

STAFFORD COUNTY PLANNING COMMISSION

June 14, 2023

The meeting of the Stafford County Planning Commission of Wednesday, June 14, 2023, was called to order at 6:02 PM by Chairman Kristen Barnes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Kathy Baker, Lauren Lucian, Stacie Stinnette, Mike Zuraf

DECLARATIONS OF DISQUALIFICATION

Ms. Barnes: Do we have any declarations of disqualifications? Any changes or additions to the agenda? Okay, seeing none I will move on to the next portion of our meeting which is Public Presentations. This is an opportunity for anyone to speak on any item except for items that we have scheduled for public hearing. And to note, we do not have any public hearings tonight. So if you are here to speak on anything, you can do that during this particular part of the agenda. When you come forward, state your name and address. Once you do so, the green light at the podium will come on indicating 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 that you work to conclude your comments. If you would like to address the Commission, please come forward.

PUBLIC PRESENTATIONS

Ms. Hanson: Good evening, Mary, Truslow Road, Falmouth District.

Ms. Barnes: Excuse me, can you repeat your whole name please?

Ms. Hanson: Mary Hanson.

Ms. Barnes: Thank you.

Ms. Hanson: Truslow Road.

Ms. Barnes: Thank you.

Ms. Hanson: I see some changes have been made to the fencing and vegetation requirements for the solar farm project located at Truslow and Enon Roads. Who will now be responsible for maintaining the vegetation and fencing during the life of the project? Will there be regular soil and water testing by non-biased parties to ensure there is no contamination from the panels? What remediation process will be in place should contamination occur? Since this project is scheduled to last 30 to 40 years, we realistically don't know what the condition of this land will be after years of use and exposure. Be advised that in November, the EPA and DOJ fined solar companies millions in penalties for polluting local waterways in Illinois, Alabama, and Idaho. Let me also remind you once again about the Erin Brockovich movie. While I'm still opposed to this proposed solar farm as it continues to be in violation of Policy 2.6.7, I'm very disappointed that the County is changing the rules for the sole purpose of accommodating data centers and solar farms. These rules were originally put in place for a reason; to conserve Virginia. The County seems quick to accommodate the request of businesses, but not so quick

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to accommodate the request of its residents. It appears the County motto is rules for thee but none for me. I disagree with comments from the last meeting regarding the community having plenty of opportunities to speak out regarding this project. I live across the street, and I was unaware until the public hearing sign appeared on the property. I polled three of my immediate neighbors and only one of them had received a letter regarding the project. That's only one out of four homes, 25%. And that's probably even worse if I polled the other neighbors. Why is that? How can this project, as well as the data centers, be reflective of the community's needs and desires if the community isn't even aware or informed of proposed projects? How is this current process providing exemplary customer service, and protecting the health, safety, and welfare of the citizens as advertised in the Planning and Zoning Departments Responsibilities and Mission Statement? As I stated last time, going green does not mean chase after the revenue. It means preserve the environment. Turning agricultural land into a solar farm and planting a few trees is not preserving the environment. Foreign countries are buying up our farmland. I just traveled across the Midwest and saw large parcels of farmland for sale everywhere that we went. We need to preserve our agricultural land before it is too late. Help our community; offer the land to be used by the Veteran Farmer Program. You could even put in a few pickleball courts, as I know for a fact that there have been plenty of requests made to the Board of Supervisors. Listen to your community. We do not want a solar farm at this location. Thank you.

Ms. Barnes: Thank you. Would anyone else like to come up and address the Commission? Welcome.

Ms. Abbott: My name is Lynn Abbott. And I'm not going to speak for long. I just wanted to register my objection to the solar farm. I would prefer not to have it there for some of the reasons that she mentioned, but also because I feel that it would definitely detract from the sale ability or resale ability of our property. Thank you so much for all that you do. And I appreciate the opportunity to speak this evening. Take care.

Ms. Barnes: Thank you. Would anyone else like to come up and address the Commission? I'll give it a few seconds in case anyone's feeling shy. Okay, it looks like we will close that portion of tonight's agenda and move on to the next item on our agenda. We have no public hearing, so we will move on to Unfinished Business, which is a conditional use permit for the Enon Road Solar Farm. And for that we recognize Mr. Mike Zuraf.

PUBLIC HEARINGS

NONE

UNFINISHED BUSINESS

1. CUP22154573; Conditional Use Permit – Enon Road Solar Farm – A request for a conditional use permit (CUP) to allow a public utility, specifically a solar energy generating facility, within the A-1, Agricultural Zoning District on Tax Map Parcel No. 45-127 (Property). The Property consists of 36.77 acres, and is located on the southeast corner of the intersection of Enon Road with Truslow Road, within the Hartwood Election District. **(Time Limit: September 1, 2023)**
(History: Deferred from May 24, 2023 to June 14, 2023)

Mr. Zuraf: Good evening, Madam Chair and members of Commission. Mike Zuraf with the Planning and Zoning Department. Just to provide a quick summary of an update of this case. So this again is a conditional use permit to allow a solar facility in the A-1, Agricultural zoning district. It's a site that covers 36 acres in the Hartwood Election District. Just to refresh your memory, the location of the site

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is on the southeast corner of Enon Road and Truslow Road. And for a brief background, this public hearing was conducted at your last meeting on May 24th. At that meeting, the concurrent Comprehensive Plan Compliance Review was considered and the Planning Commission approved that part of the application, or of the project. But the separate conditional use permit application was deferred to this meeting to address several questions and requests that were made of the applicant. So since then, some modifications were made to the proposal. First, the applicant modified their development plan. This, the request was to provide a second access to allow for providing an increased buffer width in this one area, the area highlighted in red was where a buffer was reduced down to 15 feet to provide access to a section of solar panels and to avoid the wetlands. The access road avoided them but then ate into the 50-foot buffer. So the applicant modified their plan and are providing an increased landscape buffer, removing the 15-foot wide buffer for replace... replacing that with a 50-foot-wide buffer and provides a second access point off of Truslow Road in the area highlighted in blue. So I just note in that area, then you won't have any, any buffer where that road access will be.

Ms. Sellers: Madam Chair, I have a question.

Ms. Barnes: Go ahead.

Ms. Sellers: Has that blue section been run through VDOT?

Mr. Zuraf: Well, they'll have to go through VDOT for any access permits, but we did not, we did not have them review this.

Ms. Sellers: So then can they put in a condition to put that without getting permission from VDOT first?

Mr. Zuraf: Well, it's, VDOT's approval would be required. And so if VDOT does not, for some reason grant access through that spot, then they would have to come through the other way through the site.

Ms. Sellers: So I guess my question is, if VDOT doesn't grant that access, then they can't meet the condition of one of their conditions. So do they not get to do the project?

Mr. Zuraf: Well, no, because VDOT's requirements, they would supersede the County... they, you know, because if VDOT does not allow that, that would not basically nullify somebody's conditional use permit.

Ms. Sellers: So then this isn't really a condition, this is just a, hey, we would consider putting this here. If we can't enforce it, how is that a condition?

Mr. Zuraf: Well, it's, it's assuming, and this is the case in a lot of the conditions and proffers that we get, many times it is subject to VDOT approval. So there are many situations where there might be cases where VDOT might say, no, this can't go right here, it has to get shifted over, so. And in this case, given that it is a low volume, you know, it basically is just an access road for maintenance for very, very low volume use, I don't think that'd VDOT would have an issue with this, but you know, I can't speak for them. But it's not like it's a subdivision street, for example, coming through. That would be definitely something that we'd want VDOT to look at, but in this case, since it's just for access for maintenance purposes, less of a concern there from a staff perspective.

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Mr. Bain: So if I could, if VDOT denied that appli... entrance, they wouldn't be allowed to go back to the original perimeter road just on their own, that they'd actually have to come back to the Commission to modify the conditional use permit then? Unless some other, some other alternative?

Mr. Zuraf: They would have to seek impacts to the wetlands there to provide; they could attempt to...

Mr. Bain: But it would basically have to come back to us...

Mr. Zuraf: Not necessarily.

Mr. Bain: ... or just staff?

Mr. Zuraf: It would just be staff.

Mr. Bain: Staff, okay. Hmm.

Mr. Zuraf: But if they, for some reason, cannot get access or approval to impact those wetlands and they wanted to pursue, you know, attempt the reduction of the buffer, you know, to go back to the original plan, then they would have to come back to the County for an amendment to the conditional use permit.

Mr. Bain: Would they be allowed to request a separate entrance on Enon Road that would access only that section of panels just like this proposed entrance here would do?

Mr. Zuraf: Or they could do that as well. And in that case, we'd probably...

Mr. Bain: But again, that would just be between VDOT and staff.

Mr. Zuraf: Well, they, the conditions would have it in gen... this general location so they would have to come in for an amendment.

Mr. Bain: And they would have to come in. Okay.

Mr. Zuraf: Unless they... unless the Commission chose to state the condition with enough flexibility to allow it in a location somewhere along Enon or Truslow, you know, to provide some flexibility.

Mr. Bain: Okay.

Ms. Sellers: Could we make it more restrictive and say, if VDOT denies that then it's considered they haven't met their conditions?

Mr. Zuraf: Can you kind of clarify?

Ms. Sellers: So can we put in there that, that the condition is that for that entrance to be there and should VDOT not allow it, then they can't, they don't meet the conditions of the conditional use permit and they can't be granted the conditional use permit.

Mr. Zuraf: I don't think that we can state it that way. We could require the entrance but not in a way that would, wouldn't cause a nullify, nullification of the conditional use permit altogether.

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Ms. Sellers: And are you going to have a picture when you zoom out and show isn't there a driveway that goes back to a property line and then the count... the new county park? Because there's like, I thought, I thought there was a driveway that ran along here.

Mr. Zuraf: It's in the, basically along the property line – but along the bold dash line along the bottom there's a driveway, a private drive, to the property that is on the right-hand side of the screen. So this is kind of adjacent to that access.

Ms. Sellers: Okay.

Mr. Zuraf: Okay, some other modifications. Condition 3 was amended to require six-foot-tall evergreens and, as well as understory trees. That was a request from the condition... from the, from the Commission. Condition 5 was amended to require the woven wire fence to be eight feet in height as opposed to six feet in height. And then condition 9 was amended to provide specific instruction hours. If you recall previously, it was sunrise to sunset. So we modified the condition as you see here on the screen. This is consistent with the similar condition for the other solar project, Kinglet. So it basically mirrors that language. And then there was a request about requesting a condition to require bonding of decommissioning. But that is not in... that condition will not be necessary because that's already a state code requirement. So that already has to happen. So as mentioned in the last meeting, staff does recommend approval, pursuant to resolution R23-169 with the recommended amended conditions, and the applicant is here tonight, if you have any questions of them.

Ms. Barnes: Okay, questions for staff?

Ms. Sellers: On the GDP, there's something called a radius for inverter setback – what is that? It's got these circles all over it.

Mr. Zuraf: Yeah, that was added to the plan previously where the, the applicant was, wanted to have the potential of central inverters, and staff was recommending a kind of a larger setback from adjacent properties. And so that was kind of showing those larger setbacks made it difficult to kind of even locate a central inverter on this property. And really, as a result of that, we have a condition that says the applicant has to provide string inverters, which are many small inverters as opposed to a central inverter, which the central inverters create a lot more noise. The string inverters are not, don't generate noise like a central inverter would. So it's kind of that is, was an exercise earlier on and it led to the condition that we have that would prohibit central inverters.

Ms. Sellers: And so that's capturing noise?

Mr. Zuraf: That kind of, that circle kind of highlighted the circumference, the setbacks that were recommended by, that we were recommending previously.

Ms. Sellers: That's for the central one.

Mr. Zuraf: Yeah, that... but which in the end, they're not allowed to have as recommended in the conditions.

Ms. Sellers: Okay.

Ms. Barnes: Okay, anyone else with questions for staff?

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Mr. Cummings: I have a question.

Ms. Barnes: Okay, ago ahead, Mr. Cummings.

Mr. Cummings: About the notice. Can you talk about the notice period and how that was handled, either from the Planning Department prospective and/or with the, with the applicant?

Mr. Zuraf: The notice?

Mr. Cummings: Yeah.

Mr. Zuraf: Well for any public hearing and the case for in... same with this is we provide, for notification we post public hearing signs out along the property. In this case, it was one along Truslow Road, one basically right at the intersection with Enon and Truslow, and then another sign along Enon at the, at the current kind of site entrance. And then so we post the public hearing signs, those are 15 days in advance, and then we have an advertisement in the Free Lance-Star notifying of the public hearing; that is two consecutive Tuesdays in advance of the, of the public hearing. And then we also note, provide notice to all the abutting property owners within 500 feet of the property.

Mr. Cummings: *Inaudible, microphone not on.*

Ms. Barnes: I didn't catch that Dexter. I don't know if that was another...?

Mr. Cummings: I said the applicant, you can respond now.

Ms. Barnes: Okay. Yeah, would the applicant like to come forward now?

Mr. Vandenbroeck: On the notice perspective, we did the same as related to the community meeting that we held at Stafford Junction, so. We also provided I believe it was all abutting landowners sent certified mail to them, notifying them, also included a website. I've knocked on doors as well. Not everyone was at home, but we've knocked on doors, I think two separate times on that point, I mean. If you want me address the other points I can, but if there's anything specific you want to know, happy to speak to it.

Ms. Barnes: Just to be clear, are we finished with questions for staff and we're moving on to the applicant portion? That good with everybody? Okay. You can stay up there. Any questions for the applicant now officially?

Mr. Bain: I'll just jump in real quick. When you said you sent certified letters, a lot of people in the background are shaking their heads no; I assume they're implying they did not receive certified letters, and yet you have the certification information I presume?

Mr. Vandenbroeck: I suspect it was, it was certified; if it was not, I misspoke. We definitely, I see about four people here who we sent letters to. The last five in the back who were at our community meeting, that I know for sure. You all have received letters, right, from us? Certified... or letters in the mail? Certified I don't think was a requirement. But we did send letters to neighbors and held a community meeting.

Mr. Bain: Okay.

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Mr. Vandenbroeck: And then kept a public website that folks could go back onto for frequently asked questions and to see the site plan and how to contact information from them on there as well, if they wanted to reach us. Yep.

Ms. Barnes: Go ahead, Ms. Sellers.

Ms. Sellers: What's the total acreage of the property?

Mr. Vandenbroeck: The whole property is like, I don't know, my notes in front of you probably like...

Mr. Zuraf: 36.77 acres.

Ms. Sellers: And how many acres are covered by solar panels?

Mr. Zuraf: It was roughly 18 acres is what I recall.

Ms. Sellers: And so I think the ordinance requires 80% open space. And is that an 80%...?

Mr. Vandenbroeck: Yeah, we satisfied that requirement.

Mr. Zuraf: That's the project area. So that, that, the solar panels actually are, cover less of the area. That 18 acres is the overall complex, and you have open areas between the panels.

Ms. Sellers: So do they get to require or count the RPA then in their 18 acres, or in their 80% open space?

Mr. Zuraf: Yeah, the open space is any impervious area.

Ms. Sellers: Okay. And then, have you reached out to VDOT about this condition to put an access point on Enon Road?

Mr. Vandenbroeck: Not at this time since that wasn't a determination of the board just yet. But I suspect given that these projects are extremely, extremely fast build cycles, very, very limited operation and maintenance activity on the site wouldn't be an issue. I've, don't think to date I've had VDOT reject a driveway in like the eight or nine projects that we've notified them on around the County, around the state. And then also, as mentioned, I mean, if we have to impact, you know, 4,000 square feet of wetlands, we can do that with the DEQ and, and not have an issue on that within the site, keep the buffer. So if we have to go to a backup, that's fine. Also, there's an easement on the far side of the property, I don't believe it's an exclusive easement. I think it's, I think it's just an easement, an access easement; we'd have to pull the deed and confirm. So that's like even a backup to a backup to a backup plan. So I think we have three different modes of contingency to ensure that we provide that buffer and give that concealment of the property that the board was wishing to secure without additional condition.

Ms. Sellers: To do what?

Mr. Vandenbroeck: To satisfy the buffer, that 15... nt having a 15-foot buffer. Having a 50 where the driveway was originally going to kind of cut up around is where this whole second driveway entrance came from, this discussion.

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Ms. Sellers: Okay. And I see there's like 7,500 panels going in there. What's the size of a panel?

Mr. Vandebroek: Roughly 400 to 500 watts, just depends.

Ms. Sellers: No, what's the size? Like...

Mr. Vandebroek: Three-foot; the ones like your house, similar to those.

Ms. Sellers: Okay. So, I mean, is there any, any appetite to reduce the scope of your project to make it less invasive on the neighbors?

Mr. Vandebroek: No.

Ms. Sellers: You know, maybe like, I don't know, 3,000 panels?

Mr. Vandebroek: No. We have an interconnection agreement or interconnection application with Dominion Energy. There's downsizing limitations that you just can't make. There's finance ability implications; it's, we feel that we've made additional accommodations on our buffering, you know, our fencing. The site already from a topographical and we showed this in the first presentation already, for some parts of it do sit, especially that corner right there start to sit lower. So I feel like we've made plenty of accommodations and, and to address concerns and, yeah. Especially with the 6-foot evergreens, those probably a couple hundred a pop, so. It's a lot more expensive than a \$50 tree, especially when you're talking about a thousand of them or so.

Ms. Sellers: Okay.

Ms. Barnes: Okay, any other questions for the applicant? Okay, thank you very much.

Mr. Vandebroek: Appreciate your all's time.

Ms. Barnes: And like I said, we don't have a public hearing for this; that was closed for the last, the last time or at our last meeting. So I'm going to bring this back to the Commission. And, Mr. Shelton, this is in your district. How would you like to proceed?

Mr. Shelton: Madam Chair, I have some concerns about the view site. I also have some concerns about traffic along Enon Road, but the applicant did address the five issues for the continued CUP. So I would like to motion that we approve R23-169 to allow my colleagues to comment on it.

Mr. Bain: Second.

Ms. Barnes: Okay, we have a motion by Mr. Shelton and a second by Mr. Bain. Mr. Shelton, you can start the comments if you'd like.

Mr. Shelton: Again, my main concern is that I've heard from the personnel in the area, view is important to them, and I fully understand that. I've been in Stafford all my life and I can appreciate the concern. I am concerned about Enon Road. Enon and Truslow are not what they were 50 years ago on traffic. So that's one of my concerns. And unfortunately, the applicant cannot address the traffic aspect. But they did address all five of the items that we presented at the last meeting and have, as Mr. Zuraf has pointed out, they've accommodated us on the buffer, the trees, the fencing, and all. So, my comments.

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Ms. Barnes: Okay, Mr. Bain?

Mr. Bain: I have no comments.

Ms. Barnes: Okay. I'll now open it up to anybody else who would like to comment at this point in time. Raise your hands, folks.

Ms. Sellers: Oh, I definitely have comments.

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

Ms. Sellers: I disagree. I do not think this is an appli... let me turn on my mic. I do not agree. I do not think this is a good application. I do not believe that this is a good use of that space. I do feel for the folks that live there. And in looking at our ordinance, I think we need to go back and we need to review each of these ordinances where we have allowed a conditional use permit, particularly in A-1, where all of the setbacks and all of the details are based on housing developments. And right now we have a situation where we have solar panels, and we have absolutely no language in there for either a solar panel or any other conditional use permit. It's 100% based on houses and residential facilities, or type uses. So I think that's unfortunate. I disagree. I have seen where VDOT has come in after the fact and said, no, you cannot put a thing here. It's happened when I was a Supervisor on this Board. They actually came in and said, no, we do not agree with this. So I do not agree, I do not believe that that's the case. And I think it's very bad precedent for us to accept a condition where we do not have the ability to enforce such a condition. So this is, this is in that category of we feel good doing it, but it's not going to do any good. Because we have no control, we can't enforce that. And so at this point in time, you've put it up there. But even if you don't do anything to go get permission from VDOT, there's nothing we can do about it. There's no language in here that allows us to remove that CUP. And so at this point in time, it's a handshake, it's not a contract. And in my opinion, it is the government's responsibility to do a little bit more to protect the equities of those around the property than a handshake. And I haven't been here my whole life. But I've been here long enough to know that we've received a lot of handshakes over the years that didn't pan out, right. And so I'm a little jaded where I want to see it in the contract, I want to see it enforceable. And I want to know that if you are delinquent in what... delinquent or unable to bring us what you promised that we have legal recourse to come after you so that we don't have situations like what we have off of Route 1, where it is just an eyesore. I do believe that that's a problem. So I do not support this. I highly encourage my colleagues to vote against this. I encourage the Supervisors to take a good look at this. This is very close to residential. This is very close to a highly traveled intersection. That doesn't make sense anyway. I mean, it wasn't too long ago that somebody drove a car into a building that's been there forever, right. So it's not a safe intersection. It's not a usable intersection. And we're just going to make it worse. So I understand you put a lot of work into this. I do, I do apologize, I wish you would consider reducing the scope of it and come to the table a little bit better.

Ms. Barnes: Okay, thank you, Ms. Sellers. Anybody else would like to comment? I'm looking down here. Mr. Cummings, would you like to? Okay.

Mr. Cummings: Begrudgingly I will.

Ms. Barnes: Okay, thank you.

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Mr. Cummings: Enon Road is bad, and traffic wise, and it's a beautiful stretch of road and but it's, you know, the rolling hills and, and the like and the trees and it's great. But I think that we have a greater challenge, right. And it's how do we continue to meet the needs of a growing community. And we are growing. And so I see energy and community solar is an integral part of it. I think the applicant has done a good job of iterating some of the concerns. And I think that they're, I would love, I would love for them to do more outreach or to be more consistent and diligent in the outreach, and to try to address those concerns. So maybe holding some additional meetings, but I know that's a cost and I know that time is a factor and time is money. But I think the community's, the community needs to be heard, and it needs to feel like they've been heard. And I think we have tried to address a lot of those concerns, or as much as possible. I think, in time, as we, as the trees grow and things progress, I think we'll see the benefits of solar. And I think that the eyesore won't necessarily be as big an issue. But I think the benefits outweigh the negatives for, for this by ushering solar, encouraging it. And then also setting an example for how we can really work with the community to make it, make it beneficial for all or as best as possible under the circumstances. And the roadway is something we have a problem with, right. Water mitigation is something we have a problem with. And I'm going to make it my point at every turn talk about how we can use more technology and better planning processes that are smart, because we are a smart city. In order to do it better, and to have to understand what the consequences are, the decisions that we're making, before we, they're hoisted and foisted on us and the community. And I think that that's something that we need to really, really put some energy around, and I'm willing to help do it. I'm hoping the Board of Supervisors does it as well, and is willing to put their shoulder to the grindstone to, to the wheel to try and address this. We are a smart city, we need to take advantage of it.

Ms. Barnes: Thank you, Mr. Cummings. Mr. Apicella.

Mr. Apicella: Madam Chairman, I'm not going to be as eloquent as Mr. Cummings was, but I agree with many of his points. I would point out again that we worked on an ordinance and a Comp Plan update specifically for solar. It allows the solar to occur on A-1 parcels with a conditional use permit. Staff reviewed this project against both the updated ordinance and Comp Plan. I would agree it's not a perfect site, but it's not a terrible site for solar. I would point out that there's a utility, there's utility infrastructure along Truslow Road. And we did ask for additional conditions to further mitigate the impacts on the nearby neighbors, including the 6-foot trees versus the 3-foot trees, and some other measures that we asked the applicant to put in place that, again, it's going to cost them additional funds, but working towards further mitigating the impacts on the neighbors. And I think within a couple of years, it will probably be very hard to see those solar panels from across the street. And I think the way the ordinance is written that if any of the trees need to be replaced because they die, that they would have to be replaced. So all things considered, I think it's a, it's a good project, maybe not the best place in Stafford County, but I think it will ultimately work there, and the issues have been mitigated to the extent that they could be.

Ms. Barnes: Okay, I think that's it, so that leaves me last. And I have been kind of torn about this one. I didn't vote for the Comprehensive Compliance Review. I didn't, I just didn't see it, I won't go over the reasons why I did not vote for those. I do appreciate the fact that the applicant has come back and made some good changes. It's, it's a better, it's a better project than it was a couple of weeks ago. And as it goes forward, I hope that, that maybe as it hits the Board of Supervisors, it will get even better and that they may listen to some suggestions from the folks up here. But in the end, it's one of those things and I always say, you know, you weigh, you weigh the good and the bad, and I come up with the, with the Comp Plan I was against it and for consistency I'm not going to support this as well. But I do want to emphasize that I thank you very much for making it a better product regardless of whether I support it. Okay, having said all that, please cast your votes. And that passes 5 to 2 (*Ms. Sellers and Ms. Barnes*

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opposed). Okay, thank you very much. Best of luck. Alright, we'll get the microphone back on. Okay, we will move on to the next item on our agenda which is Data Center Recommendation from our Subcommittee. And for that I will recognize Ms. Kathy Baker. We seem, we seem to be playing some musical chairs here.

2. Data Center Recommendation from the Subcommittee - Request referred to the Planning Commission by the Board of Supervisors to develop proposed amendments to the Comprehensive Plan and Zoning Ordinance regarding standards for data centers, pursuant to Resolution R23-141. **(Time limit: June 27, 2023) (Referred by the Board of Supervisors April 4, 2023)**

Ms. Baker: We're just mixing things up tonight. Thank you all very much. I'm going to give an overview here of the Data Center draft amendments to the Comprehensive Plan and Zoning Ordinance. Mr. Zuraf is handing out the latest and greatest version that was discussed at the subcommittee meeting this afternoon. So while he's doing that, just to provide a little context, the Planning Commission and Board of Supervisors held a joint work session about data centers in March. And then at the April 4th meeting, the Board of Supervisors had referred a request to the Planning Commission to develop standards through amendments to the Comprehensive Plan and Zoning Ordinance for data centers. The Planning Commission then established a committee to address these changes, develop the changes, and the subcommittee consisted of Commissioner Bain, Commissioner Barnes, and Commissioner Apicella, and has been meeting weekly since April 26th to create these amendments. Know that they have engaged members of the public and members of the data center industry to provide some feedback on the development on the amendments as well. So I'll note that the Commission needs to provide its recommendations tonight in order to meet the Board's June 27th deadline that was included in the referral down to the Planning Commission. So, I'm not going to get into all the detail, but I'm going to touch on the highlights of those Comprehensive Plan amendments first, and then the Zoning Ordinance amendments, and then the Commission can further discuss any other changes or have questions of the committee or myself or other members of staff and work through this. And hopefully, by the end of the discussion, the Commission will have a recommendation to move forward to the Board. So I'll start with the Comprehensive Plan amendments. And we did develop some background language that leads into what data centers are, and just gave a little bit more context to the Comprehensive Plan. So we've created a new section that addresses specifically data centers. With that we've included, the committee has included siting criteria that specifies locating within areas designated Business and Industry on the Future Land Use map and within the Urban Services Area. It also recommends that they be located proximate to existing electric infrastructure in order to minimize extension of new electrical lines. There's also a section to have recommendations for projects located outside the Urban Services Area. And first would be locating within one mile of that Urban Service Area boundary. And then in order to maintain the rural/agricultural and forestal character, they would use site design elements such as enhanced building setbacks, preservation of existing forested areas, and other buffers to help visually mitigate development scale conflicts with your surrounding primarily urban, excuse me, rural type residential development and other uses within those areas. Additionally, for projects that would be located outside the Urban Services Area, there would be a recommendation for a minimum of 15... 50% open space on the site. It would also recommend utilization of water reuse system, which we refer to as purple pipe, through our utilities, or a closed-loop system for cooling. It would also have a recommendation that facility bathrooms and kitchens would use private wells and drainfields, where possible. Also, with regard to the siting criteria, in order to minimize operational noise impacts such as your cooling, equipment cooling and generation systems, taking into consideration nearby residential development, it would propose noise mitigation be required for noise generating equipment by means as specified for site design, which is location and orientation of the buildings, the actual design of the

buildings, again building setbacks, screening and buffering, and locating mechanical equipment behind sound walls or utilizing some other equipment that would help such as sound baffles or wind bands. Also, we have recommendations for providing sound studies that demonstrate how that noise would be attenuated from those mechanical equipment, as needed. So the sound studies would include different – we'll get into further discussion when we get into the ordinance – but different phases, which include what the, what the noise level is out at the site prior to development, and then propagation studies that would talk about what the sound would look like after this site would be constructed. Also, the Comp Plan amendments would recommend viewshed analysis for developments adjacent to non-industrial or non-commercial properties, or public roadways, or cultural resource/historic resources that are in the vicinity. And that viewshed analysis would demonstrate that the existing or proposed buffers might sufficiently screen the use from these uses. Also, talking about building design elements to perhaps make them more compatible with the existing and surrounding uses that are, number one, particularly in the residential, rural, or agricultural land areas, so may consider more building designs that would fit in per se with those types of uses. But also have recommendations as far as avoiding large blank walls, also utilizing windows, awnings, or other features that would break up the façade of these larger scale buildings. And additionally, using different materials across those façades to provide a breakdown of those unarticulated walls. Also, using varied entrances, alcoves, or other mechanisms, and using, providing that the main entrances are easily recognizable. Just a few more here. We would look at avoiding locating sites with active agriculture or high levels of biodiversity; threatened and endangered species habitat; large tracts of mature forests; and properties within residential, viewshed of residential developments, cultural historic resources, and public drinking water sources such as reservoirs. It would also recommend connection of forested corridors and stream buffers to permit wildlife passage. It would recommend that these companies would seek wildlife habitat certification; there are a variety of programs out there that do certify corporate entities for these sites. Also, recommend enhanced setbacks to parks and conservation properties, and recommend establishing a minimum one-mile buffer zone from the Crow's Nest Natural Area Preserve. And lastly, encouraging low impact alternatives to public water-based cooling systems; discouraging the use of private wells that withdraw from water, from the water table for the, any non-office related uses or restrooms, bathroom facilities. And just to further discuss this issue for the water-based cooling systems, again recommending that reuse water would be utilized as an alternative to potable water sources. And there were specific criteria that our Utilities Office has recommended, including utilization of onsite water storage to reduce the daily demands, provide for emergency backup, and limiting the use of potable water when reuse supply is not available. However, if potable water is used, the applicant would work with the County Utilities to develop a water management plan to ensure that there is adequate capacity to serve the communities. That remains in place in case of drought. Also, requiring facilities to have an Individual Significant Industrial User discharge permit, and this ensures compliance with our federal, state, and local regulations. And then any improvements to the sanitary sewer system would be made by the facility to ensure that all impacted County collection systems and treatment plants have adequate capacity and infrastructure to handle the increased flow caused by the facility. Hang in there, I got just a few more. Ensuring the electrical grid can support the power demands of the end user without negatively impacting the supply of power to the surrounding community. And this would be through use of onsite renewable energy to reduce demand on the electric grid; encourage energy efficiency in building and/or the campus designs through the LEED certification; and encouraging underground placement of new private power transmission lines. It would also recommend developing an Emergency Management Action Plan with Stafford County Public Safety to ensure safety management and coordination. And finally, roof designs should incorporate items that would help with heat island reduction.

Ms. Sellers: *Inaudible, microphone not on.*

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Ms. Baker: Okay.

Ms. Sellers: Is it easier to ask them together or do a one at a time?

Ms. Baker: It might be better just if I run... the ordinance is not quite as extensive. So if I maybe just finish up with that, and then some of them may tie in.

Ms. Barnes: I'll put you down first, Laura.

Ms. Baker: So with regard to the Zoning Ordinance amendments, we would first look at creating a new definition of data center. The committee and staff are still working through that. So that would be one additional item that we may continue to work on even past the tonight's action, we can still continue to work on that specific definition. The ordinance amendments would recommend changes from by-right use for data centers in the B-2 and M-1 zones to require a conditional use permit. Data centers would still be allowed in M-2 as a by-right use, but it would remove data center as a use in the RBC district so. Those are the four districts that they are currently permitted in under the current zoning regulations. So then, with special provisions, we've created a new section specific to data centers. First of all, we would require that primary structures be set back at least 100 feet from any property line which contains a non-commercial or non-industrial property. And that's for projects within the Urban Services Area. And then that would increase to 200 feet from any property line for those non-commercial or non-industrial properties outside the Urban Services Area. And there's some additional specification with that that would permit reduction of those distances based on analysis from the applicant. Next would be a 50-foot vegetative buffer, and that would, could fall within that 100-foot building setback. So the first one, first bullet there is for buildings, the second bullet would be a vegetative buffer adjacent to those non-industrial or non-commercial uses. And we did include as specification that buffers or setbacks may be reduced by the Board as part of a zoning or conditional use permit application. Next we'd look at enclosure of the site, the area where the facility is, not necessarily the entire project site or property site, but specifically where the location of the buildings and equipment would be located. That would be requiring security fencing at least seven feet high. And that would be, could be installed interior to the required buffer. Any mechanical equipment would, should be attenuated through sound mitigation measures, including sound muffling materials, and this would be determined through the requirement for sound propagation studies for the project. And those studies would evaluate the noise conditions, as I mentioned, at the site prior to project development, and then that would include predictive modeling for noise, because it conditions at the site resulting from the project after that development. So it would take into consideration certain levels of sound that is already at a site based on perhaps roadway such as I-95, which already has noise associated with that. So these would be studies provide... or conducted by people that are certified to do that. The study would include mitigations, or recommendations to mitigate that potential noise. And then the next part of it would be a post development noise conditions would be evaluated and compared to our noise requirements, and that would occur 90 days within the issuance of an occupancy permit for each phase, and then would be conducted annually for a period of 10 years. Next would be requiring a minimum of 30% open space for sites outside the Urban Services Area. In the Comprehensive Plan amendment that we've recommended it's 50% open space, but we recognize that there could be conditions on the site based on the size, the existing forested areas, etc, that a 30% open space may be suitable. And then, lastly, looking to require a verification in the form of a letter noting that the commitment for the provision of power to the property. So that would be a condition prior to the issuance of the building permit. And just to note briefly what the next steps would be, as I mentioned, this is the recommendation of the committee. We would look for any additional suggestions, comments, by the full Commission, and then the amendments would be forwarded to the Board. And with those recommendations, the committee also would like to include the request to revise the County

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Code Chapter 16, which is the Noise Ordinance which falls basically under the Sheriff's Department. And that recommendation would be to reduce the decibel levels at the residential property lines from 60 decibels to 55 for the daytime, and from 55 to 50 for nighttime. And there is also a provision in the current ordinance that exempts mechanical, heating electrical units, from those decibel levels at night. The committee also recommended including the request to the Board to not grandfather any applications that are currently in process. And then lastly, the request would include allowing modifications, if the Board were to refer these amendments back to the Planning Commission for public hearing. So that's kind of a brief overview, but we can get into any additional discussion and...

Ms. Barnes: Okay, before, before we ask questions, I just want to make sure because it's rather complicated and rather confusing, the process. So, tonight we have this in front of us, we send this up to the Board, the Board takes a look at it and says, good to go, passes it back down to us, we can still make some changes. This is not completely finished at this point. We then have public hearings, and then we send it back up to the Board. So it kind of bounces back and forth a couple of times.

Ms. Baker: Correct. The Board would then conduct their own public hearing based on recommendations... *inaudible*.

Ms. Barnes: Alright. Questions? I promised Ms. Sellers to go first; go ahead.

Ms. Sellers: Okay, so why did we use, so the USA verse like a TDA?

Ms. Baker: I'm sorry, say that again please?

Ms. Sellers: Why did we choose to use Comp Plan term USA verse a TDA, a Targeted Development Area?

Ms. Baker: The focus was the Urban Service Area boundary and making that distinction.

Ms. Sellers: And why did we focus on that? Why didn't we focus on Targeted Development Areas?

Ms. Baker: As... you mean for the specific location just within Targeted Development Areas? Is that what you're saying?

Ms. Sellers: Mm-hmm. Why would we use one over the other? Why were we fascinated or focused on Urban Services Areas instead of another Comp Plan term, Targeted Development Areas?

Ms. Baker: Not sure I have a specific answer to that.

Mr. Apicella: Isn't Targeted Development Areas where we... or designated areas for potentially higher growth with increased density?

Ms. Baker: In mixed use...

Ms. Sellers: And commercial and industrial and...

Mr. Apicella: Yeah, but it's primarily for... true, but it's primarily to, for 50% of the growth that is projected to occur, I can't remember the timeframe, 10 or 20 years, we've identified that most of the growth should occur in the Targeted Development Areas. So putting data centers, so it's kind of

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contradictory to put data centers next to residential. We're saying that in the in the Comp Plan itself, amendments that we don't think it's probably appropriate to have large scale data centers in close proximity to residential. Not that it can't happen. But it's, it's kind of contradictory to focus on the TDA.

Ms. Sellers: Okay, thank you. So Mr. Apicella decided that, okay. So Targeted Development. Development Areas...

Ms. Barnes: Excuse me...

Mr. Apicella: No, no, no, Mr. Apicella did not...

Ms. Sellers: ... amount of development in TDA's is recommended...

Mr. Apicella: Madam Chairman, may I comment?

Ms. Barnes: Go ahead Steven, Mr. Apicella.

Mr. Apicella: There was a subcommittee of three members of this Commission, as well as other people from the Commission who were invited and did attend. Most of the time we had five or six members. So Steven Apicella on his own did not decide that. That was a recommendation from staff that we went along with because it makes common sense.

Ms. Barnes: Ms. Sellers.

Ms. Sellers: So according to the Comprehensive Plan, the TDA's are where we're supposed to target growth and we're supposed to plan for growth, and we even have a chart on here that includes commercial development, which is why it's very interesting that we're updating Comprehensive Plan and we haven't even considered updating this TDA development summary to include an industrial component of that. We've been so focused on Urban Services Area the whole time, that we haven't even expanded it into other areas. So, so that's, that's one observation that I've made and, and it's carried over into the Zoning Ordinance. And it concerns me that in our Zoning Ordinance we use non-zoning terms or non-legal terms. So in our ordinance, which is the law, we say non-commercial verse non-industrial properties, rather than saying in some, using the zoning category, which other areas we would have either said within so much area. We also say we, instead of saying, in designated based on zoning categories or zoning districts, we say Urban Services Area. And that's very interesting to me, because it's inconsistent with our own ordinances. And I don't know why we would do that. And so I took a look at the law and in the law it says we're allowed to look at these things, but we're supposed to use zoning districts. So then my question is, does an Urban Service Area count as a zoning district when it is a Comprehensive Plan categorization and not a legal categorization? So, so I do hope look at that because I see it throughout our Zoning Ordinance and throughout our Comprehensive Plan amendments, stuff like that. Let's see. And I had brought it up at the subcommittee, and I was told to not bring it up. And I said, I would bring it up here because I do think that that's an important thing for us to talk about, because we say Urban Services Area, and to people who don't understand the nuances, you may think that that certain areas that it is not, right. It does not necessarily mean it's in the Highway Corridor. It does not necessarily mean it's a long Garrisonville Road. It can but we can extend it out. It also does not necessarily mean that water is not provided outside of the Urban Services Area. It absolutely is provided outside of the service, Urban Services Area. And a quick way to, to figure out where our water line is, is look for a fire hydrant. If we have a fire hydrant out there, we got a water line going to it, in most cases. And there are some that are dry hydrants and they're out, throughout the County as well. So that's why I look at

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that as well. Then we get into this LEED, and I'm not seeing it in here. But that's interesting. And so my question is more of why did we focus our attention on the things we focused our attention on, and not gotten into a much broader discussion about where we want to see data centers based on square footage like we do in the rest of the Comprehensive Plan. Like we have a whole, a whole section on we want to see this number of commercial square-footage in these areas. We haven't even looked at that in this. We haven't said it for... we didn't say it for solar, and we haven't said it for data centers. So those are going to be my questions. I hope the Board of Supervisors takes a hard look at this and they spend some time doing this. And they send it back to us with some, some really good changes that are a little bit more objective. And they bring in some experts. And I should note that I'm not really opposed to data centers. I just want us to make sure that we are doing it in a way that is fair, it is open, it is based on professional opinions, not those of us appointed up here, because I'm not, I'm a social worker. I catch spies for a living. I don't do solar panels, and I don't do data centers. So if I'm picking this up then somebody else is picking this up, and we need to look at it. So I won't be supporting either of these and I hope the Board of Supervisors takes a look at them.

Ms. Barnes: Okay, thank you, Ms. Sellers. Would anyone else like to ask some questions?

Mr. Martinez: Madam Chair, I have a couple questions.

Ms. Barnes: Go ahead, Mr. Martinez.

Mr. Martinez: Ms. Baker, what is, what is considered an adequate water management plan?

Ms. Baker: It... what the intent there is working with the Department of Utilities to develop a plan that addresses potential issues. And I'm not going to be able to articulate what our utility specialist can do. But basically, if there's going to be the need for likely infrastructure improvements for either potable water or non-potable water, we don't necessarily have existing capacity on potential sites. I shouldn't say capacity, it's infrastructure capacity, such as there may not be a water line that is large enough to support a data center use for regular potable water. With non-potable water, we don't have that reuse system in place yet. So they would definitely have to work with the Utilities Department to develop how they are going to provide for the water to the site. So it's basically coming up with an agreement and a plan to follow in order to do that. It could include timing, it could include, you know, how that infrastructure is going to connect and at what time.

Mr. Martinez: Okay. My last question is, are applicants allowed to ask for extensions if they don't meet the three-month deadline to reduce decibel levels? Or is the three month a hard deadline?

Ms. Baker: We talked... there should be language in there that says unless otherwise determined by the Zoning Administrator. We did have that discussion knowing that each circumstance could be different. It could be an immediate fix or it could take, be something that could take some additional time if you're reengineering plans to address, you know, perhaps addition of a sound wall or something like that. So it would really be based on, that's why we left it that way so it would be situational.

Mr. Martinez: Okay, thank you, Ms. Baker.

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

Mr. Bain: Just one comment concerning the water use plan. I was surprised to hear from our Utility Department that for the current applications, they do not have infrastructure available that could serve

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these sites if they wanted to use potable water for cooling. And so they are working with the applicants to determine what kind of infrastructure improvements might be needed and that some of those were already in the CIP, but have not been funded. And, in any event, whichever way it went, to make those improvements would take three to five years. So it is a down the road issue right now, even for the current applicants. It's not like they could come put their buildings up in six months and turn on the switch. They wouldn't have the resources to do that. So this is a I'll say a longer term situation. And yes, we will be hearing back from the Board once we send these to them. I'm sure there'll be other items to reconsider. That's all.

Ms. Barnes: Okay, thank you. Any other comments or questions to staff?

Ms. Baker: Might I just make one additional comment on the Comprehensive Plan and the land use designation? Really, because of the... and I appreciate your questions, but I wasn't understanding your distinction between the Urban Services Area and the TDA's. But the Business and Industry area is where the real focus is because of the nature of the size of these buildings that are more similar to our warehouse industrial type uses that are the large expansive buildings and the potential noise impacts that may come from them. So it made sense to focus on those Business and Industry areas. But the reality is that there are power lines that go outside the Urban Services Area. And so we know that that's where these data centers need to consider locating to be in proximity to that. So the limitation of within a mile of that Urban Services Area boundary is to limit that potential impact to the agricultural/rural areas. So that was just, I just wanted to make that note. Thank you.

Ms. Barnes: Okay, so it looks like we're all satisfied with the questions and answers. Okay, I'm gonna go ahead and bring this back to the Commission. And what would the Commission like to, or how would the Commission like to proceed with this?

Mr. Bain: Madam Chairman, as the Committee Chairman, I would like to make a motion to forward the revised revisions to the Comp Plan and the ordinance to the Board of Supervisors for consideration, with the caveat that the changes we're proposing will also require a change to the noise ordinance, which is under the purview of the Sheriff's Office, and that that would have to be coordinated with them at the appropriate time. And I would also like to say that in developing these changes, we did not do it in a vacuum. Staff and committee members did extensive research on what is going on not only locally or in the region, but throughout the state and actually throughout the United States where these data centers have been built and where the impacts have been felt. And so we've, we feel we've addressed a lot of those impacts with the changes that we've made. And I think that we'll find that they will be more compatible than the experience of other municipalities as a result.

Ms. Barnes: That was a motion; I don't, I don't have a second yet. Would anyone like to second this?

Mr. Martinez: Second.

Ms. Barnes: Okay.

Mr. Shelton: I'll second it for discussion.

Ms. Barnes: Okay, actually, Mr. Martinez beat you a little bit down there. So we have a motion by Mr. Bain, thank you, the gentleman to my right. And a second by Mr. Martinez. Any further comments, Mr. Bain, you're first since you made the motion but it sounds like you already did it. Alright, Mr. Martinez, you're the second; you can go next, if you'd like.

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Mr. Martinez: Thank you. I appreciate all the work that the committee has been doing thus far. Clearly with the process, its work is not over. So I look forward to working more with you all on this, on this item. Thank you.

Ms. Barnes: Okay, any other comments? Ms. Sellers, down at the end, go ahead.

Ms. Sellers: Yep, I'll be the dissenting, I'll be this dissension on the board. And so, and it will be public knowledge here shortly of the email that I have sent to the Board of Supervisors, because it has been submitted through the FOIA, where I do not think that this process has been adequate. I do not think that this process has been open. I do not think this process has been inclusive. I think it's been narrow, very narrowly focused. I do not think it meets the mark. And I...

Ms. Barnes: Ms. Sellers, I just want to stop you real quick. We need to keep this germane to what is in front of us. I understand what you're talking about. But we need to keep this germane to the actual item on the agenda, not necessarily the process, if you could.

Ms. Sellers: I am keeping this germane. And as I've experienced throughout the whole process, I have been shut down every time I brought it up and try to, to take it, you know, and add some context. And that is very frustrating. And so I do see folks who are still frustrated probably with the solar farms, and we're gonna be equally frustrated with the data centers. And I feel your pain. I'm right there with you. I'm a member of the Planning Commission, a former member of the Board of Supervisors, and I too do not have a voice. So I'm here with you. I'll continue to ask the questions. And I hope the Board of Supervisors takes a look at this and makes changes on their own and considers hiring outside expertise that is not on this Planning Commission.

Ms. Barnes: Okay, anyone else? Mr. Cummings, go ahead.

Mr. Cummings: We'll save Steven for last. So Commissioner Sellers raises some, some valid or good points, I think, related to the level of this is a complicated area. It's complex. And I think that the ordinances and the recommendations that were made and the hard work that was put in, a lot of work, over yes a compressed period of time, I think hits the mark and I think covers a lot of the bases. Does it go far enough for me? I'm the data guy, I'm the smart city guy, I'm the guy that wants us to see us go to the, to the future, right. So for me, no. But I think that what we have is comparable to anything that you will see in other municipalities, and maybe even better, and probably a little bit more nuanced as we consider the edge, right. And what those computer centers look like and how we integrate them into, potentially into, into Stafford County. And also look at the value that these, that technology can bring. So while I think it is complex, I think we've done an admirable job. I think staff has worked very hard balancing equities, and also, you know, putting together recommendations for the Comprehensive Plan and for the ordinance that is probably on par, if not better than, a lot of what you're going to see, particularly in the municipalities in Virginia. I just want us to keep an open mind and I want us to be even more embraced of the technology and what it can do for not only the County, but for the nation, right. And I'll say it again, the smart city designation is not just about us, you know, having nice technology; it's about resiliency. It's about national security. And it's about the next phase, next new jobs. And we need to be mindful of it and thankful that we have the opportunity to take advantage of it. So I like what the committee has done. And as you know, I can be long winded, I'll try and cut it, cut it, keep it shorter, cut it right now. But I support this going to the Board, and I look forward to more dialogue on it.

Ms. Barnes: Mr. Apicella.

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Mr. Apicella: I've decided I'm not going to follow Mr. Cummings anymore, because he's definitely more articulate than I am. But I just want to thank my colleagues, all of us who worked on this, those who are members of the subcommittee and those who attended the meetings and chimed in. Like any process, it's, it's based on the majority. And so everybody's comments were considered; not everyone's comments were accepted in the end for various reasons that were discussed at the meetings themselves. I do think that we have a really good product here. A lot of work went into it. And I think it's based on some lessons learned from other jurisdictions. So we try to learn from them and, and not have some of the issues that they discovered moving into this process of encouraging data centers in their localities. Like any product, it's not perfect. We'll have a chance to continue to take another look at it once the Board refers it back to us. Hopefully, they'll give us some discretion to make additional changes. But I think we've got a pretty good foundation. And I think we can move on from, from there and hopefully get some data centers in Stafford County that will provide some economic benefits while also mitigating some of the potential issues that have occurred elsewhere.

Ms. Barnes: Oh, okay, I think everyone has said something except for maybe Mr. Shelton down there. Would you like to add a comment?

Mr. Shelton: I think Mr. Apicella summed it up with the economic impact. And I think that's important for Stafford County. Most people are fully aware of what happened with our tax rate this year. And one of the avenues to look at is the economic boom that, that these data centers can present.

Ms. Barnes: Okay, and I will just add a very brief comment to thank staff. I know that this was a heavy lift, and I did discuss Monday the possibility of asking for an extension. But by that point in time, 99% of the work had already been done. So there was really no reason to do it. This was a very big job. And this is one of those things where it sits in front of us, we approve it; when we send it up to the Board of Supervisors and staff makes us look good. And I think that's, I think that's the underlying, the underlying message to all this thank you to staff. So with that, please cast your votes. Okay, and that passes 6 to 1 (*Ms. Sellers opposed*). Thank you, everybody on that and thank you for everybody's hard work. And hopefully this will go smoothly and we'll see it again. Okay, we'll move on to the next portion of our agenda and that is New Business – we have none. And Planning Director's Report; the Planning Director usually sits there. And it says Kathy, so...

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

3. Project Pipeline Report (For Information Only)
4. Capital Construction 3rd Quarter Report (For Information Only)

Ms. Baker: And I actually have no report this evening so I will defer.

Ms. Barnes: Okay. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

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Ms. Lucian: Good evening Commission, I actually do have a report. Just briefly, I wanted to let you know that I will be planning a closed session for the next meeting to discuss some changes that will be effective July 1st regarding advertisement in the newspapers, which may affect how the Commission proceeds with their public hearings.

Ms. Barnes: Alright. Wow! Color me surprised. There was a report there on that one. Okay, Committee Reports. Mr. Bain, I think we're pretty much done with this, but go ahead if you want to have a last word here.

COMMITTEE REPORTS

5. Data Centers Subcommittee
Subcommittee Reports – May 24, May 31, June 7, June 12, 2023
Meeting: Wednesday, June 14, 2023 @ 3:00 PM; Activities Room and Virtual

Mr. Bain: No, thank you. I think we covered everything.

CHAIRMAN'S REPORT

Ms. Barnes: Okay, so that leaves me with the Chairman's Report. And I do have a report tonight. And I think this is a very important issue. The Chairman's Report is typically a time for me to take care of a few administrative items. And oftentimes, I will cede my time to other Commissioners who would like to speak as well, because there typically isn't a time on the agenda to do that. Tonight, however, I'm going to use this time solely for the Chairman's Report. We have had a very difficult couple of weeks on the Planning Commission. Our work here on the Commission is important. And sometimes it's very stressful. In taking a look back at our by-laws, I noticed the date that these by-laws were established, and that's 1961. That's before many of us were born and the rest of y'all were just young-uns, I'm sure. The Commission has worked under these by-laws in some form or another for 62 years and that work is not always easy. These by-laws are codified for a reason, mainly to run an effective, orderly, and productive meeting. Meetings can and do quickly fall into chaos when Robert's Rules and our by-laws are disregarded. In my opinion, our Commission has been a great example of how a government body should conduct itself. Knowledgeable, respectful, constructive, efficient, and effective are often how I just describe our group. But our meetings and our subcommittee meetings have not been up to that standard lately. As a group, we often disagree and cast opposing votes. Robust debate is the foundation of the kinds of decisions that we make. But as one of our Commissioner very aptly puts it, we can disagree without being disagreeable. In the past, we have been fairly lenient about the Chair recognizing each individual Commissioner when they want to chime in. We usually try but we all know in the back and forth that can get lost sometimes. And that departure from protocol hasn't been a problem as we have had good working relationships, been polite and behaved ourselves, and our discourse was, in my opinion, generally productive. But during our last meeting, and during one of our last subcommittee meetings, lines were crossed. And I believe that we need a refresh on how these meetings must proceed. Because we cannot function effectively as a Commission if we continue to attack each other. Under Section 2.7 of our by-laws titled Commission Comments, it states, Commission members shall at all time observe the following rules. Number one, comments of the members shall be constructive, and the Chair shall attempt to ensure that comments are constructive. And number two, the Chair shall ensure that discussion is germane to the subject and the Chair shall rule all non-germane comments out of order. So I ask that when the Chair requests that we move on, whether it is in a regular meeting or a subcommittee meeting, that we do exactly that. If a Commissioner's comments are not germane, you will be prompted to move on; if those instructions are not followed, you will be called out of order. As

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I said before, meetings can and do quickly fall into chaos when Robert's Rules and our by-laws are disregarded. If necessary, I will use the Chair's gavel to use the tools our by-laws give me to manage our meeting. Going forward, I ask that we conduct our meetings in a more respectful manner. I hope that we can, that we will continue to challenge each other, discuss important agenda items, and make the best land use decisions that we can for the people of Stafford County. Our citizens depend on us to function effectively as a unit. We are very lucky to be sitting in these seats and it is a privilege to serve the citizens of Stafford County. I am counting on each one of you to honor that privilege. In addition to this, I would also like to clarify a bit about our subcommittee meetings. Our by-laws state under Section 6-2, Commission members other than those appointed as members of a committee and the Chair and Vice Chair may attend meetings of the committee and participate in the discussions but not make motions, second motions, or vote on matters before the committee. So as far as the subcommittee goes, and I want to make this very clear, every Commissioner is welcome and encouraged to participate in the process. I think that there was some mistaken ideas at one of our last subcommittee meetings. So I do want to make sure and I have, I have said this before – in the subcommittee meetings, in our regular meetings, and even an email, every Commissioner is welcome and encouraged to participate. And with that, we will move on to the next portion of the agenda. Alright, Other Business – we have new TRC submissions in the Hartwood Election District, Bensons Mill. Approval of minutes, we have none. And with no more business before the Commission, we are adjourned. Thank you.

OTHER BUSINESS

6. New TRC Submissions
 - * 23155083; Bensons Mill Est Sec. 2A - Hartwood Election District

APPROVAL OF MINUTES

NONE

ADJOURNMENT

At 7:20 PM, Chairman Barnes adjourned the June 14, 2023, Stafford County Planning Commission meeting.