

STAFFORD COUNTY PLANNING COMMISSION

April 12, 2023

The meeting of the Stafford County Planning Commission of Wednesday, April 12, 2023, was called to order at 6:00 PM by Chairman Kristen Barnes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Kristen Barnes, Albert Bain, Dexter Cummings, Martin Martinez (remote), Laura Sellers, Willie Shelton, Jr.

MEMBERS ABSENT: Steven Apicella

STAFF PRESENT: Kathy Baker, Lauren Lucian, Stacie Stinnette, Amy Taylor, Evelyn Keith, Mike Zuraf, John Saunders

DECLARATIONS OF DISQUALIFICATION

Ms. Barnes: Okay, I will go ahead and call the roll. Mr. Martinez is participating remotely. I believe that we need to actually have a motion to accept him participating remotely.

Mr. Shelton: Motion to accept the remote.

Mr. Bain: Second

Ms. Barnes: Okay. Any opposed? All in favor?

Members: Aye.

Ms. Barnes: Any opposed? Alright, Martin, you're good to go. And I'll go ahead and call the roll. Laura Sellers, I believe she will be here but she's a few minutes late. She's caught in our famous traffic. Billy Shelton. Dexter Cummings. Al Bain. Kristen Barnes is here. Martin Martinez. Okay. Steven Apicella is not here for the evening and we do have a quorum in the chambers. So, we're good to go on that. Alright. Are there any declarations of disqualifications? No. Any changes to the agenda? No. Okay, so I will move on to the public presentations portion of our meeting this evening. This is an opportunity for anyone to speak on any topic or item except those items that are scheduled for public hearing tonight. Items for public hearing will have a separate opportunity for public comment after staff and applicant presentations. When you come forward, state your name and address. Once you do so the green light at the podium will come on indicating three minutes to speak. The yellow light will come on when one minute remains, and the red light will begin blinking when time has expired and we ask you to conclude your comments. Would anyone like to come up and address the Commission this evening? If you do, you just you can come on up. Good evening.

PUBLIC PRESENTATIONS

Ms. Maxson: Good evening. My name is Kristen Maxson. Thank you for your consideration today. So, I'm here I read your approval minutes for March 22 and I'm here to help you on that. Maybe on some issues of the budget. And also, I see that you have TRC's which I think is transfer a right certificate. I have a lot of questions for that. I know that you have a new planning and zoning committee and I can reach out publicly to you. So, I really do appreciate that extra effort that you did, Kristen, for us. I'm very concerned about the data centers which is number 3 in your list and I believe that Stafford Technology, LLC land is considered for maybe this development. And they are saying that the upgrade for offsite water, infrastructure and sewer will be delivered at the time of the site plan. So, there's no gallon readings.

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There also has been, I've been at this meeting, where trees and open space is considered to be borrowed from property next door and roads and schools might not be supported by those that are building these big huge projects which are known as as-built infrastructures. So, I would like the Board to really consider that these public impact items be something that they present to the projects. We got an impact statement. Everybody in Stafford got this impact statement from the warehouse project. And there was nothing stated about trees, roads, schools, yes university but not public schools, and sewer and water. So, if you can take that in consideration. The agenda today was 1400 pages and it was a little bit too much to read. There were four times the pages copied over. And sometimes two, so there was duplication. I don't understand the duplication. It's a question that the public has, when they have to read, we can't download that information on our phone so it just hangs up and also, if you have a very slow system, on your PC, so do take that in consideration with these huge documents. And it was nice to meet Dexter, what a nice man. He said that most of the information is public but we don't have the flow charts and we don't quite understand how it works so there's a lot of data out there. And my time is coming to an end so I want to thank you for all your hard work. And thank you.

Ms. Barnes: Thank you and just one clarification. TRC means Technical Review Committee, just as a clarification. So, is there anyone else that would like to come up and speak? Come on up.

Peter Ryan: Good evening, my name is Peter Ryan. I'm in the Falmouth District, so I'm just going to read my statement. Members of the Commission, thank you for your hard work. Learning a little bit about what you guys do and learning to appreciate it as well. I've been working with Mike Zuraf and Steven Apicella on our particular issue, along with many of my neighbors. Within the coming weeks or months, you'll be receiving an application from Gerald Properties regarding the request to rezone the property on Clift Farm Road from A-1 to R-2 to build, right now, 141 age-restricted homes. Since moving to Clift Farm Road more than a year ago, I've had the opportunity to speak with over 150 area residents about this proposed development after listening closely to them. I have joined with dozens who live on or near Clift Farm Road in signing a petition opposing this rezoning. The written petition along with the online petition has almost 1,200 signers, about almost 1,200 online and then another distinct about 80 that we gathered on foot taking multiple weekends to walk through the neighborhoods along Leeland Road, meet with people along Leeland Road, of course all along Clift Farm Road, on Morton Road. And it's almost universal opposition, which I wasn't necessarily expecting but it's pretty amazing. The reasons for opposition are numerous. On behalf of myself and many others who live on or near Clift Farm Road, we ask that this rezoning when it comes to the Commission for your review and decision that you recommend disapproval of the rezoning application. Yesterday, we spoke with Dr. Chase, Falmouth District School Board Member, regarding the intent of the use for the 179 acres of the land that the School Board currently controls and there was no clear plan for that land. It's simply part of a land bank. It was purchased, it seems hastily. They were compelled apparently, I'm not going to quote her exactly, but they needed to use \$5 million surplus. They spent 4.8 million to purchase the land. And it's currently worth 1.4. Not having a purpose for this land and this is at the back of a dead-end road, Clift Farm Roads a dead-end road, not having a purpose for it intended yet and then potentially allowing land to be developed on the front end of the road without knowing what infrastructure might be needed for that seems like it could create a lot of future problems for us who live there, for the new people who may live there and then of course, if a school is decided ultimately, to replace say Drew, to be built there, that's going to be a big fight, probably for everybody, because it's just going to create a ton of traffic along Clift Farm Road. So, we ask that you guys recommend disapproval of that application coming in the future.

Ms. Barnes: Thank you very much. Is there anyone else who would like to come forward to speak? Alright, seeing no one I will close that portion of public presentations and move on to the first item on

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our public hearings. And that is a Comprehensive Plan Compliance Review for Telecom Tower Milestone Shackleford Plumbing and are we going to do 1 or 2 together?

PUBLIC HEARINGS

1. COM22154702; Comprehensive Plan Compliance Review – Telecom Tower Milestone Shackleford’s Plumbing – A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, for the placement of a telecommunications facility, consisting of a monopole and ancillary equipment, on Tax Map Parcel No. 56-41, located on the southeast corner of White Oak Road and Chapel Green Road, within the George Washington Election District. **(Time Limit: June 11, 2023)**
2. CUP22154701; Conditional Use Permit – Telecom Tower Milestone Shackleford’s Plumbing – A request for a conditional use permit (CUP) to allow a telecommunications facility (Facility) and to permit fencing to exceed the maximum allowable height within the A-1, Agricultural Zoning District on Tax Map Parcel No. 56-41 (Property). The Facility would consist of a 150-foot tall telecommunications monopole with ancillary equipment. The Property consists of 4.1 acres, located on the southeast corner of White Oak Road and Chapel Green Road, within the George Washington Election District. **(Time Limit: July 21, 2023)**

Ms. Taylor: Madam Chair, yes, that's correct. Both items 1 and 2 will be going together tonight.

Ms. Barnes: So, we'll do the Comprehensive Plan Compliance Review and the Conditional Use Permit for Telecom Tower. Thank you.

Ms. Taylor: Good evening, Madam Chair, members of the Commission. I am Amy Taylor, and I'm here this evening to present items number 1 and 2, which are a Comprehensive Plan Compliance Review and a Conditional Use Permit for Telecom Tower Milestone Shackleford Plumbing. This request again is for a Comprehensive Plan Compliance Review, to determine if the location of a telecommunications facility is substantially in accord with the Comprehensive Plan. In addition to a conditional use permit to allow a telecommunications facility and to permit fencing to exceed the maximum allowable height within the A-1, Agricultural zoning district. The subject parcel is Tax Map Parcel 56-41. Located, the acreage of the property is 4.1 acres located in the George Washington Election District, and the applicant is Matthew Penning with Milestone Towers and the owner of the property is Charles and Vicki Shackleford. The property is located on the southeast corner of White Oak Road and Chapel Green Road and adjacent properties and I'm sorry, the property shown here in blue. And the adjacent properties are zoned A-1 on all sides with some A-2 properties located a little further in the vicinity to the west. This is a slide that shows existing conditions and the subject property serves as the business location for Shackleford Plumbing, and as shown here is currently developed with two warehouse style buildings and a fenced outdoor storage area associated with the plumbing business, as well as an existing single-family residence with two detached garages. The location of the tower is proposed in the northwest corner of the property. And the overall site topography is extremely level and largely open and grassy with very few trees or existing vegetation. There's also new environmentally sensitive features or resources present on the site.

Mr. Bain: Mr. Taylor, I'm sorry to interrupt. Could you maybe mark on there where the residence is versus the warehouses? I know but just so everybody else has that.

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Ms. Taylor: The existing residential home on this property is located right here. The residential property is actually here. Sorry. The tower location is to the west of the existing paved driveway serving the existing residents and residential uses are located on all sides of the site with the closest residential structure being located on the same parcel which I just circled there in red, and is located approximately 100 feet to the east. And the closest offsite residential structure is approximately 375 feet south of the site located along Chapel Green Road and that property is actually located right here. This is the next closest property. This is a street view existing conditions of the property, which is a street view from White Oak Road on the west side of the site and generally the tower is actually going to be located generally in this area right here. This is the generalized development plan or site plan provided with the application, which depicts how the proposed 150-foot tall monopole tower will be developed on the site. The tower does have the potential for colocation of four wireless telecommunication carriers, with T-Mobile locating their antennas at the top of the tower. The green circle highlights the location of the proposed tower and the equipment compound. And as shown here, the compound will house the equipment cabinets for the providers locating on the tower and will be enclosed by an 8-foot high vinyl style security fence and screened with landscaping. Square footage of the compound is approximately 1,785 square feet and the total size of lease area will be approximately 3,250 square feet. The existing paved driveway serving the residents will be utilized for access to the tower and an additional 12-foot wide gravel driveway will also be provided to extend access to the fenced compound area. The tower is located approximately 56 feet to the closest property line to the north and approximately 100 feet to the nearest onsite residence to the east. The plan also includes an elevation view of the 150-foot tall monopole tower, with the potential for the colocation of four wireless telecommunication carriers. As stated previously, T-Mobile will locate their antenna at the top of the tower and future antennas will be mounted at heights at 135, 125, and 115 feet above grade. The tower is also not proposed to be lighted since the FAA does not require lighting for towers of this height. The applicant has also submitted propagation maps, which illustrate the existing and proposed radio frequency coverage for this proposed location to illustrate how the tower would fill in a gap in coverage. This slide specifically shows the existing coverage in the area. And this slide shows the proposed expanded coverage area which would be provided with this tower. This slide specifically demonstrates the setbacks from the tower to the property lines and the closest structures. And as shown here, the proposed tower would be less than 60 feet to both the northern and the southern property lines along White Oak Road and Chapel Green Road. And the tower would also be approximately 100 feet to the closest on-site residential dwelling, and is about 375 feet to the closest off-site residents to the south, as shown there along Chapel Green Road. The applicant has also provided photo simulations of the tower to demonstrate how the tower would be viewed from various vantage points in the surrounding area. This particular slide demonstrates visibility from First Street, which is slightly less than half a mile southwest of the site. And stands of existing mature trees do exist in much of the surrounding area, which would adequately screen and minimize visual impacts to those properties furthest from the site. However, due to the lack of mature tree cover within the immediate vicinity, the majority of the proposed tower would be highly visible to those properties closest to the site and generally visible to more than half of the surrounding locations. This slide demonstrates visibility of the tower from the intersection of White Oak Road and Bethel Church Road which is approximately a quarter mile west of the site. The application was evaluated for compliance with the criteria identified in the Telecommunications Plan, which is an element of the Comprehensive Plan and the plan does provide guidance regarding siting criteria and facility design standards for new telecommunications facilities in Stafford County. The request is consistent with one of the siting priorities identified in the Telecommunications Plan since the facility would be located on agriculturally zoned property, and is also generally consistent with many of the siting criteria as the proposed location shows appropriate separation from other facilities identifies how the site will fill a gap in coverage and rules out the potential for colocation on other sites. However, the request is not consistent with siting criteria which recommends that facilities be located interior to parcels and away from

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residential development as the compound and the tower itself will be within very close proximity to public roadways as well as existing residential development. The applicant has also indicated that the tower is unable to be sited any further towards the interior of the property due to site constraints. The design standards set forth with the plan are also intended to address the visual and land use impacts of the telecommunication facilities on surrounding areas. And this request is consistent with many of the design criteria since the proposed facility would meet colocation requirements, with the ability to accommodate up to four providers, and the applicant is not proposing to paint the tower or proposing any lights on the tower that would cause harm to migrating birds. However, the request is not consistent with the design criteria regarding visual impacts, screening, setbacks and facility location since the tower is not sited towards the interior of the property, does not meet recommended setbacks from property lines or adjacent dwellings and lacks mature tree cover in the immediate vicinity that would disrupt views and adequately screen those properties closest to the site. The request is also not consistent with health and safety recommendations regarding the tower fall zone based on the tower's proximity to the property line and the dwellings, all of which are within the proposed 150-foot tower height. However, the applicant has provided a letter from their engineer which indicates that the fall radius for the tower would be approximately 50 feet or less at ground level. And I believe this letter was sent out to everyone earlier this afternoon, and I believe was also provided to you as a handout at the beginning of our meeting this evening. In regards to the conditional use permit, these are some of the proposed conditions if the Planning Commission is inclined, and those conditions would limit the facility to one tower of a monopole type construction and a maximum height of 150 feet. The location of the facility on the site would be in conformance with the plan. Land clearing would be limited as shown on the plan. Existing site entrance and the proposed drive would need to ensure sufficient emergency access and adequate drainage. There will be no lights on the tower unless required by the FAA. They would also be required to provide security fencing and screening of the compound by way of an 8-foot vinyl panel style fence. The tower would also need to be designed to accommodate at least four carriers and then the conditions would also include the standard language regarding signage limitations, tower removal once use has been discontinued and avoidance of interference with 9-1-1 Communications. Staff's findings regarding this application in regards to the positive aspects, the proposed facility is generally consistent with the siting priorities and some of the design standards of the telecommunications plan element of the Comprehensive Plan. The approval of the request would also result in enhanced coverage of wireless broadband service to an underserved area in the vicinity of Bethel Church Road and Newton Road. The tower is also designed to ensure the health and safety of nearby residents as it relates to radio frequency emissions and the proposed conditions would also offset some of the potential negative impacts. In regards to the negative aspects, the proposed facility is not in conformance with several of the siting criteria, design standards and health and safety recommendations of the telecommunications plan as it relates to the visual impacts screening proximity to property lines and residential uses and the fall zone guidance. And the proposed facility does not meet all the standards of issuance for a conditional use permit as it relates to some of the same items regarding proximity to the property lines, visibility from surrounding uses and the lack of accordance with the Comprehensive Plan. Staff's recommendation is for denial of this request pursuant to Planning Commission Resolution 23-06 for the Comprehensive Compliance Plan Review, and denial of the conditional use permit as well, in accordance with proposed Resolution R22-133. And that concludes my presentation and I'm available for questions.

Ms. Barnes: Okay, questions for staff?

Mr. Bain: Yes, please. Ms. Taylor, can you go back to the site plan that shows the property boundaries? That one works, there that one? Um, you indicated in your comments, that there were site constraints that preclude relocating the tower elsewhere on the site? Can you perhaps elaborate on what those constraints would be?

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Ms. Taylor: Commissioner Bain, I would not be able to elaborate that information, the specific site constraints were not relayed to us by the applicant so I would have to defer to them.

Mr. Bain: I'll have to ask them that question because it looks like there's a lot of room on that site that that might provide a better location a little bit further into the site so we'll see. Alright. The visual impacts that you've mentioned, that one view that you had from the Bethel, that one. Off to the right is a small mart/shop type thing. Not a pleasant looking structure. Behind the camera is a rather large church with a large parking lot. So, the visual impacts to me aren't that important considering the overall character of that area. How significant do you feel the visual impacts are?

Ms. Taylor: Commissioner Bain, staff was merely evaluating the additional residential uses in the area. And there were a number of residential uses within a quarter mile of this site which appear to be the most impacted regarding the visibility of this tower and much of the areas is very agricultural. So again, in the immediate vicinity, there was not a large number of mature vegetation that would provide better screening of this facility. The further you get from the site, the better the lack of visibility becomes, but the closer you get, it was a concern for staff.

Mr. Bain: You're coming into an area that's already kind of degraded, in my perspective. The one house that shows on this screen, yes, they would see the tower. But the other homes that would be impacted, that other one that was 300 some feet away, they're getting further away and into areas where there are trees, as your other site view showed there were a lot of trees in there. So, I'm sort of of the opinion that the visual impact is not too significant. The issue about if the tower were to fall, having received this letter from the engineer that designed the tower that said that it would be 50 feet or less at ground level, that 50 feet, that would preclude it from hitting the roadway, wouldn't it?

Ms. Taylor: Commissioner Bain, Staff would not be able to confirm with any absolute knowledge that it would not. Based on the property lines as scaled from our GIS mapping and from the applicants site development plan that was submitted, to the property line from this specific tower location was 56 feet to the north property line. And then it was 58 feet, I believe, to the property line to the south along Chapel Green and actually property line for Chapel Green is actually in the middle of the road because they only have prescriptive right of way along that portion. Actual proximity to the paved portion of the road, staff would not be absolutely confident with the distance that's there, but I believe it would be very, very close.

Mr. Bain: Okay. Alright. Then I'll wait and let the applicant make some comments. And we'll see where we go next. Thank you.

Ms. Barnes: Any other questions for staff? I have one quick question. Is part of the reason why you were recommending denial is because it's not located internally on the site. How would that change it? Let's say that the, they said fine, we'll just plop it right down in the middle. It looks like it actually be closer to a building if they did that and I don't see what the big difference would be. It still would be visually impactful. But it would it be less impactful?

Ms. Taylor: Madam Chair, staff did at least evaluate the ability to locate the tower elsewhere on the site. Again, not knowing what the specific site constraints were, staff did look at the location, I believe on the west side of the fenced compound area to see if they could potentially locate it there. If that location would work, it would meet the setback requirements from property lines and from structures. Visibility may not be able to be improved no matter where they put it on the site just because of the lack of, you

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know, mature vegetation in the area. But otherwise, setbacks and safety regarding fall zone and whatnot would be much improved if they could locate elsewhere on the site.

Mr. Bain: Okay, can you show, just make a mark, where you were referring to there.

Ms. Taylor: Staff looked generally regarding setback requirements and distances generally in this area, regarding proximity to the existing warehouse structures and to existing offsite structures.

Mr. Bain: Okay, thank you.

Ms. Barnes: Okay. Any other questions for staff? Alright, would the applicant like to come forward?

Mr. Stetler: Good evening, Amy, what do I need to do here to? There you go. It's already. Alright. Thank you. Good evening. My name is Phil Stetler, representing the applicant Milestone Towers. The applicant representative for Milestone, Matt Penning, is also here, just for your awareness. A lot of the slides that I have to show you, Amy has already shown you but we'll run through them anyway. So, Milestone has been in business for a little over 20 years and has constructed over 130 towers and has agreements with quite a few municipalities in the region, including Stafford County. We ran the site through the whole gauntlet of regulatory processes that are required for any proposed cell tower, and quoting historic, cultural, environmental processes, airspace study, and other FCC related processes, and were cleared on all fronts. One thing I would bring to your attention, and I'll show this visually, when we get to the prop maps, again that you have already seen, this is actually part of a two-site solution, T-Mobile will be locating a site going live on air at the end of the summer, on an existing cell tower further down White Oak. And so, once that site is on air, and ideally with this proposed site added to it, there will be over 6 square miles of added T-Mobile coverage in the general vicinity of Route 218. It's our contention that this site, and this particular location is consistent with past precedent, and complies with the key siting criteria. Just a quick overview at our process from pre-application until tonight. We initially met with staff back in April of last year, worked through a number of issues on a couple of different zoom meetings with staff, formally submitted in July, application was accepted back in September of 2022. And we did have a community meeting in October of last year. And you can see the rest of those dates on there, I won't run through every single one, we are here tonight to hear the case. So, T-Mobile's coverage objective in this particular location is to increase both capacity and coverage. A couple different things that T-Mobile noted as they were analyzing this general geographic location were generally poor coverage and low signal strength, high usage from both commuters and residences. And again, generally low or slow connection speed. The tower that I mentioned going online later this summer, is labeled on this coverage map as 7FBU118, just to the east of our proposed site, which is FBU113. So again, ideally, if the site going live the summer and our site are both online, you'll see enhanced coverage. Unfortunately, we don't have a coverage map that shows that 118 also darkened but you can sort of visualize what that might look like that that entire stretch, again, 6 square miles, would be that darker shade of green indicating far greater coverage, both indoor and outdoor for coverage as well as greater capacity. A couple of the issues that Amy already noted that were brought up by staff were for locating the proposed tower toward the interior of the property. I would want to take a moment just to touch on that. There are other locations on the property that in theory could work. The landowner had a strong preference to locate the tower in the northwestern corner where we've located it. One of our primary reasons from a Milestone side of not wanting to locate on the eastern side of the property, again, east of the plumbing business buildings was it would be far more visible and much closer to other existing residences off site, particularly the home just to the northeast of the plumbing business and just to the south. We felt that it would greatly enhance the visibility of the structure to neighbors. Would also note that staff did note more positives than negatives in their conclusion. And I have a couple other projects

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I'll quickly run through with you that are fairly similar in terms of locating the tower, not necessarily to the interior of the property where we've received both staff, Planning Commission and Board support and approval. So again, here's our site. Please disregard that minimum distance to offsite residence. Our engineer was doing the calculation to that structure to the north of the subject site, not directly to the south. So as Amy correctly noted the actual number there should be 375, not 506. The minimum property line setback again is 56 feet to the north, 58 to the south. This is a site some of you are probably familiar with it. You've seen this before, we were just here not long ago. Regarding this proposal. This site is in the Griffis-Widewater District. We are only 65 feet from the property line. In this case, Widewater Elementary School is directly north of the proposed, or now existing, tower and existing residences are about 500 feet away. And this is clearly not in the interior of the property. This site just came through the Commission not too long ago. I believe it was a less than a year ago. We are located in the south eastern portion of the water treatment facility. Here in the Aquia District we're about 170 feet from the property line and 265 feet from the nearest off-site residents. Couple of items to point out again, some of these items were already brought up. We are proposing an 8-foot tall vinyl fence to screen all the equipment that would go at the base of the tower within the equipment compound. Going with the upgraded vinyl, as opposed to board on board fencing. We will be screening around the perimeter of the compound. And, as was already noted, we did obtain a fall zone letter from our tower designer tower engineer that certifies that the tower we're about to fail, would fall within a 50-foot radius. We also can offer this, as it was noted regarding the specific setback to the south off of Chapel Green, we can offer the opportunity for our engineer to decrease that fall zone even further if that were to be an issue for the Commission. So, we can make that happen if need be. You've seen this already, the tower elevation view, 150-foot pole is the proposal with T-Mobile at the top and space for three additional carriers. This is a view from the east showing the proposed site blending, in my view, pretty well into the existing utility infrastructure. Here is a view from the southeast. A view from roughly due west. And I believe you've already seen this view from the southwest. So, with that, I would love to hear any questions you may have

Ms. Barnes: Okay, questions for the applicant?

Mr. Shelton: Madam Chair, I have a question. Does this have a backup generator system?

Mr. Stetler: That is a good question for our carrier.

Ms. Bull: Hi, I am Alexandra Bull. I work for network building and consulting, representing T-Mobile. T-Mobile tends to propose a standby generator for emergency situations. That generator would be utilized in the case of a power outage. Generally, generators are exercised once a week for about 10 minutes. So, the generator would only be on for a long-term circumstance in an emergency power outage situation.

Mr. Shelton: What would the DB output be?

Ms. Bull: That I do not know. I think typically, we do a 50-kilowatt generator if I'm not mistaken. I'm not sure if that's the value you're looking for.

Mr. Shelton: 50k KW is the generation capability; I'm talking about the decibels.

Ms. Bull: Oh, thank you for clarifying. I appreciate it. They make about the same amount of sound as an outdoor air condenser that you would use to air condition a residential home.

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Mr. Shelton: Thank you.

Ms. Barnes: Okay, any other questions for the applicant? Mr. Bain?

Mr. Bain: Yes. Mr. Stetler, would you go back to the slide that, I should have stopped you when it was there. Keep going back that showed the site with the fault that, that one right there. And that last bullet on the left, where you talking about the fall zone, the 50 feet? This limits the fall zone to within the property lines and half the distance to onsite residents. So, with that design, the tower would not strike pavement then because your property lines, particularly on 218 are, did not include any of the pavement. On the other road, that side road, yes, the property line goes to the middle of the road. But that's further away than the tower, the tower is further away from that road than it is 218, I believe.

Mr. Stetler: Right, by about two feet.

Mr. Bain: So, can you certify that with that 50-foot fall zone the tower would not hit the pavement?

Mr. Stetler: I personally cannot certify that but I'm sure our engineer...

Mr. Bain: Do you feel comfortable with the statement that it would stay within the property lines?

Mr. Stetler: I do.

Mr. Bain: Okay. Because that, I think, to me, that's a more important issue than the visibility. I'd, you know, I certainly would not want that tower to fail and end up across the road with traffic coming. And it undoubtedly would fail during a storm with poor visibility and that sort of thing so I think that provides me at least with a little bit of ease, concerning the location. The other issue about moving the tower. In a sense, I like the idea of moving where Ms. Taylor marked her X on that drawing, because it becomes more internal to the site. Would the owner, Mr. Shackleford, be willing to consider that? Even realizing that it brings it closer to those other two homes but it really doesn't change the visibility issue. If you're going to see that tower no matter what because there's no tall trees around, but at least it brings it more interior to the site. Is that something that you would seriously consider then?

Mr. Stetler: The owner has indicated they would be willing to entertain that idea.

Mr. Bain: Okay. Okay. Well, that's very good. I think that's all the questions I have for right now.

Ms. Barnes: Dexter, go ahead.

Mr. Cummings: Just a couple. So, is the residence occupied?

Mr. Stetler: It is.

Mr. Cummings: Has the occupant been notified?

Mr. Stetler: Yes

Mr. Cummings: And consented?

Mr. Stetler: Yeah, it's a rental property owned by the Shacklefords.

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Mr. Cummings: Have they consented knowingly to that?

Mr. Stetler: That's what they've indicated to us. Yes.

Mr. Cummings: Okay. But nothing in writing, right?

Mr. Steter: Not that I've seen.

Mr. Cummings: Okay. And about the fall zone. Yeah. I need physics. I need a physics lesson. How's that calculated? I mean, in terms of because of the structure of the tower, and the wide base and versus, but it's a pole, right?

Mr. Stetler: Yes, it's a pole. And I'm the wrong guy to ask for. However, the letter and I don't know if you have a copy.

Mr. Cummings: I have a copy of the letter. Okay. And I've seen lots of things in writing.

Mr. Stetler: Yeah. I would have to defer to an engineer on that one, on how exactly that, what the mechanism is that makes that work.

Mr. Cummings: The engineer is not here?

Mr. Stetler: He's not here tonight. But I gladly, if it's something that is of concern to you I can certainly get. Whatever calculations you need, whatever you need to see I can get that from them him.

Mr. Cummings: Yeah, I just need to understand the rationale behind it. How you got the math?

Mr. Stetler: Sure. We can, we can certainly provide that.

Ms. Barnes: Any other questions? Mr. Shelton, go ahead.

Mr. Shelton: You alluded to the fact that the fall zone could be reduced. How would you reduce it if that the pole is 150 feet without breakaways?

Mr. Stetler: That's another excellent question for that same engineer.

Mr. Shelton: Thank you.

Ms. Barnes: Okay, I have a quick question about community outreach. It says, I remember on that schedule, that you showed that you had some kind of a community meeting. So that's usually, with these kinds of projects, it's usually the community outreach that tends to be the biggest hurdle.

Mr. Stetler: I have backup slides, maybe that'll help.

Ms. Barnes: I remember it. We don't have to go back there. It's fine. You said that was virtual meeting? And how was that attended? Was it attended by the immediate neighbors?

Mr. Stetler: I have it pulled up right here. So, notices went out to roughly a half mile radius from around the tower. So, there were 136 notices sent out. And then there was also a website that we put up specific

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to this tower, which was viewed 320 times. I don't know and that might be a good question for the applicant specific representative, Matt, if we have the exact numbers of how many attended that meeting,

Ms. Barnes: I'd like to hear from him if that'd be okay.

Matt Penning: Commissioners, Matt Penning with Milestone Towers. I believe we had about four people attend. And I don't know the exact proximity to where they live in relation to the tower. But generally, just about four people, including Commissioner Bain, at this meeting.

Ms. Barnes: So, you were at that AI? Okay. So, it doesn't sound like there was a heck of a lot of community resistance to this, then?

Matt Penning: No, and I can just say the questions that we received were more, trying to understand the technology and the radiofrequency element of it. And at these meetings, we generally have an expert on hand who can help do a much better job than I can in terms of the impact, the emissions and how all the sites are in compliance. So, I think generally, I haven't heard since the community meeting from any of those folks, but generally feel that they were reassured based on the information we shared and the follow up information that we sent as well.

Ms. Barnes: Okay, thank you. Okay, any last questions for the applicant?

Mr. Cummings: I do have a general question. It's not determinative of just popped into my head in terms of the coverage. Because you trying to understand what you're trying to do, it's much needed. Are there alternatives available to you that are less or more or less optimal, is that?

Mr. Stetler: So, in this particular case, there weren't any alternatives that would have actually worked. So, any carrier, T-Mobile in this case, first choice is not to have a new tower constructed, is to co locate somewhere. It's cheaper, it's faster, and usually much, much more simple. We did a look at a couple of Dominion, T-Mobile looked at a couple power poles, Dominion utility line structures. Dominions not allowing that to happen in this particular area, so that we, unfortunately had to roll that out.

Mr. Cummings: Okay. And this was part of your larger scheme to increase coverage in that particular area. That's right, exactly. And is it part of a larger rollout or you can't disclose?

Mr. Stetler: No, I mean, carriers are constantly modifying and upgrading. And so internally, we often use the phrase paint the map. So, the radiofrequency engineers will look at map, coverage maps, and determine where there's a lack. And if there's a lack, they want to fill it, fill it all in and paint that map. And so this was an area where they determined there was a pretty strong lack of coverage.

Mr. Cummings: Are there alternatives, in terms of just you know, putting up poles?

Mr. Stetler: In this particular area? No.

Mr. Cummings: Okay, Alright, thank you.

Mr. Bain: You could put it on tall buildings, but there are no tall buildings around so.

Ms. Barnes: Okay. I think that we've exhausted those questions. And thank you very much. And I will go ahead and open the public hearing on this agenda item for the telecom tower. The opportunity for the

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public to comment on this agenda item. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there is one minute left, and red means that your time is up. If you would like to speak on this agenda item, please come forward. Giving a little extra time. Okay, I don't see anyone coming forward so I will go ahead and close the public hearing on that and bring it back to the Commission for consideration. Mr. Bain, this is in your district. How would you like to proceed?

Mr. Bain: I'm supportive of the application. I think expanding broadband is crucial to Stafford County in general. It needs to be done. However, I do understand staff's concerns about the location of this particular site. And so, I'm going to make a suggestion to the applicant that maybe they go back and look at that interior site again, and in doing that, if it's not unreasonable to request, maybe contact those two homes that are closest and see if you can get them to offer a letter of support for citing the tower there or in its current proposed location, since they're the two closest and they would be the most affected by the visibility. And if that's a reasonable request to you, I would then propose to defer this to the May 24th meeting if that would be reasonable. Everybody's shaking their heads yes so, I was just gonna make it a motion but now make that a motion.

Ms. Barnes: So, we have a motion by Mr. Bain to defer and a second by Ms. Sellers. Any additional comments? Okay. So, we'll do the first one we'll do the comprehensive compliance review. So, a deferral on that to the May 24 meeting. Any additional comments? Okay, all in favor, I guess we'll just do the button on this one. Cast your votes and Martin how do you vote?

Mr. Martinez: Aye.

Ms. Barnes: Alright, thank you. Alright, and that passes six to one with one absent (*Mr. Apicella*). Okay and then on the second, the CUP, Mr. Bain, how would you like to proceed?

Mr. Bain: I would like to do the same motion concerning the conditional use application.

Ms. Barnes: Alright, so we once again have a motion by Mr. Bain and a second by Ms. Sellers to defer to the May 24 meeting for this CUP for the telecom tower. Any additional comments? Alright, hearing none, please cast your vote. Martin, how do you vote?

Mr. Martinez: Aye.

Ms. Barnes: Okay, once again, that pass is five to one with one absent (*Mr. Apicella*). I think I actually read that wrong. And the first one, the first one passed five to one with no, I'm used to the six to one.

Ms. Baker: They should both be six to zero with one absence.

Ms. Barnes: Okay. Got it. Thank you for counting that for me. Okay, thank you very much,

Mr. Bain: Okay. Alright. Good luck.

Ms. Barnes: Okay, so we will move on to the next item on the agenda, number 3, the Conditional Use Permit for Ferry Farm Dunkin Donuts. And for that we recognize Ms. Evelyn Keith

3. CUP22154728; Conditional Use Permit – Ferry Farm Dunkin Donuts – A request for a conditional use permit (CUP) to allow a drive-through facility within the B-2, Urban Commercial

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and HC, Highway Corridor Overlay Zoning Districts on Tax Map Parcel No. 54-94C (Property). The Property consists of approximately 0.4777 acres, located on the northeast corner of Kings Highway and Ferry Road, within the George Washington Election District. **(Time Limit: July 21, 2023)**

Ms. Keith: Good evening Madam Chair, members of the Commission. As you stated I will be presenting item 3 on the agenda. This request is for a Conditional Use Permit for a Dunkin Donuts restaurant with drive-through in the B-2, Urban Commercial and Highway Corridor Overlay zoning districts. The property is located on Tax Map Parcel 54-94C, George Washington Election District. And the, and Stephen Ball with Webb and Associates is the engineer and primary contact representing the applicant this evening. Sorry about that. This is the zoning map. The site is located on the northeast corner of Kings Highway and Ferry Road as shown here outlined in blue. The property is zoned B-2 which is Urban Commercial zoning district and it's also located within the Highway Corridor Overlay District, and consists of a single parcel of approximately a half an acre. The property has been zoned B-2 since before 1978 and is not subject to any existing proffers. Surrounding zoning districts are B-2 to the north, south, east, and the Historic Interpretation to the west. This is an aerial view of the existing conditions. The property access is provided, the existing entrances on Kings Highway which is here and Ferry Road. The site has an existing paved parking area and a vacant commercial building which is the location of a former 7-Eleven. Sidewalk was previously constructed along Kings Highway and Ferry Road within the public right-of-way. A restaurant with a drive-through is located to the south, which is not really in view but that's the McDonald's on that corner, and a retail building to the north here. There are no environmentally sensitive features or resources present on the site. It's frozen. Okay, thank you. This is a street view of the property from Kings Highway. The GDP depicts the proposed layout of the Dunkin Donuts restaurant with a single drive-through lane. The existing vacant commercial building will be demolished for the construction of the new 1,654 square-foot restaurant. Vehicles will enter the drive-through on the east side of the building and proceed counterclockwise around the north side of the building as shown with the blue line. The drive aisles and parking are located to the south of the building. Access to the site will be provided via the existing entrance on Kings Highway and a new entrance on the existing shared access easement which is already circled here. Additional sidewalk and crosswalk will be comp... will complete a pedestrian connection from the Kings Highway sidewalk to the, to the building which is here. The loading space and dumpster enclosure are proposed on the eastern end of the site, both of which will be screened from view of Kings Highway and Ferry Road as required by HCOD development standards. Also required by the... well, while required by the zoning Ordinance a landscape street buffer is proposed along Kings Highway and Ferry Road. However, since the location as required planting areas are encumbered with existing utility easements which will impact the applicant's ability to provide the required buffer width and plantings, a Departure from Design Standards will be required and will be pursued at a Planning Commission future... a future Planning Commission hearing.

Ms. Barnes: Go ahead.

Ms. Sellers: Along here on Ferry Road it looks like they're closing off that entrance. Is that, am I seeing that correctly?

Ms. Keith: That is correct. And I will... let me see... I thought I covered that on... yes they will be closing the entrance here and filling in sidewalk segments to connect to the existing sidewalks over there. I want to see if I've missed that. Okay, moving on. I don't know when I do something, it won't, it doesn't want to move on. Stacie? Alright. Okay. These are the architectural renderings. The top right rendering represents the west elevation oriented toward Kings Highway, and the bottom right represents the south

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elevation oriented toward Ferry Road. Due to the property's location within the HCOD Overlay District, the building must conform to the architectural standards in the neighborhood design standards plan. And this review will occur during the building permit approval. Staff notes that the proposed building design conforms with several of the architectural guidelines of the design standards, including the use of a pitch roof with dormers. The façade included stone-based materials. Also given the proximity to Ferry Farm, the applicant agreed to incorporate colonial elements into the building design. Staff would encourage removal of the pink trim accent feature on the front façade to maximize conformance with the adjacent historic property. Bright colors are typically used sparingly on colonial designs.

Mr. Bain: Ms. Keith, could I ask a quick question?

Ms. Keith: Sure.

Mr. Bain: Is this going to be a 2-story building or are those dormers fake?

Ms. Keith: I don't believe they're fake, but it's going to be a 1-story building.

Mr. Bain: One story. Okay.

Ms. Keith: Yes.

Mr. Bain: Well, there won't be stairs going up to use the...

Ms. Keith: I can defer that to the applicant. Right.

Mr. Bain: ... to use the upper area.

Ms. Keith: Right. Understood.

Mr. Bain: Okay.

Ms. Keith: Okay. The Comprehensive Plan identifies the property in a commercial node within the Suburban future land designation. Commercial nodes are intended to encourage commercial activities where there are adequate transportation facilities to accommodate proposed uses. Here are a few conditions that will propose that will offset any potential negative impact. Require site development to be in general conformance with the GDP; direct access to the property shall be the existing entrance on Kings Highway and the existing access easement; no new driveway entrances onto Kings Highway or Ferry Road shall be permitted; require closure of the Ferry Road access and construct new sidewalk as depicted on a GDP; require sidewalk be constructed along the east side of the entrance on Kings Highway and a crosswalk painted across the drive aisle between the building and the proposed sidewalk. Also require the building be constructed in general conformance with the styles depicted on the architectural renderings, and building façade materials shall comply with the Neighborhood Design Standards Plan. Staff finds that some of the positive features are, the proposed use is generally consistent with the land use recommendations in the Comprehensive Plan; consistent with the established development pattern along Kings Highway; the proposed building design incorporates recommendations of the Neighborhood Design Standards Plan; and incorporates colonial design features to complement the historic significance of the adjacent Ferry Farm property. And the proposed use is appropriately cited to minimize impacts to Kings Highway, which is the corridor highway. And no apparent negative impacts on noted. Staff

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does recommend approval of the application 22154728 with conditions pursuant to resolution 23-115. This concludes my presentation if you have any questions.

Ms. Barnes: Okay, questions for staff?

Mr. Bain: Yes. Ms. Keith we just received today a letter from Mr. Casey Durst expressing some concerns about traffic impacts. I know you've seen the letter. What is your opinion on these impacts?

Ms. Keith: Well, VDOT commented on the site and they said it was in general conformance. So, they did not have any issues. There is a site plan currently in and they will make additional comments during the site plan review, but they did not see any issues that that they had to comment on.

Mr. Bain: Okay, I did notice in your report that there had been a traffic or an estimate of the traffic generation, if I can find that. And when it was a 7-Eleven and operating, the weekday total and peak hour weekday total was 1436. And the proposed Dunkin number was 883. So that's a decrease. But the morning peak did increase. And I think that's understandable. It's a donut shop. People want to stop and get coffee and a doughnut on their way to work. It's my experience and I live close to this and go through that intersection quite often. My experience is that the traffic backs up there in the morning. And when the 7-Eleven was there people would turn off and go into the 7-Eleven and then come back out onto Ferry Road to continue to either downtown Fredericksburg or to Dahlgren, which were the two major employers in that direction. So, I don't really feel that this is going to be a significant change in conditions there. If anything made things bad, it was McDonald's. I see so many people now come down Ferry Road, turn left across traffic to go into McDonald's to get their coffee. So, if anything, this is going to reduce that morning problem, because those people that go to McDonald's have to come out and cross traffic again to get to Route 3, and it is horrible. It's really terrible. So, I think...

Ms. Barnes: They both have really good coffee.

Mr. Bain: They do but if you can get a donut with it, I'd go to donut shop any day. So I'm of the opinion that the impact on traffic is not going to be as significant as Mr. Durst had implied. He did make some suggestions for possible improvements. But in my mind, I don't think any of those would really help. So alright, that's all.

Ms. Keith: I'm in agreeance and with the access road to the east that would, you know, alleviate the impact to Kings Highway. So, I am in agreeance. I don't see it being a big issue.

Ms. Barnes: Go ahead, Ms. Sellers.

Ms. Sellers: If I remember correctly, the county did some roadwork there, I don't know, what three years ago, because it was approved when I was on the board so it would have been here recently. Have we seen any positive impact down there?

Ms. Keith: I do not have the answer to that. I was there the other day and it is a busy intersection. But the improvement probably helped going to the right and making the right from Ferry Road onto Kings Highway or making the left from Ferry Road onto Kings Highway. But I don't have the answer. I don't know any studies that was made after the improvement was done.

Mr. Bain: I can say from experience that there's now two left turn lanes from Ferry Road on to Kings Highway. And that has really improved things. Quite a few additional cars can get through the

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intersection during the greenlight. The problem at Ferry Road, as I said before, was McDonald's. McDonald's never should have been there. But also, the problem is 95. When there's a backup on 95 people come through town or using Route 17 and come across on Route 3 to try and get around.

Ms. Sellers: Look Al, I live off of Mine Road. You can't tell me anything about 95.

Mr. Bain: And there's nothing that can be done to improve that. So, I don't see this having a significant impact.

Ms. Seller: And is that railroad, the Dahlgren spur there? I believe that's an active railroad, I believe, at least once or twice a day. Has there been any more information on, they were trying to talk about during the higher speed, railroad days...

Mr. Bain: I think the use of that spur has dropped dramatically.

Ms. Sellers: Well, there was, again, in the 2014/2015, that time period, there was discussion of adding cars to kind of go bypass to allow for higher speed rail, but I don't know if that ever and I say higher speed, because it's never gonna be high speed. We don't know if that's still on the books or not?

Ms. Keith: I don't have the answer.

Ms. Baker: We can check that out for you. I'm not up to date on...

Mr. Cummings: I'm sorry, I must have missed it. But the vehicle trips are going to...?

Ms. Keith: It's going to be a reduction from the former 7-Eleven use, it will be a reduction overall vehicles per day and the PM will be a reduction, the AM will be a little increase because of the nature of the business. It's a coffee shop.

Mr. Cummings: And I too am a little concerned about that weekend traffic and the accidents. I come through all the time. And it's a nightmare to get through. It crawls. And then also that traffic coming down from Ferry Road. Everyone's using that as a bypass to get from that side of town over to this side or that particular side. So, thank you for the information.

Mr. Bain: I'll just make a comment. I just got a text from Supervisor Coen. He said the high-speed rail is not coming through there. The decision was to go through the city. So...

Ms. Barnes: Apparently there are people that are watching this.

Ms. Sellers: I couldn't remember but I know we are, at the state, reviewing there is some sort of railroad plan that I should probably know a little bit better but in the out years of adding capacity and buying up things and so if that's not part of it, and then I'm good.

Ms. Keith: Wonderful.

Ms. Barnes: Alright. Okay, thank you very much. Alright, would the applicant like to come forward and I see the applicant is already coming forward. Welcome.

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Mr. Ball: Good evening. I'm Stephen Ball. I'm with Webb and Associates, the site engineer. I will answer any questions that you might have. I did want to mention one thing with the traffic. I know, we talked about an increase, but it's all destination traffic. We're not actually increasing traffic to the area. It's just the traffic that's moving through the site. And it can move in and out, we feel it can move in and out, you know, fairly smoothly.

Mr. Cummings: I just surmise that Dunkin Donuts has done their homework. And they know and so that traffic is going to find its way into Dunkin Donuts. But it's...

Ms. Sellers: Are you guys doing ice cream, too, because you got Dairy Queen right there? They're the only Dairy Queen left.

Mr. Ball: No, this store does not have ice cream. No.

Ms. Sellers: Okay.

Mr. Ball: Just donuts and coffee.

Ms. Barnes: I don't remember if it was covered, what are the hours for the store?

Mr. Ball: Um, it's in the application

Ms. Keith: Five-thirty AM to 9:00 PM.

Ms. Barnes: Okay, any other questions for the applicant? I guess everything's pretty well covered.

Mr. Cummings: I'm gonna use this as an opportunity to pick at my bones that I always have, right. We talked about the traffic. Alright. And you've done what you are supposed to do with what you have. Right? But we know, anecdotally, right, that there's a huge influx of traffic on the weekends and from people bypassing 95 and when there's traffic, and the numbers are probably a lot higher I would suspect. Are you comfortable with the numbers that VDOT has given you in terms of traffic so far? I'm gonna ask that question first.

Mr. Ball: You mean the traffic on the streets?

Mr. Cummings: Yes. On.

Mr. Ball: I mean, I can only go by what the what the numbers are like, yeah.

Mr. Cummings: I know, it's different. We all know, that's different. Would you have liked to have better information or data? Or how do you analyze the footprint of that particular shop and it's the impacts around it. How do you do that?

Mr. Ball: And you're referring to the traffic analysis?

Mr. Cummings: No, I'm talking about in general.

Mr. Ball: I'm not sure I follow you.

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Mr. Cummings: Do you use BIM technology? Do you use BIM? Do you use any...do you do any of the design work or do you just do the analysis?

Mr. Ball: We are the site engineers. We're not traffic engineers, but we, you know, we just do the layout for the site, then we do traffic estimates based on the traffic manuals that we have and VDOT numbers that we get.

Mr. Cummings: Okay. And in those tend to be pretty reliable?

Mr. Ball: Yes, I believe so.

Mr. Cummings: Okay. Alright. Thanks.

Ms. Barnes: Okay, any other questions? Okay. Thank you very much. Okay, so I will go ahead and open the public hearing on this agenda item. This the opportunity for public to comment. Before starting your comments please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. Red means that your time is up. If you would like to speak on this agenda item, please come forward. Hello, welcome.

Mr. Smoot: Good evening. My name is Gary Smoot. I live off of Ferry Road. I've lived there for 29 years so I saw Ferry Road when it was a two-lane road coming down to Kings Highway. That service entrance to the east of this restaurant was built with that fact in mind and the traffic that went in there. That center is also and this shopping center and this restaurant are also available to people coming down Ferry Road and making your right on Kings Highway and accessing both the shopping center and this restaurant. That area behind, you've already alluded to traffic but realize that anyone who turns off of Kings Highway onto Ferry Road and heads eastbound on Ferry Road to make a left turn where we're directing traffic into this restaurant for the drive thru is going to cross three westbound lanes of Ferry Road. One of those is the right turn and two are the left turn as Mr. Bain pointed out. On the inverse, if someone goes through the drive thru and comes back and wants to go to Ferry Farm Elementary school after picking up their coffee in the morning, they have to go out and on that service road to Ferry Road. Now they have to make a left hand turn across three lanes and if traffic's backed up your line of sight down to Kings Highway is severely impacted. Also, to the left cars are coming out, you have 35 mile an hour and the road curves. If you're at that service road, if you look to the left, you can only see a few 100 feet. They're coming at 35 miles an hour. Now, I go in and out of that shopping center and I've made the left-hand turn. It's a dangerous situation. So, I think you should take that into consideration in that that service road was never intended. When the road was expanded, the traffic is improved dramatically in that area, I can give you feedback. You two seem to know about the intersection. So, it's improved traffic, if now we introduced cross traffic coming back out on the Ferry Road, making a left-hand turn to me that's going to slow traffic and create a traffic jam. That service road there, if you take the right off a Ferry Road, you can drive down around the strip center, there's about five stores, you can drive around the front and there's a service road that goes in front of those so you can access the front of the building to get to the drive thru. So, it's noted that there's 150-foot traffic lane for the drive thru and it's listed at 151 feet. If that fills up any car that pulls in off that service roads not going to be able to make the turn into the restaurant so then what did they do? So, I think there's some traffic issues. This is a pretty complicated intersection. And if we introduce traffic in the wrong direction, we're going to undo what was done to increase the traffic backups on Ferry Road headed westbound. The other thing is if you're headed southbound on Kings Highway, if you come up to that traffic light, you either have to make the left and go down and cross that traffic or you have to make a U turn and go into that entrance right away,

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there's a lot of vehicles aren't gonna be able to make that U turn. Thank you for listening. And I hope you'll consider the CUP to delay.

Ms. Barnes: Thank you, Mr. Smoot. Any other, anyone else like to come up and address the Commission on this agenda item? Alright, would the applicant like to come up and I guess, rebut any of those issues or discuss them?

Mr. Ball: We'd be happy to answer any additional questions that you might have regarding that.

Mr. Bain: Thinking about what Mr. Smoot just said, somebody comes down Ferry Road, turns on to that shopping center access drive to go into Dunkin Donuts. When they leave, if they were coming down Ferry Road, in the morning, probably they're going to turn right on to Ferry Road because they're going to work. They're not going to try and cross those lanes of traffic and go back up Ferry Road. Not if they know the area. That would be my assessment. Somebody coming from Route 3 coming and turning on Ferry Road and then trying to turn in to that driveway is stupid. You just cross the intersection and turn right into the parking lot of Dunkin Donuts. You would only do it one time to turn onto Ferry Road and then try and turn left to get to Dunkin Donuts. You wouldn't do it two times. So, I think those comments, while there are stupid people in the world, and I've been to Tilly's and I've been to Dairy Queen many times and come out there to turn left onto Ferry Road but I never do it when there's traffic. I always go through the shopping center turn onto Route 3 and go down to Cool Springs and come around. So, I don't agree with the comments that that it's going to create any more problems than are currently there because I don't think people are going to go out of their way to go to Dunkin Donuts and then try and fight that traffic to go in the reverse direction. My opinions.

Mr. Ball: An I would agree with that. And you know, I feel like with a shopping center, there are multiple ways that you can you can make a left turn into the shopping center and use the internal road as he was referring to, to get to the site as opposed to going down on the Ferry Road. And personally, if we go to Vinny's that's usually where we turn in the shopping center. Not trying to come around and come in the back.

Mr. Bain: I think a much more serious problem there is the people that come down Ferry Road, turn left into McDonald's and then come out of McDonald's and have to turn left again across those lanes of traffic to get back to Route 3. That's much more serious.

Mr. Ball: That's too close to the intersection.

Mr. Bain: I had actually hoped that when VDOT redid that intersection, they were going to put a concrete island to prevent those cross-traffic turns, but they didn't do it. I think McDonald's got to them. Alright.

Ms. Barnes: Okay, and yeah, go ahead and Ms. Sellers.

Ms. Sellers: I would be interested if there's any consideration and maybe closing off some of those. I don't know if your property is the one that, there's the railroad track and there's that entrance in, if there's any interest in maybe either making it right in right out and kind of forcing the traffic to go around?

Mr. Ball: Which entrance are you referring?

Ms. Sellers: Can we see it on the mound computer? So, it's the railroad track, Ferry Road coming towards Ferry Farm.

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Ms. Keith: Utility entrance?

Ms. Sellers: Yes, it's this Utility so it's not on your property line. But it would be..., yeah, because some of what creates some of this traffic is when you look at this picture, you have an entrance here on Ferry Road, you're closing the second entrance, and then you go to Kings Highway and you have this entrance. And then you have another entrance right there. You know, as we're seeing more and more traffic come here. So, if you can't close this one off, would you guys consider closing the one on Kings Highway completely off and forcing it to go around? Because I'm at Dunkin Donuts, the old Brewster's up on 610, that's now a Dunkin Donuts, I will go to that god-awful site almost every day and get my coffee. And it is an awful site. I mean, I scrape my tires almost every day. And so, people who like Dunkin Donuts coffee, like Starbucks, we will go out of our way. And so, this is an opportunity to close that off and make traffic flow a little bit easier, is my thinking.

Mr. Ball: That's the primary entrance into the site so I don't see how we would be able to really close the one on Kings Highway. It is right in right out. The median keeps you from turning left, you can't turn left.

Ms. Sellers: I know, but what happens...

Mr. Ball: The traffic will move in smoothly into it and then as they come out, they'll make it right to go continue on down Route 3. So, I feel like...

Ms. Sellers: They do but it's these entrances on a major road like Route 3, like Business Route 3, that creates some of these traffic backups, because people are turning in and coming in and going out. Right. So, if we can get the movement of traffic to just go without these entrances then we can try and clear up some of the traffic issues and the congestion issues and so this is an opportunity. And I put this to the Commission, and I hope the Board of Supervisors, if they're watching or listening, this is an opportunity. It's on their site to close that entrance and say, sure, you know, like, let's have that discussion of closing this entrance and making it a closed corner here.

Mr. Ball: But it's the only real entrance onto the site so we will be relying on other entrances off-site that we don't control.

Mr. Bain: The second entrance on Route 3 is a different piece of property.

Ms. Sellers: That's okay. They can use it.

Ms. Baker: Well, they wouldn't be able to without access easements. They'd have to obtain access easements, if they don't exist from that property.

Mr. Ball: That would significantly change the...

Ms. Sellers: What do you mean? There's an entrance right here. I'm seeing it, like, there's a, you can...

Ms. Keith: You mean here? That's an adjacent property.

Ms. Sellers: This goes through right now. What do you mean?

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Ms. Baker: But technically, if that was, if they weren't permitted to access, they would have to get cross access easements to that if they don't exist. I don't know. I can't answer if they exist or not. But by closing that off, right now, they have the ability to go in and out without having those easements. Yes, it is private property. I know people traverse it because that's how they do.

Mr. Ball: We'd be funneling all the traffic to their property, which I don't think they would really...

Ms. Barnes: And then if they, because it's somebody else's property, if they ever decided to do anything with that entrance and exit, then you'd be stuck to that one on Ferry Road.

Mr. Ball: I just feel like that would be unreasonable.

Ms. Sellers: I don't think that would be an unreasonable. I mean, why wouldn't, you can send them around. There's like so many entrances into this property. I was just there Monday. This is one big like you zoom out right? And this road, this back road here, it all connects. So, you're already adding an entrance over here. Why wouldn't you just send the traffic all to this back entrance and keep it completely off of the main roads. That would move traffic a little bit better.

Mr. Ball: Well, they would have to make a like a larger turn back into the site where now it's more directly into the site with the entrances there. So, it's a little more direct, easier access to the site.

Ms. Keith: And a good thing as well as with this entrance being closed, they would only be able to access again as a right in here, and then on Kings Highway, that's a right in and right out.

Mr. Ball: It's already limited access. And the county had requested that we close the entrance on Ferry Road so that's why we closed that originally.

Ms. Sellers: Yeah, I would request you close that one and the one on Kings Highway. I mean, and send your traffic, get your easements and actually, because that will ease that congestion that they're talking about. Not completely, right, because there's a whole bunch of people that live back here. But it would ease some of this congestion, because it would, you wouldn't have people just stopping and trying to enter the side here.

Mr. Bain: I think it would then encourage more people to turn on to Ferry Road and try and turn left across all the traffic.

Ms. Sellers: Well, we could just deny the CUP completely and say we accept what it is right now and I get it. But this is an opportunity that not only us, but the Planning Committee or the Board of Supervisors has to actually look at this intersection, and begin to advocate to get traffic moving a little bit better, because again, I hear what you're saying it's a little inconvenient, you'll have to go ask for easements. But there are like six entrances into this larger property right here. And you can turn off of Kings Highway before you get to this light, it's not shown here, but between Ferry Road and Cool Springs Road, there's another entrance that they can turn left. And I think you can turn left out of the property to go back onto Kings Highway. And so, there are ways to get in there. I don't think we're being, I don't think the request would be too much. It's a little inconvenient, but it could potentially help move some of this traffic. But that's just my thoughts.

Mr. Bain: I think what you have to realize is that the majority of the traffic that's going to use this Dunkin Donuts is coming down Ferry Road. There's not going to be many people on Route 3, going north in the

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morning. All the traffic goes south and west to the city, and comes from Ferry Road. There's almost no traffic going north, except for construction trucks that are carrying materials to get to 95 from the Dahlgren areas.

Ms. Sellers: So that's now. But let's think about the conditional use permit runs with the property forever. And we have an opportunity right now, to close off this entrance here on Kings Highway. You know, forever, as long as this conditional use permits in play, and we ask them to close off this entrance. They can't put that back without coming back for a conditional use permit change.

Mr. Bain I just don't think it would help.

Ms. Barnes: Sorry, go ahead.

Ms. Baker: Madam Chair. Sorry. Just note that the applicant doesn't have control of the entrance itself. It's not located on their property. It is within VDOT right-of-way. So, they wouldn't actually have control over the closure of that.

Ms. Sellers: So, then how are they moving the entrance? They're using the same entrance and relocating there how their buildings position.

Ms. Baker: I'm talking the entrance on Kings Highway that was the entrance that was reconstructed by VDOT during the road improvement.

Ms. Sellers: And so, what are they doing? So, they're just reconstructing their thing. So, we could ask VDOT to close it. I'm sure they wouldn't have a problem closing it. I've been to enough transportation meetings over the last decade to know that these entrances onto a major highway are what are causing our backups. It's not anything else.

Mr. Bain: Okay... *inaudible*... intersection.

Ms. Sellers: It is. I'm there all the time too. I mean, people come out here and they go slow and they back it all up. Like, it does happen.

Ms. Barnes: Okay. Any other? Dexter, you look like you're about to pitch in, too.

Mr. Cummings: I did unartfully the last time and a gentleman came up and saved me and gave me the rationale and the scenarios that really defined the problem, right that we know. And because you don't do half the scenario plan and you don't have the what ifs and you don't have the real time data. You can't make the decisions on it in a way that's meaningful. So, we're guessing and I don't blame the applicant. I blame us. It's the piece that I was trying to make before the point I was trying to make before. And I think that we do have it within our capabilities to do it, we have to make the decision if we're going to really plan our community the way that it needs to be planned, and give people access to the coffee without accidents and consternation to my compatriot over here. But I think everyone well, the comments I've heard demonstrate that there is concern from the community about the traffic, and I think it's rightful, I think it's meaningful and so unless I hear some sort of alternatives, I'm not sure that I can really support it, although I love Dunkin Donuts. And, and I would love to see it in that neighborhood. I do think the traffic coming down from Ferry Road and all the traffic on the weekends and everything else is just going to add some major challenges to that roadway that's already struggling.

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Ms. Keith: I just want to mention the previous former 7-Eleven was more of a high intense use, and they had traffic coming in and out more regularly than a Dunkin Donuts would. Dunkin Donuts, the impact would be more in the AM as opposed to the remainder of the day, like lunch hour or even dinner. So, I just wanted to bring that to your attention as well. This is an existing entrance. And again, it's a reduction and a trip generation.

Mr. Cummings: Trips don't tell the whole story though. I think that's the piece that sticks in my craw. And, and I think that if we have an opportunity to do something different at least consider some other options. I think we should take it. But I haven't heard anything that tells me that it's not going to be a problem or people coming down that, you know, Kings Highway and people turning on Ferry Road. And I've tried to get over on that road myself by, you know, the Chinese restaurant and you know, and people are coming down here at a pretty good clip. Or there's heavy congestion, either one, so I'm open to considering other options. But I think the traffic is definitely....

Ms. Barnes: Okay. Thank you, Mr. Cummings. Any other questions or comments and just to be clear I'm going to go ahead and close the public hearing on that. I left it open just in case but we'll close the public hearing on that. Thank you very much. And I will bring this back to the Commission. Mr. Bain, this is in your district; how would you like to proceed?

Mr. Bain: It's my opinion that this will not have the detrimental impact to the intersection that has been voiced. I think, again, that the majority of the users of the Dunkin Donuts will be people coming down Ferry Road, turning in to get a doughnut and coming back out to Ferry Road to then proceed to Route 3 and towards Dahlgren or the city. So, I don't see this having a significant impact. It's not going to add traffic. It'll be existing traffic that currently comes down Ferry Road. People on Route 3 that are traveling west or north depending on how you define that they can use that entrance on Route 3, they won't need to use Ferry Road so it should not impact there, like I say, if they do that once, they'll suddenly realize how stupid they were and they won't do it again. And for that reason, I'm going to recommend approval of the Conditional Use Permit CUP22154728.

Mr. Shelton: I second the motion.

Ms. Barnes: Okay, I have a motion by Mr. Bain to recommend approval and a second by Mr. Shelton.

Ms. Sellers: I have a comment.

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

Ms. Sellers: I cannot support this motion. It is this is an opportunity and I realize that the George Washington District in this part of the county has not had a lot of applications. I realize it's an underrepresented area. I realize that they want to get that shopping center back up and running. But this is our opportunity as the county to be imaginative. It is our opportunity in the county to plan for the future and I do not think that this does it. This site would be a great location for Dunkin. I go to Dunkin Donuts every day, every single day, sometimes two or three times a day, not just in the morning all day long. So, when I tell you I know people like me will go out of our way to go to Dunkin Donuts, particularly if it has a drive thru. But my concern is that this is going to add traffic, this is going to change the traffic pattern there on Route 3, I hear what you're saying. I do. I wholeheartedly disagree. I think we need to close off that entrance on Route 3, I think you need to send your traffic back behind the building or do something with the internal movement, because I just don't think it's going to work there. I think it's going to increase things poorly. And if one does bad decision made people change their behavior,

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you would not have social workers in the world. I can guarantee you humans do not learn from one mistake. It takes us multiple times, and multiple times. So again, I cannot support this. I wish you guys would bring up an application that was a little more imaginative and a little bit better for the county. So, I wish you luck.

Ms. Barnes: Okay, any other comments regarding this? Okay, hearing none, go ahead and cast your vote and Mr. Martinez, how do you vote?

Mr. Martinez: Aye.

Ms. Barnes: Okay, and that passes four to two (Ms. Sellers, Mr. Cummings) with one absent (Mr. Apicella). Okay. Thank you very much. And a reminder that this will go to the Board of Supervisors, this is not the end of this application. So, anyone who is concerned or still has concerns about it, make sure that you follow this to the Board of Supervisors. Okay, we'll move on to the next item on the agenda, number 4, Amendments to the Floodplain Management Ordinance. And for that we recognize Mr. John Saunders.

4. Amendments to the Floodplain Management Ordinance – Proposed Ordinance O23-09 (Proposed Ordinance) would amend and reordain Stafford County Code Section 28-57, “Flood Hazard Overlay District (FH)” (Floodplain Management Ordinance) to bring the County’s existing ordinance into conformance with the National Flood Insurance Program. The Proposed Ordinance would amend and reordain provisions regarding floodplains and adopt and amend the effective flood insurance rate maps (FIRM) and Flood Insurance Study (FIS) report. **(Time Limit: July 21, 2023)**

Mr. Saunders: Good evening, Commissioners, Madam Chair, I'm going to mix things up a little bit for you. I'm going to talk about floodplains. I apologize. I don't have any nice strong visual aids here but if you'll allow, I will kind of walk the Commission through the process where we're at today, in terms of the floodplain ordinance, and these amendments and their purpose. Back in 2017, Stafford started going through updating our floodplain maps also known as the firm's or flood insurance study. It's a years long process, involves a lot of extensive modeling, in conjunction with FEMA and the Corps of Engineers and their consultants to get these maps and update them. So, in December of 2019, we got our preliminary maps, we reviewed those, gave feedback back to FEMA. They looked at that, did a little more tweaking to their models in the maps and in about the Fall of 2020 we started notifying affected property owners. So, folks that were newly mapped in, we had about 30 structures that were newly mapped in, letting those folks know, making them aware of that they may be required to purchase flood insurance through their lender if they had a federally backed mortgage. Also letting folks know that were being mapped out, that they were being mapped out, however, they still had risk on their property, just encouraging them to keep their flood insurance, albeit at a reduced premium. So, we did some extensive outreach, FEMA came back again, and tweaked a couple of the maps, nobody was affected by that, no structures were affected by that. And then we started what's called our appeals process. So, we had a 90-day appeal process for anybody that was affected could basically provide the engineering data to Stafford County and to FEMA, to basically say, “I was inadvertently mapped. I want to challenge FEMA’s determination”. We did not get any data as part of that appeals period. So now we're at the point where we have gotten what's called a letter of final determination. And once FEMA issues the letter of final determination they've basically stated these maps are good, they are not changing. We will be providing you with the official study in firms in Stafford County or the community, you have six months to adopt your floodplain maps and we adopt those floodplain maps through our ordinance and so we have been working to look at our ordinance and look at the state's model ordinance make some comparisons, do

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some tweaking here and there. Overall, we didn't really have too many significant changes, we just parted a little more current with some of the latest definitions and referencing, of course, the most up to date and current flood insurance rate maps and flood insurance study. So, we worked with the Department of Conservation and Recreation, they are the State of National Flood Insurance Program Coordinator so they have reviewed our ordinance, said that this looks consistent, meets the minimum National Flood Insurance Program standards. As you all may be aware Stafford also participates in a component of that called the Community Rating System. So, a couple years ago, we went through an audit and as part of that audit, they looked at our ordinance again, and we gave our proposed ordinance to the auditing agency and let them know this is what we're putting forward and they concurred that it was consistent with CRS as well. So, we've brought it before you all, we got our letter of final determination back in December, we have until June 21 of this year to adopt the ordinance. We brought it to the Board in March to refer to the Planning Commission to adopt the amendments. Those have been provided in the background documents. And I'm available to answer any questions you might have about the process. more generally about floodplain management in Stafford County or any specifics about the floodplain ordinance.

Ms. Barnes: Did you say June 21?

Mr. Saunders: June 21, yes, ma'am.

Ms. Barnes: Because we've got on ours, it says July 21, but I'm not sure if that's a different.

Mr. Saunders: That is probably a typo. It's June 21.

Ms. Barnes: Ok. Thank you. Okay, questions?

Mr. Bain: I have several.

Mr. Saunders: Yes, sir.

Mr. Bain: I know you've received my list of acronyms that I thought should be defined. If they're defined somewhere else in the zoning ordinance, that's fine. First question I have, does the county run their own floodplain model, backwater model, or does FEMA do that for you? In other words, the actual boundaries are they defined from county modeling or from government model?

Mr. Saunders: Sure, maybe I can explain the modeling a little bit. So, one of the challenges and one of the problems with our floodplain maps going back for decades now, I'll use an example, you can look at Stafford County, you can look at the Rappahannock River or you could look at Stafford County, you look at Spotsylvania County and you'll notice that there are two different elevations for the same spot on the river for floodplains. So, it's an issue. So, this time around FEMA and the state did a good job of doing a holistic approach. So right now, everybody in our region is updating their floodplain ordinances because they did this modeling on a watershed model basis. So, they looked at the Potomac River, they looked at the upper Rappahannock, the middle Rappahannock, the lower Rappahannock, the James, the York going on throughout the Commonwealth. So, everybody's in the sort of process right now of adopting their maps. So that's one great thing is now we've got a model that's on a watershed scale, so we're able to model the river instead of just on a community specific basis. So, FEMA does do that modeling for us and their consultant does that modeling for us. The topography that they used is LIDAR flown topography, it's very accurate. And so that's what they did, that was flown in about 2012. They flew that topography, and that's what we've been using consistently a lot. So, it's pretty accurate stuff. And that our model is a lot more sophisticated than the previous models. That being said, we do have

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the models now. So as part of this process with the updated models, we actually have all the data now from FEMA, which we never really had that before. So, if an applicant comes to us and says, "I'm going to cross your floodplain, I'm going to put a crossing in the floodplain, I'm going to fill in the floodplain" We have the model that we can then provide to the applicant say, "Great, here's the model, show us that you're not affecting our floodplain show us that you're not increasing rise on anybody". So that's a that's a great tool that came out of this process.

Mr. Bain: That's exactly why I was asking because we're seeing a lot of development getting closer and closer to streams and to have to go back to FEMA every time to see if it's going to have an impact would be horrible. I do have a couple of kind of picky questions. In the definition section, Section A under the term development. "Any man may change to improved or unimproved real estate including" then it goes on "and other land disturbing activities." So how do you view agricultural activities in there? You know, tilling land, leveling land, whatever it might be. Does that fall under the title of development, then?

Mr. Saunders: This is a great question. And this is something that challenges floodplain managers across the nation honestly. So, the NFIP definition of development is extremely broad. So, it doesn't necessarily correlate or match our development that we may have in our zoning ordinance. Their definition, you know, we've been challenged before, does development mean if I go and paint my house, did I develop my property, I improved my property, right. So typically, what we do and how we regulate our floodplain is, if the development you're doing triggers some sort of other permit, right, so you need a zoning approval for that, you need a land disturbing permit from an erosion sediment control perspective, or you need a building permit, right? Those are things that we get wrapped into that process. We're part of that process, we review that and that's how we coordinate and regulate these activities. It's not practical to try to regulate every single improvement that somebody might do. It's just, it's impossible. So, when we talk about other land disturbing activities, when I look at that portion, specifically, I'm going to be looking at land disturbing activities that we have defined in our erosion and sediment control ordinance. And there are specific exemptions for things like agricultural for general landscaping, maintenance activities, things of that sort.

Mr. Bain: Okay, that's good. This was just kind of curious, the definition of a basement is having its subgrade below ground level on all sides. If you had a house that was on a hill slope, and one side was exposed, you know, walkout basement, it's still a basement, but this would not consider that a basement by that definition, so would that then be considered the first-floor elevation from a FEMA perspective?

Mr. Saunders: So, FEMA would look at the first finished floor So we would we would consider the first finished floor. So that area, that area underneath that's in the within the floodplain itself, as long as that's unfinished space. That's how we would look at that.

Mr. Bain: I see. Yeah, I see. Okay, um, I think the last one under the definition of functionally dependent use. It says 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 ta-da-da-da-da, but does not include long term storage or related. It just seems strange to me, if you're saying that "it only includes this", why did you need to add, "but does not include that." I'm being really picky there. But it just caught my eye, if it only includes docking facilities, port facilities, and shipbuilding, ship repair facilities. Why do you need to say that it does not include anything else?

Mr. Saunders: Great question. I think it's trying to clarify that it doesn't include temporary structures and facilities. So, you know, if there's a temporary structure to accommodate, you know, shipbuilding or, you know, some sort of maintenance activity associated with that stuff, I think that's what it's trying to

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preclude is those temporary structures. They wouldn't have any special privileges or vesting because they're not functionally dependent.

Mr. Bain: Okay. I think that was all I had. There's an awful lot of acronyms that most other people cannot understand. I used to do floodplain delineations and things so I know what they are, but the average reader would be lost.

Ms. Barnes: Yeah, the average reader was lost on the acronyms on that. And I can tell you, being the average reader on this one. Go ahead, Ms. Sellers.

Ms. Sellers: So, we're doing this because we participate in a Flood Insurance Program, is that correct?

Mr. Saunders: We participate in THE Flood Insurance Program. So there really is only one viable option for anybody that is in a map floodplain to purchase flood insurance, and that is through the National Flood Insurance Program through FEMA. So there really are no private alternatives because it's a losing proposition, basically. And the private insurers are not really involved in that game, to the extent that they have their own set aside that isn't the National Flood Insurance Program. So, in order for us to keep our standing and participate in that program, we have to keep our floodplain maps current, we have to enforce an ordinance and adopt the regulations.

Ms. Sellers: So, what happens if we don't do that?

Mr. Saunders: So, our folks that have property within that flood plains, that have flood insurance, would not have the ability to purchase that flood insurance?

Ms. Sellers: So, if their house flooded because of a hurricane, some crazy hurricane FEMA would not come help them?

Mr. Saunders: No, they wouldn't.

Ms. Sellers: Okay, and so then that brings me to the mixture we got, we got some mixture of US Code here, CFRs and then it looks like Virginia code. So, you have CFRs I'm assuming that go over the Executive branch because FEMA is part of the Executive branch to the CFR governs what FEMA can do.

Mr. Saunders: That's right.

Ms. Sellers: What is the state code doing?

Mr. Saunders: So, 44 CFR is where most, that's where your minimum National Flood Insurance Program requirements are vested is in that 44 CFR. So that's why that's being referenced in there. These are the these are the minimum things that you must do. As far as the state goes, I'm not sure that there's necessarily a separate overlying floodplain regulation or law with the state really, this is, you know, communities, because we have communities in Virginia that don't participate in NFIP, they don't have a lot of floodplains. So, there's really low threat and low risk, but for us to have the ability for our citizens to purchase flood insurance, we have to participate.

Ms. Sellers: Okay. And then we also have this this law, from 1973. So right and here's kind of where we're at like here's this engineer and I live in a world of policy, particularly Executive branch policy,

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and, and one ordinance we've sited US Code you've cited CFR, which is an Executive branch, similar to US Code, but Executive branch regulations, state code, and now we're creating our ordinance and I'm just trying to figure out how to the average person all of these things and come together to make sense, because me as a homeowner, if I'm in a floodplain, I just want to know when my house floods because of this catastrophic event, that I can access this, and I am just reading this, and not really understanding that. So, I personally need a little bit more time to digest this. Because I'm not understanding how everything comes together. And what I don't see in here is, is then again, how does the average person access this because things like development, that is different than anything I've seen as development structure. There's a couple other ones, none of these makes sense to me. So, I have to figure out how all these work. But that's just me.

Mr. Saunders: And I'd say the average homeowner, the way they would interact with this is if they have a federally backed mortgage, and their lender calls them up says you're in a floodplain, you need to purchase flood insurance, that's really where the engagement begins. And that's where they were, that's where, you know, they may come to us and we'd walk them through, you know, what you need to be aware of what you need to do, what your risk is that sort of thing.

Mr. Cummings: So, so let me, the average consumer, a homeowner, community person in the community finds out they're now in a floodplain, right, so that we understand that changes and I'll chalk it up to the great technology that's now available, to regional planning that's now happening as you stated, and which is something that we all should be doing, right and is there a reason why we're not able and capable of doing it ourselves or initiating that?

Mr. Saunders: This is significant, heavy lift to do this on your own. It requires a lot of data, it requires a lot of modeling. It's a significant investment. So, we're very fortunate that FEMA and the State and the Corps, have said Virginia, it's time for you to update your maps and they've gone about and done that. We do have the ability internally to look at you know, isolated things, isolated projects, and so forth and assess that and model that ourselves, we are capable of doing that. But to do that on a watershed wide scale across multiple communities, multiple jurisdictions and get the accuracy that we have now, I think that would be a very, very challenging effort and heavy lift.

Mr. Cummings: Right. And the technology is better nowadays. Right? And, and the opportunity to engage and be involved in regional efforts is always better than not. And so, once I find out that I'm, so for the residents, their universe changes and to Commissioner Seller's point, our translation of that information to the consumer is generally through either their insurance company, or the mortgage company, or potentially their insurance company might get the information somehow, and notify them that it's time to upsell them to some other new coverage or something like that.

Mr. Saunders: Yeah, there's a couple of different things, ways that we do outreach. So, for this specifically, we had about 260 properties that were mapped out. So, we've got better topography now. So, areas that we were able to really isolate and look at elevations and look at our better typographical data, we were able to remove some structures, but let them know you're still at risk. And here's where the new maps are, check out the new maps, before you drop your insurance, check with your lender and just be aware that, you know, these are still some, you might still want to keep your insurance and hopefully, you'll get a reduction in your premiums. We really made a conscious effort, the folks that were being newly mapped in for the first time that we're going to have the mandatory purchase requirement from their lender to let them know that, you know, there are options. There are opportunities. You know, FEMA does have programs for folks that are newly mapped in, you know, kind of give them a subsidized rate for the first years which escalates and you know, so that they can kind of, they don't

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absorb the sticker shock all at once. So, we did pass that information on as well. As part of our participation in CRS, which is the community rating system, we have certain areas of the county that we call repetitive loss areas. And so, we know based off of historical data, based off of claims, through the NFIP, that these areas are prone to flooding. So, we had them identified and we do we do outreach. We do it at least annually. And we're just stepping that up to do it more quarterly and just the same thing, just letting folks now what their risk are. These are things you can do to prepare before the flood happens, when the flood happens, after the flood happens. All those sorts of things that you know for these areas that are most at risk for flooding.

Mr. Cummings: And how many of those at-risk areas do you think we have? I'm just curious now.

Mr. Saunders: We've got about three areas. We've got Falmouth is, Historic Falmouth is an area if you go back and read through any of our old flood insurance studies, it's actually quite interesting to read about the floods on record. Falmouth, you know, is very, very prone to flooding. Aquia Harbour has some areas in there, that's pretty flood prone as well. So those are really the two main pockets is kind of up in Aquia Harbour and down in Falmouth.

Mr. Cummings: And that sort of coordinated without damming system and everything else right? Or does that get into play?

Mr. Saunders: They are related. So, dams are related. So that's another thing that we do as part of CRS is we keep our dam break inundation zones, we keep those maps up to date and forecasts those as well. They don't always typically, they don't always correlate with floodplains. But there is some overlap in certain situations. But some sometimes we have Dam Breaking Inundation Zones where we have no floodplain.

Mr. Cummings: I want to thank you for the information because it really does bring home to me the interconnectedness of all of it. And, and not just within our community, but also surrounding communities and the watershed and everything else, and how important and part of the reason why all of this is coming down the pike. Is it just because the federal government has what?

Mr. Saunders: Yeah, great question. So, a lot of this, especially the LIDAR mapping came out of Hurricane Sandy. So, for anybody that pays attention, to anybody who's nerds out on this floodplain stuff, so the National Flood Insurance Program is under underwater, no pun intended, but it is really, really in debt. And so, you know, part of, I think, what the government the federal government recognizes is that, you know, folks need to understand risk, we need to know where the risk is at and in having updated floodplain maps is the best way to communicate risk and also to enforce those minimum NFIP standards. So, the other things that the NFIP has, is we have elevation standards, we have certain construction standards if you're building in the floodplain to make sure your structure is more resilient, that is flood prone, that it's resistant to floods. And, you know what we see with a lot of these losses that we have and a lot of these claims on NFIP, a lot of these structures, we call them pre-firm structures, so they may have existed before any of this ever came about in the 70s. And so, what we're seeing is we're paying out claims on structures that aren't built to current standards. So, part of the effort here is get better floodplain maps, start using those maps to basically employ and execute your regulations against new construction, and substantial improvements as well. That's the other thing that we've done a better job at capturing in the ordinance this time around is substantial improvements. If a homeowner has a structure that's in the floodplain, and the homeowner is reinvesting in that structure, then there's an interest there to make sure that, you know, once they hit a certain threshold, that if they're reinvesting in

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the structure, they should also be making that structure more resistant to floods in so there are certain thresholds there, as well that get crossed that that would require them to bring the structure...

Mr. Cummings: And this is the last question, I could go on forever, but the interconnectedness with you and the utilities and water supply. It's connected, right? It's all connected.

Mr. Saunders: It's very connected. So, my team, my office, we are environmental programs. So, we've got floodplains, we've got dam safety, we've got stormwater erosion and sediment control, Chesapeake Bay, wetlands, all that stuff. So, all that stuff is kind of funneled through my team and my office, and we're working closely with utilities on variety of water resources related issues. So, we coordinate with them on dams and reservoirs and things of that nature as well.

Mr. Cummings: And the volatility and the unpredictability of a lot of the weather events, and the fragility of some of our waterways creates a lot of risk. Alright. And so, the more that we can do to monitor it, and the more that we can, tools that we have to be able to do regional coordination and planning, and also integrating some of that with notice to community and feedback from community, the better off we are, right?

Mr. Saunders: Yes, sir. Yeah, so in and the good thing about our participation in CRS is it kind of tries to capture a lot of those activities that we do. So, hazard mitigation planning, executing our dam safety program, having a strong stormwater management ordinance, and so on, and so forth. So, these are all things that we try to actively participate in.

Mr. Cummings: And I promise is my last and the only issue is...

Ms. Barnes: Last one is the last one. Okay, one more.

Mr. Cummings: And the only issue is enough money to do it, right?

Mr. Saunders: Sure, sure. And just, I mean, with floodplains, it's just, you know, there's an educational component. So, we talked to that homeowner for the first time and, you know, it's, you know, we'd love to be able to engage with a homeowner early on in the process and let them know, hey, you know, and a lot of folks, you know, they buy that waterfront property, and they may be unaware of, I've got floodplains, I've got a Chesapeake Bay resource protection area, I've got wetlands, I've got all these things, you know, all these requirements and stuff. So that's part of our challenge is, you know, being able to engage early on, I think, and educate that educate the end user.

Mr. Cummings: I think you should have a conversation with an administrator and the Board of Supervisors about community engagement around this and see what kind of solutions they might be able to provide.

Mr. Saunders: Yeah, we found one of the things we've been working on, our Chesapeake Bay Board has been asking for this this a lot, and we are working on a waterfront property owners landing page to find out a lot about this information. And we'll look at maybe targeting that with some more targeted public outreach. But yeah, we've been trying to improve our webpages, make them a little more user friendly, add some nice illustrative concepts and kind of just, you know, bring that educational piece.

Mr. Cummings: I may have something for you. I'll talk to you.

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Mr. Saunders: Yes, sir.

Ms. Barnes: Mr. Bain

Mr. Bain: Two quick things. First, do any of the county dams impoundment structures have flood control capabilities? I mean, can you adjust gates to store floodwaters or are they pretty much passed through structures?

Mr. Saunders: I'll use Potomac Creek One and Potomac Creek Two as examples; Potomac Creek One being Able Lake. That was originally built as a flood control structure. Some of these were built intentionally as flood control structures. Now, at that point, when they were built, they were trying to prevent the farmland downstream from washing away. So, they've been repurposed a little bit since then. But that is, you know, they are designed to be able to have some of that surge capacity. When we look at dams though what we look at trying to do is if we get an event that's significantly higher than, like 100-year storm, that's normally the benchmark for most of our stormwater facilities is making sure they're safe for the 100-year storm. Some of these larger facilities because they are inherently just have more risk because of their size and their impoundment capacity, we want to make sure that those can pass a higher event and so what we're typically concerned about there is that the spillway doesn't erode and we have a catastrophic dam failure. So that's our primary concern. There may be some flooding that occurs downstream of that, which is why we have our inundation maps. But um, but they do have they do have some capacities. Yeah.

Mr. Bain: Okay. That's, that's good. To get back to what Ms. Sellers was referring to about the CFR references in this ordinance. That's all those are is to reference where that source material came from. We're not adopting CFR in any way, you could eliminate those references to CFR. They're really not necessary. Am I right in saying that? So even though it's coming from the Federal Register it's really not tied to the Federal Register in that sense.

Mr. Saunders: Right. Yeah. It's referencing the minimum NFIP requirements from 44 CFR.

Mr. Bain: It's just where you grabbed it from basically.

Mr. Saunders: Yeah, pretty much.

Mr. Bain: Okay. Alright, because I thought what you were saying was, we were somehow tying ourselves to federal statutes.

Ms. Sellers: It's a national program is what he said for insurance program. And so, if we want to... this is how we do it in DOD. "You don't have to participate in our program," that when I work under 32 CFR, which is the National Industrial Security Program, the federal government will say, "You don't have to adopt our standards but should you choose not to adopt our standards we don't have to give you this." And so, when I see something like that, that's kind of what I'm looking at is we're participating in a federal program, and I do have other questions, and I know Mr. Shelton does too, so if we're participating in this federal program, and it is to help people access money, we want to make sure that we are as close to the federal standard as possible or we put ourselves in a position that the federal government later on could say, "You guys didn't do it according to our standards," especially when you tell me they're underwater and out of money, "You didn't do it according to our standards, so we were not going to help you." Right. Hopefully, they wouldn't do that. But that's the chance you take. That's how I would say it in the military. I don't know how that is here. I mean, we could ask the attorney, but

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when I see a CFR identified in this manner, and there's somewhere in here that says the CFR is the authority when I went back and look, no, there's title 42 is the authority. The law, that's what created this program, the CFR, the standard CFR has changed a lot easier than a than a law. So that's kind of how at least again, at the DoD level when I see stuff like that, that's the chance you're taking, is the federal government saying, "Yeah, you didn't do it according to our standards so, have a good day."

Mr. Saunders: Yeah. For NFIP, the NFIP relies on the state regulatory agencies, so they rely on DCR to say this program is in good standing there, ordinance meets minimum NFIP requirements, and that's sort of an aid to I think some of the 44 CFR references is there, making sure you've got all of those requirements in your ordinances.

Ms. Barnes: Mr. Shelton?

Mr. Shelton: I think the bottom line is we're not the fiduciary, FEMA is and we're protecting the 260 homes in Stafford County. Am I correct?

Mr. Saunders: There's about actually 600 policyholders in total.

Mr. Shelton: Yep. So, I think we have an obligation to make sure they're protected.

Mr. Saunders: Yes, sir.

Ms. Barnes: Okay, I think we've talked this almost a death and it sounds like we've learned a lot. And I believe that this is a public hearing. So, unless we have any other questions. I'm going to open up the public hearing on that. And there is nobody here but it is a public hearing. So, I will read through it very quickly. This is an opportunity for public to comment on this agenda item and before starting your comments state your name and address clock starts at Green. Yellow means one minute left red means your time is up. If you'd like to speak, please come forward. Seeing no one I will close the public hearing and bring this back to the Commission. How would the Commission like to proceed?

Mr. Shelton: I'd like to propose that we approve the amendments in the Floodplain Management Ordinance, Proposed O23-09.

Mr. Bain: Second.

Ms. Sellers: I'd like to make a substitute motion and defer. I'd like just a little bit of time to clear some of this up and just because, and I have some questions about why our definitions while we cite the CFR are not the same as the CFR, why we've chosen to exclude definitions within the CFR for the definitions here. Because we are protecting people, we are making sure that they have access to this program. I think a delay is warranted at least for a few weeks.

Ms. Barnes: Okay. There is a substitute motion to defer. Did you have a date in mind? Or is there a second? Yeah, we have to have a second to Ms. Sellers' motion.

Mr. Cummings: Has this revision of the ordinance been vetted with counsel?

Mr. Saunders: This went to the Board of Supervisors in March and previous to that in, I believe, in February went to the CDEC meeting as well. So, they've been briefed on the ordinance.

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Ms. Lucian: To answer your question, this was reviewed by my office as well as outside counsel.

Mr. Cummings: Okay.

Ms. Barnes: Alright. And Martin, I thought I heard something come from you, but I didn't quite catch it.

Mr. Martinez: Yeah, so I think there was a motion that Commissioner Sellers had, and there was an ask for a second, and I second it.

Ms. Barnes: Okay, so we have a motion to defer by Ms. Sellers. And a second by Mr. Martinez. Any further discussion, but let me first ask staff what would a deferral do on this because I understand that we're up against a pretty tight clock.

Mr. Saunders: We are. So right now, we're on schedule to take this to the May 2 Board of Supervisors pending approval. So, we have one other meeting in May. So, we go to the second meeting, we had to June 21 to adopt the ordinance. So, there is some there is some flexibility.

Ms. Barnes: Okay, so, if we did defer this tonight, it wouldn't be too cumbersome for this schedule to stay on track.

Mr. Saunders: I guess I would just want clarifications on what exactly we would need to correct or amend in the ordinance. The other thing, the other concern that I have is any changes now have to go back to DCR for their approval. And so, just bear in mind, there are a lot of localities right now trying to get their ordinances approved and reviewed, reviewed and approved by DCR. I think we were ahead of the game getting ours in when we did so that you know, we don't have we can't control that piece of it.

Ms. Barnes: Okay, any other discussions or comments on the deferral?

Mr. Bain: Maybe Ms. Sellers could clarify. She said some of the definitions had been changed.

Ms. Sellers: If you look at the CFR, the definitions, I mean, just right away, right off the bat. The definitions here we start with accessory building or accessory structure, they start with actuarial rates. We didn't include any of those in ours, so my question is, why would we not include, if we're going to cite the CFR, why wouldn't we just say the definitions in the CFR and these as well, which is pretty typical in the executive agencies to do?

Mr. Saunders: Sure. I don't know that all the definitions, some of those definitions in the CFR are also for the insurance providers as well and I don't know that's necessarily relevant. The purpose of this ordinance here is to set the standards for building and development in the floodplain. Not all those necessarily, some of those definitions that are in the entire CFR may be a little bit extraneous for purposes of enforcing floodplain management. And the other just caveat that I'll say and I think I pointed this out to Commissioner Bain was that the definitions you see here, these are not all the definitions from the ordinance. We've also got some other definitions in here as well, that hadn't been changed. We're only showing definitions that are being changed that are being amended.

Mr. Shelton: So, Mr. Saunders, we're amending what is already there by the CFR so we're not changing the whole CFR, we're adding our Stafford County unique information to the existing stuff.

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Mr. Saunders: We've taken some liberties with the definitions but by and large, our definitions match very, very closely to the state's model floodplain ordinance. We didn't try to deviate too much from that. But where something was a little bit more appropriate or we had a more, you know, reason to be a little more stringent, we applied that.

Ms. Sellers: So then why did you site the federal process and not the state process?

Mr. Saunders: So, is your concern, just that we have 44 CFR referenced in here? Is that your concern?

Ms. Sellers: My concern is that we're agreeing to a policy, that one, you've now told us was to participate in this Flood Insurance Program and then you told us it's for building standard. Those are two different things. And so, I'm trying to understand what this ordinance does, what this ordinance says, what we're agreeing to, and some of it is, again, I live in the world of policy. And so, I want to know, what are we sending our people to? And if I, as somebody who reads policy all day, every day, cannot read this policy and understand what we're doing, I have concerns, right? Especially when they're, these are policies that I live and breathe, not these ones, particularly but CFR and US Code are things I live and breathe every day. And so, when I see them in this manner, those are the types of things that I would want to know. Because again, the chance that we take is that we do have a flood and one of these 600 homeowners cannot get access to this program because we didn't do our due diligence to make sure that it was there. And so, who is the authority here? What is the authority here? And what are we doing? is kind of the question and I'm not understanding that from here. And so, I would not feel comfortable sending anything to the Board of Supervisors until I understand what it is and what we're going after.

Mr. Saunders: Yeah, I think we've gone above and beyond to do our due diligence on this, that the National Flood Insurance Program requires us to adopt a floodplain management ordinance in order to participate. So, the purpose of this ordinance is to recodify our ordinance with the amendments that are required to continue to participate. So, you know, that's where we're at.

Ms. Sellers: And then we've added on to that instead. In addition to that, we want to add on building structure or structural design?

Mr. Saunders: So, the NFIP requires you to adopt building standards for structures that are in the Special Flood Hazard Area, so that are within the 100-year floodplain, you have to adopt building standards for those. That's in the 44 CFR and the 44 CFR also gives us the ability to adopt more stringent standards which to participate in CRS, we do have to adopt some more stringent criteria like our freeboard standard,

Ms. Sellers: What is CRS?

Mr. Saunders: Community Rating System. So, a community rating system, we do stuff that goes above and beyond the minimum NFIP standards. We adopt certain things in our ordinance and we do certain activities. And what that does is for all of our policyholders that are in this special flood hazard area that they're in the map 100-year floodplain, they get a premium discount, because we do these activities because we have a more stringent criteria, because we have certain safety factors in our ordinance and in do certain outreach activities and hazard mitigation planning and things of that nature.

Ms. Sellers: So those are all, Yeah, I would feel more comfortable if there was a more comprehensive, if there was a more comprehensive presentation on this. Again, there are 600 homeowners involved here and the areas that you that you're talking about. I mean Aquia, if you're talking about Aquia and that area, you're not talking about a hurricane, you're talking about a bad rainstorm and River Road or Brook

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Road is flooded out, you know and the people who live out on Marlborough Point can get to their houses and in and out. And so, these are real life people. And I don't think a two-week deferral is really that much to ask. And I understand that, yeah, there's a state and federal government has these programs, but it would make me feel more comfortable and allow me to at least talk with my supervisor. If I had any clue how any of this this goes together. And right now, I don't. I don't know how it all functions. And so, for me, I cannot support something that I don't know. But I don't.

Ms. Barnes: Ms. Sellers, can we say that your deferral will be to the April 26 meeting, the next meeting? Would that be good? Okay.

Mr. Saunders: Can I just have some...what is it that you would like at the April 26 meeting? I just need to know. I need some direction.

Mr. Bain: I was gonna say if we get a two-week deferral and you come back with changes to make, we'll never meet the June 21 deadline, because it's got to go back and be reviewed by DCR. It's got to be reviewed by legal, by CDC, we would never make that June 21 deadline. I say that and then the whole program falls until you can re-support it. I'm of the opinion that we've had enough review by entities that are much more familiar with it than we are, than I'm good to support this tonight, and not defer it. So that would be my position.

Ms. Sellers: You can tell me right now you can explain to me why we're passing this ordinance, and how the federal government matters, why the state government matters and who are these people involved are. You can explain that to me and see if I can understand because that's what we're talking about.

Mr. Bain: I can tell you right now that if I take two more weeks, I still won't be able to explain it to you and we won't be able to make changes to it two weeks from now and get it approved by June 21. That's my impression. Am I wrong in that?

Mr. Saunders: There's a risk there, you know, if we have to send it back to DCR.

Mr. Bain: So, there's no way we can change it even if we review it for two weeks. I wouldn't know what to look at, for the next two weeks to try and come to answer your questions. I have no clue what to look at, to answer how this interfaces with the federal government, other than the fact that it's been reviewed by several agencies and they've signed off on it. And they're asking us to sign off on it. And I did flood engineering for years so, I know all the technical sides of things but I don't know policy sides. What would I look at to try and answer your question?

Ms. Sellers: I live and breathe policy. We have like, what I would expect is for you to stand up there and actually have an authority statement that says this is the authorizing thing. Because it's mind blowing to me that we as a local government would see, one, the federal government authorizing anything because we're a sovereign government. We don't need the federal government's authority. So, the authorizing anything in this chamber is the Board of Supervisors. So that's the first thing. And then I look at CFR and I see what we're being asked to do. And then I go to the CFR that we're citing, and it's different. And I want to know why. These are in, I live and breathe policy, and as a policy person, I'm told every single day "See Spot Run," I don't need to know if when the dam breaks where the water is gonna go. That's not policy, that's technical. We hire engineers to do that. We have policy people to make sure that we understand when something happens, how in the world are people going to access this program? And

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right now, I don't even feel comfortable that they can access this program, let alone that anybody in this building knows how we're going to do community outreach.

Ms. Barnes: So, it's not necessarily that we need changes, it's that we need maybe a better explanation. Is that what you're talking about?

Ms. Sellers: Yes, we are an advisory board to the Board of Supervisors. Can any one of you call your Supervisor and tell them what this is?

Mr. Cummings: Let me, let me suggest. It's been reviewed by counsel, right, and outside counsel. And I think the veracity or the clarity and consistency with whether federal policy or federal regulations has been checked off on. And if we need to have that confirmed and articulated when it goes up to the Board of Supervisors, then let's take that approach rather than gnashing about it here. Because I think the majority of us are clear on why it's necessary, the timing and, you know, I think we've kind of beat it to death. And I think, noting the policy concern, right, and not sure I share your concern about the federal government, local government stuff, but I think it can be addressed with the Board of Supervisors without causing further delay, and I would suggest that we do that rather than on delay.

Ms. Barnes: Is that accurate? I mean, if we do send it up to the Board of Supervisors, and they decide that there does need to be some change, I think that starts everything over again, doesn't it?

Mr. Cummings: But I think that I'm pretty comfortable sending it because it's been reviewed by counsel. Counsel do not take these things lightly. They're very expert in these matters, and particularly when they utilize outside counsel. And so, I'm comfortable with advancing it. And if we should do anything, let's, if we want to vote on the motion...

Ms. Barnes: Well, that's next and we're gonna just vote on, but on the substitute motion. Okay, any, I think we've once again discussed this to death. So, I'm gonna go ahead and call for a vote on the substitute motion to defer to the April 26 meeting, motion by Ms. Sellers and a second by Mr. Martinez. Please cast your vote. And this is to defer. Okay, so that and Mr. Martinez, how do you vote?

Mr. Martinez: Aye.

Ms. Barnes: Okay, so that's a three to three (*Ms. Sellers, Mr. Martinez, Mr. Shelton*).

Ms. Lucian: The motion fails.

Ms. Barnes: So, the motion fails. Okay. So, three to three with one absent. So that moves us then back to our original motion by Mr. Shelton.

Ms. Sellers: Point of order, it does not fail on a three-three vote with one absent. It goes to the next meeting.

Ms. Lucian: Are you thinking of the Board of Supervisors?

Ms. Sellers: I'm thinking of Robert's Rules of Order.

Ms. Lucian: The Planning Commission by-laws state that a tie vote is a failed vote. Doesn't say anything about people being absent.

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Ms. Sellers: Wow, that's different.

Ms. Barnes: Okay. So, we'll go back to once again, that fails with a three-three tie. Go back to Mr. Shelton's original motion to recommend approval on this. And I don't remember, who seconded that?

Mr. Bain: I did.

Ms. Barnes: Okay, that was Al seconded that. Any other discussion on that? I think we've pretty much discussed this. Okay. And so please go ahead and vote on the original motion. And Mr. Martinez, how do you vote?

Mr. Martinez: Aye.

Ms. Barnes: Okay, so that passes five to one (*Ms. Sellers*) with one absent (*Mr. Apicella*). And thank you very much for all your explanation. Yes, that was a very complicated issue and appreciate the explanation and the patience with that.

Mr. Saunders: I'm always available if anybody has any questions on this stuff or wants more information or how we can do outreach better on the field, let me know. Give me that feedback.

Ms. Barnes: Okay, thank you. Okay. That was meaty. Alright. Unfinished Business. We have none. New Business. We have none. And we will then go to the Planning Director's Report. Kathy?

UNFINISHED BUSINESS

NONE

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

5. Project Pipeline Report (For Information Only)
6. Capital Projects Transportation; Butler Road Study (For Information Only)
7. Data Centers Comprehensive Plan and Zoning Ordinance Amendments – *BOS Referral*

Ms. Baker: Yes, you have your project pipeline report in your packet. You'll note that we don't have any public hearings at this point that would be scheduled for the May 10 meeting. Number 6, the capital projects transportation. As you recall the Planning Commission had a standard update coming from our capital projects or transportation division. In lieu of that now we're providing you with the updates that go to the Board for transportation related issues. So that's what you'll find in your package for the only item that was listed for the Board's report from May 21 was the Butler Road Study. If you have any questions on that, and if not, and then number 7, in your agenda as you received the referral from the Board R23-141 on the Data Centers Comprehensive Plan and Zoning Ordinance Amendments, so I know you all will want to discuss that further as far as what your intentions are.

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Ms. Barnes: Okay. I have a quick question about that. They referred to us to form a subcommittee. Does that include the, I think there was a mention of possibly even creating a whole new zoning category? Is that something that's going to be on our plate or is that something that they're going to handle separately, if you know the answer to that?

Ms. Baker: So, at the board meeting that referred this, they had that as a separate item. That is going back to them in May for further discussion with regard to potential removal from the existing by-right use.

Ms. Barnes: And I will discuss that committee when I get to the Chairman's Report. Okay. Thank you very much. And County Attorney's Report.

COUNTY ATTORNEY'S REPORT

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

COMMITTEE REPORTS

CHAIRMAN'S REPORT

Ms. Barnes: Okay. And Committee Reports. We do not have any active committees at this point in time. And that comes to Chairman's Report. The only thing I have on that is to create a Data Center Subcommittee and I will go ahead and do that. And I'm going to appoint Mr. Apicella, Mr. Bain, and myself on that. And that is all I have on that. And Other Business, there is none. New TRC Submissions – looks like it's the Hartwood show all along, Hampstead Subdivision, Centreport Village Section One, and Austin Ridge Logistics Center. And last but not least, we have Approval of Minutes. We'll start with February 22, 2023 minutes.

OTHER BUSINESS

8. New TRC Submissions
 - 23154962; Hampstead Subd – Hartwood Election District
 - 23154984; Centreport Village Sec 1 – Hartwood Election District
 - 23154993; Austin Ridge Logistics Ctr – Hartwood Election District

APPROVAL OF MINUTES

9. February 22, 2023

Ms. Sellers: So moved.

Mr. Bain: Second.

Ms. Barnes: Okay, I have a motion by Ms. Sellers and a second by Mr. Bain. All in favor.

Members: Aye

Ms. Barnes: Mr. Martinez?

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Mr. Martinez: Aye

Ms. Barnes: Okay, any opposed? Any abstentions? Alright, the motion passes. And we'll do March 22 next.

10. March 22, 2023

Mr. Shelton: I'll motion.

Ms. Sellers: Second.

Ms. Barnes: I have motion by Mr. Shelton, seconded by Ms. Sellers. All in favor say Aye.

Members: Aye

Ms. Barnes: Any opposed? Alright, they both pass unanimously with one absent (*Mr. Apicella*). And with no more business in front of us....

Ms. Baker: Ms. Barnes, I'm sorry. Just one last thing. Were you going to discuss the May 10 meeting?

Ms. Barnes: Oh, okay. I would love to do that. I thought we were going to do that the next one. So, if we don't have anything at this point in time, do we? I thought we would possibly cancel that at the next meeting but if we could do that this meeting, well, I think we all know how I'm going to feel about that. So, we have nothing for May 10. No hearings scheduled. How would the Commission like to proceed on that?

Mr. Shelton: Motion to cancel.

Ms. Sellers: Second.

Ms. Barnes: Motion to cancel by Mr. Shelton and a second by Ms. Sellers. Any discussion? Alright. Hearing none. All in favor?

Members: Aye

Ms. Barnes: Any opposed? Alright, motion passes six to zero with one absent (*Mr. Apicella*). And I believe that does it for the evening. And with no more business in front of the Commission, can I have a motion to adjourn?

ADJOURNMENT

Mr. Bain: Motion to adjourn.

Mr. Shelton: Second.

Ms. Barnes: Alright. Motion to adjourn by Mr. Bain, second by Mr. Shelton. Any discussion? Hearing none. All in favor?

Members: Aye.

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Ms. Barnes: Alright. Motion passes. Anyone opposed? No one opposed. Motion passes six to zero. And with that we are adjourned. Good night, everyone. Thank you.

At 8:32 PM, Chairman Barnes adjourned the April 12, 2023, Stafford County Planning Commission meeting.