

STAFFORD COUNTY PLANNING COMMISSION

February 8, 2023

The meeting of the Stafford County Planning Commission of Wednesday, February 8, 2023, was called to order at 6:00 PM by Chairman Kristen Barnes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Kristen Barnes, Albert Bain, Dexter Cummings, Steven Apicella, Martin Martinez, Laura Sellers, Willie Shelton, Jr.

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Ginny Adams, LeAnn Ennis, Mike Zuraf, Doug Morgan

DECLARATIONS OF DISQUALIFICATION

Ms. Barnes: Do we have any declarations or disqualifications this evening? Alright, hearing none, do we have any changes to the agenda? Okay, hearing none, we'll move on to the Public Presentations portion of tonight's meeting. The public may have up to 3 minutes to comment on any matter. There will be a separate comment period for public hearings, which I don't think we have any tonight so that'll make it easy. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's 1 minute left. And red means your time is up. If anyone would like to address the Commission, please come forward. Okay, seeing nobody, I will close the public presentation portion of tonight's meeting and move on to number 1 on our agenda is Unfinished Business and that is the Preliminary Subdivision Plan of Centreport Village. And that has been deferred to the February 22nd meeting. So we'll move past that one and on to New Business. And for that we've got the Preliminary Subdivision Plan for the Hampstead project and for that we recognize Ms. Ginny Adams.

PUBLIC PRESENTATIONS

NONE

PUBLIC HEARINGS

NONE

UNFINISHED BUSINESS

1. SUB22154082; Preliminary Subdivision Plan - Centreport Village – A Preliminary Subdivision Plan to create 494 townhouse lots on Tax Map Parcel No. 37-30A (portion), zoned R-2, Urban Residential—Medium Density with proffers, on 95.50 acres, located on both sides of Centreport Parkway, approximately 1,116 feet south of the intersection of Centreport Parkway and Mountain View Road, within the Hartwood Election District. **(Time Limit: March 26, 2023) (History: Deferred from January 25, 2023 to February 22, 2023)**

NEW BUSINESS

2. SUB22154565; Preliminary Subdivision Plan – Hampstead – A 3-acre subdivision proposing 90 single-family lots to be served by private well and septic on Tax Map Parcel Nos. 26-45 and 26-46, zoned A-1, Agricultural, consisting of approximately 696 acres. The Property is located on

Planning Commission Minutes
February 8, 2023

the west side of Poplar Road, north of Stony Hill Road, within the Hartwood Election District.
(Time Limit: May 3, 2023)

Ms. Adams: Good evening, Madam Chair Members of the Planning Commission. Item number 2 is a request for approval on a Preliminary Subdivision Plan for Hampstead. The proposed Hampstead subdivision is located on Assessor's Parcels Number 26-45 and 26-46. The combined acreage of the two parcels is 696 acres. The subdivision is proposing 90 single-family lots in acreage from three to four and a half acres. The property is located on the west side of Poplar Road, approximately one mile north of the intersection of Stony Hill Road, and is zoned A-1. The aerial map shows the existing conditions. As you can see, it's mainly open agricultural land with some wooded areas and streams. The proposed subdivision will be located mainly in the areas already under cultivation. The existing mitigation bank, pond, and wildlife corridor areas are mainly in the wooded areas or along the streams and wetlands areas. All the adjoining properties are currently zoned A-1. This site contains three historically sensitive locations. All are located within the existing mitigation bank. In the red circles from top to bottom we have a prehistoric woodland Indian site, an 18th century stone barn foundation, and a historic domestic settlement site. The existing wildlife corridor pond and mitigation bank, which is the area in these plans shaded in green, is under a separate conservation agreement. The agreement was amended in October of 2012 to add the pond, and the pond is circled in blue. There are two existing cemeteries which I've circled in red on these plans. They're located on proposed lot 61 and 46. The cemeteries will be preserved and fenced as required by the Zoning Ordinance 28-39. An easement, including access, will be provided through each proposed lot for the cemeteries. The existing home, which is in the circle that's light orange, is to be renovated and will be located on proposed lot 46 which also includes one of the cemeteries. All existing farm outbuildings, like barns, sheds, and silos are to be demolished. And the lots will be served by well and septic

Mr. Bain: Ms. Adams, may interrupt one second?

Ms. Adams: Sure.

Mr. Bain: Those cemeteries, are they currently being maintained by anyone? Do you know?

Ms. Adams: I'm not sure.

Mr. Bain: Okay. I'm just wondering if, if they're not, and there are a lot of cemeteries in the county that aren't, would the homeowners association then assume responsibility for keeping weeds and...?

Ms. Adams: That is typically what's done.

Mr. Bain: Okay. We'll make sure that the applicant understands that.

Mr. Apicella: Yeah, I've got a kind of similar broader question about the mitigation bank. It's a pretty large piece of the overall parcel. Who's responsible for maintaining it now? And who's going to be responsible... I guess I should start, I should back up. Mr. Bain asked a question or inferred that there's potentially an HOA. Do we know if there's going to be an HOA?

Ms. Adams: I don't know. I would have to ask; that's probably going to come up on the construction plan. Is that correct? Yeah, open space has to have an HOA.

***Planning Commission Minutes
February 8, 2023***

Mr. Apicella: Okay, so, so that kind of goes to the next question, who's maintaining the mitigation bank now? And who's going to be responsible for maintaining it in the future?

Ms. Adams: I believe there's currently an LLC that's maintaining it. I don't know how that's gonna work with the subdivision. It may be the same entity, I'm not sure.

Mr. Apicella: Okay. Thank you.

Ms. Adams: Any other questions?

Mr. Apicella: Not yet.

Ms. Adams: Okay. The primary entrance to the subdivision will be located off Poplar Road and will serve 70 of the 90 lots. Lots 1 and 2, which are along Poplar Road, will have a shared driveway on Poplar Road. And there is a waiver that was approved by the Director in August of last year because a private access easement cannot serve them. The proposed secondary access is an extension of Artillery Drive, which is through the Cannon Knolls subdivision and will serve the remaining 18 lots. The secondary street access, or SSAR, was approved by VDOT for an extension of Artillery Drive. The existing wildlife corridor pond and mitigation bank, the areas that I already previously noted as shaded in green, consists of approximately 315 acres. There will be no construction permitted within this protected area. All the proposed roads will be located outside of the conserved area. Two hundred ninety-three of the total 696 acres will contain the proposed 90 lots, and they range in size from 3 acres to approximately 4.5 acres. Sixty-seven acres will be retained as open space. Staff recommends approval of this preliminary subdivision plan. There is no proposed construction in the previously conserved mitigation bank and wildlife corridor. Historic sites are all located within the protected mitigation bank and will not be affected by the proposed housing development. Staff believes it complies with all applicable ordinance requirements. Any questions?

Ms. Barnes: Okay, questions for staff? Mr. Bain?

Mr. Bain: Yes. Looking at – if you could go back to that site plan that was just on the screen for a second.

Ms. Adams: This one?

Mr. Bain: Yes.

Ms. Adams: Okay.

Mr. Bain: When I looked at that closely, there are a ton of sub-parcels identified for stormwater management. I don't think I've ever seen a development with so many stormwater management facilities. And I'm just wondering, are those going to be detention ponds, retention ponds, or infiltration facilities? And again, maintaining that many facilities, even if there's an HOA, gives me a little concern. Do you have any idea of what kind of facilities they're proposing?

Ms. Adams: I'll get back to you.

Mr. Bain: Okay, or we can wait for the applicant. The applicant can answer it. That gave me some concern. I know what it takes to maintain a detention or retention pond. It's not a cheap undertaking.

Planning Commission Minutes
February 8, 2023

Just, just to control weeds and stuff because of the steep slopes of the embankments. So that was a concern of mine. The other thing... let's see, I got to refer to my notes... the mitigation bank easement – is there going to be any sort of indication on an individual lot where the lot stops and the easements starts? Because I could easily envision somebody all of a sudden deciding, I'd like to have a horse barn. And the next thing you know, it's inside the easement. Is there any, any type of fencing that would go up?

Ms. Adams: It is my understanding that there is no area of the mitigation bank that is on any of the lots.

Mr. Bain: Well, it runs adjacent to the lots.

Ms. Adams: Correct.

Mr. Bain: There's a lot boundary, a rear yard that has a boundary. But this tree is on the lot, that tree's on the mitigation bank, there is no distinction. So how is a property owner going to know that he can't put a shed next to that tree, but he can this tree? Understand what I'm...?

Ms. Adams: Yes, I'm understanding what you're saying. I live on a farm so I understand perimeters are sometimes difficult to find.

Mr. Bain: They're not always fences.

Ms. Adams: No, no, there's not always a stop here sign. I wish there were some days.

Ms. Barnes: That's a good idea.

Ms. Adams: I would like to see something but I don't know what the plans are. I would think that it's going to be standard iron rods set at the property lines. And it would be up to the property owner to know where their property lines are. If they have their survey for their property, they should be able to determine that. Yeah, they have to all be these days.

Mr. Bain: I'm sorry, I couldn't hear you.

Ms. Adams: It must all be staked; it is a requirement.

Ms. Ennis: There's typically...

Ms. Barnes: Can you speak into the microphone?

Ms. Ennis: There's typically signage that we require. I didn't tell Ginny this. There's typically on the construction plan there'll be signage. When this construction plans come through, there'll be signage that this is a resource protected area. And it's a detail that we show on the plans, that the signage will be there, that will be up against these properties that adjoin the RPA or they're mitigated...

Mr. Bain: So when you say signage, on the plans or will a sign actually be placed out in the field?

Ms. Ennis: On the property. It'll be at the end of the property, and it's a requirement. The Environmental section reviewers require that signage to be on the plans. And it's, it's just a sign that says that this is a resource protected area, and that that's the end, you know, it's always at the end of all the... the beginning

Planning Commission Minutes
February 8, 2023

of the RPA when a property adjoins an RPA area. Again, there's details; the signage is required on the plans. On the construction plans, not on a preliminary.

Mr. Apicella: So, just to be clear, I'm just gonna give an example. Lot 82, 81, 80, those will all have a sign and it will stay there?

Ms. Ennis: Forty-four, 43, 42, yes, 26, 25, 24, 23, 22.

Mr. Apicella: You don't have to read them all. I'm just saying. *Inaudible, audio not clear*... an example. So there'll be a sign and it will stay there. Somebody puts a house up, and the sign will still stay there.

Ms. Ennis: Yeah, it's, it's a requirement of the construction plans to put them, to install them up against the RPA area.

Mr. Bain: Until they mysteriously disappear for... *inaudible, audio not clear*.

Ms. Ennis: We've been doing it that way for years, and I don't know how long they actually stay there. But they're there. They're there. We install them. We don't install them, but we make them be a requirement.

Mr. Bain: Alright, just one last follow-up on it. I presume there's no maintenance requirement for that easement area. They don't have to mow the grass or anything. It's a wild area...

Ms. Barnes: Undisturbed.

Mr. Bain: ...undisturbed. And there's no real maintenance requirement.

Ms. Adams: Okay. Are you talking about the mitigation bank?

Mr. Bain: The mitigation bank.

Ms. Adams: There is information in the mitigation bank documents that specifically spell out what can and can't be done in it. And they're not allowing a whole lot of disturbance in it.

Mr. Bain: Okay, yeah, that that makes sense to me.

Ms. Adams: Yeah, because it's really designed, from what I read and the way I interpreted it, as a wildlife corridor. So it's meant to be a wild space for the animals, for the bears that are out there, and raccoons and who all knows what.

Mr. Bain: I hope not too many bears.

Ms. Adams: Well, it's in Hartwood – we've got bears.

Mr. Bain: That's true. It's Hartwood.

Ms. Adams: There might be coyotes, too.

Ms. Barnes: They were there first, yes.

***Planning Commission Minutes
February 8, 2023***

Mr. Bain: We have coyotes on my farm, so. Alright. I think that was all I had. Thank you, Ginny.

Ms. Barnes: Mr. Harvey?

Mr. Harvey: Madam Chairman, also, just for information for the Commission and the general public, if someone's going to build a shed on their property or install a fence on the property, the Zoning Ordinance requires that they get a zoning permit; not necessarily a building permit. In some cases a building permit's required. But in all cases, a zoning permit is required. And part of that zoning permit review is for them to show the property lines and where they're putting that feature. So if people are doing it right, we shouldn't have any problems with someone putting a shed or a fence on someone else's property. However, we do see that quite often. Again, we encourage people to do the right thing and apply for a zoning permit when they install those kinds of features.

Ms. Barnes: Okay, any other questions for staff?

Mr. Bain: Maybe just one for clarification purpose.

Ms. Barnes: One.

Mr. Bain: It might have a few sub questions. You had mentioned the lots are three to four and a half acres in size. And that's not consistent with the current zoning requiring 6-acre densities in A-1 land. I think just for clarification, it should be pointed out that these, this subdivision was platted long before that ordinance was enacted. And that's why you have some relatively small lots, I believe, I don't know the bottom line. But the, in this, and I guess maybe this is my question. Do you, do you extract the mitigation area when you're determining density parameters?

Ms. Adams: Yes.

Mr. Bain: Or is it the total lot, total parcel acreage?

Ms. Adams: I ran the numbers both ways. I first ran it, extracting the mitigation bank, and it made the 6-acre density rule. So with the mitigation bank in there, it would have way exceeded the requirements of a 6-acre density rule.

Ms. Barnes: Okay, so there's a 6-acre density rule, but the minimum lot size is 3 acres.

Ms. Adams: Correct.

Ms. Barnes: Okay.

Ms. Adams: You can have no lot in A-1 smaller than 3 acres. But you can't have more than one dwelling per 6 acres.

Ms. Barnes: Right. So if it was under the old Ordinance of a 3-acre density, there'd be a lot more houses on there.

Ms. Adams: More than likely.

Ms. Barnes: Okay.

***Planning Commission Minutes
February 8, 2023***

Ms. Adams: And they're actually not doing all the houses that they could on this parcel.

Mr. Bain: Okay.

Mr. Apicella: Well, not too many more, because, again, they still have the mitigation bank area, they couldn't build on that, so. They are building less though than I think they could.

Ms. Adams: Right, because they can't build in the mitigation bank at all.

Mr. Cummings: We can blame Jeff for this question. It's just for my edification, not anything dealing necessarily with the plan. Jeff, in the permitting, do we take into consideration for stormwater drainage and all that stuff, these sheds and everything else that could possibly be on the, on these properties?

Mr. Harvey: Madam Chairman and Commissioner Cummings, the short answer is yes.

Mr. Cummings: Okay.

Mr. Harvey: There's two aspects that we look at. With all of our zoning classifications, there's an open space ratio. So the open space ratio is supposed to take a look at how much of the area's rooftop and pavement versus what's green. So we look at it from that perspective. Then also, too, with a subdivision, there's stormwater management is looked at twice; once as the neighborhood's being built out with the streets and the public infrastructure, then also on the individual building permit application. So we know that the water quantity and quality is being handled so it doesn't have adverse impacts on other adjacent properties.

Mr. Cummings: Okay, so just to find a point, it's being tracked on an ongoing basis by Planning and Zoning, by Zoning.

Mr. Harvey: By our Development Services Department, yes.

Mr. Cummings: Okay. Alright, thank you.

Ms. Barnes: Ms. Sellers?

Ms. Sellers: Yeah, back to the stormwater question. I caught it too. And there's about one stormwater pond for every 10 houses. And when you look at the plan, it appears that they've thrown stormwater retention ponds or whatever they're gonna be in places that could have possibly been a house. Are they just... was there a rhyme or reason for these stormwater ponds?

Ms. Adams: I'm gonna defer to the applicant on that.

Ms. Sellers: Okay, thank you.

Ms. Barnes: Okay, any other? Well, I just, I'm gonna ask a question. I know the answer. Because I had some questions. Somebody said, well, why are we approving all of these townhouses and houses out in our... this is a by-right development, correct? So they have a right to build these houses at a 6-acre density. And our process here is simply mitigate... is simply ministerial, or making sure that all the i's are dotted and all the t's are crossed, and then it gets approved.

Planning Commission Minutes
February 8, 2023

Ms. Adams: That would be my understanding.

Ms. Barnes: Okay, just clarifying that. It's not necessarily this is... somebody asked if this was a reclassification. It is not a reclassification, it is a by-right development. Okay, thank you. Any other questions for staff? Okay, would the applicant like to come forward, or...? I thought you were getting ready to talk. Okay, go ahead.

Ms. Ennis: The applicant is here and he can answer your stormwater questions and stuff like that. But, you know, when you were talking about the 6- acre density and stuff, so they could have, minus the mitigation, they could have built 116, their density-wise could have built 116 houses, and they are building 90. So some... that number came up somewhere and I just wanted to make clarification on that.

Ms. Barnes: Okay, thank you for that, LeAnn. Okay, would the applicant like to come forward? Welcome.

Mr. Garrison: Madam Chairman, Chairwoman, members of the Commission, my name is Lee Garrison. I represent the Development Group and I will try to answer questions that have been asked, any other questions, and I don't know if you want to start with asking questions, or I can try to answer a question Ms. Sellers had and Mr. Bain. Someone asked about the cemetery maintenance, I can answer anything that you'd like.

Mr. Bain: Start there.

Mr. Garrison: With regard to the cemeteries, one of the cemeteries is the Crocker family cemetery. And that is currently fenced and maintained by the family even though they don't live on the property. And then the other cemetery's an older cemetery that's in a farm field. But they will be fenced and maintained as part of the HOA. The family may actually go above and beyond, but the covenants in the HOA will maintain, make sure that it's maintained. With regard to the mitigation bank, you know, it is separate property. It cannot be on any of the lots themselves so there will be lot corners. We will put signage up, there will be notifications, it will be monitored to make sure no one goes in the mitigation bank. That is maintained by Hampstead Mitigation, LLC. It's owned, the easement credits are part of the Hampstead Mitigation, LLC. Right now, the property is farmed and hay is made on part of it. As they put in wetlands and stream restoration projects to get the credits, it goes away from farm field to that, so there's a combination of maintenance and that will continue in the future.

Mr. Bain: What was the name of the group? Hampstead...?

Mr. Garrison: Hampstead Mitigation, LLC.

Mr. Bain: Okay.

Mr. Garrison: It used to be a group I think it was called Pristine Waters, and now it's Hampstead Mitigation. But there are recorded documents regarding the maintenance. But there, it's not the intention to put maintenance of that mitigation area on the homeowner's association.

Mr. Bain: Okay.

Planning Commission Minutes
February 8, 2023

Mr. Garrison: With regard to the stormwater, there are various facilities. We have met several times with Mr. John Saunders and his staff trying to figure out the best way being proactive meeting with him. Hey, what's the County like to see and we've got a combination of level spreaders, infiltration, swales, detention facilities, a combination and the number is based upon where the drainage is going and the link to the roads. Because these are 3-acre lots and not a cluster subdivision that's smaller, you have a larger area. So you can't... to force water all into one location would be mass grading, which would not be good for that site. It would be detrimental to put a lot of storm sewer and grading just to force water in one location. So we've kind of dispersed them over and we want to have as little as possible as well as we go through the final. These plans are preliminary. We've done with our engineer as much work as we can, but now the quote unquote dirt's hitting the road. They're doing the design. They're meeting with staff to make sure the stormwater makes sense for everyone.

Mr. Bain: I like infiltration facilities. I really don't like detention ponds. I'm an engineer, retired. I've designed quite a few myself in areas like this where you have such a spread of the impervious surfaces.

Mr. Garrison: Right.

Mr. Bain: Infiltration's a much better approach to take. So I hope, hope that's how you push things if you can.

Mr. Garrison: And one thing, one good thing up there with regard to the drainfields, we've done all the soils work, and of 90 lots, it might be, I don't I don't know the exact number, but it's less than five alternative systems. And I think it's way less than five. So it is good infiltrating material out there.

Mr. Bain: That's good.

Ms. Barnes: Ms. Sellers, go ahead.

Ms. Sellers: So the property where the homes are going is, is cleared for right now, right? It's being cultivated so it's being farmed? There's not trees on it?

Mr. Garrison: Yes.

Ms. Sellers: So what is this, what does the storm water look like now before we put a road on it? Is it... does it flood I guess is my question. I can't tell the topography of this, of this...

Mr. Garrison: The topography all drains down to Potomac Run. Everything drains eventually down to the mitigation areas.

Ms. Sellers: And so then this, these stormwater ponds are to grab the water from the road?

Mr. Garrison: Yes, from the road to slow the water, to provide water quantity or quality if needed, before it goes down into the mitigation areas.

Ms. Sellers: Okay.

Unknown speaker: *Inaudible, microphone not on.*

Mr. Garrison: They're not like wet ponds, no.

***Planning Commission Minutes
February 8, 2023***

Ms. Sellers: Okay. And...

Mr. Garrison: We're going through the final design, but I would say the majority of them would be level spreaders, infiltrations swales, grass swales.

Ms. Sellers: And so swales are these obnoxious things you put in people's yards called a ditch that I have in my yard. And what is... I don't know what the level spreader, I don't know what that is.

Mr. Garrison: A level spreader is mainly to slow the water down. You know, you have quantity and quality and the level spreader will take your water and it spreads it out instead of being in a swale like this, you have stone, and you have timber, and it takes the water out and lets it go down through the grass instead of shooting it down through a pipe or a swale.

Ms. Sellers: Okay, so what I'm hearing is there's going to be less maintenance for the HOA.

Mr. Garrison: Our goal would be to, we don't want to put any more maintenance than we have to. I mean, we have to meet the state and county regulations. So whatever we have to do to meet the water quantity and quality. But maintenance is also a concern of the County and ours when we're going through the final design.

Ms. Sellers: Okay. Yeah, because that was my concern with nine stormwater management ponds. I'm thinking of, you know, some of these huge ones that we have in the County that are millions of dollars to maintain. But that's not, you're looking at mixing it up to where hopefully people won't even notice it's, it's that big of retention pond.

Mr. Garrison: Yeah, and one thing to keep in mind, too, with these plans, I know it's all on one sheet or two sheets, and each lot is a minimum of three acres. So you look at some of the stormwater areas that we have and it's very general on the preliminary plan. And as we get more detailed, some of the stormwater areas are 3 acres, 4 acres, and we're not gonna have a 3- or 4-acre dry pond, it will be a stormwater facility in that common area there. We're just having to go through that design now. But we don't want big 4-acre ponds everywhere.

Ms. Sellers: Okay, and I hear people saying this mitigation easement is going to be confusing, but let me tell ya, coming from on the Board of Supervisors the thing you hear the most about stormwater management. And people do not understand how these things work, including myself, having served on the Board of Supervisors and then purchased a piece of property with a swell in the back of, you know, yard. And so I would say if there's a way to educate people that might be worth considering or... *inaudible, being talked over.*

Mr. Garrison: And that's why our engineer has met with staff at least twice that I know of, before we've ever submitted construction plans, to get their feedback and to work together because we know that there have been concerns and issues and we're trying to address those. Now, not saying everything can be perfect, but we're trying our best to make everybody happy.

Ms. Sellers: That makes sense. Thanks.

Ms. Barnes: Mr. Bain?

***Planning Commission Minutes
February 8, 2023***

Mr. Bain: Yes, Mr. Garrison, as I indicated earlier, with Ms. Adams, this was subdivided a while back when there was no requirement for contributions towards schools, fire, parks, or anything. Have you proffered any funds towards those entities? You're bringing in 90 families that are going to have children that are going to go to school, they're going to have use of libraries. If there's a fire, they're going to be relying on the Hartwood Volunteer Fire Company. Were there any proffers made?

Ms. Barnes: Mr. Harvey, do you want to take that?

Mr. Garrison: The quick answer's no, and I don't know... I think the staff can probably address that better than I can as the developer.

Mr. Harvey: Yes, Commissioner Bain, this property has not been subdivided yet. It's a very large farm as referenced.

Mr. Bain: Oh, it hasn't been subdivided.

Mr. Harvey: Correct. That's what we're currently looking at today is the potential, the proposed subdivision of the property. So being it is by-right development, it's not subject to any negotiation with the County with regard to how to offset public facility impacts. The County does have a impact fee program for transportation improvements. So any lot that's created in the subdivision will be subject to paying that transportation impact fee. But that's the only offsetting fees that would be required of the development at this point in time.

Mr. Bain: Have not some other subdivisions that have come before us made contributions to schools when it wasn't a requirement, because they know they're going to impact schools and fire departments and that type of thing? My recollection is that there have been some.

Mr. Harvey: Commissioner Bain, that's again usually handled in the context of a zoning reclassification of the property from allowing it to have a low intense use to a more intense use.

Mr. Bain: Okay.

Mr. Harvey: But in this case, this is what we call by-right development, so it would not apply.

Mr. Bain: Right. Okay.

Ms. Barnes: I want to ask a quick question, piggybacking off of Ms. Sellers. You said that most of the lots that you're creating are on already cleared farm area. Isn't there a section in the smaller section below that's going to be cleared a little bit, some forest on that?

Mr. Garrison: Yes, there...

Ms. Barnes: Okay.

Mr. Garrison: I hope I didn't misspeak. The majority of the lots are open.

Ms. Barnes: Okay.

Mr. Garrison: There are several... *inaudible*...

Planning Commission Minutes
February 8, 2023

Ms. Barnes: There's like, there's two sections basically.

Mr. Garrison: ... I don't know if there's like 10 or 20 lots that have the areas on them that we would have to clear for the house site, driveway, and drainfield.

Ms. Barnes: Okay. And I remember mentioned that the old, there's a house on the property that's going to be maintained and rehabbed?

Mr. Garrison: Yes ma'am.

Ms. Barnes: Okay. And what's going to happen to that? Is that going to be somebody's prop... is that going to be somebody's house that's going to still live there or...?

Mr. Garrison: It will be, it will be part of... instead of building a new home on that lot, it will just be renovated and sold.

Ms. Barnes: So it'll be sold as part of the new property as the HOA. Is it an old farmhouse or?

Mr. Garrison: It's a brick older home, but it's a brick, I wouldn't call it a farmhouse, it's a house on a farm, but it's not a classic white... *inaudible*... barn house.

Ms. Barnes: Okay, got it. Alright. Any other questions? Go ahead Ms. Sellers.

Ms. Sellers: You mentioned that the soil testing. Are any of these systems going to be alternative septic?

Mr. Garrison: Less than five.

Ms. Sellers: Okay. And they're going to know this going in? This is not... I don't know if the County still has that God awful program where we go in and do the alternative drainfields but. Are the homeowners going to know that these are an alternative system that... or...?

Mr. Garrison: Yes, yes. Because they have to... and I should know the exact answer. It may be one... our goal is to have no alternative.

Ms. Sellers: Okay.

Mr. Garrison: And if we have to go in there and find better soils on that lot and if someone happens to come in and say, hey, I want to build a 3-bedroom home, then we might be able to do a conventional. But overall the soils are very good for drainfields.

Ms. Sellers: Okay, perfect. Thanks.

Ms. Barnes: Okay, last call for questions for the applicant. Okay, thank you very much. And because this is, this is not a public hearing, I guess we just bring it back to the Commission at this time. And, Mr. Shelton, this is in your district, what would... how would you like to proceed?

Mr. Shelton: Yes ma'am. We met with the applicant and we talked about water. We talked about sewer and Ginny worked very closely with us. So I'm going to recommend that we approve the preliminary subdivision plan for Hampstead SUB22154565.

***Planning Commission Minutes
February 8, 2023***

Ms. Sellers/Mr. Bain: Second.

Ms. Barnes: I think I heard Laura first on that one. So I have a motion by Mr. Shelton and a second by Ms. Sellers; any further discussion? Okay, please cast your votes. Okay, and that passes unanimously, 7 to 0. Congratulations. Okay, we'll move on to the next portion, and 3 and 4 look like they both have to do with the solar. Number 3 is the Comp Plan Amendments. Number 4 is the Zoning Ordinance. Can we handle those together? Is that okay? Alright. And at this point, I believe what we're looking at is scheduling a public hearing if I'm correct.

3. Amendment to the Comprehensive Plan – Solar Facilities and Energy Storage Facilities – Authorize a public hearing to amend the “Stafford County, Virginia, Comprehensive Plan 2016-2036,” as last revised on November 16, 2021, pursuant to proposed Resolution R23-10. The amendment would revise Chapter 2, “The Foundation for the Future” and Chapter 3.6, “Future Land Use Recommendations,” in accordance with Virginia Code §15.2-2229. The amendment would adopt new Land Use policies and guidelines for solar facilities and energy storage facilities. **(Time Limit: March 26, 2023)**
4. Amendment to the Zoning Ordinance – Authorize a public hearing for proposed Ordinance O23-01, which would amend the Zoning Ordinance, Stafford County Code Sec. 28-25, “Definitions of specific terms;” Sec. 28-35, Table 3.1, “Table of uses and standards;” and Sec. 28-39, “Special Regulations.” The proposed Ordinance would modify permitted districts and establish definitions and special regulations regarding solar facilities and energy storage facilities. **(Time Limit: May 5, 2023)**

Mr. Harvey: That is correct, Madam Chairman. And just to remind the Planning Commission, these were items referred to the Commission by the Board of Supervisors. Under state code, the Planning Commission has 60 days in which to hold a public hearing and make a recommendation on the Comprehensive Plan Amendment. And as indicated in the agenda, the 60-day time limit is March 26th on the Comprehensive Plan Amendment. That would mean the Commission would need to authorize your public hearing at your next, by your next meeting in order to meet that timeline. Slightly different, the Zoning Ordinance Amendment under state code and local ordinance gives the Planning Commission 100 days. So if the Commission needed more time on the Zoning Ordinance Amendment, you could separate that and follow a different path.

Ms. Barnes: Okay. Mr. Zuraf, you looked like you had something to say up there so.

Mr. Zuraf: Mr. Harvey covered it well, so I don't have much, too much more to add. But yeah, good evening, Madam Chair, members of the Commission, Mike Zuraf with the Planning and Zoning Department on these two items. I guess one point, I'd like to note, it was brought to my attention that in the Comprehensive Plan Amendment, the draft document, there is, I guess, a duplicate of a policy. Policy 5.5.8 is basically a mirror image of 5.5.7. So that initially, when we were going through the preparation, there were two separate, the two policies; one dealt with solar and the other one dealt with energy storage and we ended up combining that policy into one. So 5.5.7 covers everything, and 5.5.8, I believe, could be, could be removed from the proposal. So I just want to make that note.

Ms. Barnes: Mr. Apicella?

Mr. Apicella: Madam Chairman, I would just respectfully ask that we take a two week pause on this. I had asked staff to socialize the final draft, I guess I'll call it semi-final draft, with Prince William and

Planning Commission Minutes
February 8, 2023

Culpeper counties who have a lot of solar facility activity going on at the current moment, just to see if they have any thoughts on, on the Comp Plan and Ordinance changes that we're proposing. I had a couple other issues that I raised with staff, one of which was we put in a placeholder of a cap of a thousand acres for the maximum size a project could be for a utility scale project. I can't say there was any science to that; it was just a number. We discussed it at a meeting. Could be more, could be less. And so I asked, you know, that we maybe take another look at that to see if that's really the right size that we should, should have as cap. I also asked a question about both the floor and ceiling of solar panel. We had an original proposal in the draft that we were first working on and that, that kind of went by the wayside as we went forward. And in going back and forth with staff, they had a possible recommendation that we put something in the Comp Plan rather than an imposition in the Ordinance. So that might be something we want to consider. You know, I don't think we want 20-foot tall panels. And I also think we might want to consider a floor because one of the things we're saying in the, in the policy is that they need to have a vegetation underneath all the solar panels. So we might want to require, or at least indicate a preferred floor for the solar panels. And I also mentioned that the duplicate policy that Mike just mentioned. So those are some things that, you know, I think we could take a look at in the next two weeks, and come up with a final product for the next meeting that we can move forward to a public hearing.

Ms. Barnes: Okay, any further questions or comments?

Mr. Shelton: Madam Chair, I have a question of our county attorney.

Ms. Barnes: Mr. Shelton, go ahead.

Mr. Shelton: Since this comes online, the two projects in the mill ex post facto, de facto would... do these requirements apply to the ones already in the mill?

Ms. Lucian: I don't think their application is far enough in the process. I think Mike can probably answer that question for you. So this, this ordinance would apply to them.

Mr. Shelton: Thank you.

Mr. Zuraf: I think the only exception might be if, if these actions go through and happen to get approved... if the Comp Plan Amendment and the Ordinance gets approved by the Board before these, the active cases get acted on, the board could choose to kind of make exception that like this would apply to any project submitted after whatever date. So that, that exception could be made if needed. But that usually gets determined later. But at this point, as Ms. Lucian said, it would, it would all apply.

Ms. Barnes: Mr. Bain?

Mr. Bain: Yes, just a logistics thing. Mr. Apicella's recommendation to postpone this for two weeks; are you anticipating the committee will meet again to discuss things?

Mr. Apicella: I think we could handle it as a full Commission. Those aren't...

Mr. Bain: Okay.

Mr. Apicella: ... you know, showstoppers that we can't discuss as a full body.

***Planning Commission Minutes
February 8, 2023***

Mr. Bain: Alright, that's fine.

Mr. Zuraf: And I do have a, I guess for clarification, you know, we, we were in kind of our discussions among us on the staff level, we were thinking these might be appropriate Comp Plan Amendment items and just wanted to confirm if the Commission had a preference as to where that maybe would go as opposed to, you know, establishing it as Comp Plan recommendations or guidelines as opposed to writing these, these issues in as ordinance requirements.

Mr. Apicella: I'm personally fine with putting them in the Comp Plan. I think, you know, the point that you raised that each project could be looked at individually, and there may be circumstances that indicate we should do something different. So I think that's a good starting point of putting it in the Comp Plan.

Mr. Zuraf: Alright. And on the, just to let everybody know, yeah, we were... contacted staff in Culpeper County and learned that they actually are going right through the process at the same time now. They're farther along, and actually last evening, they adopted new guidelines and ordinance amendments to their solar energy rules, and they actually established a 300-acre cap on and as part of their zoning ordinance so.

Ms. Barnes: Culpeper's on the ball, we got to catch up.

Mr. Apicella: Can I just...

Mr. Bain: For utilities scale or?

Mr. Zuraf: Well, just for any project.

Mr. Bain: For any project.

Mr. Apicella: Well, you wouldn't, you wouldn't have a community scale at 300 acres. But just to caveat what I said, if there's something that we see in Prince William or Culpeper that we might want to consider for the, for the ordinances, I don't think we should say no to that. I mean, we'd say you might want to tweak this or add this, I think that should be something that you guys might want to let us take a look at at the next meeting.

Mr. Cummings: On the issue of... I could ask this two ways, I'm asking the latter. So the idea of grandfathering and not grandfathering kind of gives me a little agita consistency and transparency and the ability to know what you have, when you have it. I think would be a good thing. But I'm not going to make a pronouncement about that I'm saying. When you talk to Spotsylvania and others, think about whether or not we should continue to allow it to go to Board of Supervisors and allow them to have the opportunity to be grandfathered in, or whether we're going to set, or as a Commission, set a bar as to what we want. I leave it up to staff for consideration after talking over with other jurisdictions. And I just wanted to put that out there.

Mr. Apicella: I'm just, I'm just trying to follow what you're saying. Because the only two projects in the queue are the two that are potentially coming up in March and April; nobody else has submitted an application.

Mr. Zuraf: And they are aware of these rules and the draft ordinance. And I think they're... I think that as they stand there, they're okay and they're consistent. So I don't think it's really an issue.

Planning Commission Minutes
February 8, 2023

Mr. Cummings: So it's a non-issue to put an effective date.

Mr. Zuraf: No, I don't believe so.

Mr. Cummings: The lawyer in me wants to. [*Laughter*]

Mr. Zuraf: If the Board... if it gets approved, it's effective immediately, unless stated otherwise.

Ms. Barnes: Okay, it sounds like there's... Ms. Sellers, you had your hand raised?

Ms. Sellers: Just out of confusion, why are we identifying Conserve Virginia in here? Is there a reason we would put an entity in, in the policy like that?

Mr. Zuraf: They have defined agricultural areas of significance and updated resources that are, that we can refer to in this, in this effort.

Mr. Apicella: And I want to say I remember at one of the meetings, it was the Friends of the Rappahannock who recommended that.

Mr. Zuraf: Yes.

Ms. Sellers: I'm going to have to look at that, because that may make sense today, but will it make sense into the future?

Ms. Barnes: We've only got a couple more weeks to look at it.

Ms. Sellers: Yeah, I'm gonna have to go look at this organization and see, see what it is, but.

Mr. Apicella: Yeah, Conserve Virginia is a state. It lists the priority land conservation project throughout the Commonwealth. It's a state, it's a state-run program by the Department of Conservation Recreation.

Ms. Barnes: Okay.

Mr. Zuraf: And if it's part of the Comp Plan, it will get evaluated every five years and could be modified in the future if, for some reason, that entity changes in any way and then is not, no longer in effect.

Ms. Sellers: I'm just gonna have to look into it. I mean, it's very odd to see us name an entity like that. I mean, even if it is, government agencies change all the time. So, you know, I would just, just say, what are we trying to capture here and let's capture that and not name the organization, but I'll take a look at it.

Ms. Barnes: Okay, I think we've talked this out pretty good. It sounds like there's an appetite to possibly defer this to February 22nd meeting. Is that, what is the will of the Commission? Do we need to vote on that?

Ms. Lucian: I don't think you have to, but it's, it always makes it clear to go ahead and do it. Otherwise, it'll just get passed over and come back next meeting.

***Planning Commission Minutes
February 8, 2023***

Ms. Barnes: Okay, well, let's do this. Let's go ahead and do a quick vote on it. And, Mr. Shelton, you're the Chair of the committee, would you like to make a motion?

Mr. Shelton: I make a motion we defer for two weeks to February the 22nd to allow staff and ourselves to review things.

Mr. Apicella: I'll second that.

Ms. Barnes: Okay, so we have a motion by Mr. Shelton, a second by Mr. Apicella, to defer both number 3 and number 4, the Comprehensive Plan Amendment and the Zoning Ordinance change to the February 22nd meeting. Any further discussion? Alright, seeing none, please cast your vote. And that passes unanimously. Thank you very much. And we will move on quickly to the Planning Director's Report.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you, Madam Chairman. Yesterday at the Board of Supervisors meeting, the Board had a consensus that they would like to pursue a joint meeting with the Planning Commission to discuss data centers. Staff is working with the County Administrator's Office to hone in on a potential meeting date. Once I know that meeting date, I'll poll the Commission for determination if a quorum can be met.

Mr. Apicella: Madam Chairman, can we at least ask that it be an evening meeting rather than during the daytime? I know they meet like three o'clock.

Mr. Harvey: Madam Chairman and Commissioner Apicella, that's my understanding that staff is currently working towards an evening meeting. Also Madam Chairman, I had a discussion with the Economic Development Director, Mr. Holden. There has been a number of Board members and other interested County officials that have toured a data center site. And Mr. Holden has offered that if the Commission is so interested, he can make arrangements with a data center owner to facilitate a tour by the Planning Commission.

Ms. Barnes: How would we do that? I mean, only two of us go or how do we...?

Mr. Harvey: Madam Chairman, if we know that there's more than two people on the Commission interested in attending, I'll pass it on to Mr. Holden, then we can work to set a date where we can provide proper notice.

Ms. Barnes: Okay. Is there an appetite for that? Anybody? I think? Yeah. I think that's pretty unanimous, everybody would like to do that. That sounds like a good idea.

Mr. Harvey: Thank you, Madam Chairman.

Ms. Sellers: What are we doing? Are we creating like we did for solar farms or?

Ms. Barnes: You mean creating a subcommittee?

Ms. Sellers: No, like, what are we looking at with data centers? Are we trying to like...?

Mr. Harvey: Madam Chairman and Commissioner Sellers, to my knowledge, the focus will be on providing the Board and Planning Commission information with regards to data centers. That discussion

Planning Commission Minutes
February 8, 2023

in a work session may result in further direction to staff and/or the Planning Commission on if there needs to be any changes to the Comprehensive Plan or changes to our Zoning Ordinance.

Mr. Cummings: So let me jump in here. So and Laura to clarify, up north there's been a whole lot of consternation about how it impacts community. And it's now kind of disfavored. I think there's ways that we're directly in the path of all the data center stuff. You're going all the way down to North Carolina. And so we're just trying to, I think it's a good idea for us to actually see one in operation. I think there are multitude... well, not a multitude, but there's several different types that are coming online, and people are starting to look at them differently. And I think it would give us a good opportunity to see what is currently and possibly even explore, staff as well, explore what's possible, right, in terms of sustainability, and also engagement, community engagement, engaging with the community. And that's, that's not just from a, hey, this is what we're doing perspective. But how can we really integrate ourselves into the community and provide value back to the community in terms of reduction in noise, energy, and also potentially other things that can positively impact the community. Because they make a lot of money.

Ms. Sellers: I understand that. And it is on the Governor's Economic Development Plan. So there is money to be had out there. But we've talked about them before. That's kind of why like, what do you mean we're talking about data centers? We've looked at data centers before. And it's not in our Comprehensive Plan or Zoning Ordinance at all?

Mr. Harvey: Madam Chairman and Commissioner Sellers, the Zoning Ordinance, and Mr. Morgan can provide more detail, does make accommodations for data centers. Also, our Comprehensive Plan indicates that we want to encourage data centers and that we can make exceptions to extending sewer and water utilities outside our Urban Services Area for data centers.

Mr. Morgan: So yes, excuse me, Commissioner Sellers, yes, it is in the Zoning Ordinance and the Comprehensive Plan, much like Jeff had mentioned. In addition to that, they are listed in different districts; by-rights, conditional use permits. I believe that the intention was to see exactly what they are, what the impacts are. And that site visit was to look at the surrounding areas, what the pros and cons were, and maybe what, what we could do better when they do come to Stafford County.

Ms. Sellers: Oh, to avoid a 2:00 AM meeting like Prince William County had.

Mr. Morgan: Exactly.

Ms. Sellers: I mean, I kind of... okay. It's just I was very confused, because we've talked about it.

Mr. Morgan: And as a point of correction, that meeting went till 5:15 AM.

Ms. Sellers: Yeah, don't touch the rural crescent.

Mr. Harvey: Madam Chairman, that concludes my report.

Ms. Barnes: Okay, thank you. County Attorney's Report.

5. Project Pipeline Report (For Information Only)

COUNTY ATTORNEY'S REPORT

Planning Commission Minutes
February 8, 2023

Ms. Lucian: Good evening, Commissioners. I have no report.

Ms. Barnes: Okay. Committee Reports. The only committee we have is solar, and I believe we pretty much covered that. Mr. Shelton, we have nothing more to add?

COMMITTEE REPORTS

Mr. Shelton: No, ma'am.

CHAIRMAN'S REPORT

Ms. Barnes: Okay, great. Chairman's Report. I am in the clear on this one. Nothing today. Other Business – New TRC Submissions. It looks like we have none. And I believe that all we have left tonight is approval of minutes, the January 25, 2023, minutes. Do I have a motion to approve?

OTHER BUSINESS

6. New TRC Submissions
 - NONE

APPROVAL OF MINUTES

7. January 25, 2023

Mr. Apicella: Motion to approve, Madam Chairman.

Mr. Bain: Second.

Ms. Barnes: Alright, a motion to approve by Mr. Apicella and a second by Mr. Bain. Any further discussion? Okay. All in favor say aye.

All members: Aye.

Ms. Barnes: Any opposed? Any abstentions? That match... excuse me. That item passes unanimously. And with nothing further in front of the Commission, can I have a motion to adjourn?

ADJOURNMENT

Mr. Shelton: Motion to adjourn.

Mr. Apicella: Second.

Ms. Barnes: Motion to adjourn by Mr. Shelton, a second by Mr. Apicella. All in favor say aye.

All members: Aye.

Ms. Barnes: Any opposed? Motion passes unanimously. And we are adjourned. Thank you very much and everybody good night.

Planning Commission Minutes
February 8, 2023

At 6:52 PM, Chairman Barnes adjourned the February 8, 2023, Stafford County Planning Commission meeting.

A handwritten signature in cursive script, reading "Kristen Barnes", written over a horizontal line.

Kristen Barnes, Chairman
Planning Commission