
- (f) The Commonwealth's Attorney shall, upon request of the county, take legal action to enforce the provisions of this chapter. Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

Sec. 11-8. - Same—Injunctive relief [Reserved].

~~The county may apply to the circuit court of the county for injunctive relief to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that there does not exist an adequate remedy at law.~~

~~(Ord. No. 082-09, § 31-11, 5-18-82; Ord. No. 091-48(R), 9-17-91)~~

~~**State Law reference**—Similar provisions, Code of Virginia, § 10.1-560 et seq.~~

Sec. 11-12. - General Conservation Standards.

- (a) The conservation standards adopted by the county are those criteria, standards and specifications contained in the Virginia Erosion and Sediment Control Handbook and the Virginia Erosion and Sediment Control Regulations.
- (b) The following criteria shall apply to all applications for permits under this chapter. These criteria are in addition to those conservation standards set forth in the handbook referred to in subsection (a) above:
 - (1) Concentrated stormwater runoff leaving a development site shall be discharged directly into a well-defined, natural or manmade off-site receiving channel, pipe or storm sewer system. If there is not a well-defined off-site receiving channel or pipe one must be

constructed to convey stormwater to the nearest adequate channel. Newly constructed channels shall be designed as adequate channels.

- (2) An adequate channel shall be defined as a natural or manmade channel with a defined bed and bank or pipe which is capable of conveying the runoff from a ten-year storm without overtopping its banks and from a two-year storm without eroding after development of the site in question. ~~A receiving channel may also be considered adequate at any point where the total contributing drainage area is at least one hundred (100) times greater than the drainage area of the development site in question or if it can be shown that the peak rate of runoff from the site for a two-year storm and for a ten-year storm will not be increased after development.~~
- (3) Adequacy of all channels and pipes shall be verified in the following manner:
 - a. The applicant shall demonstrate that the total drainage area to the point of analysis within the channel is 100 times greater than the contributing drainage area of the project in question; or
 - b. Natural channels shall be analyzed by the use of the two-year storm to verify that stormwater runoff will not overtop channel banks nor cause erosion of channel bed or banks;
 - c. All previously constructed man-made channels shall be analyzed by the use of the 10-year storm to verify that stormwater runoff will not overtop its banks and by use of the two-year storm to demonstrate that stormwater runoff will not cause erosion of channel bed or banks; and
 - d. Pipes and storm sewer systems shall be analyzed by the use of the 10-year storm to verify that stormwater runoff will be contained within the pipe or system.
- (4) ~~If an existing off-site receiving channel is not an adequate channel, the applicant must choose one (1) of the following options. If existing natural receiving channels or previously constructed man-made channels or pipes are not adequate, the applicant shall:~~
 - a. ~~Obtain permission from downstream property owners to improve the receiving channel to an adequate condition. Such improvements shall extend downstream until an adequate channel section is reached; or~~ Improve the channels to a condition where a 10-year storm will not overtop banks and a two-year storm will not cause erosion to the channel, the bed, or the banks;
 - b. ~~Develop a site design that will satisfy the stormwater technical criteria for stream channel erosion and flooding as defined in chapter 21.5 (stormwater management ordinance) of this Code; or~~ Improve the pipe or pipe system to a condition where the 10-year storm is contained within the appurtenances;
 - c. ~~Provide a combination of channel improvement, stormwater detention or other measures which is satisfactory to the plan approving authority to prevent downstream channel erosion. Develop a site design that will not cause the pre-development peak runoff rate from a two-year storm to increase when runoff discharges into a natural channel or will not cause the pre-development peak~~

- runoff rate from a 10-year storm to increase when runoff discharges into a man-made channel; or
- d. Provide a combination of channel improvement, stormwater detention or other measures which is satisfactory to the plan-approving authority to prevent downstream erosion.
 - e. The applicant shall provide evidence of permission to make the improvements.
 - f. All hydrologic analyses shall be based on the existing watershed characteristics and the ultimate development condition of the subject land-disturbing activity.
- (5) If the applicant chooses an option that includes stormwater detention, he shall obtain approval from the plan-approving authority of a plan for maintenance of the detention facilities. The plan shall set forth the maintenance requirements of the facility and the person responsible for performing the maintenance. All on-site stormwater conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a two-year frequency storm without erosion. Stabilization adequate to prevent erosion must also be provided at the outlets of all pipes and paved channels.
- (6) Outfall from a detention facility shall be discharges to a receiving channel, and energy dissipators shall be placed at the outfall of all detention facilities as necessary to provide a stabilized transition from the facility to the receiving channel.
- (7) All on-site channels must be verified to be adequate.
- (8) Increased volumes of sheet flows that may cause erosion or sedimentation on adjacent property shall be diverted to a stable outlet, adequate channel, pipe or pipe system, or to a detention facility.
- (9) In applying these stormwater management criteria, individual lots or parcels in a residential, commercial, or industrial development shall not be considered to be separate land-disturbing activities. Instead, the development, as a whole, shall be considered to be a single land-disturbing activity. Hydrologic parameters that reflect the ultimate development condition shall be used in all engineering calculations. The program administrator may require the use of flocculents to clarify runoff on a site-specific basis to supplement the erosion and sediment controls on the approved erosion and sediment control plan. If required, the engineer or surveyor who prepared the erosion and sediment control plan shall provide specific guidance to facilitate the application of flocculents on the site.
- (10) All measures used to protect properties and waterways shall be employed in a manner which minimizes impacts on the physical, chemical and biological integrity of rivers, streams and other waters of the state.
- (11) Any plan approved prior to July 1, 2014, that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or

man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to Virginia Code §§ 62.1-44.15:54 or 62.1-44.15:65.

(12) For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements of Virginia Code § 62.1-44.15:52 A and this subsection shall be satisfied by compliance with water quantity requirements in the Stormwater Management Act (Virginia Code § 62.1-44.15:24 et seq.) and attendant regulations, unless such land-disturbing activities (i) are in accordance with provisions for time limits on applicability of approved design criteria in 9VAC25-870-47 or grandfathering in 9VAC25-870-48 of the Virginia Stormwater Management Program (VSMP) Regulations, in which case the flow rate capacity and velocity requirements of Virginia Code § 62.1-44.15:52 A shall apply, or (ii) are exempt pursuant to Virginia Code § 62.1-44.15:34 C 7.

(313) Runoff rate and channel adequacy must be verified with engineering calculations in accordance with the procedures outlined in of the Virginia Erosion and Sediment Control Handbook or other methods acceptable to the plan-approving authority.

- a. Determine the impact, elevation, of the one-hundred-year storm on all existing or proposed stormwater conveyance systems (culverts, storm sewer, ditches, and streams) within or adjacent to the proposed development.
- b. Proposed lowest floor elevations shall be no less than one foot above the one-hundred-year flood elevation. Wall penetrations shall be no less than one foot above the one-hundred-year flood elevation.
- c. Prior to beginning framing of a structure, the applicant shall provide verifications sealed by a licensed professional engineer or land surveyor that the lowest floor is no less than one foot above the one-hundred-year flood elevation prescribed in subsection (b)(13)a.

(614) Except for the months of December through February, all temporary seeding shall conform to the standard and specification for permanent seeding in the Virginia Erosion and Sediment Control Handbook. If field conditions warrant, the inspector may order that the seeding schedule be adjusted to meet the intent of the Virginia Erosion and Sediment Control Handbook.

(715) Sod shall be installed to provide vegetation stabilization of residential building lots in which lot size is less than thirty thousand (30,000) square feet. Such sod shall be

installed in accordance with the Standard and Specification for Sodding in the Virginia Erosion and Sediment Control Handbook.

- (816) In addition to the standards and specifications in the Virginia Erosion and Sediment Control Handbook, the following conservation standards shall be indicated on the plan, installed and maintained until permanent stabilization is achieved.
- a. Super silt fence (standard silt fence supported by chain link fencing) shall be installed adjacent to critical areas (~~wet lands, wetlands and~~ streams, ~~stabilized residential lots~~).
 - b. ~~[Reserved] Earth berms shall be used in lieu of a silt fence as a perimeter measure on all non-residential sites and on the perimeter of all subdivision development. This shall not apply to individual single family home permits.~~
 - c. ~~[Reserved] Sediment trapping measures shall provide two hundred sixty-eight (268) cubic yards of storage per acre of total contributing drainage area.~~
 - d. Soil stabilization-blankets or matting, in accordance with the standards and specifications of the Virginia Erosion and Sediment Control Handbook, shall be installed to provide temporary or permanent stabilization on all slopes equal to or steeper than 3:1.
 - e. The plan-approving authority ~~or program administrator~~ may require the use of turbidity curtains on a site-specific basis for development projects that drain to a lake or reservoir during plan review or inspection. If a turbidity curtain is required, it shall be installed in accordance with the standards and specifications of the Virginia Erosion and Sediment Control Handbook.
- (4017) Construction phasing is encouraged for all land development projects and shall be required in all plans for those projects that will disturb more than forty (40) acres of land, except for commercial, industrial, institutional, school board, and county development projects. Additionally, the construction of roads and utilities for residential projects in accordance with approved plans shall also be exempt from the construction phasing requirement. The size of the separate construction phases on a project and the elements of the construction phasing plan shall be established during plan review and are subject to approval by the ~~plan-approving~~ plan-approving authority. The phasing plan shall address, but not be limited to, the following factors:
- a. The size of the land disturbance.
 - b. The presence of steep slopes greater than twenty-five (25) percent.
 - c. The presence of highly erodible soils.
 - d. The proximity of the site to perennial or intermittent streams located either on the development-site or located on an abutting or adjacent property.
 - e. The ability of traditional/conventional erosion and sediment controls to provide adequate control of sediment and erosion for the land-disturbing activity.
 - f. The proposed use or type of development occurring on the property and the anticipated duration of the land disturbing activity.

- g. The ability to balance cuts and fills on the site within each phase of the development.

Where construction phasing is required, no additional portions of the development site shall be disturbed until it has been determined by inspection and approval, that the initial or previous phasing area has been stabilized. The permit holder shall be required to mark the limits of clearing allowable for any construction phasing area as established by the approved plan either with temporary fencing, reflective tape, signs or such other acceptable methods clearly delineating for workers on the site the limits of clearing allowed in any single approved construction phase. No applicant shall be permitted to circumvent the requirement for phasing by applying for separate permits for adjoining portions of lands smaller in size than the threshold size requirement for construction phasing provided above when it is clear from other documents and/or plats or plans that the intended development of the land, as a whole, is for a single connected project. The requirements for construction phasing in this section shall apply to erosion and sediment control plans submitted on or after July 2, 2008.

**Sec. 11-14. - ~~Grading permit for land-disturbing activities—Required; application~~
[Reserved].**

- (a) ~~No person shall engage in any land-disturbing activity without first having obtained a grading permit.~~
- (b) ~~Application for a grading permit shall be made on forms supplied by the permit-issuing agency and shall be accompanied by two (2) sets of the plan approved by the plan-approving authority, together with written, notarized certification that the applicant will be responsible for faithful performance of all components of such plan and intends to comply fully with the provisions of this chapter. Such permit shall grant the right of entry onto the property for inspection and monitoring of compliance with the provisions of the Stafford County Code. The granting of the permit vests with the county all authority to take corrective action as necessary to ensure compliance with the provisions of the Stafford County Code.~~

~~(Ord. No. 082-09, §§ 31-7, 31-7-8A, C, 5-18-82; Ord. No. 091-48(R), 9-17-91)~~

~~State Law reference—Similar provisions, Code of Virginia, § 10.1-560 et seq.~~

Sec. 11-15. - ~~Same—Applicant's performance guarantee~~ [Reserved].

- (a) ~~No grading, building or other permit for activities involving land-disturbing activities shall be issued unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.~~
- (b) ~~No grading permit shall be issued unless the permittee furnishes a performance guarantee, in accordance with the current county security policy, equal to one hundred twenty-five (125) percent of the estimated costs of installation, maintenance and completion of the control measures required by this approved plan, to ensure that action can be taken by the county, at the applicant's expense, should he fail, after proper notice and within the time specified, to initiate or maintain such measures. If the county takes such conservation action~~

~~upon such failure by the permittee, the county shall collect from the permittee for the difference should the amount of reasonable cost of such action exceed the amount of the security held.~~

~~Security for erosion and sediment control measures on individual residential building lots shall be furnished prior to issuance of a building permit. The security shall be provided in conformance with the Stafford County Security Policy.~~

- ~~(e) A certified estimate of costs by the design engineer or land surveyor, subject to approval by the plan approving authority, shall be used to verify costs for the purpose of determining the amount of the performance guarantee required by this section.~~
- ~~(d) The performance guarantee furnished pursuant to this section, or the unexpended or unobligated portion thereof, shall be returned to the applicant within sixty (60) days of the achievement of adequate stabilization of the land disturbing activity. Adequate stabilization of the land disturbing activity means the achievement of the final stabilization of the land and final installation of stormwater management features, as contemplated by the approved plan. This means after ground cover has been established, not just after seeding, which may or may not be successful.~~

~~(Ord. No. 082-09, § 31-7, 5-18-82; Ord. No. 089-80, 8-1-89; Ord. No. 089-95, 9-5-89; Ord. No. 089-117, 12-5-89; Ord. No. 092-59, 9-8-92; Ord. No. 093-27, 6-15-93; Ord. No. 095-18(R-1), 6-6-95; Ord. No. 097-53, 9-9-97; Ord. No. 097-80, 12-16-97; Ord. No. 000-88, 10-17-00)~~

~~**State Law reference**— Similar provisions, Code of Virginia, § 10.1-560 et seq.~~

Sec. 11-15.1. - Erosion impact area.

The county board of supervisors may require approval of an erosion and sediment control plan or conservation plan for any land identified by the county administrator, or his designee, as being an erosion impact area. Such erosion and sediment control plan ~~or conservation plan~~ shall meet those criteria, standards and specifications contained in the Virginia Erosion and Sediment Control Handbook and the Virginia Erosion and Sediment Control Regulations.

Sec. 11-16. - Same—Fees [Reserved].

- ~~(a) The fee for a grading permit shall be in accordance with the fee schedule established by the board of supervisors. An annual renewal fee in accordance with such fee schedule will be charged for those projects extending for more than one year.~~
- ~~(b) The fees imposed by this section is for the purpose of defraying the costs of reviewing plans and specifications and costs of inspections and administering the provisions of this chapter.~~

~~(Ord. No. 082-09, § 31-10, 5-18-82; Ord. No. 087-07, 1-6-87; Ord. No. 089-75, 7-5-89; Ord. No. 091-48(R), 9-17-91; Ord. No. 095-18(R-1), 6-6-95; Ord. No. 099-39, 7-13-99)~~

~~**State Law reference**— Authority for above fee, Code of Virginia, § 10.1-562.~~

Sec. 11-17. - ~~Inspections and certifications of land-disturbing activities~~ [Reserved].

- (a) ~~Regular and thorough on-site inspections of land-disturbing activities shall be conducted by the permit-issuing agency. Essential elements of such inspections shall include:~~
- ~~(1) Inspection during or immediately following initial installation of sediment controls; in particular, basins, traps, diversions and dikes. Upon installation of sediment controls, the permittee shall schedule an installation inspection with the permit-issuing agency. The permittee must obtain approval of the sediment controls from the permit-issuing agency before proceeding with further grading or site development.~~
 - ~~(2) Inspection at least once in every two-week period.~~
 - ~~(3) Inspection within forty-eight (48) hours following any runoff-producing storm event.~~
 - ~~(4) Inspection prior to and immediately after seeding, particularly in the fall. If the development project is active, or is planned to remain active through the winter months, the permittee shall schedule a pre-winter stabilization meeting with the permit-issuing agency. The meeting will be held before October 1st. Disturbed areas that will be idle over the winter shall be stabilized prior to November 1.~~
 - ~~(5) Final inspection of terminating projects to ensure that temporary controls have been removed, stabilization growth is complete, drainageways are in proper condition and final contours agree with the approved plan. This inspection shall be made prior to the release of any performance guarantee furnished pursuant to section 11-15.~~
- (b) ~~All inspections pursuant to this section shall be documented by a written report or log containing dates and times of inspections and comments concerning verbal communications relating to the project.~~
- (c) ~~The county administrator, or his designee, may require the permittee to provide a certification by a licensed professional engineer or land surveyor within seventy-two (72) hours of requests for a project sediment basin or sediment trap at any time prior to final inspection. Such certification shall state that the basin or trap has sufficient storage capacity and is functioning properly.~~

~~(Ord. No. 082-09, § 31-9, 5-18-82; Ord. No. 097-24, 3-18-97; Ord. No. 097-24(R), 8-19-97; Ord. No. 097-60, 11-18-97; Ord. No. 005-63, 12-13-05; Ord. No. 007-65, 9-4-07)~~

~~**State Law reference**—Inspecting and monitoring land-disturbing activities, Code of Virginia, § 10.1-560 et seq.~~

ARTICLE II. CONTROL PLAN FOR LAND-DISTURBING ACTIVITIES

Sec. 11-31. - Submission and approval required; exceptions.

- (a) No person shall engage in any land-disturbing activity until he has submitted to the plan-approving authority an erosion and sediment control and stormwater management plan for such land-disturbing activity and until such erosion and sediment control plan has been reviewed and approved by the plan-approving authority. It shall be the responsibility of the

owner or lessee of the land or his duly authorized agent to prepare and submit such erosion and sediment control plan to the plan-approving authority.

- (b) There shall be no issuance of approval or permits for any land-disturbing activity, such as subdivision plat approval or issuance of building permits, until the required erosion and sediment control plan has been approved pursuant to this ~~article~~ chapter.
- (c) This section shall not apply to any person whose land-disturbing activities involve lands which extend into the jurisdiction of another local erosion and sediment control program, provided such person has a plan approved by the state soil and water conservation board. Such person shall comply with the requirements of section 11-15.
- (d) This section shall not apply to any state agency that undertakes a project involving a land-disturbing activity pursuant to § 10.1-563 of the Code of Virginia.

Sec. 11-32. - Additional Rrequirements for preparation and review.

In addition to the express requirements of this chapter, the plan-approving authority may require additional information or erosion and sediment control plans where the plan-approving authority finds such information or erosion and sediment control plans are necessary to carry out the intent of this chapter.

- (a) A person preparing a plan required by this ~~article~~ shall follow the guidelines outlined in the Virginia Erosion and Sediment Control Handbook. Officials of the county and the Tri-County/City Soil and Water Conservation District, in their consideration of the adequacy of such a plan, shall be guided by the same requirements and standards.
- (b) The erosion and sediment control plan shall be prepared as a two-phased plan. The Phase One plan shall address the controls needed prior to clearing and rough grading of the area to be disturbed. The Phase Two plan shall address the controls needed after the utilities and curb and gutter, as appropriate, are installed and roads are rough graded. The requirement for a two-phased plan may be waived by the plan-approving authority if a single plan can clearly explain and illustrate the measures that will be taken to control erosion and sedimentation and it can be shown that a single plan will adequately control conditions from the beginning of the project until it is completed.
- (c) The erosion and sediment control plan shall contain a construction phasing plan in accordance with section 11-12 of this chapter.
- (d) In addition to subsections (a), (b) and (c) above, the plan-approving authority may require additional information or plans where deemed necessary to carry out the intent of this chapter.

Sec. 11-33. - Forms to be used.

Applications for erosion and sediment control plan approval under this ~~article~~ chapter and three (3) copies of all erosion and sediment control plans and specifications shall be submitted on forms provided for by the plan-approving authority.

Sec. 11-34. - Technical review.

All erosion and sediment control plans submitted for approval pursuant to this ~~article~~ chapter may be referred to the ~~Tri-County/City~~ Soil and Water Conservation District for technical review. The district must comment on all submitted erosion and sediment control plans within thirty (30) days. When a an erosion and sediment control plan is found upon review by district officials to be inadequate, such agency shall specify such modifications, terms and conditions as will permit approval of the erosion and sediment control plan review and communicate these findings to the plan-approving authority.

Sec. 11-35. - Approval or disapproval.

- (a) In the event the plan shows any land-disturbing activity in the area of a proposed public road for which the Virginia Department of Transportation (VDOT) has not approved the site or construction plan, the applicant shall provide the plan-approving authority, prior to approval of the erosion and sediment control plan, a letter stating the understanding that such land-disturbing activity will proceed before VDOT approval of the road design and associated drainage and that VDOT may require subsequent changes or modifications to the grading or its appurtenant structures.
- (b) ~~If the plan-approving authority fails to approve or disapprove a plan or to require additions or revisions thereto within forty-five (45) days after the same has been submitted to the plan-approving authority by the applicant, the plan shall be deemed to be approved and the applicant may lawfully proceed to obtain a grading permit with the plans and specifications submitted. At the time of resubmission, another forty-five day period shall begin. However, when a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within forty-five (45) days. The notice shall specify the modifications, terms and conditions that will permit approval of the plan.~~
- (c) ~~The person responsible for carrying out the plan shall provide the name of a responsible land-disturber who will be in charge of and responsible for carrying out the land-disturbing activity in accordance with the approved plan. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, as provided by § 10.1-561, Code of Virginia (1950) as amended, who will be in charge of and responsible for carrying out the land-disturbing activity.~~

Sec. 11-36. - ~~Modification of approved plan and granting of a variance~~ [Reserved].

- (a) ~~An approved plan may be changed or amended by the plan-approving authority in the following cases:~~
 - (1) ~~Where inspection has revealed the inadequacy of the plan to satisfy applicable regulations; or~~
 - (2) ~~Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of~~

- ~~this chapter, are agreed to by the plan-approving authority and the person responsible for carrying out the plan;~~
- (3) ~~Minor changes on a plan may be approved by the appropriate county inspector provided the intent of the plan and this chapter is met.~~
- (b) ~~The plan-approving authority may waive or modify any of the regulations that are deemed inappropriate or too restrictive for site conditions, by granting a variance.~~
- (1) ~~At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.~~
- (2) ~~During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within ten (10) days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.~~
- (3) ~~The plan-approving authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.~~

Sec. 11-37. - Authority of inspector to require practice not provided for in approved erosion and sediment control plan.

The "Minimum Standards" established in the Virginia Erosion and Sediment Control Handbook and section 11-12(b) herein shall apply to all approved erosion and sediment control plans for land-disturbing activities. ~~An inspector, acting pursuant to section 11-17 of this chapter, may require additional conservation practices not specified on the approved plan. If the change is permanent in nature, the permittee shall be required to meet the requirements of section 11-36 of this chapter.~~

ADJOURNMENT

At 8:46 p.m., Chairman Vanuch adjourned the December 13, 2022 Stafford County Board of Supervisors meeting.

Randal E. Vosburg
County Administrator

Crystal L. Vanuch
Chairman

- (c) The program and regulations provided for in this chapter shall be made available for public inspection at the appropriate county office. No grading permits shall be issued pursuant to this chapter prior to either site plan or subdivision approval as required under chapters 22 and 28 of this Code (Effective date, March 1, 1990).
- (d) The department of code administration shall be responsible for enforcement of this chapter.

Sec. 11-4. - Authorization for chapter Submission and Approval of Plans; Contents of Plans.

- (a) Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the county an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the plan-approving authority. No approval to begin a land-disturbing activity will be issued unless evidence of state permit coverage is obtained where it is required. Where land-disturbing activities involve lands under the jurisdiction of more than one VESCP authority, an erosion and sediment control plan, at the option of the applicant, may be submitted to the county for review and approval rather than to each jurisdiction concerned. Where land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.
- (b) The standards contained within the Virginia Erosion and Sediment Control Regulations to include the Virginia Erosion and Sediment Control Handbook, as amended, and the Stafford County Stormwater Management Design Manual, as amended, are to be used by the applicant when making a submittal under the provisions of this chapter and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the more stringent standard shall apply.
- (c) The plan-approving authority shall review erosion and sediment control plans submitted to it and grant written approval within sixty (60) days of the receipt of the plan if it determines that the plan meets the requirements of the Erosion and Sediment Control Law and the board's regulations, and if the person responsible for carrying out the plan certifies that he will properly perform the measures included in the plan and will conform to the provisions of this chapter. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of the responsible land disturber to the plan-approving authority, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of the responsible land disturber prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this chapter.
- (d) When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within forty-five (45) days. The notice shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within forty-five (45) days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

- (e) The plan-approving authority shall act on any erosion and sediment control plan that has been previously disapproved within forty-five (45) days after the plan has been revised, resubmitted for approval, and deemed adequate.
- (f) The plan-approving authority may require changes to an approved plan when:
 - (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
 - (2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements for this chapter, are agreed to by the plan-approving authority and the person responsible for carrying out the plan.
- (g) Variances: The plan-approving authority may waive or modify any of the conservation standards that are deemed to be inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:
 - (1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for the requested variance in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.
 - (2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within ten (10) days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional information.
 - (3) The plan-approving authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.
- (h) In order to prevent further erosion, the county may require approval of a plan for any land identified in the local program as an erosion impact area.
- (i) When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.
- (j) Any person engaging, in more than one jurisdiction, in the creation and operation of wetland mitigation or stream restoration banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operations of wetland mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation or stream restoration banks annually with the board for review and approval consistent with guidelines established by the board. Approval of general erosion and sediment control specifications does not relieve the owner or operator from compliance

with any other local ordinances and regulations including requirements to submit and obtain permits as may be required by such ordinances and regulations.

- (k) State agency projects are exempt from the provisions of this chapter except as provided for in the Erosion and Sediment Control Law.

~~This chapter implements the provisions of section 10.1-560 et seq., of the Code of Virginia, the criteria of the Virginia Erosion and Sedimentation Control Handbook and the Virginia Erosion and Sedimentation Control Regulations.~~

Sec. 11-5. - Reserved Permits; Fees; Security for Performance.

- (a) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities shall not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan, certification that the plan will be followed and evidence of State permit coverage where it is required.
- (b) No person may engage in any land-disturbing activity until he has acquired a land-disturbing permit (unless the proposed land-disturbing activity is specifically exempt from the provisions of this chapter), and has paid the fees and posted the required bond.
- (c) Administrative fees pursuant to the county's adopted fee schedule shall be paid at the time of application for a land-disturbing permit.
- (d) No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan or agreement in lieu of a plan of an approved erosion and sediment control plan and certification that the plan will be followed.
- (e) The applicant must pay renewal fees annually in accordance with the county's adopted fee schedule.

Sec. 11-6. - Violations of chapter—Generally Monitoring, Reports, Inspections and Stop-Work Orders.

- (a) The responsible land disturber shall be in charge of and responsible for carrying out the land-disturbing activity. The county may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. If a violation of this chapter or a plan approved pursuant to this chapter is observed, a notice to comply shall be served upon the person who submitted the plan or his representative. Such notice shall set forth specifically the measures needed to come into compliance with this chapter and the plan and shall specify the time within which such measures shall be completed.
- (b) The county shall periodically inspect the land-disturbing activity in accordance with the Virginia Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

If the county determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities (such a notice is a "Notice to Comply").

The Notice to Comply shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be subject to the penalties provided by this chapter.

~~A violation consists of failure to comply with an approved plan or undertaking a land-disturbing activity without an approved plan or permit required by this chapter, or failing to observe any notice delivered to comply with the approved plan or this chapter. When a violation is noted, the following may be considered to secure compliance, in addition to any other remedy provided by law or this chapter:~~

- ~~(1) On-site delivery of a written notice to comply.~~
 - ~~(2) Written notice to comply sent to the person who submitted the plan by registered return receipt requested, mail.~~
 - ~~(3) Utilization of the performance guarantee provided for in section 11-15.~~
 - ~~(4) Revocation of all grading, building or other permits relative to the site.~~
 - ~~(5) Cease building inspections.~~
 - ~~(6) Issue a stop work order for all construction authorized by the approved building permit(s).~~
- (c) ~~Upon receipt of a sworn complaint of a substantial violation from the designated enforcement officer, the county administrator, or his designee, may, in conjunction with or subsequent to a notice to comply as specified in this section, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, such an order may be issued without regard to whether the permittee has been issued a notice to comply. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the circuit court of the jurisdiction wherein the violation was alleged to have occurred. Upon completion of corrective action, the order shall immediately be lifted. Upon issuance of an inspection report denoting a violation of Virginia Code §§ 62.1-44.15:55 or 62.1-44.15:56, the county may, in conjunction with or subsequent to a Notice to Comply, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken (a "Stop Work Order").~~

- (1) If land-disturbing activities have commenced without an approved plan or land-disturbing permit, the county may issue an order that all of the land-disturbing activities be stopped until an approved plan or any requirements are obtained (a "Stop Work Order – No Permit"). A Stop Work Order – No Permit shall be served upon the owner by mailing with confirmation of delivery to the address specified in the land records, shall be posted on the site where the disturbance is occurring, and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies.
- (2) An order to stop land-disturbing activities that are not in compliance with an approved plan is a "Stop Work Order – Noncompliance." Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, the county may issue an order simultaneously with a Notice to Comply. Otherwise, a Stop Work Order - Noncompliance may be issued only after the alleged violator has failed to comply with a Notice to Comply. A Stop Work Order - Noncompliance shall be served in the same manner as a Notice to Comply and shall remain in effect for a period of seven (7) days from the date of service pending application by the County or alleged violator for appropriate relief to Stafford County Circuit Court.
- (3) If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of a Stop Work Order – No Permit or Stop Work Order - Noncompliance, the County may issue a Stop Work Order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained (a "Stop All Work Order"). A Stop All Work Order shall be served upon the owner by mailing with confirmation of delivery to the address specified in the permit application or the land records of the county.
- (4) The owner may appeal the issuance of any Stop Work Order to the Stafford County Circuit Court within thirty (30) days of the date of such order.
- (5) Any person violating or failing, neglecting, or refusing to obey a Stop Work Order may be compelled in a proceeding instituted in the Stafford County Circuit Court to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.
- (6) Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the Stop Work Order shall immediately be lifted.
- (7) Nothing in this section shall prevent the county from taking any other action authorized by this chapter.

Sec. 11-7. - ~~Same~~ Penalty Penalties, Injunctions, and Other Legal Actions.

- (a) ~~Enforcement.~~ The county attorney's office will assist with the enforcement of this chapter. Any person who violates any provision of Virginia Code §§ 62.1-44.15:55 or 62.1-44.15:56 shall, upon a finding of the Stafford County District Court, be assessed a civil penalty. The civil penalty for any one violation shall be not less than \$100 nor more than \$1,000, except that the civil penalty for commencement of land-disturbing activities without an approved

plan shall be \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$10,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000. Any such civil penalties shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under Virginia Code § 62.1-44.15:63A.

(b) *Civil penalties.*

~~(1) A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:~~

- ~~a. Commencement of land-disturbing activity without an approved plan as provided in subsection 11-14(a) shall be one thousand dollars (\$1,000.00) per day.~~
- ~~b. Failure to comply with any of the minimum standards of the Virginia Erosion and Sediment Control Regulations shall be one thousand dollars (\$1,000.00) per violation per day.~~~~Plan~~
- ~~c. Failure to comply with any of the standards of section 11-12 shall be one thousand dollars (\$1,000.00) per violation per day.~~
- ~~d. Failure to obey a stop-work order shall be one thousand dollars (\$1,000.00) per day.~~
- ~~e. Failure to stop work when permit is revoked shall be one thousand dollars (\$1,000.00) per day.~~

~~(2) Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00).~~

The county, or the owner of the property which has sustained damage or which is in imminent danger of being damaged, may apply to the Stafford County Circuit Court to enjoin a violation or a threatened violation of Virginia Code §§62.1-44.15:55 or 62.1-44.15:56, without the necessity of showing that an adequate remedy at law does not exist. However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the VESCP authority that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the VESCP authority has taken corrective action within fifteen (15) days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

(c) *Civil violations, summons, generally.*

(1) ~~The program administrator shall prepare an appropriate "erosion and sediment control civil violations summons" for use in enforcing the provisions of this chapter.~~

- (2) Any inspector of the plan approving authority charged with enforcing this chapter shall serve upon any owner or permittee in violation of this chapter a summons notifying the owner or permittee of said violation. If unable to serve the owner or permittee in person, the inspector may notify by summons an owner or permittee committing or suffering the existence of a violation by certified, return receipt requested mail, of the infraction. The Stafford County Sheriff's Office may also deliver the summons. The summons shall contain the following:
- a. The name and address of the person charged.
 - b. The nature of the violation and ordinance provision(s) being violated.
 - c. The location, date, and time that the violation occurred, or was observed.
 - d. The amount of the civil penalty assessed for the violation.
 - e. The manner, location, and time that the civil penalty may be paid to the County.
 - f. The right of the recipient of the summons to elect to stand trial for the infraction and the date of such trial.
- (3) The summons shall provide that any person summoned for a violation may within five (5) business days of actual receipt of the summons or, within ten (10) calendar days from the date of mailing of the summons, elect to pay the civil penalty by making an appearance in person, or in writing by mail to the Stafford County Treasurer's Office and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the violation charged and provide that a signature to an admission of liability shall have the same force and effect as a judgment in court; however, an admission shall not be deemed a criminal conviction for any purpose.
- (4) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the county shall cause the Sheriff of Stafford County to serve the summons on the person charged in the manner prescribed by law. The violation shall be tried in the Stafford County General District Court in the same manner and with the same right of appeal as provided for in title 8.01, Code of Virginia. In any trial for a scheduled violation authorized by this section, it shall be the burden of the county to show the liability of the violator by the preponderance of the evidence. Any admission of liability, or finding of liability shall not be a criminal conviction for any purpose.
- (5) The remedies provided for in this section are cumulative, and are not exclusive and, except as provided above, shall be in addition to any other remedies by law.
- (6) The owner or permittee may pay the civil penalty to the treasurer prior to the trial date, provided he also pays necessary court costs in addition to the civil penalty.
- (7) Within the time period prescribed in (3), above, the owner or permittee may contest the violation by presenting it to the program administrator, who shall certify the contest in writing, on an appropriate form, to the general district court.
- (8) Failure to pay the civil penalty, or to contest the violation, within the time period prescribed in 3., above, shall result in the immediate issuance of a stop work order and the revocation of the permit, if any.

In addition to any criminal or civil penalties provided under this chapter, any person who violates any provision of the Erosion and Sediment Control Law may be liable to the county in a civil action for damages.

- (d) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or failing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the county. Any civil penalties shall be paid into the treasury of the county, except that where the violator is the county itself, or its agent, the court shall direct the penalty to be paid into the state treasury.
- (e) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this Chapter, or order of the VESCP authority, the county may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in County Code Sec. 11-7(a). Such civil charges shall be instead of any appropriate civil penalty which could be imposed under County Code Sec. 11-7(a).
- (f) The Commonwealth's Attorney shall, upon request of the county, take legal action to enforce the provisions of this chapter. Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

Sec. 11-8. - ~~Same—Injunctive relief~~ [Reserved].

~~The county may apply to the circuit court of the county for injunctive relief to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that there does not exist an adequate remedy at law.~~

~~(Ord. No. 082-09, § 31-11, 5-18-82; Ord. No. 091-48(R), 9-17-91)~~

~~State Law reference~~—~~Similar provisions, Code of Virginia, § 10.1-560 et seq.~~

Sec. 11-12. - General Conservation Standards.

- (a) The conservation standards adopted by the county are those criteria, standards and specifications contained in the Virginia Erosion and Sediment Control Handbook and the Virginia Erosion and Sediment Control Regulations.
- (b) The following criteria shall apply to all applications for permits under this chapter. These criteria are in addition to those conservation standards set forth in the handbook referred to in subsection (a) above:
 - (1) Concentrated stormwater runoff leaving a development site shall be discharged directly into a well-defined, natural or manmade off-site receiving channel, pipe or storm sewer system. If there is not a well-defined off-site receiving channel or pipe one must be

constructed to convey stormwater to the nearest adequate channel. Newly constructed channels shall be designed as adequate channels.

- (2) An adequate channel shall be defined as a natural or manmade channel with a defined bed and bank or pipe which is capable of conveying the runoff from a ten-year storm without overtopping its banks and from a two-year storm without eroding after development of the site in question. ~~A receiving channel may also be considered adequate at any point where the total contributing drainage area is at least one hundred (100) times greater than the drainage area of the development site in question or if it can be shown that the peak rate of runoff from the site for a two-year storm and for a ten-year storm will not be increased after development.~~
- (3) Adequacy of all channels and pipes shall be verified in the following manner:
 - a. The applicant shall demonstrate that the total drainage area to the point of analysis within the channel is 100 times greater than the contributing drainage area of the project in question; or
 - b. Natural channels shall be analyzed by the use of the two-year storm to verify that stormwater runoff will not overtop channel banks nor cause erosion of channel bed or banks;
 - c. All previously constructed man-made channels shall be analyzed by the use of the 10-year storm to verify that stormwater runoff will not overtop its banks and by use of the two-year storm to demonstrate that stormwater runoff will not cause erosion of channel bed or banks; and
 - d. Pipes and storm sewer systems shall be analyzed by the use of the 10-year storm to verify that stormwater runoff will be contained within the pipe or system.
- (4) ~~If an existing off-site receiving channel is not an adequate channel, the applicant must choose one (1) of the following options. If existing natural receiving channels or previously constructed man-made channels or pipes are not adequate, the applicant shall:~~
 - a. ~~Obtain permission from downstream property owners to improve the receiving channel to an adequate condition. Such improvements shall extend downstream until an adequate channel section is reached; or Improve the channels to a condition where a 10-year storm will not overtop banks and a two-year storm will not cause erosion to the channel, the bed, or the banks;~~
 - b. ~~Develop a site design that will satisfy the stormwater technical criteria for stream channel erosion and flooding as defined in chapter 21.5 (stormwater management ordinance) of this Code; or Improve the pipe or pipe system to a condition where the 10-year storm is contained within the appurtenances;~~
 - c. ~~Provide a combination of channel improvement, stormwater detention or other measures which is satisfactory to the plan approving authority to prevent downstream channel erosion. Develop a site design that will not cause the pre-development peak runoff rate from a two-year storm to increase when runoff discharges into a natural channel or will not cause the pre-development peak~~

- runoff rate from a 10-year storm to increase when runoff discharges into a man-made channel; or
- d. Provide a combination of channel improvement, stormwater detention or other measures which is satisfactory to the plan-approving authority to prevent downstream erosion.
 - e. The applicant shall provide evidence of permission to make the improvements.
 - f. All hydrologic analyses shall be based on the existing watershed characteristics and the ultimate development condition of the subject land-disturbing activity.
- (5) If the applicant chooses an option that includes stormwater detention, he shall obtain approval from the plan-approving authority of a plan for maintenance of the detention facilities. The plan shall set forth the maintenance requirements of the facility and the person responsible for performing the maintenance. All on-site stormwater conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a two-year frequency storm without erosion. Stabilization adequate to prevent erosion must also be provided at the outlets of all pipes and paved channels.
- (6) Outfall from a detention facility shall be discharges to a receiving channel, and energy dissipators shall be placed at the outfall of all detention facilities as necessary to provide a stabilized transition from the facility to the receiving channel.
- (7) All on-site channels must be verified to be adequate.
- (8) Increased volumes of sheet flows that may cause erosion or sedimentation on adjacent property shall be diverted to a stable outlet, adequate channel, pipe or pipe system, or to a detention facility.
- (9) In applying these stormwater management criteria, individual lots or parcels in a residential, commercial, or industrial development shall not be considered to be separate land-disturbing activities. Instead, the development, as a whole, shall be considered to be a single land-disturbing activity. Hydrologic parameters that reflect the ultimate development condition shall be used in all engineering calculations. The program administrator may require the use of flocculents to clarify runoff on a site-specific basis to supplement the erosion and sediment controls on the approved erosion and sediment control plan. If required, the engineer or surveyor who prepared the erosion and sediment control plan shall provide specific guidance to facilitate the application of flocculents on the site.
- (10) All measures used to protect properties and waterways shall be employed in a manner which minimizes impacts on the physical, chemical and biological integrity of rivers, streams and other waters of the state.
- (11) Any plan approved prior to July 1, 2014, that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or

man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to Virginia Code §§ 62.1-44.15:54 or 62.1-44.15:65.

(12) For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements of Virginia Code § 62.1-44.15:52 A and this subsection shall be satisfied by compliance with water quantity requirements in the Stormwater Management Act (Virginia Code § 62.1-44.15:24 et seq.) and attendant regulations, unless such land-disturbing activities (i) are in accordance with provisions for time limits on applicability of approved design criteria in 9VAC25-870-47 or grandfathering in 9VAC25-870-48 of the Virginia Stormwater Management Program (VSMP) Regulations, in which case the flow rate capacity and velocity requirements of Virginia Code § 62.1-44.15:52 A shall apply, or (ii) are exempt pursuant to Virginia Code § 62.1-44.15:34 C 7.

(313) Runoff rate and channel adequacy must be verified with engineering calculations in accordance with the procedures outlined in of the Virginia Erosion and Sediment Control Handbook or other methods acceptable to the plan-approving authority.

- a. Determine the impact, elevation, of the one-hundred-year storm on all existing or proposed stormwater conveyance systems (culverts, storm sewer, ditches, and streams) within or adjacent to the proposed development.
- b. Proposed lowest floor elevations shall be no less than one foot above the one-hundred-year flood elevation. Wall penetrations shall be no less than one foot above the one-hundred-year flood elevation.
- c. Prior to beginning framing of a structure, the applicant shall provide verifications sealed by a licensed professional engineer or land surveyor that the lowest floor is no less than one foot above the one-hundred-year flood elevation prescribed in subsection (b)(13)a.

(614) Except for the months of December through February, all temporary seeding shall conform to the standard and specification for permanent seeding in the Virginia Erosion and Sediment Control Handbook. If field conditions warrant, the inspector may order that the seeding schedule be adjusted to meet the intent of the Virginia Erosion and Sediment Control Handbook.

(715) Sod shall be installed to provide vegetation stabilization of residential building lots in which lot size is less than thirty thousand (30,000) square feet. Such sod shall be

installed in accordance with the Standard and Specification for Sodding in the Virginia Erosion and Sediment Control Handbook.

- (816) In addition to the standards and specifications in the Virginia Erosion and Sediment Control Handbook, the following conservation standards shall be indicated on the plan, installed and maintained until permanent stabilization is achieved.
- a. Super silt fence (standard silt fence supported by chain link fencing) shall be installed adjacent to critical areas (~~wet lands, wetlands and~~ streams, ~~stabilized residential lots~~).
 - b. ~~[Reserved] Earth berms shall be used in lieu of a silt fence as a perimeter measure on all non-residential sites and on the perimeter of all subdivision development. This shall not apply to individual single family home permits.~~
 - c. ~~[Reserved] Sediment trapping measures shall provide two hundred sixty-eight (268) cubic yards of storage per acre of total contributing drainage area.~~
 - d. Soil stabilization-blankets or matting, in accordance with the standards and specifications of the Virginia Erosion and Sediment Control Handbook, shall be installed to provide temporary or permanent stabilization on all slopes equal to or steeper than 3:1.
 - e. The plan-approving authority ~~or program administrator~~ may require the use of turbidity curtains on a site-specific basis for development projects that drain to a lake or reservoir during plan review or inspection. If a turbidity curtain is required, it shall be installed in accordance with the standards and specifications of the Virginia Erosion and Sediment Control Handbook.
- (4017) Construction phasing is encouraged for all land development projects and shall be required in all plans for those projects that will disturb more than forty (40) acres of land, except for commercial, industrial, institutional, school board, and county development projects. Additionally, the construction of roads and utilities for residential projects in accordance with approved plans shall also be exempt from the construction phasing requirement. The size of the separate construction phases on a project and the elements of the construction phasing plan shall be established during plan review and are subject to approval by the ~~plan-approving~~ plan-approving authority. The phasing plan shall address, but not be limited to, the following factors:
- a. The size of the land disturbance.
 - b. The presence of steep slopes greater than twenty-five (25) percent.
 - c. The presence of highly erodible soils.
 - d. The proximity of the site to perennial or intermittent streams located either on the development-site or located on an abutting or adjacent property.
 - e. The ability of traditional/conventional erosion and sediment controls to provide adequate control of sediment and erosion for the land-disturbing activity.
 - f. The proposed use or type of development occurring on the property and the anticipated duration of the land disturbing activity.

- g. The ability to balance cuts and fills on the site within each phase of the development.

Where construction phasing is required, no additional portions of the development site shall be disturbed until it has been determined by inspection and approval, that the initial or previous phasing area has been stabilized. The permit holder shall be required to mark the limits of clearing allowable for any construction phasing area as established by the approved plan either with temporary fencing, reflective tape, signs or such other acceptable methods clearly delineating for workers on the site the limits of clearing allowed in any single approved construction phase. No applicant shall be permitted to circumvent the requirement for phasing by applying for separate permits for adjoining portions of lands smaller in size than the threshold size requirement for construction phasing provided above when it is clear from other documents and/or plats or plans that the intended development of the land, as a whole, is for a single connected project. The requirements for construction phasing in this section shall apply to erosion and sediment control plans submitted on or after July 2, 2008.

Sec. 11-14. - ~~Grading permit for land-disturbing activities—Required; application~~ [Reserved].

- (a) ~~No person shall engage in any land-disturbing activity without first having obtained a grading permit.~~
- (b) ~~Application for a grading permit shall be made on forms supplied by the permit-issuing agency and shall be accompanied by two (2) sets of the plan approved by the plan-approving authority, together with written, notarized certification that the applicant will be responsible for faithful performance of all components of such plan and intends to comply fully with the provisions of this chapter. Such permit shall grant the right of entry onto the property for inspection and monitoring of compliance with the provisions of the Stafford County Code. The granting of the permit vests with the county all authority to take corrective action as necessary to ensure compliance with the provisions of the Stafford County Code.~~

~~(Ord. No. 082-09, §§ 31-7, 31-7-8A, C, 5-18-82; Ord. No. 091-48(R), 9-17-91)~~

~~State Law reference—Similar provisions, Code of Virginia, § 10.1-560 et seq.~~

Sec. 11-15. - ~~Same—Applicant's performance guarantee~~ [Reserved].

- (a) ~~No grading, building or other permit for activities involving land-disturbing activities shall be issued unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.~~
- (b) ~~No grading permit shall be issued unless the permittee furnishes a performance guarantee, in accordance with the current county security policy, equal to one hundred twenty-five (125) percent of the estimated costs of installation, maintenance and completion of the control measures required by this approved plan, to ensure that action can be taken by the county, at the applicant's expense, should he fail, after proper notice and within the time specified, to initiate or maintain such measures. If the county takes such conservation action~~

~~upon such failure by the permittee, the county shall collect from the permittee for the difference should the amount of reasonable cost of such action exceed the amount of the security held.~~

~~Security for erosion and sediment control measures on individual residential building lots shall be furnished prior to issuance of a building permit. The security shall be provided in conformance with the Stafford County Security Policy.~~

- ~~(c) A certified estimate of costs by the design engineer or land surveyor, subject to approval by the plan approving authority, shall be used to verify costs for the purpose of determining the amount of the performance guarantee required by this section.~~
- ~~(d) The performance guarantee furnished pursuant to this section, or the unexpended or unobligated portion thereof, shall be returned to the applicant within sixty (60) days of the achievement of adequate stabilization of the land disturbing activity. Adequate stabilization of the land disturbing activity means the achievement of the final stabilization of the land and final installation of stormwater management features, as contemplated by the approved plan. This means after ground cover has been established, not just after seeding, which may or may not be successful.~~

~~(Ord. No. 082-09, § 31-7, 5-18-82; Ord. No. 089-80, 8-1-89; Ord. No. 089-95, 9-5-89; Ord. No. 089-117, 12-5-89; Ord. No. 092-59, 9-8-92; Ord. No. 093-27, 6-15-93; Ord. No. 095-18(R-1), 6-6-95; Ord. No. 097-53, 9-9-97; Ord. No. 097-80, 12-16-97; Ord. No. 000-88, 10-17-00)~~

State Law reference—Similar provisions, Code of Virginia, § 10.1-560 et seq.

Sec. 11-15.1. - Erosion impact area.

The county board of supervisors may require approval of an erosion and sediment control plan or conservation plan for any land identified by the county administrator, or his designee, as being an erosion impact area. Such erosion and sediment control plan ~~or conservation plan~~ shall meet those criteria, standards and specifications contained in the Virginia Erosion and Sediment Control Handbook and the Virginia Erosion and Sediment Control Regulations.

Sec. 11-16. - Same—Fees [Reserved].

- ~~(a) The fee for a grading permit shall be in accordance with the fee schedule established by the board of supervisors. An annual renewal fee in accordance with such fee schedule will be charged for those projects extending for more than one year.~~
- ~~(b) The fees imposed by this section is for the purpose of defraying the costs of reviewing plans and specifications and costs of inspections and administering the provisions of this chapter.~~

~~(Ord. No. 082-09, § 31-10, 5-18-82; Ord. No. 087-07, 1-6-87; Ord. No. 089-75, 7-5-89; Ord. No. 091-48(R), 9-17-91; Ord. No. 095-18(R-1), 6-6-95; Ord. No. 099-39, 7-13-99)~~

State Law reference—Authority for above fee, Code of Virginia, § 10.1-562.

Sec. 11-17. - Inspections and certifications of land-disturbing activities [Reserved].

- (a) Regular and thorough on-site inspections of land-disturbing activities shall be conducted by the permit-issuing agency. Essential elements of such inspections shall include:
 - (1) Inspection during or immediately following initial installation of sediment controls; in particular, basins, traps, diversions and dikes. Upon installation of sediment controls, the permittee shall schedule an installation inspection with the permit-issuing agency. The permittee must obtain approval of the sediment controls from the permit-issuing agency before proceeding with further grading or site development.
 - (2) Inspection at least once in every two-week period.
 - (3) Inspection within forty-eight (48) hours following any runoff-producing storm event.
 - (4) Inspection prior to and immediately after seeding, particularly in the fall. If the development project is active, or is planned to remain active through the winter months, the permittee shall schedule a pre-winter stabilization meeting with the permit-issuing agency. The meeting will be held before October 1st. Disturbed areas that will be idle over the winter shall be stabilized prior to November 1.
 - (5) Final inspection of terminating projects to ensure that temporary controls have been removed, stabilization growth is complete, drainageways are in proper condition and final contours agree with the approved plan. This inspection shall be made prior to the release of any performance guarantee furnished pursuant to section 11-15.
- (b) All inspections pursuant to this section shall be documented by a written report or log containing dates and times of inspections and comments concerning verbal communications relating to the project.
- (c) The county administrator, or his designee, may require the permittee to provide a certification by a licensed professional engineer or land surveyor within seventy-two (72) hours of requests for a project sediment basin or sediment trap at any time prior to final inspection. Such certification shall state that the basin or trap has sufficient storage capacity and is functioning properly.

(Ord. No. 082-09, § 31-9, 5-18-82; Ord. No. 097-24, 3-18-97; Ord. No. 097-24(R), 8-19-97; Ord. No. 097-60, 11-18-97; Ord. No. 005-63, 12-13-05; Ord. No. 007-65, 9-4-07)

State Law reference—Inspecting and monitoring land-disturbing activities, Code of Virginia, § 10.1-560 et seq.

ARTICLE II. CONTROL PLAN FOR LAND-DISTURBING ACTIVITIES

Sec. 11-31. - Submission and approval required; exceptions.

- (a) No person shall engage in any land-disturbing activity until he has submitted to the plan-approving authority an erosion and sediment control and stormwater management plan for such land-disturbing activity and until such erosion and sediment control plan has been reviewed and approved by the plan-approving authority. It shall be the responsibility of the

owner or lessee of the land or his duly authorized agent to prepare and submit such erosion and sediment control plan to the plan-approving authority.

- (b) There shall be no issuance of approval or permits for any land-disturbing activity, such as subdivision plat approval or issuance of building permits, until the required erosion and sediment control plan has been approved pursuant to this ~~article~~ chapter.
- (c) This section shall not apply to any person whose land-disturbing activities involve lands which extend into the jurisdiction of another local erosion and sediment control program, provided such person has a plan approved by the state soil and water conservation board. Such person shall comply with the requirements of section 11-15.
- (d) This section shall not apply to any state agency that undertakes a project involving a land-disturbing activity pursuant to § 10.1-563 of the Code of Virginia.

Sec. 11-32. - Additional Rrequirements for preparation and review.

In addition to the express requirements of this chapter, the plan-approving authority may require additional information or erosion and sediment control plans where the plan-approving authority finds such information or erosion and sediment control plans are necessary to carry out the intent of this chapter.

- (a) A person preparing a plan required by this article shall follow the guidelines outlined in the Virginia Erosion and Sediment Control Handbook. Officials of the county and the Tri-County/City Soil and Water Conservation District, in their consideration of the adequacy of such a plan, shall be guided by the same requirements and standards.
- (b) The erosion and sediment control plan shall be prepared as a two-phased plan. The Phase One plan shall address the controls needed prior to clearing and rough grading of the area to be disturbed. The Phase Two plan shall address the controls needed after the utilities and curb and gutter, as appropriate, are installed and roads are rough graded. The requirement for a two-phased plan may be waived by the plan-approving authority if a single plan can clearly explain and illustrate the measures that will be taken to control erosion and sedimentation and it can be shown that a single plan will adequately control conditions from the beginning of the project until it is completed.
- (c) The erosion and sediment control plan shall contain a construction phasing plan in accordance with section 11-12 of this chapter.
- (d) In addition to subsections (a), (b) and (c) above, the plan-approving authority may require additional information or plans where deemed necessary to carry out the intent of this chapter.

Sec. 11-33. - Forms to be used.

Applications for erosion and sediment control plan approval under this ~~article~~ chapter and three (3) copies of all erosion and sediment control plans and specifications shall be submitted on forms provided for by the plan-approving authority.

Sec. 11-34. - Technical review.

All erosion and sediment control plans submitted for approval pursuant to this ~~article~~ chapter may be referred to the Tri-County/City-Soil and Water Conservation District for technical review. The district must comment on all submitted erosion and sediment control plans within thirty (30) days. When a an erosion and sediment control plan is found upon review by district officials to be inadequate, such agency shall specify such modifications, terms and conditions as will permit approval of the erosion and sediment control plan review and communicate these findings to the plan-approving authority.

Sec. 11-35. - Approval or disapproval.

- (a) In the event the plan shows any land-disturbing activity in the area of a proposed public road for which the Virginia Department of Transportation (VDOT) has not approved the site or construction plan, the applicant shall provide the plan-approving authority, prior to approval of the erosion and sediment control plan, a letter stating the understanding that such land-disturbing activity will proceed before VDOT approval of the road design and associated drainage and that VDOT may require subsequent changes or modifications to the grading or its appurtenant structures.
- (b) ~~If the plan-approving authority fails to approve or disapprove a plan or to require additions or revisions thereto within forty-five (45) days after the same has been submitted to the plan-approving authority by the applicant, the plan shall be deemed to be approved and the applicant may lawfully proceed to obtain a grading permit with the plans and specifications submitted. At the time of resubmission, another forty-five day period shall begin. However, when a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within forty-five (45) days. The notice shall specify the modifications, terms and conditions that will permit approval of the plan.~~
- (c) ~~The person responsible for carrying out the plan shall provide the name of a responsible land disturber who will be in charge of and responsible for carrying out the land-disturbing activity in accordance with the approved plan. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, as provided by § 10.1-561, Code of Virginia (1950) as amended, who will be in charge of and responsible for carrying out the land-disturbing activity.~~

Sec. 11-36. - ~~Modification of approved plan and granting of a variance~~ [Reserved].

- (a) ~~An approved plan may be changed or amended by the plan-approving authority in the following cases:~~
 - (1) ~~Where inspection has revealed the inadequacy of the plan to satisfy applicable regulations; or~~
 - (2) ~~Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of~~

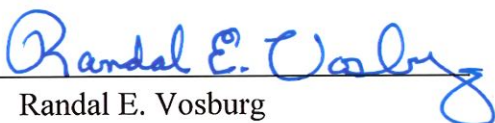
- ~~this chapter, are agreed to by the plan approving authority and the person responsible for carrying out the plan;~~
- (3) ~~Minor changes on a plan may be approved by the appropriate county inspector provided the intent of the plan and this chapter is met.~~
- (b) ~~The plan approving authority may waive or modify any of the regulations that are deemed inappropriate or too restrictive for site conditions, by granting a variance.~~
- (1) ~~At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan approving authority shall be documented in the plan.~~
- (2) ~~During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan approving authority. The plan approving authority shall respond in writing either approving or disapproving such a request. If the plan approving authority does not approve a variance within ten (10) days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.~~
- (3) ~~The plan approving authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.~~

Sec. 11-37. - Authority of inspector to require practice not provided for in approved erosion and sediment control plan.

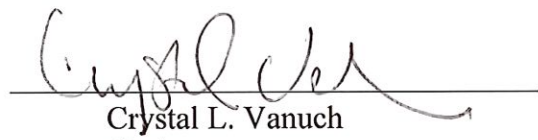
The "Minimum Standards" established in the Virginia Erosion and Sediment Control Handbook and section 11-12(b) herein shall apply to all approved erosion and sediment control plans for land-disturbing activities. ~~An inspector, acting pursuant to section 11-17 of this chapter, may require additional conservation practices not specified on the approved plan. If the change is permanent in nature, the permittee shall be required to meet the requirements of section 11-36 of this chapter.~~

ADJOURNMENT

At 8:46 p.m., Chairman Vanuch adjourned the December 13, 2022 Stafford County Board of Supervisors meeting.



Randal E. Vosburg
County Administrator



Crystal L. Vanuch
Chairman