

STAFFORD COUNTY PLANNING COMMISSION

February 26, 2025

The meeting of the Stafford County Planning Commission of Wednesday, February 26, 2025, was called to order at 6:00 PM by Chairman Steven Apicella in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Steven Apicella Willie Shelton, Jr., Kristen Barnes, Carlos Bratton, Kelsey Caudill, Kecia Evans, Laura Sellers

MEMBERS ABSENT: None

STAFF PRESENT: Mike Zuraf, Lauren Lucian, Stacie Stinnette, Juan Bernal

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Ms. Caudill, please call the roll.

Ms. Caudill: Commissioner Apicella.

Mr. Apicella: Here.

Ms. Caudill: Commissioner Barnes.

Ms. Barnes: Here.

Ms. Caudill: Commissioner Bratton.

Mr. Bratton: Present.

Ms. Caudill: Commissioner Caudill, present. Commissioner Evans.

Ms. Evans: Present.

Ms. Caudill: Commissioner Sellers.

Ms. Sellers: Present.

Ms. Caudill: Commissioner Shelton.

Mr. Shelton: Present.

Mr. Apicella: Do we have a quorum?

Ms. Caudill: Yes, we have a quorum.

Mr. Apicella: Great. Are there any declarations of disqualification? All right, seeing none. Are there any changes to the agenda?

Mr. Zuraf: No, sir.

PUBLIC PRESENTATIONS

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Mr. Apicella: Thank you. I'll now open the public presentation portion of today's meeting. The public may have three minutes to comment on any matter except the public hearing items on today's agenda. As they come up – well, there's only one – there'll be a separate comment period for that particular public hearing item. This is not an interactive conversation. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. And red means your time is up. So if anyone would like to come forward and speak, please do so now.

Ms. Maxson: Kristen Maxson. Thank you for your consideration. Today's date, February 26, 2025. My property was surveyed without my given knowledge or permission. I have not been served. Trespassing was conducted past easements, leaving heavy imprints on my land. Next point. Stafford County Planning Commission Annual Report 2024 has no dates or application names. The public Annual Report cannot be referenced easily. The review is vague, state, stated by using class group names for subjects. Note, Board of Supervisors does not have a list of data centers as declared February 18, 2024. They asked for it. Local News stated data centers doubled in number within six months at the end of 2024 for Stafford. Public is concerned about future utility failure and cost to the taxpayer. In the September 25, 2019, Planning Commission minutes during COVID lockdown, there was a concern of land locking. Page 3, 4, and page 13 of 54, states the legal requirement is the land cannot be designed to land lock properties. This was actually stated, page 13 of 54. Board of Supervisors work session, February 17, 2025, page 8 of, and page 26 of 43. Route 1 at Courthouse impacts are highlighted in red. What are the impacts to the public? Federal Grant Program, Brooke Road Protect Grant. No attachments for the public to view. Page 41 of 43. Potential roadways, page 24 of 43 scribbled like a tic-tac-toe grid across 24 parcels. How does this affect the neighboring homeowners? Route 1/Richmond Highway and South Campus Boulevard. Roads are behind Colonial Forge High School and the Wood Cutters Road following down Accoceek Creek, down towards South Campus Boulevard and roads which enters the Rouser building access government complex. Currently underground electric, electrical cabling is proposed. The public deserves to see the proposed land design. There are data centers applications in this area and the tic-tac-toe hatched roads are land owners with homes. Planning Commission report date February 10 of 2021 is not available upon search. The report is referenced in March 28 of 2022. Agricultural Purchase of Development Rights, and I'm out of time. Thank you so much for your... *inaudible*... attention.

Mr. Apicella: Thank you very much. Is there anyone else who would like to come forward and speak? All right, seeing none, I'm going to close the public comment period. We'll move on to the first agenda item, a public hearing for a Conditional Use Permit related to Enon Road Solar Farm.

PUBLIC HEARINGS

1. CUP24155766; Conditional Use Permit – Enon Road Solar Farm – A request for a conditional use permit (CUP) to allow a solar 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: June 6, 2025)**

Mr. Zuraf: Okay, good evening Mr. Chairman, members of the Commission. Mike Zuraf, Planning and Zoning Department. I have this case. I'm going to go ahead and handle it right from here. If I can have the computer please. Thank you. So yeah, this is a conditional use permit for Enon Road Solar Farm. So this request is for a conditional use permit to allow a solar facility in the A-1 zoning district. It's on a single parcel that covers 36 acres in the Hartwood District. This is the location of the site. The property is located on the southeast corner of Enon Road and Truslow Road. And I'll note also you may recall

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this, there was a same... a proposal for the same use on the same property that was applied for back in 2022. It was denied by the Board of Supervisors back in 2023, in October of 2023, just for your information there. So this site, looking at the zoning, it's, as mentioned, zoned A-1. The surrounding zoning is generally A-1, Agricultural, around all sides. There is B-1, Convenience Commercial, to the west across Truslow Road, and some other R-1, Suburban and R-2, Urban Residential zones nearby. Here's an aerial view of the site. It's largely, the property is largely undeveloped. There's a mix of open fields and forested areas. There are several barn structures centrally located, kind of within the kind of patch of trees right below where it says site. There are a few intermittent streams and associated wetlands through the area, kind of in the darker shaded treed areas. There's a driveway entrance currently off of Enon Road. And then there's a private access easement through the site on the lower west corner, southwest corner that serves an adjacent residential property. Here's just a Google Street View of the site from the intersection of Enon Road and Truslow Road. The general development plan, it identifies how the site would propose to be developed. It identifies solar panel arrays grouped in two developable areas, basically on the eastern side of the site where all the horizontal lines are. Each area is enclosed, would be enclosed by security fencing, and the fenced solar area covers 12.7 acres of the total 37 acres. The two different defined areas avoid wetlands and existing mature trees that are in that area of the site. The western half of the site is proposed as a conservation area to remain undeveloped. The original proposal back in 2022 originally had solar arrays across the entire area, and then when it went to the Board, they had removed the far western area; that was open and had three areas. But so now they've reduced their overall footprint to the 12.7 acres.

Ms. Sellers: Mr. Chair?

Mr. Apicella: Please go ahead.

Ms. Sellers: How are they proposing to make that a conservation area? Is there going to be an easement?

Mr. Zuraf: That is not, I guess, something that is proposed with this application. There, there is a condition that we have that the solar areas remain within the defined areas and that the other areas remain undeveloped as conservation area through condition.

Ms. Sellers: Okay.

Mr. Zuraf: But we couldn't necessarily require a specific easement as part of this conditional use permit process.

Ms. Sellers: And kind of a follow on, I know previously, like for roads, we could have, during the conditional use permit process, we could have asked for an easement on the property, but a conditional use permit process we can't do that anymore, correct?

Mr. Zuraf: Right, right.

Ms. Sellers: Okay.

Mr. Zuraf: How we handle that now is we reserve areas where right-of-way might be needed, that that area gets reserved and, and just, and so setbacks go off of the reservation area as opposed to full dedication of the right-of-way.

Mr. Apicella: Ms. Barnes?

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Ms. Barnes: A follow-up on that. It's, what, it's 22 acres that's, that's being considered a conservation area? Is that what it is?

Mr. Zuraf: I'm not certain the exact...

Ms. Barnes: And that's a condition. Now, can they come back at any point in time in the future and request a change in that condition, and then put solar arrays on that part of the land? There's no way to stop that?

Mr. Zuraf: They could. They'd have to go through the whole process to get a new, basically it'd be a new conditional use permit or modify their conditional use permit to, to remove those restrictions.

Ms. Barnes: And have we seen that happen before? I mean, obviously yes. I've seen that happen with other conditions back from 1980 and come back in 2020 and say, hey, let's change a condition.

Mr. Zuraf: Yeah, that does occasionally happen, definitely for older, older sites, that maybe...

Ms. Barnes: Okay. All right, thank you.

Mr. Zuraf: ... conditions change.

Mr. Apicella: They'd also have to revise their GDP too, right? Because it identifies those two areas as conservation areas.

Mr. Zuraf: Right, right. So then there would be a single entrance to the facility, basically located where the current driveway entrance is. Also then the, there would be gravel access roads to the, to the fenced areas. And the fenced areas around the solar arrays would be planted with low growing native grasses. And then a 50-foot wide landscape buffer provided around the perimeter of the site where existing vegetation does not exist. That's the... let's see if my; the pointer does not work on this... but that is the light green shaded areas around the perimeter, the 50-foot buffer areas. You did receive some additional information tonight from the applicant that got to us after the kind of preparation of the staff report on Friday. So they've, they've submitted a new general development plan that you see here. It further... it more clearly defines that conservation area. Though, what this new general development plan does is the applicant is requesting a waiver of the 50-foot buffer along the eastern property line. You can see where that buffer area no longer exists. I'll go back to the the original GDP. You can see that buffer, and then on the, on the latest GDP that they submitted, the buffer is not there. The County Code does allow buffer areas to be waived by the Board of Supervisors. That would be part of the conditional use permit approval, and there has to be certain conditions met through the Code. And so the applicants' here, and they'll be able to kind of speak to this, this request a little bit more. But the current conditions still require the full 50-foot buffer.

Mr. Apicella: Mr. Shelton?

Mr. Shelton: What was the rationale in eliminating the buffer?

Mr. Zuraf: I think that their take, and they could speak more to it, is that in this area, along this eastern side, they're further away as far as from the viewshed of any nearby residences. And the adjacent use is generally, is basically a agricultural use currently. So that was their rationale.

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Ms. Barnes: Currently, correct?

Mr. Zuraf: Right.

Ms. Barnes: Thank you.

Mr. Shelton: So I have a question on the agricultural aspect, and I will ask the applicant, but if it's going to be in a farming concept, you know, one year, maybe corn one year, maybe rye one year, maybe soybean, so and one year, maybe nothing. That would be a concern for me with no buffer.

Mr. Zuraf: Yeah.

Mr. Apicella: Can, can I just jump in as well? So I definitely appreciate the perspective of neighbors and how this project might impact their viewshed. But what about people who are driving by, either on Enon Road or Truslow Road? What are they going to see, especially with their potentially reduced buffers?

Mr. Zuraf: Yeah, I think the memo did get into providing some viewshed images and I don't know if the applicant may have that as part of their, their presentation, or can talk to that a little bit more. Here's just a closer view of the general development plan, just showing the section of the facility near the entrance. You can kind of just better see the buffers in relation to the access road and the fence locations. The panels themselves are mounted on parallel racking systems constructed in an east/west alignment, and would be on a fixed angle, as opposed to a tilting access. Originally they, the original proposal had a tilting access where the panels actually moved as to follow the direction of the sun. Here, these are set at a specific angle, and I believe that basically allows the solar panels to kind of be built at a lower height. And here's a cross section and that's within the GDP. It shows the panels extending up to 10 feet above grade in this image. Power is collected via string inverters that are located at the end of each row of solar arrays, and then they connect and feed the power to the local power transmission lines. So looking at this in relation to the Comprehensive Plan, the Comp Plan's Future Land Use map classifies the property in Suburban Future Land Use designation and inside the Urban Services Area. This is where suburban scale development is most appropriate. In advance of the original proposal...

Mr. Apicella: Hold on, hold on, Mr. Zuraf.

Ms. Barnes: I'm sorry, can, can you go back to that last one? So the site there, it's the eastern portion that they wanted, they want to remove that buffer. But that entire area that's next to it is inside the Urban Services Area.

Mr. Zuraf: It is.

Ms. Barnes: So currently it is, is it zoned A-1?

Mr. Zuraf: Yes.

Ms. Barnes: Okay. Inside the Urban Services Area is there more of a likelihood of there being a future neighborhood there possibly, because it is inside the Urban Services Area.

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Mr. Zuraf: Yes, that's a possibility. And currently there is actually a rezoning application on the adjacent property for a data center. So that's... but, but that's a rezoning proposal, and you know, until that gets approved, we don't know.

Ms. Barnes: So like A-1 to M-2, they're right next to that?

Mr. Zuraf: Yes.

Ms. Barnes: Okay, good to know. Thank you.

Mr. Zuraf: So there are in our Comprehensive Plan back in 2023, we worked and got approved a series of solar kind of development regulations or recommendations related to solar facilities. And so the plan looks at location criteria that's specific to community scale solar projects. And so the application was evaluated for compliance with these criteria and facility design standards for solar facilities in the County. The projects are... one of the goals is projects are encouraged to be located outside of the Urban Services Area. And as you saw, the site is inside the Urban Services Area. Another locations criteria, though, also says that projects inside the Urban Services Area may be considered based on some additional criteria: that the project area is under 50 acres, and as I mentioned, it's on 12 and three quarters of an acre of solar area; and then that residential or commercial uses may not be a better use of land in the locate, in this location. And I'll note the surrounding land uses currently are more rural in nature. And then, as we've mentioned last time around, improvements to the area road network should probably occur to support higher traffic volumes before higher intensity commercial and residential uses come along. Here are also then a few points regarding the consistency of the facility with solar location criteria that's within the Comp Plan. The additional location criteria following, on this slide are for all solar panels to, all solar projects to follow. The solar panels are being sited in areas of limited visibility compared to how it was before and is retained, retaining the most visible areas as a conservation area. The site is used for limited agricultural activity. Currently, the project is avoiding impacts to wetlands and mature trees. The fencing, fencing pockets of the site will help to maintain wildlife corridors, as opposed to fencing off the entire parcel. And no dense residential neighborhoods are within the project viewshed. And then lastly, with the Comp Plan, it addresses how the project conforms to site design criteria in the Comp Plan. Given the smaller size of the property, a condition requires the use of string inverters or micro inverters to mitigate noise impacts. That's in contrast to larger central power inverters that generally generate more noise so. String inverters produce less noise. Retention of existing tree cover is recommended. Existing tree cover is minimal on the site, so requiring the planting of new trees in this case is necessary. In place of providing travelways around the perimeter of each group of solar arrays, staff is recommending the applicant provide emergency response training for fire and rescue personnel. And I believe the applicant is open to doing that. The project minimizes environmental impacts and maintains wildlife corridors. The gradual terrain on the site should also minimize the need for any kind of mass grading of the site for the development of the project. And construction impacts are mitigated with time limit conditions related to the construction. And I'll get into that. So we have a whole series of conditions that are being recommended to go along with this project. The property shall be developed in general conformance with the GDP that you saw. All rural conservation areas shall remain undeveloped. Installation of buffers should be in accordance with the landscape plan that's included, with evergreen trees a minimum of six feet at time of planting. Solar equipment setbacks to include 105 feet from the center line of Enon Road to allow for future improvements to Enon Road and so the buffers can be maintained outside of where the road would need to be improved. And then 75 feet from all other property lines. The maximum solar panel height would be 10 feet for any of the panels within 400 feet of residential structures. And then they would then be allowed to be 15 feet in height beyond 400 feet from the nearest residential structure. And then providing gravel access roads as

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shown on the plan. The last few conditions would provide woven wire security fencing eight feet in height; permitting only string inverters or micro inverters in the facility; limiting construction to 7 AM to 7 PM Monday through Saturday and not national holidays; requiring posting of emergency contact information on the site at all times; and requiring court recordation of a decommissioning agreement prior to occupancy. That decommissioning agreement would be part of Board of Supervisors consideration; they have to approve a separate resolution approving that decommissioning agreement should they approve the project. And then a cash contribution of \$42,000 that's provided in three installments, and that's unique to conditional use permits, because conditional use permits usually cannot require cash contributions, but state code does allow that for solar facilities. So overall evaluation, the positives, the proposed facility meets the standards of issuance of a conditional use permit. The proposed facility is in accordance with the Comp Plan recommendations. And the Planning Commission did determine the use to be substantially in accord with the Plan back in 2023. And the proposed location, setbacks, fencing and screening should not detract from the character of the surrounding area. Conditions would mitigate negative impacts. Staff does not see apparent negative impacts with this proposal. And, in summary, staff recommends approval pursuant to Resolution R25-44 with the recommended conditions. And that ends my summary.

Mr. Apicella: Thank you, Mr. Zuraf. Questions for staff? Ms. Barnes.

Ms. Barnes: Okay. Condition number seven regarding the height of the solar panel, the last sentence on that; exceptions to this height limitation may be appropriate where complete and adequate screening from view is provided or sudden changes in topography would preclude a consistent height of adjustment solar panel arrays. So does that mean that it's not, I mean, is it, is the max 15 feet or is it not 15 feet? Because it looks like there's an exception. Who would decide that exception? And, you know, what would happen with that if somebody said, hey, we can put 20-foot tall ones here. I'm unsure who can make that exception.

Mr. Zuraf: Yeah, that ultimately, in this situation, would be up to the Zoning Administrator to consider whether that is what, how they're, how they're proposing to develop the site is consistent with that language.

Ms. Barnes: Okay, thank you.

Mr. Apicella: Other questions? Okay, go ahead Ms. Barnes.

Ms. Barnes: One more, sorry. If this is, if this doesn't go in here, the amount of houses that can go on that parcel right now, zoned as it is, is six houses.

Mr. Zuraf: Correct.

Ms. Barnes: Did I read that correctly?

Mr. Zuraf: Correct.

Ms. Barnes: Is that, is that under the the old density, or the new density?

Mr. Zuraf: The new six acre density.

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Ms. Barnes: Okay. Do we know what would go on that if it was rezoned – I'm sorry to catch you off guard, I just thought about this – to an R-1? Do you know how many houses would go there? I mean, obviously more, but there's a lot of wetlands there so.

Mr. Zuraf: Yeah.

Ms. Barnes: Sorry.

Mr. Zuraf: Roughly 50 with doing some really rough math.

Ms. Barnes: Yeah, I'm not, I'm not asking for definites, just roughly...

Mr. Zuraf: That would, roughly 50 at a density of 1.5. My math is probably off there, but yeah.

Ms. Barnes: Okay. So at some point it was, I'm just looking for what that, what that land, especially the land that's next to it. Yeah, I know that there's a, there's a data center or going to be a data center application. But, you know, that's the future. There could be a lot of different things that go there. There could be a couple of, you know, houses under the six houses for the the larger, I mean, for the lower density, and the R-1 it could be, like you said, up to 50.

Mr. Zuraf: And actually...

Ms. Barnes: For the entire, that's for the entire parcel.

Mr. Zuraf: Fifty-four.

Ms. Barnes: Okay. All right, thank you.

Mr. Apicella: Mr. Zuraf, do we know where the panels are going to be manufactured?

Mr. Zuraf: I'm not certain.

Mr. Apicella: This wasn't in the... so let me back up. The conditions that are proposed are very similar to the ones that were in the previous version. Is that correct?

Mr. Zuraf: Yes.

Mr. Apicella: We didn't have this in the last batch of conditions, although I think we did it for the other solar facility. Is it possible, do we know if these solar panels will have cadmium and/or lead?

Mr. Zuraf: I am not certain. I'd have to defer to the applicant on that.

Mr. Apicella: And is it possible to create a condition that precludes or states that the panels shall be cadmium and lead free?

Mr. Zuraf: I don't believe that would be an appropriate condition.

Mr. Apicella: Why is that?

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Mr. Zuraf: Because...

Mr. Apicella: That's an environmental condition.

Mr. Zuraf: Well, it's... I guess we'll have to look into that a little bit more. But it might be an issue of, of just not, as far as we're we're looking at the site and how it's being developed, not necessarily every single material, piece of material, and where it's coming from. We're looking more at the, the overall use, location setbacks, and that probably would be...

Mr. Apicella: I mean, my concern would be the potential leaching of toxic chemicals into the groundwater. Okay. You mentioned the string of micro inverters will minimize the noise associated with the facility. How about transformers? Do we know if transformers create noise?

Mr. Zuraf: I believe they do.

Mr. Apicella: Okay. Is there anything we can do to mitigate the potential noise from the transformers?

Mr. Zuraf: I'd have to look into that.

Mr. Apicella: Okay. All right, that's it for me, for now. Any other? Please, Ms. Sellers.

Ms. Sellers: But it is definitely not technical. So as I'm reading the conditions, and I, number three, all areas designated as rural conservation, and it's, it's citing Article II, Section 28-25, which appears to be the definition for open space in the zoning ordinance. And, you know, I might want a little bit more than that, because as Mrs. Barnes stated, I've been around a little while and know that that's going to come back to haunt us.

Ms. Barnes: Ten, 20, 30, 40 years.

Ms. Sellers: It could even be next year. And so, you know, we're saying that it's going to be conserved as as open space, then how do we tighten that up a little bit to make sure that that's true open space? So that's all. Or can we tighten that language up? Maybe that's the question I'm asking.

Mr. Zuraf: We could add in as defined at the time of approval. So then, if the ord... if the language changes, you always have to go back to how it was defined at the time of approval.

Ms. Sellers: Okay.

Ms. Barnes: Mr. Zuraf, do you know, and I think I mentioned, I read this in this long staff report here, are they renting the land? Or are they going to own the land?

Mr. Zuraf: I'll defer to the applicant...

Ms. Barnes: Okay.

Mr. Zuraf: ... what the ultimate ownership. They do not own it now, so I don't know the ultimate...

Ms. Barnes: Because if they're renting the land, then that might put some constraints on them having any power to put it in a possible conservation easement I would think. But question for the applicant.

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Mr. Apicella: Okay, last call for questions of staff? All right, seeing none. Thank you. I'm going to move on to the applicant whether they'd like to make a presentation.

Ms. Romaine: All right. Good evening. Thank you, Chairman and Vice Chairman, members of the Planning Commission. Just to start off, is the audio okay? Can you guys hear me okay? Okay, yes. So all of your questions, very great. Appreciate them all. We are going to touch on all of them in our presentation. Wes is going to, who is our Entitlement Manager, and also we have Justin Vandenbroek, our Chief Operating Officer at ESA. So Wes is going to be talking about the noise, which includes the transformers, the buffer reduction, and the open space condition. And just to touch quickly on your question about the manufacture of the panels, those will be made in the USA. And they're made of mono crystalline, not cadmium Telluride or contain lead so. But yeah, I just made a quick introduction of our team. But for the new, newer faces, pleasure to be in front of you tonight. We are ESA. We're a family owned 85-person company based out of Central Florida. And tonight we will be requesting, respectfully requesting that you find our Enon Road Community Solar Preserve application in accordance with the Comprehensive Plan. All right, so the Enon Road solar project is a thoughtfully designed three megawatt community solar project. It'll be on, under panel it'll be 12.75 acres. This 16.2 acre number that you have up on the slide, that's also going to contain the buffer, the road, all of that stuff, but under panel that's 12.75 acres. The, this project is intended to be part of the Virginia Shared Solar Program, which allows Dominion Energy customers to subscribe to an output, a portion of the output of the solar facility and receive electricity bill savings on their electricity bill.

Ms. Barnes: Sorry to interrupt you. So, this shows the old version of the buffer on the east side.

Ms. Romaine: Correct, yes.

Ms. Barnes: And as a point of clarification, are we doing a Comprehensive Compliance tonight? I don't, I think we already did that. We're not doing a Comprehensive Compliance Review.

Mr. Zuraf: Right, yeah. That's already been done.

Ms. Barnes: We're just doing a CUP.

Ms. Romaine: Oh, okay. Sorry, my apologies for that.

Ms. Barnes: We did that a while ago.

Ms. Romaine: Yeah, I remember. Yes, yes.

Ms. Barnes: Okay, thank you.

Ms. Romaine: Yes. Okay. Yes, so this has the buffer in the, on the eastern boundary. And like I said, Wes is going to go through quite a few slides on that request. But to finish up this slide, this project will provide power for about 600 homes and provide electricity, provide half a million dollars worth of electricity bill savings over the lifetime of the project. So moving on to economic benefits and economic development. So as I just mentioned, half a million dollars worth of electricity bill savings over 35 years. This project is intended to serve 51% of the project output for low to moderate income residents. In addition to this, about a quarter million dollars worth of increased tax revenue with minimal infrastructure burden. With community solar projects, there's no impact on public services like schools, water, sewer, or roads. Additionally, as Mike touched on, we're going to be providing a \$42,000

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voluntary cash payment for local infrastructure projects in the vicinity of this project. And lastly, on this slide, there was a question about rent, renting or ownership. This project will provide 35 to 40 years of reliable and stable income for the local landowner. So we are committed to keeping our neighbors informed and engaged throughout this process. To this, to this point, we held a community meeting on February 19th to address questions and provide updates on the redesign project. We also are committed to supporting local organizations beyond our project. Since 2022 we've provided nearly \$25,000 of sponsorships, community impact initiatives, volunteer opportunities, etc. So we have really enjoyed working with all the different organizations in this community. So on this slide here we have the, on the left side is the site plan that was approved by the Planning Commission in May of 2023. Some of the key changes that we've made to the site plan, some of which I know Mike already touched on, but the panel area, again, the area underneath panels has gone from approximately 17 acres to now 12.75 acres. We have increased the conservation and open space to, by 11 acres. So those two open areas that you see on the right, that's going to be about 11 acres. We're preserving all wetlands and forested areas on the site, in addition to enhancing some of those key areas, especially, you know, along the road frontage, and so enhancing that already preserved forested areas. The panel height, we've lowered it from about 14 to 15 feet to about nine to 10 feet. And Wes, I think, is going to talk a little bit more on the height, too, and how that kind of plays into the the buffer along Enon Road. And most significantly, we've reduced the road frontage impacts from 1,700 feet to just 175 feet of public road frontage. And lastly, as Mike mentioned, we've met, shifted from a single access tracker to a fixed tilt system. So I will now pass the presentation over to Wes, but I'm available for questions at the end. Thanks.

Mr. Shaffer: Thank you, Cara. My name is Wes Shaffer, Planner with ESA. I appreciate your time and attention this evening, and am honored to present to you. I'll walk you through the site plan and talk about how we're in conformance with the code. So to start off, I'd like us to sit in a drone above the silo and barn in the center of this parcel, looking north. And you can see in this image, the site was just recently harvested for corn. And right off the bat, we're providing a reservation for right-of-way. This will allow for Enon Road to expand in the future. We're proposing a robust 50-foot buffer, which will contain native, native pollinator friendly plants that will provide year-round screening. And actually, when we add up all the acreage of plantings that we're adding, it's over three acres worth of new plantings, which I think is incredible for a commercial use to add that much vegetation to a site. As Cara mentioned, the panel area is about 12 acres or so, and we'll feature fixed tilt panels that are made with mono crystalline modules. These modules do not contain cadmium telluride. There is, there are trace amounts of lead associated with the soldering that is associated with the wiring of, of the system, but this is contained within the system.

Mr. Shelton: Mr. Chairman?

Mr. Apicella: Please, go ahead.

Mr. Shelton: So there's no raw metal, rare metals included in your panels. Am I correct?

Mr. Shaffer: There are, there is trace amounts of silver. There's, and trace amount... and that's associated with essentially the wafers themselves have some silver and to conduct electricity. But the mono crystalline does not include cadmium or, you know, there's, there's a list of elements. I have to go back to my biology class to remember all the, or chemistry class. But, yeah, lead is another one that is sometimes a concern that is not included in our, in our panel.

Ms. Evans: Mr. Chairman, can I ask?

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Mr. Apicella: Please go ahead, Ms. Evans.

Ms. Evans: So with that, are they pollinator friendly?

Mr. Shaffer: The panels?

Ms. Evans: Yes. Being that, yeah, what you're talking about.

Mr. Shaffer: Well, the groundcover will include, both the plantings of the buffer and the groundcover, which will provide warm season grasses under the panels. Those will provide pollinator habitat. The panels themselves aren't necessarily in and of themselves pollinator friendly, or in terms of, you know, they're not producing pollen or anything like that. They're inert in that sense. But there, you know, there are studies to show that their relationship with the environment and the ways that they cast shade actually can help improve insect populations. And so, you know, we do in that sense, we think that they'll play a role in improving the pollinator habitat. But in and of themselves, as materials, they will not provide pollinator habitat.

Ms. Evans: Okay, thank you.

Mr. Shaffer: Yes, ma'am. Just to clarify some setbacks; we're at least 155 feet from the center line on Enon and 100 feet from all property line setbacks. Now some questions raised about inverters and transformers. We are co-locating transformers and inverters on this equipment pad, which will be located internal to the site. And to give you a sense of some potential noise impacts, if you were, if we were to stand five feet away from the transformer and inverters, and we're using string inverters which are quieter than central inverters, which is another common type of inverter used, at about five feet we would certainly hear these, this equipment. It would be similar to a dishwasher running, and maybe my dishwasher is louder than others, but I would, I would find that to be analogous. At about 200 feet, the noise begins to blend; it tapers off and begins to blend in with the ambient noise of this area. So about 45 decibels at 200 feet. Per the code and per our conditions, going back to your question about mitigation, the main source of mitigation in this, in this design, is the distance; a minimum of 400 feet from any residential dwelling. The buffer will also provide, to some extent, a dampening of noise. It's a low frequency noise that emanates from, from these, from this equipment, but there is some dampening effect from the buffer. The site is enclosed with a 8-foot tall woven wire fence, and the woven wire allows for wildlife to, small wildlife to continue passage. There's also a perimeter, a 25-foot perimeter around the fence that it will also provide wildlife passage and access for emergency vehicles, maintenance vehicles, and so forth. We will be essentially improving the existing driveway, using the existing driveway to provide single access to the site. And this driveway will meet VDOT criteria for commercial entrances. The entirety of the driveways would... all of the driveway that's within the right-of-way will be paved, and that will prevent gravel from being pulled into the road. So again, we're looking north, but if we turn our head, if we turn to the west, if we turn left and look towards the west, you see that there's about 10 acres of open space that we intend to preserve. And I think you raise a really interesting question about what's the definition of open space land. I pulled it up real quick just to reference into the record; open space land in, according, according to Stafford County Code, is any land which is provided or preserved for park or recreational purposes, conservation of land, or other natural resources, historic or scenic purposes, assisting in the shaping of the character, direction, or timing of community development, wetlands, agricultural production, or forestry. And with our condition, we aim to take that definition and apply it to the use of this land. And so no panels, or really any defini... any development that's not agricultural or conservation or historic or scenic will not be permitted within this area. Now, if... we would go through a process. If for whatever reason that was

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to change, it would demand a CUP amendment, a GDP amendment, and the nuts and bolts of trying to add panels to this is very difficult. We have an interconnection agreement with Dominion and with a specific point of interconnection, and there would be a lot of rigmarole, we'll say, to add panels to this property. But that would not be without your, you know, you would, you would be, you would be the determination of if that was adequate or proper for code purposes. So I really want to emphasize why I think this is so vital that this conservation area, this rural conservation area is there because the folks who live along Enon have come to expect this view as part of the character of this area. And it's really their front address; you can see from these, these viewpoints, you know, they're, they're looking directly onto this conservation area. And I think it's remarkable that a market driven use could actually conserve land in this instance. I don't think there are many other uses that could achieve that. So let's zoom in on the ground just to see a few key spots that we generated some viewshed analysis for. So the first spot on the south side of Enon, looking east towards our property, you can see that barn and silo architecture that really accentuates the rural, what I call the rural skyline of this area. It's really important that we maintain that rural skyline. On day one of operation, the view is effectively unchanged from this vantage point. And just to kind of accentuate that, earlier today we were standing on the property and used our pickup truck as a demonstration of height. And so imagine now we're standing on the property looking west, back towards that house that I was just referencing. This truck is about six and a half feet. And so if we just articulate a few buffer plants, which this is obviously, you know, a fraction of what the actual buffer would entail, you can see that view of this sort of indirect line of sight is mitigated by the 6-foot plantings. As we move north along Enon towards our driveway, on day one we'll improve this driveway and provide buffer plantings to kind of frame the gateway of this driveway. And after five to six years, we expect the buffer to grow to above eight feet, 10 feet or so. Looking south from Hull's Chapel, Hull's Chapel is interesting because it's sort of on a perch and matches the elevation of our site. So they do have a unique view. But even on, in that, that unique view or that topography, does limit the effect of us, effectiveness of our buffer in the short term, but in the long term, after five or six years, we do expect vegetation to continue to grow and largely obscure this project from, from sight, all while maintaining that barn and silo architecture which is so crucial to the rural character of this area. Finally, just from the north side of Enon looking south...

Ms. Barnes: Can I stop you... *inaudible*.

Mr. Shaffer: Yes, ma'am.

Ms. Barnes: This may be in here. That that barn and silo that you have, is that, is that anywhere in here that you're going to maintain those and those aren't going to go away? Is that in the conditions anywhere?

Mr. Shaffer: It's not in the conditions, it's outside of what will be our leased premises for the project.

Ms. Barnes: So you have no control over whether that'll stay or leave.

Mr. Shaffer: I can't say that we do.

Ms. Barnes: Okay. Thank you.

Mr. Shaffer: Yes, ma'am.

Mr. Apicella: So I'm gonna piggyback off of that question. The conservation area. You're leasing that or not leasing that area?

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Mr. Shaffer: We are leasing that area.

Mr. Apicella: So, so what portion of the parcel are you not leasing?

Mr. Shaffer: That will... the final dimensions of the lease will be determined once we exercise the lease option. Really the barns is the only part we are excluding. Potentially the wetland in the rear.

Mr. Apicella: Okay.

Ms. Barnes: Is that kind of, it's almost, that's almost centrally located on the parcel.

Mr. Shaffer: Yes, ma'am. It is, yeah, it's like pretty much, yeah, center.

Ms. Barnes: Okay.

Mr. Shelton: Isn't there a residential structure there also?

Mr. Shaffer: There is not a... there is a residential structure, but it's not on our parcel. It's just to the south...

Mr. Shelton: Okay, it's not on your parcel.

Mr. Shaffer: Correct.

Ms. Evans: I'm sorry, isn't there a group of residential back there?

Mr. Shaffer: Not that I'm aware of. We were there today and there were... Yeah, we can, I can pull up a satellite image, but no, no residence on the site today. There is a, just south, and maybe this, this image is not the best, but you can kind of see that little blocks to the south of our parcel in the little legend map? That is, that's, oh, I just kind of clicked near there, whoops. But that is, that is a resident, and that is, that's the area that's accessed through an easement on the south side of our project.

Ms. Evans: Off of Truslow.

Mr. Shaffer: Yes, off of Truslow, yes ma'am.

Ms. Sellers: Yeah, we were thinking of Enon just south of your property before the water tower. There's something there.

Mr. Shaffer: Yes, just north of our property.

Ms. Sellers: Or north, whatever direction we're going on Enon Road.

Mr. Shaffer: Yeah. And I can let... this view kind of articulates that. To our left on this screen is the residential lot that is just north of our property. And so we're providing, on the north side of our project, a buffer that will shield that resident from view of our project, and she has demonstrated support, expressed support for our project.

Mr. Apicella: You can go ahead.

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Mr. Shaffer: Okay. Just to round out some of the conversation about our maintenance, through the long term operation of this project we will provide regular inspection and maintenance, not only of the buffer plantings, but of the ground cover, which will provide that pollinator habitat over the long term. And we, as Mr. Zuraf indicated, we will be working with local emergency services to make sure that we're coordinating protocol in case of any emergency issues.

Mr. Shelton: Two questions, if I could. Do the panels require periodic washing and cleaning?

Mr. Shaffer: That's a good question. It's dependent on many factors, including, you know, the season, the amount of rainfall. Those are all factors that will, you know, are determinants of, you know, how dirty, I guess, for lack of better words, the panels are, you know. For instance, in a season of heavy pollen, if we're not seeing rain, then there would need to be maintenance of the panels, washing them.

Mr. Shelton: So my question would be, from your expertise, how would you clean that? Would it be an abrasive or would it be just pure water, so there's no tributary contamination.

Mr. Shaffer: My colleague, Justin Vandebroek, could speak to specifics on maintenance if you'd like.

Mr. Shelton: Sure.

Mr. Shaffer: Okay.

Mr. Vandebroek: Hey, y'all, Justin, I'm one of the owners and also a manufacturing engineer. I've been working in solar for 14 years. But for the most part, pollen and dust in the mid atlantic provides a very, very minute amount of loss of production in terms of the output of the project. So you would spend more money trucking in water and having the labor to clean it than just waiting for the next rainfall, in terms of the amount of power that you would lose from that. So it'd have to be pretty dire drought and dusty circumstances. Obviously, that's different than when you're working on projects in Arizona or New Mexico or climates that are more arid and deserted, or desert environments. For the Mid-Atlantic and the southeast, from our experience, you don't need to go out there and water the system or bring in potable water. When you do do it, you don't need to do any agents in there. It's just simple water that's connected to a pump that's connected to a hose, and you typically have a brushing system that just goes over; a soft though, because you don't want to scrape up your panels.

Mr. Shelton: Thanks for the clarification. Second question: you mentioned the access road would be improved to meet VDOT standards.

Mr. Shaffer: Yes.

Mr. Shelton: Would you clarify that? Because if we're talking about a piece of emergency apparatus going in, a pumper is going to weigh 20 tons. So you're going to meet the requirement for that...

Mr. Shaffer: Yes.

Mr. Shelton: ... road.

Mr. Shaffer: Yes. And VDOT was one of the reviewers on this. That was a topic of discussion, and we will meet the minimum standards for a commercial entrance, including turn radius and the engineering

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of the road itself. I mean, keep in mind that even the roads we use also carry heavy vehicles during the construction period, and so, um, they're suitable for, for that weight.

Mr. Shelton: Thanks for the clarification.

Mr. Shaffer: Yes sir.

Ms. Evans: Mr. Chairman, can I ask one question?

Mr. Apicella: Please go ahead.

Ms. Evans: When you talk about the regular inspections and maintenance schedule, like, how often are you inspecting these panels?

Mr. Shaffer: That's a, yeah, it again is dependent on the season and issues if they might arise. I would say that, you know, during the summer months, when we're seeing more, more rigorous, or, yeah, more robust vegetation growth during those periods, that it would be more frequent potentially on a monthly basis. But across the year, it's more like a quarterly, quarterly basis, and it's typically, you know, one or two small vehicle trips associated with that.

Ms. Evans: This may be a crazy question, but just out of curiosity, if one of the panels was to, like, crack or something like, how, how often does that happen?

Mr. Shaffer: Hmm. I mean, they're pretty, pretty tough.

Ms. Evans: Right.

Mr. Shaffer: It's not like my phone right now, which is looking like a spider web, but they're rated for impact on hail and other flying debris. I think, yeah, part of the maintenance is, is sometimes, you know, involves drones to do, you know, some small drones to do reconnaissance to determine if there are any hot spots or areas where electricity may not be producing or flowing properly. But I would, without knowing the statistic, it seems unlikely or rare that they crack.

Ms. Evans: Okay. Thank you.

Mr. Shaffer: Yes ma'am.

Ms. Sellers: Mr. Chairman?

Mr. Apicella: Please go ahead.

Ms. Sellers: To piggyback off that, how often do you replace them? What's the replacement cycle? Like the technology of of them?

Mr. Shaffer: In terms of, we get a new module, like technology in place to...?

Ms. Sellers: Yeah. So right now, they're able to capture however many, however much with this square footage of the solar panel, but maybe next year we come up with a new design.

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Mr. Vandenbroek: Yeah, that would be nice. Typically, when you finance the project, you're going to finance it over a 30 to 40 year term, assuming that you're keeping the same capital investment. So the same equipment from day one, standard warranty on solar panels. I think I remember you said you had some as well.

Ms. Sellers: I do.

Mr. Vandenbroek: Standard warranty is at 25 to 30 year manufacturer warranty. Solar panels that are silicon based, which is what this, these panels are, they just simply lose about .3% of their power output per year. So even at the end of 25/30 years, they're still producing close to 80% of their original output. So you wouldn't need to go and repower the system, which would be the terminology. If we did repower, we would have to come back to the Board and do that. But once you make that capital investment, there's really, you're, you're modeling out how much power you're going to generate over time which influences how much revenue you make. If you go repower a system, you don't get a new tax credit. So there's a lot of different financial mechanisms that would prevent someone from doing that in this type of solar utility scale. A big, big, big like Spotsy project, you may consider that in year 20, but this type of structure, you wouldn't.

Ms. Sellers: And so if something were to happen and it were to become smaller, a smaller footprint, would you guys come in and redesign the project? Because we're doing, it doesn't appear that the conditions on you can put it on this many acres, but it doesn't appear that we have like it can only cover this many, this much square foot. And we have a term for it in other areas, but I can't think of what, how we do it, but it's like this much of the, of the acreage is covered with solar panels, or this number of solar panels can be on the site. That's not being conditioned here. So let's say in 5/10 years we do see a smaller model come out, would we expect this area to then be torn up and this new thing come in? Or just to kind of, you know, give expectations here, because that's not captured in our CUP either of what we can expect. Because, again, we don't have a condition on how many panels or how much square footage can be covered. I can't think of, what is the word. I'll look it up what we use in other ones, but we do have a word of the percentage it can be.

Mr. Shaffer: Are you speaking to lot coverage potentially or impervious ratio?

Mr. Zuraf: Mr. Chairman?

Mr. Apicella: Please go ahead.

Mr. Zuraf: Yeah. Are you, are you thinking of open space ratio or floor area ratio?

Ms. Sellers: Yes, floor area ratio, yes, where we use it in other things where it, where we say it can't exceed this. But we don't have that in this particular case.

Mr. Zuraf: There are special regulations in the zoning code that apply to all solar facilities, and that does require 80% open space across the site, so.

Ms. Sellers: Across the site, but not on these 12 acres.

Mr. Zuraf: Yeah.

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Mr. Shaffer: And if I may just clarify that, yeah, the code provides a maximum coverage area of 80% and we're occupying, I believe, less than 36% or 32% I think actually.

Ms. Sellers: Right. And what I'm trying to get at is just in the disruption to those around is if the technology, because right now we're seeing with, with technology, things do move so much faster than they used to.

Mr. Shaffer: Right.

Ms. Sellers: And so we can say, right now it's one thing. But who knows, especially as solar panels do become more prevalent, are we gonna see the technology start to catch up. And then every couple of years, these poor neighbors are gonna have, you know, a whole new truckload of things coming in. And so that's just something to consider, you know. We're talking about a one time use and just, just kind of putting that out there, because we don't know what tech, what the advances are going to do.

Mr. Apicella: I appreciate where Ms. Sellers is coming from. If I understand the boundaries, though, you're limited by what's in the GDP. In theory, you could double or triple within that area, and that's just the number of panels. But you're not going to go outside the boundaries that are set in the GDP. And what I think I hear you saying, though, is just because you've invested in the panels that you have, it might not be cost efficient, even if the technology changes, to swap out, even if you could double the amount of panels come 10 years from now, it might not be financially worth it to do that, especially because you, like you said, you wouldn't, there's no tax incentive potentially to do that. I mean, again, I appreciate where she's coming from, but the only real potential impact on the neighbors would be construction related, right, if you were to swap out panels.

Mr. Vandenbroek: Right. And just, for 14 years now, I've been working in solar, and I've never once had a project that we've gone and repowered so. To date, I haven't seen... all the changes we see in solar panel technology, specifically, like the solar panels is super incremental. It's just minor each year, incremental improvements. We never see anything that's like exponential, kind of like when you think about computing, and all the cloud computing that you all have seen, and how the processing has been more exponential improvements versus incremental. For solar, we're kind of an old technology. We use the same technology from Bell Labs that was invented in the '60s. So we're just, they're just getting better at making it more efficient in the manufacturing process and the sourcing of the material, but we're still kind of a boring poly silicon solar panel.

Mr. Shaffer: Thank you. Did we talk about decommissioning yet?

Mr. Apicella: No.

Mr. Shaffer: Okay. Decommissioning, we've, an engineer has determined a decommissioning plan, and as a part of our conditions of approval, and in adherence to the code, we're providing a security bond that ensures that once the operational life of the project comes to a close, that there is the financial means of doing a full and complete removal of the equipment... well, complete and safe removal of the equipment and a rehabilitation of the site to pre-construction conditions. This bond just because we, we know that things change over time, there's inflation and new technologies and recycling and so forth, that the bond actually will be updated every five years to reflect the latest and greatest with respect to recovery costs and so forth. Now this is the last portion of my presentation. I appreciate your time and attention. We are requesting that the eastern portion of our project's buffer be eliminated. And if I may maybe clarify, I do not believe that this is a waiver to the requirements. The code itself, subsection 10,

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within the special regulations for solar, provides the means, the criteria in making this determination. And so it's not necessarily a waiver. It's actually written into the code that if you follow these two conditions, which are adjacent, your, the project is adjacent to property under active agricultural use, and two, that the viewshed analysis, there's a viewshed analysis that confirms no visual impact to residents or public right-of-way. And so looking at this east boundary, this is really, actually the water line provides a nice sort of landmark here to talk about this, because that does represent the boundary line between our project site on the west and the adjacent property to the east. And even from this aerial, which is from November 2024 you can see that there's continuity between the two sites with respect to agricultural uses. Back last May, there were, well, maybe, I guess, mid-April, you can see that corn was planted. This is an image from, from last May showing the, the initial sprouts of corn. And this is from, this is a view from the, from Enon Road looking towards our site, but just over the horizon, just over that black line in the middle of the, of the picture is the adjacent site, and you can see that the cover is the same. It's corn. And just to be sure, today I walked out to the water line easement, and confirmed indeed, last fall they harvested corn as they did on our project site, and are preparing for another season in 2025, So there is an active agricultural use, that was the first criteria. The second criteria is, would there be adverse impacts or any, you know, would there be adverse impacts to residents or public right-of-way? And I really think that Enon Road to the north is the only viable potential for impact onto this eastern side. And so I've marked these, these lines to show, I'll show in the next slide the pictures from these lines. But you can see that they both travel through this wetland area with trees that, I mean, are there certainly taller than 50 feet, upwards of 60/70 feet, maybe, maybe taller. It is, it is a bit of a depression in that area. So we are looking at a, a bit of a valley in that area. But the tree canopy, the robustness and maturity of this canopy is, as you'll see, fairly substantial in blocking the view. So these are on the ground from those two locations looking southeast towards our site. In the foreground is basically land that's not really being maintained at the moment, so we can't necessarily expect that there will always be vegetation here, but certainly, as you look, you know, further south, southeast or southwest, that wetland area and the mature trees on that area provide substantial buffer. And so it's worth pointing out that these locations are about between a quarter mile and a third of a mile from our panels. And so we're dealing with not only the buffer of these trees, but the great distances in which a panel would be fairly de minimis in the view from those areas. So to wrap up...

Mr. Apicella: So, I'm going to...

Mr. Shaffer: Yeah. Okay.

Mr. Apicella: Could you start with the area, the one before that? Oh, I'm sorry. One more. Where you show the line. My count is off. You showed the original line of where you wanted to...

Mr. Shaffer: Oh, these, these lines.

Mr. Apicella: No, keep, keep scrolling back. That line right there.

Mr. Shaffer: Okay. Yes sir.

Mr. Apicella: Okay, so to the bottom of the screen, off to the right, my right hand side, you don't own that parcel, right?

Mr. Shaffer: Correct.

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Mr. Apicella: And I don't know how big that parcel are, is or if there's a number of parcels that make up that, the from the north to the south, or whatever direction it is. We don't know what's going to happen 10/15/20 years from now with those, that adjoining parcel or parcels, right?

Mr. Shaffer: Right.

Mr. Apicella: The second thing I'd want to point out, and Ms. Lucian could correct me if I'm wrong, and it may be semantics, the Board can, in my opinion, waive the requirement for buffers if these criteria are met, but that's a discretion of the Board.

Mr. Shaffer: Correct.

Mr. Apicella: So it's not an entitlement, right? So if those criteria are met it doesn't mean you automatically get to avoid the buffer area.

Mr. Shaffer: I mean, yeah.

Mr. Apicella: No, I'm pretty sure that's the case.

Mr. Shaffer: Right. Yeah, it gives the discretion to the Board to eliminate a buffer subject to these two criteria.

Mr. Apicella: Right. But even if those criteria are met, the Board can choose whether or not it wants to waive that requirement. I just want to make sure we're on the same page here. I see where you're going, but I'm not, I'm going to respectfully disagree...

Mr. Shaffer: Okay.

Mr. Apicella: ... that that's an automatic you get it because of those criteria met.

Mr. Shaffer: Certainly yes sir.

Mr. Apicella: Am I, am I correct or not, Ms. Lucian?

Ms. Lucian: That's the way I read that code section.

Mr. Apicella: Okay.

Ms. Lucian: It says must be approved.

Mr. Apicella: Ms. Barnes has a question.

Ms. Barnes: So if that's the case, then when we recommend approval or denial tonight, whichever way we go, does it include the 50-foot buffer, or does it not include the 50-foot buffer as on the east side?

Mr. Shaffer: As it stands, the staff report before you and the GDP includes the 50-foot buffer.

Ms. Barnes: So, if we, if we recommend approval, we're recommending approval with that 50-foot buffer.

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Mr. Shaffer: Yes ma'am.

Ms. Barnes: Okay, thank you.

Mr. Shelton: Mr. Chairman, I have a question.

Mr. Apicella: Go ahead, Mr. Shelton.

Mr. Shelton: You mentioned the Dominion Power that you've got approved of them. Do you have a line load limit authorization from them already in place?

Mr. Shaffer: We do have an interconnection agreement that permits us to provide three megawatts of power to the distribution network.

Mr. Shelton: Okay. For the benefit of those sitting in the office, talk about the 600 family housing units that could see a reduced electricity because you haven't mentioned that.

Mr. Shaffer: Oh, appreciate you giving me the space to bring that up. I mean, the design of this, I guess the business model you could say, is community solar, and it's part of the, it will be part of the Virginia Shared Solar Program, which will allow folks who are Dominion customers to become subscribers to this project. And so they almost become, in a sense, shareholders in the, in the sense that they, they share in the generation of this project. And what they'll get in return are credits on their monthly bill that will be, you know, at least 10% in savings. And those will automatically be credited to their bill. There's no, no need for other bills or other, I'll use this phrase again, rigmarole. It's all kind of in one. So yes, if you are a Dominion, Dominion customer and you, you qualify as a low income household or moderate income at least 51% of... I'm sorry?

Mr. Vandenbroek: This, this program has been in existence since 2020, in the Commonwealth. And so I, actually there's another 22 states that have Community Solar. So if you decide to put, as a homeowner do solar, you can either put it on your roof, or you can subscribe, almost like Netflix, to a project, except you get bill savings. So for myself in DC, I have that so I just subscribe to a community solar project that's, you know, a mile from my house. I get a guaranteed 10% discount that shows up on my Pepco bill. Pepco is our Dominion, and ultimately I get a 10% savings every month on my electric bill. So that's what this program in this project is allocated for. So it's not just the power is not for Dominion. It's not for commercial business. It's specifically for residents. And we have the ability to, to create a sign up list and market to Stafford residents, which is one of the beautiful things about it. And hope to be able to tap the community based organizations that we've done substantial amount of volunteering and grant work with, to be able to make sure that those who are most in need, i.e., the people who are working with SERVE and Stafford Junction to get the word out, because it's essentially one free electric bill a month when you think 10% over 12 months.

Ms. Barnes: Just, just to clarify, this isn't a completely philanthropic type of endeavor, correct? You're not a 501(3)c; this is an actual business model.

Mr. Vandenbroek: Oh, absolutely.

Ms. Barnes: Okay, thank you.

Mr. Vandenbroek: Strictly business.

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Mr. Apicella: Ms. Evans. And we like business.

Ms. Evans: Yes, well, being that you're strictly business, so I live off of Truslow Road, and so from what you're saying is that I literally can, I guess, based off my family income, I literally can tap into this and 10% of my utility bill will be reduced? Is that what you're saying? Only because I'm like, well, if that's the case, I see. But a lot of people don't know about this who lives off of Truslow Road. I live further down and where there's a big community called South Gate, and so they already have solar panels on their homes. So now that there's a possibility that a big solar farm is coming, like, you know, the citizens don't know.

Mr. Vandenbroek: Indeed.

Ms. Evans: So I guess what, that was one of the questions is, like, who's going to be benefiting off of this?

Mr. Apicella: Who does the reach out? Does Dominion reach out to customers? Or you all do?

Mr. Vandenbroek: No, we do, we do. Typically, historically, a lot of companies in our shoes will partner with a company that's 100% focused on customer acquisition. So marketing, whether digitally or print, to invite people to sign up to the project, usually scan a QR code, establish their account information, similar to what I did on my project. We've been thinking a lot about our portfolio projects, because we've got about a dozen under development, and all of these projects have community impact work that we've been doing over the years as we go through the development process. And we know that the community based organizations that have participated in our grant program are the people that are trusted by communities who are in need to do these projects. If they just say call Justin with the long hair, they're gonna be like, I don't know who Justin is, right. So it's ultimately coming down to the community based organizations that you have trust and relationship with to ultimately spread the word on that. And you know, for example, in South Hill, Virginia, we're working with Economic Development there to ensure that the Utility Bill Assistance Programs that they have in their office to support those in need, that they're having a pamphlet at the county office or the town office right next to the Utility Bill Assistance Program so folks know, okay, we can sign up for it. This project wouldn't come online till likely early 2027, I would say, best case scenario for construction and regulatory approvals and all that jazz. But under the most recent program, it's 51% to low moderate income, 49% non low moderate income residents. So it's kind of, historically it was 100% low moderate income. Honestly, this new program is, is probably a lot better because it's more inclusive of anyone and everyone who wants to sign up to the program. You just have to be a Dominion Energy customer.

Ms. Evans: Okay.

Mr. Vandenbroek: And we're committed to, you know, if the County and Community Development are the right inner-agencies within the County, we wanted to collaborate to get the word out, create a sign up list. We have all the capability to facilitate that.

Ms. Evans: And just one more question. Did or do you know if there was a survey done regarding the median income in that area?

Mr. Vandenbroek: No individual survey has been done on that. I mean, we've talked to Stafford Junction about, you know, Stafford Junction's right next to us, and they predominantly serve low moderate income residents of the county. And so we've talked to them a lot about, okay, well, where are the youth

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and the parents who are coming for your services? Where, what neighborhoods are they coming from? What housing developments are they coming from? And so we've talked to them a lot about, ultimately, leveraging, again, the community based organization do the right reach out or outreach. But no, we haven't commissioned any sort of independent studies. I'm sure you could just grab census tracts and just pull median income by census tract.

Ms. Evans: Yeah, I think you guys should.

Mr. Vandebroek: Mm-hmm, okay. Note taken.

Mr. Apicella: So I think you're close to your conclusion.

Mr. Shaffer: I think I'm... yeah, I think I'm there. Let's see. So in conclusion, our project aligns with the Comprehensive Plan as well as the code requirements, preserves rural character while generating local energy, provides significant economic benefit with minimal impact, and we humbly request your approval this evening.

Mr. Apicella: All right. Thank you very much. Any further questions for the applicant? All right, thank you very much.

Mr. Shelton: I have one question.

Mr. Apicella: I'm sorry. Go ahead, Mr. Shelton.

Mr. Shelton: This, this east end barrier. Is that a game changer?

Mr. Shaffer: Well, it's, we think it's important, you know. In thinking about the agricultural use of that land, the buffer, in some sense, is incongruent with the operation of that area. It's casting shade onto the farmland. It's adding pressure for weeds and other noxious, you know, sort of putting pressure on, on the field. It's been, you know, frankly, it's been difficult to source, you know, native plant material in the Commonwealth, and so it certainly would go a long way to support the viability of the project.

Mr. Shelton: My concern is, as a native Staffordian, and this is an agricultural community, agricultural products change on a yearly basis because of the input of the different product and putting nitrogen back in the soil, etc, etc. So this year we have corn. Next year we have rye. Third year we may have grass. And I think the site view is going to be impeded if it's that the year of just plain grass.

Mr. Apicella: And you have nothing after it's been harvested for a while, right? Did you have another question, Ms. Barnes? Okay. Anyone else? All right, thank you again.

Mr. Shaffer: If I may just clarify. I mean, we think that without, regardless of the crop production, that there are no public right-of-way or residential viewsheds into that area.

Mr. Apicella: Today. There could be a housing development on that parcel 10 years from now. We have no idea what's going to happen with that parcel. So I appreciate where you're coming from. And this project is going to be 30 to 40 years from now.

Mr. Shaffer: Correct.

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Mr. Apicella: So who knows what the future holds. So my personal feeling is, I'm a little, I appreciate what you're trying to do. I'm a little resistant to it because we don't know what the future holds.

Ms. Romaine: Just one other quick note on that. The total buffer cost, a large reason is for the the capital investment to the project as well, to get some a little bit of sense of relief knowing that that is currently, at this time, and expected, you know, to be agricultural. I mean, it's going to be about 50,000 to \$100, \$100,000 of cost reduction to eliminate that eastern buffer. I mean, quoted at \$400,000 of landscape buffer. So you know, if we could get that sense of relief, that would be incredibly helpful to the cost.

Ms. Barnes: And you may not know, I mean, because you don't live in Stafford. But yet, what it is today may not, but tomorrow morning that could change. I mean, Stafford is really changing. So to me...

Ms. Romaine: Yes.

Mr. Shelton: With all due respect, we received this last Friday, and the buffer was there, so.

Mr. Apicella: No, actually, we received it yesterday.

Mr. Shelton: I mean, last week's data had the buffer in it.

Mr. Apicella: Yeah.

Mr. Shelton: Today, change of plan.

Mr. Apicella: Okay. I'm gonna just kind of did a move on.

Mr. Vandenbroek: One last point, if I may. I know ultimately, the decision tonight, the Board of Supervisors can have that conversation as well and piggyback off of y'all and give them more time to think about that. I would say the other aspect is, just from our work around, around the Commonwealth, sourcing 6-foot trees is pretty darn expensive. I'm sure if you all buy trees for your house, you're typically grabbing like a 4-foot tree, not 6-foot. And so between transportation, ultimately uprooting a 6-foot tree and replanting it, the survival rate tends to decrease at that height. So that's another consideration of ours that we're just sensitive about uprooting and planting 6-foot trees and the capital investments required. If we know that, for anything to even occur on that property and the former cemetery and all the drama and all the stuff that's associated with that. Because, I mean, we've been working in Stafford. We're not from here, but we've been working here for five years. So we got a little bit of the tea of what's going on in this town, especially on that side of the area. And so, you know, even if we were to consider like, a smaller height at the time of planting, knowing that, hey, these trees got one to two foot growth rate every, every year, I doubt there's going to be a house there next year. Given more time for that buffer to come up, could also be a valuable relief to us, because it is pretty darn expensive for... we're going to spend more money on trees than we are on, on the inverters on the project.

Mr. Apicella: Thank you. All right, no further questions for the applicant. I'm gonna move on to the public hearing on this matter. Anyone who wishes to can come forward and speak. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. Red means your time is up. So please come forward if you'd like to speak.

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Ms. Hanson: Good evening. Mary, Falmouth District. I'm disappointed that I am here tonight to once again discuss the solar project that has already been previously denied by the County. As a resident who will be impacted by this project, I still object to it, regardless of any recent changes. I have detailed my objections at previous meetings and hearings, so I will refrain from citing them again. I will, however, point out that there is a new administration in the White House who does not appear to support green energy. So why are we pursuing this when rules and regulations are changing? Why are we willing to use any valuable farmland for a solar farm, when this company could install the panels on the rooftops of commercial buildings? North Stafford High School is a great example of rooftop installation, and there are plenty of commercial buildings in the County that would be suitable for a project such as this. As a Dominion Power shareholder, I would like to know how you can guarantee that the majority of power that will be generated from this particular project will go directly to low income houses. I believe you indicated 51%. There is already a large solar farm being installed just a few miles from this location. When is enough enough? Why are you saturating this particular area? One project approval does not justify the approval of another, as each project is different. Unlike the other project, this one will still be highly visible even with the proposed vegetation. We do not want to be surrounded by solar farms. Would you? A smart city would use its resources, including land, wisely, as there is no going back once you start installing solar farms. I would like us to leave a legacy to future generations, a legacy of fresh produce grown locally on untainted land, generation after generation. Thank you.

Mr. Apicella: Thank you. Anyone else?

Mr. Peck: Hi, Howard Peck. I'm about four properties down Truslow from the corner of Enon. I had a couple of questions. A couple things are between where I am now, and I've only lived here 30 years, Mr. Shelton, so I haven't seen as much as you have. But in the last 10 years, the area between Poplar Road and Truslow is getting a new high school. It's getting several large communities, large housing developments on the north side of Truslow. This use of this property, the solar panels are going to be there for about 35 years. I have, if you asked me 15 years ago what I thought Truslow Road would look like when it was one lane with no center line in front of my house, I would not have dreamed what's out there. So I cannot even dream of what's going to be happening on the property around this. I certainly hope that you keep the 50-foot buffer, because we just, we just don't know. Thirty years seems like a long time, but development in this area is just exploding. I worry about a 12-acre gravel parking lot, which is basically what this is going to be, and what that's going to do to the environment. And anything that goes into the ground, goes into the wetlands and goes into the springs and the water there. So while I'm not against growth, I just don't think holding this land for a solar panel farm for 30 years is the best use. Thank you.

Mr. Apicella: Thank you, sir.

Mr. Davin: Honorable Commissioners. My name is Ed Davin. My wife, Mary, and I live within the Falmouth District. I'm here tonight to express our support for this application, and I'd like to emphasize that if the Board is, if the Commission recommends it to the Board of Supervisors for approval, and the Board of Supervisors approves this application, Mary and I and our many neighbors in our development will be very, very nearby neighbors of this solar development, as you can easily see on your map. The density of the people around this site is just across Truslow Road. I'd like to express our gratitude for many related aspects of this application. We're grateful for the advice that the Commission and its staff has provided to the Board of Supervisors about access to land for data centers as well as access to water for data centers. We're also grateful that the Commission and its staff recommended the initial application of this project to the Board of Supervisors for approval. Although the Board of Supervisors saw fit to decline the application at that point, we're very grateful that ESA requested early

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reconsideration of this project and that the Board of Supervisors reversed its initial vote on the application by approving early reconsideration of this application. We're especially grateful for the work undertaken by ESA in partnership with the Commission staff to refine the initial application into the improved product that now comes before you for your consideration. We believe that the merits of this project speak for itself, including preserving this rural land for more intensive commercial or industrial development and diverting 51% of the electricity generated to reduce the monthly electric bills for some low and moderate income households in Stafford. We recognize that county governments don't regulate power companies and can't make a major contribution to our nation's demand for electricity. However, at a time when local, state, national, and worldwide demand for electricity is increasing sharply, this County can establish an important precedent by approving this tiny solar facility as a very small step in a positive direction. I'm not ashamed to raise this book and say the co-editors of this book, all we can change, truth, courage and solutions for the climate crisis, close this book with these words. It is a magnificent thing to be alive in a moment that matters so much. Let's proceed with broken open hearts, seeking truth, summoning courage, and focused on solutions. My wife, Mary, and I hope that you will lend your support to that ongoing and very worthy enterprise. And Mary and I want to thank you for your service to our County.

Mr. Apicella: Thank you, sir. Anyone else?

Mr. O'Quinn: Thank you guys. Mark O'Quinn, speaking for my mother, because she can't come out tonight. She's definitely against the project. She said, if you really want to see green and something productive over there, have Mr. Jones that owns the land plant fruit trees and put honey bees and stuff out there so the community could have something to buy and so forth. As a person that worked in the marina business for a long time, and they have to clean these panels periodically. Your car sits outside and it gets dirty and the rain doesn't clean it. And I know as the marina business, that when I used to wash the bottom of the boat, I had to take a lot of precautions, because what come off the bottom of that boat come out of that river was not allowed to go back in that river. So I think there's a lot more that needs to be looked at in the environmental specs of that land over here has a lot of wetlands, natural springs, feeds a lot of ponds, which there's fish and everybody and people enjoy that. And I think there's a lot more to it than meets the eye, and we need to look deep into this before we consider letting them have this project. Thank you.

Mr. Apicella: Thank you, sir. Anyone else?

Ms. Maxson: Kristen Maxson. I do agree that the building is, is getting quite large and fast, and so I, I am, have witnessed that. November 30, 2022, the phase first environmental site assessment was done, and this is on with the Jones division. The headwater project number 202145(a)2 if that helps people understand the environmental approach. It is 98 pages. The buffer extraction points to an LLC owner, and I don't have opinion on that, but I know that a lot of requests are actually taking the buffer away. And so if that's the case, there's less buffers and vegetation as an impact. The new design shows 90 degree change to the solar panel positions, and that was sort of interesting to me. And the, currently the panels are facing south, so that makes sense. And I was just wondering, does the design reflect true study, or an example of a study like a generic tree shrub? So, because 90 degree change is quite big. So one of the Virginia's largest solar study is in Buckingham County, and it lists the impacts concerning that area, written on February 18, 2024. The three top concerns were the chemical fallout to rivers and I guess there's studies that you know can support that. And, and then the second issue is a chemical fire risk, so maybe there's ways to plan for that. And the third is a financial liability on the taxpayers. And I don't really have much information on that. You know, it's time, you know, hindsight, we don't know. But in 2020 the Virginia Assembly passed the Clean Economic Act. It requires just under two-thirds of

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the state's electricity to come to be solar or wind by the end of 2035. Virginia is not a really heavy sunbelt area, and so I don't know if we can actually...

Mr. Apicella: Thank you very much. Appreciate it.

Ms. Maxson: ... cover that percent.

Mr. Apicella: All right, last call for public comments. All right, seeing none, I'm going to close the public comment period and ask the applicant if they have any further comments. All right. Seeing none, Mr. Shelton, I'm going to bring this back to the Commission for further consideration. Mr. Shelton, this is in your area; how would you like to proceed?

Mr. Shelton: Mr. Chairman, I'd like to recommend approval of CUP24155766 and Resolution 25-44 for the Enon Road Solar Farm.

Mr. Apicella: All right, thank you, Mr. Shelton. Is there a second?

Mr. Bratton: Second.

Mr. Apicella: Thank you, Mr. Bratton. Any further comments, Mr. Shelton?

Mr. Shelton: No sir.

Mr. Apicella: Mr. Bratton?

Mr. Bratton: No.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: So I have a couple concerns regarding this project, and regardless of what we do tonight, recommending approval or denial, I hope that the Board of Supervisors, and sometimes they listen to this, take these things into consideration going forward. The preservation area. I know Commissioner Sellers has had some reservation about that and I do as well. I really wish there was a way that we could lock that in. In my own district when I first came on board the Planning Commission, there was a request for... there were proffer amendments, there was a large quarry in my district. Proffer amendments, a new CUP, basically they were redesigning the whole project. Part of that project in 1981 they said, no, we are never going to put anything on that. It's going to be preserved for perpetuity. Well, perpetuity apparently ended in 2021. And if there aren't people paying attention, then people aren't going to know what – you're laughing at me, I'm not trying to be funny – but it's... I just, I don't know what we can do. I don't know that the Board of Supervisors can come up with anything, but I just wish that there was something that we could do to make sure that that preservation area, that we don't have that creep that we see on a lot of projects. It's like, what is that? Is that saying that the frog in the, in the, in the boiling water, we pretty, we don't know what's happening to us until all of a sudden the water is boiling. And that's a huge concern for me. I don't know if the, since you're renting it, you don't own the, you don't own the land. You can't put it in a conservation easement because you don't own it. I don't know if the owner of that can take that in consideration, but to me, that's just a little too loose. Like I said, I don't know, that's, that's above my pay grade. I don't know what we can do, but I really wish that we could come up with something clever and ingenious to really lock that down. I have a concern with, I think it was condition number 7 that said something about the height limitations. I really wish

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that there was a strict height limitation in there. It says that they can be raised or lowered, depending on, I guess, the the terrain around it. Well, that, that tells me that there's really no height limitation. There's just, you know, I guess I don't know who makes that decision, but somebody's going to make that decision. And the third thing is, regardless of what we do here, I really think, and I understand that those buffers are a pain. You know, we love the buffers. The applicants never love the buffers. I know they're expensive, but we have to think about going forward what could be there. And in my opinion, when you, when you come into an agriculture area like this, and you basically take a postage stamp, which is basically, I mean, it's a small, it's a small solar farm, and turn it into an industrial area, that thing's got to be buffered big time. It should be completely insulated. So in my opinion, going forward, I hope the Board of Supervisors keeps that in mind and keeps that 50-foot buffer there. That's really important to me. And lastly, that presentation that you did, that was a really great, that was one of the better presentations with the angle from on top of the the silo and the direct... because for people who are directionally challenged, like me, and obviously Commissioner Sellers is directionally challenged as well, that really helped having that this, this is where you are, and this is where you're looking. So I just wanted to say that it's one of the better presentations I've seen.

Mr. Apicella: Ms. Sellers:

Ms. Sellers: I am directionally challenged. Usually I look for 95. So similar comments. I will not be supporting this, and it's a little different than last time. I like this project a lot better than the first time around, that the footprint is smaller, I do. But I think the difference this time, it comes down to, does it conform to the surrounding area? And I know we keep calling it an agricultural area. We have a brand new high school going in and an elementary school with a thousand students. That's two elementary schools for anybody keeping track, the size of two elementary schools here in Stafford County. So today it's agricultural. In 10 years, it's not going to be agricultural. It's going to be suburban, potentially urban there along Truslow Road. It is something that I am very concerned about. I've talked about it here at the Planning Commission. I talk about it in Richmond. There is not a single person who does not hear me talk about my concerns for Truslow Road. So I did like your presentation as well, seeing the silos, and I envisioned it, and thought, wow, that'd be a perfect place for two silos, right? Similar to what they have out in Prince William County. And so, you know, maybe we could do something there, and hide those solar panels and do something, but until I can kind of envision it and see how we make it really capture that this is going to be an urban-ish area probably in the next 10 years, I just can't support it at this point in time, because I would not want to be one of these neighbors moving in there. And again, we have a high school with 2,100 students going in. We have an elementary school with 1,000 students. This is not going to be agriculture on 10 years. So anybody who lives there, I just want you to know, here you go. Here's your warning. It's about to grow in that area because people are going to move into that district for a brand new high school. So, so I will not be supporting it this time.

Mr. Apicella: Anyone else? All right, I'm just going to chime in myself. I supported this project the last time it was in front of us. I think there were some very thoughtful changes since the last go round, and I appreciate those changes. We did receive comments from at least some of the neighbors who support, who support this project. I think at the end of the day, it will be a worthwhile endeavor, especially given the changes in terms of smaller scale and scope to pretty much accomplish almost everything that you wanted to in terms of the capacity that you were going to provide previously, but on again a smaller scale. So I thank you for what you did, and I will be supporting this CUP. That said, on the motion recommending approval of the conditional use permit for the Enon Road Solar Farm, please cast your vote.

Ms. Barnes: Dexter?

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Mr. Apicella: Okay, I'm not gonna, I'm not gonna know who that is, so is there a way to fix that quickly? Who's got the Dexter...?

Ms. Barnes: Al Bain is here? Wow, flashback.

Ms. Evans: I'm gonna say, did they all vote?

Mr. Apicella: Okay, so we've, we've only got five votes.

Mr. Zuraf: Mr. Chairman?

Mr. Apicella: All right, I can do that. We have that technology. I'm gonna, I'm gonna go around the dias here. So, Mr. Bratton, how do you vote?

Mr. Bratton: Yes.

Mr. Apicella: Mr. Shelton.

Mr. Shelton: Yes.

Mr. Apicella: Ms. Barnes.

Ms. Barnes: No.

Mr. Apicella: Ms. Caudill.

Ms. Caudill: No.

Mr. Apicella: Ms. Evans.

Ms. Evans: I support.

Mr. Apicella: Ms. Sellers?

Ms. Sellers: No.

Mr. Apicella: I support it. So I think the count is 4-3, the motion carries. Congratulations. Okay, appreciate everybody's input and moving forward with the rest of the agenda, we have no Unfinished Business. New Business.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

2. Discuss the County's requirements related to tobacco and vape shops and develop an Ordinance to amend the Zoning Ordinance regarding the same.
Referral from Board of Supervisors R24-351

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Mr. Zuraf: Yes, Mr. Chairman for item 2, I'd like to introduce you to our new Zoning Administrator, Juan Bernal, who will be presenting item 2.

Mr. Bernal: Good evening, Mr. Chairman, members of the board, members of the Commission. I am Juan Bernal. I am part of the Planning and Zoning team. Yes, ma'am. I'm here to present item number 2 on your agenda regarding tobacco and vape shops that are as a permitted use within the County. Let me go back to the packet real quick. Going back to the background, a while back around October of '23, the Board of Supervisors discussed issues and concerns associated with tobacco and vape shops. These concerns dealt with the proliferation, frequency, and location of these retail uses and their potential accessibility to students and minors within the community. On November 7th this past year, 2024, the Board passed a resolution, R24-351 requesting that the Planning Commission to develop an ordinance that would amend the current zoning ordinance and establish regulations to specific, specifically to tobacco and vape shops. Staff was requested to do the research, make the recommendations regarding the placement of the allowable locations for such of these retail uses. The purpose of today's presentation is to review staff's recommendations and for you to consider the development of the zoning regulations as well as appropriate definitions and special regulations for this particular use in order to draft the requested ordinance. Per today's zoning requirements, these tobacco and vape shops are considered low intensity commercial retail facilities and are permitted by-right within several commercial zoning districts and a few of the mixed-use planned development zoning districts without any restrictions or performance regulations. And as you can see, the list of the zoning districts that are there, they're permitted. So per our research, these are approximately, there are approximately 25 existing tobacco and vape shops within the county. Most of these are located along Garrisonville Road and Warrenton Road corridors. The majority of these existing retail uses are located in close proximity to child care centers as well as schools. Staff has reviewed the regulations from several surrounding localities, of which all classify this type of use as a retail use. Of the seven localities that we researched, only three have adopted regulations specific to tobacco and vape shops. We managed to obtain a copy of the Chesterfield County ordinance, and it's located within your packet for viewing if you wanted to look at it. It's marked in your packet as Attachment 5. As part of the research, we've included the state's Industrial Hemp Program, which permits the sale of hemp and CBD products within these tobacco and vape shops with certain limitations that are enforced by the state. Based on what we're looking at, we are proposing four new definitions for your consideration: the tobacco vape shop, tobacco products, tobacco products and tobacco and vape paraphernalia. As a tobacco and vape shop, we're looking at it as a retail facility within the principal activity that is related to the sale of tobacco products, vape products, and other related paraphernalia. For tobacco products, products made of tobacco, to include cigarettes, cigars, pipes, pipe tobacco, excuse me, and smokeless tobacco. As vape products, they are considered non-combustible products that contain nicotine or vaping fluid that employs a heat element, power source, or other electronic, chemical, or mechanical means to produce the vapor for the solution or other means. And lastly, tobacco and vape paraphernalia, any pipe, vaporizer, e-cigarette fluid, tobacco, rolling paper, or other associated accessories. We are also proposing special regulations that would require distances or setbacks for these particular uses. We were looking at a minimum of 1,000 feet for a child care center, from a child care center, public or private parochial school, and that measurement would be made from the closest point of the building that occupies the tobacco and vape shop to the closest proximity or property line of the child care center or public or private parochial school. We're also recommending that tobacco and vape shops uses shall not be located within 1,000 feet of each other/ And we also, as proposed, the way we're looking at it, these regulations would exempt the already existing vape shops that have been approved, have already obtained zoning approval, and as well as stores that sell tobacco or vape products in addition to their primary products. The proposed regulations are in compliance with the existing State Code of 15.2-912.4, which regulates the regulations of tobacco, nicotine, and hemp products retail sale locations, which allows the locality to regulate the location of

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these types of retail uses and may prohibit a similar retail sale location on a property within 1,000 feet of any daycare center, public or private parochial school. So per staff recommendations, we're recommending that these types of retail uses be located in only two districts, the B-1 zoning district with a conditional use permit, and within the B-2 zoning district as a by-right use with both of these districts requiring these special regulations of the distances from each other, the distance from the school, as well as not located within distances of the requirements for the adjacent uses. Therefore, staff recommends utilizing these guidelines and definitions as a means to develop a proposed ordinance amendment as requested per resolution R24-351. And if I could answer any questions, I'd be happy to do so.

Mr. Apicella: Question for Mr. Bernal? Ms. Barnes?

Ms. Barnes: There was a requirement there that said not within 1,000 feet of another shop. That's kind of, I've not seen that. Do we have that? Is that something that's new?

Mr. Zuraf: I'm not, I'm not certain if we have that for other uses, but that is something that we're proposing, you know, just to basically limit the proliferation of that use across an area.

Ms. Barnes: Okay. That was, that was just new to me. I hadn't seen that one before, so I...

Mr. Bernal: If I may, I'll go back to my Prince William days. We did have a requirement distance for adult shops. For example, they had to be a certain distance from schools, churches, and that type of thing.

Ms. Barnes: I've seen that but I was just saying that you can't be within 1,000 feet of another vape shop. So you can't, so each vape shop has to be 1,000 feet. 1,000 feet apart I guess. How many vape shops do we have? It looks like we've got about 24/25?

Mr. Bernal: Twenty-five that we've... it's on the list in the packet. That what we were able to find.

Ms. Barnes: It seems like we have like 200. Okay.

Mr. Apicella: Other questions? Ms. Evans?

Ms. Evans: Yeah, I was going to say with the 25, do you know the current, like, how far are they're apart now?

Mr. Bernal: No, we didn't look into that.

Ms. Evans: You didn't? Okay.

Mr. Bernal: We just looked at where they're located, that they are located.

Mr. Apicella: Other questions? All right, so I see that we don't have a time limit on this, but we do need to come up with some proposed ordinances, ordinance or ordinances, and get it to the Board for their consideration before we schedule a public hearing. Is that correct?

Mr. Bernal: Correct, yes, sir.

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Mr. Apicella: Okay, so what I'd like to do is to create a subcommittee to work with you, Mr. Bernal and the rest of our staff. And on that subcommittee, I'd like to ask Ms. Evans, Mr. Bratton, and lastly, Ms. Sellers to serve as Chairman. Ms. Sellers, if you would work with staff and your colleagues to set up some meetings, and let's see where we can get to – this is not a hard deadline, but see where we can get to by the second meeting in April. Does that work? Does that work Mr. Bernal?

Mr. Bernal: Oh, yes, sir.

Mr. Apicella: Okay, great. Awesome. Anything else on this topic? All right, thank you very much.

Mr. Bernal: Thank you all very much. Have a great evening.

Mr. Apicella: You too, sir.

Mr. Bernal: Thank you. I feel it's a very pleasure, I feel privileged. Thank you very much.

Mr. Apicella: All right, next item of New Business is the Potomac Creek Industrial Lot 4 time extension.

3. Application Time Extension – RC24155575; Zoning Reclassification – Potomac Creek Industrial Lot 4 – A request for a time extension pursuant to Stafford County Code Sec. 28-162, “Review and requirements.”

Mr. Zuraf: Yes, Mr. Chairman, I'll cover this item. So, yeah, this item is to consider a time limit extension of the zoning reclassification application. It's a project titled Potomac Creek Industrial Lot 4. Just for some background, a zoning reclassification application that might still be pending beyond 12 months from the date of submittal. The complete application may only be extended by written requests of the applicant, subject to approval by the body currently considering the application. Since the Planning Commission will be the first to consider this application, such extension request may be granted only by the, by the Planning Commission. This application was filed on March 29th of 2024 for the zoning reclassification from the M-1 district to the B-2 zoning district on approximately one and a half acres in the Falmouth District. The applicant has been actively addressing staff comments in pursuit of approval of the subject zoning reclassification and, and I will note that the application is likely to be scheduled for a public hearing with the Planning Commission on April 9th. But even regarding... regardless of that, the 12-month time limit of March 29, 2025, would still pass before it could be considered by the, by the Board of Supervisors. So the applicant has requested that the time limit be extended an additional six months to September 29, 2025, and Resolution PCR25-05 would extend that time limit to the requested date.

Mr. Apicella: Thank you. Any questions? Mr. Shelton?

Mr. Shelton: Motion to extend.

Mr. Apicella: Thank you.

Ms. Sellers: Second.

Mr. Apicella: All right, a motion made by Mr. Shelton, seconded by Ms. Sellers. Any comments, Mr. Shelton? Ms. Sellers? All right, just gonna do this by a voice vote. All those in favor of the time extension, please say aye.

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All Commissioners: Aye.

Mr. Apicella: Opposed? That motion carries unanimously. Thank you everybody. Planning Director's Report.

PLANNING DIRECTOR'S REPORT

4. Project Pipeline Report (For Information Only)

Mr. Zuraf: Okay, yeah, so you've received the latest Planning Commission kind of upcoming public hearing item schedule. You'll note that we don't have any, any public hearing scheduled for the next meeting on March 12th, but there are several, there are items teed up for future meetings.

Mr. Apicella: Does that mean we can potentially cancel that meeting, Mr. Zuraf?

Mr. Zuraf: I guess the potential... you do have another item that I'm going to mention that was referred to you, another ordinance, so...

Mr. Apicella: I think I already have a plan for that, so.

Mr. Zuraf: There's no other items.

Mr. Apicella: Yes, so is there a motion to cancel the March 12th...?

Ms. Barnes: So moved.

Ms. Evans: Second.

Mr. Apicella: Okay, all those in favor of canceling the March 12 meeting, please say aye.

All Commissioners: Aye.

Mr. Apicella: Opposed? That motion carries unanimously.

Ms. Stinnette: Who did the motion?

Ms. Barnes: Me.

Mr. Apicella: Ms. Barnes.

Mr. Zuraf: Ms. Barnes.

Ms. Stinnette: And who seconded?

Ms. Evans: I second and then someone else seconded.

Mr. Apicella: Ms. Evans seconded.

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5. Board of Supervisors Resolution R25-48, referring to the Planning Commission proposed Ordinance O25-07, to amend Stafford County Code to modify regulations for campgrounds, for consideration and public hearing. **(Time Limit: April 19, 2025)**
(Authorize for Public Hearing by: March 12, 2025)
(Potential Public Hearing Date: April 9, 2025)

Mr. Zuraf: Okay, the next thing on the Planning Director's Report, under item 5, at the Board's last meeting they did refer an ordinance amendment to the Planning Commission. And this one they did refer, it's referring to modifying regulations regarding campgrounds. This referral provided specific ordinance language to the, to the Planning Commission, and does request that the Planning Commission move forward with consideration of the ordinance and holding a public hearing. The Commission does have the ability to make adjustments to the ordinance, and you'll see it mentions the Commission will have 100 days to, to consider this and make a recommendation.

Mr. Apicella: Any questions for Mr. Zuraf? All right, seeing none. What I'd like to do on this one as well is to create a subcommittee with Mr. Shelton, Ms. Barnes, and Ms. Caudill as Chairman. We have until, to meet the deadline we have until April 23rd... when is the meeting? Is that April 23rd?

Mr. Zuraf: Yes.

Mr. Apicella: Okay, so let's see where we can get to prior to that date. Ms. Caudill, if you'll just work with your colleagues and staff to schedule as many meetings as you need to. All right, thank you for that one.

6. Board of Supervisors Resolution R25-43, referring to the Planning Commission proposed Ordinance O25-08, to amend Stafford County to modify how data centers are permitted, and authorizing a joint public hearing.
(Joint Public Hearing: March 18, 2025)

Mr. Zuraf: Thank you. Yes and then item 6, another referral from the Board. At their last meeting, resolution R25-43, and you received messages from me on this one, it is referring proposed Ordinance O25-08 which would be amending the Stafford County Code to modify how data centers are permitted. It basically would require data centers to be, require a conditional use permit in the M-2 zoning district. Currently they're permitted by-right in the M-2 zoning district. And they are basically requesting, and they authorized a joint public hearing that would be held on March 18th. I know I already polled several of the Planning Commissioners, and I think we we have enough people that said yes that they could be there for the March 18th joint public hearing so we would have a quorum.

Mr. Apicella: Do we need to take a motion on that? No? Okay. Mr. Zuraf, I think it would be help... I know we can't make any changes to the proposed ordinance, but I think it would be helpful to the Planning Commission, if not also the Board of Supervisors, if we got some additional information for that public hearing, not tonight, but teed up prior to or during that public hearing to give it, give us some context. So I'm gonna ask for a couple things. First of all, if we can get a list of the empty sites across the County that may be feasible to site a data center based on water, electricity, availability, the other considerations that we've come up with in terms of deciding where data centers might be appropriate or feasible. The second thing is the pros and cons of a CUP versus a rezoning for data centers. And Ms. Lucian, tell me if I'm out of line here from going too far, but we've, we've approved two data centers in the County based on rezonings. I think it would be helpful to know what we've gotten from those two data center rezonings in terms of proffers that we might not be able to translate as part of a CUP.

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Ms. Lucian: Staff may be able to do that in general terms.

Mr. Apicella: Okay.

Ms. Lucian: But I don't know that looking at those projects individually would be possible.

Mr. Apicella: Right, but just in, like you said, general terms, I think it would be helpful. Is that okay with everybody? Great. All right. Next item, Capital Projects Quarterly Report.

7. Capital Projects Quarterly Report (For Information Only)

Mr. Zuraf: Yes, one moment. Yeah, so you just received, for informational purposes, the capital Projects Summary Report. This is, was provided to the Board of Supervisors earlier this month, and so we've, we've been... when that happens, we provide this to the Planning Commission as well, as a courtesy.

Mr. Apicella: Thank you. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Goodevening, Planning Commission. I just wanted to say welcome to Mr. Bernal. We're all excited that he's here, and we look forward to working with him.

Mr. Apicella: Thank you. I have nothing under Chairman's Report. Other Business – looks like we have a couple of TRC meetings for the Hartwood District. And last item on the agenda is the approval of minutes. Is there a motion to approve the January 8, 2025, minutes?

COMMITTEE REPORTS

CHAIRMAN'S REPORT

OTHER BUSINESS

8. New TRC Submissions

- [25156160](#) - Tractor Supply Rt 17
 - A continuation of major site plan (23154862) for a tractor supply retail store with 22,321 sq feet with associated parking, outdoor display area and improvements to Lerose Drive located east of Warrenton Road between Cardinal Forest Drive and Lerose Drive, on TM # 44-64 and 44-65, zoned B-2, consisting of 3.83 acres, within the Hartwood Election District.
- [25156114](#) - Bensens Mill Est Ph 2A
 - A construction plan for 21 single-family detached dwellings located on the west side of Village Parkway, between Country Manor Drive and Berkeley Manor Drive, on TM # 43-70, zoned A-1, consisting of 78.82 acres, within the Hartwood Election District.

APPROVAL OF MINUTES

9. January 8, 2025 Planning Commission Meeting Minutes_DRAFT

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Ms. Sellers/Mr. Shelton: Motion to approve.

Mr. Apicella: All right, someone over here beat me, beat you. So I think it was Ms. Sellers, seconded by Mr. Shelton. All those in favor say aye.

All Commissioners: Aye.

Mr. Apicella: Opposed? That motion carries unanimously. We are hereby adjourned.

ADJOURNMENT

At 8:02 PM, Chairman Apicella adjourned the February 26, 2025, Stafford County Planning Commission meeting.