

**BOARD OF SUPERVISORS**  
**Agenda Item**


<b>Meeting Date:</b>	January 22, 2013
<b>Title:</b>	Discuss Power Generating Facilities Zoning Text Amendment – Paul Milde
<b>Department:</b>	Legislative
<b>Staff Contact:</b>	N/A
<b>Board Committee/ Other BACC:</b>	N/A
<b>Staff Recommendation:</b>	N/A
<b>Budget Impact:</b>	N/A
<b>Time Sensitivity:</b>	N/A

**ATTACHMENTS**

1.	Memo dated January 22, 2013	3.	Proposed Resolution R13-37
2.	Proposed Ordinance O13-09		

	<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
X	<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
X	<b>New Business</b>		<b>Public Hearing</b>		<b>Add-On</b>

**REVIEW:**

X	County Administrator	
X	County Attorney	<i>Ala. J. Siler for Charles L. Shumate</i>

<b>DISTRICT:</b>	N/A
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**Board of Supervisors**

Susan B. Stimpson, Chairman  
Robert "Bob" Thomas, Jr., Vice Chairman  
Jack R. Cavalier  
Paul V. Milde, III  
Ty A. Schieber  
Gary F. Snellings  
Cord A. Sterling

Anthony J. Romanello, ICMA-CM  
County Administrator

**DEPARTMENT OF PLANNING AND ZONING****MEMORANDUM**

January 22, 2013

MEMO TO: Board of Supervisors

FROM: Jeff Harvey  
Director, Department of Planning and Zoning

SUBJECT: ***Solid Waste to Energy Production Facility at the Regional Landfill***

The Rappahannock Regional Landfill Board (R-Board) recently entered into discussions with a private company to construct and operate a solid waste to energy production facility at the regional landfill. On December 11, 2012, the Zoning Administrator and I met with Mr. Steve Crosby, Interim Landfill Superintendent to discuss the scope of the proposal.

The company constructing and operating the energy production facility would be leasing land at the Regional Landfill. The lease area would be located near an existing electric power transmission line owned and operated by Dominion Virginia Power. The production facility would generate electricity by converting solid waste brought to the site by refuse haulers. Generated electricity would be sold to Dominion Virginia Power. The facility would generally consist of three buildings, each being approximately 40,000 square feet in size. Refuse would be deposited, sorted and processed within these buildings for use in generating electricity. Approximately 90 percent of the waste stream that enters the facility would be converted to energy. The residual 10 percent of materials would be recycled or placed in the landfill. One of the buildings would have a cooling tower for emissions.

The zoning ordinance restricts the location of these types of facilities. Generating facilities are included in the definition of public facilities/utilities. This type of public utility requires issuance of a Conditional Use Permit (CUP) in the zoning districts that apply to the Regional Landfill property.



Memorandum  
January 22, 2013  
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The R-Board discussed the requirement of a CUP at the January 11, 2013 meeting. The R-Board expressed concerns about the length of time necessary to complete the CUP process. The negotiations with the vendor may require an accelerated time frame in order to achieve development approvals. Since the R-Board is comprised of members from the County Board and Council from the City of Fredericksburg, the best interests of the citizens may be well represented and the CUP approval process may be considered to be an unnecessary administrative step. Stafford County's representatives on the R-Board requested this matter be discussed at the January 22, 2013, Board of Supervisor's meeting.

Staff investigated the extent of the zoning text amendment changes necessary to allow a power generating facility at the landfill. It was determined that the changes necessary to allow such a facility to be a by-right use would be relatively minor. The draft Resolution R13-37 and draft amended Ordinance O13-09 have been attached for the Board's consideration. These can be brought before the Board at the February 5, 2013, meeting for action and would refer the proposed ordinance to the Planning Commission for a public hearing and recommendation.

JH

cc: Anthony Romanello, County Administrator  
Keith Dayton, Deputy County Administrator

Attachments (2)



PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the day of \_\_\_\_\_, 2013:

MEMBERS:

Susan B. Stimpson, Chairman  
Robert "Bob" Thomas, Jr, Vice Chairman  
Jack R. Cavalier  
Paul V. Milde III  
Ty A. Schieber  
Gary F. Snellings  
Cord A. Sterling.

VOTE:

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried by a vote of \_\_\_\_\_, the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 28-35, "TABLE OF USES AND STANDARDS", AND TABLE 3.1, "DISTRICT USES AND STANDARDS"

WHEREAS, the zoning ordinance includes power generating facilities in the definition of public facilities/utilities; and

WHEREAS, public facilities/utilities are permitted on land managed by Rappahannock Regional Solid Waste Management Board (R-Board) the with a conditional use permit; and

WHEREAS, the R-Board is considering an innovative proposal for a private company to convert solid waste to electrical energy on land at the Regional Landfill; and

WHEREAS, the Board believes that conversion of solid waste to electrical energy is a desirable and environmentally responsible public service and can be an integral part of the operation of the Regional Landfill; and

WHEREAS, the Board believes that it is desirable to allow the conversion of solid waste to energy at the Regional Landfill as a by-right use; and

WHEREAS, the Board conducted a public hearing and carefully considered the recommendations of County staff, Landfill staff, the R-Board, and the Planning Commission and the public testimony, if any, at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this day of , 2013, that Stafford County Code, Section 28-35, "Table of Uses and Standards", Table 3.1, "District Uses and Standards;" be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Sec. 28-35. Table of uses and standards.**

Table 3.1, District Uses and Standards, sets forth the uses and standards for each zoning district in Stafford County. No land or structure shall be used, occupied or developed except in accordance with the standards set forth therein.

*Table 3.1 District Uses and Standards*

*A-1 Agricultural.*

*(a) Uses permitted by-right:*

~~Public facilities/utilities but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit and not including propane and heating fuel distribution facilities~~

Public facilities/utilities. Public facilities/utilities shall not include: (i) generating facilities (except generating facilities that are located on land owned by the county, the Commonwealth of Virginia, or another county, a city, or a political subdivision, which are permitted as by-right uses), (ii) substations, (iii) switching stations, (iv) wastewater treatment facilities which are permitted as a conditional use, and (v) propane and heating fuel distribution facilities.

*M-2, Industrial, Heavy.*

*(a) Uses permitted by-right:*

~~Public facilities/utilities but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit and not including propane and heating fuel distribution facilities~~

Public facilities/utilities. Public facilities/utilities shall not include: (i) generating facilities (except generating facilities that are located on land owned by the county, the Commonwealth of Virginia, or another county, a city, or a political subdivision, which are permitted as by-right uses), (ii) substations, (iii) switching stations, (iv) wastewater

treatment facilities which are permitted as a conditional use, and (v) propane and heating fuel distribution facilities.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon adoption.

AJR:JAH:dk

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 22<sup>nd</sup> day of January, 2013:

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MEMBERS:

Susan B. Stimpson, Chairman  
Robert "Bob" Thomas, Jr, Vice Chairman  
Jack R. Cavalier  
Paul V. Milde III  
Ty A. Schieber  
Gary F. Snellings  
Cord A. Sterling.

VOTE:

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On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO REFER AN ORDINANCE TO AMEND  
AND REORDAIN STAFFORD COUNTY CODE SECTION 28-  
35, TABLE 3.1, "DISTRICT USES AND STANDARDS;" TO THE  
PLANNING COMMISSION

WHEREAS, the Zoning Ordinance includes power generating facilities in the definition of public facilities/utilities; and

WHEREAS, generating facilities are permitted on County-owned land only with a conditional use permit; and

WHEREAS, the Rappahannock Regional Solid Waste Management Board (R-Board) is considering an innovative proposal for a private company to convert solid waste to electrical energy on land at the Regional Landfill; and

WHEREAS, the Board believes that conversion of solid waste to electrical energy is a desirable and environmentally responsible public service and can be an integral part of the operation of the Regional Landfill; and

WHEREAS, the Board believes that it is desirable to allow the conversion of solid waste to electrical energy on land at the Regional Landfill as a by-right use; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 22<sup>nd</sup> day of January, 2013, that Stafford County Code," Section 28-35, Table 3.1, "District Uses and Standards;" be and it hereby is referred to the Planning Commission for a public hearing and its recommendation.

AJR:JAH