

BOARD OF SUPERVISORS
STAFFORD COUNTY, VIRGINIA
MINUTES
REGULAR MEETING
MAY 2, 2023

CALL TO ORDER – A regular meeting of the Stafford County Board of Supervisors was called to order by Dr. Pamela Yeung, Chairman, at 3:00 p.m. on Tuesday, May 2, 2023, in the Board Chambers, George L. Gordon, Jr. Government Center, 1300 Courthouse Road, Stafford VA.

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

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

CHAIRMAN’S COMMENTS

Dr. Yeung announced April 23–April 29 was National Crime Victims' Rights Week, and they presented a proclamation to the Commonwealth's Attorney's Office. She stated she participated in the Molly Gill Awards program and reception, an event hosted by the Commonwealth Attorney to honor and recognize victims of crimes. She stated that Mr. Coen, Ms. Gary, and Ms. Vanuch also attended.

Dr. Yeung stated May was foster care month, and ribbons were used to signify the number of children in foster care. She said Mother's Day was Sunday, May 14, and she wished mothers a happy Mother's Day. She congratulated EDA Board member Jack Rowley, who was honored by the Virginia Foundation for Community College Education for his work in education.

PRESENTATIONS

Presentation of a Proclamation Recognizing Three Marines For Heroic Actions in Stafford County.

Dr. Yeung stated they would present a proclamation honoring three U.S. Marine Corps soldiers for preventing a stabbing at a restaurant in the County while training to become Embassy guards deployed in Africa. She stated Cpl. John Darby and Cpl. Bradley Feldkamp were deployed to Abuja, Nigeria, and Lance Cpl. Nicholas Dural was deployed to Brazzaville, Republic of the

Congo. She stated that the soldiers were teleconferencing into the meeting. She stated Lieutenant Colonel Matthew McNerney and Master Gunnery Sergeant Gminski of the Marine Corps Embassy Security group were present.

Dr. Yeung presented the proclamation.

Lt. Col. McNerney accepted the proclamation. He thanked the Board and recognized the Marines.

Cpl. Darby stated that they did what was expected of them in the moment.

ADDITIONS - DELETIONS AND APPROVAL OF THE REGULAR AGENDA

Mr. Vosburg responded that there was one handout added to the Agenda in reference to Item 13.

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

The Voting Board tally was:

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

Nay: (0)

PRESENTATIONS BY THE PUBLIC - I

Dr. Yeung read the protocol for public presentations.

1. Ms. Kristin Maxson thanked the Board for its consideration. She said she was misrepresented in the April 4 minutes. She said she wanted to emphasize the points people made that day about the 5,000 new homes that were built in the County. She said that the infrastructure was extremely fragile, and another man said there was an issue that brought the budget and schools down. She said she found a slide for FY2018 which mentioned the County was 53% in debt and debt service. She said there was a tendency to see trends, and trends were five years. She said planning was taken with the Board and staff, and they hoped five years was a gentle procedure of how to take care of unexpected incidences.

Ms. Maxson said they had about 80 acres of a family area to be condemned or possibly condemned. She said she had a hard time finding tax map numbers when she searched on particular documents because it went vertically, not horizontally in the search routine. She said she wanted to remind the Board that if a property were condemned, it could not be sold.

Ms. Maxson said the GIS did not update a lot of the information as far as sales, and there was a trust sale that was sold to an LLC that was not represented in the GIS. She said there were also in the GIS two entries and sometimes three entries, and one particular entry for three entries for the same acreage times the acreage three times is near Willow Ridge Court. She said the other one, Central Breeze Circle, and the other one was on Truslow Road. She said the partially presented fiscal year of 23 was a budget of \$7M.

2. Mr. Heath Hunter, 3 Giles Court, stated he was speaking as a veteran who had served for 22 years with 30% disability. He stated that disabled veterans gave back to the community by sacrificing their health for their service to the country. He said that tax exemptions should be provided to disabled veterans, and they should not be criticized for receiving the exemptions.
3. Mr. Alan Watkins, 11 England Run Lane, stated that he was concerned about the second option for the proposed Rappahannock River Crossing, because the route would cross onto his neighborhood street, England Run Lane. He said that his neighborhood would be greatly impacted by the crossing.

REPORTS BY BOARD MEMBERS

Mr. Coen – remarked he attended the Fredericksburg Chamber Gala along with other Board members. He said he attended the Molly Gill Awards program and the National Crime Victims' Rights Week event. He said the event focused on the decisions around driving under the influence. He stated the SCPS had a ceremony to award and recognize people for their years of service in the school system. He said the Blu Academy had a graduation ceremony.

Mr. English – remarked he was a member of the Social Services Board, and they held monthly meetings. He said that there were over 40 foster children in the County. He said on June 10, a soapbox derby would be held at 95 Reservoir Road, Fredericksburg. He said it would be the second year the event was hosted in the County. He said Mr. Cecil Doughty Whey, a Hartwood resident, died on April 22, and he expressed condolences to his family. He said that Mr. Tinka Perry, a small-engine repair shop owner, died, and he expressed condolences to his family.

Ms. Gary – remarked she attended the ceremony to present the victims' families at the Molly Gill Awards. She encouraged people to make responsible choices if they have been drinking. She said that it was Maternal Health Awareness Week and also Teacher Appreciation Day. She stated that May was Asian American and Pacific Islander Heritage Month. She thanked veterans for their service.

Ms. Vanuch – remarked that a letter with updates on the service district and dam repairs had been sent out, and they were beginning to receive applications for the service district membership. She said that residents and property owners in Lake Arrowhead interested in serving on the service district should apply. She said applications would be open for about 60 days. She said she attended the Chamber of Commerce Gala, and she attended the Molly Gill Awards ceremony.

Ms. Vanuch stated that the meeting with the governor's office to discuss the cost of competing went well. She said that they would continue the bipartisan legislative meetings, and the governor's office recommended they meet with several other legislative members. She said that they would continue to work on the budget amendment.

Ms. Vanuch stated that she appreciated the service of all the veterans in the County and beyond. She said that the County was disproportionately impacted by service-based tax benefits. She said the County lost 6% of its budget due to service exemptions compared to other localities, which lost 1% to 2%. She stated that she would continue to advocate for the tax exemptions.

Ms. Allen – remarked Full Distance Brewing would have a grand opening in the Widewater area. She congratulated the Cyber Bytes Foundation for its expansion of services and explained that they would be opening a military and veteran reintegration center. She stated that Decatur Road was scheduled to be paved and wedge widened by the fall or next spring. She announced that it was Asian American and Pacific Islander Heritage Month.

Ms. Bohmke stated that she was unable to attend the Molly Gill Award ceremony. She announced that VACO was hosting a virtual meeting on May 11, 2023 from 1 p.m. to 2 p.m. with Region 7 and Region 8. She announced that the next FAMPO meeting was on May 15 at 6 p.m., and they would meet at the VDOT Headquarters at the Fredericksburg Residency, 86 Deacon Road.

Ms. Bohmke – remarked public speakers would be able to comment for three minutes, and they would likely be voting on whether to move forward with a NEPA study. She said that the NEPA study would take six months to a year to complete, and it would study the river related to a potential river crossing. She stated that the Transportation Advisory Committee (TAC) voted to move forward with the river crossing project.

Dr. Yeung – thanked a military family who volunteered to plant flowers at Hampton Oaks. She thanked Cecilia Sanabria who operated a program called “Cleaning for a Reason,” which cleaned homes for cancer patients. She apologized for how she phrased her comments regarding the veterans’ tax relief program. She stated that they would continue to advocate for state funding for services and programs in the County.

REPORT OF THE COUNTY ATTORNEY

There was no report.

REPORT OF THE COUNTY ADMINISTRATOR

Mr. Vosburg said that in the packet, there was a Finance, Audit and Budget Committee Action List for informational purposes. He said Mr. Paul Santay would present the Commercial Development Process Review update.

Commercial Development Process Review Update.

Mr. Paul Santay, Chief Director of Development Services, stated that they were in task five of six of the study. He said they were reviewing building permit fees and the plan, review, and development fees associated with development services in Planning and Zoning.

Mr. Santay said they hoped to complete the study in the next two weeks, and they would produce a proposed draft fee schedule. He said that the final task, task six, would combine all the previous tasks and bring the item before the CEDC in July for further discussion. He said they would incorporate the feedback and bring the item before the Board to deliver the final report. He said that an implementation plan would be proposed.

CONSENT AGENDA

Ms. Bohmke motioned, seconded by Ms. Vanuch, to approve the Consent Agenda as presented.

The Voting Board tally was:

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

ITEM 1. COUNTY ADMINISTRATION; APPROVE APRIL 18, 2023 BOARD OF SUPERVISORS MEETING MINUTES.

ITEM 2. COUNTY ADMINISTRATION; APPROVE APRIL 18, 2023 BOARD OF SUPERVISORS BUDGET WORK SESSION MINUTES.

ITEM 3. COUNTY ADMINISTRATION; APPROVE APRIL 11, 2023 BOARD OF SUPERVISORS BUDGET WORK SESSION MINUTES.

ITEM 4. CAPITAL PROJECTS TRANSPORTATION; REQUEST REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION (PRTC) FOR QUALIFYING TRANSPORTATION EXPENDITURES.

Resolution R23-155 reads as follows:

A RESOLUTION REQUESTING REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION (PRTC) FOR TRANSPORTATION EXPENDITURES

WHEREAS, funds are budgeted in the Transportation Fund for various programs, including the Fredericksburg Regional Transit Authority, Stafford Regional Airport, and road improvements during Fiscal Year (FY) 2022 through FY2023; and

WHEREAS, the County expended \$3,126,656.00 in FY2022, \$616,472.00 in FY2023, in qualifying transportation-related expenses that are eligible for reimbursement from the Potomac and Rappahannock Transportation Commission (PRTC); and

WHEREAS, the Board desires to request that PRTC reimburse the County for these qualifying transportation-related expenses from the County's Motor Fuels Tax Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of May 2023, that it be and hereby does request that the Potomac and Rappahannock Transportation Commission (PRTC) reimburse Stafford County for qualifying transportation-related expenses in the amount of Three Million Seven Hundred Forty-Three Thousand One Hundred Twenty-Eight Dollars (\$3,743,128) for Fiscal Years 2022 through 2023 from the County's Motor Fuels Tax Fund; and

BE IT FURTHER RESOLVED that the County Administrator or his designee shall provide a copy of this Resolution to the PRTC.

ITEM 5. COMMUNITY ENGAGEMENT; PROCLAMATION RECOGNIZING MAY AS ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH IN STAFFORD COUNTY.

Proclamation P23-06 reads as follows:

A PROCLAMATION RECOGNIZING MAY AS ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH IN STAFFORD COUNTY

WHEREAS, Asian Pacific Americans have made significant contributions to all phases of our economic, social, cultural and political life; and

WHEREAS, each year, Americans observe National Asian Pacific American Heritage Month by celebrating the histories, cultures and contributions of American citizens whose ancestors came from all over the Asian continent and the Pacific islands of Melanesia (New Guinea, New Caledonia, Vanuatu, Fiji and the Solomon Islands), Micronesia (Marianas, Guam, Wake Island, Palau, Marshall Islands, Kiribati, Nauru and the Federated States of Micronesia) and Polynesia (New Zealand, Hawaiian Islands, Rotuma, Midway Islands, Samoa, American Samoa, Tonga, Tuvalu, Cook Islands, French Polynesia and Easter Island); and

WHEREAS, the month of May was chosen to commemorate the immigration of the first Japanese to the United States on May 7, 1843, and to mark the anniversary of the completion of the transcontinental railroad on May 10, 1869, built mainly through Chinese immigrants; and

WHEREAS, Staffordians of Asian Pacific descent are leaders in business, military service, education, healthcare, science and technology and other areas that propel Stafford forward in jobs and business and education; and

WHEREAS, Our Asian Pacific community contributes to the incredible diversity and unity of Stafford County, with a rich history of different cultures and ethnic impact;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this May 2nd, 2023, that it be and hereby does honor and designate May 2023 as Asian Pacific American Heritage Month.

ITEM 6. COMMUNITY ENGAGEMENT; PROCLAMATION RECOGNIZING THREE MARINES FOR HEROIC ACTIONS IN STAFFORD COUNTY.

Proclamation P23-18 reads as follows:

A PROCLAMATION RECOGNIZING THREE MARINES FOR HEROIC ACTIONS IN STAFFORD COUNTY

WHEREAS, Lance Cpl. Nicholas Dural, Cpl. John Darby and Cpl. Bradley Feldkamp performed heroic actions in Stafford County at Chick-Fil-A, preventing bodily injury to citizens; and

WHEREAS, Lance Cpl. Dural, Cpl. Darby and Cpl. Feldkamp were at Marine Corps Base Quantico attending a nine-week embassy security guard training; and

WHEREAS, while eating lunch at Chick-Fil-A on Garrisonville Road, the young men witnessed an altercation where a teen pulled a knife; and

WHEREAS, the young Marines disarmed the teen and halted the altercation, preventing bodily harm to several other Chick-Fil-A patrons; and

WHEREAS, Stafford County is eternally grateful for the selfless and brave actions of Lance Cpl. Dural, Cpl. Darby and Cpl. Feldkamp; and

WHEREAS, Stafford County greatly appreciates its partnership with Quantico and the men and women of the highest integrity and dedication to service who are part of the Stafford County community;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 2nd day of May, 2023, that it be and hereby does honor and recognize Lance Cpl. Nicholas Dural, Cpl. John Darby and Cpl. Bradley Feldkamp for heroism and service to Stafford County.

ITEM 7. FINANCE; BUDGET AND APPROPRIATE REQUISITIONED BOND FUNDS TO THE GENERAL FUND CAPITAL RESERVE AND EXCESS BOND PROCEEDS TO SCHOOLS CONSTRUCTION FUND FOR HIGH SCHOOL #6.

Resolution R23-154 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE REQUISITIONED BOND FUNDS AND EXCESS BOND PROCEEDS FOR TRANSFER TO THE GENERAL FUND CAPITAL RESERVE AND FOR TRANSFER TO SCHOOLS CONSTRUCTION FUND AND TO THE SCHOOLS CONSTRUCTION FUND IN SUPPORT OF THE HIGH SCHOOL NO. 6 PROJECT

WHEREAS, the County has requisitioned bond funds for reimbursement of project costs under the VRA Series 2017C bond issuances, totaling approximately \$1,117,042; and

WHEREAS, staff is in the process of requisitioning an additional \$275,327 of bond funds for reimbursement of project costs under the G.O. Series 2017- Parks and Recreation bond issuances, and expects to receive the requisitioned funds by mid-May of this year; and

WHEREAS, staff anticipates that additional unposted interest earnings on the above referenced bond funds will occur and increase the total balance of the requisitioned funds to as high as \$1,400,000; and

WHEREAS, significant premium and lower than expected issuance costs have resulted in excess proceeds on VPSA Series 2023 bond issuance, providing approximately \$248,274 of additional project funds; and

WHEREAS, staff recommends the requisitioned bond funds be transferred to Capital Reserve in the General Fund for future use; and

WHEREAS, Schools staff recommends the VPSA Series 2023 proceeds be used in support of the High School No. 6 project; and

WHEREAS, the Board has considered the recommendations of County and Schools staffs, and desire to budget and appropriate funds as stated below;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of May, 2023, that requisitioned bond funds under the VRA Series 2017C and G.O. Series 2017- Parks and Recreation bond issuances be and they hereby are budgeted and appropriated in an amount equal to the requisitioned amount plus any unposted additional interest earnings and not exceeding the following, as follows:

Fund	Purpose	Amount
Capital Projects Fund	Transfer to General Fund Capital Reserve for future use	\$1,400,000

; and

BE IT FURTHER RESOLVED that excess proceeds under the VPSA Series 2023 bond issuance are budgeted and appropriated as follows:

Fund	Purpose	Amount
Capital Projects Fund	Transfer to Schools' Construction Fund for High School No. 6 Project	\$248,274
Schools' Construction Fund	High School No. 6 Project	\$248,274

ITEM 8. INFORMATION TECHNOLOGY; AUTHORIZE THE COUNTY ADMINISTRATOR TO APPROVE THE CONTRACT AND PURCHASE OF COMPONENTS NECESSARY FOR THE CREATION OF AN ENTERPRISE WIRELESS NETWORK, AND TO BUDGET AND APPROPRIATE PRIOR YEAREND FUND BALANCE.

Resolution R23-91 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE THE CONTRACT AND PURCHASE OF COMPONENTS NECESSARY TO CREATE AN ENTERPRISE WIRELESS NETWORK FROM CAS SEVERN, INC. AND TO BUDGET AND APPROPRIATE PRIOR YEAREND FUND BALANCE FOR THE EXPENDITURES

WHEREAS, the current inventory of Wi-Fi Access Points and infrastructure does not provide adequate coverage and wireless network access at the Public Safety Building, Government Center, Courthouse Building, and Chichester Building, resulting in dead zones and poor connectivity; and

WHEREAS, dead zones and poor connectivity impacts the ability of staff and the general public to conduct County business online; and

WHEREAS, new access points offer greatly enhanced bandwidth, which will increase online access and will be needed to support body-worn cameras for public safety; and

WHEREAS, the enterprise wireless network components may be cooperatively procured through a University of Virginia Contract, #UVA-AGR-IT-00202-CASSevern with CAS Severn, Inc.;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 2nd day of May, 2023, that the County Administrator be and he hereby is authorized to execute a contract with CAS Severn, Inc. for the purchase of components necessary to create an enterprise wireless network in an amount not to exceed Two Hundred Ninety-Two Thousand Three Hundred Ninety-Five Dollars (\$292,395), unless amended by a duly-authorized contract amendment; and

BE IT FURTHER RESOLVED that prior yearend fund balance is budgeted and appropriated to purchase the network components under the contract as follows:

Fund	Department/Purpose	Amount
General Fund	Information Technology for Wi-Fi	\$292,395

ITEM 9. UTILITIES; AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A TASK ORDER WITH SAGRES CONSTRUCTION CORPORATION FOR WATERLINE REPLACEMENT ON PENDLETON ROAD IN THE FERRY FARM SUBDIVISION.

Resolution R23-134 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE REQUISITIONED BOND FUNDS AND EXCESS BOND PROCEEDS FOR TRANSFER TO THE GENERAL FUND CAPITAL RESERVE AND FOR TRANSFER TO SCHOOLS CONSTRUCTION FUND AND TO THE SCHOOLS CONSTRUCTION FUND IN SUPPORT OF THE HIGH SCHOOL NO. 6 PROJECT

WHEREAS, the County has requisitioned bond funds for reimbursement of project costs under the VRA Series 2017C bond issuances, totaling approximately \$1,117,042; and

WHEREAS, staff is in the process of requisitioning an additional \$275,327 of bond funds for reimbursement of project costs under the G.O. Series 2017- Parks and Recreation bond issuances, and expects to receive the requisitioned funds by mid-May of this year; and

WHEREAS, staff anticipates that additional unposted interest earnings on the above referenced bond funds will occur and increase the total balance of the requisitioned funds to as high as \$1,400,000; and

WHEREAS, significant premium and lower than expected issuance costs have resulted in excess proceeds on VPSA Series 2023 bond issuance, providing approximately \$248,274 of additional project funds; and

WHEREAS, staff recommends the requisitioned bond funds be transferred to Capital Reserve in the General Fund for future use; and

WHEREAS, Schools staff recommends the VPSA Series 2023 proceeds be used in support of the High School No. 6 project; and

WHEREAS, the Board has considered the recommendations of County and Schools staffs, and desire to budget and appropriate funds as stated below;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of May, 2023, that requisitioned bond funds under the VRA Series 2017C and G.O. Series 2017- Parks and Recreation bond issuances be and they hereby are budgeted and appropriated in an amount equal to the requisitioned amount plus any unposted additional interest earnings and not exceeding the following, as follows:

Fund	Purpose	Amount
Capital Projects Fund	Transfer to General Fund Capital Reserve for future use	\$1,400,000

; and

BE IT FURTHER RESOLVED that excess proceeds under the VPSA Series 2023 bond issuance are budgeted and appropriated as follows:

Fund	Purpose	Amount
Capital Projects Fund	Transfer to Schools' Construction Fund for High School No. 6 Project	\$248,274
Schools' Construction Fund	High School No. 6 Project	\$248,274

UNFINISHED BUSINESS

ITEM 10. PLANNING AND ZONING; CONSIDER TIME LIMIT EXTENSION REQUESTS FOR ZONING RECLASSIFICATION AND CONDITIONAL USE PERMIT APPLICATIONS FOR A PROJECT KNOWN AS BELMONT PARK.

Ms. Kathy Baker, Interim Director of Planning and Zoning, stated various modifications had occurred since the original submission. She said most recently, the applicant was informed VDOT

was trying to realign some of the commuter lot area for salt domes, so they had to realign the access to the site. She said the acreage had been reduced by removing parcels. She said the Board had previously granted extensions on the application, and the latest extension expired May 1. She said the extension was requested until November.

Mr. Coen motioned, seconded by Mr. English, to approve proposed Resolution R23-143.

The Voting Board tally was:

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

Resolution R23-143 reads as follows:

A RESOLUTION GRANTING TIME EXTENSIONS FOR
RECLASSIFICATION APPLICATION RC20153239 AND
CONDITIONAL USE PERMIT APPLICATION CUP20153240,
PURSUANT TO STAFFORD COUNTY CODE SECS. 28-162, "REVIEW
AND REQUIREMENTS" AND 28-185, "CONDITIONAL USE PERMIT"

WHEREAS, on June 2, 2020, the Board adopted Ordinance O20-13, which established time limits for zoning reclassification and conditional use permit (CUP) applications; and

WHEREAS, Stafford County Code Secs. 28-162(h) and 28-185(b)(2) specify that any zoning reclassification or CUP application still pending more than eighteen (18) months from the date such application was filed shall be administratively closed by staff due to inactivity but an applicant may request in writing, prior to such deadline, which request must contain a definitive time for moving forward with or withdrawing the application, and the extension request may be granted by the Board; and

WHEREAS, Applications RC20153239 and CUP20153240, were filed on April 1, 2020 (collectively, The Belmont Park Applications); and

WHEREAS, the Board granted previous extension requests for The Belmont Park LLC Applications on February 15, 2022, pursuant to Resolution R22-36, extending the time limit to August 31, 2022, and again on October 18, 2022, pursuant to Resolution R22-257, extending the time limit to May 1, 2023; and

WHEREAS, on March 28, 2023, an additional request was received for The Belmont Park Applications and such request seeks an additional extension to November 1, 2023; and

WHEREAS, the Board finds that time limit extensions for the Belmont Park Applications, pursuant to Stafford County Code Secs. 28-162(h) and 28-185(b)(2), are appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of May, 2023, that time limit extensions, pursuant to County Code Sec. 28-162(h) and Sec. 28-185(b)(2), be and they hereby are granted as follows:

	Project Name	Application(s)	Time Limit Extend To
1.	Belmont Park	RC20153239 CUP20153240	November 1, 2023

ITEM 11. PLANNING AND ZONING; CONSIDER A REQUEST FOR (1) A PROPOSED ZONING RECLASSIFICATION, WITH PROFFERS, FROM THE B-3, OFFICE ZONING DISTRICT TO THE B-2, URBAN COMMERCIAL ZONING DISTRICT, AND (2) A CONDITIONAL USE PERMIT TO ALLOW A HOTEL/MOTEL USE WITHIN THE B-2, URBAN COMMERCIAL AND HC, HIGHWAY CORRIDOR OVERLAY ZONING DISTRICTS ON TAX MAP PARCEL NO. 38-20 (PROJECT KNOWN AS RA-AMIT, LLC).

Ms. Baker stated the property was currently zoned B-3, and it was located on the east side of Route 1. She said that the most recent use was a nursing home, but it had been vacant for many years. She said there was a parking area and a single entrance onto the site. She said there were resource protection areas to the south of the building, and sections were in the flood plain.

Ms. Baker said the applicant had begun work on the project by installing new roofing on the structure. She said the applicant intended to use the same building. She said the Comprehensive Plan designated the area as a central Stafford Targeted Development Area. She said the proffers had a maximum trip generation for the property not to exceed 1,000 average vehicle trips per day. She said the use would be limited to lower intensity office and retail uses. She said the property would have no more than two entrances onto Richmond Highway, and the south entrance would be limited to utility vehicles and deliveries.

Ms. Baker said the conditions included allowing for development of one hotel and a hospitality conference room. She said overnight lodging would be limited to 35 rooms, and long-term room rentals exceeding 30 days would be prohibited. She said loading spaces would be located behind the building, and a fence would be installed on the property line.

Ms. Baker said the use was consistent with land use recommendations and with development along Richmond Highway. She noted that the proffers would limit vehicle trips and help limit negative impacts. She said staff recommended approval of the reclassification and conditional use permit.

Ms. Vanuch asked if a hotel operation was a by-right use on a B-3 parcel.

Ms. Baker responded that it would require a CUP.

Ms. Vanuch clarified that it could remain B-3 zoning.

Ms. Baker said yes.

Ms. Vanuch asked for clarification as to why the property was requested to be zoned B-2.

Ms. Baker responded that the applicant's initial request was for B-2 zoning, which would permit additional flexibility on the site if the CUP were not approved.

Ms. Vanuch requested a list of the permitted uses for B-2 zoning.

Ms. Allen asked what the plans were for the existing facility.

Mr. Gupta, the Applicant responded that they would fix the existing structure if the County permitted it. He responded that B-3 had limited uses, and B-2 had about 35 uses.

Mr. English asked what the property would be used for.

Mr. Gupta said he wanted to install a hotel use on the property.

Mr. English asked if extended stays would be allowed.

Mr. Gupta said no. He said the maximum stay period was one week.

Dr. Yeung asked for clarification about the 100-year flood plain and the regulatory floodway.

Ms. Baker responded that each had different regulations, and the regulatory floodway had flood-proofing regulations for the building.

Dr. Yeung clarified that the site was located in both flood areas.

Ms. Baker said yes.

Dr. Yeung requested a list of the regulations for both flood overlays.

Ms. Baker said she could follow up with a list.

Dr. Yeung asked why there was not a GDP.

Ms. Baker responded that it was an existing building and existing use. She said a full GDP was not required because there were no new uses to show.

Dr. Yeung asked what the impact of the reclassification would be.

Ms. Baker stated that the current proposal was for the hotel. She said the CUP set the conditions for the hotel use. She said that the number of rooms would be limited to 35, and long-term stays could not exceed 30 days. She said the rezoning to B-2 was separate so that another use could take place on the site if the hotel use was not approved. She said that they were not bound to the hotel use.

Dr. Yeung requested that the applicant supply a GDP.

Acting Assistant Planning and Zoning Director, Mike Zuraf provided a list of the uses permitted in the B-2 zoning district. He noted that some of the uses may not be permitted on the site because they would generate more than 1,000 vehicle trips per day.

Ms. Bohmke noted that the Highway Corridor Overlay impacted B-2 and B-3 zoning.

Ms. Baker explained that the Highway Corridor Overlay regulated uses such as a drive-through facility and required uses to follow the neighborhood design standards.

Mr. Coen asked when the structure was originally built.

Ms. Baker said it had existed since the 1960s.

Mr. Coen asked if construction would have to comply with new building standards and flood standards.

Ms. Baker responded that they would have to comply with the building codes.

Mr. Santay said that if structures were built in the flood plain prior to the adoption of the flood plain ordinance, then they were considered pre-firm structures. He said that once pre-firm structures were substantially improved by 50% or more of the fair-market value, then they would have to bring the structure into conformance with the flood plain ordinance and associated building codes. He said the applicant would be given the option to reevaluate the permits or obtain an appraisal to determine the fair-market value of the property.

Ms. Allen asked what the tax revenue was from the property.

Ms. Baker said she could follow up with the information.

Ms. Allen asked what the proposed economic benefit was to the County in terms of revenue generation.

Ms. Baker said she would follow up with the Board.

Ms. Allen suggested the item be deferred.

Ms. Vanuch suggested that they review the impacts of the flood plain with Economic Development. She suggested that the item be deferred.

Ms. Bohmke said that the Board required more information.

Ms. Bohmke motioned, seconded by Mr. English, to defer the item until May 16.

Mr. David Honadle, Deputy County Attorney, stated that the applicant had to agree to a deferral.

Mr. Gupta stated that he purchased the property in 2009 and spent about \$400K to renovate the property for a nursing home use. He said that the permit had expired in 2006, so he was not able to have an assisted living facility. He said that he had invested \$1.6M into the property, and he had been trying to develop it for 14 years.

Ms. Bohmke asked Mr. Gupta if he would support deferring the item for two weeks.

Mr. Gupta said he did not have a problem with deferring the matter.

The Voting Board tally was:

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

Nay: (0)

NEW BUSINESS

ITEM 12. UTILITIES; AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT WITH SBC TOWER HOLDINGS, LLC FOR THE GARRISONVILLE RADIO TOWER ON SHELTON SHOP ROAD.

Mr. Chris Edwards, Director of Utilities, stated that during a review of the lease, they determined the revenue was only \$1 per year while the annual cost to the County was \$22K. He said they renegotiated the contract to receive a lump-sum payment of \$25K and then \$21K per year afterward with a 3% escalation. He said they would receive a free space on the tower for a public safety radio system. He said the lease was for 35 years, composed of seven five-year renewal periods.

Ms. Vanuch asked what cellular service would be on the tower.

Mr. Edwards responded that it was an existing tower. He said that it was built in 1991, but he was unsure of which carriers were on the tower. He said they would continue the same usage.

Mr. Coen asked if the matter was time sensitive.

Mr. Edwards said no.

Dr. Yeung requested information about the number of contracts which required review.

Mr. English asked if the lease agreements were market rate.

Mr. Edwards said it was market rate.

Mr. English asked if the renewal terms could be reviewed every three years.

Mr. Edwards responded that they could consider it. He said most of the contracts were five-year renewals.

Dr. Yeung requested a review of the County's contracts.

Ms. Allen requested information about cellular coverage in the County and if there was a plan in place to close the coverage gap. She requested a review of potential sites that could be used to increase cellular service.

Mr. Edwards said most of the cellular providers had coverage maps, and they generally worked toward filling coverage gaps. He said that part of the Milestone Contract was to establish towers in areas that may not already have towers.

Ms. Allen said she was interested in ways the County could facilitate wireless access expansion.

Ms. Gary suggested seeking additional funding to provide better cellular coverage around railroad tracks.

ITEM 13. CAPITAL PROJECTS TRANSPORTATION; DISCUSSION OF THE FY2024-2029 SECONDARY SIX-YEAR PLAN (SSYP).

Mr. Matthew Lehane, Transportation Planner, stated that a public hearing was scheduled for May 16 to adopt the FY24–FY29 SSYP. He said that the SSYP provided state funding for a variety of improvements on secondary roads, and the primary source was telefees. He said funding totaled under \$500K per year. He said that the County was allowed input into how the funds were applied.

Mr. Lehane said that last year, the Board approved the FY23–FY28 SSYP, and since then, there had been several updates to the plan. He said that there were some funding deficits and surpluses, so they were recommending preliminary changes to several projects, and VDOT had updated the cost estimates for the projects. He said that they were continuing future year funding for FY29, extra funding in the intermediate years, and extra funding in the previous years. He said that there was about \$2.5M in funding that could be allocated.

Ms. Gary said she did not support a service district on Brooke Road.

Ms. Allen asked how the project deficits would be funded.

Mr. Lehane stated that additional funds were waiting following project closeouts, about \$1.5M, which was funding from projects from previous years. He said that in the intermediate years, there was funding in the County-wide services of about \$1.5M.

Ms. Allen asked which of the projects were completed.

Mr. Lehane responded that the only project on the list that was completed was Brent Point Road.

Ms. Allen asked if the excess funds would be sufficient to cover the budget shortfalls.

Mr. Lehane said yes. He said there was about \$700K in budget shortages that would be covered.

Ms. Allen asked when they would be able to allocate the excess funds to other, larger projects.

Mr. Lehane said that they could allocate those funds now.

Ms. Bohmke requested a summary of the sidewalk projects. She requested a list of outstanding unpaved roads in the County. She said they were considering a prioritization matrix for the transportation projects.

Mr. Lehane said that information could be provided at the next meeting.

Ms. Allen asked how they would prioritize roads based on vehicle traffic.

Mr. Lehane responded that data was available on all the roadways in the County, and daily traffic and vehicle volume was a data point that could be included.

ITEM 14. COUNTY ADMINISTRATION; AUTHORIZE A VIRGINIA OPIOID ABATEMENT AUTHORITY (OAA) COOPERATIVE PARTNERSHIP GRANT APPLICATION FOR MOBILE MEDICATION ASSISTED TREATMENT AND CRISIS STABILIZATION FOR OPIOID ABATEMENT AND AUTHORIZE AND APPROVE STAFFORD'S PARTICIPATION IN AN OAA COOPERATIVE PARTNERSHIP AGREEMENT.

Mr. Anthony Toigo, Officer of Constituent & Legislative Affairs, stated that the item was time sensitive, and both applications were due May 5. He stated that three of the five jurisdictions in the RACSB area had approved the measure, and two jurisdictions were still considering the matter. He said that a regional OOA cooperative partnership agreement was proposed, totaling \$695,704, for the RACSB to provide two services—mobile medicated assistant treatment (MMAT) to five localities on a weekly basis and crisis services at the Sunshine Lady House.

Mr. Toigo explained that the grant program did not require a match, but a match could benefit the scoring. He said RACSB proposed a match from all five localities in PD16, totaling \$247K of the \$695K. He said the County's share was based on a percentage of service calls to RACSB, or 32%. He said that the County match would total \$79,040. He said they proposed to cover the local match with the remaining \$71K in OOA funds being held and \$7,500 in OOA direct funds.

Mr. Toigo said that no budget or appropriation action was required of the Board. He said the OOA cooperative grant program required one locality to serve as the fiscal agent, and staff believed the County was in the best position to serve as the fiscal agent due to its experience with the OOA grant and relationships with OOA staff. He said the fiscal agent was responsible for applying, and if awarded, it was responsible for receiving, managing, and distributing project funds and handling compliance. He said that if the grant was awarded, then they would bring the matter before the Board in July for appropriation and authorization of the operational MOU.

Ms. Bohmke motioned, seconded by Ms. Vanuch, to deem the matter time sensitive.

The Voting Board tally was:

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

Ms. Bohmke motioned, seconded by Mr. Coen , to approve proposed Resolution, R23-158.

The Voting Board tally was:

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

Resolution R23-158 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
SUBMIT A VIRGINIA OPIOID ABATEMENT AUTHORITY (OAA)
COOPERATIVE PARTNERSHIP GRANT APPLICATION FOR MOBILE
MEDICATION ASSISTED TREATMENT AND CRISIS STABILIZATION FOR
OPIOID ABATEMENT

WHEREAS, the Virginia General Assembly established the Virginia Opioid Abatement Authority (OAA) as an independent body with the purpose of abating and remediating the opioid epidemic in the Commonwealth of Virginia through financial support in the form of grants, donations, or other assistance; and

WHEREAS, the OAA's Cooperative Partnership Grant program reserves a portion of state-allocated opioid settlement funds for cooperative partnership projects put forward by two or more localities in the same Virginia Department of Behavioral Health & Developmental Services (DBHDS) region; and

WHEREAS, the OAA has invited each city and county in Virginia to submit proposals for grants to support efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in the Commonwealth; and

WHEREAS, the Board seeks to mitigate and abate impacts of the opioid epidemic in Stafford County, Virginia; and

WHEREAS, Stafford County seeks to partner with the Rappahannock Area Community Services Board (RACSB) and the localities of the RACSB catchment area to submit an OAA Cooperative Partnership Grant Application for mobile Medication Assisted Treatment and Crisis Stabilization for the RACSB (Projects); and

WHEREAS, the Cooperative Partnership application requests \$695,704 in OAA funding, with a local match from the RACSB localities totaling \$247,000, based upon the percentage of individuals served by the RACSB annually; and

WHEREAS, Stafford's annual required local contribution is \$79,040, to be paid from a portion of the County's remaining Individual and Direct OAA Distributions; and

WHEREAS, the Board designates signatory authority for this OAA Cooperative Partnership Grant Application and associated materials to the County Administrator; and

WHEREAS, by submitting this grant application, Stafford County agrees to the terms & conditions of the OAA Cooperative Partnership Grant Application; and

WHEREAS, the Projects comply with the OAA's Gold Standard in Virginia Code § 2.2-2370(A) and adopted by the Board pursuant to Resolution R23-122; and

WHEREAS, Stafford County will serve as the fiscal agent for this Cooperative Partnership Grant Application and project, pending adoption of the Strategic Partnership Agreement contained in proposed Resolution R23-159;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of May, 2023, that the County Administrator be and he hereby is authorized to submit a Virginia Opioid Abatement Authority Cooperative Partnership Grant application for mobile medication assisted treatment and crisis stabilization for opioid abatement.

Ms. Bohmke motioned, seconded by Ms. Vanuch, to approve proposed Resolution, R23-159

The Voting Board tally was:

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

Nay: (0)

Resolution R23-159 reads as follows:

A RESOLUTION AUTHORIZING AND APPROVING STAFFORD COUNTY'S
PARTICIPATION IN A VIRGINIA OPIOID ABATEMENT AUTHORITY
(OAA) COOPERATIVE PARTNERSHIP AGREEMENT

WHEREAS, the Virginia General Assembly established the Virginia Opioid Abatement Authority (OAA) as an independent body with the purpose of abating and remediating the opioid

epidemic in the Commonwealth of Virginia through financial support in the form of grants, donations, or other assistance; and

WHEREAS, the OAA's Cooperative Partnership Grant program reserves a portion of state-allocated opioid settlement funds for cooperative partnership projects put forward by two or more localities in the same Virginia Department of Behavioral Health & Developmental Services (DBHDS) region; and

WHEREAS, the OAA has invited each city and county in Virginia to submit proposals for grants to support efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in the Commonwealth; and

WHEREAS, the Board seeks to mitigate and abate impacts of the opioid epidemic in Stafford County, Virginia; and

WHEREAS, Stafford County seeks to partner with the Rappahannock Area Community Services Board (RACSB) and the localities of the RACSB catchment area to submit an OAA Cooperative Partnership Grant Application for mobile Medication Assisted Treatment and Crisis Stabilization for the RACSB; and

WHEREAS, Stafford County is committed to working with the localities of the RACSB catchment area to develop and jointly apply for Cooperative Partnership grant funding from the OAA; and

WHEREAS, a Cooperative Partnership Agreement signed by the participating localities within the RACSB catchment area is a required component of the OAA Cooperative Partnership Grant Application; and

WHEREAS, the Cooperative Partnership application requests \$695,704 in OAA funding, with a local match from the RACSB localities totaling \$247,000, based upon the percentage of individuals served by the RACSB annually; and

WHEREAS, Stafford's annual required local contribution is \$79,040, to be paid from a portion of the County's remaining Individual and Direct OAA Distributions; and

WHEREAS, the Board designates signatory authority for this OAA Cooperative Partnership Grant Application and associated materials to the County Administrator; and

WHEREAS, Stafford County will serve as the fiscal agent for this Cooperative Partnership Grant Application and project if awarded; and

WHEREAS, the Board authorizes Stafford County's participation in the Cooperative Partnership Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of May, 2023, that the County Administrator be and he hereby is authorized to participate in a Virginia Opioid Abatement Authority Cooperative Partnership Agreement.

ITEM 15. DISCUSSION ON CATEGORICAL FUNDING: REQUESTED BY SUPERVISOR DARRELL ENGLISH.

Mr. English requested staff to bring a presentation to the Board with pros and cons for categorical funding. He asked for information about whether other counties used categorical funding.

Ms. Vanuch requested the item be brought back as unfinished business with Mr. English's recommendation.

Ms. Bohmke said categorical funding would not accomplish what they wanted, and it sent a bad message to the schools. She said that she did not support categorical funding.

Mr. Coen said that he agreed with Ms. Bohmke's statement. He said that the logistics for implementation would put a strain on the County staff. He said he did not support further consideration of categorical funding.

Ms. Gary noted the burden that would be placed on staff.

Ms. Allen said she was not in favor of the request. She said that the School Board should be trusted to manage its funds. She said she did not support the item returning for unfinished business.

Mr. English said that they should consider categorical funding because the School Board held townhalls and did not invite him, and they requested funding at 12:30 a.m.

Dr. Yeung stated that she supported the autonomy of the School Board. She said she did not oppose considering categorical funding.

Ms. Bohmke said that the County should improve the procedures for the next year's budget session. She said that she did not support categorical funding, but she supported taking action to improve the Board's procedures.

Ms. Vanuch requested that Ms. Light present the benefits, drawbacks, and issues with categorical funding at the next Board meeting. She requested information about ways for the Board to ensure how School Board funds were utilized.

Dr. Yeung stated that the item would come back as unfinished business.

DISCUSSION ON SUPPORT OF REGIONAL JUNETEENTH EVENT: REQUESTED BY SUPERVISOR TINESHA ALLEN.

Ms. Allen requested the Board's support for a regional Juneteenth event. She said that community leaders in Planning District 16 had begun to plan a regional event to offer educational and economic opportunities for residents and small businesses. She said that they intended the event to be held at the FredNats Stadium. She requested the Board's authorization to use the County logo and to consider making a monetary contribution to the event.

Ms. Vanuch asked if the other jurisdictions in the planning district were including their logos on the invitations. She asked if the event would be sponsored by Parks and Recreation.

Ms. Allen said they wanted to show unity from the member jurisdictions. She said that King George had permitted the use of its EDA logo. She said the intent was to support a regional Juneteenth event.

Ms. Vanuch said that she rarely saw the County logo used for events, and it was typically the tourism or EDA logo. She said that the EDA authorized the use of its logo, not the Board. She said that the request should be directed to the EDA.

Ms. Gary said that the event was held in King George the year before. She said that event organizers had gone before the EDA to request support, but they did not receive it.

Ms. Bohmke said that she was uninformed about the matter, and the Board should have been more involved in the process. She asked why she was not informed about the matter.

Ms. Gary stated that the event would not be run or managed by the County, but it could be supported by the County or EDA. She said that supervisors were not participating in the planning process as representatives of the Board.

Ms. Bohmke asked if the Chair was notified.

Ms. Gary said she was not aware if the Chair was notified, but the County was not planning the event. She explained that it was organized by members and groups of the Black community in the region, and the community-formed committee had requested Ms. Allen's participation to plan the event.

Dr. Yeung stated that the item would come back as unfinished business.

CLOSED MEETING

At 4:57 p.m., Mr. Coen motioned, seconded by Ms. Vanuch, to adopt Resolution CM23-09 to authorize closed session.

The Voting Board tally was:

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

Nay: (0)

Resolution CM23-09 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for consultation with legal counsel and briefings by staff members pertaining to probable litigation regarding a national class action lawsuit and consultation with legal counsel pertaining to *Stafford County Board of Supervisors v. J.D. Moore, Trustee of the JOMO Family Trust, et. al*, where consultation or briefings in either matter in open meeting would adversely affect the litigating posture of the Board;

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of May, 2023, that it be and hereby does authorize discussion of the above matters in Closed Meeting.

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

At 5:32 p.m., Mr. Coen motioned, seconded by Ms. Vanuch, to adopt Resolution CM23-09(C) to certify the Closed Meeting.

The Voting Board tally was:

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

Nay: (0)

Resolution CM23-09 (C) reads as follows:

**A RESOLUTION TO CERTIFY THE ACTIONS OF THE
STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED
MEETING ON MAY 2, 2023**

WHEREAS, the Board has, on this the 2nd day of May, 2023, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 2nd day of May, 2023, that to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the Motion by which the Closed Meeting was convened, were heard, discussed, or considered by the Board.

Mr. Coen made the motion, seconded by Ms. Bohmke, to approve proposed Resolution, R23-150.

The Voting Board tally was:

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

Resolution R23-150 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND THE COUNTY ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO SETTLE *STAFFORD COUNTY BOARD OF SUPERVISORS V. J.D. MOORE, TRUSTEE OF THE JOMO FAMILY TRUST, ET. AL*, CASE NO. CL21-507

WHEREAS, the Board and J.D. Moore, Trustee of the JOMO Family Trust dated 07/15/2008 (Share H), Jo D. Knight-Moore, Trustee of the JOMO Family Trust dated 07/15/2008 (Share H), J.D. Moore, Trustee of the JOMO Family Trust dated 07/15/2008 (Share W), Jo D. Knight-Moore, Trustee of the JOMO Family Trust dated 07/15/2008 (Share H) are parties to the condemnation case, *Stafford County Board of Supervisors v. J.D. Moore, Trustee of the JOMO Family Trust, et. al*, Case No. CL21-507; and

WHEREAS, the parties in the above-referenced case desire to enter into a settlement agreement to resolve the respondent's claim for just compensation under the terms and conditions discussed in closed session with the County Attorney;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of May, 2023, that the County Attorney and the County Administrator, or their designees, be and they hereby are authorized to execute any and all documents that they deem necessary and appropriate to settle *Stafford County Board of Supervisors v. J.D. Moore, Trustee*

of the JOMO Family Trust, et. al, Case No. CL21-507, under the terms and conditions discussed in closed session.

RECESS

At 5:33 p.m., the Board recessed the meeting.

At 7:00 p.m. Chairman Yeung called the evening session to order. Ms. Vanuch gave the invocation and Ms. Allen led the Pledge of Allegiance to the flag of the United States of America.

PRESENTATIONS

Presentation of Proclamation Recognizing May as Asian American and Pacific Islander Heritage Month in Stafford County.

Dr. Yeung stated that Ms. Rose Doyle would accept the proclamation. She stated that Ms. Doyle and her husband supported the Stafford Special Olympics and volunteered extensively with the organization.

Dr. Yeung presented the proclamation.

Ms. Doyle said she was honored to accept the proclamation on behalf of the Asian American and Pacific Islander community in the County.

PRESENTATIONS BY THE PUBLIC

Dr. Yeung read the rules for public comment.

1. Ms. Molly Denham, 232 Holly Berry, noted that the Board stated it would continue to advocate for state funding for the County schools and other resources. She said that the state received tax revenue from County residents, so she would have preferred to pay County taxes so that the funds would go back to her community. She said that the County should fund its own services before requesting state funding. She thanked the Board for expediting Elementary School #19. She encouraged the Board to continue to emphasize the school needs.
2. Ms. Shannon Fingerholz, 19 Cardinal Forest Drive, said that categorically funding the schools was a disrespectful and retaliatory reaction to the School Board for encouraging

public involvement. She questioned how the Board had more experience than the School Board and staff to make funding decisions. She said categorical funding would place inexperienced people in charge of decisions for the County's largest employer. She said that the County departments were only staffed at 2009 levels, increasing the workload.

Ms. Fingerholz said that social media was the public forum for political engagement, and supervisors spent varying amounts of time active on social media. She stated that since January 1, Mr. English had made roughly 209 Facebook posts, and 2.4% were related to the schools. She said that the public were not fools and did not need the supervisors' ignorant pity. She requested the Board listen to their advocacy and work during the work sessions.

Ms. Fingerholz said that the schools had worked with the Board for months, and it was the Board which made an eleventh-hour request of staff outside of the public view. She said that she had never been invited to a School Board or Board work session or meeting, but she attended because they were open to the public. She said that the supervisors were invited to visit the day schools, but they did not.

3. Ms. Kristin Maxson, 1816 Richmond Highway, stated that at the 3 p.m. meeting, a supervisor expressed frustration about not being informed about a topic, and the public shared the frustration. She said that the public was often not informed, but frustration should not be part of the proceedings. She said that under Agenda Item 13, she was interested in the Brooke Road project, Route 608. She said that the emergency access road frequently flooded between Crestwood Lane and Windermere Drive.

Ms. Maxson said that it had flooded 13 times and impacted 450 residents. She said that the area was known as Crow's Nest, and Accokeek Creek was located there. She requested the Board consider it. She said that a hardship appeared in Item 11. She said she was interested in 0001-089-625. She said that she was located on Route 1, so the item pertained to her. She said that the project seemed to be the parent of all roads, the river crossing, but she did not understand it. She said that the river crossing would impact all roads.

4. Mr. Alan Watkins, 11 England Run Lane, thanked Mr. Coen and Ms. Bohmke for responding to his correspondence and informing the public about the proposed river crossing. He said that each of the four river crossing options had issues that needed to be addressed. He said that FAMPO planned to request a NEPA study for only one of the four options, not all of them. He said that the only option that called for the demolition of 10 homes was the second option. He said that he would distribute more information to the Board over the upcoming week.

Dr. Yeung announced that the Board would continue the closed session after the public hearings.

PUBLIC HEARINGS

ITEM 17. PLANNING AND ZONING; CONSIDER GRANTING ACCESS TO AND USE OF UNIMPROVED PUBLIC RIGHT-OF-WAY OFF OF COOL BROOK LANE FOR A DEVELOPMENT PROJECT KNOWN AS SOUTHGATE SELF-STORAGE.

Ms. Baker said that the rezoning and CUP was approved by the Board as a proffer amendment last year. She said the CUP allowed a mini-storage use on the property. She explained the property was originally zoned B-2 in 2004. She said that there would be a paved section that would only permit emergency access. She said a use agreement would be signed by the County and property owner to stipulate permitted uses. She said that the agreement would allow a future extension of Cool Brook Lane to Route 1 if the adjacent property, a trailer park, was developed.

Ms. Bohmke clarified that there would still be an entrance from Route 1 into the self-storage facility.

Ms. Baker said that was correct. She said that the access would be realigned and provide access to the mobile home park.

Mr. English asked if the access was only right turns.

Ms. Baker said that they were making improvements on Route 1 that would preclude left-turn movements, so the entrance would be right-in right-out.

Dr. Yeung asked if the storage facilities were already constructed.

Ms. Baker said no. She said that the site plan was submitted for the proposal.

Dr. Yeung clarified that the traffic improvements would happen before the storage use.

Ms. Baker responded that in order to receive site plan approval, the right-of-way access agreement had to be approved.

Ms. Bohmke stated that the community was supportive of the project, and they were informed about Cool Brooke Lane.

Ms. Baker stated that community meetings were held for the rezoning.

The Applicant's agent, Ms. Patricia Healy of Leming and Healy, stated that the owner of the property had agreed to the access agreement, and they requested the Board to approve the use of the unimproved portion of the road.

Dr. Yeung opened the public hearing.

1. Ms. Kristin Maxson, 1816 Richmond Highway, stated she had concerns about construction, green space, water, and infrastructure. She said that there were concerns that the buildings consumed water and sewer resources. She expressed concerns about the decreasing amount of green space. She said that developers should provide more green space.

Dr. Yeung closed the hearing for public comment and brought the matter back before the Board.

Ms. Bohmke motioned, seconded by Mr. Coen, to approve proposed Resolution R23-80.

Mr. English said he did not support the motion because the proposed access on Route 1 would create a traffic hazard.

The Voting Board tally was:

Yea:	(4)	Allen, Bohmke, Coen, Gary
Nay:	(3)	English, Vanuch, Yeung

Resolution R23-80 reads as follows:

A RESOLUTION GRANTING ACCESS TO AND USE OF A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED ON COOL BROOK LANE FOR ACCESS TO THE NORTHERN PORTION OF TAX MAP PARCEL NO. 45-165, LOCATED WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, the right-of-way for Cool Brook Lane was dedicated to public use; and

WHEREAS, a portion of right-of-way for Cool Brook Lane located east of Queensland Drive has not been constructed to the Virginia Department of Transportation (VDOT) Secondary Street Acceptance Requirements and has not been accepted in to the Secondary System of State Highways and is not planned to be constructed; and

WHEREAS, the owner of Tax Map Parcel No. 45-165 requests access to and use of a portion of the right-of-way for Cool Brook Lane for the purpose of providing an access road to the parcel; and

WHEREAS, pursuant to Virginia Code § 15.2-1800(B), the Board conducted public

hearing and considered the recommendation of staff and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board believes that it is appropriate to provide access to and use of a portion of the public right-of-way on Cool Brook Lane subject to the owner executing an agreement with the County regarding liability and maintenance associated with access to the public right-of-way;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of May, 2023, that access to and use of a portion of the public right-of-way on Cool Brook Lane be and hereby is granted to the owner of Tax Map Parcel No. 45-16, subject to the terms and conditions of the Right-of-Way Access Agreement substantially in the form included with this Resolution; and

BE IT FURTHER RESOLVED that the County Administrator and County Attorney, or their designees, are authorized to execute the Right-of-Way Access Agreement with the owner of Tax Map Parcel No. 45-16 and any other documents deemed necessary to effectuate the Board's desires and this Resolution.

ITEM 18. PLANNING AND ZONING; CONSIDER AMENDMENTS TO STAFFORD COUNTY CODE SECTION 28-57, "FLOOD HAZARD OVERLAY DISTRICT (FH)" (AMENDMENTS TO THE FLOODPLAIN MANAGEMENT ORDINANCE).

Mr. John Saunders, Environmental Programs Manager, stated that the Planning Commission recommended approval 5 to 1 of the amendments. He said that the process began in 2017 with FEMA, and it was a state-wide effort to remap the flood plains. He said they received preliminary maps in December 2019. He said that they informed residents who were newly mapped into the flood plain and they informed residents who were newly mapped out of the flood plain. He said that residents could appeal the inclusion in the flood plain.

Mr. Saunders said that they had worked on the ordinance and were audited by the Community Rating System program. He said that the audit resulted in the County moving up a class. He said they received a letter of final determination from FEMA on December 21, 2022, and they had six months to adopt the maps. He said if they did not adopt the maps, residents in the County would be unable to purchase flood insurance.

Ms. Bohmke asked if there was a map showing the boundary changes of the flood plain. She asked if the changes were predominantly located in one area.

Mr. Saunders said there was a map that represented the changes available on FEMA's website. He said that the new maps were more accurate, and the newly included structures likely should have

always been included. He said that the maps were generated using LIDAR flown topography, which was accurate to less than one foot.

Ms. Bohmke requested a copy of the maps and information about the flood plain changes.

Ms. Allen asked how the ordinance would be enforced. She asked if residents would be required to send proof of insurance.

Mr. Saunders responded that banks and lenders reviewed the maps, and much of the compliance was enforced by the lenders.

Ms. Allen asked about people who owned their homes and did not pay a mortgage.

Mr. Saunders explained that if homeowners did not have a federally-backed mortgage, there was no mandatory purchase requirement for flood insurance.

Mr. English asked if homeowners without insurance would be able to file for support from FEMA.

Mr. Saunders stated that they would not file through the National Flood Insurance Program, but FEMA would offer other assistance.

Ms. Allen asked how the enforcement would work if it was lender-initiated.

Mr. Saunders stated that the County enforced the ordinance, such as through the permitting or zoning process. He said that they could apply for injunctive relief if a homeowner performed extensive improvements without the proper permits. He explained that the ordinance did not dictate who had to acquire flood insurance. He said that the ordinance dictated how structures were constructed in the flood plain.

Dr. Yeung asked for clarification about the structures which were newly included in the flood overlays. She asked for clarification about structures in the flood plain and flood way overlays.

Mr. Saunders explained that a flood way was part of a flood plain, but it was more regulated. He said that encroachments into the flood way increased flood levels on other portions of the flood plain. He said that the only requirement for newly included structures was to purchase flood insurance if they were required by their lender. He said that if the property were redeveloped, they would be required to comply with the ordinance. He said general improvements that did not require a building permit would not be regulated. He said that if more than 50% of the fair-market value was reinvested into the property, then flood improvements had to be added.

Dr. Yeung requested a map of the changes to the flood plain. She asked for clarification about structures which were mapped out of the flood plain.

Mr. Saunders responded that when a structure was mapped out of the flood plain, the mandatory purchase requirement was removed. He said that homeowners were informed the mandatory requirement no longer applied, but they were encouraged to maintain the flood insurance. He said that anybody in the County could purchase flood insurance. He said that homeowners should consult with their lender before dropping the insurance.

Dr. Yeung asked if the 30 newly mapped-in properties were in the same general area.

Mr. Saunders said yes, they were generally areas that already bordered the flood plain.

Ms. Allen requested that a map of the changes be provided for each district.

Mr. Saunders said they could provide the maps.

Ms. Allen requested information about the addresses of the properties which were changed.

Dr. Yeung opened the hearing for public comment.

1. Ms. Kristin Maxson, 1816 Richmond Highway, said that around Thanksgiving, she helped a friend in Fort Myers after the hurricane where her house was completely flooded. She said that her friend had to pay about 50% to make the necessary improvements to her property. She said that being located in a flood zone may push out property owners. She said that paperwork should not be burdensome.

Dr. Yeung closed the hearing for public comment and brought the matter back before the Board.

Ms. Bohmke motioned, seconded by Mr. Coen, to approve proposed Ordinance, O23-09.

The Voting Board tally was:

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

Nay: (0)

Ordinance O23-09 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY
CODE SEC. 28-57, "FLOOD HAZARD OVERLAY DISTRICT (FH)"

WHEREAS, the National Flood Insurance Program (NFIP) offers flood insurance to homeowners, renters, and business owners in participating localities; and

WHEREAS, the County currently participates in the NFIP and to continue participating, the County must update the Zoning Ordinance regarding floodplains and adopt and amend the effective flood insurance rate maps (FIRM) and a Flood Insurance Study (FIS) report; and

WHEREAS, communities that fail to adopt the necessary floodplain management regulations will be suspended from participation in the NFIP, and subjected to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973; and

WHEREAS, the County desires to update the Zoning Ordinance regarding floodplains as contained in County Code Sec. 28-57, "Flood Hazard Overlay District (FH)" in order to maintain its participation in NFIP; and

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

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices requires adoption of this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of May, 2023, that Stafford County Code Sec. 28-57, "Flood Hazard Overlay District (FH)," be and it hereby is amended and reordained as follows, with all other portions remaining the same:

Sec. 28-57. Flood Hazard Overlay District (FH).

(a) Definitions [44 C.F.R. § 59.1]

For the purposes of this section 28-57, the following words and phrases shall have the meanings respectively ascribed to them by this section; provided that unless specifically defined below, words and phrases used in this section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this section its most reasonable application:

Accessory building or accessory structure. A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures are not to exceed 600 square feet.

Base flood elevation. The FEMA designated one percent annual chance water surface elevation and the elevation determined per county Code subsection 28-57(q)(3). The water surface elevation of the base flood in relation to the datum specified on the ~~community's~~ county's FIRM.

Basement. Any area of the building having its floor sub-grade (below ground level) on all sides.

Board of zoning appeals. ~~The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this ordinance.~~ The board of zoning appeals as established in Article XIX of Chapter 28 of this Code.

Building. See the definition for “structure.”

Coastal A Zone. Flood hazard areas that have been delineated as subject to wave heights between one and one-half (1.5) feet and three (3) feet.

Community means any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska Native village or authorized native organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction. For most purposes in this Section 28-57(a), it is synonymous with the term “locality.” Stafford County, Virginia, is specifically referred to herein as the “county.”

Development. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, temporary structures, dredging, filling, grading, paving, excavation, drilling operations, other land-disturbing activities, or permanent or temporary storage of equipment or materials.

Elevated building. A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction. Structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. Existing construction may also be referred to as an “existing structures” or “pre-FIRM”.

FEMA. Federal Emergency Management Agency.

Floodplain or flood-prone area. Any land area susceptible to being inundated by water from any source.

Floodplain administrator. The county administrator or his designee(s) responsible for administering the floodplain ordinance on behalf of the county.

Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities,

port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Manufactured home park or subdivision. A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.

New construction. For the purposes of determining insurance rates and floodplain management, new construction means structures for which the start of construction commenced on or after November 19, 1980, and includes any subsequent improvements to such structures.

Post-FIRM structures. A structure for which construction or substantial improvement occurred on or after November 19, 1980.

Pre-FIRM structures. A structure for which construction or substantial improvement occurred before November 19, 1980.

Primary frontal dune. A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms.

Principal building or structure. Shall have the same meaning as is provided for that term in the zoning ordinance as amended from time to time.

Recreational vehicle. A vehicle which is:

- (i) Built on a single chassis;
- (ii) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (iii) Designed to be self-propelled or permanently towable by a light duty truck; and
- (iv) Designed primarily as temporary living quarters for recreational camping, travel or seasonal use, not for use as a permanent dwelling.

Repetitive loss structure. A building covered by a flood insurance contract that incurred flood-related damages on two (2) occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five (25) percent of the market value of the building at the time of each flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure. A structure that:

- (a) Is covered under a flood insurance contract made available under the NFIP; and
- (b) Incurred flood related damage:
 - (i) For which four (4) or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding five thousand dollars (\$5,000.00), and with the cumulative amount of such claims payments exceeding twenty thousand dollars (\$20,000.00); or
 - (ii) For which at least two (2) separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Structure. For floodplain management purposes, a walled and roofed building, that is principally above ground, including a gas or liquid storage tank, as well as a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred; or flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure at the time of each such flood event.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, when added to any reconstruction, rehabilitation, addition, or other improvement of a structure made during a rolling 5-year period, the total cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred repetitive loss or substantial damage regardless of the actual repair work performed. The term does not however include:

- (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- (ii) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure; or
- (iii) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement, must comply with all requirements of this section that do not preclude the structure's continued designation as a historic structure. Documentation that a specific requirement will cause removal of the structure from the National Register of Historic Places or the state inventory of historic places must be obtained from the Secretary of the Interior or the state historic preservation officer. Any exemption from this section's requirements shall be the minimum necessary to preserve the historic character and design of the structure.

Variance means a grant of relief by the board of zoning appeals from the terms of a floodplain management regulation.

Violation. The failure of a structure or other development to comply with this section. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under this section is presumed to be in violation until such time as that documentation is provided to the ~~Zoning Administrator~~ floodplain administrator.

Watercourse. A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(b) *Statutory authorization and purpose [44 C.F.R. § 59.22(a)(2)].*

This section is adopted ~~under~~ pursuant to Code of Virginia Code § 15.2-2200 et seq. in order to satisfy the requirements of the National Flood Insurance Program (NFIP).

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (1) Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies;
- (2) Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding;
- (3) Requiring all those uses, activities and developments that occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage; and
- (4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(c) *Applicability.* These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the county and identified as areas of special flood hazard identified by the county or shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) according to the FIRM that is are provided to the county by FEMA.

(d) *Compliance and liability.*

- (1) No land shall be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with this section and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this section.
- (2) The degree of flood protection sought by this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Flood elevations may increase by manmade or natural causes, such as ice jams and debris, restricted bridge openings. This section does not imply that areas outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.

- (3) This section shall not create any liability on the part of the county or any county officer or employee for any flood damages that result from reliance on this section or any administrative decision lawfully made under this section.
- (e) *Records* [44 C.F.R. § 59.22(a)(9)(iii)]. Records of actions associated with administering this section shall be kept on file and maintained by or under the direction of the floodplain administrator in perpetuity.
- (f) *Abrogation and greater restrictions* [44 C.F.R. § 60.1(b)]. ~~This section supersedes any county Code section or ordinance currently in effect in flood-prone districts.~~
 - (1) The regulations contained in this Sec. 28-57 take precedence over any less restrictive conflicting local laws, ordinances, or codes.
 - (2) The regulations contained in this Sec. 28-57 are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between the regulations contained in this Sec. 28-57 and any other ordinance, the more restrictive shall govern.
- (g) *Severability.* If any subsection, paragraph, sentence, clause, or phrase of this section shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this section. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this section are declared to be severable.
- (h) *Penalty for violations* [44 C.F.R. § 60.2(e)].
 - (1) Any person who fails to comply with any of the requirements of this section, the direction, discussion, or order of the ~~director of planning and zoning~~ floodplain administrator or any authorized employee of the county shall be guilty of the appropriate violation and subject to the penalties therefore.
 - (2) The Virginia Uniform Statewide Building Code addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the zoning ordinance are addressed in county Code ~~section 28-311~~ Chapter 28, Article XVII.
 - (3) In addition to the above penalties, all other actions are reserved, including an action ~~in equity~~ for an injunction for the proper enforcement of this section. The imposition of a fine or penalty for any violation of, or noncompliance with, this section shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this section ~~may be declared by the county to be a public nuisance and abatable as such is~~ subject to this subsection (h). Flood insurance may be withheld from structures constructed in violation of this section.
- (i) *Designation of the floodplain administrator* [44 C.F.R. § 59.22(b)] ~~The zoning administrator~~ floodplain administrator is appointed to administer and implement ~~these regulations~~ this Sec. 28-57 and is referred to as the floodplain administrator. The floodplain administrator may:

- (1) Do the work himself or themselves. ~~In the absence of a designated floodplain administrator, the duties are conducted by the county administrator, or his designee.~~
 - (2) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
 - (3) Enter into a written agreement/contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the ~~community~~ county of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program (NFIP) as set forth in 44 C.F.R. § 59.22.
- (j) *Duties and responsibilities of the floodplain administrator [44 C.F.R. § 60.3].* The duties and responsibilities of the floodplain administrator shall include, but are not limited to the following:
- (6) Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that federal flood insurance is not available on such structures; areas subject to this limitation are shown on FIRMS as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA). ~~At the time of passing of Ordinance No. O14-37, there are no such areas designated on the Stafford County FIRM.~~
 - (11) Maintain and permanently keep records that are necessary for the administration of this section, including:
 - a. Flood insurance studies, FIRMS (including historic studies and maps and current effective studies and maps), and LOMC; and
 - b. Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of this section.
 - (16) Notify FEMA when the ~~corporate~~ jurisdictional boundaries of the county have been modified and:
 - a. Provide a map that clearly delineates the new ~~corporate~~ boundaries or the new area for which the authority to regulate pursuant to this section has been assumed or relinquished through annexation; and
 - b. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in this section, prepare amendments to this section to adopt the FIRM and appropriate requirements, and submit the amendments to the board of supervisors for its consideration; such consideration shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to ~~department of conservation and recreation~~ Virginia Department of Conservation and Recreation (~~d~~D~~i~~v~~i~~s~~i~~o~~n~~ of ~~d~~D~~a~~m ~~s~~S~~a~~f~~et~~y~~ and ~~f~~F~~loodplain ~~m~~Management) and FEMA.~~~~

- (17) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- (18) It is the duty of the floodplain administrator to take in to account flood, mudslide, and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdiction of the county, whether or not those hazards are specifically delineated geographically (e.g., via mapping or surveying).
- (k) ~~Use and interpretation of FIRMs [44 C.F.R. § 60.3]. The floodplain administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. Interpretation of district boundaries. Initial interpretations of the boundaries of the floodplain districts, including special flood hazard areas, floodplain boundaries, and floodway boundaries, shall be made by the floodplain administrator. Should a dispute arise concerning the boundaries of any of the floodplain districts, the board of zoning appeals shall make the necessary determination. Any person who disputes the location of district boundary shall be given a reasonable opportunity to present the case to the board of zoning appeals and to submit technical evidences if so desired. The following principles shall apply to the use and interpretation of FIRMs and data:~~
- (l) ~~Jurisdictional boundary changes [44 C.F.R. § 59.22, 65.3].~~
- (1) The county floodplain provisions in effect on the date of annexation or a boundary adjustment shall ~~remain go into~~ effect and shall be enforced by the county for all ~~annexed~~ areas added to the jurisdiction of the county upon the effective date of the annexation or boundary adjustment. ~~until the county adopts and enforces county Code provisions which meet the requirements for participation in the NFIP. In general, localities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the board of supervisors for its consideration, such consideration shall take place at the same time as or prior to the date of annexation, and a copy of the amended regulations shall be provided to department of conservation and recreation (division of dam safety and floodplain management) and FEMA.~~
- (2) ~~In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22(a)(9)(v), all NFIP participating communities must~~ The floodplain administrator shall notify FEMA and the Virginia Department of Conservation and Recreation Division of Dam Safety and Floodplain Management, and optionally the state coordinating office, in writing whenever the boundaries of the community county are modified by annexation or boundary adjustment or the community county otherwise assumes~~d~~ or is no longer authorized to adopt and enforce floodplain management regulations for a particular area. ~~In order that all FIRMs accurately represent the~~

~~community's boundaries. Such written notification shall include a copy of a map of the community county suitable for reproduction, clearly delineating the new corporate jurisdictional limits or new area for which the community county assumed or relinquished floodplain management regulatory authority. must be included with the notification.~~

- (m) *District boundary changes.* Upon FEMA approval, the ~~T~~the delineation of any of the floodplain districts may be revised by the county where natural or manmade changes have occurred, where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, and/or an individual documents the need for such change. ~~Prior FEMA approval must be obtained for any such change.~~

- (n) Reserved.

~~*Interpretation of district boundaries.* Initial interpretations of the boundaries of the floodplain districts shall be made by the floodplain administrator. Should a dispute arise concerning the boundaries of any of the floodplain districts, the board of zoning appeals shall make the necessary determination. Any person who disputes the location of district boundary shall be given a reasonable opportunity to present the case to the board of zoning appeals and to submit technical evidences if so desired.~~

- (o) *Submitting model backed technical data [44 C.F.R. § 65.3].* The county's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but no later than six (6) months after the date such information becomes available, the ~~county floodplain administrator~~ shall notify FEMA of the changes by submitting technical or scientific data. ~~Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.~~

- (p) *Letters of map revision.* When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a CLOMR and then a LOMR.

Examples:

- (1) Any development ~~occurring~~ in the floodway that causes a rise in the base flood elevations.
 - (2) Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
 - (3) Alteration or relocation of a stream including but not limited to installing culverts and bridges ~~44 Code of Federal Regulations § 65.3 and § 65.6(a)(12).~~
- (q) *Establishment and description of special flood hazard districts [44 C.F.R. § 59.1, 60.3].*

The Flood Hazard (FH) Overlay District shall consist of the SFHA. The basis of delineation of SFHAs shall be the FIRM and FIS for the county prepared by the FEMA, dated ~~February 18, 2015~~ June 21, 2023, and any subsequent revisions or amendments.

In the event that ~~T~~the county ~~may~~ identifies and regulates local flood hazard or ponding areas that are not delineated on the FIRM, ~~T~~these areas may be delineated on a local flood

hazard map using best available topographic data and locally-derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the SFHA are established as shown on the FIRM, which is incorporated in and a part of this section and which shall be kept on file at the county ~~the planning and zoning department~~.

- (1) The floodway district is in an AE Zone and is delineated, for purposes of this section, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood by more than one foot at any point. The areas included in this district are specifically defined in Table 23 of the above-referenced FIS and shown on the accompanying FIRM.
- (2) The AE ~~or AH~~ Zones ~~will~~ shall be those areas for which the FIRM and the FIS have established one percent annual chance flood elevations. The following provisions shall apply within an AE Zone where floodway has not been delineated. [44 C.F.R. § 60.3(c)]:
 - a. Along rivers, streams, and other watercourses where FEMA has provided base flood elevations. ~~Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the county. The requirement in 44 C.F.R. § 63.3(e)(10) only applies along rivers, streams, and other watercourses where FEMA provided base flood elevations. The requirement does not apply along lakes, bays and estuaries, and the ocean coast.~~
 - b. Development activities in Zones ~~AH~~ and AE, on the county's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed; provided that, the applicant first applies —with the county's endorsement for a CLOMR, and receives the approval of FEMA.
- (3) The A Zone on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 C.F.R. § 60.3(b)]:

The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation.

For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted non-detailed technical concepts, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, and/or computations shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

The floodplain administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level plus ~~by~~ three (3) feet.

During the permitting process, the floodplain administrator shall obtain:

- a. The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and
- b. If the structure was flood-proofed in accordance with this section, the elevation (in relation to mean sea level) to which the structure has been floodproofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is less.

- (4) ~~The Coastal A Zone shall be those areas, as defined by the USBC, that are subject to wave heights between one and one half (1.5) feet and three (3) feet. In the Coastal A Zone, the floodplain development and building standards for VE Zones shall apply. When the limits of moderate wave action (LiMWA) line is shown on the effective FIRM, the Coastal A Zone can be identified as the AE Zone areas seaward of the LiMWA line.~~

The AO Zone on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 C.F.R. § 60.3(c)]:

- a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM.

If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.

- b. All new construction and substantial improvements of nonresidential structures shall:
 1. Have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or

2. Together with attendant utility and sanitary facilities be completely floodproofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.
- (5) The Coastal A Zone shall be those areas, as defined by the USBC, that are subject to wave heights between one and one-half (1.5) feet and three (3) feet. In the Coastal A Zone, the floodplain development and building standards for VE Zones shall apply. When the limits of moderate wave action (LiMWA) line is shown on the effective FIRM, the Coastal A Zone can be identified as the AE Zone areas seaward of the LiMWA line.
- ~~The VE or V Zones on FIRMs accompanying the FIS shall be those areas that are known as coastal high hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast. For these areas, the following provisions shall apply [44 C.F.R. § 60.3(e)]:~~
- a. ~~All new construction and substantial improvements, including manufactured homes, in Zones V and VE (V if base flood elevation is available) shall be elevated on pilings or columns so that:~~
1. ~~The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level plus three (3) feet; and~~
2. ~~The pile or column foundation and structure attached to it is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one percent annual chance).~~
- b. ~~A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the requirements of county Code subsection 28-57(q)(5)a.~~
- c. ~~The floodplain administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V and VE. The floodplain administrator shall maintain a record of all such information.~~
- d. ~~All new construction shall be located landward of the reach of mean high tide.~~
- e. ~~All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.~~

~~For the purpose of this subsection, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by county ordinance) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:~~

~~1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and~~

~~2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.~~

~~f. The enclosed space below the lowest floor shall be used solely for vehicle parking, building access or storage. Such space shall not be partitioned into multiple rooms, temperature controlled, or used for human habitation.~~

~~g. The use of fill for structural support of buildings is prohibited. When non-structural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.~~

~~h. The manmade alteration of sand dunes, which would increase potential flood damage, is prohibited.~~

(6) The VE or V Zones on FIRMs accompanying the FIS shall be those areas that are known as coastal high hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast. For these areas, the following provisions shall apply [44 C.F.R. § 60.3(e)]:

a. All new construction and substantial improvements, including manufactured homes, in Zones V and VE (VE if base flood elevation is available) shall be elevated on pilings or columns so that:

1. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level plus three (3) feet; and

2. The pile or column foundation and structure attached to it is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one percent annual chance).

b. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the requirements of county Code subsection 28-57(q)(5)a.

- c. The floodplain administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V and VE. The floodplain administrator shall maintain a record of all such information.
- d. All new construction shall be located landward of the reach of mean high tide.
- e. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

For the purpose of this subsection, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by county ordinance) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.
- f. The enclosed space below the lowest floor shall be used solely for vehicle parking, building access or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.
 - g. The use of fill for structural support of buildings is prohibited. When non-structural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.
 - h. The manmade alteration of sand dunes, which would increase potential flood damage, is prohibited.

~~The AO Zone on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 C.F.R. § 60.3(c)]:~~

- ~~a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth~~

~~specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM.~~

~~If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.~~

~~b. All new construction and substantial improvements of nonresidential structures shall:~~

~~1. Have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or~~

~~2. Together with attendant utility and sanitary facilities be completely floodproofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

~~e. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.~~

(7) The mapped floodplain includes all of the above regions and also the regions designated as having a 0.2 percent annual chance of flooding on a flood map or flood insurance study. In the mapped floodplain, no emergency service, medical service, governmental records storage shall be allowed except by exceptions using the variance process.

(s) *Permit and application requirements in floodplain districts [44 C.F.R. § 59.22, 60.2, and 60.3].*

(1) *Permit requirement.*

a. All uses, activities and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit.

b. Such development shall be undertaken only in strict compliance with ~~the~~ this section and with all other applicable codes and ordinances, including, but not limited to, USBC and county Code chapter 22. Prior to the issuance of any such permit, the floodplain administrator shall require all applications to include compliance with all applicable state and federal laws, and shall review all sites to assure they are reasonably safe from flooding.

c. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

(2) *Site plans and permit applications.* All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

- a. The elevation of the base flood at the site.
 - b. For structures to be elevated, ~~The~~ the elevation of the lowest floor (including basement) or, in V Zones, the lowest horizontal structural member.
 - c. For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.
 - d. Topographic information showing existing and proposed ground elevations at the datum of the FIRM.
- (t) *General standards.* The following shall apply to all permits:
- (1) New construction and substantial improvements shall be according to county Code subsection 28-57(q) and the USBC, and anchored to prevent flotation, collapse or lateral movement of the structure. In addition to the USBC requirements, structures shall have the lowest floor, including basement, elevated to or above the base flood level plus three (3) feet. The USBC building standards for VE Zones shall apply to Coastal AE Zones.
 - (2) Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Anchoring methods include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
 - (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - (5) Electrical; systems, equipment and components; heating, ventilation, air conditioning; plumbing, appliances and plumbing fixtures; duct systems; and other service equipment shall be located at or above the base flood level plus three (3) feet. If replaced as part of a substantial improvement, electrical systems, equipment and components; heating, ventilation, air conditioning and plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall meet the requirements of this section. Systems, fixtures, and equipment and components shall not be mounted on or penetrate through walls intended to break away under floods~~air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~
- Exception: Locating electrical systems, equipment and components; heating, ventilating, air conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment is permitted below the base flood level provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation in accordance with American Society of Civil Engineers Standard 24. Electrical wiring systems are permitted to be below the required elevation provided they conform to the provisions of

the electrical part of the Virginia commercial or residential building code for wet locations, as adopted by the county.

- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions (t)(1)-(7) of this section in all special flood hazard areas, the additional provisions shall apply:

- (9) Prior to any proposed alteration or relocation of any channels or of any watercourse and/or stream, within this jurisdiction a permit shall be obtained from the USACE, the VADEQ, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the ~~department of Virginia Department of~~ eConservation and ~~r~~Recreation (~~d~~Division of ~~d~~Dam sSafety and ~~f~~Floodplain ~~m~~Management), other required agencies, and FEMA.

(u) *Elevation and construction standards [44 C.F.R. § 60.3].*

- (1) In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with county Code subsection 28-57(q)(3), the following provisions shall apply:

- a. *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) in Zones ~~A1-30~~, AE (except Coastal A Zones), ~~AH~~, and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level plus three (3) feet. See county Code subsections 28-57(q)(4), (5), ~~and (6), and (7)~~ for the requirements in the AO, Coastal A, VE and ~~A0~~ V Zones. Recreational amenities constructed in residential developments such as tennis courts, basketball courts, and similar court facilities, sports fields, tot lots, and playgrounds shall meet the same elevation requirement as for residential construction contained in this subsection.
- b. *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level plus three (3) feet. See subsections 28-57(q)(4), (5), ~~and (6), and (7)~~ for requirements in the AO, Coastal A, VE and ~~A0~~ V Zones. Buildings located in all ~~A1-30~~, AE (except Coastal A Zones), and ~~AH~~ Zones may be floodproofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the BFE plus three (3) feet are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by floodplain administrator.

- c. *Space below the lowest floor.* In Zones A, AE, ~~AH~~, and AO ~~and A1-A30~~, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:
1. Not be designed or used for human habitation, but shall only be used for vehicle parking, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for vehicle parking (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);
 2. Be constructed entirely of flood-resistant materials below the regulatory flood protection elevation;
 3. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must be certified by a professional engineer or architect, or meet the following minimum design criteria:
 - (i) Provide a minimum of two (2) openings on different sides of each enclosed area subject to flooding;
 - (ii) The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding;
 - (iii) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit;
 - (iv) The bottom of all required openings shall be no higher than one foot above the adjacent grade;
 - (v) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (vi) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
- d. *Accessory structures.* Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of county Code subsection 28-57(u)(1)b or, if not elevated or dry floodproofed, shall:
1. Not be used for human habitation;
 2. Be limited to no more than 600 square feet in total floor area;
 3. Be useable only for parking of vehicles or limited storage;
 4. Be constructed with flood damage-resistant materials below the base flood elevation;

5. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
 6. Be anchored to prevent flotation;
 7. Have electrical service and mechanical equipment elevated to or above the base flood elevation; and
 8. Shall be provided with flood openings which shall meet the following criteria:
 - (i) There shall be a minimum of two flood openings on different sides of each enclosed area; if a structure has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.
 - (ii) The total net area of all flood openings shall be at least one (1) square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.
 - (iii) The bottom of each flood opening shall be one (1) foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
 - (iv) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.
 9. A signed Declaration of Land Restriction (Non-Conversion Agreement) shall be recorded with respect to the property in the land records of Stafford County Circuit Court.
- ~~d~~e. *Standards for manufactured homes and recreational vehicles.*
1. All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in county Code subsections 28-57(t) and (u).
 2. All recreational vehicles placed on sites must either:
 - (i) Be on the site for fewer than one hundred eighty (180) consecutive days, be fully licensed, and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions); or
 - (ii) Meet all the requirements for manufactured homes in county Code subsection 28-57(u)(1)~~d~~e.1.

(w) *Existing structures in floodplain areas.* A structure or use of a structure or premises which lawfully existed before the enactment of Ordinance No. ~~014-37~~ O23-09, but which is not in conformity with this section, may be continued subject to the following conditions:

- (1) Existing structures in the floodway area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- (2) Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the USBC and the applicable provisions of this section, and:
 - a. The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain areas, when added to all of the modifications, repairs, reconstruction or improvements made during a rolling 5-year period shall not constitute fifty (50) percent of the structure's value.
- (3) The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value or a substantial improvement shall be undertaken only in compliance with this section and shall require the entire structure to conform to the USBC.

(x) *Variances: Factors to be considered [44 C.F.R. § 60.6].*

- m. No variance shall be granted for an accessory structure exceeding six hundred (600) square feet.
- ~~nn.~~ Such other factors which are relevant to the purposes of this section.

ITEM 19. CAPITAL PROJECTS TRANSPORTATION; CONSIDER AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 15-56, "DESIGNATION OF RESTRICTED PARKING AREAS," TO INCLUDE CERTAIN STREETS WITHIN BROOKESMILL ESTATES SUBDIVISION.

Mr. Khapel Akbari, Project Manager, stated the County received the request on February 10, 2023. He said that the request was driven by safety concerns related to site distance and blind spots for the traveling public and residents. He said that the requested streets in the subdivision were publicly maintained and met the definition for public highway. He said if the ordinance were approved, County Code § 15-56 would be amended and reordained to designate the requested streets as restricted parking areas.

Ms. Gary asked if the request was related to the Windermere neighborhood and flooding on the S-curve.

Mr. Akbari said the reason provided by the HOA was that people were parking cargo-trailers on the shoulder.

Dr. Yeung opened the public hearing for public comment. She noted there were no speakers, closed the public hearing, and brought the matter back before the Board.

Ms. Gary motioned, seconded by Mr. Coen, to approve proposed Ordinance, O23-10.

The Voting Board tally was:

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

Nay: (0)

Ordinance O23-10 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SEC. 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS," TO INCLUDE CERTAIN STREETS WITHIN BROOKESMILL ESTATES SUBDIVISION, LOCATED WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, Virginia Code §§ 46.2-1222.1 and 46.2-1224 authorize the County to regulate or prohibit the parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, the Brooksmill Homeowners Association, Inc. (HOA) has approved a letter with a policy resolution requesting the establishment of a restricted parking area within Brookesmill Estates subdivision (Subdivision) and the letter satisfies the requirements of Stafford County Code Sec. 15-56; and WHEREAS, the requested streets within the Subdivision meet the established criteria to be designated as a restricted parking area; and

WHEREAS, the Board has conducted a public hearing in accordance with Virginia Code § 15.2-1427; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this, the 2nd day of May, 2023, that Stafford County Code Sec. 15-56, entitled “Designation of restricted parking areas,” be and it hereby is amended and reordained as follows, with all other portions remain unchanged:

Sec. 15-56 - Designation of restricted parking areas.

(f) The following constitute the restricted parking areas within Stafford County where the provisions of this section are in full force and effect:

(30) Brookesmill Estates Subdivision on the following named streets:

(A) Millbrook Road (SR-2170);

(B) Brookesmill Lane (SR-2171).

CLOSED MEETING CONTINUED

At 8:04 p.m., Mr. Coen motioned, seconded by Ms. Vanuch, to adopt Resolution CM23-09A to authorize closed session.

The Voting Board tally was:

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

Nay: (0)

Resolution CM23-09A reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for consultation with legal counsel and briefings by staff members pertaining to probable litigation regarding a national class action lawsuit, where consultation or briefings in either matter in open meeting would adversely affect the litigating posture of the Board;

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of May, 2023, that it be and hereby does authorize discussion of the above matters in Closed Meeting.

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

At 8:20 p.m., Mr. Coen motioned, seconded by Ms. Vanuch, to adopt Resolution CM23-09A (C) to certify the Closed Meeting.

The Voting Board tally was:

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

Nay: (0)

Resolution CM23-09A (C) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MAY 2, 2023

WHEREAS, the Board has, on this the 2nd day of May, 2023, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 2nd day of May, 2023, that to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the Motion by which the Closed Meeting was convened, were heard, discussed, or considered by the Board.

Mr. Coen made the motion, seconded by Ms. Gary, to approve proposed Resolution, R23-153.

The Voting Board tally was:

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

Nay: (0)

Resolution R23-153 reads as follows:

A RESOLUTION AUTHORIZING PARTICIPATION IN A NATIONAL CLASS ACTION SUIT REGARDING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES (PFAS)

WHEREAS, the above-referenced matters were discussed with the Board in closed session at its May 2, 2023 meeting; and

WHEREAS, the Board desires to take the below action;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of May, 2023, that it be and hereby does opt in to a national class action lawsuit and authorizes a suit be initiated regarding perfluoroalkyl and polyfluoroalkyl substances (PFAS), in accordance with the terms discussed in closed session with the County Attorney and staff; and

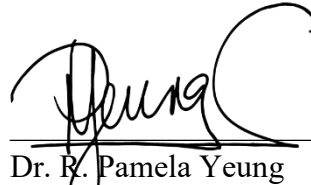
BE IT FURTHER RESOLVED that the Board authorizes the County Attorney, or her designee, to file the necessary documents to affect this resolution.

ADJOURNMENT

At 8:21 p.m., Chairman Yeung adjourned the May 2, 2023 Stafford County Board of Supervisor's meeting.



Randal E. Vosburg
County Administrator



Dr. R. Pamela Yeung
Chairman