

STAFFORD COUNTY PLANNING COMMISSION

March 22, 2023

The meeting of the Stafford County Planning Commission of Wednesday, March 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, Laura Sellers, Willie Shelton, Jr.

MEMBERS ABSENT: Martin Martinez

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Crissy Kendall, Kathy Baker, Mike Zuraf, Doug Morgan, Stacie Stinnette, Vicki Sowers, Jason Towery

DECLARATIONS OF DISQUALIFICATION

Ms. Barnes: Are there any declarations of disqualifications this evening? Any changes to the agenda? Okay, I actually have one small change to the agenda if you guys will indulge me. I'd like to have Mr. Bain and Mr. Harvey meet me up front if possible. Okay, tonight is a very special night. It is Mr. Harvey's last Planning Commission meeting and we'd like to take a moment to celebrate his retirement from Stafford County Planning and Zoning. Jeff has been with Stafford County since 1989, and the Director of Planning and Zoning since 2003. That is 34 years. Very few people have left an imprint on Stafford as much as Mr. Harvey and it is truly the end of an era. There is a week of festivities planned. But the Commission wanted to do something special on our own to show our appreciation for all he has done not only for the Planning Commission, but for all of Stafford. We have, I have heard so many people sing Jeff's praises in the time that I've been on the Commission, about three and a half years now. Most notably Jeff's ability to remain unrattled, unflinching during our meetings. Even during the pandemic when Jeff had to read emails into the record in place of public comment his famous poker face remained solid with even the saltiest of public comments, and there were some salty comments during that time. That was fun to watch him read that. For us his leadership and depth of knowledge are irreplaceable. Every question was welcomed and encouraged. Every answer was thorough and thoughtful and no matter what curveball, we threw his way Jeff was ready to catch. So tonight, we have a few things for you. Of course, no celebration is complete without a good bottle of champagne, which we have here for you. In addition, a couple of months ago I asked if Al would be willing to create something special for your retirement. Al is an expert craftsman and artist and he has something to present on behalf of the entire Commission.

Mr. Bain: I can't do this one handed probably but Jeff, it's an honor. It's been a real pleasure working with you. I wish to go on longer because I still have a lot to learn. You've been a good teacher. And very patient with me I know. But for you I hope this will be useful. You can just pull that. It's heavy. And then rip the paper off. It's on its side. This a treasure box that I made and the seal of the Harvey family coat of arms is on the front. Thanks to Jeff's wife for that. I hope you can store many memories in there. It's purple heart, cherry, maple, and walnut on the inside. So, I wanted to get a little bit of all the exotic woods.

Mr. Harvey: Thank you. Thank you.

Ms. Barnes: In addition, on the inside there's a plaque that has all of our names on it so every time you open that up you'll remember us. We made sure of that. So, can we have everybody come down to have a picture. Stacie has come specifically to be our photographer this evening. So, if everybody would like to come down, that would be wonderful.

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Mr. Harvey: Thank you very much Planning Commissioners. It's been my honor and privilege to work with you all over the last several years. I think you've done a lot of great work and some of that's going to show up in tonight's public hearings. We don't have a big crowd tonight. I do and staff does appreciate all that you do to work with us to make the County a better place. Thank you.

Mr. Bain: Is now where we open the champagne?

Ms. Barnes: Yes. That'll be a very loud sound in here if that was opened, yes. Okay, we will move on to the next item on our agenda which is presentations by the public. This is an opportunity for anyone to speak on any topic or item except items scheduled for the public hearing tonight. So, if you're here to talk about or hear to speak to us about high school number six or the solar energy, please wait until those public hearings come on the agenda. When you come forward, state your name and address. Once you do so the green light at the podium will come on indicating 3 minutes to speak, the yellow light will come on when 1 minute remains, and the red light will begin blinking when the time has expired and we ask that you work to conclude your comments. Would anybody like to come up today and speak to the Commission? Welcome Ms. Callander.

PUBLIC PRESENTATIONS

Ms. Callander: Nice. You remembered my name. So does Jeff Harvey. He's known me since 1989. I'm Alane Callander. Well, we've been told that data centers can have economic benefit for our county. But I'm here to ask at what cost to our quality of life, our electric and water infrastructure and our environment. The Board of Supervisors and Planning Commission, and others, such as recruiters here for data centers should be cautious. Prince William County has an example of where it seems the county board was too hasty in turning beautiful rural lands right next to one of the country's most revered historic sites into a massive data center complex, which I've read has several times larger than the enormous well-known Potomac Mills Mall. When data centers are constructed too close to neighborhoods, they can lead to detrimental noise, as well as unpleasant view escapes. As with any major construction project, as data centers are built, trees and other vegetation will be stripped from the land, and there will be displacement of wildlife. I've heard that there already business in manufacturing, zoning designations in the county that allowed data centers to be built by right. I'm concerned about the potential for massive data centers to be built with no citizen input. I'd like the comp plan to be very restrictive where data centers can go and they should not slip through under the radar. There should be open dialogue and a serious effort to inform and involve citizens. We worry will a massive structure void of any attractive architectural features end up next to a neighborhood or school, along our transportation corridors, seen as we cross our beautiful, Rappahannock River, or will it be an eyesore for boaters enjoying the scenic river? Will data centers define Stafford as travelers make their way on I95? We already have large warehouses seen from the interstate. This after years of promoting George Washington's boyhood home and trying to make a name for Stafford as a tourism destination. Thank you.

Ms. Barnes: Okay, thank you very much. Would anyone else like to come up and speak to the Commission? Okay, seeing none, I will close this portion of the public presentations and move on to our first agenda item number one, conditional use permit, Stafford County Public Schools High School #6 and for that we recognize Kathy Baker.

PUBLIC HEARINGS

1. CUP22154763; Conditional Use Permit – Stafford County Public Schools - High School #6 – A request for a conditional use permit (CUP) to exceed the maximum height limitation with a height

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of up to 50 feet for a high school in the A-1, Agricultural Zoning District on a portion of Tax Map Parcel No. 36-37 (Property). The request would allow the proposed school building to exceed the maximum allowable height of 35 feet in the A-1 Zoning District pursuant to Stafford County Code Sec. 28-38(d), "Exceptions to height regulations." The Property consists of approximately 83.4 acres, and is located on the south side of Truslow Road, across from Summer Breeze Lane, within the Hartwood Election District. **(Time Limit: June 30, 2023)**

Ms. Baker: Good evening. Can everybody hear me? This is a conditional use permit for high school number six and the request is conditional use permit to exceed the maximum height of a school building. This proposal is for up to 50 feet where the maximum allowed in the A1 agricultural zoning district is 35 feet. The property size is at 83.4 acres which is a portion of a parcel that's approximately 127 acres. And this is in the Hartwood District and Stafford County Public Schools is the applicant. The general location is on the south side of Truslow Road. It's across from The Willows neighborhood where you'll see Cool Breeze Way and Summer Breeze Lane that access that neighborhood. To the east you see in the red is proposed elementary school site that will be adjacent to the high school site surrounded in blue. Also, to the east is the Cardinal Forest subdivision and south of the property is some undeveloped land along Warrenton Road where you see is existing commercial development. This shows the existing conditions. The high school site itself, I'll note, has been graded. That aerial map did not include the...showing where it has been graded if you'll see to the left is just an oblique view that shows the area along Truslow Road and primarily for the high school site itself. It has not been timbered yet to show, I should have said timbered not graded, it hasn't been timbered yet to the east where the elementary school is or on the western portion of the property. You'll see where I've noted Stafford Plaza Drive, there's a stub street that's partially constructed off of Warrenton Road to access those commercial properties along Warrenton that would eventually be extended all the way up to Truslow Road to provide access to both of the school sites. There's a resource protection area along the southern boundary. Falls Run Perennial Stream runs through following the boundary line. This just shows the area from basically the entrance at where you're where you would be looking at the high school site. The timbering that has taken place on that area on the photograph to the top and then to the left is looking east along that front edge of Truslow. And then to the right side of the screen is looking west along Truslow Road. The zoning of the property is A1 Agricultural, typically the north and the west and portions of the South are also zoned A1. The Cardinal Forest to the right of the screen to the east is R1 Residential, and then the B2 Commercial zoning you see to the south. This is the overall site layout for the entire development showing the road connection. I'll note that there right now shows on this plan the roundabout along Truslow and the Stafford Plaza Drive intersection. But that is likely being changed to a standard four way or well, a four-legged intersection. So that would be shown on future site plan. The Truslow Road at the top Stafford Plaza Drive to the east side of the property. And you'll see also the associated playing fields and football stadium that would go on to the eastern, excuse me the western portion of the site. The parking lots would be to the north and the south of the school building, which you see in gray. Just to zoom in a little bit on this view, you'll see the building itself and then to the right side or the eastern portion, this would be the highest point where the building would achieve that 50-foot height. Those are the academic wings; other areas of the building will be a bit lower and the roof line is going to vary based on the different sections of the school building. Note that this distance from the building to Truslow Road to the front property line is about 265 feet. You'll note along Truslow Road there is a 50-foot building setback that comes from the right of way on Truslow Road so the distance is about four times the required front yard setback there. The distance to the Western property line is over 1100 feet. I should have noted north of Truslow Road, the closest residents to the front portion of the building is about 400 feet and then to the west, the nearest residence is about a little over 1200 feet. And this just gives you, at the bottom you'll see the entirety, nice long school elevation from this picture. But that shows the, if you're looking to the left of the screen, in this instance I flipped the site layout to show this would be the

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view and so to the left as you're looking from Truslow Road, is where the highest end of the building would be. You'll note the 50-foot height as pointed out on the elevation itself. And then there would be additional screening of mechanical features such as the air conditioning units, heating units and other mechanical equipment at the top of the building. That is excluded from that maximum height limitation of 50 feet. And I just wanted to note that a site plan has been submitted this was just the first iteration of it. So, there were additional comments that I just wanted to show you where landscaping is proposed along Truslow Road along the Stafford Plaza Drive and it would be extended along the western property line as well. There will be additional landscaping within your parking lots and other areas of the site plan. The Comprehensive Plan designation is suburban. This property is within the urban services area. You'll note again to the north its agricultural rural designation, and then the resource protection designation along the southern boundary and then the remaining surrounding properties or suburban designation. As far as conditions we are noting it is specifically to allow the exception to the maximum height permitted for the school building. The maximum height would be no greater than 50 feet, and the structures would be located as shown generally on that overall site plan. The fire marshal had requested that they use a standpipe system which would improve fire flow for emergency situations. The primary school building would be located a minimum of 200 feet from the property line along Truslow and then a minimum of 100 feet from the right of way of the future Stafford Plaza Drive. And having that larger setback is one of the ideas for potentially reducing any visual impact that might be from the public right of ways or from the adjacent properties. So we do find the proposals consistent with the land use recommendations in the Comprehensive Plan. The increased height could potentially be mitigated by these building setbacks, as well as the limitations on the building lighting and building design features and landscaping. I did not mention that, and I did not include in that slide, but there would be a condition that limits the height of lighting on the school as well. So that would be at the 35 feet, which is currently the maximum building height permitted without a conditional use permit.

Mr. Bain: Would all of the lights have cut off collars on them?

Ms. Baker: Yes, that's, those are standard in our zoning ordinance, but we would limit the height as to where they can be placed on the building itself. And so, we note that these proposed conditions would help any of the potential negative impacts but at this time, we don't feel that there are negative impacts just based on the increase of the height for this structure. So, we are recommending approval of the application for that maximum height exceeding by 15 feet with the conditions as noted in resolution 23-117.

Ms. Barnes: Okay, questions for staff?

Mr. Apicella: Just a real quick question. I'm not sure if I heard you correctly about the lighting. Was there a condition or you just said because of the height limitation?

Ms. Baker: I thought that we had listed it in the conditions. I know I didn't put it in the slides. But that was the intent. Let me just look here real quick.

Mr. Apicella: It's not in the proposed conditions.

Ms. Baker: And we had discussed that with the applicant and the intention was to have that as a condition, that those lights would be mounted no higher than 35 feet on the building. So, we will add that to the resolution. That's just an oversight as far as the final product.

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Mr. Apicella: Can I ask one more question about the scope of what we can do here. So, the request for the CUP is related to the height of the building so whenever conditions that we are going to suggest have to be related to the height issue and not something outside that scope. For example, if we wanted to ensure that there was a traffic circle, for example, that would be outside the scope of this proposal CUP?

Ms. Baker: That's correct Mr. Apicella

Mr. Apicella: Okay. Thank you.

Mr. Bain: Can we go back to the GDP site plan?

Ms. Baker: Is that version okay?

Mr. Bain: Okay, that's a good one. I see, the height issue is one of visibility for the people that live on the other side of Truslow Road to the north of Truslow Road. I know that this site goes downhill towards the south. And I'm just wondering if you have any feel for how many feet of drop there is between Truslow Road and the northern edge of the building? Is it a five-foot drop or 20-foot drop because that that could have a significant impact on visibility? I should have asked this question the other day.

Ms. Baker: Well, we actually noted that in the staff report that the elevation at Truslow Road is really the same ground elevation as the building itself. By the time it's graded out, and the engineers here and the applicant can talk a little bit more to it. But by the time the site is graded, the building should sit about the level in elevation, where Truslow Road sits.

Mr. Bain: Then I'm wondering, is there any opportunity to move the building south, sort of switch it with that lower parking lot and put all the parking to the north and have the building as far away from Truslow Road as the site would allow to, again, minimize the visual impact of the structure on those homes along Truslow Road.

Ms. Baker: I would have to defer to the applicant to address that as far as their engineering and other limitations.

Mr. Bain: I'd like to get their opinion. I know they've put a lot of effort into the site layout. I'm sure it's what they want. But it's just one thing that maybe could help. That's all I had. Thank you.

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

Ms. Sellers: How many classrooms are going to be on that third floor?

Ms. Baker: I do not know the answer to that but the schools can answer that. I'm sorry.

Ms. Sellers: Okay. It's not the same elevation as Stafford High School rebuild was and Mountain View? I think they're the same footprint.

Ms. Baker: Again, I'm not...I'd have to look at those layouts to see exactly how they match. I'm sure they can answer that as well.

Ms. Barnes: Okay, I do have questions, and I'm sure everybody's going to know exactly where I'm gonna go where I always go with my questions. Can we go back to the GDP and take a look at the landscaping

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around the edge? So, I know, we did get a comment from the public about ways or concern about the building being so high, that it's going to be more visible to the surrounding area. I noticed on one of them, it probably wasn't this one, maybe there was another, possibly that one, where it showed some of the landscaping around, yeah that one, there you go. What kind of landscaping is that? Because I think that if we're going to have a high school that's going to be or building in that area, that's going to be a little taller than what would normally be permitted without a CUP, that we need to have maybe some extra measures to mitigate that. Can you tell me anything? And once again, this may be a question for the applicant, but I'll give it a try. Can you tell me anything about that landscaping and the trees that are going to be around there? It looks like there's a little bit of landscaping on the north? That's the northwestern side there, that butts up against that next parcel. How many? How wide is that? And what kind of landscaping is going to go in there? And how mature is it going to be when it's planted there, you know, two-foot-tall trees, it's going to take 20 years for them to be any kind of screen.

Ms. Baker: So, all of the landscaping requirements do come from the ordinance and our design manual that addresses landscaping. They can take credits for landscaping is one thing. So, during the site plan that would be all be calculated. Right now, as it's shown on the site plan that's about a 50-foot width along Truslow Road. And it's a mix of deciduous and coniferous trees. I believe it's holly and oak, and it's a red oak, I believe, and maple trees that that would go along the frontage. And I did not specifically look, because I know they're amending the one on the western property boundary. I believe it's the same mix of trees, the same type. But again, the site plan itself, one of the comments was that that buffer needs to be extended down the property line along the western side.

Ms. Barnes: So, it'll go down past the baseball field and possibly into...?

Ms. Baker: It should go all the way down past the fields.

Ms. Barnes: Okay. And I know that we have ordinances and specific guidelines for that, but being that we're going to have a building that is higher than is normally that without a CUP, I wouldn't see any reason why we couldn't go above and beyond but maybe that's something that we can talk to the applicant about. Because, you know, we've got houses, this is a residential area, and we put it basically not really a high rise but a very high building. I think that we need to make some extra effort to make sure that we screen that, especially considering you know, we're going to have lights and kids running around there that you know, some extra trees or some extra width, I think would be a necessary addition to that. Ok, any other questions?

Mr. Apicella: So I'm gonna piggyback off of that comment. So, for Mr. Tolson, I don't know if this is truly to scale, but it looks like there's only going to be one row of trees, is that...

Ms. Baker: I'm sorry, who's Mr. Tolson?

Mr. Apicella: That's the person who has the lot closest to the baseball field. Is that, is this to scale and does that mean that that's what's going to be provided just one row of trees?

Ms. Baker: Again, this was the first edition of the site plan which has not been modified based on any staff comments so I'm not certain what that what that western boundary landscaping specifically is required. We can certainly look that up and let you know what that is. But they've made comments as far as what would be provided, required along that boundary line so I don't know specifically what it's going to come back looking like.

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Mr. Apicella: So I guess my question is, again, since this is related to the height, is it permissible for us to have a CUP to say something along the lines of along that Northwest boundary that there would be at least two rows of trees where possible?

Ms. Baker: I mean, I think it's going to depend upon what trees you're looking at. If you are looking directly from there, I know, I mean, maybe a 20-foot-tall tree is going to provide some visual. So, it's just as long as it's based on what it is going to do to serve the purpose to shield the extra height of that building. If that makes sense.

Mr. Apicella: So again, I'm not clear, can we or can we not have a condition that says something along those lines?

Ms. Baker: I mean, to the extent possible, and again, I'm not sure if you want to discuss with the applicant, what kind of room they have on that side but I think you should probably have the conversation with them first to find out what the width is they can probably give you the specifics on what's required, and what the heights are as what they're proposing. I did not look more in depth into the site plan, because I knew it was coming back with, as a revision.

Mr. Apicella: No, I understand. And certainly, we'd like to get the feedback of the school system, but I'm just asking the possibility if it's within the scope, and whether or not we can potentially consider content.

Ms. Baker: Yes, that would help with some visual mitigation.

Mr. Apicella: All right.

Ms. Sellers: Do we know that's what the homeowner wants. I mean, the baseball field, a lot of people would go and stand along the field there. As a homeowner he may want to watch the baseball game.

Mr. Apicella: We I mean, we got a comment from Mr. Tolson who was concerned about his visual impacts of the high school. So, I would assume that putting additional trees might make him happier.

Ms. Sellers: It just, can we like have a gentleman's agreement rather than put it in a contract? I mean, that's just something that I would say.

Mr. Apicella: Yeah. Unfortunately, a gentleman's agreement has no enforcement effect. Anyhow, I would be interested to hear the school systems comments on that.

Mr. Harvey: Madam Chairman and Commissioner Apicella,

Ms. Barnes: Go ahead Mr. Harvey

Mr. Harvey: If the Commission is so inclined to add a requirement for additional plantings or specify the plantings along that boundary in more detail. Staff would recommend that we come up with a specific recommendation on the types of plants and how tall they would be at planting.

Ms. Barnes: And by we you mean us tonight?

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Mr. Harvey: That's if the Commission so inclined. Again, the applicant hasn't had a chance to speak tonight. But after they speak, maybe we can get into more specific details.

Ms. Barnes: I do have one additional question. Is it going to be timbered all the way up to the property line or are we going to leave any natural trees at all? It looked like it was completely like right up to the edge.

Ms. Baker: Again, that's what it looks like from this but I will have the applicant answer that for you.

Ms. Barnes: Thank you. Okay, any additional questions? Okay. Will the applicant like to come forward?

Jason Towery: Good evening. Let's see. There we go. Good evening, Madam Chair, members of the Commission. Jason Towery with the schools. Also, Miss Kathleen Ahern from Grimm and Parker Architect is here joining us tonight. Before I actually get started, I just wanted to say my congratulations to you, Jeff, on your time. I've known you for about 20 years. I was thinking tonight, I started around here about 20 years ago, on the private side and whether I was working there or the eight or nine years we worked together here, now at the schools, it's always been a joy and you've been somebody that I've looked up to professionally and just Yeah, I would never play a game of poker with you, though your poker face. You're one of a kind. So, but so congratulations, well done. Anyhow, just wanted to go ahead and answer a few of the questions. But before I do that, if we could actually just go ahead and show on the computer for a minute. There was a request the other day for kind of an updated rendering, if you will, the school. This is from the Truslow Road point of view. So obviously, we've taken the trees out of it so you can kind of see what the facility would look like. Just a caveat that this is not finalized yet but this is this is pretty close. I would say we're 90-95% there. So certainly, we think a very attractive facility but at the same time, being public dollars, we've kept this very cost efficient, cost effective in terms of the design, but we think we've come up with a very, just a very nice solution that will serve the community well over the years. To a few of the questions. The top floor, I think there was a question about how many classrooms. We did a quick count, I think we can about 34. So, the only other 3-story school we have, the only other three-story high school we have right now in the county is the Stafford High School rebuild. So, this is a different footprint than Colonial Forge or Stafford High School. So, this, although we ended up kind of, in retrospect, adapting a lot of those elements to this design, because we found that, you know, we feel that the community has accepted those facilities well, and that they've served us well over the years. But about 34 on that top floor. Landscaping along Truslow. So, we did timber the site last November. We left anywhere from a 50-foot wide to up to 175-foot wide natural tree buffer and that's intended to stay. We don't intend to remove that at this point. The limits of clearing, we drew back as close as we could to that parking area to keep as much of that natural vegetation as possible. It's our intention right now to hopefully utilize most of that towards our landscaping credit. So, we are actively working to have a tree survey done of that. I think we'd certainly be open to we, you know, we understand that this is in a residential area and so, I think we'd certainly be open to a little bit of supplemental planting in and through there where we can without hopefully disturbing the natural trees because they are tall. And we want to keep that as visually, I don't know what the word is, screening, thank you, as possible. So, if we have some, some room there along the edge of the parking to add in a little bit of additional to help. When they get taller, sometimes you lose the lower trees, branches and everything to help kind of fill it in a little bit. And then the landscaping along the Tolson property. So, this is actually something that I looked at a couple of months ago with the engineer and the initial plan, I think only showed I think the way that that site was graded, only showed about 15 foot of buffer there. I didn't actually feel like that was enough. So, I asked them to pull the field back as much as they could. I think we've got it to about 30 foot now back from the property line. And we are planning to, of course, vegetate that through that, and then we've actually talked about maybe possibly doing a fence as well.

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Just kind of belt and suspenders approach. We've heard the same concern from Mr. Tolson, and I actually live next to my high school baseball fields and the lights and so forth, I get it. So, I we are trying to work that as much as possible. So, I think we would certainly be open to if there's a you know, some desire to have some higher, taller vegetation there. I think we can invest a little bit in that to try and cut down on that as much as possible. Also, I'll note that there's about an eight-foot retaining wall at the far-left field of that baseball field. So, Mr. Tolson's lot will sit well above the field by about I think by the total when it's all said and done, it's about 15 foot so he'll, he won't be under as much of the lights if that makes sense. He'll be kind of above. It would be great seating, I don't disagree. But perhaps it's not what he wants. So, understood and we're happy to work with that. And then to there was a question about whether or not we could swap the parking with the building. It would be very, very difficult at this point in our process to do that. We did go through multiple rounds of public comment, as well as work obviously, with our transportation team in terms of traffic flow, student parking, bus entrances, and trying to get as many points of access in and out of that facility as possible to keep traffic moving. And so, the concern with kind of, I understand the, you know, idea of pushing it farther away. I think, though, if we did that, we would probably end up losing some of our functional flow around the school, which would, I think my concern would be impacting the traffic, not to open that can of worms. But I think I covered the questions. Were there any other questions that you all might have?

Ms. Sellers: I have a question. So, in the report it said you didn't have to do a traffic study because it dealt with the height of the building, but there are 35 classrooms on that third floor with 25 students in them apiece. Why didn't we have to do a traffic impact study? Or whatever it was, there's something transportation part of this that was not done. And I believe it said, because it didn't impact but basic math gives me the impression it would impact the number of people going. Why did we not require a transportation study?

Mr. Harvey: Madam Chairman and Commissioner Sellers. With a conditional use permit, it's something that's allowed in our zoning ordinance with special review by the Planning Commission and Board. But you're focused on, in your review, what that use is. And in this particular case, the use that we're describing is whether or not they can make a building taller than it's normally allowed. Not necessarily, what's the contents inside the building, but the height of the building. So, for that reason, we really couldn't address a traffic study or require one. I understand that part of the site plan process they've done a traffic study and been working with VDOT on the details of all that, and that's part of the site plan review.

Ms. Sellers: I have many comments, many comments to that, but all I can say is, okay.

Ms. Barnes: Okay. Any other questions for the applicant?

Mr. Apicella: Yeah. So again, back to my issue. Do we need to put something in the CUP or you're going to work closely with the homeowner and try to come up with some kind of a win-win solution for that?

Mr. Towery: Well, certainly we're, yeah, yes. Our intention is to work closely with Mr. Tolson and come up with something that's going to be as, you know, least intrusive to him as possible. But, you know, I think if you did need to add something, you know, we'd be open to probably, and I'm trying to think off top of my head here about the landscaping manual if there's, we could, you know, lean towards a more mature caliber something tree, something that might give a little bit of additional height. And, you know, but that's our intention. And that's certainly our goal is to make sure that we're good neighbors there.

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Ms. Barnes: Okay, so yes, Mr. Tolson, mentioned in his email that he couldn't be here tonight so it's too bad. I would have liked to heard from him during the public hearing. But what I'm looking for is and if I, if I lived next door to that, what I would be looking for is the widest possible buffer. And if there aren't natural trees left there, that we would have multiple rows of evergreens and putting in as tall or as mature of those evergreens is that we could, and it sounds to me like he's kind of up a little bit looking so he's really going to see the height of that building especially, you know, if we put in some very young trees there and he's up high, he's still going to have a straight shot look at that tall building. So that's what I'm saying is, is I'd like to see, you know, multiple rows of as tall an evergreen as we can possibly put in in combination. And this is where, you know, I am not a landscaper so I'm sure that there's somebody that can come up with something very specific, if we need to. Or is it that the Commission thinks that this will be good enough for us to accept his word that he is working with it? I mean, it seems like adding a condition might have a little more teeth.

Mr. Apicella: For Mr. Tolson, I think it would probably be something he would prefer if you were here, he certainly probably, I think from his email, would probably advocate for that. So maybe during the public hearing, you might work with staff, kind of get a sense of what we're talking about on the language that might be acceptable and helpful.

Ms. Barnes: I can name off some trees, but the only, the only thick, tall, fast growing evergreen that I can think of as Leyland Cypress and they're everywhere so I'm sure maybe somebody has...

Mr. Towery: Arborvitae is the other one and one good snowstorm and those suckers just...

Mr. Apicella: Yes, I've had problems with Leyland Cypress.

Ms. Barnes: Yeah, the concept is there. The specifics aren't. Ms. Sellers?

Ms. Sellers: Bamboo? It's fast-growing.

Ms. Barnes: Oh, well, I know enough about that. Okay. So, we'll I guess discuss that when it comes back to us, how we want to do the CUP.

Mr. Apicella: Yeah, again, I think if we could get a condition and if the applicant can work quickly with staff, maybe they come up with some language during the public hearing. I don't, there might be one or two people here speak. I don't know how long it would take to draft something. But...

Ms. Barnes: yeah, and add something about, I think it was, what was the other one we had to add about the lighting, the screening the depth? What was that? Okay, Kathy's got it. I don't remember what it was exactly but Kathy has got it. Okay. Go ahead, Mr. Bain.

Mr. Bain: The retaining wall, will that be internal to this landscape buffer?

Mr. Towery: Yes.

Mr. Bain: Okay, so trees that are planted will be the base of the tree will be at the top of the wall, rather than at the bottom of the wall?

Mr. Towery: Correct.

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Mr. Bain: Okay, that's that all of a sudden, it struck me if you're putting them at the bottom of an eight-foot wall, a 20-foot tree is only 12 feet tall if you're standing on top, so. Okay.

Ms. Barnes: All right. That's a little better. And you mentioned a fence. What kind of fence were you talking about?

Mr. Towery: That's probably, I think the landscaping manual talks about the typically the opaque ones. Am I saying that right, Kathy?

Ms. Barnes: I'm not sure that has to do with the CUP.

Mr. Towery: Board on board. Yeah, one of one of those that just kind of like I said, belt and suspenders approach.

Ms. Barnes: That was just out of curiosity. It's not really within the scope of the CUP at this point in time, which we, which thank goodness staff has made it really clear to us. Okay, thank you very much. Okay, I will now open the public hearing on this agenda item. This is an opportunity for the public to comment on this public hearing. Before starting your comments, please state your name and address. The clock starts when the green light appears, yellow means there's one minute left and red means your time is up. Would anyone like to come up and address the Commission on this agenda item? Okay. Seeing none, I will go ahead and close the public hearing and bring this back to the Commission. That wasn't a whole heck of a lot of time. I'm sorry. I thought there would be something.

Mr. Harvey: Madam Chairman, since there are still being discussions about what might be appropriate conditions, is it a possibility the Commission could continue over this item until after the public hearing on solar? That would give us the time to have draft conditions prepared and have legal counsel look at them prior to Commission making a motion.

Ms. Barnes: That is acceptable to the Commission, as long as we're not talking about mulch for two hours like we did last time when we when we put that off, I think that would be fine. So, I can go ahead and close the public hearing and then we'll just defer this until after this solar committee, after the solar public hearing. And that's good enough? Okay. Okay, we'll do that. So, we'll see you back in a little bit. Alright. Okay, so give us a little time to do that and we'll move on then to item number 2, an amendment to the Comprehensive Plan Solar Facilities and Energy Storage Facilities. And for that we recognize Mike Zuraf and I assume we're going to do number 2 and 3 together. That's also an amendment to the Zoning Ordinance as well.

2. Amendment to the Comprehensive Plan – Solar Facilities and Energy Storage Facilities – A proposal to amend the “Stafford County Virginia, Comprehensive Plan 2016-2036 2021 5-Year Update,” adopted on November 16, 2021. The proposed amendment would modify Chapter 2.0, “The Foundation for the Future” and Chapter 3.0, “The Land Use Plan” by modifying the text to establish new land use policies and guidelines for solar facilities and energy storage facilities. **(Time Limit: March 26, 2023)**
3. Amendment to the Zoning Ordinance – Proposed Ordinance O23-01 would amend and reordain 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” to amend the definition for public utilities and create and establish definitions and standards applicable to solar facilities and energy storage facilities. **(Time Limit: May 5, 2023)**

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Mr. Zuraf: Computer please. Mike Zuraf, the Planning and Zoning Department here to present the staff report for items 2 and 3, which deal with solar energy, solar energy facilities, and energy storage facilities and this Comp Plan Amendment and Zoning Ordinance Amendment concurrently. So, for some background, the Planning Commission is considering updates to the existing county comp plan and zoning ordinance. Solar energy facilities, sometimes people know them as solar farms, and energy storage facilities are emerging industries. There's growing demand. They're kind of popping up in new places. There are existing and planned and approved projects in adjacent localities and we have two applications pending in Stafford. So, with solar and energy storage, there are common land use issues and impacts that can be considered when evaluating projects. With where things stand now, with the comprehensive plan currently, there are general goals related to preferred locations, specifically recommends solar in agricultural, businesses and industry locations. But it does not lack any more detail or specific kinds of land use guidelines. And there are no guidelines that exist for energy storage so the goals that we have now are specific to solar and specific to utility scale solar. In the zoning ordinance, currently, solar facilities fall under the use known as public utility including generating facilities, that is the use identified in the zoning ordinance where that falls. It is permitted in most zoning districts with a conditional use permit. And there are no special regulations for either solar energy storage. So, with the pending applications that are in for review for solar, there has been a desire for more robust standards. And just to make everybody clear, all of this does not apply to the household kind of solar situations where people put solar on their on the roofs to offset some of their energy costs. That is all allowed by right and other than needing certain building permits. So, this is all applying to larger solar facilities and energy storage facilities. So just an overview of how we got here. Back on September 27 of last year, there was a joint work session with the Board of Supervisors and Planning Commission to just provide a general overview of this of these facilities, what they are, what the kind of land use issues generally are related to them. And the Board requested the Planning Commission established a committee to review the comp plan and zoning ordinance and come back with some amendments to address the these uses. And the next day the Planning Commission subcommittee was formed to review the comp plan and ordinance. The committee consisted of commissioners Shelton, Apicella and Bain and the subcommittee had regular meetings from October through December to work on this effort. With the subcommittee worked with staff but also received a lot of input from others. There was staff input with those that specializes in Fire and Rescue and stormwater management. Input also was provided to the committee by representatives of the Friends of the Rappahannock conservation organization, and people in the industry as well provided some input. On December 14, the Planning Commission forwarded a draft of these documents to the Board and on January 17, the Board referred the amendments back to the Planning Commission to set up a hearing and there was some discussion at the last few meetings and that's how we got to this hearing tonight. So just going through some of the summary of the of the amendments the first looking at the proposed changes to the comp plan as it relates to solar facilities. There were changes to the format and of how solar was addressed in the comp plan. It broke out the guidelines into a specific new section within chapter three which is the future land use chapter. So a new section was created to specifically address solar. It provided county-wide siting guidelines that was specific to utility scale projects, community scale projects and then some guidelines for all projects and so to explain that, the difference. Utility scale projects are going to be your larger projects that generate more than five megawatts of power and community scale projects are, as we define it are the smaller projects that generate five megawatts or less. With the utility scale projects, they will require more land generally more than 50 acres and they require, usually for the larger projects, more direct connections into the main large transmission lines. With community scale projects, they're generally on sites less than 50 acres. And also, they don't necessarily need to connect directly into the major transmission lines. They can be more remote. They can connect into the local kind of transmission lines that run along the streets. And then the issues, the siting guidelines that were included and we broke it out by utility and solar and kind of had a five-megawatt dividing line because the state code does have different guidelines that relate

to utility scale and community scale, and different things that can be done. And so, we followed the state kind of standard there in breaking these out. So, for the larger utility scale projects, the comp plan does recommend that they be located outside of the urban services area where larger pieces of land are available, but also within 1000 feet of major power, major power lines, and then also that the parcel not exceed 300 acres. For community scale, those are encouraged to be outside of the urban service area. But it's not a definite, it could be located within the urban services area. Project sites, though, should not exceed 50 acres. And also, consideration should be given to what the other uses could occur on these sites. You know, it's discouraged if residential commercial or industrial would be seen as a better use on a site inside the urban services area. There are individual citing criteria also provided for any project and some of the main kind of focus points of the individual citing criteria to get to just minimizing land use conflicts, focusing on screening and setbacks. So, and also ensuring emergency access to make sure that fire and rescue personnel have safe and kind of and can ensure access into these facilities, if needed. Also, environmental and wildlife impact considerations, consideration of construction impacts because that's when you're going to have the most traffic to one of these facilities when it's being constructed. After it's constructed, there's just very infrequent visits for maintenance in the facility. And also, maximum height of the panels was established at 15 feet, I believe. Then the comp plan changes related to energy storage. There are new guidelines added to the comp plan, also within that new section in chapter three. And just so everybody's aware, energy storage, that would basically consist of a series of buildings or structures that would contain large battery banks that store energy for later use. They generally have like an industrial appearance, there would be low traffic, they'd be sited near, usually near utility transfer stations or they could be associated with solar facilities. But in the guidelines, it identifies a preferred location as being within the business and industry future land use designation inside the urban services area. Also, some additional screening and screening requirements were recommended and as a recommendation that they be connected to public water for safety purposes. And then also another criteria is if it is associated with a solar facility, that the facility be sited internal to the solar panels to minimize impacts of potential surrounding properties. Also, there's a possibility that it could be in agriculture areas or suburban areas, if the impacts are minimized, and there are a series of fire safety criteria included in the guidelines. Then going over to the zoning ordinance changes there. There are specific definitions that are added that helped to define solar and energy storage. And then solar and solar energy storage also would now fall under a new use category that we're defining as public utility heavy or heavy public utility. So, then the table of uses and standards, those are being amended to only allow heavy public utilities in the A1, M1 and M2 zoning district. So, the current ability to apply for a use permit in other, in many of the zoning districts would go away. Also, several special regulations were added that would apply to any solar facility and energy storage facility. Some of the highlights of the special regulations that requires equipment setback 100 feet from property lines or habitable structures, equipment and panels set back 500 feet from a corridor of statewide significance that could be waived if identified within a conditional use permit through a condition, also provide at least a 50-foot landscape buffer, screening from view of adjacent properties, access should be off a major collector or larger roadway, solar panels shall cover no more than 80% of the total land area, solar panels shall have anti reflective coating, sites shall be enclosed with a chain link fence of at least six feet tall for security purposes, and then requirements for decommissioning with several criteria included at the useful end of the life of the facility.

Ms. Barnes: Go ahead Ms. Sellers.

Ms. Sellers: What is the 500-foot setback from the corridor of statewide significance? Do you know what, why that's 500 feet?

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Mr. Zuraf: Yeah, we looked to, when creating/adopting, when we set up this ordinance, we looked at examples of other adjacent localities and Fauquier had this criteria. And the idea is to help minimize visual impacts on the significant roadways. Like for example, interstate 95 is one of them.

Ms. Sellers: Yeah, I mean, that's a very interesting and very specific setback. And corridor of statewide significance is a transportation term that we use to determine and do funding. So, it's a very interesting. It's just very interesting that it's for visual purposes and not and we weren't thinking of, you know, for the expansion of the road eventually.

Mr. Zuraf: Well, that could be a part of it as well. And we'd look to okay, what does the comp plan show, you know, and when we're evaluating this, just to make sure that there's area reserved along any road if the plan recommends widening.

Ms. Sellers: So, if we have this 500-foot setback and the road gets widened, will that create a non-conforming use or whatever that term is?

Mr. Zuraf: Not, only if the facility will look to expand, there'll be you know, but otherwise, it would be legally maybe legally non-conforming because they already have their approval. But yeah, it may or may not currently meet that 500-foot guideline, but they're there. They're allowed to continue because they got approval when they were able to meet the 500 feet.

Ms. Sellers: Okay, thanks.

Mr. Zuraf: And staff does, in summary, believes it's important for the county's land use policies and regulations to reflect the latest innovations in land use, supports approval of the amendments of the comp plan and also supports approval of the amendments to the zoning ordinance. And also, this was a team effort. It wasn't just me. I worked primarily on the comp plan part, but Doug Morgan worked on the on the zoning ordinance amendment and he's here as well to help answer any questions.

Ms. Barnes: Okay, any further questions for staff? I think we've pretty much worked all the bugs out on this and it sounds like everything is, all the i's are dotted and all the T's are crossed. Okay, thank you. We don't have an applicant so I'll go ahead and move on to the public hearing portion. Before starting your comments, please state your name and address the clock starts when the green light appears, yellow means there's one minute left red means your time is up. If you'd like to address the Commission on this agenda item please come forward.

Ms. Sherman: Hello, my name is Marne Sherman. It's been quite a long time since I stood before the Stafford County Planning Commission. I actually started as a planner here under the tutelage of Mr. Harvey and learned a lot from you. And so, it's kind of cool that I'm here for your last Planning Commission meeting. So, thank you for that. And I still do feel very invested in the county. But tonight, I'm here representing the City of Fredericksburg as its Senior Development Administrator. You may be aware that the city owns a 93-acre tract on the east side of Cool Springs Road, that's tax map 54-61. It's the site of the former landfill that's been capped now for almost 30 years. And the city is looking to further Stafford County's green energy initiatives by potentially locating a solar facility at that site. I'm here to listen to the discussion tonight and to continue working with, and I will work with the staff, to continue to refine the policies that you're considering tonight to make sure that that site continues to be a viable option for solar facilities. So, I just want to thank you in advance for your consideration of making sure that that site continues to be a viable option and as you formalize your recommendations to

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the Board of Supervisors on these regulations. So, thank you again and hope to be working with you in the future.

Ms. Barnes: Thank you very much.

Mr. Bain: Sorry, Ms. Sherman, would you say the parcel number again?

Ms. Sherman: Yes, it's tax map 54-61, the site of the former landfill.

Mr. Bain: Okay. Thank you.

Ms. Barnes: Okay, thank you. Any other speakers would like to come forward?

Ms. Brunette: Good evening, Commissioners. I'm Logan Brunette, a land use attorney from Hirschler. I'm speaking tonight on behalf of solar developers in Stafford County. Specifically, we are going to request a few modifications that were brought up during recent meetings. Specifically, about Section 28-39(z)(5). We would like to modify the 500-foot setback from the corridor of statewide significance to specifically allow for a lesser setback where topography or other adequate features may mitigate the view of that solar facility. Moving on to Section 28-39(z)(11). We would like you all to consider modifying the requirement that all new utilities must be installed underground to include language indicating that this requirement is as practical or as commercially reasonable because developers are noting that sometimes it's nearly impossible to run lines underground, especially where the project's point of interconnection is located in an area with shallow bedrock. At the very least, we ask that you all consider adding language that the Board may consider alternative installation methods as needed. We also suggest this county allow panel heights of up to 17 feet to accommodate new, more efficient solar power panels. The heights of 14 to 15 feet were typical for the single access trackers from several years ago, but those heights have increased in recent years. Further, please consider explicitly excluding those accessory uses such as power poles and meteorological stations associated with solar facilities from the height requirements. Section 28-39(z)(8), consider modifying the vegetative buffer requirement to clarify that projects may use the existing vegetation or supplement the same for the required 50-foot landscape strip and buffer. We recommend adding language to explicitly allow for the Board to consider alternative buffers and screening such as the preserve trees or even concrete barriers or other features. And then finally, for the decommissioning process, we would like you all to consider having that timed on the necessary permits and approvals being granted to that solar facility. Thank you for your consideration.

Speaker inaudible, microphone not on.

Ms. Brunette: Yes, yes. So that is about Section 28-39(z)(14), the decommissioning making the timing contingent on the solar facility operator getting the appropriate permits and approvals beforehand because sometimes that process can take a little longer than 12 months.

Mr. Bain: Okay, thank you.

Ms. Brunette: Thank you.

Ms. Barnes: Okay, thank you very much. And I can see Ms. Callander is working her way up to the front.

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Ms. Callander: Good evening, Alane Callander. I guess I will represent the citizens here tonight. I am just learning about this. Good presentation and clearly you all have worked extremely hard on this topic but it's extremely technical. I'm left with the impression there has been no effort really, to educate the public, to have outreach to the public to perhaps have some informational meetings. I think it's too early to pass such a comprehensive legislation and so I would encourage you to keep your public hearing open and to somehow do some outreach to the general public. Thank you.

Ms. Barnes: Thank you, Ms. Callander. Any other speakers that would like to address the commission?

Mr. VanderBroeck: I shocked myself, I need to pick up my feet a little bit more. Commissioners, thank you for your time this evening. Justin Vanderbroeck, co-owner of ESA. We are the developers on the Enon Road solar farm, which should be coming down the pipeline and I spoke to you all, I don't know, maybe it was November, December hearing. I again, I want to thank staff for all their hard work on this. Thank you to the Board, I think you all have done a lot of really, really detailed analysis on your solar ordinance to try to come up with policy that makes sense for your citizens and for bringing rural economic development to some parts that might be feeling a little bit overburdened by residential development and this could be a really good alternative use. So, I really commend you guys on that. We don't really have any like specific points of concern. I would maybe suggest on the fencing, with chain link fence, you consider alternatives as well. There's a lot of a little bit better options from a wildlife perspective on fencing that still complies with the National Electric Code that doesn't have to be chain link that can still allow movement of wildlife. But I suppose during a CUP or a SUP hearing, you can address that as a condition of approval for a project. We don't really have a dog in the fight regarding the 500-foot setback, based on where our project location is but I do think Ms. Logan's point is a good one. From an industry perspective, the decommissioning language, I would also you know, we didn't flag that as a big concern of ours at this time. But I do think it is something to consider as it relates to our language there because you do gotta get those permits in place and get all your ducks in a row when you go to decommission these projects. And you know, 180 days, maybe a little bit of a tight timeframe to make sure you do that. But other than that, as much as I want to call Mike and be like, where are we? Are we done yet? Can we can we do our project. I'm driving three hours tonight to Halifax, Virginia, where we have done 15 public hearings with them and two community meetings and spent a lot more money, and they still haven't finalized their ordinance. So, I commend you all even though it's been six months, you're doing a way better job than some other jurisdictions. So, it's a pleasure to work in Stafford. So, thank you.

Ms. Barnes: That sounded like some permissions were given there. Okay, any other speakers that would like to come up and address the Commission? Okay, I'm before I close this public hearing. I'm going to bring it back to the Commission and or actually, I'm going to actually have Mike, if you'd like to get up and address some of that. Go ahead.

Ms. Sellers: On the thing he just pointed out March 26 is the date time limit. Is that accurate? That's like Sunday.

Mr. Harvey: Chairman and Commissioners under state code, after the Board of Supervisors refers a comprehensive plan amendment to the Planning Commission, the Commission has 60 days to hold a hearing and act on it. So, it's based upon the timeline in which this was referred to you. And given the fact that February is a month of 28 days, it's not going to line up exactly with the same date as was originally initiated.

Ms. Sellers: So, we have to act on the Comprehensive Plan Amendment today or it expires?

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Mr. Harvey: Madam Chairman, Commissioner Sellers, if the Commission fails to act on the Comprehensive Plan Amendment, then under state code, your inaction would be deemed a recommendation of approval, in essence. And with the zoning ordinance amendment that is a different timeline under state code that's 100 days. So, you'll notice this got a May 5 deadline.

Ms. Barnes: Okay, so this isn't one of those things where we could actually ask for a little bit more time because its state code, correct?

Ms. Lucian: Since the Board holds the benefit of that you could.

Ms. Barnes: If we decide to do that?

Ms. Lucian: You would have to request the board to extend the time limit.

Mr. Apicella: But we wouldn't get an answer before Sunday.

Ms. Lucian: Well, that's a good point.

Mr. Zuraf: So alright, you want to go through some of those comments?

Ms. Barnes: Yeah, it seems to me like we've got some recommendations and I'd like to hear your perspective on those and what staff would like to do about that at this particular point.

Mr. Apicella: Can I ask a question? Did you get any of those comments in writing before the meeting?

Mr. Zuraf: There was an email that provided some of that I don't have it.

Mr. Apicella: Okay. So, it was very recent?

Mr. Zuraf: It was a few weeks ago I believe.

Mr. Apicella: Some of it sounded familiar, though, because I remember some of those points being brought up during our subcommittee meetings.

Mr. Bain: Does Ms. Burnette have a printed copy of it she could provide to Mike, if you don't mind.

Mr. Morgan: I replied to her questions.

Mr. Bain: Have you? Okay. Doug's got it covered.

Ms. Barnes: So, I guess what we're looking for here is direction from staff on how you'd like to proceed with some of the things that were brought up tonight.

Mr. Morgan: So in regards to the 500-foot setback for the statewide corridor significance. Ms. Sellers, you're exactly right, it was along those corridor highways in the event that they need additional widening, they would be taken away from those roadways. Her argument and justification would say there are other measures or there are other things that we can do. The jersey walls, the big concrete walls, are things that can be done to mitigate those impacts of visibility. And yes, those are things that could be done. But again, with any conditional use permit, you have the ability to ask those things when you come before

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the Planning Commission and the Board. So, whether it's 500 feet, they also have the ability to say we're going to do 400 feet with a 10-foot wall on the inside. Those things would be reviewed and vetted by the Board or Planning Commission and the Board. And staff would give you recommendations saying these do mitigate impacts. The second one is modified vegetation buffer requirements. And that's 50-foot landscaping strip buffers, existing vegetation and trees. That's allowed by code. We currently have buffer requirements in the CDSL, our landscape buffer requirements that is directly correlated to the zoning ordinance that requires buffers. And you can do existing vegetation and existing vegetation is always encouraged. So that is something that also is done tree preservation. Again, that would be shown on your generalized development plan and part of your conditional use permit approval. The modification for requirements that all new utilities must be installed underground to include language indicating the requirements as practical. I did reply back to the attorney's office and say, you know, we're doing code provisions such terms as "as practical" or suggestive language in a code certainly is not enforceable. So, if we were going to do something that would be mitigating the underground to allow overground we would want to use language that say, "shall mitigate the impacts of visibility for overhead wires", "use underground where necessary", but not have ambiguous language. That certainly doesn't make a code provision enforceable, if that makes sense.

Mr. Bain: Would that also be an issue that could be included in a conditional use application?

Mr. Morgan: Absolutely. That's correct. The other thing, I believe the final thing was 17 feet accommodations. Yeah, the 15 feet. Again, as we know, technology, and all new things evolve. And as those things evolve, we tried to get the most out of a parcel of land. So, if we go from 15 feet to 17 feet, and is that what is the impact? Our idea here is to mitigate visual impacts, glare and any innocuous use from adjacent properties on the roadway. So, if you're going to 17 feet, that two foot of height is primarily going to be mitigated by the vegetative buffer or existing vegetative buffer. So, 15 to 17. You're have less panels with two foot higher. You know, are we trying to, it depends on what our objective is here. From a professional standpoint, and a zoning standpoint, my objective is to make sure that we're ensuring the safety, quality of the surrounding properties and the highways. So, if we can do that with mitigating any project from any adverse impacts, then we've achieved our goal. So, if that 17 feet is still underneath a 25-foot canopy tree that can't be seen, that's mixed vegetation with deciduous and evergreens then the visit visibility is not there. So that one is kind of like a moot point for me, professionally.

Mr. Bain: Again, as a conditional use application they could ask for that. Then that would be up to the Commissioners and Supervisors whether or not to approve it.

Mr. Morgan: Correct. And the last one, I don't see it on the list here. But the last one was extending the decommissioning phase. And I remember that, but I don't see it on this list. But the last item point that she had was extending that time. And I explained to Hirschler Fleischer, the attorneys, that the 12-month period is for decommissioning. So once that is started, they have 180 days to notify me that they're going to decommission that site. Upon that notification, they would be obtaining their permits to what's called raze the site and razing means demolish/decommissioning. So, once they move forward with the razing permit, that permit would actually be reviewed and approved, and that permit would stay active. Once that permit is active under the building code and through zoning, we would review that and that can stay active every six months with activity. So, if they're mitigating the impacts to that site to put it in pre-construction conditions, sometimes those things do take long and sometimes they do extend longer than those 12-month periods. But again, a building permit is valid and in effect, every six months, as long as there's inspections and work being done.

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Mr. Bain: So, the 180 days, has nothing to do with acquiring the permit. The 180 days is to notify your department that they are going to do it. And then the permitting process comes after that. So again, I don't see a reason to change anything in the proposed comp plan and ordinance.

Mr. Morgan: No. And I think the reason is because, when reaching out to other localities, Prince William, Culpeper, Fauquier, their biggest concern was and their biggest issues are when they did decommission there was a long period. So, they did have changes to their ordinances that made sure they were a little bit more aggressive on the timelines. And I believe the committee was very much in line with one to make sure that we didn't let that happen in Stafford County.

Mr. Shelton: *Inaudible*.

Mr. Morgan: Yes, sir. Whenever they bring something forward for conditional use permit, any significant affirmative Government Act that's got two public hearings, all of those items can be reviewed and approved. So, they would come to the Planning Commission and say, Okay, we can't meet this, they'd come to staff, staff would review it, staff would review it and say, you need to comply with this, they would say, well, we're going to mitigate that. On our presentation to you on the conditional use permit, we would say this is deficient, but they are choosing to mitigate in this practice. And it is so desired, you know, of the planning commission on the board to accept those mitigations.

Mr. Shelton: Thank you very much.

Mr. Bain: And that would also apply to Mr. Vanderbroeck's comment about alternative fencing. They could come to us in their CUP application and say, we don't want to use chain link, we think there's a better option. And again, I see no reason to change our proposed ordinates.

Mr. Morgan: Correct. And he verbally made an excellent justification statement right there by wildlife preservation and mitigation.

Mr. Bain: Sure, sure. Okay.

Ms. Barnes: Okay. Any other questions for staff? Okay, it sounds like, go ahead Mr. Bain.

Mr. Bain: Ms. Callander's comment. Do we want to comment on that, about public involvement?

Ms. Barnes: Well, that's why I left the public hearing open for just for now.

Mr. Apicella: I would just say, with all due respect to Mr. Callander, we've been at this for six months. And we had public meetings we had this come up at the last meeting, we deferred it to this meeting. So, I'm not sure how much more public engagement would change things at this point in time. It is a technical, just like a lot of our ordinances. It's very technical. So, I appreciate the notion, but I think it would behoove us given where we are with other projects in the queue to get this wrapped up sooner rather than later.

Mr. Zuraf: And I'll also add that with the one, we have the two applications before us, the one project already conducted a public community outreach meeting. And so I anticipate that with any solar project that comes in, there will be community meetings held so people can get information.

Ms. Barnes: That was the meeting at the library that we attended?

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Mr. Zuraf: Yes.

Ms. Barnes: Okay, so it sounds like at the recommendation of staff and the will of the Commission that we should probably close the public hearing at this point in time and bring it back to the Commission. Okay. So, I'll go ahead and do that and bring it back to the Commission. What is the will of the Commission at this point? And, Mr. Shelton, you are the chair of this committee. How would you like to proceed?

Mr. Shelton: I would like to make a motion that we approve the amendment to the comp plan for solar facilities and energy storage facilities R23-10

Mr. Apicella: I'll second that, Madam Chairman.

Ms. Barnes: Okay, we have a motion by Mr. Shelton and a second by Mr. Apicella to approve the amendment to the comprehensive plan. Any additional comments? Okay, hearing none, please cast your vote. Alright, that passes 6 with one absent (*Mr. Martinez*). And Mr. Shelton. Once again, I'll bring it back to you for number 3, amendment to the zoning ordinance.

Mr. Shelton: Yes, ma'am. The amendment to the zoning ordinance for solar facilities ordinance. O23-01 I make a motion we approve.

Mr. Apicella: Second, Madam Chairman.

Ms. Barnes: Okay. Once again, I have a motion by Mr. Shelton and a second by Mr. Apicella to approve the amendment to the zoning ordinance. Any additional comments?

Mr. Apicella: Just real quick, Madam Chairman. I just want to thank staff, Mr. Zuraf. Mr. Morgan, Mr. Harvey, counsel, I know there are a lot of other people in the in the Planning office and other departments who help with this. I want to thank the subcommittee who I think you know, really worked hard on this effort and the entire Commission. I think the bottom line is we've got some good policy that we're recommending to the Board, and we are much smarter today than we were six months ago. So, for those reasons, I have supported the comp plan amendment, and I'm also supporting the proposed ordinance changes.

Ms. Barnes: Okay, and I actually had the same thing written down. Thank you to the subcommittee, Mr. Shelton, Apicella and Bain for all of their work and the many subcommittee meetings that we had, as well as thank you to Mr. Morgan and Mike over here. There was a lot of work that went into this. And I certainly know a lot more about solar panels and solar farms than I did a couple of months ago. So, with that, please cast your vote. And once again, that passes six with one absent. All right, thank you very much. And thank you for all the folks coming to speak with us today. Okay, so now we're gonna circle back I believe I see some, looks like everybody's ready to go. We're gonna circle back to item number one, that conditional use permit for the Stafford County Public Schools. Can we have the applicant come back up.

1. *CUP22154763; Conditional Use Permit – Stafford County Public Schools - High School #6 - Continuation*

Mr. Towery: Okay, alright. Thank you. So, Ms. Baker and I talked and we think we came up with a solution which I just emailed to Ms. Baker and Ms. Lucian, as well as Mr. Harvey. So, what we've

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proposed is as follows: that the applicant, well two conditions, the applicant shall maintain a minimum of a 35-foot wide type B landscaping buffer with 115 plant units per 100-foot, including two staggered rows of trees that are a minimum of 6-foot to 8-foot tall at time of planting, and an eight-foot-tall board on board or sight tight fence. And then that's the first condition. And then the second condition is that building mounted lights shall be located no higher than 35-foot from ground level.

Ms. Lucian: The only addition I'd recommend is that first condition be specified at the western border of the property.

Mr. Towery: Yes.

Ms. Barnes: And just to make sure, I'm not real sure about the first condition, is how many rows of trees is that? Can you give me just a rough idea? Okay, I was writing so I'm not sure I caught that.

Mr. Towery: Sure, including two staggered rows of trees.

Ms. Barnes: Okay, any questions or comments or additions for staff?

Mr. Apicella: Just thank you for pulling that together.

Mr. Towery: Yeah, sure. No problem.

Ms. Barnes: Okay. Okay. So, we will bring it back now to the Commission and once again, Mr. Shelton, this is in your district. It seems like you're getting all the motions tonight.

Mr. Shelton: Thank you, Madam Chair. I'd like to propose as a graduate of Stafford High School when there was only one high school that we approve conditional use permit 22154763.

Ms. Barnes: With the additions of?

Mr. Shelton: With the additions, yes, ma'am.

Ms. Barnes: Okay, do we need to spell out those conditions or can we say the conditions as stated by the applicant?

Ms. Lucian: As stated is fine with the addition of the western border.

Mr. Shelton: So, amended.

Ms. Barnes: Okay. Do I have a second?

Mr. Bain: Second.

Ms. Barnes: Okay. I have a motion by Mr. Shelton and a second by Mr. Bain to approve the CUP Number 2215763 with the two additions stated by the applicant, in addition, with the addition of specifying the western border. Any comments? Go ahead.

Ms. Sellers: I will not be supporting this motion, surprise, surprise. And as a graduate of Stafford schools when more than one school was here, from North Stafford High School. Yeah, I just don't think this road

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is ready. It does trouble me that here we go with a government process where we're supposed to have a transportation study and it's absent. We have completely neglected the transportation needs. Transportation will be impacted by the addition of 35 classrooms on the top floor, we cannot get around that. This was our opportunity to address it and we chose not to. And I do believe that we on this Board have a responsibility to the future of our county to consider the safety of those children and I do worry that we're going to have some serious injuries and lives lost. And as a graduate of North Stafford High School, that is something that is near and dear to those of us who live in North Stafford because we lost we lost classmates when I was there because the road could not handle it. Just like Mountain View couldn't handle it. So, I will not be supporting this. I do think it's premature. I do think we needed put more time into transportation needs. Thanks.

Ms. Barnes: Go ahead Dexter, go ahead.

Mr. Cummings: And we have Ms. Sellers to thank for this and lightning can strike twice. She and I agree. I think that Commissioner Sellers' comments I echo in essence because I feel like we had some clarity during your presentation when you presented that nice image of the front of the school and everybody could see what you envisioned what it would look like. And if that was data driven. And it was the visualization that was done with data, we would have no questions. And we have the possibility and the capability of doing those things, but we're not doing them. I also have concerns about Truslow Road. I think the school district is doing everything that they possibly can with the information and the tools that they have. And so I'm going to be supporting it but like the other matter that came before us with respect to the comprehensive plan and solar I had issues but I swallowed my consternation, just because it's what we have right now. But I do think that the Commission, and this Commission needs to support and the planning department a little bit more and the staff who I think has been doing an amazing job. And Jeff, I hate to say this on your way out, but I should say this, you're an amazing guy. You have an amazing amount of talent and understanding about planning, about communities, about what the future looks like. And I don't think that Stafford allowed you or created the environment to allow you to do your very best. And I think that's a shame and I wish I could have helped you in a better way and help your staff to get what they need, the tools that they need, to really make Stafford sort of a beacon in this area, which I think we still have a capability and possibility to do. But aside from that, I think I will be voting for this matter because, in favor of it, because I think we've done the best that we can do with what we have.

Ms. Barnes: Okay, thank you, Dexter.

Mr. Apicella: Madam Chairman, I'm supporting the motion as I think we discussed earlier in the evening, our review of the CUP was really limited to the height and providing the applicant the ability to go 15 feet above what is currently allowed. That said, I don't disagree with some of the comments about traffic concerns. And if we had a chance to look at this further, we might provide more input and recommendations. If that opportunity were available to us, since this is the last opportunity, we'll have, as a Planning Commission to discuss at least the high school piece of this, just going to echo what I said at the last meeting where we discussed this, I really hope you guys end up doing a traffic circle. I think that's the best traffic solution for Truslow Road. So that's my comments, Madam Chairman.

Ms. Barnes: Okay, I have very similar comments. And if you guys want to have something to say, after I'm finished, I'm more than happy to let you come up and speak again. Laura makes some great points. And I think that we talked about this last time. But once again, as Steven said, this is a CUP specifically aimed at the height of the building and last time this came before us, I believe we were doing I think it was the comp plan amendment, or the Comprehensive Plan compliance review. And even then, at the

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very end of that I specifically said, I really don't think that there should be ingress or egress in any way shape or form on Truslow Road except for high intensity uses, like football games, graduations and things like that. I don't know that there's anything that any of us can say or that any of you all can do about that. But at least in my opinion, that exit and ingress and egress should not be utilized at all until there is an improvement to Truslow Road. And it sounds to me like that four-way stop is, in my opinion, kind of a disaster. But then once again, that's not necessarily related to the CUP. That's just us once again, you know, talking about what we think is the problem with this. It looked like you guys wanted to come up and have some comments, and I'm willing to let you come up if you'd like to do that.

Ms. Baker: Actually, it was just a clarification. When you were talking the western border.

Ms. Barnes: Oh, you're gonna go back to the actual topic? That's okay.

Ms. Baker: That specific parcel of 36-28E, which is Mr. Tolson's property. Unless it is intended that they go along the entire western property line, but we just want a clarification.

Mr. Apicella: So, is that a friendly amendment to Mr. Shelton's motion?

Mr. Shelton: That's agreeable.

Mr. Apicella: I think it probably needs to be seconded by whoever second.

Mr. Bain: I'll second.

Ms. Barnes: Thank you. I'd forgotten who seconded and thank you. It was Al. Alright. So, it looks like we've all had a discussion. We've got the motion by Mr. Shelton, and a second by Mr.... Okay, go ahead Ms. Sellers.

Ms. Sellers: I hear the CUP was on the height, the height of the building, and I get there were wordsmithing and saying, Well, we can't review the inside, guys, we talked about how many dogs were in a building for a daycare center. And we can't talk about the number of children, high school children who are going to be driving to school, I think we pick and choose when we want to apply things and that's concerning to me. And I do have some great concerns with that. And, you know, however, we want to rationalize it, I think the county for the last probably 20 years understand that those of us from Garrisonville are going to talk about transportation. Right? That is what we come here to talk about. It's not new, we talk about especially when it comes to our high school students, because the previous supervisor did lose his daughter on these roads, and she was in high school. That's why it's a concern. That's why we bring it up. And that's why we can't just say, oh, we can't talk about it. Because that's a choice we're making to not talk about it. We can talk about it. We can absolutely talk about it. And I think it needs to be stated so that when the Board of Supervisors goes to vote on this, they talk about it so that we can remember it. Because this chamber here does have that memory in it, where we did have a supervisor who lost his daughter on our roads because of poor planning. And we don't want to do that again. That's what we're trying to avoid. So that's why I bring it up and I will continue to bring it up every single time I see these projects come and especially when they're put on roads that cannot hold it. If this was a development, we would hold the developer accountable and we would ask them for improvements. But because it's a school, we are saying I can't do anything. That is not acceptable. Not acceptable.

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Ms. Barnes: Okay, thank you, Ms. Sellers. And one last comment from me is I know that we've got supervisors watching this right at this point in time and I know that they're listening to this and I'm very glad that they are so with no more comments, go ahead and please place your votes. And that passes 5 to 1 with one absent (*Mr. Martinez*). And thank you very much for providing all that extra conditions on the fly for that. Okay. All right, we'll move on to next portion of the agenda. Unfinished Business. We have none. New Business. We have none. And we'll go to Planning Director's last report. Mr. Harvey.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

4. Project Pipeline Report (For Information Only)

Mr. Harvey: Thank you, Madam Chairman. I don't have any specific topics on my last report, other than to say thank you. Thank you to all the Commissioners, here at this dais and all the Commissioners that preceded you. It's been an honor and privilege to work with you all to plan for the future. And as for some of us who've been around for a while, we've seen the future coming to light. And the future is bright for Stafford and I'm looking forward to watching more of that growth and progress and change from the sidelines and I'll be cheering you on.

Ms. Barnes: So, you're telling me you're gonna watch our meetings?

Mr. Harvey: Of course.

Ms. Barnes: Because they're so exciting, right?

Mr. Apicella: I think he lives in Sposty and they don't have our channel in Spotsy.

Ms. Barnes: You can always stream it on your phone. I'm just saying. Okay, next, thank you very much for that. County attorney's report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Good evening Planning Commission. Of course, I have something to say tonight. Because I can't believe tonight is Jeff's last night. I know everybody dreaded this day. And it's finally upon us. I just wanted to thank you so much for how much you've taught me since I've been here. I was new to local government and came in from private practice so, some of the ins and outs of government were new to me. And Jeff is one of the most kind people I've ever met. And I know that the county will sorely miss him. And we will sorely miss him at the Planning Commission as well. But we wish you the best. And I'm sure we'll subpoena you for a couple court cases just so we can keep you around.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

5. Sustainability Data Coordination

Ms. Barnes: Oh, you're not quite done yet are you? Okay, thank you, Ms. Lucian. Okay, Chairman's Report. Okay, I do want to give us all a chance to say a few things to Jeff before we leave. But before we do that, let's get the hard stuff out of the way first, and work on number five, which is this sustainability data coordination that Mr. Cummings brought up last meeting. It looks like we did have some information that both the county and the county attorney gave us. I hope everybody's had a chance to take a look at that. Mr. Cummings, would you like to make some comments on that?

Mr. Cummings: No, I think I've said a lot.

Ms. Barnes: You've got to be kidding.

Mr. Cummings: If I could just refine it maybe. I understand that, we need to keep it narrow. And I think if we could just frame this as an opportunity to provide an advisory opinion, or advisory to the Board of Supervisors or to staff, maybe that will get us through. So, I'm open to whatever thoughts fellow Commissioners have, of how we can get this camel through the eye of the needle.

Ms. Barnes: Okay, any? Ms. Sellers, go ahead.

Ms. Sellers: So, as I read this, and I read things, like we have all these datasets, but they're used in isolation. County review development projects in isolation. And I think the point that Mr. Cummings is trying to make is that if we integrate these datasets, and we have a strategic review, a high-level review of some of these projects, we can begin to see things work and be implemented in a strategic manner so that it's not such a shock to the community. As I was driving here watching, you know, Fern Gully, that machine in Fern Gully, take down all the trees on Courthouse Road. You know, I think that's what he's trying to get at. And we see here that the data and the future of data or the future of technology, right, as we like to say in my field is not on, is not on applications. It's not in the systems, it's in how we have the data. So, I think the first thing is we probably need to get more information on each of these datasets, what they look like and how they can be integrated, because that's going to be the key if I understand it, because its conversations around data.

Mr. Cummings: So, let me let me set the table since Ms. Sellers brought it up. So, the datasets their collaboration is supposed to foster collaboration but the county owns a tool or has licensed the tool EZRI, City Engine and Arc Urban, I forget the names. But they own the tool that allows you to organize the data in a way so that it can be used for planning purposes and also collaboration with other city agencies. And so, we just haven't, don't have the GIS professional, is the way I understand it, which is about \$125,000 a year, give or take. And we don't have the manpower and the expertise to use the tool going forward. So, there would be need to be some training for staff. But for me, I'm not even trying to get us to, I'm just trying to get us to the first step, which is sort of knowing what we don't know and knowing how that tool can positively impact the planning process and act as and be a resource to the planning staff. Because I think the planning staff does an amazing job with the tools that they have and I think that the we could get better results, and they could get better results. And it would be, add some benefit to the process, the processes that they have in coordination with looking at the floodplains and water mitigation, and also help the county and I'm going again, a little further all right, give me a rope, I want to be a cowboy. And for us to be able to get capital, that's because of this timing, where we are right now. The legislation, the build back better, the bipartisan infrastructure bill, whatever you want to call

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them, climate change bill, they're all here right now and poised to deploy capital, to be able to solve some of the major problems that we have, and to help us potentially plan better. And this, when I say plan better, we could use this tool to revise our comp plan in light of smart city, and that would give us the opportunity to really look at what the data says about a certain area, and traffic in a way in a holistic way, rather than us sort of guessing and looking at using anecdotal evidence quite so much. So that's the part. So, I think it really starts with a review of what's the benefits? What are we doing now? What could we change? Where could we be better? And how does that tool help us get better, and then putting that in front of the powers that be, the governing body, because I'm being counseled, very nicely by counsel to that that's where we need to live. So, provide the advisory opinion and the supervision to the staff around how we can get better.

Ms. Barnes: Okay, any further comments on that?

Mr. Cummings: One last, the most important one is the community engagement piece. We've heard time and time again, how I didn't know, I didn't know, I didn't know. An integral part of the tools nowadays along including health data and everything else is a community engagement piece. It's a piece that connects us, the work that we do to the community. So not just so that they know, but they can also provide insights. Because I know what goes on and I'll say it, "in my hood". I know what happens down the street. And that insight informs great planning and more importantly, provides better results. So, I think it's about the insights, it's about data, it's about long-term planning, to get the community that we want, but then also to engage with the community in a more meaningful way.

Ms. Barnes: Okay, any other comments on that? So, I understand what Dexter's saying and actually, I don't think any of us disagree with what you'd like to do and I think that if we had a wish list that we could hand to the Board of Supervisors, that would probably go on it although after watching the budget meeting last night, I'm not sure the budget priorities would probably be consistent with what we would like to do. And it seems it seems pretty clear that we need to make sure that we do things at the direction of the Board of Supervisors. So how would the Commission like to proceed with this? It seems to me like we've got some information that needs, that we would like to get to staff and the Board of Supervisors and I don't see how that, you know, how we can't do that, even as you're working right now.

Mr. Cummings: So, let me let me clarify a point and maybe counsel can help us sort of navigate this space because I think, as I read it, and the information provided by counsel, I think we have a very narrow, we cannot take independent action we can't take, whatever action we take has to be tied to planning and land use, right, and we also have a role, don't, forgive me, I probably should have brought it with me, there's a section that talks about what the role of the Commission is. And part of that, one of the things listed is supervision, or supervise the planning department. So, I think that we have enough, if we don't take an affirmative action, like codify it or say we can make recommendations. And so, we can make recommendations to staff, we can make recommendations to and advise the planning, Board of Supervisors, hey, this is something that we see, we're running into this bus every day, into this wall every day, we need you to do something. But the way that I think that we need to do it, and I'll share, if any of you guys are watching at home, inside baseball, is that we oftentimes are talking with our Board of Supervisors. And it's in this ad hoc way and it's also, to Ms. Sellers' point, very sometimes political. And so, what I want to do is take it out of that realm, and make it an independent review, by the supervising body or us body and have that information then codified or listed, and provided to the Board in a very businesslike an orderly fashion, and then they can make the decision. But now, and I'm gonna say this, it's out in the public forum. And it's true. It's after a thorough review by people that have been doing this for a long time. And so, whatever happens at that point, at least there's a record and we know, we can move it forward. We've done our part. And now it's for the Board of Supervisors to do theirs,

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and it may help that, you know, elections are coming up, who knows? But at the end of the day, I think we as a Commission, need to do something, at least for me, if you're not for us, for me.

Mr. Apicella: Madam Chairman, I agree with what Mr. Cummings is trying to achieve. I agree with the way it was expressed by Ms. Sellers. The problem is we operate within a very narrow box. The state code prescribes what our limited role is as an advisory board. I wish it were greater than that sometimes. But in this case, what I'm hearing Mr. Cummings suggest is well beyond the operations of the Planning Commission, it's about the planning process. And it would impact how the county does business, the county staff, the Planning Commission, the Board of Supervisors. Again, our role is to govern ourselves, to decide, you know, how we're going to deal with issues internally, how we're going to spend the limited money that we have, but it's in my opinion, outside our scope, outside our purview to push forward an idea on how the county can better improve its process, its tools. I agree that they need to do that. I just think it's outside our ability to make that happen. Even to suggest that to happen. My recommendation would be to kind of follow the model that our chairman did when it came to public notification issue. She socialized her thought with a couple of supervisors and got them to agree that it was something worth pursuing, and ultimately, was something that the CEDC and then ultimately the Board of Supervisors made a referral back to us to address that issue. That process hasn't happened here. And I think we are getting ahead of our skis in this case, because I don't have a sense that this is something the Board wants us to tackle, even though it may be completely righteous, and it is righteous, from my vantage point. But I think it's beyond our ability to say these are things that should be done, again, to improve the overall planning process. We can improve our own process perhaps, but to suggest how the county should improve its process and what tools it might or might not use, again, I think is something that is beyond our ability to, based on the advice that we've gotten from counsel, outside of our scope and beyond our ability to work that process to set up a subcommittee to make a recommendation to the Board of Supervisors, without going through that process.

Mr. Cummings: So, I think, we read the same thing, but I think we came to a different understanding in terms of what the scope of our supervision role is, at least I did, and what our advisory role is. I don't know that we could actually provide any advice to anyone if we don't look at the matter. And while I appreciate the opportunity to talk ad hoc with Board of Supervisors and socialize it outside of the public forum, I don't think that that's necessarily the best thing that we should be doing. I'm not judging anyone, I'm just saying, and what we need to do as a commission, is to speak truthfully, about what it is that we think is working well and what's working, not so well. And to allow the people to really have an understanding, and clarity about what's going on. And so, they can make a decision, and they can then voice their opinion about what is necessary and what needs to happen. Because ultimately that's who we work for, right. And so, and I don't want to go get on my soapbox about the community engagement piece but it's, you know, I understand that we are here to try to narrowly tailor what we are capable of doing. And I think our supervisory role, and we can talk about it offline, if necessary with counsel, to make sure that, I think we can craft a subcommittee that really does look at our business processes, or how we're doing things, and how we can be better informed in making those decisions. If we were to have sort of the tools in place, a new tool in place, and what that looks like, if we want to...so, I think for us not to do so is not, and I don't want to be too sharp with my words because I respect everybody here on the panel, I just want us to, to be able to try and fashion a subcommittee that will actually look at the work we're doing, how we can do it better, and then make some comments or if you don't want to make an advisory opinion, I think we have the ability to do advisory opinion to the Board of Supervisors, in a document one page, two pages. If Jeff were here, he'd be able to do it, put the bullets up and send it out and, enter to allow them to make a decision. That's what I'm asking. And if I need to go back and make a formal motion, I'll pare it down a little bit, and just use his bullets as to demonstrate why we don't have the results that I think we all think we deserve.

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Mr. Bain: If I could, and this will be a little technical. I'm sorry. You had mentioned to implement something like this would require hiring a person at \$125,000 a year. You failed to mention that the transfer of data from our existing databases and the collection and incorporation of the additional data that GIS urban requires to be functional, could be millions of dollars, literally millions of dollars. I don't want to put my name on something going to the Board that we say, "oh yeah, this will help us a lot. Oh, but by the way, it's going to cost millions of dollars to truly implement." We don't know, at this point, what those costs are. We have no clue. I don't think you do. I know I don't. And I've used the GIS software for a number of years. I don't want to go before the Board of Supervisors and recommend that they implement this system without knowing what the true costs are. It's not something simple. And yes, maybe we can get grant funding for it. But when you make a grant request, you have to request the amount of money you want. Right now, we wouldn't have any idea how much money to request. So, I think it's way premature. And I agree with Steve and Kristen, that we need the direction to come from the Board, not us sending something to the Board, I think it's, it's, it would be embarrassing to put something before them, and then find out the true cost of it is monumental.

Mr. Cummings: So, this is what well, the cost that, we're not even there yet.

Mr. Bain: Oh, I know that but it's an important element. It's a prime element for the board of supervisors to buy into it

Mr. Cummings: Well, again, all we're talking about right now is an advisory opinion about how this, the tools or, we're smart city, let me just say that, okay. And if we're a smart city, and we can't figure out how to use the data, or we can't use the data, that's a problem, as far as I'm concerned. And so, whether it's with a testbed, whether it's, I can come up with any number of scenarios where we should be exploring, and have the ability to explore, but we can't right now, because we haven't done what? The review. And we don't know what we don't know. And so, all I'm saying is, let's take the time to know what we don't know, cost. And I wasn't even going for cost right now. All I'm looking for is what are the capabilities and how will it improve what we do, and more importantly, the results that we have and we're getting in county with respect to water resource management and transportation, all the big issues. And, you know, we just had a big budget put out there for schools, \$1.6 billion bond, where's that money coming from? So, at the end of the day, you can't make a case for it in anything nowadays. And let me say this is that if we don't do this, we won't be able to access the capital necessary to do those things that we're talking about. Because everything is data driven. And counsel, Commissioner Sellers knows what transportation and all of the money that's coming down the pike and what you have to do and demonstrate in order to be able to unlock that capital from the federal government.

Ms. Sellers: It's not just transportation. it's how we got, you know, when I was on the Board and how we got money for Narcan. We had to have numbers, we had to show numbers and then we had to go to Congress and show the information. But that took in the beginning, knowing what type of data we needed to demonstrate the need. In the DOD, we have to do the same thing. All of these, yeah, transportation, and schools are one, but it's everything. And what struck me with Jeff's things is the number of systems already in place. The number of datasets that we're using in isolation that we don't, that are not integrated. You know, I when I look at this, I see it as we are working harder and not smarter. Yes, systems can help us with all the data that we have. And businesses do it. Businesses like this right here, a business would go bankrupt if it had a statement on here that said, you know, we're working in isolation, and lacking integration. It would just it would go bankrupt. And I will say we have come a long way. And we see Supervisors on the walls around here and talk to you about the good old days of Stafford County and planning and why some things look the way they look. So, we've come a long way. And I think if we go to the Board of Supervisors, the message to them is, we are not here to tell you a data system to buy.

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We're here to help you understand the data systems available to you today. How can we make this stuff we're already paying for it, these are already things this county is paying for, we as taxpayers are paying for all of this stuff. It is to help us better utilize and get more out of the investment we are already making. Because it's all if we don't start doing it. Now we're going to have to do the hard work. DOD, I do it every day. I live this nightmare every day in DOD, where we integrate

Mr. Cummings: 2:04:23

Let me speak to the open data piece that Al brought up. The data is free. Okay, the data is there. No, no, the data is there. Okay. And there's a there's an Open Data Trust, right, that we Stafford County was asked to participate in. And so, the idea is, just who does the work? Right? And so, we can develop, and I don't want to go too far into it, but there we have college students, we have veterans, we have workforce development, we have all these things that we pay for that we get no value back from other than if someone gets a job, if they're lucky enough, right? Well, we got a job for them to do. So, I don't want to put forward the program right now, or initiatives or ideas about how we could make it work. All I want to do is, let's study it. Let's see what we got, and what we don't have, and then then go to the next step. And that board is that and we have the information. I have information in my email from the Association of Certified Planners, that talks about this stuff every day. And so, you know, we need to be able to use that information, or just provide that information to the Board of Supervisors and say, hey, look, this is the universe.

Ms. Barnes: Okay, I'm gonna stop this right now. The only person who hasn't had anything to say is Billy. Did I see you reach for your mic? I'll give you one last chance.

Mr. Shelton: My concern is I don't think we have the oversight for Jeff's group, I think they've got to come out and say, this is what we need for interoperability and those things, and not for us to try to dictate to them technically as outsiders. I think staff can come back and say, Hey, we need this. But I think after I watched the budget proposal last night, you may be able to make all these changes in about 10 years. So, I just don't think we have the oversight.

Mr. Apicella: Just again, kind of piggybacking off of what Mr. Shelton said and I think I tried to say the same thing, what is appropriate and not appropriate for the Planning Commission to do within the scope of its responsibilities. And again, I agree with what you're trying to achieve. I think, unfortunately, this is not something that we are, it's within our portfolio. I don't think that's appropriate for the Planning Commission to push forward without the Board of Supervisors. If they asked us for an advisory opinion, great. And so, again, I will suggest that you can do this on your own and this.

Mr. Cummings: I just want to be clear about the reason why I think...

Mr. Apicella: Mr. Cummings, I think there's nothing that precludes you, as a private citizen, on your own or with Ms. Sellers reaching out to your supervisors, or all the supervisors saying that you think there's this weakness, and I agree, it's a weakness. So that's one avenue. I think certainly the staff could do that. I think that's what Mr. Shelton was alluding to, it would not be inappropriate for them to recognize that this is an issue that they think needs to be addressed. But our responsibility is to deal with, again, that limited box that we've been provided by the state code and by the local county ordinances. And I think this is outside that box, unless and until the Board of Supervisors asked us to tackle it as an issue. And I think we would be remiss in trying to push this forward. You know, it's a push or a pull. And in this case, I think the Board needs to give us direction that this is something they want to proceed forward with, because you've made an issue with them, and they've come back to us or the staff that

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made it an issue. And they've come back to us, but not for us as a Planning Commission to make that recommendation.

Ms. Sellers: You're Okay, with the fact that we have identified inefficiencies in the government structure, and it's perfectly acceptable to you as a tax payer that it's an inefficient thing that your tax dollars are going to and you don't want to fix you.

Mr. Apicella: You, as a citizen, can raise that with the board. Mr. Cummings can do the same, but it's outside the scope of this Planning Commission?

Ms. Sellers: Why can't we send a letter that says this is inefficient?

Mr. Cummings: I want to deal with the scope issue. I want to deal with the scope issue. And that's where I want to really sort of land this.

Ms. Barnes: Okay, but here's the thing. We have dealt with it. And I think we understand exactly what you're saying and don't necessarily agree.

Mr. Cummings: I'm talking about an advisory, the supervision portion of this right. We have, the Commission, is, the way I understand it, is supervisory of the planning department, provides as a supervisory role...

Mr. Apicella: No, we have no supervisory role of the of the planning staff at all. None, zero, nothing.

Ms. Seller: I remember hearing that too.

Mr. Cummings: So...

Ms. Barnes: So, let's do this, because this is what I want to do because, I mean, obviously we can, we can continue this discussion, if you'd like or I'd like to cut up the arguments because we're doing circles at this point. We're kind of circling back. So, if there's something Mr. Cummings that you'd like to specifically put forward...

Mr. Cummings: I didn't come here prepared today to litigate this, to be honest with you. I came with an idea that we would have a conversation potentially, and that I would hear your thoughts, the commissioners thoughts about the document that I sent via email, and that everyone had an opportunity to review, and would come here with an idea of how we could make, go forward, to at least have a conversation about, with staff, about things that that we could improve and/or craft the language of the motion, so that we could get to some sort of cursory review. But I see that that's not going to happen. So, what I'd like to do is table this matter and come back at the next meeting with something that with my pencil a little sharper, and to really have, maybe consult with counsel again, and really get an idea of whether or not we're able to do this, because I don't believe that there's a great consequence to us. I don't think that there's a litigant out there for us to be afraid of. And that's Dillon's Rule, and everything else that and I think that we will be within the purview of the ordinance or the statutes of the Virginia code in moving that forward. Now, if the staff decides that they don't they don't want to do this, then that's another matter. We can deal with that. But I think that...

Ms. Barnes: I think that's a good compromise. I think that's a good way forward. I agree with that. It's it sounds to me like there's still a little bit of work to do. And I don't, it doesn't sound to me, like we need

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to take a vote. I think it sounds like we were not ready to pursue that exact direction that you want to do. And there's a little bit more work to that. So, with that, I'd like to...

Mr. Cummings: I'm sorry, Madam Chairman. Precisely what I'd like to do, right, state is to convene or have this body convene a subcommittee or committee to look at how we can improve, right with technology, the processes.

Ms. Barnes: Are you gonna make a motion on that? Do even do you want to make a motion on that? Because you can.

Mr. Cummings: No, I don't want to make a motion now. Like I said, I want us to be able to... I want to speak with counsel about our purview, right? And get the clarity. And then we can come back.

Ms. Barnes: I'm comfortable with that. If everybody's comfortable with that for the evening. Al's not comfortable with it. Well, we're going to we're going to give Dexter I guess a little bit more time to come up with something a little more specific and to have some counsel. Okay, so with that, we will move on to the next portion of this. And I said that it would, I'd give everybody a chance to go ahead and take a breath and add some last comments for Jeff's last meeting. Ms. Sellers, you want to start at the end?

Ms. Sellers: Yeah, I can start at the end. No, it's Jeff, you do have a poker face there is a former supervisor who said you know, maybe he'll say it tomorrow, you look like you are on trial, sitting there in the audience, just very stoic all the time. But you're a wealth of knowledge, very kind, you've been very helpful to me as a young supervisor trying to figure this out. And then as I've come on the Planning Commission, helping me again, trying to figure this out, and you will be missed. You have left a legacy here in the county and for anybody who's spent any time, I think retirements, especially of those who have spent as much many, much of your life with us, as you have, should be a celebration, the county should put some time into it. Because you've dedicated much of your life. Your family has dedicated their life to better the lives of the residents of Stafford County, and we do appreciate it. So, your wife is not here to also thank. She's been a part of this as well. And it's not always easy. The Planning Commission is one thing the Board of Supervisors is a completely other beast. And somehow you do them both. So, thank you to you and your family and your children. I hope they'll all be there tomorrow night. And maybe we'll have some good memories and former supervisors will show up.

Ms. Barnes: Thank you, Ms. Sellers. Mr. Shelton.

Mr. Shelton: Thank you for your tutelage and your professionalism. I think Stafford County is a better place for your 34 years that you've put in. It's amazing as a native, one that's been here all my life to see how much we've grown and how much we've improved. And a lot of that is your credit. Thank you very much.

Ms. Barnes: Mr. Bain. You're up next. Oh, I'm sorry.

Mr. Cummings: Jeff, you know, you have sort of a soft spot with me because you have so much knowledge about planning and all that that goes into it. Regionally, locally, you understand this community, you understand the people in it. And you've worked tirelessly and relentlessly and diligently with all with all the developers and I don't know anyone that has anything but great things to say about you. And I join them. And I just wished that I had been a little bit more vocal, I wish I could have been more of an advocate for the department a little earlier. And I think that the work that you've done on a regional basis, so that I only think that folks here a lot of folks know, is amazing stuff. And it's

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transformative stuff. And it's positioned Northern Virginia, to be able to receive a lot of money and to also mitigate a lot of impacts. And so, I'm happy to have known you and to have worked with you and I'd like to consider you a friend.

Ms. Barnes: Here you go, now you're reaching for it.

Mr. Bain: Thank you, thank you, thank you, for all the work you've done. For putting up with me and my lack of knowledge, but training me as I've been on this Board, I've learned so much with your guidance. And I think that probably goes to say for all the Planning Commissioners that you've dealt with, over the years, many of us come in, essentially novices in planning, don't know the first word of the zoning ordinance and you guide us, you have guided us. That's a masterful accomplishment in my mind, that you've been able to do that and still maintain control and respect, not only of the Commission, but of staff, supervisors and the public in general. The only request I have is that you give me your personal phone number so that on any given night that we have a meeting I can call you and seek guidance. It's been great working with you, Jeff. I really do appreciate you. That's all.

Ms. Barnes: Okay, so the comparison I give is you have the patience of Job. Every two years you get people like me, Dexter, well not so much Laura. She pretty much already knew a lot of this stuff. Yeah, exactly. So, you required very little training so you're off the mark, off the table on that one. But every two years you get people like me that come in and look at you and say what's a cup? What's a CUP? What's a cup? And no question is too stupid. No question is too silly. No question is too basic and every time there's a question there's always "Madam Chair, Mr. Bain" and a very reasonable, very straight explanation for that. So that, to me, is amazing that every two years you can come in and just start all over with newbies like me. And I remember taking over as chair and being just terrified that I was going to just mess these meetings up and, and lose my way and that why I put Steven on this side, but you were always very patient. And I remember the first couple of meetings I kinda of did some things out of the order and you just kind of flowed with it. And I was very appreciative of that because there's a learning curve to this. There's a learning curve to all of this. I but I do want to say one thing about, not sure how incredibly appropriate this might be, but in the year 2020, during the during the pandemic, when all of those emails that were coming in, and you had to read some emails, and I don't know if you remember, one of them that was on a very small rezoning. That was in my district. That was one of the first things that I came across and somebody wrote you a letter, or somebody wrote an email in and you were reading them into the record, and the guy literally spelled out and your poker face broke a little bit on that one. I saw a smirk and I thought, what's he going to do with that? And you just read right through it. And I thought, well, he's not afraid to say anything up here, I guess. But so that's the one time I remember seeing the poker face break, but it was a legitimate reason. But anyway, thank you so much. It's been an absolute pleasure. We are going to miss you. I do have your phone number. And just like the Supervisors, I expect you to be texting me and information so that I know exactly what I'm supposed to do. Thank you.

Mr. Apicella: Truly, it's been my honor and privilege to work with you these past dozen years, Jeff. I've learned so much about planning and zoning. I remember sitting in your office after I was first appointed, and you basically give me the 101. But you've been doing that again for the last dozen years, and I couldn't have done my job as a citizen representative without all the knowledge, support and help that you've given me as a Planning Commissioner. I really appreciate you putting up with hundreds, if not 1000s of questions I've sent your way. And the many comments I've made and emails and from the from the Dias and your institutional knowledge amazes me. I can't count how many times we as commissioners or staff, have asked a question about something that happened a dozen years ago, or 15 years ago and just like that, you can bring up your memory bank and tell us exactly what happened or

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how that policy got approved, or this very small intricate detail, and how you were able to explain it to us in a way that made sense that none of us could quite figure out on our own. I really wish you well, you and your family in all that you do in the future and know from the bottom of my heart and from my fellow Commissioners, that you will be very missed. And I thank you for all that you've done.

Mr. Bain: I hope, as a planner you have a plan for your retirement.

Mr. Harvey: Yes, there definitely are plans and thank you for all the kind words. It's been my pleasure.

Ms. Barnes: I wish Stacie was here. I wish she had stayed. Maybe she could have said a couple of things too, but I'm sure that you've got, I know you have a week of festivities planned, so I'm sure that's forthcoming. But again, thank you from everybody. It is truly the end of an era. I don't know what we're gonna do. Okay, so we will move on to Other Business and New TRC Submissions. It looks like Rock Hill's Chick-Fil-A is finally making some progress. Thank goodness for that. And approval of minutes, we have none. And with no more business before the Commission can I have a motion to adjourn?

OTHER BUSINESS

6. New TRC Submissions

- 23154939; Garrisonville & Shelton Shop Rd Chick-Fil-A – Rock Hill Election District

APPROVAL OF MINUTES

NONE

ADJOURNMENT

Mr. Shelton: Motion to adjourn.

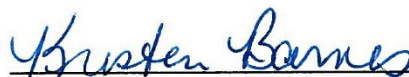
Ms. Sellers: Second

Ms. Barnes: Okay, motion to adjourn by Mr. Shelton, then a second by who had that one? Ms. Sellers. Any additional comments? Last pictures, very last moment. Okay, all in favor?

All: Aye.

Ms. Barnes: Any opposed? Any abstentions? Alright, meeting adjourned. Thank you, Mr. Harvey. Good luck in the future.

At 8:22 PM, Chairman Barnes adjourned the March 22, 2023, Stafford County Planning Commission meeting.



Kristen Barnes, Chairman
Planning Commission