



**BOARD OF SUPERVISORS OF FAUQUIER COUNTY
WARREN GREEN BUILDING
10 HOTEL STREET
WARRENTON, VIRGINIA 20186**

MINUTES

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD
MAY 8, 2014 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Christopher N. Granger; Mr. Peter B. Schwartz; Mr. D. Lee Sherbeyn;
Mr. Chester W. Stribling; Mr. R. Holder Trumbo, Jr.; Mr. Paul S. McCulla,
County Administrator; Mr. Kevin J. Burke, County Attorney

A B S E N T None

CALL TO ORDER

Mr. Stribling called the meeting to order at 11:11 A.M.

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

A WORK SESSION TO DISCUSS NOISE REGULATION OPTIONS

Tracy Gallehr, Deputy County Attorney, discussed options related to noise regulation and potential amendments to the Fauquier County Code and Zoning Ordinance provisions that regulate noise.

A WORK SESSION TO DISCUSS THE STATE BUDGET IMPASSE

Paul McCulla, County Administrator, and Erin Kozanecki, Budget Director, discussed the potential impact of a continued State budget impasse on County operations, finances, and Fiscal Year 2015 budget appropriations.

**A CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(7) TO DISCUSS
PENDING LITIGATION**

Mr. Stribling moved to go into closed session for consultation with the County Attorney to discuss pending litigation regarding the Alwington property; and to discuss pending litigation

relating to the Michael Shawn Hawkins Trust; and to discuss pending litigation relating to landfill construction and Chapter 17 of the County Code; and to discuss potential real estate acquisition regarding the central sports complex.

Following discussion and upon the motion being seconded, the vote was unanimous.

Ayes: *Mr. Christopher N. Granger; Mr. Peter B. Schwartz; Mr. D. Lee Sherbeyn; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

Upon reconvening from the closed meeting, Mr. Stribling moved, without objection, to adopt the following certification:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 8th day of May 2014, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

Ayes: *Mr. Christopher N. Granger; Mr. Peter B. Schwartz; Mr. D. Lee Sherbeyn; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

The Board of Supervisors reconvened in regular session at 6:30 P.M.

INVOCATION

Mr. Stribling offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Stribling led the Pledge of Allegiance.

ADOPTION OF THE AGENDA

Mr. Trumbo moved to adopt the agenda with the following changes. Mr. Sherbeyn seconded, and the vote for the motion was unanimous as follows:

Ayes: **Mr. Christopher N. Granger; Mr. Peter B. Schwartz; Mr. D. Lee Sherbeyn; Mr. Chester W. Stribling; Mr. R. Holder Trumbo, Jr.**

Nays: **None**

Absent During Vote: **None**

Abstention: **None**

- Add new Consent Agenda Item #6(k): A Resolution To Authorize Dedication Of Easements Across Property Owned Jointly By The County In Common With The Counties Of Fairfax, Loudoun And Prince William And The City Of Alexandria Known As Birmingham Green;
- Add new Consent Agenda Item #6(l): A Resolution to Grant a Fee Waiver for Lee Highway Nursery; and
- Remove Regular Agenda Item #7 and add it as new Consent Agenda Item #6(m): Preliminary Plat - PPLT14-MA-002 - Cunningham Property Subdivision (PIN 6969-39-3028-000, Marshall Magisterial District).

CITIZEN'S TIME

- Madge Eicher, Marshall District, expressed her objections to allowing a book, “Two Boys Kissing” by David Levithan, to remain in the public school library, citing the profane language and mature content is inappropriate for children in school.
- Timmy Gisselquist, Scott District, asked that County Supervisors refrain from calling people names using terms such as “losers” or “freaks.” His written comments were submitted.
- Lisa Gisselquist, Scott District, stated she was impressed by the integrity, grit and determination held by American leaders in the past; she added that she is opposed to name calling and references to the use of Kevlar® and she asked for an apology from the Supervisor who made those statements. Her written comments were submitted.
- Dan Gisselquist, Scott District, said he was opposed to comments posted by a Supervisor on social media and he asked that the board member repent and apologize for those offensive remarks and recommit himself to the high standards of office he has been elected to. His written comments were submitted.

- Wade Beauchamp, Cedar Run District, said he moved to this county to build a house and a farm but he is finding county officials are not easy to work with, and with the threatening comments made by Mr. Trumbo it is no wonder that the employees of the county are indifferent.
- William Navarre, Cedar Run District, presented a resolution prepared by the Fauquier County Young Republicans passed at their meeting of April 8, 2014, calling on the Board of Supervisors to take the Code of Ethics seriously. He stated that social networking as it stands today can cause misunderstanding and hurt feelings. He stated that Supervisor Trumbo had used some threatening innuendos relating to the use of Kevlar® and made some negative comments on Facebook recently, and he recommended that a public apology be made to those who were offended by those specific posts so we can move on to the county's business at hand.
- Chairman Stribling stated that Citizens Time is intended to offer an opportunity for citizens to express their opinions on community matters; it is not a time for personal attacks against an individual or for personal exchanges with county officials. Mr. Stribling said that the issue regarding comments made by Mr. Trumbo had already been addressed by the Board members. Mr. Stribling stated the county business must proceed in an orderly fashion and if it becomes necessary disorderly people will be removed. Mr. Stribling asked citizens to be respectful of each other, to keep their comments short and to the point, and if someone wants to express an opinion about a Supervisor to please submit their comments in writing to the Deputy Clerk. Mr. Stribling then re-opened the floor for the next speaker.
- Tina Fox, Cedar Run District, stated that she believed Mr. Trumbo has violated the Fauquier County Code of Ethics and it is her desire to have him removed from the Board; she then submitted her written comments.
- An unidentified male made an inaudible statement as he approached the dais. He submitted his written comments expressing his belief that the county selectively enforced the law with regard to Martha Boneta; that county assessors have shown vindictiveness by increasing his tax assessment; and, that he finds Mr. Trumbo's statement disturbing.
- Heidi Ferguson, Cedar Run District, expressed her objection to comments made by Mr. Trumbo on Facebook and submitted a written copy of her comments.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Schwartz presented to Mr. Bob Sinclair and members of the Fauquier Heritage and Preservation Foundation a Proclamation to Declare May 2014 as Historic Preservation Month in Fauquier County.
- Mr. Granger presented to Ms. Joyce Nutz a Proclamation Declaring the Month of May as Lyme Disease Awareness Month.

- Mr. Granger presented to Chief Tom Billington and Volunteer Fire & Rescue Association President Tom Marabel a Proclamation to Declare the Week of May 18-24, 2014 as Emergency Medical Services Week.
- Mr. Sherbeyn presented to Mr. Josh Brown of The Fauquier Bank a Proclamation to Honor Mr. Brown.
- Mr. Sherbeyn presented to members of the Department of Social Services a Proclamation Recognizing Adult Abuse Prevention Month.
- Mr. Stribling presented to Ms. Jane Burnett of People, Inc., a Proclamation to Recognize Local Volunteer Income Tax Assistance Program Volunteers for Their Service to the Citizens of Fauquier County.
- Mr. Trumbo presented to Ms. Jane Burnett of People, Inc., a Proclamation Recognizing Teachers Who Put the Spirit of Individuals with Disabilities Education Act into Action.

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CONSENT AGENDA

Mr. Trumbo moved to adopt the following Consent Agenda items. Mr. Sherbeyn seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Christopher N. Granger; Mr. Peter B. Schwartz; Mr. D. Lee Sherbeyn; Mr. Chester W. Stribling; Mr. R. Holder Trumbo, Jr.
Nays: None
Absent During Vote: None
Abstention: None

Minutes of the Fauquier County Board of Supervisors

Approval of minutes for April 3, 2014 and April 10, 2014.

A Resolution to Amend the FY 2014 Adopted Budget by \$52,300

RESOLUTION

A RESOLUTION TO AMEND THE FY 2014 ADOPTED BUDGET BY \$52,300

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on April 11, 2013, the Board of Supervisors adopted the Fauquier County FY 2014 Budget; and

WHEREAS, during the course of the fiscal year certain events occur that necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its meeting on April 29, 2014, the Finance Committee recommended for FY 2014, appropriations of \$42,005 to the General Fund, appropriation and acceptance of \$2,970 in state grant funding to the Warrenton-Fauquier Airport Enterprise Fund, and appropriations and acceptance of \$7,522 in state grant funding to the Volunteer Fire & Rescue Association Fund; and

WHEREAS, the Finance Committee recommended for FY 2014, de-appropriation of \$197 to the General Fund; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of May 2014, That the County Administrator be, and is hereby, authorized to sign documents related to the acceptance of grant funds on behalf of Fauquier County; and, be it

RESOLVED FURTHER, That the FY 2014 Budget be, and is hereby, amended in the amount of \$52,300 as indicated on the attached summary

May 8, 2014 Budget Action Summary

Requesting Department	Description	Amount	Category		Action/Explanation
			From	To	
Consent Agenda					
FY 2014					
Community Development	Engineering Review Fees	\$3,000	Developer's Fees	Community Development	Appropriates \$3,000 in Developer's Fees for Belvoir Station for professional engineering services.
Fire, Rescue, and Emergency Management	Virginia Department of Emergency Management (VDEM) Supplemental Local Emergency Management Performance Grant Program (SLEMPG) award	\$18,900	State Funding	Fire, Rescue, and Emergency Management	Appropriates and accepts \$18,900 in State grant funding for the VDEM SLEMPG program in support of shelter registration kits.
Fire, Rescue, and Emergency Management	Virginia Office of Emergency Medical Services (OEMS) Virginia Pre-Hospital Information Bridge (VPHIB) Special Initiative Grant Program award	\$3,599	State Funding	Fire, Rescue, and Emergency Management	Appropriates and accepts \$3,599 in State grant funding for the VPHIB Special Initiative Grant program for computer equipment.
Social Services	Virginia Department of Housing and Community Development	\$16,506	State Funding	Social Services	Appropriates and accepts \$16,506 in additional state funding allocated for the 2014 Homeless Solutions Grant.
Volunteer Fire & Rescue Association	Virginia Department of Fire Programs Fire Incidents Reporting Hardware Grant	(\$197)	State Funding	Volunteer Fire & Rescue Association	De-appropriates \$197 in unexpended funds for the FY 2014 VFRIS Hardware Grant.
Volunteer Fire & Rescue Association	Virginia Four-for-Life program award	\$63	State Funding	Volunteer Fire & Rescue Association	Appropriates \$63 in State funding for the Four-for-Life program to reflect the actual FY 14 award.
Volunteer Fire & Rescue Association	Virginia Department of Fire Programs (VDFP) award	\$7,459	State Funding	Volunteer Fire & Rescue Association	Appropriates \$7,459 in State funding for fire programs to reflect the actual FY 14 award.
Warrenton-Fauquier Airport	Virginia Department of Aviation (VDOA) Maintenance Grant	\$2,970	State Funding	Airport Enterprise Fund	Appropriates and accepts \$2,970 in state grant funding from VDOA for repair of the Localizer NAVAID Access Road.

A Resolution to Grant a Fee Waiver for Country Chevrolet, Inc.

RESOLUTION

A RESOLUTION TO GRANT A FEE WAIVER TO COUNTRY CHEVROLET, INC.

WHEREAS, Country Chevrolet, Inc. will be filing a variety of applications to construct a new facility for vehicle preparation, service and reconditioning used vehicles: and

WHEREAS, Country Chevrolet, Inc. has requested that it be granted a waiver of the various fees associated with the project; and

WHEREAS, this waiver includes a refund of the special permit fee, site plan fee and building / zoning permit fees; and

WHEREAS, the Board of Supervisors has the ability to waive all application fees for the project with the exception of outsourcing engineering fees; and

WHEREAS, the Board of Supervisors has determined that it is appropriate to grant the requested fee waivers; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of May 2014, That the Fauquier County Board of Supervisors does hereby grant a waiver of the allowable fees to Country Chevrolet, Inc. for its project.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Obtain Citizen Input Concerning a Revision of Chapter 13.5 of the Fauquier County Code Pertaining to Noise

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING FOR CITIZEN INPUT REGARDING REVISIONS TO CHAPTER 13.5 OF THE FAUQUIER COUNTY CODE

WHEREAS, in the interest of the health, safety and general welfare of the citizens of Fauquier County, the County needs enforceable noise regulations in the County Code; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of May 2014, That the County Administrator be, and is hereby, directed to schedule a public hearing to obtain citizen input regarding revisions to Chapter 13.5 of the Fauquier County Code.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider Amendments to the Community Development Fee Schedule

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE COMMUNITY DEVELOPMENT FEE SCHEDULE

WHEREAS, changes are necessary to fees associated with development applications because of the state's requirement to implement a new stormwater management program; and

WHEREAS, the Board will consider the adoption of the ordinance implementing the new program in June for implementation as of July 1, 2014; and

WHEREAS, Community Development's fee schedule needs to be amended to reflect these changes; and

WHEREAS, the County must conduct a public hearing in order to amend the Community Development fee schedule; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of May 2014, That the County Administrator be, and is hereby, directed to schedule a public hearing to consider amendments to the Community Development fee schedule.

A Resolution Authorizing the Acceptance of a Conservation Easement Over the Property of Robert H. Emery and Ann T. Emery, Trustees

RESOLUTION

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF ROBERT H. AND ANN T. EMERY, TRUSTEES

WHEREAS, Robert H. and Ann T. Emery, Trustees have proposed to donate a conservation easement over their property described as tax map parcels #6927-04-4040-000 and 6927-03-8672-000 consisting of approximately 29.103 acres, hereinafter "the Property;" and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the “Open-Space Land Act;” now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of May 2014, That the Board finds as follows:

1. The proposed easement preserves open-space lands in the county pursuant to the goals and objectives stated in the county’s Comprehensive Plan and thereby advances a public purpose of the county; and
2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses which are consistent with and which will not adversely affect the open-space values described in the easement; and
3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

A Resolution to Authorize the County Administrator to Submit a Finding of Concurrence for a Temporary Pump and Haul Permit for Vision Development Group, LLC

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO SUBMIT A FINDING OF CONCURRENCE FOR A TEMPORARY PUMP AND HAUL PERMIT FOR VISION DEVELOPMENT GROUP, LLC

WHEREAS, Vision Development Group, LLC, is the record owner of real property located at 3226 Old Catlett Road, Catlett, Virginia, said property being further identified on the County’s GIS system as PIN #7922-82-3420; and

WHEREAS, Vision Development Group, LLC, has requested that the Fauquier County Board of Supervisors provide its concurrence to the issuance by the Health Department of a temporary pump and haul permit for the property located at 3226 Old Catlett Road, Catlett, Virginia; and

WHEREAS, the property is located in the designated Village of Catlett and within the area identified for the provision of sewer services as part of the County's on-going Catlett / Calverton Sewer Project; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of May 2014, That the Board of Supervisors does hereby concur with the request of Vision Development Group, LLC, to use a temporary pump and haul permit for the aforesaid property subject to the following conditions:

- a. That the Board's concurrence will continue only until such time as the Catlett / Calverton Sewer Project is completed at which time the owner shall connect the property to the Catlett / Calverton Sewer system;
- b. That Vision Development Group, LLC, shall provide notice at the time of sale of the property to any purchaser of the property of these condition and of the requirement to connect to the new sewer system; and
- c. That Vision Development Group, LLC shall provide to the County Administrator its written statement that it understands and agrees with these conditions; and, be it

RESOLVED FURTHER, That upon the receipt of the aforesaid written statement from Vision Development Group, LLC, the County Administrator be, and is hereby, authorized to sign the Health Department's application indicating the Board's concurrence subject to the aforesaid conditions, and to transmit this resolution to the Fauquier County Health Department.

A Resolution to Determine Whether to Proceed to the Detailed Submittal Phase for the Northwest Cascade, Incorporated, Unsolicited PPEA Proposal to Provide a Catlett-Calverton Wastewater Solution

RESOLUTION

A RESOLUTION TO DETERMINE WHETHER TO PROCEED TO THE DETAILED SUBMITTAL PHASE FOR THE NORTHWEST CASCADE, INCORPORATED, UNSOLICITED PPEA PROPOSAL TO PROVIDE A CATLETT-CALVERTON WASTEWATER SOLUTION

WHEREAS, the Fauquier County Board of Supervisors adopted the revised Public-Private Education and Infrastructure Act of 2002 (PPEA) Policy FDP-02 on September 13, 2013; and

WHEREAS, on November 25, 2013, Northwest Cascade, Incorporated, Puyallup, WA, submitted an Unsolicited PPEA conceptual proposal to design, build and operate a decentralized wastewater system for the Catlett-Calverton area; and

WHEREAS, on February 20, 2014, the Board of Supervisors passed a resolution to accept the Unsolicited PPEA conceptual proposal from Northwest Cascade, Incorporated; and

WHEREAS, additional PPEA proposals were sought based on Section IV, G, 2, of PPEA Policy FDP-02, resulting in the receipt of no competing proposals; and

WHEREAS, VIII, A, 3, of PPEA Policy FDP-02 outlines the method to proceed into the detailed phase of the unsolicited proposal and directs the Board of Supervisors to determine (a) not to proceed further with any proposal; or (b) to proceed to the detailed phase of review with the original unsolicited proposal; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of May 2014, That the Board hereby directs County staff to proceed to the Detailed Phase of Review with the original unsolicited PPEA proposal of Northwest Cascade, Incorporated, in accordance with PPEA Policy FDP-02.

A Resolution to Authorize Dedication of Easements Across Property Owned Jointly by the County in Common With the Counties of Fairfax, Loudoun and Prince William and the City of Alexandria Known as Birmingham Green

RESOLUTION

A RESOLUTION TO AUTHORIZE DEDICATION OF EASEMENTS ACROSS PROPERTY OWNED JOINTLY BY THE COUNTY IN COMMON WITH THE COUNTIES OF FAIRFAX, LOUDOUN AND PRINCE WILLIAM AND THE CITY OF ALEXANDRIA KNOWN AS BIRMINGHAM GREEN

WHEREAS, a Prince William County Developer, Walker Station, agreed to Proffer Amendments that required certain transportation improvements to the public right-of-way known as "Euclid Avenue," adjacent to the Birmingham Green property; and

WHEREAS, the proffered transportation improvements will be performed by Walker Station, L.C., including the dedication of storm drainage and temporary grading and construction easements across the property of the District Home; and

WHEREAS, the property is owned as tenants in common between counties of Prince William, Loudoun, Fairfax and Fauquier and the City of Alexandria, and serves as the Northern Virginia Healthcare Center and District Home; and

WHEREAS, the Board of Directors for this facility approved of the plans and agreed with the offered purchase price of \$90,000.00; and

WHEREAS, the Board of Directors for the facility has requested that the owning jurisdictions authorize the payment by Walker Station, L.C., be made directly to the Board of Directors to cover expenses for capital improvements during 2014-2015; and

WHEREAS, the Board of County Supervisors is authorized by §15.2-1800 et. seq., of the Code of Virginia, to convey these easements without a public hearing as these improvements to Euclid Avenue, adjacent to the property, also constitute improvements to the property; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of May 2014, That the Board of Supervisors does hereby authorize the dedication of the necessary easements described above and shown on the plat attached to the agenda item for this resolution, across the Birmingham Green property located at 8605 Centreville Road in the Coles Magisterial District, Prince William County, GPIN 7896-13-6884; and, be it

RESOLVED FURTHER, That the Chairman of the Board or County Administrator are authorized to sign such documents as are necessary to effect the intent of this resolution and approved as to form by the County Attorney.

A Resolution to Grant a Fee Waiver for Lee Highway Nursery

RESOLUTION

A RESOLUTION TO GRANT A FEE WAIVER TO LEE HIGHWAY NURSERY

WHEREAS, Lee Highway Nursery, will be filing a variety of applications to expand the parking and storage are for their existing nursery and farm equipment sales and service business; and

WHEREAS, Lee Highway Nursery, has requested that it be granted a waiver of the various fees associated with the project; and

WHEREAS, this waiver includes a refund of the special permit fee, and site plan fee amendment fee; and

WHEREAS, the Board of Supervisors has determined that it is appropriate to grant the requested fee waivers; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of May 2014, That the Fauquier County Board of Supervisors does hereby grant a waiver of the allowable fees to Lee Highway Nursery for its project.

Preliminary Plat - PPLT14-LE-004 - Faller Property Subdivision (PIN 6889-55-4111-000, Lee Magisterial District)

No action is required.

Preliminary Plat - PPLT14-LE-005 - Miller Woods East (6889-25-8957-000 and 6889-36-3075-000, Lee Magisterial District)

No action is required.

Preliminary Plat - PPLT14-MA-002 - Cunningham Property Subdivision (PIN 6969-39-3028-000, Marshall Magisterial District)

No action is required.

REGULAR AGENDA ITEMS

None.

APPOINTMENTS

The following appointments were made by unanimous consent:

- Airport Committee - Citizen at Large: Mr. Ron Gatewood was appointed to fill an unexpired term that ends December 31, 2015.
- Community Services Board (RRCBSB): Mr. Bob Weigel was appointed to fill an unexpired term that ends December 31, 2016.
- Library Board - Marshall District: Mr. Jonathan Slaton was appointed for a four-year term from July 1, 2014 through June 30, 2018.
- Towing and Recovery Advisory Board: Mr. Eddy Payne was appointed as a Citizen at Large.
- Water & Sanitation Authority - Lee District: Mr. Paul Blackmer was appointed for a four-year term from June 11, 2014 through June 10, 2018.

SUPERVISORS' TIME

- Mr. Sherbeyn announced that a fundraiser supporting Operation First Response will be held on May 24th at the True Value Hardware Store in Bealeton, where some Board members are volunteering to sit at the dunking booth. Mr. Sherbeyn announced that on August 9th the annual Operation First Response fundraiser event and auction will be held at the Fauquier Fairgrounds, and he encouraged the community to attend both events in support of the wounded veterans.
- Mr. Granger announced that the Local Piedmont Fundraiser held on May 6th raised approximately \$675,000 to support local nonprofit organizations. Mr. Granger extended his congratulations to the newly elected Mayor for the Town of Warrenton, Mr. Powell

Duggan; and he also congratulated the two newly elected at-large Warrenton Town Council members, Ms. Sunny Reynolds and Mr. Sean Polster. Mr. Granger said he attended the ribbon cutting ceremony for the recently opened Mason Enterprise Center on Main Street and was very excited about the services it will offer to new businesses in the community. Mr. Granger stated that the State budget impasse was discussed earlier in work session by Board members. He said that folks need to pay special attention because if the money is not there it will force a shutdown and local government will have to make some very hard decisions that will have wide ranging impacts.

- Mr. Schwartz said he attended a recent Fauquier Health Foundation meeting and the Foundation now has an endowment fund of \$150 Million, which will continue to grow. He said that Fauquier Health Foundation is dedicated to finding ways to use that resource to improve the quality of health care in Fauquier County. Mr. Schwartz said the Foundation has been conducting surveys, focus groups, et cetera, to begin a dialogue on how to improve health care in this county. Mr. Schwartz said the Foundation has a website and they would like to hear from as many citizens as have an interest in contacting them with their thoughts on the health care priorities in this community. To learn more, visit www.fauquierhhealth.org or contact Foundation President/CEO Christy Connolly, at (540) 316 -2609 or ConnollyC@FauquierHealthFoundation.org.
- Mr. Trumbo said he wanted to address concerns raised previously during Citizens Time about some remarks that he had made. Mr. Trumbo said he acknowledged and admitted that he chose terms in an overheated moment that he should not have, and let his unhappiness get the better of him. Mr. Trumbo said he apologized to those individuals who were offended and added that he will endeavor to express himself in a more becoming fashion in the future.
- Mr. Stribling said he would like to return to Supervisor Sherbeyn's previous comments about the Hometown Hero Day on May 24th at the Bealeton Shopping Center, which is being sponsored by CK's True Value Hardware Store from 9:00 AM until 3:00 PM. He said that activities will include a presentation by the Liberty High School Color Guard, displays of military vehicles, live entertainment, a disc jockey, and a dunking booth. He said there will also be an unveiling of the "Hometown Hero" banner and he encouraged everyone to come down for the festivities.

Mr. Stribling said on the previous Saturday, May 17th, there will be a military day event at the Morrisville Veterans of Foreign War building located on Route 17, and he asked citizens to visit the VFW and thank the Veterans for what they have done and for what they are doing.

Mr. Stribling said he promised to provide an update on his health. He said he has a checkup scheduled at the Cancer Treatment Center in Chicago next Monday and Tuesday. Mr. Stribling commented that he is not exactly sure where his voice is going, but whatever it is, he was thankful to be alive. Mr. Stribling said he is thankful that God took the cancer and worked with the doctors, and he is thankful more importantly to all

the citizens that donated and it has been a true blessing as the bills come in to be able to pay the medical bills, and he expressed his gratitude to the community.

Mr. Stribling said that he does appreciate Supervisor Trumbo's earlier comments. Mr. Stribling said it is not his goal as Chairman of the Board to shortchange anybody from their ability to be able to speak and that is a God given and American right. He said, however, that when someone's speaking is detrimental to the public process, it is his job as Chairman to move forward and tonight was an example of that. Mr. Stribling said he understands and hears the people's concerns, but unfortunately this was not the time or the place in his opinion. He added that people may berate him for making that decision; however, it is the Chairman's prerogative and he will just take the beating for it.

ANNOUNCEMENTS

- Mr. McCulla said that the month of May marks the beginning of graduation season and that Lord Fairfax Community College and many other colleges have begun their graduation ceremonies. Mr. McCulla said that on a personal note he wanted to congratulate his daughter, Anna, for graduating from the College of William & Mary.
- Mr. McCulla announced that the Board of Supervisors will hold its next regular meeting at 6:30 P.M. on Thursday, June 12, 2014, at the Warren Green Building, located at 10 Hotel Street in Warrenton, Virginia.
- Mr. Stribling added that he agreed with Mr. Granger that citizens should stay on top of the State budget impasse because it has a serious impact on localities. He asked citizens to contact legislators in the General Assembly by sending cards, letters and e-mails to their elected officials in Richmond urging them to pass a State budget.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A DRAINFIELD EASEMENT TO THE JEFFREY L. LEHEW FAMILY LLC X FOR AN EXISTING DRAINFIELD AT THE NEW BALTIMORE CONVENIENCE SITE

A public hearing was held to consider a resolution authorizing the County Administrator to grant an easement for an existing drainfield located on the New Baltimore Convenience Site. The drainfield predates the County's acquisition of the Convenience Site property and serves the currently unoccupied LeHew property. Kevin Burke, County Attorney, summarized the application. Robert Light, Esquire, representing the LeHew family, thanked county staff members for their cooperation in the process and urged the Board of Supervisors to approve the application. No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following Resolution. Mr. Sherbeyn seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Christopher N. Granger; Mr. Peter B. Schwartz; Mr. D. Lee Sherbeyn; Mr. Chester W. Stribling; Mr. R. Holder Trumbo, Jr.
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A DRAINFIELD EASEMENT TO THE JEFFREY L. LEHEW FAMILY LLC X FOR AN EXISTING DRAINFIELD AT THE NEW BALTIMORE CONVENIENCE SITE

WHEREAS, the Fauquier County Board of Supervisors owns real estate which comprises the New Baltimore Convenience Site; and

WHEREAS, the Jeffrey L. LeHew Family, LLC X, property across Old Alexandria Turnpike from the Convenience site; and

WHEREAS, the drainfield predated the County's acquisition of the property and no recorded easement exists for the drainfield; and

WHEREAS, the Board of Supervisors has determined that the grant of an express easement for the drainfield is appropriate and in the public interest; and

WHEREAS, Section 15.2-1800 of the Code of Virginia requires the Board of Supervisors to conduct a public hearing before public property can be conveyed for this purpose; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of May 2014, That the County Administrator be, and is hereby, authorized to execute a drainfield easement to the Jeffrey L. LeHew Family, LLC X, at the New Baltimore Convenience Site.

A RESOLUTION TO ADOPT THE 2014-2015 THROUGH 2019-2020 SIX-YEAR PLAN FOR SECONDARY ROADS (SSYP) AND THE 2014-2015 FISCAL YEAR BUDGET

A joint public hearing was held with the Board of Supervisors and a representative of the Virginia Department of Transportation (VDOT) to receive public comment on the proposed Secondary System Construction Program for Fiscal Years 2014-2015 through Fiscal Years 2019-2020. On March 26, 2013, the Transportation Committee recommended a prioritized project list to the Board, with the majority of projects being carried over from the previous year's plan. An initial public hearing was held on April 10, 2014. Kimberley Fogle, Director of the Department of Community Development, summarized the plan. Richard Blake, Marshall District, asked where Moss Hollow Road was located on the list of priorities. No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following Resolution. Mr. Schwartz seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Christopher N. Granger; Mr. Peter B. Schwartz; Mr. D. Lee Sherbeyn; Mr. Chester W. Stribling; Mr. R. Holder Trumbo, Jr.*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO ADOPT THE 2014-2015 THROUGH 2019-2020 SIX-YEAR PLAN FOR SECONDARY ROADS (SSYP) AND THE 2014-2015 FISCAL YEAR BUDGET

WHEREAS, the 2014-2015 through 2019-2020 Secondary Construction Six-Year Plan and the 2014-2015 Fiscal Year Budget for Fauquier County was duly advertised for public hearing and said public hearing was held on April 10, 2014, and that the items brought forth at the public hearing were duly considered; and

WHEREAS, on March 26, 2014, the Fauquier County Transportation Committee recommended adoption of the Secondary Road Six Year-Plan for 2014-2015 through 2019-2020 transportation priorities, which are outlined herein; and

WHEREAS, on April 10, 2014, the Board of Supervisors held a joint public hearing with the Virginia Department of Transportation and received public comment on the Six-Year Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of May 2014, That the 2014-2015 through 2019-2020 Secondary Construction Six-Year Plan and the 2014-2015 Fiscal Year Budget be, and are hereby, adopted as follows:

<u>Priority</u>	<u>Magisterial District</u>	<u>Route</u>	<u>UPC</u>	<u>Route Name</u>	<u>Description of Work</u>
0	Lee	655	58123	Tinpot Run Road/Lucky Hill Road	Bridge Replacement and Approaches over Tinpot Run & Improve Curve at Intersection Route 1201 and Route 655
1	Lee	651	11153	Sumerduck Road	Bridge and Approaches over Sumerduck Run
2	Marshall	688	82327	Leeds Manor Road	Two Bridge Replacements and Approaches over Thumb Run and Tributary
3	Lee	661	10549	Schoolhouse Road	Reconstruct to Correct Safety Hazards

4	Marshall/ Scott	622	71982	Whiting Road	Upgrade Railroad Crossing
5	Scott/Cedar Run	602	TBD	Rogues Road	Safety and Operational Improvements from Route 605 to the Prince William County Line
6	Marshall	723	TBD	Ashville Road	Bridge Replacement and Approaches over Branch of Goose Creek
7	Cedar Run	674	TBD	Lunsford Road	Reconstruct and Surface Treat from 0.21 Miles North of Route 643 to 0.46 Miles North of Route 643
8	Cedar Run	801	TBD	Green Meadows Road	Reconstruct and Surface Treat from Route 616 to End of State Maintenance
9	Marshall	742	TBD	Wheatley School Road	Reconstruct and Surface Treat from Route 688 to End of State Maintenance
10	Cedar Run	604	TBD	Burwell Road	Reconstruct and Surface Treat from the Existing End of Pavement to the Prince William County Line
11	Marshall	645	TBD	Tapps Ford Road	Reconstruct and Surface Treat from Route 647 to County Line as a Rural Rustic Road
12	Marshall	739	TBD	Swains Road	Reconstruct and Surface Treat from Route 741 to End of State Maintenance
13	Marshall	728	TBD	Moss Hollow Road	Reconstruct and Surface Treat from Route 688 to End of State Maintenance

A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLES 3, 5 AND 15 TO MODIFY THE APPROVAL REQUIREMENTS, STANDARDS AND DEFINITIONS FOR TRAVEL TRAILER PARKS TO PERMIT THE USE IN THE RURAL AGRICULTURE (RA) ZONING DISTRICT BY APPROVAL OF A SPECIAL EXCEPTION

A public hearing was held to consider a Zoning Ordinance Text Amendment that proposes modifying several items relating the travel trailer parks. First, this amendment changes the use currently known as "Travel Trailer Parks" to "Recreational Vehicle Parks." Second, this amendment proposes to permit Recreational Vehicle Parks in the Rural Agriculture (RA) Zoning District with the approval of a Special Exception (SE) by the Fauquier County Board of Supervisors. Next, changes to the approval standards located in Article 5 are proposed to ensure the use is appropriate in the RA District and compatible with surrounding properties. Lastly, modifications to the definitions found in Article 15 are recommended. This amendment was initiated by the Board of Supervisors on January 9, 2014. On February 27, 2014, the Planning Commission held a public hearing and postponed action for thirty (30) days allowing further refinement of the amendment. On March 27, 2014, the Planning Commission held a second public hearing and by a vote of 3-2 forwarded the attached Ordinance to the Board of Supervisors with a recommendation of approval. Chuck Floyd, Assistant Zoning Administrator, summarized the text amendment. Joe Wiltse, representing Opal Gateway development, urged the Board of Supervisors to approve the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following Ordinance. Mr. Sherbeyn seconded and, following discussion, the motion carried with a vote of 3 to 2 as follows:

Ayes: Mr. D. Lee Sherbeyn; Mr. Chester W. Stribling; Mr. R. Holder Trumbo, Jr.
Nays: Mr. Christopher N. Granger; Mr. Peter B. Schwartz
Absent During Vote: None
Abstention: None

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLES 3, 5 AND 15 TO MODIFY THE APPROVAL REQUIREMENTS, ADDITIONAL STANDARDS AND DEFINITIONS RELATED TO TRAVEL TRAILER PARKS

WHEREAS, the Zoning Ordinance currently permits certain outdoor recreational uses in the Rural Agriculture (RA) zoning district; and

WHEREAS, Fauquier County seeks to expand the type of outdoor recreational uses permitted in the Rural Agriculture (RA) zoning district by permitting travel trailer parks; and

WHEREAS, Fauquier County seeks to reclassify the use currently known as travel trailer parks to recreational vehicle parks; and

WHEREAS, additional standards are necessary to ensure that recreational vehicle parks are appropriate in the RA zoning district and compatible with existing and proposed uses within the district; and

WHEREAS, on January 9, 2014, the Fauquier County Board of Supervisors initiated this text amendment; and

WHEREAS, on February 27, 2014 and March 27, 2014, the Fauquier County Planning Commission held public hearings on the proposed amendment, and by a vote of 3-2, recommended its approval; and

WHEREAS, on May 8, 2014, the Fauquier County Board of Supervisors held a public hearing on the proposed amendment and considered written and oral testimony; and

WHEREAS, amendments to Articles 3, 5 and 15 support good zoning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of May 2014, That amendments to Articles 3, 5 and 15 related to travel trailer parks to be known in the future as recreational vehicle parks be, and are hereby, amended as follows:

	SITE PLAN	RC	RA	RR-2	V	R-1	R-2	R-3	R-4	TH	GA	MDP	C-1	C-2	C-3	CV	BP	I-1	I-2
3-309 OUTDOOR RECREATION (CATEGORY 9)																			
7. Travel trailer <u>Recreational vehicle</u> park	X		SE										SE						

PART 9

5-900

CATEGORY 9 OUTDOOR RECREATION

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

5-901

Standards for All Category 9 Uses

1. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in a Residential District.

5-908

Additional Standards for ~~Travel Trailer Park~~ Recreational Vehicle Park

1. ~~Both Tents, recreational vehicles, campers and~~ Camping units are permitted within a travel trailer park Recreational Vehicle Park, but the parks shall be designed for travel trailers provided the park shall be designed for and predominantly used by recreational vehicles.

a. Camping Cabins shall not exceed ten (10%) of the total permitted campsites.

b. Camping Cabins shall not exceed six hundred (600) square feet.

2. ~~Each park shall provide~~ At a minimum electrical outlets shall be provided at each individual campsite, ~~one or more~~ Central travel trailer sanitary stations for the disposal of effluent shall be provided along with central toilet and shower facilities. These facilities shall be for the sole use of the patrons of the park.
3. ~~The road frontage requirement shall be 200 feet on a road with a minimum designation of major collector (or higher) in the Comprehensive Plan.~~ The property shall have direct access to and a minimum of three hundred (300) feet of frontage on a road designated as a principal arterial (or higher) in the Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
4. Accessory commercial uses are permitted, exclusively for the use of residents of the park (e.g., coin-operated laundry, convenience store, entertainment).
5. Density shall not exceed ten (10) ~~campsites~~ sites per acre.
6. Each campsite shall contain a minimum of ~~3,000~~ 1,600 square feet.
7. No structure, campsite or athletic facility shall be located closer than 100 feet to any lot line.
8. No ~~permit~~ site plan shall be ~~issued~~ approved for such a use until the applicant has furnished evidence that the proposed development meets all applicable State and local health department requirements. Required approvals from the Virginia Department of Health shall be provided to the County prior to the approval of any site plan for the use.
9. ~~The~~ One permanent residential occupancy ~~allowed~~ shall be permitted for the resident owner or manager only; ~~No other persons may~~ shall reside in the park for a period exceeding sixty (60) days ~~one (1) week~~.
10. The minimum lot size requirement shall be ~~five (5)~~ twenty (20) acres.

11. Public Water or a Central Water System designed to public standards shall be required.

12. Screening shall be provided in the form of an unbroken strip of open space a minimum of 50 feet wide and planted with one large evergreen tree with an ultimate height of forty (40) feet or greater for every ten (10) linear feet, plus one medium evergreen tree with an ultimate height of twenty (20) to forty (40) feet for every five (5) linear feet, plus one large deciduous tree with an ultimate height of fifty (50) feet or greater for each thirty (30) linear feet where the property abuts residential uses or properties planned for residential use in the Comprehensive Plan. The use of existing vegetation can be used to satisfy this requirement.

13. Mobile homes shall be strictly prohibited.

14. Inoperable and junk vehicles including recreational vehicles shall be prohibited.

15. The use shall be located within a Service District or immediately next to a Service District on property under the same use as the property within the Service District. For the purpose of this Section immediately next to a Service District shall not include properties located across a public street.

16. No portion of the recreational vehicle park use located outside of the Service District shall be connected to public sewer.

PART 3

15-300

DEFINITIONS

CAMPING CABIN: A small single story permanent or modular structure designed for transient or seasonal occupancy.

CAMPING UNIT: Any tent, camping trailer, camping cabin, recreational vehicle or similar structure established or maintained and operated within a camp, tent campground or recreational vehicle park.

CAMPSITE: An area of land within a camp, tent campground or recreational vehicle park/campground intended for the exclusive occupancy and use by a camping unit.

RECREATIONAL VEHICLE PARK: A lot, parcel or area of land designed and used for the accommodation of two (2) or more recreational vehicles for transient lodging purposes.

~~TRAVEL TRAILER: A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification "Travel Trailer" thereon; and when factory equipped for the road, being of any length provided its gross weight does not exceed 4,500 pounds, or being of any weight provided its overall length does not exceed twenty nine (29) feet. For the purpose of this Ordinance, a travel trailer shall not be deemed a MOBILE HOME.~~

A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 4 TO ALLOW COLLEGE / UNIVERSITY AS A PERMITTED PRINCIPAL USE IN THE PLANNED COMMERCIAL INDUSTRIAL DEVELOPMENT (PCID) DISTRICT

A public hearing was held to consider a Zoning Ordinance Text Amendment that seeks to allow College/University as a permitted principal use in the Planned Commercial Industrial Development (PCID) zoning district. College/University is a use currently allowed within the Zoning Ordinance in Article 3. However, currently College/University is not a use allowed within the PCID district. As proposed, this text amendment would simply add College/University to the list of uses permitted as principal uses in the PCID zoning district. This text amendment was initiated by the Board of Supervisors at its March 13, 2014 meeting. On March 27, 2014, the Planning Commission held a public hearing on the proposed amendment at which there were no speakers. The Planning Commission forwarded this amendment to the Board with a unanimous recommendation of approval. Staff recommends approval of the amended Ordinance as outlined in the attachment. Chuck Floyd, Assistant Zoning Administrator, summarized the text

amendment. No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following Ordinance. Mr. Schwartz seconded and, following discussion, the vote was unanimous as follows:

Ayes: Mr. Christopher N. Granger; Mr. Peter B. Schwartz; Mr. D. Lee Sherbeyn; Mr. Chester W. Stribling; Mr. R. Holder Trumbo, Jr.
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 4 TO ALLOW COLLEGE / UNIVERSITY AS A PERMITTED PRINCIPAL USE IN THE PLANNED COMMERCIAL INDUSTRIAL DEVELOPMENT (PCID) DISTRICT

WHEREAS, the Zoning Ordinance permits certain principal, secondary and special exception uses within the Planned Commercial Industrial Development (PCID) Zoning District; and

WHEREAS, Fauquier County seeks to review the uses allowed as principal uses within the Planned Commercial Industrial Development (PCID) Zoning District to enhance and support development within the PCID Zoning District; and

WHEREAS, on March 13, 2014, the Fauquier County Board of Supervisors initiated this text amendment; and

WHEREAS, on March 27, 2014, the Fauquier County Planning Commission held a public hearing on the proposed amendment, and by a vote of 5-0, recommended its approval; and

WHEREAS, on May 8, 2014, the Fauquier County Board of Supervisors held a public hearing on the proposed amendment and considered written and oral testimony; and

WHEREAS, an amendment to Section 4-603 supports good zoning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of May 2014, That an amendment to Section 4-603 to allow College / University as a permitted use in the PCID Zoning District contained in Article 4 be, and are hereby, amended as follows:

4-603 Principal Uses Permitted

Unless specifically prohibited by the approved Development Plan establishing the PCID, the following principal uses shall be permitted, subject to designations of areas and sites for such uses in the approved Development Plan and subject to the use limitations set forth in Section 4-606 below:

Adult day care center

Agriculture, horticulture, forestry or fishery
 Auction house
 Bakery, commercial
 Bank or financial institution
 Barber/beauty shop
 Business service and supply service establishments
College/University
 Commuter parking lot
 Conference or training center
 Convenience stores
 Contractors offices and shops
 Continuing care facilities
 Construction office
 Data Center using recycled water for cooling
 Day care, child care, or nursery
 Distribution facility
 Farmers market
 Health and fitness center/spa
 Indoor sports/activity centers
 Laundry, dry cleaners, laundromat
 Manufacture, processing, fabrication and/or assembly of products such as, but not limited to scientific and precision instruments, photographic equipment, communication equipment, computation equipment, drugs, medicines, pharmaceuticals, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, wireless communications
 Medical care facility, major or minor
 Meeting halls for social, fraternal, civic, public and similar organizations
 Motor vehicle service and repair, light
 Offices, administrative, business and professional
 Place of worship
 Plant nursery/greenhouse
 Postal Service, overnight courier collection and overnight mail distribution facility
 Printing service
 Private clubs
 Public and quasi-public uses, including but not limited to post office, library, parks and recreation facilities, governmental office and service facilities, public safety facilities (fire and rescue, police)
 Radio and television recording/broadcasting studio
 Recycling drop off collection center, small
 Repair service establishments
 Research, experimental testing, or development activities
 Restaurants
 Schools, primary and secondary
 Service Stations
 Swimming/tennis/racquet facility

Technical schools, indoor and outdoor
Theater, indoor
Vehicle Transportation Service Establishments
Warehousing facilities
Water and sewer pumping stations
Wholesale trade establishments

A RESOLUTION TO CONSIDER COMPREHENSIVE PLAN AMENDMENT / REZONING / SPECIAL PERMITS / SPECIAL EXCEPTIONS - CPAM13-MA-005, REZN13-MA-004, SPPT13-MA-020, SPPT13-MA-021, SPPT14-MA-007, SPEX13-MA-023 AND SPEX13-MA-024 - MIDDLEBURG HUMANE FOUNDATION (PIN 6969-38-9463-000, MARSHALL DISTRICT)

A public hearing was held to consider an application seeking a Comprehensive Plan Amendment to permit an agricultural use within the Marshall Service District; to rezone approximately 23.0763 acres from Residential District, 2 Dwelling Units/Acre (R-2)/Residential District, 4 Dwelling Units/Acre (R-4) to Rural Agriculture (RA); a Category 11 Special Permit to allow an animal shelter; a Category 13 Special Permit to allow an animal shelter; a Category 13 Special Permit to allow a veterinary clinic; a Category 1 Special Exception to allow a residential duplex; and a Category 31 Special Exception to waive the public/central water requirement. The property is located on a private access road to the north of the intersection of Free State Road (Route 721), Grove Lane (Route F185) and West Main Street (Route 55).

On November 12, 2013, the Planning Commission recommended approval of the project by a vote of 3 to 2 subject to the proffers and Concept Development Plan dated November 7, 2013 and conditions. Furthermore, on February 20, 2014, the Board of Supervisors held an initial public hearing on the applications and at that time by a vote of 5 to 0 postponed decision on the applications for up to ninety days. Since that date the only substantive change is the addition of Special Exception/Special Permit condition number 10 which limits the hours dogs are allowed to be outside to between 8:00 a.m. and 6:00 p.m.

Chuck Floyd, Assistant Zoning Administrator, summarized the text amendment. John Foote, Esquire, representing Grove Lane, spoke in favor of the application. Kim Zimmerman, Marshall District, representing the Middleburg Humane Foundation, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Schwartz moved to adopt the following: A Resolution to Approve Comprehensive Plan Amendment CPAM13-MA-005; and, An Ordinance to Approve Rezoning REZN13-MA-004; and, A Resolution to Approve Special Permits SPPT13-MA-020, SPPT13-MA-021 & SPPT14-MA-007, and Special Exceptions SPEX13-MA-023 & SPEX13-MA-024. Mr. Trumbo seconded and, following discussion, the vote was unanimous as follows:

Ayes: Mr. Christopher N. Granger; Mr. Peter B. Schwartz; Mr. D. Lee Sherbeyn; Mr. Chester W. Stribling; Mr. R. Holder Trumbo, Jr.
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE COMPREHENSIVE PLAN AMENDMENT
CPAM13-MA-005 – MIDDLEBURG HUMANE FOUNDATION
(PIN 6969-38-9463-000, MARSHALL DISTRICT)

WHEREAS, Middleburg Humane Foundation, owner, has initiated an application to amend the Fauquier County Comprehensive Plan, Chapter 6, Marshall Service District Plan (CPAM13-MA-005) on a 23.07-acre parcel located on a private access road to the north of the intersection of Freestate Road and Grove Lane, behind West Main Street (Route 55) in Marshall; and

WHEREAS, Middleburg Humane Foundation is not proposing to change the land use designations for its property; and

WHEREAS, Middleburg Humane Foundation is requesting that the Marshall Service District Plan text be revised to permit a rural agricultural use within the service district at this location; and

WHEREAS, on July 25, 2013, September 26, 2013 and October 31, 2013, the Fauquier County Planning Commission held public hearings on the proposed Comprehensive Plan Amendment request and postponed action on the application due to unresolved issues; and

WHEREAS, on November 12, 2013, the Fauquier County Planning Commission held an adjourned meeting on the proposed Comprehensive Plan Amendment application and by a vote of 3 to 2 recommended approval of the application; and

WHEREAS, on February 20, 2014, the Board of Supervisors conducted a public hearing and postponed action for up to ninety days to further study the application; and

WHEREAS, on May 8, 2014, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, adoption of the attached amendment to the Comprehensive Plan Chapter 6 – Service Districts, Marshall Service District Plan, revises the text of the Marshall Service District Plan to allow for agricultural uses within the district; and

WHEREAS, adoption of the attached amendment to Comprehensive Plan Chapter 6 – Service Districts, Marshall Service District Plan, supports good planning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of May 2014, That Comprehensive Plan Chapter 6 – Service Districts, Marshall Service District Plan, be and is hereby, amended as follows:

1. Revise the Marshall Service District language on page 44 to include the following text:

The Northern and Western gateways and the open land that comprises much of Residential North being an important interface between the town of Marshall and the rolling rural land all around, residential development in these areas could be enhanced with attendant rural features. A farm conservancy model might incorporate land to be used as a working farm within the service district. Such a designated farm would be reflective of the rural community around it, could serve as a lively neighborhood feature of the surrounding residential community and could provide an important service to the Marshall community as well as the county at large. It would also contribute to the strategy of reducing the residential buildout in this portion of the Service District (see VIII: Strategies to Achieve the Planning Goals).

Specific uses of such a farm would nonetheless have to be appropriate to a residential community, precluding those that would adversely impact a residential community in favor of uses that would enhance the lifestyles of the community it served. In the right location and with sufficient buffering, landscaping and fencing to mitigate any noise, odor or safety threats to the surrounding neighborhoods, a humane facility could be part of a service-district rural feature and would serve all of Fauquier County.

—AND—

ORDINANCE

AN ORDINANCE TO APPROVE REZONING REZN13-MA-004 – MIDDLEBURG HUMANE FOUNDATION (PIN 6969-38-9463-000, MARSHALL DISTRICT)

WHEREAS, the owner, Middleburg Humane Foundation, has applied to Rezone approximately 23.07 acres from Residential 2 (R-2) and Residential 4 (R-4) to 23.07 acres of Rural Agriculture (RA) with Proffers on a 23.07-acre parcel located on a private access road to the north of the intersection of Freestate Road and Grove Lane, behind West Main Street (Route 55) in Marshall; and

WHEREAS, on July 25, 2013, September 26, 2013 and October 31, 2013, the Fauquier County Planning Commission held public hearings on the proposed Comprehensive Plan Amendment request and postponed action on the application due to unresolved issues; and

WHEREAS, on November 12, 2013, the Fauquier County Planning Commission held an adjourned meeting on the proposed Rezoning application and by a vote of 3 to 2 recommended approval of the application; and

WHEREAS, on February 20, 2014, the Board of Supervisors conducted a public hearing and postponed action for up to ninety days to further study the application; and

WHEREAS, on May 8, 2014, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, by adoption of this Ordinance, the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practice are satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of May 2014, That the Rezoning request (REZN13-MA-004), to change the Zoning Map designation of PIN 6969-38-9463-000 be, and is hereby, approved subject to the Conceptual Development Plan for the Middleburg Humane Foundation at Cunningham Property dated November 7, 2013, sealed by Robert W. Brown, P.E. on November 7, 2013 and Proffer Statement dated February 10, 2014.

—AND—

RESOLUTION

A RESOLUTION TO APPROVE SPPT13-MA-020, SPPT13-MA-021, SPPT14-MA-007, SPEX13-MA-023 AND SPEX13-MA-024 – MIDDLEBURG HUMANE FOUNDATION – AN APPLICATION FOR A CATEGORY 11 SPECIAL PERMIT FOR AN ANIMAL SHELTER (PUBLIC & QUASI-PUBLIC); A CATEGORY 11 SPECIAL PERMIT TO ALLOW THE OPERATION OF AN ANIMAL SHELTER (COMMERCIAL); A CATEOGRY 13 SPECIAL PERMIT TO ALLOW A VETERINARY CLINIC; A CATEOGRY 1 SPECIAL EXCEPTION TO ALLOW FOR A RESIDENTIAL DUPLEX; AND A CATEGORY 31 SPECIAL EXCEPTION TO WAIVE THE PUBLIC/CENTRAL WATER REQUIERMENT (PIN 6969-38-9463-000, MARSHALL DISTRICT)

WHEREAS, Middleburg Humane Foundation, owner, has requested Special Permit and Special Exception approval to establish a public, quasi-public and commercial animal shelter and a veterinary clinic on a 23.07-acre parcel located in the Marshall Service District and Magisterial District; and

WHEREAS, Middleburg Humane Foundation also requests approval to allow for a residential duplex on the property; and

WHEREAS, the Middleburg Humane Foundation has requested Special Exception approval to waive the public/central water requirement; and

WHEREAS, on July 25, 2013, September 26, 2013 and October 31, 2013, the Fauquier County Planning Commission held public hearings on the proposed Special Permit and Special Exception requests and postponed action on the applications due to unresolved issues; and

WHEREAS, on November 12, 2013, the Fauquier County Planning Commission held an adjourned meeting on the proposed Special Permit and Special Exception requests and by a vote of 3 to 2 recommended approval of the applications; and

WHEREAS, on February 20, 2014, the Board of Supervisors conducted a public hearing and postponed action for up to ninety days to further study the applications; and

WHEREAS, on May 8, 2014, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Planning Commission and Board of Supervisors find that permitting a public, quasi-public and commercial animal shelter and a veterinary clinic on the property is appropriate, in conformance with the Fauquier County Comprehensive Plan, will not negatively impact the surrounding community and will serve the purposes of promoting the public health, safety and welfare; and

WHEREAS, The Planning Commission and Board of Supervisors find that permitting a residential duplex on the property is appropriate and satisfies the requirements of the Zoning Ordinance; and

WHEREAS, The Planning Commission and Board of Supervisors find that waiving the public/central water requirement supports good zoning practice, convenience and general welfare; and

WHEREAS, the Board of Supervisors has determined that the applications satisfy the standards of the Fauquier County Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of May 2014, That SPPT13-MA-020, SPPT13-MA-021, SPPT14-MA-007, SPEX13-MA-023, and SPEX13-MA-024 be, and are hereby, approved, subject to the following conditions:

1. The site shall be developed in general conformance with the Proffer Statement and Concept Development Plan associated with companion Rezoning REZN13-MA-004 filed with these Special Permit and Special Exception applications, except as specifically modified by the conditions below or as may be necessary to meet Zoning Ordinance requirements.
2. No structure for the confinement, care or breeding of dogs, and no associated structure shall be located closer than 75 feet to any lot line, except that this requirement shall not apply to structures which are completely enclosed, adequately soundproofed, constructed, and maintained so that there will be no emission of odor or noise detrimental to other properties in the area.

3. The veterinary clinic shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.
4. The owner shall demonstrate that any well on the site will not damage the wells of adjoining parcels, including but not limited to the Lawrence Well, or interfere with future development of adjoining parcels (both inside and outside of the service district). This demonstration will be based on the results of a hydrogeological report and testing as outlined in Chapter 18 of the Subdivision Ordinance.
5. A water test with results satisfactory to the Health Department shall be carried out on any well before it may be used.
6. Abutting Residential Zoning Districts, all open off-street parking and loading areas shall be no closer than 25 feet from any lot line and shall be effectively screened.
7. At intervals not less than every five years following the issuance of a zoning permit for the uses authorized by these Special Permits, the property owner shall make itself or a representative available for a meeting with the Zoning Administrator for the purpose of a review of the then current state of operations of the humane facility, and the owner shall use its best good faith efforts to accommodate issues that may be raised during such consultations.
8. All primary buildings and parking areas shall be located within the Area of Primary Buildings and Parking as shown on the Concept Development Plan.
9. The kennel shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.
10. Dogs shall be allowed outdoors between the hours of 8:00 a.m. and 6:00 p.m.

A RESOLUTION TO APPROVE SEAM14-LE-006 - SHADY GROVE KENNEL AND HUNTING PRESERVE - AN APPLICATION TO AMEND CONDITIONS OF A PREVIOUSLY APPROVED CATEGORY 9 SPECIAL EXCEPTION (SPEX06-LE-022) FOR A HUNTING PRESERVE (PIN 6897-28-4312-000 AND 6897-26-7633-000, LEE DISTRICT)

A public hearing was held to consider approval of Special Exception Amendment 14-LE-006. The Applicant operates a hunting preserve on the properties that are leased from Old Dominion Electric Cooperative (ODEC). The Board of Supervisors approved SPEX06-LE-022, with conditions on May 11, 2006, to allow for this use. This application seeks to continue the hunting preserve operations as originally approved and conditioned, and to allow for the use to

continue in perpetuity. The properties are located at 12109 Lucky Hill Road and 12181 Old Grassdale Road in Remington. On March 27, 2014, the Planning Commission voted unanimously to recommend approval of the application. Adam Shellenberger, Senior Planner and Urban Designer for the Department of Community Development, summarized the application. Neil Selby, Applicant, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Resolution. Mr. Schwartz seconded and, after discussion, the vote was unanimous as follows:

Ayes: *Mr. Christopher N. Granger; Mr. Peter B. Schwartz; Mr. D. Lee Sherbeyn; Mr. Chester W. Stribling; Mr. R. Holder Trumbo, Jr.*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE SEAM14-LE-006 – SHADY GROVE KENNEL AND HUNTING PRESERVE – AN APPLICATION TO AMEND CONDITIONS OF A PREVIOUSLY APPROVED CATEGORY 9 SPECIAL EXCEPTION (SPEX06-LE-022) FOR A HUNTING PRESERVE (PIN 6897-28-4312-000 AND 6897-26-7633-000, LEE DISTRICT)

WHEREAS, Old Dominion Electric Cooperative (Owner) and Neil Selby (Applicant), are seeking to amend conditions of a previously approved Category 9 Special Exception (SPEX06-LE-022) for a hunting preserve on the properties located at 12109 Lucky Hill Road and 12181 Old Grassdale Road, on PIN 6897-28-4312-000 and 6897-26-7633-000; and

WHEREAS, on March 27, 2014, the Fauquier County Planning Commission held a public hearing on the Special Exception Amendment and recommended that the application be approved; and

WHEREAS, on May 8, 2014, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors concurred with the Planning Commission and agreed that the application satisfies the standards of Zoning Ordinance Sections 5-006, 5-901, and 5-913; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of May 2014, That SEAM14-LE-006 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.

3. The development of the property shall be in general conformance with the Special Exception Plat received in the Planning Office on March 17, 2006.
4. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
5. The Special Exception shall be granted in perpetuity.
6. The number of employees shall not exceed twelve (12).
7. The facility shall operate in accordance with all applicable state and local regulations.
8. The hunting preserve shall be limited to bird hunting and the use of shotguns with birdshot.
9. The preserve may operate daily between the hours of 8:00 a.m. and 5:00 p.m.
10. A 100-yard buffer zone, for safety, shall be provided and maintained around the perimeter of the designated hunting preserve area. Only Shady Grove employees (without guns) shall be permitted to enter the safety zone to retrieve downed game.
11. Hunting outside the designated preserve area is prohibited.
12. The border between the preserve and the 100-yard buffer area shall be adequately designated and secured with single strand wire fencing and brightly colored posted signs to indicate the area is a hunting preserve/no trespassing.
13. No hunting is allowed within 100 yards of a property line.
14. All hunters shall be accompanied by Shady Grove employees.
15. The applicant shall meet the provisions of Fauquier County Zoning Ordinance Section 3-309 applicable to the operation of hunting preserves.

A RESOLUTION TO APPROVE SPECIAL EXCEPTION - SPEX14-MA-015 - CUNNINGHAM FARM PUMP STATIONS (PIN 6969-39-3028-000 AND 6969-38-9463-000, MARSHALL DISTRICT)

A public hearing was held to consider an application seeking approval of a Category 20 Special Exception for the construction of a new sanitary pump station and the replacement of an existing antiquated pump station on the Grove Lane, LLC ("Cunningham Farm") and Middleburg Humane Foundation properties in Marshall, Virginia. In conjunction with this request, the Applicants are requesting approval of a Preliminary Plat for the Cunningham Property that proposes the development of one hundred fifty-four (154) single-family residential lots. These pump stations are necessary for the development of that subdivision. The subject

properties are located at 4549 Grove Lane in the Marshall Service and Magisterial Districts. On March 27, 2014, the Planning Commission conducted a public hearing on the application at which there were no speakers and by a vote of 5 to 0 recommended approval of the proposal. Chuck Floyd, Assistant Zoning Administrator, summarized the application. No one else spoke. The public hearing was closed. Mr. Schwartz moved to adopt the following Resolution. Mr. Stribling seconded and, after discussion, the vote was unanimous as follows:

Ayes: *Mr. Christopher N. Granger; Mr. Peter B. Schwartz; Mr. D. Lee Sherbeyn; Mr. Chester W. Stribling; Mr. R. Holder Trumbo, Jr.*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION – SPEX14-MA-015 – CUNNINGHAM FARM PUMP STATIONS (PIN 6969-39-3028-000 AND 6969-38-9463-000, MARSHALL DISTRICT)

WHEREAS, Grove Lane, LLC, owner, has requested Special Exception approval for the construction of a new sanitary pump station and the replacement of an existing antiquated pump station on the Grove Lane, LLC ("Cunningham Farm") and Middleburg Humane Foundation properties in the Marshall Service and Magisterial Districts; and

WHEREAS, on March 27, 2014, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception request and by a vote of 5 to 0 recommended approval of the application; and

WHEREAS, on May 8, 2014, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Planning Commission and Board of Supervisors find that permitting the replacement of an existing sanitary pump station and the construction of a new sanitary pump station on the property is appropriate, in conformance with the Fauquier County Comprehensive Plan, will not negatively impact the surrounding community and will serve the purposes of promoting the public health, safety and welfare; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of the Fauquier County Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of May 2014, That SPEX14-MA-015 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception shall be granted only for the purposes and uses indicated in the application materials and shall be in general conformance with the Special Exception Plat

prepared by Urban, Ltd. dated February 10, 2014 and signed by Robert W. Brown, P.E. on February 10, 2014.

2. Either a Final Construction Plan or Site Plan shall be required.
3. All equipment, machinery and facilities not located within an enclosed building shall be effectively screened from view.
4. The pump station shall be designed and constructed to Fauquier County Water and Sanitation Authority (FCWSA) standards as specified by the FCWSA.
5. This Special Exception shall expire in ten (10) years should the use not be established within that time period.

AN ORDINANCE TO APPROVE REZONING - REZN12-CR-001 - WARRENTON MANAGEMENT ASSOCIATES, INC. AND THE DREW CORPORATION (OWNERS)/WALTER A. HITCHCOCK, JR. (APPLICANT) - MILLFIELD PHASES IV, V AND VI - AN APPLICATION TO AMEND PREVIOUSLY APPROVED PROFFERS AND CONCEPT DEVELOPMENT PLAN - REZN11-CT-001 (PIN 6984-95-5265-000, 6984-94-1789-000, 6984-94-0516-000, 6984-84-4741-000, AND 6984-84-6403-000, CEDAR RUN DISTRICT)

A public hearing was held to consider Rezoning application REZN12-CR-001. The applicant filed an application to amend previously approved proffers and the Concept Development Plan associated with Millfield Subdivision. Millfield Subdivision was originally rezoned from Residential (R-1) to Residential (R-4) in 1991 and approved for a maximum of 42 residential lots. Phases I through III were completed. With this application the applicant is requesting to finish Phase IV, as well as create two new Phases - V and VI. The application also includes revision to the previously approved proffers. The properties are located off Millfield Drive in Warrenton. On March 27, 2014, the Planning Commission unanimously recommended approval of the application. Holly Meade, Deputy Chief of Planning, summarized the application.

- Walter Hitchcock, Applicant, requested favorable consideration of the application.
- Rick and Pam Heppard, Cedar Run District, spoke in support of the application.
- Chris Burris, Cedar Run District, spoke in support of the application and asked that the income stipulation be dropped.
- Linda Dick, Cedar Run District, asked that the low to moderate income housing provisions be dropped and that future development be comparable to existing homes.
- Kristen and Brandon Ashwood, Cedar Run District, spoke in favor of maintaining moderate income housing.

- Greg Slader, Cedar Run District, presented a petition from the neighborhood in support of the application.
- Susan Hollander, owner of First Community Management Homeowner’s Association Management, offered to answer any questions regarding the Millfield Homeowners Association.

No one else spoke. Mr. Sherbeyn moved to continue the public hearing and to postpone action for up to sixty days. Mr. Trumbo seconded. Mr. Schwartz offered a friendly amendment to postpone action for 30 days and without a second, the motion failed. After discussion, Mr. Stribling called for the original question, and the vote for the motion was unanimous as follows:

Ayes: Mr. Christopher N. Granger; Mr. Peter B. Schwartz; Mr. D. Lee Sherbeyn; Mr. Chester W. Stribling; Mr. R. Holder Trumbo, Jr.

Nays: None

Absent During Vote: None

Abstention: None

With no further business, the meeting was adjourned at 8:32 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on May 8, 2014.

(SEAL)

Paul S. McCulla
Clerk to the Board of Supervisors