

A Work Session Meeting of the Westmoreland County Board of Supervisors was held Wednesday, March 25, 2024, in the public meeting room of the George D. English, Sr. Memorial Building, located at 111 Polk Street, Montross, Virginia. Those members present were Darryl E. Fisher, W. W. Hynson, Jeffrey McCormack, Matthew Ingram and Timothy J. Trivett. Also present were Richard Stuart, County Attorney, Ben Prescott, County Administrator, Donna Cogswell, Assistant County Administrator and Debra Whaley, Finance Director.

1. CALL TO ORDER:

Chairman Hynson called the meeting to order at 5:31 p.m.

- 2. CONSENT AGENDA: Approval of/Amendment to Board Agenda:** Chairman Hynson stated that everyone should have received the Agenda and asked if anyone had any changes or comments to the Agenda, if not, he asked for a Motion to approve the Agenda. With no discussion, upon motion by Mr. McCormack, second by Mr. Fisher and carried unanimously the Board approved the Agenda for tonight's meeting.

Chairman Hynson then turned the meeting over to the County Administrator to proceed with the Presentations.

3. PRESENTATIONS

- a) Name Change for Middle Peninsula Northern Neck Community Services Board to Middle Peninsula Northern Neck Behavioral Health: Amanda Campagnola, Deputy Executive Director of the Middle Peninsula Northern Neck Community Services Board but hopefully very soon will be the Middle Peninsula Northern Neck Behavioral Health. She noted the CSB serves ten (10) counties in the Middle Peninsula and Northern Neck. There are forty (40) offices across Virginia and primarily the population they serve are those experiencing behavioral health disorders and/or

those with developmental or intellectual disorders. Ms. Campagnola acknowledged Katheryn Knoller who serves as Westmoreland County's representative on the Community Services Board. She continued that tonight she is here to request the Board's support on the name change to Behavioral Health and the Board has a copy of the Resolution. This name change will more accurately represent the type of services they provide to the Middle Peninsula and Northern Neck. The CBS in December voted to change their name and therefore each locality must also approve the name change and new logo. She concluded by asking if there were any questions.

RESOLUTION

REQUEST TO CHANGE THE NAME OF THE MIDDLE PENINSULA NORTHERN NECK COMMUNITY SERVICES BOARD TO

MIDDLE PENINSULA NORTHERN NECK BEHAVIORAL HEALTH

WHEREAS, pursuant to Chapter 5 of Title 37.2 of the Code of Virginia of 1952, as amended, requires the establishment by each city or county, or combination thereof, of a community services board; and

WHEREAS, the several counties of the Middle Peninsula and Northern Neck of Virginia; Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond and Westmoreland counties, formed a community services board with the intent of implementing the provisions of the aforesaid Chapter 5 of 37.2 of the 1950 Code of Virginia, as amended, to provide mental health, developmental, and substance abuse services within the aforesaid counties which, pursuant to the Resolutions of such localities, established the Middle Peninsula-Northern Neck Community Mental Health and Mental Retardation Services, also known as "Middle Peninsula Northern Neck Community Services Board;" and

WHEREAS, on December 19, 2023, the community services board thus established has determined that there is confusion concerning its name, and further, that the name does not adequately describe to the public the services the community services board currently provides, and accordingly, has requested that the name of the community services board be changed from "Middle Peninsula Northern Neck Community Services Board" to the name, "Middle Peninsula Northern Neck Behavioral Health," effective April 1, 2024, in order to more accurately describe to the public the services the community services board provides.

NOW, THEREFORE, BE IT RESOLVED that upon passing of a Resolution of the Boards of Supervisors of the counties of Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland approving such name change, the name of such community services board shall be changed from "Middle Peninsula Northern Neck Community Services Board" to Middle Peninsula Northern Neck Behavioral Health.

BE IT FURTHER RESOLVED that the Board of Supervisors of Westmoreland County hereby approves the change of the name of the community services board to Middle Peninsula Northern Neck Behavioral Health as of April 1, 2024.

Resolution - Request to Change the Name of the Middle Peninsula Northern Neck Community Services Board to Middle Peninsula Northern Neck Behavioral Health (continued)

W.W. Hynson
Chair, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
W.W. Hynson	
Darryl E. Fisher	
Jeffrey A. McCormack	
Matthew D. Ingram	
Timothy J. Trivett	

ATTEST:

Ben Prescott
Westmoreland County Administrator

Adopted by the Board of Supervisors of Westmoreland County, Virginia, this _____ day of _____, 2024.

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- b) Colonial Beach VRS: Chief Byrd and Chief Oliff and Asst. Chief were present to discuss the Colonial Beach Volunteer Rescue Squad's needs for inspection in April. Last time they were re-inspected with some contingencies and now there has been a collaboration with the Squad, Town and Board to come up with a collaborative partnership. Chief Byrd said they have now come to a point where the framework is done and today is an overview of what they propose. Chief Byrd states that the goals and objectives include a two-part program. First, is transitioning a 24/7 Squad into

the Town of Colonial Beach. In order to do that they need to have a facility, but after meetings with the Squad, Town, County and Board they were able to work together to come up a location. The CBVRS voted to make renovations to their facility so the full-time squad could stay there temporarily until a permanent location is decided. This solution is feasible with the approval of the Board and they are looking at a May 1 – May 15 deadline. The second phase, with the decline of volunteerism is a problem. After meeting with CBVRS and with all the changes coming, from pharmaceutical to OSHA, together they have set a timeline for successes. In April, the County will set the CBVRS up for reinspection. Next, they will incorporate all of their operational volunteers under Westmoreland EMS. CBVRS members would still run call and volunteer and would be beneficial for everyone, including more equipment and are able to spread out and increase the footprint by including them as part of the team. June would be finalizing everything and July the operational piece would then fall under the County. CBVRS would utilize our Medical Director, our EMS Supervisors, and would fall under the cover of Westmoreland EMS. The agency itself would still exist as a 501C and that has to be vetted through the legal channel but they can still fundraise etc. and mission would be a little different as an independent organization. The benefits of the partnership – increase footprint; Westmoreland because a career/volunteer combination organization which opens the door for increased funding and would no longer a strictly career system. Two years ago there were some restrictions placed on CBVRS and all of those restrictions would be removed. The actions moving forward would be continued meetings with the County, Town, and Squads. Agreements would need to be developed for both phases I and II. Chief Oliff stated they have worked well with the County EMS over the last couple years and look forward to continued partnership of the agencies. Mr. Prescott asked if the Board had any comments or questions. Mr. McCormack stated that he sent this comment to

Mayor Schick this morning and he believes this is a win-win for everyone involved. He appreciates the support from Colonial Beach Volunteer Rescue Squad, as well as, Westmoreland County EMS and County Administration. He noted this was a collaborative effort from all parties. Last time it wasn't as "pretty" or "polite" but this time it went much more smoothly and again is a win for everyone.

CBVRS-Westmoreland EMS Partnership

R.B. Byrd, BS, NRP

Goals and Objectives

- 24/7 EMS coverage-Town of Colonial Beach
- Paid/career inclusion
- Implementing a combination system dynamic
- Planning concepts for future plans (vehicles, buildings, etc.)

Phase I-24/7 EMS Coverage in the Town of Colonial Beach

- Transitioning Westmoreland EMS ambulance into the Town of Colonial Beach.
- Needs to support movements:
 - Facilities
 - Infrastructure (furniture, IT equipment, etc.)
 - Medical re-supply equipment.

Phase I Timeline

- Facilities alterations-addressing needs with current facilities to accommodate 24/7 staffing. CBVRS has taken the lead on mitigating this issues.
- Westmoreland EMS will provide the ambulance, staffing, and infrastructure to accommodate 24/7 staffing.
- Potential go-live date if board approved: May 1-15
- **The renovations for the facility are only meant to serve as a temporary means of housing until further options for a permanent location are explored.**

Phase II-CBVRS/Westmoreland EMS Partnership

- April/May-Begin to align CBVRS members into Westmoreland EMS model. Background checks, drug testing, training, etc.
- June-finalize partnership preparation to maintain motion of partnership implementation.

Phase II-CBVRS/Westmoreland EMS Partnership

- July-operational volunteers come on board with Westmoreland EMS. The organization will remain a 501c3 entity for support role.
- Operational volunteers will be included into the daily staffing models of Westmoreland EMS.

Benefits of Partnership

- Westmoreland EMS transitions to a combination volunteer/career system increasing available staffing in times of need.
- No requirement for monitoring hours/calls answered as one agency will serve the EMS needs of Westmoreland County.
- Increased funding opportunities for both organizations due to partnership status.

Action Items Required

- Continued meetings between Westmoreland County and Colonial Beach VRS to discuss all aspects of transition items required.
- Development of an agreement between the two entities to move forward with implementing 24/7 staffing within the Town of Colonial Beach.
- Development of an agreement outlining the terms of the partnership and specifics as to how it is addressed.

c) Fire Department Concerns. Chief Balderson was present to speak on behalf of all the Volunteer Fire Departments. He asked Mr. Ingram to start with how we got to this point. Mr. Ingram stated after discussions, it appears funding has not been adequate to run the Volunteer Fire Departments. He reached out to Chief Balderson and they set up a meeting with all four Chiefs and had a very productive meeting and obtained a lot of information. Mr. Ingram asked the Chief's to put together their top needs to present with the hopes we can help them. As a volunteer organization that is protecting the County we as the Board of Supervisors need to fund and support the fire departments. Without the first responders what are we going to do. Chief Balderson thank the entire Board for allowing him to be there tonight. Two-fold volunteerism is down so in first discussions revolved around recruitment and retention. If we can retain what we have and keep that knowledge and are better able to prepare the recruits that are brought into each organization. Difficulties of recruitment with volunteerism being down across the US. List of what could be done to increase recruitment across the County. This cost money, County currently gives PP relief for one vehicle that is primarily used to respond but each organization has volunteers that live just outside the county so one idea was to provide the same incentive even if they live outside of the county. Another idea is to take that same tax break and apply it to real estate taxes and may be a change in thought process but could go a long way as an incentive for volunteers. VOLSAP retirement program for volunteer fire departments, do it in Maryland. There is a requirement that must be met and there are metrics that must be met in order to get the retirement. If someone is in an organization for 15-20 years and they qualify for VOLSAP it would be a nice amount of money. The individual, fire department and locality and would be willing to sit down and discuss this as a possible recruitment offer. Another topic discussed was a firefighter 1 class. The four

departments are in agreement that this would be a great recruitment tool and they would like to work with someone to develop this program whether at VOTECH or the schools. They all agree this would be a good recruitment tool. It could be a requirement that they must be a member of the volunteer fire department to be part of this program. Next, they discussed concerns around budget. It takes a lot of money to run a public safety organization and currently all four receive \$122,000.00 per year for the four fire departments at their main stations. He stated in 2006 two of the four chiefs came before the Board, Mr. Fisher and Mr. Hyson were on the Board at that time. Chief Balderson indicated each department had Bingo every Friday night and were making about \$50,000.00 from County at that time. The Chiefs asked the County for an increase because of the struggles, even with the fundraising. The County increased their budget \$50,000.00, which took them up to \$100,000.00 and the Chief's also asked for an increase of 5% every year and they understand sometimes the County does not have the money to give. As of today, if they were able to get that 5% from 2006 of the \$100,000 they should be at \$240,661 but currently they are at \$122,000.00. In 2015, two substations were created - Company 2 took on Company 5 in Mt. Holly and Cople took on Company 6; and the County gave them \$50,000.00. If you look at the last eight years since they have been in business, they have been receiving \$61,000.00 and should be getting \$73,872.00. Chief Balderson is not mentioning this with ill intentions he is just pointing out where they are vs where they should be. To summarize, recruitment and budget is vital to the Volunteer Fire Departments sustainability. He noted another expense that has not been mentioned is insurance and maintenance of equipment. He stated the fire departments has the most expensive equipment of all the public safety organizations, not to take away for any other agency. He concluded that when the Board reviews the budget to please consider give the VFDs additional

money. Chief Robey was present to give an example of the cost of equipment which has increased in cost. Two years ago Colonial Beach VFD purchased a fire truck and the cost was \$750,000.00 (this is basic no bells or whistles). That same truck would cost today \$900,000-1,000,000.00. He spent around \$46,000.00 on maintenance cost last year, he is not the only one all the departments had spent. He would like a CIP to help with these large purchases. He said they are trying to raise money but it is difficult to get people to do additional things. Most people don't work in the County and it is very difficult to get and retain volunteers. With that Mr. Prescott asked if any of the Supervisor's had any questions.

Mr. Ingram said thank you to the Chief's for coming out tonight and bringing this information to the attention of the public and Board. He noted that Colonial Beach is running a 34 year old fire engine is unacceptable. We need these services and everyone is affected by what the VFD does. Mr. Hynson noted the man hours that are put in at the fire station. He said he knows how valuable the VFDs are and he thanked them. Mr. McCormack asked the budget requested if that includes the 5% increase or just what is needed this year. Capt. Balderson stated he hopes the Board will consider the 5% along with what is needed.

Mr. McCormack said amounts were different from each department. Capt. Balderson stated they are separate groups with different needs and their budgets are based on that, but he said the Chief's request whatever funding amount is given that it be evenly distributed across the board so that everyone get the same amount. He said they are before the Board as a united front and will stay united.

Mr. Trivett thanked both Chief Balderson and Chief Robey for their service. People forget these volunteers have full time jobs and they come home and volunteer this second job. Mr. Trivett mentioned the cost if the County needed to go to a full time fire department would cost millions. So what they are asking for is very little in the

scheme of things and he supports them 100%. He has been blessed to be on the VFD and the dedication from the older volunteers is a great thing. He hopes the Board finds a way to fund them to recruit the people they need. Mr. Fisher also thanked the VFD for what they do and have done. He said its no secrete that EMS, Fire, Police and education are big ticket items. It is up to the Board to make sure they inform the public and give the straight story and the numbers are astronomical and in rural community there are only a few places to go to fund these groups. It must be a partnership between the Board, organizations and public because at the end of the day that is where we will have to go to get the funding. We are beginning the budget process and look at what we have and all the demands and needs to meet. We will have to look at where we will get these funds and where to allocate these funds. There are difficult days ahead and difficult decisions to be made and it will take a team effort. Don't think it has fallen on deaf ears, over the years it would have been his wish that we had big industry so some of the proposals they wanted to bring to Westmoreland county were shot down when then puts things back on the citizens.

- d) Westmoreland County EOP 2024: Bill Cease was present to discuss the draft EOP that the Supervisors have been provided. Mr. Cease stated that the State requires an update every four years but this updated was unique because the ingestion zones for the nuclear ingestion zones were revised and received in January, and that was the only major change. Westmoreland is within 50 miles of the ingestion zone of Surrey and New Calvert Cliffs. The In the 70s there was a discussion to extended the ingestion zones to 50 miles but in 2020 regulatory commission made it a requirement. Westmoreland County will have to participate in a drill in 2027 for the Surrey plant and 2028 for the New Calvert Cliffs plant. This is the draft plan for the Board's review

and approval. Mr. Prescott asked if there were any question. Mr. Trivett said he reviewed most of the document and asked if this was the same document approved in 2018. Mr. Cease stated no there have been changes to the nuclear power plant ingestion zones. Mr. Trivett said other than that. Mr. Cease said there were some changes. Mr. Trivett stated as he was reviewing the document it contradicts itself in several places. He know this is a draft but if this is the document that was approved, it has Abbington Fire & Rescue in some places. He asked if they play some role in our county. Mr. Cease said not that he knows of, he isn't sure. He noted there are some mention of Montross Rescue Squad and they haven't been in existence for about two years. There are areas where our EMS should be stated in there. Also have we been keeping up with training. In order to man the EMOC there must be EOC Training. It has a lot in it that appears to not apply to our County at all. There are a lot of things that don't apply. Mr. Cease stated he would go back through it. He said all the population numbers were changed and weather maps were changed. Mr. Cease said he would go back and search for the references for Abbington. Mr. Trivett stated that is just one thing there are several things. He stated he would make sure he would review the entire document before approving it. Mr. Cease asked if he would send him what he found. Mr. Trivett stated he would point them out to him but he was curious will all these errors if this was the same document approve. Also, Mr. Trivett stated this should be approved every four years and it has been six years. Mr. cease noted it was because of the ingestion zones and he has the email where the state didn't send it to us until January. Mr. Cease now stated this was the document approved in 2018 other than the changes he mentioned. Mr. Trivett also stated there are departments mentioned that no longer exist in this County. He is very confused from the annex pages to the actual document and he isn't sure who is responsible for the document but it needs work. Mr. Cease stated he spoke with the County

Administrator and he is waiting for the State to come back with the training requirements. Mr. Trivett asked if there has been any training for six years. Mr. Cease stated what was here was valid but with the new County Administrator, Assistant County Administrator, Director of Finance and new administrative staff we have asked the State what they want for the EOC. Mr. Trivett asked if Mr. Cease keeps a record of when the training is done because he saw in several places that it should be done yearly but have we done that. Mr. Cease stated the only yearly training would be NEMs ICS 100, and 200. If someone is in the EOC running it they have to have 300 and 400 and those are not classes you can take every year those are one time class unless they come out with an update. Mr. Trivett stated the document stated 700 and 800 also. Mr. Cease stated 700 and 800 are only for specific things not a requirement. He said EMS has a section 700, public entities have 700, and there are several other sections under 700. Mr. Prescott state the EOP is a huge undertaking and it does need to be cleaned up. There are several moving pieces that is an on-going effort but will stay on it because it needs to get to the State.

- e) Animal Shelter Name Change: Mr. Fisher lead the conversation regarding the animal shelter name change. In the recent weeks a very important person of the animal shelter passed away – Teresa McDowney. Anyone who dealt with the animal shelter found her to be a jewel. She went above and beyond the call of duty taking care of the animals and shelter. It was because of her dedication that it was mentioned by Sheriff Balderson and with Mr. Fisher’s concurrence that the Board take under consideration renaming the animal shelter in her honor. Mr. Fisher would like to suggest the name as the Teresa McDowney Animal Shelter of Westmoreland County and he would like to present this name for the Board’s consideration. Sheriff Balderson stated Teresa was diagnosed with esophageal cancer and put up a heck of

a fight. After she passed it was an idea that struck him that if anyone deserves this honor it would be Teresa. She worked hard and her contacts were endless. Her and our mission was and continues to be making sure all the fur babies were and are adopted. Sheriff hadn't really thought about a name but he concurs with Mr. Fisher's idea. Mr. Trivett stated that he, assistant county admin and Mr. McCormack visited the animal shelter and there is a great deal of pride that goes into the shelter to take care of the animals and shelter. Sheriff invited everyone to stop by the shelter any time and its not an easy job. Mr. McCormack wants to echo what Mr. Trivett said and supports it 100%, barring any ordinance regarding naming buildings after a person. Mr. McCormack wants to mention that he would like to discuss at a later time the needs for the shelter, for example, runs for the dogs which would help the cleaning process.

- f) New SRO Positions: Mr. Prescott noted there are already two (2) existing SRO positions in place under separate grant systems. One is under the federal system and the other is under the state system. The Superintendent and the Sheriff have submitted grant applications for two (2) additional SRO positions for the elementary school. Dr. Perry stated that March is the time when the school system renews SRO grants and as a result in early February there was a meeting with the Superintendent, Sheriff and County Administrator to make sure we can keep the SROs that we currently have. Dr. Perry also wanted to look into an opportunity to get additional SROs . It has long been the goal of the school board to have an SRO in every school. Dr Perry noted that in his nine (9) years as Superintendent, the school system he has made a request of this Board of Supervisors that was not paid for by the school system. Dr. Perry stated first he thanks the Board for the opportunity but come with the chance and begging/pleading for a partnership to finance two (2) additional SROs.

Dr. Perry noted in nine (9) years as Superintendent the school system has not made a request of this Board that was not paid for by the school system. Therefore, Dr. Perry is very thankful for the opportunity to share a proposal that seeks a partner with the County to fund these two (2) new SRO positions. Tonight, based upon the threats on the school system at large and recurring concerns within our own Westmoreland County community, he is presenting a proposal from the school system, administration, and Board. They are asking that the County partner with the school system to pay for two (2) additional SROs. To do this, they are asking the County to pay 50% of non-grant funds for two (2) additional SROs and the school system will also pay 50% of the non-grant funding for two (2) SROs, as was mentioned earlier these are two but there are always federal and grant funding for SROs. Currently, the school has (2) two SROs utilizing grants – one is paid 100% funded by the state; and the other receives 75% federal funding and 25% funding from the school system. Dr. Perry stated what they are asking for is the non-grant portion of each of these officers be shared between the County and the school system. To this effort, Dr. Perry stated the School Board discussed this during a regular meeting, as well as a work session, and they voted to this and are committing to funding 50% of the non grant funds, which was signed by all the school board members. They signed and put it in writing because regardless if there are changes in two, three, four years this is their firm belief that the school and County should partner together to get this done. Dr. Perry turned it over to the Sheriff to show what the numbers will look like. Sheriff Balderson, introduced Capt. Smith and Capt. Jones who have been working on the grants and can provide additional information. Sheriff Balderson noted the Sheriff's office supports having an SRO in each school. Having SROs in each school has been discussed several times in the past and was closed to happening but for one reason or another was not completed. The Sheriff stated when looking at money from the grants and money

from the County, he will not ask for anything for equipment costs to outfit the new SROs because he didn't request it last time so he won't this time. The Sheriff stated, for example, they will use vehicle that going to be traded in but instead they will hold on to them for a year or two to off-set costs. Uniforms are the same, they can recycle some things and other things they can but they are willing to help off-set some of the costs for the SROs. He noted he will not come back to the Board and ask for additional cars and equipment because he has provided this to the SROs, they will be fine. Capt. Smith noted the Sheriff's office is concerned about school security and safety. They would like to provide the same security in the elementary schools that are in the middle and high schools. With that being said, the current grant that they just applied for these (2) SRO positions is through DCJS and is a state grant. The state provides a percentage of what each locality can afford to pay and Westmoreland can pay 50.65% of any additional SROs that are awarded under this grant. The cost is approximately, if split between the County and School System, \$39,782.50 per year for two deputies. Mr. Prescott asked \$39,000.00 total or per position? Capt. Smith confirmed it is \$39,782,50 per position. Mr. Prescott then asked what the time period is on the grants? Capt. Smith responded that the initial grant is for (1) one year and the subsequent years you must file a continuation for (3) three additional years. Funding, should the state provide it, would be available for (4) four years. Mr. Prescott then asked what happens in the fourth year? Capt. Smith stated that after the fourth year of funding the locality is responsible to pick up for at least (1) one year. Mr. Prescott stated that this would be a 4 + 1? Capt. Smith said yes. Mr. Prescott stated five (5) year total with 50/50 split, \$39,000 per position. Capt. Smith said yes. Mr. Prescott then clarified with Dr. Perry has asked for a 50/50 cost share so roughly short of \$78,000 for the two positions for the next four (4) years with year five (5) being 100% to the locality, again with a 50/50 cost share. Capt. Smith again stated that is correct.

Sheriff Balderson noted that he sits on Criminal Justice Board and they meet in May and again in June. The Sheriff is hoping to know something in May if the grant is awarded for the SRO positions. The Sheriff noted we don't know if we will get this grant so it would be a mute point. Capt. Jones noted the sooner we know if the 50/50 will be approved the better because if they apply for the grant and then turn it down, it could ruin their reputation and hinder the chance going forward to get any additional grants. Mr. Prescott asked if the Sheriff knows when the decision will be made, he thought May was mentioned? Sheriff said he believes its around May 9th but he would let us know. Capt. Smith asked to clarify that the amount that would be split between the school and the County would be \$79,565.00 for both Deputies. Mr. Prescott wanted to clarify that as budgets move forward and states change pay structures that number could go up with pay raises and other matters. Capt. Smith also added that this was done for a deputy with a lot of experience, so we did worse case scenario. Mr. Prescott asked if there were any comments or questions from the Board? Mr. Ingram said thank you for all that you do and working in the school system he knows the importance of a school resource officer. He feels very strongly about this and believes a SRO should be in every school in the Country and have access to this vital resource. Mr. Ingram would be willing to support this any way he can. Mr. McCormack echoes Mr. Ingram and believes every school needs an SRO unfortunately. He believes it is not a want but a must have and however we have to fund it we will. Mr. Trivett stated this has been discussed for the last four years and we have been right to the spot that it would happen but he thanked everyone for making it happen and it is absolutely necessary and he would support it. Mr. Prescott noted we do not have the cost share for the Supervisors that Dr. Perry discussed today so we will make sure this gets capture in the budget for the presentation. Mr. Prescott noted that the County has requested the grant but we do not know that we will get

it. So that would be a secondary topic if we don't get the grants and hopefully will know by mid-May but if we don't have a grant we will not include it in the budget process. Dr. Perry added that even though we don't have the SRO that the sheriff's office does a great job. Mr. McCormack asked Dr. Perry if the grants do not come through would the school system still be okay with 50/50? Dr. Perry stated that the Chairman just said even if it runs out in three, four, five years, it is the commitment of the school board that they will go 50/50.

- g) County Churches – reduction in fees: Beth McDowell stated that the previous County Administrator instructed her to waive fees for all church projects. They still needed to get permits and pay bonds (if applicable) but were not to be charged fees. Ms. McDowell did note that she did not know personally if this was a policy set by the administrator or a Board of Supervisors action. When she approached Mr. Prescott earlier this year to confirm this policy he wanted to get the Board's input prior to continuing with this process. Mr. Fisher noted that he should probably recuse himself because of his position and he would like to be exempt from all fees. Mr. Prescott asked if there were any further comments. Mr. Fisher noted considering the role that churches play and it is not publicized the amount of assistance the churches put back into the community. Most churches, particularly in rural areas, don't publicize what they do for the community. Many people who don't have shelter, food or anything else the church assists. As he is thinking about it, when we talking about permits and fees for expansion, the reason is usually to serve the community. Mr. Prescott then turned it over to Mr. Hynson is brining to everyone's attention St. Peter's Church which is in Mr. Ingram's district. There was a fire at this historic church, they had paid their fees to connect to the sewer system. After the fire they wanted to move the kitchen to another area and to continue to serve about 500 meals a month but

unfortunately, they needed to extend the sewer line. This will not be a gift but they need a sewer line, roughly 150 feet (he asked if that is correct and Ms. McDowell said she would have to find out that). Mr. Hynson continued that since this is a historical church and as much good as they do in the community the County should waive the fee for the hook up. Mr. Prescott noted the forgiveness is for almost \$13,000, but is there anything else to add on the amount. Mr. Hynson noted he would like for the County to give them as much help as we can because of what they do for the community. Mr. Stuart suggested that if the Board decides they would like to do this they may want to look at a grant from the County vs a forgiveness of the sewer fee. Mr. Stuart's recollection is this was financed through Rural Development and there are very strict contractual requirements with regards to that. It can be accomplished, not saying it can't, but if the Board decides they want to do it we should look at a different angle. Mr. Hynson noted that as soon as Mr. Stuart mentioned it he remembered it. Mr. Hynson also noted that Mr. Stuart would have to draw this up and it would need to be a grant. Ms. McDowell has a follow up question as far as Land Use is involved with building and zoning permits. Would this process need to be implemented into the fee schedule? Mr. Stuart regarding here and every after....she would need to ask the Board of Supervisors. Mr. Stuart did clarify if we do it for one it would have to be done for all. Ms. McDowell noted her initial question had to do with churches in total. Mr. Stuart asked if Ms. McDowell had a specific question of him that is a legal question. Ms. McDowell stated yes did he want her to speak with him later. Mr. Stuart stated any time it suits the Board. He went on to note that the Code allows the County to give relief on property taxes and other things, otherwise you have to tax people equally or it is discrimination. The Supervisors can do whatever the Virginia Code authorizes that they can do. Mr. Prescott stated that we do not have an answer for you at this time. Mr. Hynson noted that he would like Mr. Stuart

and Ms. McDowell to get together and workout the language for this as soon as possible because he knows the need of the church. Mr. Fisher said to Ms. McDowell's point maybe we would look at our practice or policy to be to take it on a case by case basis based on the circumstance because sometimes it is a little difficult to have a blanket forgiveness of fees but when there is circumstance like this or structure expansion needs to happen and have tight financial constraints they can make their case to the Board and it would give the Board the opportunity to take it off of Land Use and the County Administrator and give the Board the opportunity to explore and screen whether or not the circumstances warrant forgiveness. Mr. Fisher did state that every church is not in the same condition and the Board has the right to scrutinize it. Mr. Trivett said he has a question before Ms. McDowell leaves. Mr. Trivett wanted to clarify that Ms. McDowell stated the former county administrator directed her to waive these fees and he asked what the circumstances were when this occurred. Ms. McDowell noted there was a particular permit that had come into her office that he directed her to waive the fee. Mr. Trivett asked if it was just churches in the past, or also other organizations? Ms. McDowell stated that in the past the former county administrator said he had the authority to wave fees on a case by case basis. Ms. McDowell said an example was the Boy Scouts were replacing the scoreboard at Hurt Field and they went to the former administrator and he waived those fees because it was a service project. Mr. Trivett noted that he only asked because since he has been on the Board over four (4) years and they have never taken up a vote to waive fees or anything he is aware of. He thinks it's a great idea and what Mr. Fisher stated, he too thinks it should be on a case by case basis. Also, Mr. Trivett believes St. Peter's absolutely has a need that we should fulfill and he supports that 100%. They do a great service for the community with the meals they provide and the thrift shop. Mr. Trivett then stated that any matter for waiver of fees should come to the Board and

be decided on a case by case basis. Mr. Prescott asked to clarify that when Ms. McDowell came to him in January, he just did think he should have the authority to waive any fees. So he wanted to kick it up to the Supervisors to decide. Mr. Prescott said he would work with the County Attorney for something for St. Peter's Church. The County Attorney said he would be happy to work on that but he also would suggest the Board develop some sort of policy. He understands the case-by-case approach but the Board should have some perimeters because it's a community and you have to answer for what you did and most time there should be some policy with perimeters in place that the Board can say they adhere to. Mr. McDowell asked the grant is specifically to waive the grant and will not include the material. Mr. Hynson said yes that is correct. Mr. Prescott said he would work with the County Attorney to craft something for that and also work on policy development for the Supervisor's to review.

h) Land Use Cases:

- i. **CASE#2403-SE-01-** Charles & Mary Tracy, Trustees PO Box 63 Hague VA 22469 Agent Dawood Engineering Inc. 11 Grandview Circle Ste 116 Canonsburg PA 15317 Agent Elk Development 6865 Deerpath road sate 330 Elkridge MD 21075 request consideration for a commission permit and special exception for small solar facility: Ms. McDowell was present to discuss this matter. Please see Staff Report below.



Westmoreland County, Virginia
LAND USE ADMINISTRATION

PO Box 1000
Montross, VA 22520
804-493-0120

Building Official
Zoning Official
Planning Commission
Board of Zoning Appeals
Board of Building Appeals
Wetlands Board

Special Exception
Staff Report

<u>Date:</u>	February 21, 2024; Revised March 4, 2024
<u>From:</u>	Kelly V. De Jesus, <i>Planner</i>
<u>Case Number:</u>	CASE#2403-SE-01
<u>Site Address:</u>	8311 Cople Highway, Hague, VA 22469
<u>Site Location:</u>	Westward of Drum Bay Road
<u>Magisterial District:</u>	Cople Magisterial District
<u>Site Tax Map:</u>	47-7
<u>Owner:</u>	Mary Young & Charles H. Tracy P.O. Box 63 Hague, VA 22469
<u>Applicant/ Agent:</u>	ELK Development, LLC 6865 Deerpath Road, Suite 330 Elkridge, MD 21075
<u>Site Property Size:</u>	5,116,558 sq ft/ 117.5 acres
<u>Site Zoning District:</u>	Split Zoning Agricultural (A-1) and Business (B-1)
<u>Utilities:</u>	Private well and septic
<u>Project Description:</u>	Special Exception Request to Install 11.9 acres of Mounted Solar Panels
<u>Work Session:</u>	Monday, February 26 th , 2024 (3:30 p.m.)
<u>Public Meeting:</u>	Monday, March 4 th , 2024 (1:30 p.m.)

Parcel Information

Tax Map #47-7, or 8311 Cople Highway, Hague, VA 22469, is a 117.5 acre parcel. The zoning classification for this parcel is split between Agricultural (A-1) and General Business (B-1). The project site itself will be located within the A-1 portion of the property. Upon completion, 7.7 acres will be under mounted solar arrays or 6.6% of the parcel's area. The fenced area will be 8.9 acres or 7.6% of the parcel's area.

The project site will be off of the arterial road, State Route #202 (Cople Highway) and surrounded by predominantly A-1 properties, with B-1 properties scattered along the main stretch of the

highway. The closest single family dwelling to the project site is approximately 750 +/- feet away, with a wooded area in between.

The topography is relatively flat, designated for agricultural use, and encompassed by woodlands. Within close proximity and to the east is a cluster of ephemeral, intermittent, and perennial streams. To the west are ephemeral and perennial streams.¹ With the presence of tidally connected streams, the developers pulled the proposed solar panels outside of the Resource Protection Area, and woodlands separate the panel-site from the streams. The land slopes downward away from the project area.

Project description

ELK Development LLC proposes "Construction of a solar photovoltaic energy system and associated site improvements including solar panels, equipment, cables, interconnection to the existing power lines, and access road." The site will produce up to 1.92MWdc/ 1.52 MWac and be delivered to Dominion Energy's Grid at 12kV, 3-phase distribution line along Cople Highway. The site will have a total of 3,900 solar panels composed of silicon and inert borophosphosilicate glass, mounted on a single-access, sun-tracking system. The racking system will be driven 10' into the ground, and at full tilt, will reach a height of 15'. Additional equipment includes single-axis tracker components, DC to AC inverters, medium voltage transformers and control cabinets, project switchgear, meters, and the attachment facilities to the current local grid.

There will be visibility little from Cople Highway (State Route #202), if any. An internal, all-weather, aggregate drive will provide access to the site. A security fence with swing gates will provide perimeter security, with varying access gates as deemed necessary. Signage, warning individuals of potential hazards will also be employed. Westmoreland County will be notified of the end of the project's life at 35 years, and the site will be restored to its original condition.

Project Impacts

A complete environmental site assessment was conducted to include wetlands delineations, topography, soils, receiving waters, and wildlife habitats. There were no identified bald eagle's nests closer than two miles. While other sensitive and protected species are within the county, there was no evidence of their inhabitation onsite. This project will implement "Solar Grazing" practices to maintain the vegetation. During the grazing season beginning in spring, project managers will contract with local sheep farmers to graze and maintain the vegetation, rather than employing

¹ **Perennial:** A stream that has flowing water year-round during a typical year. The water table is located above the streambed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from precipitation is a supplemental source of water for stream flow.

Intermittent: A stream that has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from precipitation is a supplemental source of water for stream flow.

Ephemeral: A stream that has flowing water only during or for a short duration after precipitation events in a typical year. In many states, this term refers to streambeds that are located above the water table year-round and streams where groundwater is not a source of water for the stream.

methods which could be considered more intrusive to both the environment and the solar panels. The sheep will be removed in the winter months.

The arrays were pulled away from surrounding slopes and outside of the Resource Protection Areas. However, the site itself does drain into the Lower Machodoc Creek or its tributaries. Managed turf will act as natural ground cover, stabilizing the soil and preventing erosion.

County, State, and Federal Regulations

"Solar Farms" are not defined within the Zoning Ordinance and are therefore regulated as "Public Utilities." Within Article 2, Sec. 2-13.3 states the uses allowed by Special Exception within the Agricultural (A-1) Zoning District. Item 52 of this list is for Public Utility Facilities.

Article 6 addresses landscaping requirements. In the case of the Cople Highway site, the natural wooded lands, which surround the project area, surpasses Westmoreland County's minimum standards, save for one section of land to the south of the solar arrays. This will be enclosed with a 30' wide strip of vegetation, which includes a minimum of 21 trees and 42 shrubs staggered.

Questions pertaining to the Virginia Department of Transportation (VDOT) requirements, and whether the existing entrance is sufficient will be handled during the site plan review stage of the project.

The Virginia Department of Environmental Quality (DEQ) will conduct a site plan review for compliance with erosion and sediment control during the construction, stormwater management, and any potential grading plans if and after the Special Exception is issued.

Section 3.2.1.1 "Rural Lands" of the Westmoreland County Comprehensive Plan states, "Rural lands are intended to retain their existing character as much as possible. That is, they will remain primarily for agricultural or forestland use, but also with some areas of residential, commercial, institutional, and industrial uses. Public utilities such as water and sewer would not be planned for these areas, except to address the health and environmental concerns related to existing development and areas already committed Westmoreland Comprehensive Plan: Vision 2030 - Revised December 2017- 38 to more intensive development." This project does not permanently alter the state and future availability of the land, and its sole purpose is to provide clean energy to the ever-growing community.

While the project is not in a primary or secondary growth area, the plan does state that it wants to foster economic growth in the county. The project anticipates bringing 30 construction jobs and 1-2 operations managers to the county. For more information pertaining to the spending, output, tax revenue, and other economic factors, please see the executive summary prepared by pivot energy.

Section 3.2.4.7 of the Westmoreland County Comprehensive Plan, entitled "Military Compatibility - Additional Guidance for All Land Uses" further states that as a neighboring community, the county's governing body, when reviewing proposed developments, should be mindful of impacts

to the neighboring base to include light and glare pollution. Staff was unable to find an Federal Aviation Administration (FAA) glare analysis within the executive summary for this project.

Items Unknown

At this point, staff has not seen the above-mentioned FAA light and glare analysis, studies on the potential for leeching, or toxicity reports.

RECOMMENDATIONS

Should the Board consider approval of the request, staff recommendations are as follows:

1. The project shall conform to the general arrangement illustrated on the 'Site Plan', designed by Dawood Engineering for ELK Development LLC revised and dated March 1, 2024.
2. Activities related to the operation of the facility shall take place during daytime hours with no night time operation after sunset.
3. The security fence shall be installed and maintained around the perimeter of the facility, be at least 7 feet in height.
4. A road maintenance agreement shall be written and recorded between the leasing agent and the property owner(s). The agreement shall include a provision to maintain the driveway and access roads throughout the life of the project.
5. The solar facility shall maintain the 100 foot resource protection area buffer around all waterways surrounding the site. Any elements or infrastructure of the facility including materials, debris, fencing, stormwater features that encroach into the resource protection area buffer will be subject to Chesapeake Bay Preservation Act regulations.
6. A Decommissioning Plan shall (a) initially be provided before the commencement of the project. (b) Necessary updates shall be included during the life of the project. (c) The final decommissioning plan shall be submitted within 12 months after facility operations have ceased. (d) At the end of the lease agreement or conclusion of the project the property must be restored and made suitable for agricultural use. The Decommissioning Plan shall include documentation detailing the (1) process, (2) safety standards, (3) pre and post environmental conditions and (4) a materials inventory (recyclable and non-recyclable). This plan shall be developed to the extent practicable.
7. No improvements related to this use other than utility poles shall exceed 15 feet in height.
8. Any expansion of this use beyond the terms provided herein shall require amendment to this Special Exception approval.

9. In accordance with the provision of Section 10-3.12 (11) of the Westmoreland County Zoning Ordinance, the activity shall begin within 2 years of the approval of this Special Exception by the Board of Supervisors. Prior to the start of the activity, zoning, land disturbing and/or building approval must be sought and granted.
10. This Special Exception and all conditions listed herein shall run with the land but may be revoked by the County of Westmoreland or its designated agent for failure by the applicant or its assigns to comply with any of the listed conditions or any provision of Federal, State or Local regulations that are specifically applicable to the solar facility and have been finally adjudicated beyond all appeals.
11. In lieu of landscaping along the right-of-way as required by Article 6-7.3(5), landscaping shall be provided at a minimum as shown on the above-referenced conceptual plan.
12. No additional or future development will be permitted on the property except in compliance with all the applicable codes.

- ii. **CASE#2404-SE-02** - Lawrence W. III & Rebecca Sumner Latane & Charles Jeffrey Ripley & Rebecca Latane 737 Popes Creek Rd Colonial Beach VA 22443 Agent Popes Creek Solar LLC. 321 East Main Street Suite 500 Charlottesville VA 22902 request consideration for a commission permit and special exception for small solar facility: Ms. DeJesus was present to discuss this matter. Please see Staff Report below.



Westmoreland County, Virginia
LAND USE ADMINISTRATION
PO Box 1000
Montross, VA 22520
804-493-0120

Building Official
Zoning Official
Planning Commission
Board of Zoning Appeals
Board of Building Appeals
Wetlands Board

Special Exception
Staff Report

<u>Date:</u>	March 17, 2024
<u>From:</u>	Kelly V. De Jesus
<u>Case Number:</u>	CASE#2404-SE-02
<u>Site Address:</u>	Lot 52, Kings Highway, Colonial Beach, VA 22443
<u>Site Location:</u>	East of Oak Grove
<u>Magisterial District:</u>	Washington District
<u>Site Tax Map:</u>	10-52
<u>Owner:</u>	Lawrence W. Latane III, Rebecca Latane, Rebacca S. Ripley, & Charles J. Ripley 737 Popes Creek Road Colonial Beach, VA 22443
<u>Applicant/ Agent:</u>	Popes Creek Solar, LLC 321 E Main St Ste 500 Charlottesville, VA, 22902
<u>Site Property Size:</u>	4,617,360 sq ft/ 106 acres
<u>Site Zoning District:</u>	Agricultural (A-1)
<u>Utilities:</u>	N/A
<u>Project Description:</u>	Two (2) Year Special Exception Request to Install Mounted Solar Panels: Project Site 19 acres
<u>Work Session:</u>	Monday, March 25 th , 2024 (3:30 p.m.)
<u>Public Meeting:</u>	Monday, April 8 th , 2024 (1:30 p.m.)

Parcel Information

Tax Map #10-52, off of Kings Highway, Colonial Beach, VA 22443 to the east of Oak Grove, is a 106 acre parcel. The zoning classification for this parcel is Agricultural (A-1). Upon completion, the project site will be approximately 19 acres. This is just under 18% of the parcel's area.

The project site will be off of the arterial road, State Route #3 (Kings Highway) and surrounded by predominantly A-1 properties. The closest single family dwelling to the project site is approximately 2,000 +/- feet away, with a wooded area in between.

The topography is relatively flat and wooded. There are upland wetlands in the northern half and eastern portions of the property. Also present are intermittent and perennial streams.¹

Project description

Popes Creek Solar, LLC proposes the construction solar photovoltaic energy facility with a single axis sun-tracking system which will interconnect with the existing power lines along Kings Highway. The site will produce up to 3 MWac and be sold to Dominion Energy. The site will have approximately 9,600 solar panels composed of silicon, glass, polymer, aluminum, and copper. The rows of torque tubes will be placed 21.5' apart on center, and there will be two points of access to this site.

The site is wooded, will be cleared enough for the project site, and will be shielded from view. The nearest dwelling is approximately 2,000 linear feet from the project area, and the existing woods between will remain intact. After the end of the project-life, the site will be decommissioned and returned to its original condition. The applicants propose to submit a detailed decommissioning plan during the application phase of the project.

Project Impacts

A complete environmental site assessment was conducted to include wetlands delineations, cultural & historically significant resources, and wildlife habitats. There were no identified bald eagle's nests on the lot. Seasonal tree removal will be carried out within the guidelines provided by the United States Fish and Wildlife Service, being mindful of roosting patterns for birds and long-eared bats.

The Army Corps of Engineers will verify any wetlands delineation, and the applicants will pull the development outside of the sensitive areas. While using the Federal Aviation Administration's Solar Glare Hazard Analysis Tool, it was determined that this site will not produce a glare. Construction will take place from 7:00 am – 7:00 pm Mondays through Fridays, and 9:00 am – 7:00 pm on Saturdays with no activities on Sundays. This will span an anticipated timeframe of three to six months.

County, State, and Federal Regulations

"Solar Farms" are not defined within the Zoning Ordinance and are therefore regulated as "Public Utilities." Within Article 2, Sec. 2-13.3 states the uses allowed by Special Exception within the Agricultural (A-1) Zoning District. Item 52 of this list is for Public Utility Facilities.

¹ **Perennial:** A stream that has flowing water year round during a typical year. The water table is located above the streambed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from precipitation is a supplemental source of water for stream flow.

Intermittent: A stream that has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from precipitation is a supplemental source of water for stream flow.

Article 6 addresses landscaping requirements. In the case of the Popes Creek site, the natural wooded lands, which surround the project area, surpasses Westmoreland County's minimum standards.

Questions pertaining to the Virginia Department of Transportation (VDOT) requirements, and whether the existing entrance is sufficient will be handled during the site plan review stage of the project.

The Virginia Department of Environmental Quality (DEQ) will conduct a site plan review for compliance with erosion and sediment control and stormwater management during the construction, stormwater management, and any potential grading plans if and after the Special Exception is issued.

Section 3.2.1.1 "Rural Lands" of the Westmoreland County Comprehensive Plan states, "Rural lands are intended to retain their existing character as much as possible. That is, they will remain primarily for agricultural or forestland use, but also with some areas of residential, commercial, institutional, and industrial uses. Public utilities such as water and sewer would not be planned for these areas, except to address the health and environmental concerns related to existing development and areas already committed Westmoreland Comprehensive Plan: Vision 2030 – Revised December 2017- 38 to more intensive development." This project does not permanently alter the state and future availability of the land, and its sole purpose is to provide clean energy to the ever-growing community.

While the project is just outside of a primary growth area, the plan does state that it wants to foster economic growth in the county. The project anticipates bringing 20 construction jobs and 1-2 operations managers to the county. For more information pertaining to the spending, output, tax revenue, and other economic factors, please see the executive summary prepared by pivot energy.

Section 3.2.4.7 of the Westmoreland County Comprehensive Plan, entitled "Military Compatibility - Additional Guidance for All Land Uses" further states that as a neighboring community, the county's governing body, when reviewing proposed developments, should be mindful of impacts to the neighboring base to include light and glare pollution.

RECOMMENDATIONS

Determination: Pursuant to Virginia Code section 15.2-2232, the Westmoreland County Planning Commission has determined that the Public Utility Facility as approved in Case # 2404-SE-02 is substantially in accord with the current Comprehensive Plan of Westmoreland County.

Should the Board consider approval of the request, staff recommends the following conditions:

1. The Special Exception is approved in general accordance with the conceptual plan entitled Popes Creek Solar LLC, prepared by Hexagon Energy, LLC. This Special Exception may be transferred, but shall be binding to any successors, assignees, current or future lessee, sub-lessee, or owner of the facility.

2. As much as reasonably possible, construction deliveries shall not occur during the higher-traffic hours of 7:00 to 9:00 in the mornings and 3:00 to 5:30 in the evenings. As much as reasonably possible, construction deliveries shall be limited to daylight hours.
3. Existing vegetation shall also be maintained within 100-feet of perennial waters and/or Chesapeake Bay Preservation Act jurisdictional wetlands; removal of any vegetation within those limits shall only occur with the approval of the County Land Use Administration staff and with proper replanting in accordance with CBPA standards.
4. Isolated wetland areas shall have a 25-foot setback that is field-delineated and protected, unless otherwise permitted/allowed by local, state, and federal agencies.
5. Access to the facility off Kings Highway will be developed in accordance with VDOT standards and will be designed and maintained to minimize impact to adjacent properties.
6. The total height of the solar arrays shall not exceed twenty (20) feet above the ground. This height limitation requirement shall not apply to facilities at the interconnection point to the local utility power grid distribution lines.
7. Fencing along the exterior of the facility shall be at least seven (7) feet in height, with the top foot consisting of angled rows of barbed wire. The fencing shall be maintained while the facility is in operation.
8. Prior to the issuance of permits for installation of equipment, a plan for decommissioning the facility shall be provided. Within one (1) year from the date that the facility ceases electricity generation for a continuous twelve-month period, all infrastructure and appurtenances directly related to this use shall be decommissioned and removed. The plan for decommissioning shall include recycling to the extent practical of all related improvements including solar collectors, cabling, electrical components, any bases or footers, and other associated items.
9. Any expansion of this use beyond the terms provided herein shall require amendment to this Special Exception approval.
10. In accordance with the provision of Article 10-3.12 (11) of the Westmoreland County Zoning Ordinance, the activity shall begin within 730 days (2 years) of the approval of this Special Exception by the Board of Supervisors. This includes the request for an additional year of initial approval. Prior to the start of the activity, construction permits must be sought and granted.
11. This Special Exception and all conditions listed herein shall run with the land but may be revoked by the County of Westmoreland or its designated agent for failure by the applicant or its assigns to comply with any of the listed conditions or any provision of Federal, State, or Local regulations.

- iii. **CASE#2404-SE-03-** Blue Iris Commercial Investments LLC. PO Box 711 King George VA 22485 Applicant Eileen Kim PO Box 711 King George VA 22485 request a special exception for additional buildings on the self-storage facility: Ms. McDowell was present to discuss this matter. Please see Staff Report below.



Westmoreland County, Virginia
LAND USE ADMINISTRATION
PO Box 1000
Montross, VA 22520
804-493-0120

Building Official
Zoning Official
Planning Commission
Board of Zoning Appeals
Board of Building Appeals
Wetlands Board

Special Exception
Staff Report

<u>Date:</u>	March 16, 2024 (revised March 22, 2024)
<u>From:</u>	Beth McDowell, <i>Planning Director</i>
<u>Case #:</u>	#2404-SE-03
<u>Site Address:</u>	7218 Kings Highway (DBA Eagle Storage)
<u>Site Location:</u>	near Flat Iron Road intersection
<u>Magisterial District:</u>	Washington Magisterial District
<u>Site Tax Map:</u>	19-43
<u>Owner/Applicant:</u>	Blue Iris Commercial Investment LLC
<u>Site Property Size:</u>	10.7 acres
<u>Site Zoning District:</u>	B-1 General Business
<u>Utilities:</u>	private well & septic
<u>Authority:</u>	10-3.12 Special Exception Permit
<u>Project Description:</u>	Request for Special Exception expansion for additional storage capacity at existing self-storage facility
<u>PC Work Session:</u>	Monday, March 25, 2024 (3:00 p.m., English Building)
<u>BOS Work Session:</u>	Monday, March 25, 2024 (5:30 p.m., English Building)
<u>Planning Commission:</u>	Monday, April 1, 2024 (1:30 p.m., English Building)
<u>Board of Supervisors:</u>	Monday, April 8, 2024 (6:00 p.m., English building)

FINDING OF FACTS

Project Description:

The property is commercially zoned and located on Route 3 near Flat Iron; the business is currently known as Eagle Storage. The land is developed with an existing self-storage facility consisting of nine separate storage structures, as well as an office, a tool shed, and a private garage. The conceptual plan shows three additional portable storage buildings of 14'x80' dimensions to be located in the cleared area nearest Route 3. Additionally, it includes the future development of a 30'x90' RV shelter for the storage of approximately eight (8) recreational vehicles and/or create a gravel area toward the rear of the lot to store RVs. The three proposed buildings would add 3,360 square feet and the RV shelter would be another 2,700 square feet of enclosed area. The proposed total cleared area for RV parking is a maximum of 1 acre.

Blue Iris 2404-SE-03

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The applicant has also indicated that ideally they would like an open-ended option for future development. In other words, they would like unrestricted approval to construct storage units and outdoor storage areas as needed without returning to the Board of Supervisors. In this case, expansion could occur as the market demands and as feasible subject to landscaping requirements, stormwater management regulations, and applicable setbacks (including a Resource Protection Area from the stream at the rear property line), etc. as required for permits from the Land Use office.

Need for Board Action & History of Past Actions:

Self-storage facilities require Special Exception approval on B-1 zoned properties. On February 13, 2006, the Westmoreland County Board of Supervisors approved the rezoning of the property from A-1 to B-1, as well as a Special Exception for self-storage units on this parcel for McDaniel & Son Homebuilders. The SE approval included several conditions, including limiting the amount of storage to approximately 8,400 square feet of storage area and the retention of a 150-foot deep forested buffer along Route 3.

Later in 2006, McDaniel built an office building and two storage units, equal to roughly half of the allowed storage building area. A new owner purchased the property in 2018 and completed construction of the approved amount of self-storage area, resulting in four storage buildings. In 2021, that same owner was granted and executed a second Special Exception for five additional buildings, adding another 8,400 square feet of storage area.

At this time, all previously approved capacity has been constructed, and the landowner wishes to again increase the storage capacity of the property. Additional storage area necessitates a new Special Exception review and approval.

Surrounding Zoning and Development:

Most of the surrounding properties are large tracts of agriculturally-zoned forestland or farmland. To the east along Route 3 there are several low-density residential lots, as well as several other businesses, including Morris Garage.

Water/Sanitary System:

The property has an existing septic system and well. Staff doesn't anticipate an increase in demand or usage of these facilities due to the proposed expansion of the storage use.

Transportation:

A commercial entrance was installed and accepted when the initial structures were built. The Virginia Department of Transportation (VDOT) doesn't estimate a significant increase in daily traffic for additional storage units, but they could review the future site plan upon the County's request.

Comprehensive Plan Considerations:

This property has been designated as Rural Lands in the County's Comprehensive Plan. "Rural Lands are intended to retain their existing character as much as possible. That is, they will remain primarily for agricultural or forestland use, but also with some areas of residential, commercial, institutional, and industrial uses... Scattered and isolated commercial uses are expected within the rural lands. Most businesses will be related to the natural resources of the area, or are small secondary businesses to help support the farmers and other rural residents.

The rural lands will also have scattered industrial uses... Future industrial uses in the rural lands may also include those which are not resource related, but may be difficult to site in the towns or the other designated growth areas."

Landscaping and Screening:

The original Board approval required that a minimum of 150 feet of forestry was to be maintained between the development and Route 3 to serve as a visual buffer. This forested area was to be on the subject property and not in the VDOT right-of-way and/or its adjacent utility easement. This condition for a forested buffer was carried over as a recommendation for the second project. However, measurements using aerial photos suggest that it has been reduced to roughly 120 feet.

Additionally, a cursory review of the conceptual plan and the location of existing structures indicates that it is likely impossible to retain a full 150 feet forested buffer and install the proposed 80 foot long structures. One or possibly two similar-sized structures parallel to the road could be accommodated, but not three that are perpendicular to the roadway.

The question to be (re)considered is how deep of a forested buffer is appropriate and reasonable for this site. This property does currently have the widest required buffer of any self-storage facility in the County, to staff's knowledge. The Zoning Ordinance typically requires an average width of 30 foot of landscaping along a right-of-way for commercial/industrial development. However, the Comprehensive Plan recommends a 100-foot wooded buffer along primary roads such as Route 3 in order to retain the rural aesthetic of the County, provide stormwater management benefits, and to preserve an undeveloped area for future walking/biking pathways. Please note that recently Route 3 was widened to four lanes in this specific area, however VDOT already had most of the necessary right-of-way area due to a relocation of the roadway many years ago and this buffer suffered little impact from that project.

At the time of the writing of this report, staff is recommending the retention of a forested buffer of at least 100 feet between the right-of-way and/or easements and the clearing for the development.

Additional notes:

1. Please note that the submitted conceptual plan doesn't show the most recently approved four 20x80 buildings and one 20x100 building behind the first row of storage buildings, nor does it show the 30x64 private garage. For that reason, staff has included a staff-amended copy of the

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plan for your reference.

2. Following lengthy discussion during the Planning Commission sessions, the Special Exception in 2021 was approved with an unobstructed separation of 20 feet between buildings. This width was recommended because it is the minimum width for a fire lane under Virginia building codes. The current conceptual plan shows a separation of 20 feet between the proposed structures.

RECOMMENDATION

We believe that this request for a Special Exception for an expansion of the self-storage facility has merit, with the suggested conditions listed below.

Should the Board consider approval of the request, staff recommends the following conditions:

1. The location and conditions of the Special Exemption shall be in general conformance to the conceptual plans presented with this application and the staff-amended plan. A minimum of 100 feet of forestry shall be maintained between the right-of-way for Route 3 and/or any adjacent utility easement and the cleared land of the development.
2. Outdoor storage of recreational vehicles, boats including their trailers, motor vehicles, or similar may occur in the area designated as '1.00 acre for future development' on the conceptual plan, subject to all applicable codes including permitting, screening, and stormwater management capacity. The servicing and repair of any vehicle shall not be permitted on this site, beyond minor work necessary to keep the vehicle operational.
3. The site development shall be completed and all buildings shall obtain their Certificate of Occupancy within five (5) years. Up to an additional five-year extension may be approved by the Zoning Administrator upon request and review. Development not granted a permit or approved for occupancy within that timeframe shall be voided from the approved plan.
4. Any expansion of this use beyond the terms provided herein shall require amendment to this Special Exception approval. No additional or future development will be permitted on the property except in compliance with all the applicable codes.
5. All outdoor storage, waste disposal, and recycling facilities shall be screened with an opaque fence and/or landscape.
6. All exterior light shall be shielded from abutting properties and directed into the site. Extra safety measures shall be taken to assure that no lighting shall interfere with the vehicular traffic on any public right-of-way.
7. The storage buildings shall be at least twenty (20) feet apart to accommodate a fire lane, as well as loading and unloading at individual cubicles. Adequate turning radiuses shall be provided, where appropriate, for a thirty-foot long single unit truck or moving van.

8. A 25-foot buffer of vegetated transitional screening shall be maintained from all adjacent lands in accordance with Zoning Ordinance Article 6-7.5(1), excluding Kings Highway which shall maintain 100 feet.
9. In accordance with the provision of Section 10-3.12 (11) of the Westmoreland County Zoning Ordinance, construction activity related to this use shall begin within 365 days of the approval of this Special Exception by the Board of Supervisors. Prior to the start of the construction activity, zoning and/or building approval must be sought and granted.
10. This Special Exception and all conditions listed herein shall run with the land but may be revoked by the County of Westmoreland or its designated agent for failure by the applicant or its assigns to comply with any of the listed conditions or any provision of Federal, State or Local regulations that are specifically applicable to this use.

Attachments:

Application
Aerial photo of lot and surrounding area
Conceptual plan of expansion, revised 3/21/2024
Conceptual plan of expansion, as amended by staff 3/22/2024
Plat, drawn by Edward Holsinger, dated October 18, 2005
Photos (2) of intended portable storage units, pictures taken by applicant at storage facility in Northumberland County

- i) Appointments to Committees and Board: Mr. McCormack asked to the Board to discuss and replace any Board members replacing those that are no longer on the Board.

APPOINTMENTS & COMMITTEE MEMBERS

BAY AGING			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Karen E. Lewis		7/1/2022	7/1/2026
Belinda Johnson (Alt)			7/1/2025
BAY CONSORTIUM WORKFORCE DEVELOPMENT BOARD			
Name	DISTRICT	APPT DATE	EXPIRE DATE
Greg Moon	Carry-on		3/4/2025
Brittany Metts	Teal Jones		3/4/2025
CHIEF LOCAL ELECTED OFFICIAL CONSORTIUM (CLEO)			
Chairman of the Board			12/31/2028
Ben Prescott (Alt)			none
Donna Cogswell (Alt)			none
BOARD OF BUILDING APPEALS			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Roger Johnson	1		3/13/2027
Zeb Brundage	2		2/12/2026
Albert Haskins	3		3/9/2024
Gary Inscoc	4		12/31/2024
Eric Nelson	5		4/10/2027
BOARD OF SUPERVISORS			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Darryl E. Fisher	1	1/1/2024	12/31/2028
Jeffrey A. McCormack	2	1/1/2024	12/31/2028
Matthew D. Ingram	3	1/1/2024	12/31/2028
W.W. Hynson	4	1/1/2024	12/31/2028
Timothy J. Trivett	5	1/1/2024	12/31/2028
BOARD OF ZONING APPEALS			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Dexter Monroe	1		7/31/2027
Matthew Beard	2		7/3/2028
Lonnie Thurston	3		7/31/2024
James McConkie	4		7/31/2026
Peggy Campbell	5		7/31/2025
Jack O'Neil (Alt)			11/13/2025
BUILDING OFFICIAL			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Paul Brunkow		9/11/2001	Active
CENTRAL RAPPAHANNOCK REGIONAL LIBRARY BOARD			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Christy Maupin		1/1/2024	1/1/2028
CHESAPEAKE BAY REGION CIGARETTE TAX BOARD			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Board Rep: Vacant			
Timothy Trivet (Alt)	5		

COMMUNITY SERVICES BOARD			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Kathryn S. Knoeller		2/12/2021	2/12/2025
ELECTORAL BOARD			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Barry Millward			12/31/2027
Butch Filkoski			12/31/2026
Kathy Craig			2/28/2025
EMERGENCY AMBULANCE SERVICE REVENUE RECOVERY BOARD			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Ben Prescott			none
Blake Byrd (Alt)			
NN CHESAPEAKE BAY REGIONAL PARTNERSHIP			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Darryl Fisher			
Timothy Trivett			
Ben Prescott-County Admin		member	roster-no date
Terry Cosgrove (Business Mem)			
Eric Nelson (Business Mem)		1/29/2020	12/31/2023
Allen E. Hickam (EDA Rep)		7/11/2022	7/11/2024
NORTHERN NECK PLANNING DISTRICT COMMISSION			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Darryl Fisher			12/31/2023
Vacant			
Ben Prescott			none
Zeb Brundage		8/18/2020	8/10/2024
Wallace McGinness			
NORTHERN NECK PUBLIC ACCESS AUTHORITY			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Woody Hynson	4		
Beth McDowell			
NNRJ			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Benson Braxton		1/1/2024	12/31/2028
Richard Wilks		1/1/2024	12/31/2028
NN SOIL & WATER CONSERVATION DISTRICT			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Benson Braxton		1/1/2024	12/31/2028
Richard Wilks		1/1/2024	12/31/2028
PLANNING COMMISSION			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Elwood Carey	1		12/31/2024
John Felt	2		12/31/2025
Lewis Thompson	3		2/11/2028
James Coates	4		12/31/2024
Kyle Schick	5		12/31/2025

INDUSTRIAL DEVELOPMENT AUTHORITY			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
James W. Latane, Jr.			3/13/2026
Allen Hickman			3/13/2025
Zeb Brundage			3/13/2025
Rebecca Gillions			3/13/2026
Robert T. Lynch			3/13/2027
Eileen B. McConkie			9/14/2024

WETLANDS BOARD			
NAME	DISTRICT	APPT DATE	EXPIRE DATE
Kelvin Johnson	1		12/31/2026
Jerry Mulholland	2		2/9/2028
Holly Haman	3		12/31/2026
Elgin Niningor, Jr.	4		12/31/2024
Jane Bergeron	5		2/12/2028
Joe Karbonit (Alt)			8/8/2026
Larry Wheaton (Alt)			8/8/2026

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- j) Trash Accumulation/Potential Earth Day: Mr. McCormack stated the County Administrator and some Board Members are planning a Earth Day Clean up event on April 17th beginning at 8:30 a.m. He noted we have reached out to VDOT to help. He also stated there are more things to plan and as information comes together, it will be released.
- k) Westmoreland Dump Tire Charge: County Administrator discussed the process for disposing of tires and the abuse of dumping tires by business that are not within the county. Mr. Prescott noted one option is to purchase a tire cutter and then there is no need to pay a person to dispose of the tires, as they can be disposed of after quartering them. Mr. McCormack and Mr. Fisher asked to go back and come up with alternatives before changing any processes.

- l) **Abandonment and Condemned Buildings:** Mr. McCormack asked if there are any ordinances or laws to possibly levy liens against properties with dilapidated buildings. He stated VA Beach uses houses for fire training purposes. Just something to think about.

- m) **Revised Rifle Language Usage for Hunters:** Mr. McCormack mentioned that neighboring counties, including Richmond County, has approved an ordinance for hunting using rifles 23 calibers or larger. Mr. Hynson noted we could check with the Wildlife Resources to get information; Mr. Fisher suggested they would need to start with investigation and information prior to having a public hearing. He stated this will be a hot topic and there will be a lot of questions that will need to be answered. Mr. McCormack also agreed this topic would warrant at least one public hearing.

- n) **Rules for Choosing Chairman and Vice-Chairman for BOS:** Mr. Trivett asked about the legality to change Rules of Procedure. Mr. Stuart stated the rules do not apply to that now. The rules can be changed and currently would require a majority vote. Motions must be on the agenda in order to be voted on. Mr. Trivett stated he would like the Board to consider having a townhall with the effected area, example Colonial Beach, if everyone knows this and knows all the information. Mr. Stuart stated no vote would be needed and if a townhall is requested it would just need to be published on the web page. Mr. Ingram mentioned the DSS Easter Egg Event was very successful with a large turnout. Hope to have more free events like this.

ADJOURNMENT:

There being no further business to come before the Board at this time, upon motion by Mr. Trivett, second Mr. McCormack and carried unanimously, the Board adjourned the meeting at approximately 8:44 p.m. The Board's next regular meeting will be held on Monday, April 8, 2024 at 6:00 p.m. The meeting will be held in the public meeting room at the front entrance of the George D. English, Sr. Memorial Building.

Chairman, _____

