

THE KING GEORGE COUNTY PLANNING COMMISSION
January 24, 2023

The King George County Planning Commission (KGPC) Joint Work Session Meeting was called to order at 6:00 PM by Vice Chairman Kristofer Parker in the Board Room of the Revercomb Building, located at 10459 Courthouse Drive, King George County, Virginia 22485.¹

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Staff Present: Heather Hall, Director, Zoning Administrator
Louis Pancotti, Senior Planner
Richard Stuart, Planner
Chris Dines, IT Director
Jaci Fish, Recording Secretary

KGPC Members Present: Vice Chairman, Kristofer Parker
Joseph DaCorta
Ross Devries
Ian Fox
Joseph Gaborow
Gary Kendrick
Kevin Myers (Remote Participation³)
Donald Watkins Jr.

Members Not Present: Chairman, Walter Moss
Jason Williams

KGCBOS Members Present: Chairman Richard Granger
Vice Chairman Jeffrey Stonehill
Cathy Binder
TC Collins
Ann C. Cupka

KGC Administration: Chris Miller, Director

KGC Attorney: Kelly Lackey, Attorney
Jessica Washington, Assistant Attorney

KGC Economic Development: Nick Minor, Director

NSF Dahlgren: Captain Todd P. Copeland, NSASP Commanding Officer
Thomas Hastings, CPLO

The Berkley Group: Rebecca Cobb, Principal Planner

¹ January 24, 2023, KGPC Meeting Agenda and Documents can be reviewed via the Internet, on the King George County Government Webpage, retrieved at: www.kinggeorgecountyva.gov/AgendaCenter/ViewFile/Agenda/01242023-887 .

² January 24, 2023, KGPC Meeting can be viewed via the internet at: www.youtube.com/watch?v=4uIXL3_kvZY&t=2435s

³ Mr. Myers remotely participated in the January 24, 2023, KGPC Joint Work Session Meeting

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Call to Order:

KGCP: Vice Chairman Parker called the KGCP meeting to order at 6:00 PM and noted there was a quorum.

KGCBO: Chairman Granger called the KGCBO meeting to order at 6:00 PM and noted there was a quorum.

Following the pledge of allegiance, Chairman Granger led an invocation.

Amendments to the Agenda: No amendments were noted.

Public Comment: Vice Chairman Parker opened the floor for the public forum. Vice Chairman Parker called for the public to comment and stated if anyone in the public wishes to address the Commission, please come forward and state your name. Please limit comments to three (3) minutes to afford everyone an opportunity to speak.

1. Mrs. Deborah Fairfax, KGC Resident, stated Good Evening, Chairman(s) of the Board and Planning Commission. Near the Great Oak subdivision in Prince William, there is more than one quiet Data Center. One by QTS, the HOA president of Great Oak, has told me has had no complaints against it. There are also bordering a different part of that same subdivision data centers that are still causing true significant noise problems for residents today and all through tonight. The nearest house to them is over 600 feet away with a 350-foot treed buffer. I've shared stories of other locations where data center noise has been a huge problem. Even magazines published by the data center industry itself call out noise as an issue that must be dealt with if data center developers want to build near homes. In Prince William, the Board of Supervisors paid \$11,000 for a noise study. Amazon has acknowledged the noise problem and is meeting with the HOA president bi-weekly. Amazon is to begin a one-year process in February 2023 to hopefully address the issue. Meanwhile, Amazon wants to build a data center in Warrenton. Amazon has promised to meet Warrenton's strict noise ordinance. The applicant will be required to submit a noise study at the time of site plan admission, and if the Data Center is allowed, another noise study one month after beginning use is required, and there are additional requirements. As residents, we're asking you to require any data center that comes into King George to be quiet. Therefore, please adopt Warrenton's noise ordinance with both DBA and DBZ ratings. Please require a noise study by a third party verifying that a data center will meet strict noise standards. That is now going to be required in Prince William as well. Second, there are numerous reasons why round-the-clock uses such as data centers, battery storage facilities, and utility-scale solar should be by special exception. At least for now. These are New Uses in the county with known issues permitting these by special exception only allows the county to maintain much greater control over the location, rate of expansion, resolution of unforeseen issues with corporations, the diversification of our industrial revenue stream, and ensuring the best practices for our County and our residents. Please place these uses in special exception in the current ordinance and in the new ordinance. Thank you for your commitment and diligence. You've been placed here in leadership for such a time as this. Please fulfill these reasonable requests for the benefit of today's citizens and those in the future. Thank you.
2. Mr. Todd Fairfax, KGC Resident, stated, Mr. Chairman and Members of the Board(s), I'd like to begin by making something very clear regarding my position on property rights. I believe that property owners should be allowed to enjoy the use of their property, but when a

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property owner's use infringes on another abutting or neighboring property owner, that's when a property owner's use needs to be controlled or limited. So that other property owners can enjoy their property, also. Isn't that part of why we have a zoning ordinance? My requests are simple. First, I ask the Board to take up a motion for a text Amendment to the industrial district regulations in the current zoning ordinance, moving battery energy storage facility data centers and solar farms from uses byright to uses only by special exception. Second, I asked the Board to take up a motion for a text amendment to section 1.9.3, specific definitions of the current zoning ordinance amending the definition of a data center to a single building rather than the currently ambiguous word facility. Next, I ask the Board to take up a motion for a text amendment to section 1.9.3, specific definitions of the current zoning ordinance, adding the definition of data center campus as more than one data center on a parcel and include data center campus and uses permitted only by special exception in industrial district regulations. This will add clarity to any application for data centers or data center campuses so that the county and the public will understand whether single or multiple buildings are being planned. Finally, I asked the Board to take up a motion to adopt the performance standards for all nonresidential uses found in Article 9 Section 14.2 and Tables 9-1 and 9-2 of the town of Warrenton, Virginia's zoning ordinance as the noise performance standards for data centers and data center campuses in the current zoning ordinance. Thank you for your attention and action on this matter.

3. Mr. David Savage, Austin, Texas Resident, stated I am here with a company called Open Road Renewables (www.openroadrenewables.com/). We're interested in pursuing opportunities in the county both in battery energy storage as well as utility-scale solar. We have been following the developments with the new draft ordinance. I see from the agenda this evening that there's likely to be or at least there will be a vote on a change order for further work on the draft ordinance on both of those provisions. I'll keep my comments brief and will remain engaged on both those subjects as the county proceeds. We have submitted written comments on the utility-scale solar ordinance, as it is drafted now. We plan to do the same for the battery energy storage facility draft ordinance. At a high level on both of those and speaking from our experience in the State, we've been working in Virginia for about seven years and have developed both of these kinds of facilities in other counties. We again like to pursue those same opportunities here in King George County. On the battery energy storage facility draft ordinance, really only two high-level comments. One is that the ordinance would incorporate by reference National Fire Protection Association Standard 855, and we applaud that completely. We are not working directly on the standard as it has been adopted and as it's reviewed constantly, but we work with a number of Industry experts that do that. It's certainly the gold standard for safety for battery energy storage facilities. We're pleased to see that. The one caution that we would ask the county to consider as it proceeds to finalize the ordinance is to be careful whether other parts of the ordinance may overlap with the subject matter that's in FPS 855. Inadvertently either causing a conflict or perhaps a regulation that the county didn't intend. We think that the adoption of this gold standard, as it has evolved as it will evolve over time, will best protect the county and will certainly allow us to know what our targets are for development. The second comment on the battery energy storage facilities is that the standard isn't written now and says they should be invisible or not visible. We would ask that it be made into a standard that's more achievable like well-

screened, or appearance improved. On utility-scale solar facilities, most of the ordinance, we are in complete agreement with. There are seven or nine new studies that would be required under the new ordinance and not required in the existing one. We submit them routinely on our other projects and applaud the county for doing that. What we would ask is the county consider not including so many locational and size restrictions. Because the counties already have tremendous restrictions on utility-scale solar because of its topography and because of the limited transmission capacity.

4. Mr. Blake Cox, with Energy Rights, stated as one of the founders of a non-profit called Energy Rights. I founded Energy Rights to encourage and educate about energy being developed the right way on the local level with a focus on property rights and conservative ideals. Including all of the above approaches to energy. So on behalf of Energy Rights, I would like to thank you for your diligent work on your proposed solar ordinance so landowners may soon bring forward solar projects for your consideration. The proposed solar ordinance incorporates reasonable setbacks from property lines. Third, decommissioning requirements required Community meetings and vegetative buffering to shield projects from view, all hallmarks of good policy. So, while this proposed ordinance does many things right. I do have a couple of suggested edits to the proposed ordinance I would like to call to your attention. First, I would say placing a blanket restriction on the distance between projects will strip the property rights of neighbors who happen to live near a permitted project. By including a two-mile buffer area between projects, you risk spreading projects out across the county in a random way. There may well be one corner of the county where the best projects are sided with nearby transmission existing vegetative screening and few nearby neighbors. Density restrictions can be arbitrary and hurt those whom they're really designed to protect. Similarly, acreage caps on projects and limitations on the portion of parcel coverage only handicap the County's ability to shape reasonable proposals to best fit the site in your community. Never has a farmer been required to keep a certain percentage of their land outside of production. Never as a landowner been Limited in the amount of land, she can utilize for a specific purpose. Lastly, but I wouldn't say definitely not last, important, rivers and other natural resource research should definitely be at the top of our mind when we're trying to mitigate parts of solar projects, but a two-mile restriction from waterways is a requirement in search of a problem. The DEQ already requires projects to control the effects of water runoff quality and quantity. Solar projects are required engineering systems, so watersheds are not affected by the construction or operation. Again, we want to thank you for your diligent work on this proposed ordinance, and we would encourage you to move forward into consideration of solar developments that make sense for your county. we'd be happy to be a resource at any time moving forward. Thanks so much.

Vice Chairman Parker inquired if there were any participants online for Public Comment. Mr. Chris Dines, IT Director with King George County Department of Community Development (KGCD), stated there were no participants online for Public Comment.

Vice Chairman Parker closed the floor for Public Comment.

Presentation by The Berkley Group: Ms. Rebecca Cobb with The Berkley Group presented Figures 1 – 15 below. Ms. Cobb reviewed the agenda. Including: Project Intent & Overview, Process to Date, Ordinance Drafting Highlights, Ordinance Review Tips, Outstanding Items, Change Order, Next Steps, and Discussion.

a. Project Intent & Process:

The King George County Planning Commission Meeting Minutes
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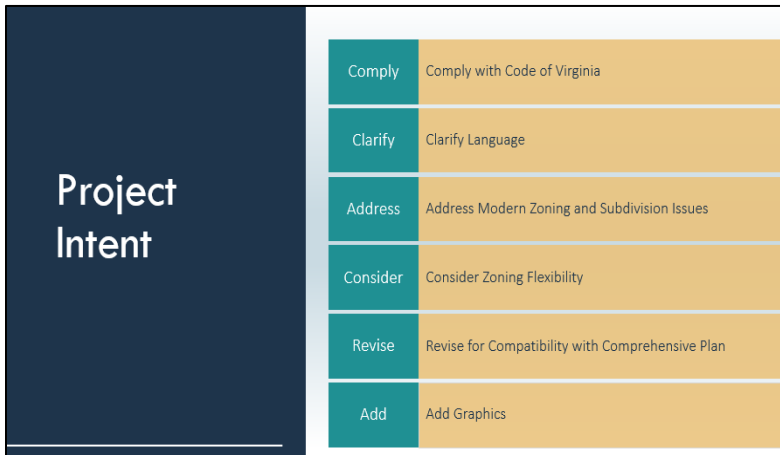


Figure 1 Project Intent & Process



Figure 2 Project Overview

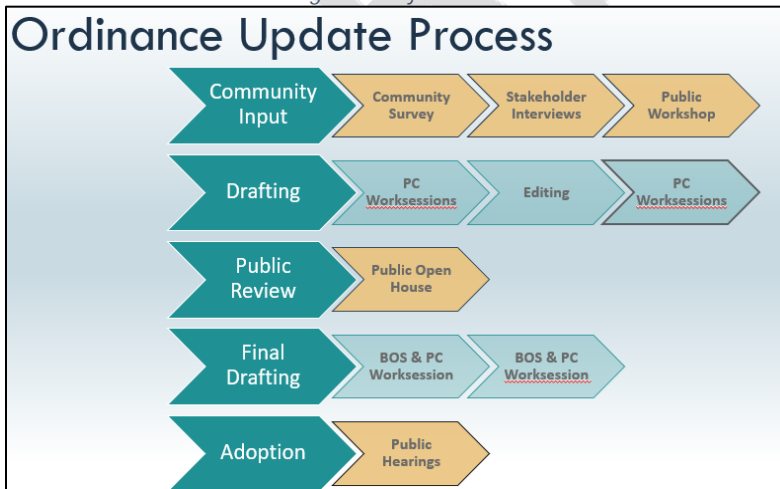


Figure 3 Ordinance Update Process

b. Ordinance Drafting Highlights

The King George County Planning Commission Meeting Minutes
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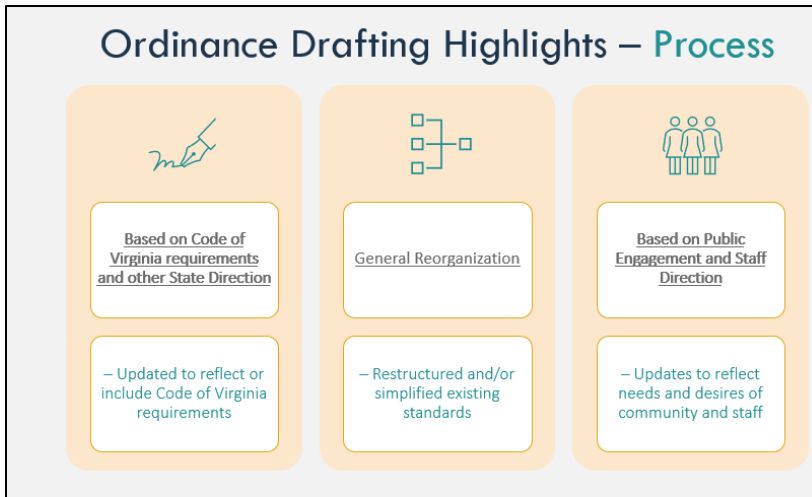


Figure 4 Ordinance Drafting Highlights - Process

Ordinance Drafting Highlights

See Attachment A, Summary Memo

Articles I, II, III – Administrative Content:

- ZA authority to interpret zoning district boundaries; appeals to BZA
- Address applications prior to Ordinance effective date
- PC to hear exceptions to the HCOD
- Option of criminal penalties after civil penalties
- Concept Plans submitted with Map Amendments and Special Exceptions
- Site Plans approved by the Administrator
 - Major and Minor Site Plans

Figure 5 Ordinance Drafting Highlights

Ordinance Drafting Highlights

See Attachment A, Summary Memo

Articles IV, V – Districts Content:

- Renamed Districts
- Added height maximums
- Added provisions for steep slope development
- Increased R-3 density (from 8 to 12 du/acre)
- Decreased C-2 front setback
- Provided standards for the R-C district
- Added min. setback from cluster developments
- Add requirement of 12" of freeboard in floodplain overlay
- Drafted a new Military Overlay

Figure 6 Ordinance Drafting Highlights Articles IV, V Districts Content

Ordinance Drafting Highlights

Articles VI, VII – Use Content:

- Incorporated a Use Matrix
- Consolidated use terms
- Added modern uses
- Added standards for new uses
- Added additional standards to address impacts

See Attachment A, Summary Memo

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Figure 7 Ordinance Drafting Highlights Articles VI, VII Use Content

Ordinance Drafting Highlights

Articles VIII – Design Content:

- Consolidated standards
- Added lighting standards for development
- New tree measurement and preservation standards
- New Transitional buffer standards between districts/uses
- Increased opportunity for shared parking
- Added bicycle parking requirements
- Added new prohibited signs
- Revised sign size limits

See Attachment A, Summary Memo

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Figure 8 Articles VII Design Content

Ordinance Drafting Highlights

Articles IX, X, XI – Nonconformities, Subdivisions, & Definitions Content:

- Allow full interior remodel of nonconforming structures
- Subdivision regulations now in Zoning Ordinance
- Increased length of time to own land for family subdivisions
- Added fire protection standards
- Definitions updated to match uses
- Defined additional terms

See Attachment A, Summary Memo

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Figure 9 Ordinance Drafting Highlights Articles IX, X, XI Nonconformities, Subdivision, & Definitions Content

Ordinance Review Tips

- Use the Summary Memo
- Use the Editor’s Notes at bottom of the Draft Ordinance
- Remember that the articles work together as a whole
 - Try out a couple of scenarios

Figure 10 Ordinance Review Tips

Table VIII-2. Transitional Buffer Type Required

District of Proposed Development	Adjacent Property/Development/District					
	HCOD ¹⁴	A-1, A-2, A-3	R-1 R-2	R-3	C-1 C-2	I I-1
Cluster Developments ²⁵ and Major Subdivisions	n/a* <i>*see district requirement below</i>	Type B	Type A	Type A	n/a	
A-1, A-2, A-3 R-1, R-2	non-residential uses ²⁶	Type B	Type B	Type B	n/a	
	all other uses	Type B		n/a	n/a	
R-3	Type B	Type A	Type A	n/a	n/a	n/a
C-1, C-2	Type B	Type B	Type B	Type B	n/a	n/a
I, I-1	Type B	Type C	Type C	Type C	Type C	n/a

n/a = transitional buffer not required

Table VIII-3. Minimum Plantings

Buffer Type	Minimum Buffer Width (in feet)	Number of Required Large Deciduous or Evergreen Trees (per 100 linear feet) ¹	Number of Required Ornamental or Understory Trees (per 100 linear feet) ¹	Required Shrubs (per 100 linear feet) ¹
A	15	2	1	6
B	30	4	8	10
C	50 ²⁷	8	10	20

¹ Where fractional numbers result, the required number of plantings shall be rounded up to the nearest whole number.

Apartment

landscape parking lighting

Article 8 Community Design

Figure 11 VIII-2. Transitional Buffer Type Required

Outstanding Items

Military Compatibility Area Overlay (MCAOD)

- Text drafted using: *Joint Land Use Study, Department of Defense Practical Guide to Compatible Civilian Development near Military Installations, Army Regulation 200-1, Dahlgren Community Planning & Liaison Officer recommendations, and benchmarks*
- Worksession held on May 31, 2022: *discussed subareas and standards, edits incorporated, 8 items identified for additional direction from Dahlgren (subarea intents, frequency and other standards, etc.)*
- KG staff requested a hold in June 2022
- **Options** – 1) Completion by Dahlgren 2) Remove from Ordinance

Figure 12 Outstanding Items Military Compatibility Area Overlay (MCAOD)

Outstanding Items

Industrial Uses (Data Center, Battery Storage & Power Plants)

- Text drafted using: *community engagement feedback, staff recommendations, and adjacent localities*
- Worksessions held on May 31, 2022, and July 26, 2022: discussed use permissions and use standards, edits incorporated
 - *Data Center – SE in General Trade and Industrial Light ; B in Industrial District; and standards*
 - *Battery Energy Storage Facility – B in the Industrial District; and standards*
 - *Utility Service Major – SE in all districts*
- *September-December 2022 additional staff review, edits incorporated*
- **Options** – 1) Change Order 2) Continue with Process (minor edits only)

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Figure 13 Outstanding Items Industrial Uses

c. Change Order & Next Steps

Change Order

Data Center, Battery Storage, & Power Plant

Research	Best practices from APA & benchmarks from other localities (selected by staff)
Findings Memo	Summary of research and ordinance recommendations
Industrial Memo	Summary of current drafted text for industrial uses
Session(s)	Discussion of drafted industrial text, research, and new recommendations
Editing	Use standard revisions based on PC & BOS direction

Figure 14 Change Order

Optional Next Steps

Industrial Uses Fast Track	Industrial Uses Ordinance Track	Change Order Lite	Ordinance Focus
<ul style="list-style-type: none"> • Change Order • Pause Ordinance • Research • <u>Worksessions</u> • Continue <div style="display: flex; font-size: 0.8em; margin-top: 5px;"> <div style="background-color: #ADD8E6; padding: 2px; margin-right: 5px;">Staff takes Industrial uses and standards to Public Hearing for existing Ordinance</div> <div style="background-color: #ADD8E6; padding: 2px;">BG Continues with the Ordinance Rewrite Process (Open House, Review, Hearings)</div> </div>	<ul style="list-style-type: none"> • Change Order • Pause Ordinance • Research • <u>Worksessions</u> • Restart Ordinance with Industrial Edits • Continue with Ordinance Process (Open House, Final Review Sessions, & Public Hearings) 	<ul style="list-style-type: none"> • Change Order • Open House • Research • <u>Worksessions</u> from current work order (1 to review industrial recommendations & 1 to review ordinance, contingent on decision making) • Public Hearings 	<ul style="list-style-type: none"> • No change order • Edit uses to require SE • No additional research • Continue with Ordinance Process (Open house, Final Review Sessions, & Public Hearings)

Figure 15 Optional Next Steps

Industrial Uses:

Ms. Cobb stated the other major outstanding item is Industrial Uses, particularly data centers, battery storage, and power plants. The text was drafted using community engagement, feedback, staff recommendations, and looking at your adjacent localities. Then we met in May and July with the Planning Commission and discussed the use permissions as well as the standards to go along with those. The Planning Commission provided us with edits, and we incorporated those. Where the Planning Commission sort of landed is the data center being special exception in the general trade and the industrial lite district. It's byright in the industrial district, and there are standards associated with data center battery energy storage facility is byright in the industrial district, and there are standards associated with that. Utility service major is the term associated with power plants, and it's a special exception in all districts. That was the last direction from Planning Commission. We incorporated those edits from September to December. Staff continued to review standards and provided us with additional edits for those, and we've incorporated those items. Options now since we've heard that you've received some additional interest and potential applications. Even folks here are speaking tonight about their interest, and so there's a desire for additional research and looking at how these are allowed and the standards associated with it. We submitted a change order regarding that. I will review some of the change order details in a bit. We do have some options regarding the change order that I'll also discuss with you, or we could not do the change order and continue with the process as is and do minor edits.

Change Order:

Ms. Cobb stated, first, the change order, is for data centers, battery storage, and power plants. We heard you wanted research. We're going to do research for Best Practices from APA as well as benchmarking from other localities. This would be selected by staff rather than adjacent localities because we've already done that. We are looking at providing you with a finding memo. From that research, we would summarize what we found and then provide you with recommendations for your ordinance. We would also give a memo regarding what's already been drafted for your industrial text and Industrial uses. So, you can see that as a cohesive picture. Then we would have a discussion through a couple of work sessions where we would talk about the industrial text that's been drafted. Talk about the research. Provide you with the recommendations, and then you give us feedback on the edits you want to make, and we will incorporate those edits. You may have a few questions like, why are we doing this change order? Isn't this part of the project already? The scope says we will do one round of revisions per article. We provided the draft and met with the Planning Commission. We had a discussion with them about our recommendations. They've provided us with those edits, and we have incorporated those edits. That has fulfilled that portion of the scope. So, when you want additional research, looking at additional localities, we have to be paid to do that, unfortunately. That is why we're here discussing the change order. You might want to consider also how this fits within the ordinance project, the bigger project. One thing I will say is it will delay the project. That does cause me a little concern because in past projects, when it gets put on hold, so there could be concentration for several months on a particular topic. When you pick it back up again, you feel

a little overwhelmed and a little lost in reviewing and continuing that process. So that's something to consider. For that reason, I do also have some options for you tonight.

Mr. Collins motioned for a text amendment to the industrial district regulations in the current and the future zoning ordinance, moving battery energy storage facility data centers and solar farms from the use permitted byright to use is permitted only by special exception. Seconded by Ms. Binder. After discussion, the vote was tabled until the KGCBOS February 07, 2023, Meeting.

KGCBOS Change Order Discussion:

Mr. Granger stated we have a motion properly seconded any discussion. I'll let the planning commission jump in as well since you're here with our meeting. This is a motion made and seconded by the Board. Please feel free to provide comments.

- Mrs. Hall stated the Board provides Direction, and they have the final say. Should this motion be completed, Staff would go and draft that text Amendment and bring it back to the public hearing process. Planning Commission will hold a public hearing as well as the Board for final adoption.
- Mr. Granger stated any power generation project right now is by special exception. But battery storage and the data center are currently byright in industrial.
- Mr. Fox inquired does that include inside the fence power generation for your own consumption or is that strictly the power that you want to put on the grid for sale outside.
 - Mr. Granger stated I'm going to defer to Ms. Hall, but I believe if you have it for ancillary use, then that would not be the project. That would be something you could do.
 - Mrs. Hall stated that was correct. Under the current ordinance, if I have an industrial building and I wanted to put out solar to support only and meet the guidelines of ancillary use, then that would not come before this Board. However, currently, industrial solar battery storage and data centers are all permitted byright.
 - Mr. Fox stated, I'm only clarifying that distinction between inside the fence use and putting it out on the grid. Thank you.
- Mr. Devries inquired, to be clear, if that does go through the public hearing processes for the current ordinance, it will only create the requirements from the current performance standards. It won't take the future performance standards in place of the current ordinance.
 - Mr. Granger stated that was part of his motion. It was to take the current standards and make them buy special exception only as opposed to byright.
 - Mr. Kendrick stated our internal discussions in the Planning Commission over the past couple of months. I've certainly become very concerned that we don't have the proper guidelines and requirements in place for noise as well as possibly some environmental type controls. At some point in time, when we get that nailed down better, I might be very open to allowing it byright in some places. At the moment, I tend to agree with the comment about taking it out of the industrial or keeping it out of the industrial area byright and making it only by exception. That way, it gives us in the Planning Commission and you and the Board of Supervisors an opportunity to really look at what is being proposed rather than dealing with it once it's already built.
 - Mr. Granger inquired if there was any other discussion from anyone. Ms. Lackey?

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- Ms. Lackey stated this is an excellent discussion. Clearly dovetails with what's going on, but for purposes of a vote on a motion, we did not have text Amendment changes on the agenda. This is the equivalent of a special meeting. I would recommend that if there is a vote on the actual direction to staff on the text amendment that perhaps it is continued to the February 7th agenda.
- Mr. Granger inquired; Mr. Collins did you have something you want to say.
 - Mr. Collins stated yes. Previously in Board of Supervisors meetings, I have requested that be a regular board meeting, not a work session, for a vote, but it is acceptable to do that, and it has occurred when I haven't been here, there's been a vote taken. I don't know why we can't have motions on the table in the work session if we've done it in the past.
 - Mr. Granger stated what Ms. Lackey was saying, and please correct me if I'm mistaken, that it was not part of the agenda to have this discussion in this vote where you can advertise a work session, a special meeting where you're talking about what business will be discussed and could be possibly voted on. It's what I heard.
 - Ms. Lackey stated a standard rule of your special meetings has a fixed agenda so that you only take actions on those specified items. If it's a will of the Board, you could have. I believe it needs to be unanimous. You can suspend your rules of procedure, should you want to take a vote this evening.
 - Mr. Collins stated there's nothing in the Roberts Rules of order that says you can't take a vote. We are here discussing this, and it is in this book. It's an appropriate motion tonight. Thank you
 - Ms. Binder stated, Mr. Chair, I have one other suggestion that this could be put on the next agenda. The motion that we would discuss this. Because it is very important, especially hearing from colleagues in Northern Virginia. Best practices of what they did wrong. We need to be aware of and make sure we have our ducks in a row.
 - Mr. Granger stated your compromise would be to let's add it to the agenda for February 7th. I'll ask my colleagues.
 - Ms. Cupka stated, I would be in favor of adding it to the agenda for the next meeting for additional discussion. However, I would not be willing to vote this evening on the motion.
 - Mr. Collins stated that the motion is on the table, and it has been seconded. So, it would have to be voted on unless the person making the motion withdraws it. So, at this time, I had three different motions in regard to this, so I will remove them from the table and request that they are put on the February 7th agenda.

- Mr. Granger stated, I'll make sure we add discussion items for each of those motions, at the February 7th meeting.
- Ms. Lackey stated Ms. Hall has pointed out that the issue of the change order is on the agenda, so to the extent that there needs to be a discussion with regard to how to handle the change order, that's certainly in order, I wanted to clarify that.
 - Mr. Granger stated understood, so it would not be making a text amendment to our existing ordinance but discussing this current change order request and what activities we want to do in regard to that.
 - Ms. Binder stated, Mr. Chair, to clarify that. For tonight's meeting, that is correct to talk about the change order, but we were talking about the next meeting talking about the current ordinances.
 - Mr. Granger stated I wanted to clarify, yes, that's understood, yes ma'am, and he was probably providing clarification that there can be votes in this meeting, but it has to be in regards to the change order discussion that we had on the agenda.
- Ms. Cobb reviewed Figure 16 below.

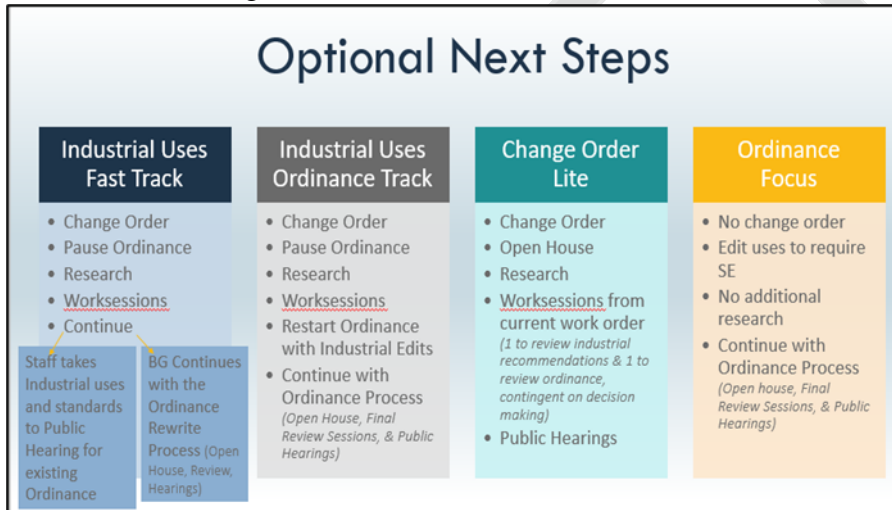


Figure 16 Optional Next Steps

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- Chairman Parker stated he would like to hear all three motions by KGCBOS Mr. Collins.
 - Mr. Collins stated the (2) second motion, is a motion for a text amendment to article one section 1.9.3, special definitions of a current zoning ordinance amending the definition of data center to a single building used primary for storage management processing and transmission of Digital Data which houses computer or network equipment systems servers, appliances, or other Associated components related to Digital Data operations such as a building may also include Air Handlers, power generators, water cooling, storage facilities, utility substations, and any other associated utility infrastructure to support sustained operations at a data center. (3) The third motion is a motion for a text Amendment Article 1 Section 1.9 that's three specific definitions of the current zoning ordinance, adding the definition of data center campus as more than one data center or a partial and include data center campus and use permitted only by special exemption in industrial district regulations.

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- Mr. Granger stated, I know those are Mr. Collins's motions. Mr. Collins favors those, but that might not necessarily be where the majority of the Board is.
- Mr. Collins stated he watched every one of the PC meetings, and I appreciate the intense work that's been put into revising the ordinance. I listened to all your discussions online and made many notes when we got the draft. I want to thank you all for your diligent work. It's a great job, and I appreciate it. Thank you. This is a little bit different. Making these motions, but we have some situations in front of us that we need to get ahead of sooner than later.
- Mr. Fox inquired, Mr. Chairman, this is probably a procedural question, but I'm a newcomer to the Planning Commission. I did attend as a member of the public to a Berkeley group public information session a long time back, probably in December 2021. Is it too late, or is it not too late for me to submit, as a Planning Commission member, a few remarks and suggestions on some statutory construction-type things here for consideration? Am I timed out of doing that at this point?
 - Ms. Cobb stated so as part of this project, the way it's scheduled, we would have an open house for the public to provide comments, and then we're going to have two additional work sessions.
 - Vice Chairman Parker stated it might be better if we bring it up at our next Planning Commission meeting.
 - Mrs. Hall stated yes because we would need the consensus of the Planning Commission.
 - Vice Chairman Parker stated, right, Ms. Lackey, if I'm not reaching, but it falls under the bucket that you described. It's not an agenda item necessarily.
 - Ms. Lackey stated the question of what is dovetailed with the presentation, what are the next steps, and when is input. You have your answer that either a future meeting of the Planning Commission or one of the scheduled work sessions would be opportunities to bring substantive content to the current draft provisions.
 - Mrs. Hall stated we could add that as an agenda item if that's the will of the Commission.
- Mr. Kendrick stated it's unclear to me whether, as a county, we actually have a Sound Ordinance or not. I realized that The Berkeley Group was asked to take our existing ordinances and work with them. I'm talking about; we don't really have one, and I would like to create one. For me doing it as part of this update would be preferable rather than us coming in after the fact and then modifying this at a later date. I'll send you something, and we'll put that on our agenda.
 - Mr. Devries inquired are you talking about the Sound Ordinance, Mr. Kendrick? We did have that discussion, and it is in the administrative code. The discussion was whether it's translatable to the subdivision ordinance.
 - Chairman Granger stated we do have a noise ordinance, but it's not part of the zoning ordinance.
 - Mr. Kendrick stated I want it in as a requirement for developments, and so my understanding is that it needs to come into the ordinance.

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- Chairman Granger inquired, are you speaking to us where Fairfax County was mentioning a part of the site plan process where there would be a noise study?
 - Mr. Kendrick stated it came up as part of our discussion about potential data centers, battery storage, etc. In our discussions, it applies across the different zoning areas. I would like to see it brought up as one of those requirements that would go into the zoning ordinance.
 - Mr. Devries stated this is the item on the agenda. So, the question is, do we want Berkeley Group to do it? Do we want to slow down this process of the whole ordinance being revised?
 - Ms. Cobb stated I'll add a couple of thoughts about the noise ordinance. We do recommend that you have a noise ordinance that lives outside of your zoning ordinance. That's because state code references in some uses that you can't be more restrictive on their sound than you are on your noise ordinance. So then, if you don't have the noise ordinance, you are in a bind with restricting all that use. If there are particular uses that you have concerns with that, you want to live address that impact within the zoning ordinance, then that could be within the use performance standards for that particular use to say: not above this frequency or this decibel or what have you.
 - Chairman Granger stated there are two things to consider.
- Mr. Collins stated Mr. Kendrick, I agree with you that they should be incorporated in here, and they can live alone also, but there's plenty of text out here to copy and paste that would fit into this. The noise ordinance needs to be the same for the entire County, not by districts. We have talked about the data centers and the military overlay. It all goes together, and it should be situated in this ordinance revision. Thank you.
- Ms. Binder stated, I agree because different things that could create an ordinance, especially, a noise concern, would be generators for solar for data for battery storage because they all use generators. Then we have to be careful because when there's a power outage, our citizens run a generator. So, I mean, that would be one area that I would have some issues, but I really do think it's important because with all the talk, as Mr. Kendrick said, with data center battery storage solar Farms, I've talked a lot about supervisors from other localities especially Loudoun and Prince William and a lot of them say, please don't do what we didn't do we didn't know because we started and we were the first to do it. So, make sure that you have your ducks in a row in your house in order before you let this development in so that you have everything in place so that you don't; you're not like us and then wish you had done it. They didn't know because they were the first to do it. It's really important, especially with the noise. Prince William is currently rewriting their noise ordinance because of the Great Oak subdivision and all that. They admit they need to beef theirs up. That is what the town of Warrington is also doing. It is very important we tackle this.
- Ms. Cupka stated I have a couple of things. First, with regard to the noise ordinance. I would remind my colleagues that December 06, 2021, meeting, I sought consensus, and everyone on the Board agreed to direct the County Attorney to revisit the noise ordinance for us, so that has already been put into motion. I don't disagree with Mr. Kendrick. There are

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obviously some aspects that would have some overlap with regard to zoning and subdivisions. There is a bigger picture here, and it's not just military noise. It's not just data center noise. We had folks from Fairview Beach comment lengths last year and gave public comments about the noise they heard from somewhere in their neighborhood. A business. Maybe there are things we need to look at the relation to the sighting of establishments that have noisy features. Whether we want those in a budding residential neighborhood or if it's zoned commercial all the way around, maybe there is some loosening that we could do for that. There's a much bigger discussion that we need to have with regard to the noise ordinance. I do have some suggested ones that some of the citizens emailed to me that I can send to you, Ms. Lackey; if you would like to see those for consideration, that might cut down some of your legal research time. Obviously, noise is definitely something that we need to move forward with. Then my other question is with regard to so I pulled up the December 20, 2022, meeting, the change order from Mr. Williams. The price for that came in at \$23,514.90, and there's a table with a lump sum fee. So, what is the correlation of the change order that was previously presented to the Board in December, and where does that correlate? Is that industrial uses ordinance tract? Is that a fast track? I'm hoping the change order lite is going to be less than this. Because I personally would really like to see what change order lite looks like because I feel like it's in the middle. It allows us flexibility. I feel like on the right, and the ordinance focus is we're only going to consider a special exception. On the left, we're only going to consider industrial buy right, and change order lite gives us options and flexibility.

- Ms. Cobb stated yes, in the first two columns, there would be a change order of the \$23,000 or whatever was listed there. Regarding the change order lite, I can't give you a number for that. I can't say that's going to be ten thousand twelve thousand or eighteen. It's going to depend on your decisions. For example, if you say research these two communities and bring us back your recommendations. Then that cuts those line items for research and reporting back. If you want that report back to not necessarily, here's everything that they included, and here's what we're recommending. If you're feeling more trusting of us to say, give us your recommendations, then that reduces some hours on that line as well as the meetings. We've scheduled two additional meetings to cover this topic, but if you feel like you can address that in one meeting, then that's a savings of three thousand dollars. Because it's about three thousand for us to come and conduct a meeting. Then there's the option, though, that if that doesn't work, cutting down the meetings, then you can go back to, we need another meeting, and you would pay for that. I will also add if you're going to explore additional noise things, I could see that going in the community design standards, you've got your lighting, you're Landscaping, it would be an item for noise. That would be a change order, and we would have to address how much research and what types of things you want there and then provide you a cost for that if you wanted to pursue that.
- Ms. Cupka stated, thank you, and I want to point out to everyone, Planning Commission, and the Board that in the change order, it says meeting cancellations meetings and work sessions canceled with notice of less than ten business days will be counted toward the scoped work sessions and the client will be charged for the preparation hours for the canceled meeting. So,

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if we say they're going to come to the meeting, we need to have the meeting because I don't want to pay to not have the meeting. Thank you.

- Chairman Granger stated so what I heard is if the Board wanted to move forward with the change order lite, then we would need to provide you some more information. Then, you would provide us with a quote for a change order, and then we'd have to wait till the next meeting to make a motion on that if that was the desire of the board.
 - Ms. Cobb stated, correct.
- Chairman Granger stated I'll ask my colleagues for their input upon what you would like to see so we can give the Berkeley Group the direction and we can make a motion.
- Ms. Binder inquired; I have a quick question on change order lite. Is change order lite, and anything we bring up, what kind of research would be done with change order lite? Is it very surface, or is it semi-deep dive? What information on any of these topics would we bring up?
 - Ms. Cobb stated we would look at APA for Best Practices and any recommendations that they have, and we would look at any communities that you suggest. For example, was Warrenton mentioned tonight? If that's on the list, then we will see what they are providing. What is in their ordinance? Same thing with any other community. We would look and see what standards they are providing and then see what we think is the best fit for you all.
- Chairman Granger stated, we have four options. Which one are you in favor of, and if it's change order lite, do you have any input or some information to provide back to the Berkeley Group so we can scope it? So, they can provide us with an estimate.
- Ms. Binder stated I'm going to bring up the noise ordinance. As you mentioned in the community design standards. The big one I hear in the industry is Warrington's noise ordinance. I would bring that up by looking at or even the ordinance in here. Our data center ordinance is subpar, and even in here, the paragraph that it is. So that would definitely have to be beefier, in my opinion. I would bring up Loudoun County or Prince William County. I would have to relook at my notes to give any other example, but those would be ones that have a lot of data centers at the moment, so they would be ones that we should look at. Not Caroline, places that don't have them. Concerning solar and battery storage. I have some questions about those, but I can't give you an example. At the beginning of this document and it would go with change order lite. That's why I bring it up. There is a mention of affordable housing, and there's not really a definition in there. Because there is no real definition. I found this even at the state level because those drives some of what's inside of it.
- Mr. Collins stated we paid you a certain amount of money to do a particular job in that particular ordinance when data centers battery storage and solar and not really paying attention to. As if the subdivision when the Planning Commission and you went over it in great detail. So, one was not done in detail. One was done in detail. I don't know what the original work order was to basically not do that one. I still think it's in the in your what we originally paid you to do that. Now the noise should be what we paid you also. I mean, how much does a noise ordinance cost to, let's say, go look at Warrenton? Copy and paste it. Bring it here and charge us \$3,000 for a meeting, to show us something that we can see ourselves. I still think that this is even with the data centers and storage units and stuff. I still think it's in the scope of what we've already paid you to do. I find that what happens on this

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Board is that we have contract after contract, and everybody is always coming back for another bite of the Apple because data centers are really popular right now, so they say we can make some more money on that. That's how I feel. Thank you.

- Mr. Stonehill stated do you have any answers for Mr. Collins on that or any of his questions?
 - Ms. Cobb stated I didn't really hear questions. I heard a disagreement with what I said, and that's okay. During the Planning Commission meetings, we did touch on those. In fact, we talked about not allowing those uses byright. That it might be better to have it as a special exception in the industrial districts. It was at that time determined Planning Commission wanted to keep those spot-right items, so they were discussed. We feel like we did our due diligence to look at the communities that we were requested to address the standards, and we've done that. When we're asked to revisit and look at additional research, then we have to pay for that request. If you're remodeling a house and you ask someone to paint the walls, and then you change the color and change the color, they're going to ask you to give them more money to keep painting, and so that's what we're doing here.
 - Mr. Stonehill stated, okay, that's pretty much common sense. Some of these things, as Mr. Collins said, there's a lot of detail in some of these, and then there's very little detail in some of them. It's what makes the difference. If I was going to go forward with the change order lite, I would certainly want a fairly good noise study put in there. Noise has been over the years anywhere from barking dogs, motorcycles, chainsaws, early Sunday mornings, etc..... that's obviously outside of this. The noise definitely needs to be studied for uses industrial uses in the dump of the industrial park. I would definitely want to see that and also see information on the overlay. If that's not included. That is something that we need to address as well. So, if there's an extra charge for that.
 - Ms. Cobb stated, for the MO, we are still in that line item and still providing the round of edits.
 - Mr. Stonehill stated, okay, so that is still in there. The noise would certainly be one of my biggest concerns about that.
 - Chairman Granger stated, were you interested in seeing them revisit the data center and the battery storage or looking at noise only?
 - Mr. Stonehill stated, those new industrial uses, battery storage, and solar, certainly need to be looked at a little bit more. I was looking at one of them, and it was two paragraphs, maybe. We definitely need to go back and revisit that.
 - Chairman Granger inquired; did you have any localities in particular that you would like to see used as comps? Loudoun and Prince William? and if not, that's fine.
 - Mr. Stonehill stated, I would use the newer ones, look at some of the older ones, and in Mecklenburg. I guess they have a brand new one that's up as well. Like some of our citizens said, let's look at the ones that they did wrong and then see

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how we can correct that. Make sure we're doing it right.
Thank you.

- Ms. Cupka stated she was in favor of the change order lite.
- Chairman Granger stated he was in favor of the change order lite. I would like Mecklenburg
- Mr. Collins stated in the original contract, does it spell out how much energy you'll spend on each thing, or does it say that you're going to revamp the whole thing? My understanding is it says revamped the whole thing, so there shouldn't be an initial cost. There shouldn't be an industrial Fast Track or change order lite. This should be, finish the job that you're getting paid to do unless the contract specifically says otherwise.
 - Ms. Cobb stated the contract says that we will have one round of revisions for each article. We have done that round of revisions. It says that when we get to the end, there will be small tweaks, but when we are asked to do additional research and add big chunks of text, that is additional work beyond what is in the scope.
 - Chairman Granger inquired, Ms. Lackey could you give your opinion as legal counsel in regards to the evaluation of the contract?
 - Ms. Lackey stated that it's always a delicate balance when you scope a project. When you Scope a project, and I was not involved with the scoping of this project, I'll go ahead and say that. When you contract for work, you don't get work for free. If your scope is so broad that it would allow you to endlessly change and add things. Then your initial price would probably be very costly. From what I am aware of, and of course, it'll boil down to what's in the change order lite, I'd be happy to look and see if I see any duplication of effort. It is reasonable that if you have a consultant perform a certain scope of work, they have an expectation on the number of hours and a number of work sessions. If that's spelled out and then additional work is required, then it is out of scope.
- Chairman Granger stated, I heard consensus on Change Order Lite.
- Ms. Binder inquired; I wanted to ask a clarifying question for Ms. Lackey. As you mentioned with Berkeley, there's one set of revisions. Correct. So, when we go through this document at the end, and we have some minor tweaks, you're able to do that, right, Ms. Lackey? We wouldn't have to go through a revision process. Is that correct?
 - Ms. Lackey stated, right, as counsel to the Board at some point in time, Jessica and I would be happy to work on tweaks. When you're talking about these major provision changes and looking for the expertise of folks who are in the industry, that's a decision for the Board for what level of review and expertise you want on certain topics. Certainly, if it's a legal change or something any change going forward to the zoning and subdivision ordinance, that's something that we could do in-house.
- Ms. Collins inquired does the Berkeley Group have expertise in battery and energy storage, data centers, and noise ordinances.
 - Ms. Cobb stated we could use our planning expertise to look at other communities. We can consult the APA and bring back recommendations to you.
 - Ms. Binder inquired what the APA is?
 - Ms. Cobb stated it is the American Planning Association.

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- Ms. Binder stated, thank you. We always throw acronyms around. I did appreciate the glossary in the back.
- Chairman Granger stated, I've heard a majority of the Board in favor of the change order lite. If we could have a change order provided at the next meeting. Detailing, and including the noise ordinance discussion, going back to look at data centers, adding Prince William Loudoun and Mecklenburg in particular. Did we want to remove Caroline County and Spotsylvania from the evaluation?
 - Ms. Binder stated I would recommend data centers. Spotsylvania could be for solar because they have a massive solar facility, but none of them has a data center. It's useless to look at counties that don't have a data center. You want to look at counties that actually have been involved in the process.
- Chairman Granger inquired If anyone had any other requests in regard to the change order lite? Ms. Cobb, do you feel like you understand what we're asking, or is there clarification you need further?
 - Ms. Cobb stated, looking at the noise ordinance and using Warrington as a reference for that. Looking at Data centers, using Mecklenburg, Prince William, and Loudoun, or research purposes there. Solar, what were the localities that you would want?
 - Ms. Binder stated Spotsylvania has a rather large solar center; Lancaster, Northumberland, Southwest Virginia, has massive solar.
 - Ms. Cobb inquired, Do you want to say two localities? I can confer with staff, and we can select two or three. What are the thoughts there on solar?
 - Mr. Collins stated to pick a couple of counties. I would pick something like Essex, or Spotsylvania since there are our neighbors. So that would be if you're going to do two.
 - Ms. Cobb stated, so that's the details that I have, but it's basically three localities and then two for solar, and those are the topics that we would want to be researched.
- Chairman Granger inquired, Planning Commission, is there any input? Any localities in particular? any revisiting that you think would be a value?
- Vice Chairman Parker stated I appreciate all the comments too, thank you. as we came through, I'll ask the gentleman to agree or disagree with me. To Mr. Stonehill's point. We do have some areas that are quite verbose and others that are not. Some of there's been predicated to a degree on state code, and things were already there. They've been modified. Our newer amenities, like data centers, and things like that, are somewhat new and dynamic, so we're still coming through those. Obviously, this is a good opportunity to address those with whatever level of specificity or granularity we see fit. With regard to the contract itself. We, as the Planning Commission, obviously do not have the insight into the budgetary and fiscal elements that you all do. While we're extremely sensitive to it, we also understand that the contract, as Ms. Lackey said, does have some limitations. If I could assuage anyone's concerns about potentially increasing, it would be that we don't do this very often; right, we haven't done it. We haven't come through any updates since 1987, right? The world has changed since 1987. I say that to say it is worth our due diligence to go ahead and put the time and effort into it now to make sure that what we have as a finished product we can all

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say that we're confident in and is not a finished document but also to a degree a living document that doesn't bound us to things that we may have to back out of in a couple of years or what have you.

- Mr. Devries stated we did drive this change order without realizing it. We didn't know the scope of the contract going in, and we were thrown for a loop when it came down to the noise from data centers and battery storage. We don't have the expertise, and we were seeking the expertise, and we directed Staff to do that. We did not know we were going beyond the scope.
- Mr. Kendrick stated I would certainly second Mr. Devries' comment. If we pushed for more than we should have, we didn't realize what we were doing. I would make a comment that for something like this, we may only do a major rewrite over so many years, but it's a constantly evolving thing. We don't know, at least for me, sitting on the Planning Commission. I don't know what I don't know until I'm presented with an issue that causes me to have to dig into it. The data center was the one that did that. Digging into that issue caused the sound to come up, the noise ordinance. I would hope that we don't run into brand-new items in the next year or two. We'll be making minor changes to this until the end of time.
- Mr. Fox stated, I request that we add to the agenda for the next meeting that we'll make time to cover the points that I will submit.
 - Chairman Parker stated, absolutely.
- Mr. DaCorta stated I have to agree that part of the delay was due to the military overlay definition discussion boundary issues. We're certainly responsible for part of that. I would like to say that the issue of affordable housing in our ordinance is fairly silent on that. The Code of Virginia 15.2 addresses that. Defines that. Gives localities the opportunity to trade off density for building affordable housing to meet State criteria. That should be the very next priority. We have the base population that is our consumers. These people are living in Stafford, Fredericksburg, and hotels. Not here in King George. When they're here for their four- or six-month, or nine-month programs. I'd like to put affordable housing on the planning commission's agenda unless the Board of Supervisors does not want to go that way.
- Mr. Myers stated the use of specific noise performance standards is definitely necessary on data centers.
- Ms. Cobb inquired, another question for the change order, is we didn't talk about power plants. That was part of this original change order. Is that to be included here? Are we trying to switch out the power plant for noise? What do you want?
 - Chairman Granger inquired I thought we had solar on there. That was one of the two topics.
 - Ms. Binder stated, we do have other ones on the horizon. Solar would be or not be part of utility. Because you have hydrogen and nuclear. How is that? Because that's a big, solar goes in that utility section.
 - Ms. Cobb stated we could do solar utility separately, and we could do power plants in terms of hydrogen or those types of things as its own use. If you want to address this.
 - Ms. Binder stated its public knowledge. We do have somebody who's interested in hydrogen. That is something in the world that's new and improving, and we would be like Loudoun and Prince William, in front of the curve. That is

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something we need to look at. I don't know how that would be scoped. Special exception?

- Mr. Granger stated it is currently, in the proposed, it is by special exception, only for energy and development. So, there is that wicket that it would have to go through.
 - Ms. Cobb stated if you want to include it in the proposal. We can. I will say some of the reasons for this discussion tonight were because of the concern about the price point. What I'm hearing is adding to the change order and not taking away from the change order. So, I want to make you all aware that when the new change order lite comes, it probably is no longer lite. That it has increased by adding additional noise and keeping power plants and all of those things.
- Chairman Granger stated, I will ask my colleagues do you want to remove anything.
 - Director Miller inquired can you itemize, like an A La Carte menu. They can decide what they want to take off or whatnot.
 - Ms. Cobb stated, absolutely.
- Mr. Collins stated, Mr. Parker, you did bring up a good point about 1987, and the other members agreed that it hadn't been done in this period of time and the cost associated. It flips me back on the other scale of being more accepting of it. It's a good point. I also would like to bring up that maybe these ordinances can be brought up in piles of maybe five or ten per meeting and reviewed every so often. The other thing is that in the noise ordinance, I would hope that it would be included in enforcement who enforces it. My view on this is I don't think Heather should be going out and listening to Fairview Beach at nine o'clock at night, but I also don't think that the sheriff should be out at data centers checking the noise. That will be a tough one to figure out who will be in compliance with that now. As far as the public, my public comment on data centers is I may sound like some of these things are against data centers, but I'm actually not against data centers. I'm for data centers. I want to be able to control what we're going to have here in King George and what the citizens want. Be able to want these things. We want them to be where the Planning Commission and the Board of Supervisors can make sure it's right for our community. Thank you.
- Ms. Binder stated when Mr. Parker mentioned 1987, I was recently with a bunch of my colleagues at the local government colleagues. You'd be surprised at several other localities that haven't updated their ordinance. One in particular, Northern Virginia, since 1978. So, if we are not the only ones. The biggest takeaway, we need to do it right. We have a lot of people coming very fast at us, and we have to make sure our house is in order as it was put very well by one of the Prince William supervisors who is a data center proponent. They said to make sure you do it right, and what you're getting, and spend the time. We didn't, in the beginning, do it right, and that's very important. I wanted to mention to the Berkeley Group being at the local government day. You may want to watch some bills that are currently going through. One is particular about notice for development projects and public hearings, and they're thinking about changing some of the standards, so it might be something. You are probably already abreast of that.

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- Mr. Watkins stated I remember going through the noise ordinance, and we left it out because it was such a large scope. Until the data center's proposal came up, and we said wait a minute, this is not going to work. We asked the Berkley Group to do some more research. On the amount of noise coming in. As Mr. Parker said, we didn't know about the budget, or how much it is. We have to do right by the citizens. We need to do as much research and get as much information as we can on the noise and everything else that's going to go around the data centers and other things that make noise in the county. I'm sure you look at the Facebook page there, but it's complaining about the booming and the dogs and all that stuff's about every night, and the Osprey is finally from AP Hill. For the citizens, they would be more open, to more money being spent, if they say, hey, you're spending more money doing their research on noise besides saying the data centers in there and letting them go.
- Mr. Devries stated one thing about what Mr. Collins was talking about, enforcement. When we discussed noise and correct me on our side if I'm wrong. We were looking at modeling noise much the same way that that lighting is modeled in a site plan. We were looking at modeling for anticipated noise. We weren't really talking about any enforcement. After the fact, that would be going back to the administrative code, wouldn't it, Ms. Hall?
 - Ms. Hall stated, essentially, if you're putting it in the zoning ordinance, it is community development's responsibility to enforce. That being said, the county code is currently where our noise ordinance is held and is enforced by the sheriff's office. I do think that there's a delicate balance of what should be Community development's responsibility versus the sheriff's office or a third party.
 - Mr. Devries stated that's not going to confuse the way Ms. Cobb addresses this.
 - Ms. Cobb stated, no, it comes down to a decision for you all in terms of if you want it in your ordinance and enforced by Ms. Hall's office or if you feel like that's not appropriate. That gets back to, we talked about particular uses. If it's for data centers, then there could be a standard that's in data centers that her office could enforce, and so then she's not responding on the weekend. It could be at other times that are appropriate. Whereas if it's a club or a party or something like that, it could be in the noise ordinance for Amplified noise, and the police could enforce that.
 - Ms. Cobb stated, yes, absolutely, and that's something that's in solar. It talks about decibels from the property line. That's why I asked the question, in the beginning, is this in community design standards for everything in the community or is this particular two specific uses because that does make a difference.
- Mr. Parker stated, a lot of this discussion has been generated by potential noise created by data centers. If we put that in an ordinance, it would disincentivize a business from creating something noisy in the first place. They would know coming into it that their facilities have to be under a certain threshold. Hopefully, then again, disincentivize the creation of something that would be in excess of whatever decibel level we state is in excess. I mean, is that something you found in other facilities or other localities?
 - Ms. Cobb stated, yes, absolutely, and that's something that's in solar. It talks about decibels from the property line. That's why I asked the question, in the beginning, is this in community design standards for everything in the community or is this particular two specific uses because that does make a difference.
- Mr. DaCorta stated, in the ordinance update, we still have the old standard 65, 55, and 55 at night DB. As part of a submission for any enterprise asking for a variance or any enterprise that always creates as part of the community impact statement that they have to do long-term

environmental, their water quality, etc..... It is an acoustic survey. Which is a standard industrial technique. It costs about \$10K. If, during the community investigation, if the Community impact process the noise is identified as an impact, then we can and should require an acoustic survey as part of the submission, part of the package. We're not regulated to say, but we can establish those impacts and get public comment. We have to get the noise ordinance down to it's a continuous noise, and frankly, most of the new data centers are water-cooled and air-fan-cooled and are a lot quieter and a lot more community tolerant.

- Mr. Stonehill stated I've been quiet here during the noise thing to cut down on the noise. I mean, obviously, we're going to come up with a standard for the county for industrial noise. It is going to be solar. Which is quiet, or is it going to be a hydrogen plant, is it going to be a data center, is it going to be a concrete plant, or whatever? I mean, are you going to be able to come up with one number? Say you have to be below this number. That's not going to be music on a boat in the summertime or barking dogs or mini bikes. It's going to be an industrial noise because we keep going back and forth about solar and power plants and all this stuff, but what happens if somebody comes? They bring some other type of business here that's not on our list? are we going to be able to have one number that all Industrial standards are going to have to be at or below?
 - Ms. Cobb stated that would be the option of putting it in your community design standards. To say all industrial uses. This is your limit, and we would probably need to have a couple of numbers there. One for consistent noise that is happening versus booming of truck doors and those types of things. You mentioned a concrete plan and stuff like that. So, there are those Sun booms that can be louder than a solar facility or something like that. In that regard, we would have to consider some options there, but we can discuss it in the way that you're talking about.
 - Mr. Stonehill stated that in this ever-changing world, it's every couple of months, we get a new approved brewery, and now the new thing or distilleries or micro wineries and things like that. It seems when we do something that, there's another little pop-up right after that. So how do we come up with a catch-all type thing? It's not really possible to get a cold catch-all, but let's stay ahead of some of these new little things that are trending.
- Mr. Fox stated I was in the power of business for about 20 years and built a lot of power plants in an industrial setting. It's usually a question of what is it relative to noise relative to your neighbor's noise relative to a residential Zone at a point a Geographic point. Where are the decibels getting to? from where they're created as they emit out over a noise cone, where do they get to over 50 feet, 75 feet, 100 feet, and so on? So, it's always relative to who's listening to it. If a tree falls in the forest and nobody hears it, does it make noise, right? We need to be mindful of rather than putting arbitrary numbers onto things. It's always about the impact of who's potentially hearing it and what their interest is in the matter. A resident has a different interest than another industrial that's making similar noise next door, the wall in between. So that's one way I'd like to suggest you we've approach coming up with a figure.
- Mr. Collins stated when you speak of noise frequency, etc.....and you're exactly right about who hears it. That's important with the districts. I hear you on that. I understand that. There is a number of noises that is not acceptable.

- Mr. Fox stated, other than when you have OSHA-provided safety features required by the people again who are hearing the noise. Is it a guy with OSHA-provided safety equipment on, or is it somebody sitting in the backyard reading a newspaper? They are different.
 - Mr. Collins stated someone brought up home generators. There are a lot of things you could put in an exception.
 - Mr. Fox stated there are also emergency exceptions in the case of unscheduled outages. You're allowed certain non-compliances from your regular regime of emissions or noise to deal with emergencies. It gets complicated, but so it's not too complicated. I'd only suggest that, yes, we may have a baseline figure, but then it may be varied either above or below depending upon who your neighbor is, and who's listening.
- Ms. Binder stated, I was going to mention what Mr. Devries mentioned, the time of day. As I know, generators, especially for data centers or battery storage, kick on at different times of the day. So, the noise might not be there at certain times. They might kick on and charge at night time when people are at home. So, it's it varies.

There being no further discussion. Chairman Granger and Chairman Parker closed the floor for KGCBOS and KGCPD discussion.

Table 1

KGCBOS Recommendation on Optional Next Steps				
	Industrial Uses Fast Track	Industrial Uses Ordinance Track	Change Order Lite	Ordinance Focus
Chairman Granger			X	
Vice Chairman Stonehill			X	
Ms. Binder			X	
Ms. Collins			X	
Mr. Cupka			X	

It was the consensus of both the KGCPD and the KGCBOS to execute Change Order Lite as the next step.

Military Overlay Discussion (MO):

Naval Support Facility (NSF) Dahlgren, Captain Todd Copeland: Captain Copeland stated I am the Commanding Officer of a Naval Support Activity South Potomac, which includes NSF Dahlgren and NSF Indian Head. 19 years ago, when CNIC (Commander, Navy Installations Command) was created, one of the things they put in place was a policy directed by the Secretary of the Navy that the installation commanding officer is the sole voice for installations regarding encroachment and compatibility issues. I'm the sole voice on that, and in that policy, it says that I will coordinate with Mission Partners across the realm to talk about encroachment and I'm also the only person on the base and the staff who is allowed to have a community planning liaison officer whose sole job is to do community planning and liaison with all of you. Something else for CNIC is due to some of the sins of the past Oceana and other bases. We haven't been good partners in the past. That's one of the reasons CNIC was created is to make sure that a base is a good partner with the community policy for CNIC is for us to have maximum transparency in

what we do on an installation regardless of the installation to the community, whether it's Pearl Harbor, Whiting Field, Pensacola, or here. We have to do that. We don't have the option to say no. We don't want to share, nor do we want to have that option. Our take on this is that we are happy to have the max amount of transparency, we're happy to assist in the military overlay, and we're happy to make sure everyone is fully informed on what happens inside the fence that may somehow impact outside the fence. As an aviator, I grew up living underneath flight paths. Depending on where you live, you may not have known you bought a house underneath the flight path. We've learned from that, which is why CNIC came up with the policies, as they installation commanding officers are going to be the sole voice. You guys make sure that you are being absolutely transparent without any sort of exceptions on those kinds of things. Thomas has been working. We went through some iterations last June, but that's why I'm here to make sure everyone's fully aware that we, as an installation, NSF Dahlgren and Indian Head, want to make sure maximum transparency, support of the military, and what we can do to continue to help with that process.

KGCBOS MO Discussion:

- Chairman Granger stated I would like to see us include if there's more information that needs to be provided or more collaboration. We need to do that, but like Oceana, which was brought up by Captain Copeland, it was a fantastic example. Both sides are probably not working together very well and setting up a situation for a lot of strife. Because you have the community encroaching on the base and building, and then you have the base doing their activities, and they don't mesh really well. Some of those decisions by the community probably were not really wise either. Having good cope and communication with our partners on the base and having an opportunity to codify it. It would probably be a good way to move forward so but I'll leave it to my colleagues. I obviously don't have the authority to make that decision solely.
- Mr. Collins stated thank you, Captain, for showing up tonight. I appreciate that. So, as we go forth with the ordinance updates, and zoning updates, we hear recently from our public speakers about noise. They were talking about frequency, and the Commander was talking about frequency. I would hope that the overlay would apply to the frequency outside of the base. The frequency inside the base is not in our control. We need to make sure that there's not a different ordinance for the military as opposed to data centers. Thank you.

KGCPK MO Discussion:

- Mr. DaCorta stated the defense Community infrastructure program is a grant of interest to both of us. If the base has identified any priorities or needs for local infrastructure that supports both the mission and improved Public Safety would be happy to hear your perception of the needs. JLUS (Joint Land Use Study) Study is coming up and needs a refresh. If installation has any perspectives on how best to produce an updated JLUS. I look forward to hearing from the base.
 - Captain Copeland stated, Mr. Hastings is the point of contact. We are 100% on Board with partnering and going forward, and the JLUS is something I brought up with the governor's office to go forward with. We're trying to do a state one as well as a local one. We are very interested in doing that and updating that joint loose joint land use process,

and Mr. Hastings is the guy on that. Another thing that I can provide, and we're happy to do it, is the capability gaps and capacity gaps that we have on base. There are certain things that I can't advocate for. I can't say I want to Buffalo Wild Wings or anything like that. I can say when we're missing something on base. A great example is at Indian Head. There was no grocery store anywhere within 25 miles. I can, and so we can articulate some of that sort of things on what it is that on base we can say we have a quality life capacity shortfall or capability shortfall as the space has evolved as the community's evolved. Things like that so Thomas is able to articulate those things. We otherwise are fairly agnostic on how things go up in the town. That's not my business, but we can start talking about different things like EV charging and anything like that. That we have that we see on base is a shortfall, so happy to give that information as well.

- Mr. Kendrick stated he would be interested in seeing what the base provided. Mr. Kendrick stated he would like to have a good partnership with the base. That means we need to understand what things certain residents, and developers, need to pay attention to so that they don't interfere with the activities of the base within reason. Likewise, I would like to be open and honest to any potential builder or buyer coming into the county, buying a parcel of land thinking he's going to do something. Only to find out after the fact that they're somehow inadvertently impacting the base. I would like to think that all real estate people are completely honest with their clients. However, mistakes still happen, and certain things get omitted. The last thing I want is for residents to come in before either one of our Boards and start complaining about: I thought I could do this, and I can't. I would very much like to see the draft that the contractor has put together for that overlay. So that we can see if it meets basic needs. Not looking for a whole lot of detail. Not looking for absolutes, but we need to be able to tell developers what's reasonable for them to do and what's not reasonable. That's my concern.
- Vice Chairman Parker inquired; we have on our agenda change order the next steps with regards to the incorporation of the Military Overlay District. How much or is it incorporated in our existing ceiling, or would that require an additional level of effort to include that and manage that and work it into the ordinances?
 - Ms. Cobb stated we are near the end of that line for us. Because we were placed on hold and we were anticipating getting those changes, we can incorporate the changes that are given to us by Dahlgren. From what I saw last week, those text changes can be incorporated pretty easily. My bigger concern at this point is the map portion. We still don't have that. If Dahlgren can supply, that's the timing factor. If that's something, they can get us to incorporate. This will be the mark of whether this gets in, and everyone can review it and be settled.
 - Captain Copeland stated so regarding the map. The challenge and opportunity are that we have the map from the JLUS. The challenge is old, but the opportunity is like not much has changed in the sound attenuation issues that we have on the base, except maybe it's gotten better because the railgun isn't firing anymore. It is dated. When we do a new JLUS, we will update that map. We have the one that is still accurate as of today. We've gone back and forth with Thomas on a couple of different versions of it, but we have that with the decibels on everything.

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- Ms. Cobb stated the map that I recall seeing shows an area and outlines an area, but for zoning purposes, we would need something that follows parcel boundaries. Is that something that that map can be?
 - Captain Copeland stated, yes.
 - Mr. Hastings stated, King George, drafted a map that had parcels on it. Between our GIS staff, we can say definitely we've made some drafts, and we could produce some that the Commission and the Board of supervisors could look at. We already have a few drafts. It's a question of you guys looking at them, and again it's your product and determining which way you want to go with it.

Military Overlay Decision:

Ms. Cobb stated it sounds like, incorporate the text changes I have thus far from Dahlgren and provide you all with a copy and have their Staff and your Staff work together on the overlay map, and from there, we can put it in the ordinance and make some final decisions on it. Is anyone in disagreement? There were no disagreements noted.

The KGCBOS and KG CPC concurred with Ms. Cobb.

KG CPC Adjournment:

Having completed their agenda, Vice Chairman Parker called for a motion to adjourn. Mr. Devries motioned to adjourn, seconded by Mr. Gaborow, and carried by a unanimous vote of 7-0-0. Each member voted as follows: Vice Chairman Parker, Aye; Mr. DaCorta, Aye; Mr. Devries, Aye; Mr. Fox, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Watkins, Aye. The King George County Planning Commission adjourned their meeting at 8:06 PM.

Vice Chairman Parker stated the January 24, 2023, KG CPC meeting is hereby adjourned to the next scheduled meeting on February 14, 2023, at 7:00 PM. That meeting may be held by electronic means and remote participation only and may be closed to the public being physically present. All Citizens are encouraged to participate in advance or during the meeting by electronic means as provided by the county.

KGCBOS Adjournment:

Having completed their agenda, Chairman Granger called for a motion to adjourn. Mr. Stonehill motioned to adjourn, seconded by Ms. Binder, and carried by a unanimous vote of 5-0-0. Each member voted as follows: Chairman Granger, Aye; Vice Chairman Stonehill, Aye; Ms. Binder, Aye; Mr. Collins, Aye; and Ms. Cupka, Aye. The King George County Board of Supervisors adjourned their meeting at 8:06 PM.

Mr. Stonehill stated the January 24, 2023, KGCBOS meeting is hereby adjourned to the next scheduled meeting on February 07, 2023, at 6:30 PM. That meeting may be held by electronic means and remote participation only and may be closed to the public being physically present. All Citizens are encouraged to participate in advance or during the meeting by electronic means as provided by the county.