

## Spotsylvania County Planning Commission

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Holbert Building Board Room, 9104 Courthouse Road, Spotsylvania VA 22553

**MINUTES:** February 7, 2018

**Call to Order:** Mr. Newhouse called the meeting to order at 7:00 p.m.

**Members Present:**

Gregg Newhouse	Chancellor
Richard Thompson	Courtland
Michael Medina	Salem
Howard Smith	Livingston
Mary Lee Carter	Lee Hill
C. Travis Bullock	Battlefield
Jennifer Maddox	Berkeley

**Staff Present:**

Wanda Parrish, AICP, Director of Planning  
B. Leon Hughes, AICP, Assistant Director of Planning  
Paulette Mann, Planning Commission Secretary  
Alexandra Spaulding, Senior Assistant County Attorney  
Patrick White, Planner III  
Doug Morgan, Transportation Planner  
Gail Crooks, Director of Social Services  
Bonnie Jewell, Budget Manager  
Ed Petrovitch, Deputy County Administrator

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Mr. Newhouse took a moment to welcome new Commission member, Jennifer Maddox.

### Organization of the Commission

#### Election of Officers

##### Chairman

**Motion and vote:** Ms. Carter made a motion, seconded by Mr. Smith to nominate Mr. Newhouse as Chairman of the Commission for 2018. The motion passed unanimously by roll call vote.

##### Vice-Chairman

**Motion and vote:** Mr. Bullock made a motion, seconded by Mr. Thompson to nominate Ms. Carter as Vice-Chairman of the Commission for 2018. The motion passed unanimously by roll call vote.

#### Adoption of the 2018 Commission meeting schedule

Ms. Parrish advised that the draft meeting schedule was included in each of their packets. She informed the Commission that two planned meetings were on County holidays. As per the bylaws, the meetings would automatically fall to the next business day. She advised that they could meet on the next business day or cancel those meetings.

**Motion and vote:** Mr. Thompson made a motion, followed by Travis Bullock to cancel the two holiday meetings and adopt the rest of the calendar. The motion passed 7-0.

**Announcements:** Ms. Parrish advised of an upcoming Community Meeting. She also informed the commission that planning staff has received quite a few applications over the last few weeks and they are listed in their packets.

Finally, Ms. Parrish acknowledged Mr. Newhouse for serving as the Commission Chair and showed a plaque bearing his name for the Commission Chairman each year. The plaque hangs in the Board room.

Mr. Newhouse took a moment to thank the Commission for their confidence in him as Chairman.

#### **Review & Approval of minutes:**

**Motion and vote:** Ms. Carter made a motion, seconded by Mr. Smith to approve the minutes of December 6, 2017. The motion passed 7-0.

#### **Unfinished Business:**

#### **Public Hearing(s):**

*Mr. Newhouse reviewed the public hearing procedures and opened the public hearing.*

#### **Code Amendment:**

**CA18-0001 Spotsylvania County Board of Supervisors, Ordinance No. 23-175:** An amendment of Spotsylvania County Code Chapter 23, Zoning, Article 4, Development Review Procedures, to amend Sec. 23-4.2.1. Notice Requirements and Sec. 23-4.2.2. Public Hearings, as follows: Sec. 23-4.2.1.(b) and Sec. 23-4.2.2.(b) to change the six (6) day gap between the second newspaper advertisement for a public hearing and the public hearing date to five (5) days consistent with the Code of Virginia Sec. 15.2-2204; Sec. 23-4.2.1.(c) and (d) to make the mailed notice requirements of the first paragraph specific to the Board of Zoning Appeals for variances, appeals, or interpretations and to add a new paragraph specific to the Planning Commission for zoning map or proffered conditions or a special use and increasing the mailing notice for adjacent properties to those within 3,000 feet of the subject property; delete Sec. 23-4.2.1.(f) related to written notice by applicant and reletter the subsequent provisions as Sec. 23-4.2.1.(f), Sec. 23-4.2.1.(g), and Sec. 23-4.2.1.(h); change the relettered Sec. 23-4.2.1.(h) Cost of providing notice, to reference any notice required by the Code of Virginia Sec. 15.2-2204 as the basis for

any cost charged to the applicant; and edits related to punctuation, capitalization, internal consistency, and wording changes to enhance clarity to Sec. 23-4.2.1.(a) through (d), Sec. 23-4.2.1.(f) through (h), and Sec. 23-4.2.2.(a) and (b).

Ms. Parrish presented the case. She advised the Commission that on January 9, 2018, the Board of Supervisors authorized public hearings to consider an amendment of Spotsylvania County Code Chapter 23, Zoning, Article 4, Development Review Procedures, to amend Sec. 23-4.2.1. Notice Requirements and Sec. 23-4.2.2. Public Hearings, as follows:

- To change the six (6) day gap between the second newspaper advertisement for a public hearing and the public hearing date to five (5) days consistent with the Code of Virginia.
- To increase the mailed notice requirements for rezoning and special use permit public hearings from adjacent properties to those properties within 3,000 feet of the subject property.
- Delete Sec. 23-4.2.1.(f) related to written notice by applicant and reletter the subsequent provisions as Sec. 23-4.2.1.(f), Sec. 23-4.2.1.(g), and Sec. 23-4.2.1.(h).
- Change the relettered Sec. 23-4.2.1.(h) Cost of providing notice, to reference any notice required by the Code of Virginia Sec. 15.2-2204 as the basis for any cost charged to the applicant.
- Edits related to punctuation, capitalization, internal consistency, and wording changes to enhance clarity.

She stated that the 3,000 feet mailing makes the public hearing notification consistent with the Community meeting notice.

Mr. Thompson inquired if the mailing cost is passed on to the applicant.

Ms. Parrish stated that the applicant only has to pay for the adjacent letters as that is what is required by State Code. Also as part of our code, two ads must be run in the newspaper advising of the upcoming public hearing.

Ms. Carter stated that this notice change is way above what the state code requires.

Several Commission members inquired about cost.

Ms. Parrish stated that based on the last year submittals, it would cost approximately \$17,500.

Ms. Carter inquired why we are doing this.

Ms. Parrish stated that this is a Board initiative. Citizens have expressed concerns about the notification process and not being aware of proposed projects. She also discussed that the size of the public hearing signs have been increased and she demonstrated the new button on the county's website that will take you directly to public hearing cases and information. She encouraged the Commission members to share this information with their constituents.

There was shared frustration about the Planning Commission only having a stamp of approval since the practice is already happening.

Mr. Medina inquired if we get information out to citizens via social media.

Ms. Parrish stated that the Planning Department does not have their own pages, that the Public Information Officer will do a few updates on the County's Facebook and Twitter pages from the department over the course of a month. Our department seeks input through our [planning@spotsylvania.va.us](mailto:planning@spotsylvania.va.us) email.

*Speaking in favor or opposition:* None

*Mr. Newhouse closed the public hearing.*

**Motion and vote:** Mr. Newhouse made a motion, seconded by Mr. Smith to approve the amendment. The motion passed 7-0.

### **Comprehensive Plan Amendment:**

**CPA17-0003 Spotsylvania County Planning Commission:** Amendments to the Comprehensive Plan of the County of Spotsylvania, Chapter 1, Introduction and Vision, to add a policy supportive of renewable energy generation, data centers, and high-tech industries; to add a policy supportive of agritourism, agribusiness, and renewable energy generation in agricultural and rural areas; and Chapter 2, Land Use, to add a policy applicable to all land uses noting renewable energy facilities should be designed to minimize impacts on neighboring properties, uses, and roadways.

Mr. White presented the case. He advised that the Planning Commission is required to conduct a review of any new Solar Energy Facility to test whether or not a proposed facility is substantially in accordance with the adopted Comprehensive Plan. That review would be in addition to the Special Use Permit review. The process would follow a similar process to what occurs each year when the Planning Commission reviews new items on the Capital Improvement Plan for consistency with the Comprehensive Plan (referred to as the 2232 review, in reference to Virginia Code 15.2-2232.).

This amendment adds language to two elements of the Comprehensive Plan:

Within Chapter 1, Introduction and Vision, to add a policy supportive of renewable energy generation, data centers, and high-tech industries, also

Within Chapter 1, to add a policy supportive of agritourism, agribusiness, and renewable energy generation in agricultural and rural areas; and

Within Chapter 2, Land Use, to add a policy applicable to all land uses noting renewable energy facilities should be designed to minimize impacts on neighboring properties, uses, and roadways.

The proposed amendments have been altered slightly from those originally presented November 15th, 2017 and subsequently on December 6th, 2017 based upon feedback received from the County Attorney's office.

Staff recommends that the Planning Commission recommend approval of the subject amendments to the Board of Supervisors.

Mr. Newhouse asked for clarification on this and what steps and meetings brought us here.

Mr. White explained the history. Previously the Commission had worksessions and a public hearing on the Code Amendment to allow SEF'S as a Special Use in the RU, A-2, and A-3 zoning districts. This hearing is for the Comprehensive Plan Amendment which will allow staff to consider the subject amendments when conducting 2232 review for Solar Energy Facility or other requests involving the cases described in the amendment. He noted for the department received input suggesting additional language be added to clarify "detrimental impacts" and provided an alternative verbiage if the Planning Commission decides to include it.

There was discussion by the Commission about the decommissioning of one of these types of projects.

Mr. White explained that they will have to post a decommissioning bond based on an engineer's estimate. Staff reviews the bond and determines if the bond amount is sufficient and it may be adjusted accordingly.

Mr. Thompson inquired if the bond is posted prior to construction.

Mr. White stated yes.

*Mr. Newhouse opened the public hearing.*

*Speaking in favor or opposition:*

Alfred King, 11102 Fawn Lake Pkwy: Mr. King stated that as residents of Fawn Lake, they have not heard from NTS about their position on this type of use adjacent to their neighborhood. He stated the combined market value of the homes in Fawn Lake will be more than what sPower will be spending. He stated that this solar farm would be the 10<sup>th</sup> largest one in the world and that the desert would be a more appropriate place for the project. He stated that he would like to request barriers so that the use is not seen and not heard. He stated that he has concerns about the chemicals and water used to clean the panels and that he also has concerns about the decommissioning plan.

Richard Genaille, 12000 Fawn Lake Pkwy: He stated that he has many concerns such as the subjective interpretations made by staff and suggested an informed decision be made. He stated that the applicant sent the seller to the community meeting and there was no technical

representative present. He has concerns about shallow wells, chemo drugs, and the amount of water to be used on site and how it will affect the wells in the area.

Judith Genaille, 12000 Fawn Lake Pkwy: She stated that she has serious concerns about the amount of water needed to clean a facility this size and how it could deplete the aquifer. She stated that she also has concerns about the large trucks coming in and out of the site and suggested that a road bond should be included for potential damage to rural roads. She stated that the average life of a solar farm is 30 years or less. Ms. Genaille mentioned that extra equipment will also be needed should there be a hazmat fire on site. She concluded by saying she has concerns about the 8 million gallons of water and chemicals that is needed to clean the panels and where it would go.

Michael O'Bier, 11201 Chancellor Meadow Lane: He stated that he will have 1500 ft. of direct impact because he will be immediately adjacent to the project. He suggested that a solar committee be started and allow the solar committee to have some input on each application.

Richard Berry, VP of development of NTS: He stated that there is a level of concern about site lines, noise abatement, and the Ches Bay act. One size doesn't meet all and this facility that is proposed is pretty large and overwhelming to the community. He stated that he trusts that planning staff, the Planning Commission and the Board of Supervisors will do what's best for the citizens. He stated that we all pay taxes and the County should ensure that this proposal will be a good neighbor.

Charlie Payne, represents applicant sPower: He congratulated Mr. Newhouse and Ms. Carter on their re-elections. He stated that they are in support of the Comprehensive Plan amendment because it will provide a clean energy source and be attractive to tech users.

Vivian Stanley, 1311 Catharpin Road: She stated that she moved out to the county for peace and quiet and to enjoy the wildlife and fears that it will hurt the birds, squirrels, etc. She also expressed her concern about the water and why the County is doing so much for a Canadian owned company.

*Mr. Newhouse closed the public hearing.*

Mr. Thompson stated that the citizens made some valid points and he would like to see more information on the amount of water used for cleaning of the panels.

Ms. Carter agreed and stated that she would like more information before making a decision.

Mr. Newhouse stated that he also agrees and that there are issues to consider. He stated that he liked the comment by Mr. O'Bier about a solar committee.

**Motion and vote:** Mr. Smith made a motion, seconded by Mr. Thompson to postpone the vote for 30 days and allow staff to answer the questions and address the concerns. Mr. Thompson

stated that this is a big project and it would encompass a lot of beautiful land and impact some folks lives.

Mr. Medina stated that this is a comprehensive plan amendment and not the special use request and feels like the Commission may be getting them confused.

Ms. Carter stated that she agrees that the questions need to be answered before the vote should be made.

**VOTE: 7-0**

### **CPA18-0001 – FY2019-2023 Capital Improvement Plan Comprehensive Plan Conformity Review**

The County's annual Capital Improvement Plan (CIP) addresses short-term facility planning. The CIP proposes a specific schedule for acquisition, development, enhancement, or replacement of public facilities over a five (5) year period. Under § 15.2-2232 of the Code of Virginia, a local Planning Commission should ensure that projects included in the CIP are substantially in accord (in conformance) with the locality's Comprehensive Plan.

The County's Comprehensive Plan is to serve as a general guide for the County's CIP. Most of the projects in the FY2019-2023 CIP carry forward from prior years and have already been reviewed by the Planning Commission and determined in conformance with the Comprehensive Plan. Included in this packet is a memo from Bonnie Jewell of the County's Finance Department that identifies five new potential projects for the FY2019-23 CIP. The projects are summarized below along with Staff's analysis based on the adopted 2013 Comprehensive Plan.

#### General Projects

- Design and construction of a new County office building to house the Department of Social Services and the Health Department.

Staff Review: This proposed project is to provide a new County office building within the County Courthouse / Judicial Center area. The exact location and design of the new structure are not yet determined.

Co-locating the Social Services Department with the Health Department is a noted recommendation from the Space Needs Study, and is further supported by Comprehensive Plan Public Facilities Element's recommendations regarding grouping complementary facilities within a complex or area, and the more specifically identified principal needs to:

- Provide community facilities/services to serve existing and new development in an efficient and cost effective manner;
- Provide emergency services and law enforcement to protect citizens and businesses and allow them to enjoy a safe and secure environment;
- Provide a system of high quality educational opportunities that meet the educational needs of all citizens.

Staff finds this proposal substantially in accord with the Comprehensive Plan.

Mr. Newhouse inquired whether each of the items would be voted on separately. He said he would like to vote on the building for DSS as one and the transportation items as another. He inquired if the review included looking at vacant space owned by the county.

Ms. Jewell informed the Commission that it was determined by the Space Needs Study to look at the existing space only in Courthouse area to collocate the Social Services Department and Health Department because they serve similar clients. All of the county owned buildings in the Courthouse area are being fully utilized.

**Motion and vote:** Mr. Newhouse made a motion, seconded by Mr. Bullock to find the design and construction of a new County office building to house the Department of Social Services and the Health Department not in conformance with the Comprehensive Plan due to a lack of clarity as to whether construction of a new building is cost effective. The motion passed 5-2, with Mr. Medina and Mr. Smith voting no.

Transportation Projects –

- Removal of westbound turn lanes (also known as "bump outs") along Rt. 3 from Bragg Road through the Salem Church Road intersection. The project requires replacing signal poles and equipment as well as some paving, grading, and striping work.

Staff Review: This proposed project is to provide improved westbound traffic flows on Route 3 (Plank Rd.) by converting existing right turn lanes to travel lanes (forward movements are allowed through the intersections along with right turn movements). The project will include replacing select poles and equipment, and select paving and grading. The County has applied to receive a matching contribution to funds expended for this project through the Commonwealth's Revenue Sharing Program. The project will result in four (4) west bound travel lanes in between these two intersections. Currently, this area has a Level of Service E and the proposed improvement should yield a reduction in travel times and intersection delays of approximately 8.4% per VDOT.

This improvement is in accordance with the Comprehensive Plan Transportation Element's Policies 1 and 5, to maintain acceptable Levels of Service on public roads, and to plan future transportation facilities that are cost-effective and can be implemented in a timely fashion.

- Design, right-of-way acquisition, and construction of a roundabout at the current 3-way stop at Old Plank Road and Andora Drive.

Staff Review: This proposed project is to replace the existing 3-way stop at the intersection of Old Plank Road and Andora Drive with a roundabout (traffic circle). The replacement will enable more continuous traffic flows through the intersection which currently serves approximately 19,300 vehicles per day and functions at a Level of Service E. Additionally, the final design should accommodate an improved connection to the County's Chancellor Community Center located immediately southwest of the proposed roundabout.

This improvement is in accordance with the Comprehensive Plan Transportation Element's Policies 1 and 5, to maintain acceptable Levels of Service on public roads, and to plan future transportation facilities that are cost-effective and can be implemented in a timely fashion. Improved access to the Community Center is also supported by Comprehensive Plan Public Facility Key Goal 1, to provide community facilities in an efficient and cost efficient manner.

Mr. Newhouse inquired if the roundabout would require a fair amount of right of way.

Mr. Morgan stated that the developer of that piece will include the right of way within their project a reduced cost to the County. The design has not been formalized.

- Construction of improvements to bring the roadways in the Bloomsbury subdivision up to State standards ahead of being turned over to the State for maintenance.

Staff Review: This proposed project is to upgrade two existing cul-de-sacs within the Bloomsbury subdivision up to minimum standards prior to turning over the roadways to VDOT. This subdivision was developed in the late 1980's. All road segments within the neighborhood have been dedicated to VDOT except for Monument Court and Knob Hill Court, which both require pavement and shoulder construction prior to acceptance to the VDOT's Secondary Street network. The original bonds posted by the developer have expired. The County now requires self-renewing bonds when holding funds necessary to complete any transportation projects.

This improvement is in accordance with the Comprehensive Plan Transportation Element's Policy 1, to maintain acceptable Levels of Service on public roads.

There was discussion about why this neighborhood was chosen.

Mr. Morgan explained that the bond for this development expired and the developer's LLC is no longer in business. He explained that his best guess is that the roads were built and constructed in the 80's to the state standards at that time. He also advised the Commission that bonds that we accept today do not expire, they have an evergreen clause to be self-renewing so we shouldn't run into this type of situation in the future with development. VDOT is working with the County to get these roads accepted and turned over to the County.

Mr. Thompson inquired about the cost.

Mr. Morgan stated \$600,000.

Mr. Medina inquired if there are other roads like this.

Mr. Morgan stated that at one time there were 23 of them but believes that they have all been taken care of.

- Design, right-of-way, and construction of a limited turn lane from Lansdowne Road onto Rt. 2.

Staff Review: This proposed project is to add a dedicated right turn lane from Lansdowne Road to Route 2. This project is a joint project between the City of Fredericksburg and Spotsylvania County as the intersection lies at the boundary of the County's jurisdiction; however, the additional right turn lane will improve the existing intersection and traffic flows from Lansdowne Rd. onto Route 2, an intersection serving more than 32,600 vehicles per day and functioning at a Level of Service C.

This improvement is in accordance with the Comprehensive Plan Transportation Element's Policy 1, to maintain acceptable Levels of Service on public roads.

Mr. Morgan advised the Commission that the county is working with Eric Nelson, Fredericksburg City Manager to apply for Smart Scale funding for this intersection. There is a preliminary design for this project. He stated that the Route 2 Corridor Study is underway and there is federal funding through Smart Scale at a 50%/50% match.

Mr. White noted that staff found these four transportation proposals substantially in accord with the Comprehensive Plan.

Staff requests a determination from the Planning Commission that the projects are substantially in accord with the Comprehensive Plan. The Planning Commission's determination will be conveyed to the Board of Supervisors for their consideration when acting upon the CIP.

**Motion and vote:** Mr. Newhouse made a motion, seconded by Mr. Bullock to find all of the transportation items in conformance with the Comprehensive Plan. The motion passed 7-0.

**New Business:** None

**Public Comment:** None

**Motion and vote:** Mr. Thomspon made a motion, seconded by Ms. Carter to adjourn. The motion passed 7-0.

The meeting adjourned at 8:45 p.m.

\_\_ *Paulette Mann* \_\_\_\_\_  
Paulette Mann

\_\_ February 21, 2018 \_\_\_\_\_  
Date