A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD AUGUST 13, 2015, AT 11:00 A.M. IN WARRENTON, VIRGINIA

PRESENT  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

ABSENT    None

CALL TO ORDER

Mr. Stribling called the meeting to order at 11:08 A.M.

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

A WORK SESSION TO REVIEW LAND DEVELOPMENT ACTIVITY IN FISCAL YEAR 2015

Ms. Kimberley Fogle, Director of the Department of Community Development, provided an overview of land development revenue and application activity during the last fiscal year (FY 2015).

A CLOSED SESSION PURSUANT TO CODE OF VIRGINIA SECTION 2.2-3711(A)(7) OF THE CODE OF VIRGINIA TO DISCUSS LEGAL ISSUES REQUIRING THE ADVICE OF COUNSEL

Mr. Stribling moved to go into a closed session pursuant to Code Of Virginia Section 2.2-3711(A)(7) to discuss specific legal matters requiring the advice of counsel. Following discussion and upon the motion being seconded, the vote was unanimous as follows:
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 13th day of August 2015, 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.

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

INVOCATION

Mr. Stribling offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Schwartz led the Pledge of Allegiance.

ADOPTION OF THE AGENDA

Mr. Granger moved to adopt the agenda, with the following change. Mr. Sherbeyn seconded, and 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
• Add a Closed Session Pursuant to Code of Virginia Section 2.2-3711(A)(7) of the Code of Virginia to Discuss Legal Issues Requiring the Advice of Counsel Related to Financing of Availability Fees for the Proposed Catlett Calverton Sewer Project.

CITIZEN’S TIME

No one spoke.

PROCLAMATIONS AND RECOGNITIONS

Mr. Stribling read into the record the following recognitions:

• A Proclamation Recognizing July 12 - 17, 2015 as Probation, Parole and Community Supervision Week (previously presented on July 17, 2015)

• A Proclamation Honoring Mary Thompson Upon Her Retirement from Service with the United States Post Office in Delaplane, Virginia (previously presented on July 31, 2015)

CONSENT AGENDA

Mr. Granger moved to adopt the following Consent Agenda items. 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

Minutes of the Fauquier County Board of Supervisors

Approved at presented.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider Adoption of an Ordinance Establishing a Five Dollar Fee on Criminal and Traffic Tickets to Fund Acquisition of an e-summons System

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE ESTABLISHING A FIVE DOLLAR FEE ON CRIMINAL AND TRAFFIC TICKETS TO FUND ACQUISITION OF AN E-SUMMONS SYSTEM
WHEREAS, the *Code of Virginia* Section 17.1-271.1 authorizes localities to adopt an Ordinance that imposes a fee of not more than five dollars ($5.00) on all criminal and traffic tickets issued in the locality to fund the acquisition of an e-summons system by law enforcement; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of August, 2015, That, the County Administrator be, and is hereby, directed to schedule a public hearing to obtain citizen input regarding the adoption of an Ordinance imposing a fee of up to five dollars to fund the acquisition of an e-summons system.

A Resolution to Directing the County Administrator to Schedule a Public Hearing to Consider Adopting an Ordinance to Waive a Real Estate Tax Lien to Facilitate a Transfer of Real Estate Pursuant to Virginia Code 58.1-3228

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO WAIVE A REAL ESTATE TAX LIEN ON PARCEL IDENTIFICATION NUMBER 7913-04-7349 TO FACILITATE A TRANSFER OF THAT PARCEL

WHEREAS, there is a parcel of real estate upon which delinquent taxes are accruing but due to its use as a private road, its size, and its shape, it is not a suitable candidate for tax sale; and

WHEREAS, a couple who owns the adjoining lot was identified as potentially having an interest in acquiring this parcel but the delinquent tax lien is an impediment to its transfer; and

WHEREAS, *Code of Virginia* § 58.1-3228 provides the Board of Supervisors the authority to adopt an ordinance to waive a real estate tax lien to facilitate a transfer; and

WHEREAS, the Board must conduct a public hearing in order to adopt such an ordinance; now, therefore, be it

RESOLVED by The Fauquier County Board of Supervisors this 13th day of August 2015, That the County Administrator be, and is hereby, directed to schedule a public hearing to consider an ordinance to waive a real estate tax lien on Parcel Identification Number 7913-04-7349 to facilitate a transfer of that parcel.
A Resolution Establishing the Percentage Allocation of the Fixed Amount of State Personal Property Tax Relief for Qualifying Motor Vehicles for Tax Year 2015

RESOLUTION

A RESOLUTION ESTABLISHING THE PERCENTAGE ALLOCATION OF THE FIXED AMOUNT OF STATE PERSONAL PROPERTY TAX RELIEF ON QUALIFYING VEHICLES

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 et seq. (“PPTRA”), was substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS, these legislative enactments required the County of Fauquier to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the Personal Property Tax Relief Act as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the County of Fauquier of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles; now, therefore, be it.

RESOLVED, by the Fauquier County Board of Supervisors this 13th day of August 2015, That qualifying vehicles obtaining situs within the County of Fauquier during tax year 2015, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at $1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at $1,001 to $20,000 will be eligible for 57½ % tax relief;
- Personal use vehicles valued at $20,001 or more shall only receive 57½ % tax relief on the first $20,000 of value;
- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program; and
- In accordance with Item 503.D.1, the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years expired on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006, unless determined to be of no fault of the taxpayer, shall be deemed ‘non-qualifying’ for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.
A Resolution Establishing a Policy for Consideration and Posting of "Watch for Children" Signs

RESOLUTION

A RESOLUTION ESTABLISHING A POLICY FOR CONSIDERATION AND POSTING OF "WATCH FOR CHILDREN" SIGNS

WHEREAS, the Fauquier County Board of Supervisors is from time to time requested to post signs that would warn motorists that children may be at play nearby – “Watch for Children” signs; and

WHEREAS, the Virginia Department of Transportation (VDOT) governs such signs in accordance with §33.2-251 of the Code of Virginia, which requires that counties enter into an Agreement with VDOT that specifies location and, further, that the signs be fabricated, installed and maintained by the County at the County’s expense; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors on this 13th day of August 2015, That the following policy be, and is hereby, established to govern the posting of such signs, specifically establishing the circumstances under which County staff shall be authorized to execute an Agreement with VDOT in order to facilitate the placement of “Watch for Children” signs; and, be it

RESOLVED FURTHER, That the following policy and process be established:

1. Upon receipt of a request to post a “Watch for Children” sign in a specific location or neighborhood, the Director of Community Development or his or her designee shall evaluate the request to determine if one of the following criteria is met:
   a. Within a subdivision, a single sign may be placed on streets that are major entry points where the statutory or posted speed limit is 35 mph or less, beyond but not within 200 feet of, the posted speed limit sign;
   b. At the major approach(s) to a residential development not within or part of a subdivision where there is 1/3 mile or more of residential development (either side of roadway) with direct frontage/access and where the speed limit has been reduced to 35 mph or less, a single sign may be installed beyond but not within 200 feet from, the (reduced) posted speed limit sign.

2. “Watch for Children” signs shall not be installed as follows:
   a. In no case shall “Watch for Children” signs be posted on any road posted with a speed limit greater than 35 mph;
   b. In no case shall “Watch for Children” signs be posted in lieu of a standard Playground sign (W15-1) used to warn motorists of a designated playground;
   c. At a location where School warning signs are in place;
   d. In combination (same pole) with any other regulatory or warning signs;
   e. Preceding any existing regulatory or warning signs;
   f. Closer than 200 feet to any existing regulatory or warning sign.
3. The resident(s) requesting the “Watch for Children” sign(s) is/are responsible for fully funding the purchase, installation, and maintenance of the sign. Fauquier County will not use County funds to purchase, install, or maintain “Watch for Children” signs.

4. If all of the criteria established above are met, the Director of Community Development is authorized to enter into the required VDOT Agreement in order to have the signs fabricated and installed. The Director of Community Development is also authorized to enter into an agreement with the resident(s) requesting the “Watch for Children” sign(s) to obtain the necessary funding for the fabrication, installation, and maintenance of the requested sign(s).

5. VDOT and MUTCD standards for signage shall be adhered to in all instances.

6. The Board of Supervisors may consider any request for “Watch for Children” signs and may authorize such signs where it determines that a safety issue exists which warrants the placement of the signs, regardless of whether or not the criteria herein are met. Board consideration shall be at the discretion of the Board member representing the District in which the sign would be located.

7. Fauquier County staff shall take steps to ensure that any signs installed under this policy are periodically inspected and properly maintained. Signs not installed or maintained in accordance with the latest edition of the MUTCD, the VDOT Road & Bridge Standards, the conditions of the land use permit, and other requirements stipulated in the agreement with VDOT will be removed by VDOT at the County’s expense.

8. Should VDOT determine that another regulatory or warning sign must be placed such that it would violate the rules above, the VDOT sign will take priority and the “Watch for Children” sign will be relocated by the County at the county’s expense.

A Resolution Authorizing the County Administrator to Execute an Agreement Providing for the Repayment of Proffers at Brookside

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT PROVIDING FOR REPAYMENT OF PROFFERS AT BROOKSIDE

WHEREAS, Fauquier Lakes Limited Partnership has incurred a proffer arrearage at Brookside; and

WHEREAS, Fauquier Lakes Limited Partnership commenced repayment of the proffers upon being notified of the arrearage; and
WHEREAS, the County and Fauquier Lakes Limited Partnership have negotiated a repayment agreement in order to permit Fauquier Lakes Limited Partnership to repay the proffers over time; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of August 2015, That the County Administrator be, and is hereby, authorized to sign the agreement attached to the agenda request for this item, as modified, to reflect the reduced balance of the arrearage through payments that have occurred subsequent to the date of preparation of the agreement.

INSTALLMENT AGREEMENT
FOR PAYMENT OF UNCOLLECTED PROFFERS

THIS AGREEMENT is made this ___ day of ____________, 2015 by and between the Fauquier County Board of Supervisors (hereinafter County), and Fauquier Lakes Limited Partnership, (hereinafter Fauquier Lakes)

WITNESSETH:

WHEREAS, the proffers for Brookside Farm PRD dated May 9, 2002 provided that “For each single family occupancy permit after issuance of the 179th single family occupancy permit on BROOKSIDE FARM PRD, BROOKSIDE FARM PRD shall make a cash contribution of $3,500.00 to the County for school capital facilities; payable at issuance of occupancy permits” (hereinafter referred to as the “School Proffer”); and

WHEREAS, the Brookside Farm PRD proffers further provided that “For each single family occupancy permit after issuance of the 179th occupancy permit on BROOKSIDE FARM PRD, BROOKSIDE FARM PRD shall make a cash contribution of $50.00 per lot to the County for Fire & Rescue Facilities. This contribution shall be paid annually to the County; however, this obligation will terminate when the County has established paid Fire & Rescue Services servicing the New Baltimore Service District” (hereinafter referred to as the “Fire & Rescue Proffer”); and

WHEREAS, through a mutual mistake Fauquier Lakes has not paid $455,000 (to be amended to reflect subsequent payments since date of drafting) in School Proffers and $3,838.84 in Fire & Rescue proffers which were to have been paid at the time of issuance certificate of occupancy for each residential unit constructed in Fauquier Lakes after the development of the 179th unit; and

WHEREAS, Brookside has agreed to pay the Fire and Rescue Proffer in a lump sum within 10 days of execution of this agreement; and
WHEREAS, the County has agreed to extend the time for Fauquier Lakes to pay the outstanding balance for School Proffers in installments of $3,500 payable at the time of each issuance of building permit granted after the date of this agreement until the arrearage has been paid; now, therefore,

In consideration of the mutual promises and covenants contained herein, the County and Fauquier Lakes agree to the following terms and conditions:

1. Within ten days of the execution of this agreement, Fauquier Lakes shall pay to the County the sum of $3,838.84 for the Fire Station proffer, which shall satisfy its obligation pursuant to the Fire Station proffer. In the event that Fauquier Lakes fails to pay the Fire Station proffer when due, the County may withhold certificates of occupancy for Brookside PRD until the obligation is satisfied.

2. Upon execution of this agreement, as a condition of issuance of any certificate of occupancy for a single-family residence within Brookside PRD, an additional sum of $3,500 attributable to the School Proffer, resulting in a total School Proffer of $7,000 until the arrearage is paid. This payment shall be in addition to any other amount due pursuant to the Brookside PRD proffers, and shall be credited toward the School Proffer arrearage. The County may withhold any certificate of occupancy for Brookside PRD in the event that the $3,500 arrearage repayment has not been provided. This obligation shall cease when the total arrearage amount has been paid.

3. Fauquier Lakes agrees to indemnify and hold harmless the County from any claim or damages as a consequence of withholding a certificate of occupancy for failure to pay the Fire Station Proffer or the $3,500 School Proffer arrearage repayment as required by this agreement.

4. In the event that the School Proffer arrearage has not been paid within three years of the date of execution of this agreement, the obligation shall be accelerated and the outstanding balance shall be due and owing.

5. In the event of default, this agreement shall be voidable by the County upon 15 days' written notice to Fauquier Lakes irrespective of the amount remaining due.

6. In the event of default of this agreement, all payments shall be accelerated and the total amount due shall be immediately due and payable without further demand or notification. Furthermore, the County may proceed with all available administrative and legal action to collect the sums due and owing.

7. The provisions of this agreement shall be deemed severable and the invalidity or unenforceability of any provision under Virginia law shall not affect the validity and enforceability of other provisions. This agreement shall not be construed to modify the rezoning proffers of May 9, 2002 other than to extend the time for payment
of the School Proffer as set forth herein and shall not relieve Fauquier Lakes of any obligations contained therein. The failure of the County to enforce any provision in this agreement shall not be deemed a waiver.

**WITNESS** the following signatures and seals:

Fauquier County Board of Supervisors

By: ____________________________
County Administrator

COMMONWEALTH OF VIRGINIA
COUNTY OF FAUQUIER, to-wit:

I, ____________________________, a Notary Public in and for the State and County aforesaid, do hereby certify that Paul S. McCulla, County Administrator, whose name is signed to the foregoing Agreement, has acknowledged the same before me in the County and State aforesaid.

Given under my hand and notarial seal this ____ day of ________________, 2015.

My commission expires: ____________

Notary Public

________________________ (SEAL)

Fauquier Lakes Limited Partnership

STATE OF _________________
COUNTY/CITY OF ________________, to-wit:

I, ____________________________, a Notary Public in and for the State and County aforesaid, do hereby certify that ________________, whose name is signed to the foregoing Agreement as _________________ on behalf of Fauquier Lakes Limited Partnership, has acknowledged the same before me in the County and State aforesaid.

Given under my hand and notarial seal this ____ day of ________________, 2015.

My commission expires: ____________

Notary Public
A Resolution to Oppose Routing of the Proposed Haymarket Dominion Power Line Through Fauquier County and Support Only the Interstate 66 Buried Alternative

RESOLUTION

A RESOLUTION TO OPPOSE ROUTING OF THE PROPOSED HAYMARKET DOMINION POWER LINE THROUGH FAUQUIER COUNTY AND SUPPORT ONLY THE INTERSTATE 66 BURIED ALTERNATIVE

WHEREAS, Dominion Virginia Power (Dominion) has proposed placing additional high-voltage overhead and/or buried transmission lines through portions of Western Prince William County, and has studied alternatives that pass through eastern Fauquier County; and

WHEREAS, Section 56-46.1 of the Code of Virginia requires the State Corporation Commission (SCC) to consider, prior to approving any overhead transmission line, whether the line is consistent with the locality’s comprehensive plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of August 2015,

That the Fauquier County Board of Supervisors does hereby:

1. Declare that Dominion and its regulator, the State Corporation Commission, in proposing and reviewing the application for the installation of high-voltage transmission lines in Prince William County, and any portion of Fauquier County, shall give full consideration and respect to the Fauquier County Comprehensive Plan and Zoning Ordinances in order to minimize the impact on its residents, businesses, environment, and historical resources; and

2. Declare that it opposes the routes that pass through Fauquier County on the grounds that they are inconsistent with the County’s comprehensive plan, damage the New Baltimore Service District, and damage valuable scenic, cultural and historic resources which the plan seeks to protect; and

3. Declare its intent that any proposal to install new, or to re-fit, high-voltage transmission lines for Dominion’s Haymarket 230kV Line and Substation Project shall be supported only if the lines are buried in the right-of-way of Interstate 66 as they pass from its intersection with US-29 through Haymarket and beyond; and

4. Request that the State Corporation Commission, as required by Section 56-46.1B of the Code of Virginia, “consider (a) the costs and economic benefits likely to result from requiring the underground placement of the Line, and (b) any potential impediments to timely construction of the Line,” at the request of the local government, Fauquier County; and

5. Recommend that all costs, both direct and incidental, of burying the line be borne by Dominion and not by private property owners who, through no fault or choice of their own, reside or do business within close proximity to the buried line; and
6. Give notice that it will not enter into agreement with Dominion to assess the costs of line burial under the provisions of Section 15.2-2404F of the Code of Virginia; and


A Resolution to Amend the FY 2015 Adopted Budget by $673,631

RESOLUTION

A RESOLUTION TO AMEND THE FY 2015 ADOPTED BUDGET BY $673,631

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 3, 2014, the Board of Supervisors adopted the Fauquier County FY 2015 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 2, 2015, the Finance Committee recommended for FY 2015, appropriations of $673,631 to the General Fund; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of August 2015, That the FY 2015 Budget be, and is hereby, amended in the amount of $673,631 as indicated on the attached summary; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign documents related to the acceptance of grant funds on behalf of Fauquier County.
August 13, 2015 Budget Action Summary

<table>
<thead>
<tr>
<th>Requesting Department</th>
<th>Description</th>
<th>Amount</th>
<th>Category</th>
<th>Action/Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Services</td>
<td>Aid for Dependent Children (AFDC) and Adoption Subsidy awards</td>
<td>$164,298</td>
<td>Federal and State Funding</td>
<td>Social Services Appropriates $82,150 in federal funding and $82,150 in state funding for AFDC and adoption subsidy to match actual FY 2015 awards.</td>
</tr>
<tr>
<td>Social Services</td>
<td>Comprehensive Services Act (CSA) awards</td>
<td>$509,333</td>
<td>State Funding</td>
<td>Social Services Appropriates $509,333 in state funding for CSA to match actual FY 2015 awards. Local match of $431,089 funded from existing budget.</td>
</tr>
</tbody>
</table>

A Resolution to Authorize the Acceptance and Appropriation of the Rescue Squad Assistance Fund (RSAF) Grant Administered by the Virginia Office of Emergency Medical Services

RESOLUTION

A RESOLUTION AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF THE RESCUE SQUAD ASSISTANCE FUND GRANT ADMINISTERED BY THE VIRGINIA OFFICE OF EMERGENCY MEDICAL SERVICES

WHEREAS, Fauquier County’s Department of Fire, Rescue, and Emergency Services (DFREM) has been awarded grant funding to purchase Lucas devices through the Rescue Squad Assistance Fund (RSAF) administered by the Virginia Office of Emergency Medical Services; and

WHEREAS, Lucas CPR devices will be purchases for each of the “first-out” ambulances within Fauquier County and increase survival rates from sudden cardiac arrest; and

WHEREAS, the total cost of the grant is $102,422; and

WHEREAS, the grant requires a local match component of 50% in the amount of $51,211; and

WHEREAS, $25,759 will be sourced through the County’s Asset Replacement Reserve and $25,452 will be sourced through the County’s Capital Reserve; and
WHEREAS, it is anticipated that funds sourced through the County’s Capital Reserve will be refunded by FY 2015 carryover funds; and

WHEREAS, ongoing annual maintenance costs for all seven devices will total up to $9,982, and will be budgeted by DFREM starting in FY 2017; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of August 2015, That the Board of Supervisors does hereby accept this grant award; and, be it

RESOLVED FURTHER, That the Board of Supervisors hereby appropriates and transfers local matching funds in the amount of $102,422 and authorizes the Office of Management and Budget and the Finance Department to process the budget adjustments required for this appropriation.

A Resolution to Approve Contract Award IFB# 71-15ks, to Re-Roof the Circuit Courthouse Building

RESOLUTION

A RESOLUTION TO APPROVE CONTRACT AWARD IFB#71-15KS, RE-ROOF THE COURTHOUSE AT THE FAUQUIER COUNTY CIRCUIT COURT BUILDING

WHEREAS, Fauquier County has a major systems replacement plan in place to repair or replace older operating systems and roofs before failures or catastrophes occur; and

WHEREAS, the Fauquier County Circuit Court building roof has reached the end of its useful life and has experienced numerous damaging leaks; and

WHEREAS, the County desires to take this opportunity to replace the existing roof, as scheduled, through its Major Systems Replacement budget; and

WHEREAS, on June 24, 2015, the Fauquier County Procurement Division issued an Invitation for Bid (IFB) for costs associated with replacing the roof; and

WHEREAS, on July 23, 2015, three bids were received in response to the Invitation for Bids; and

WHEREAS, Reliance Roofing and Waterproofing was the lowest responsible and responsive bidder, submitting a bid in the amount of $196,120 for replacement of the roof; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of August 2015, That the Board of Supervisors does hereby authorize the award of Contract IFB# 71-15ks, Re-Roof Courthouse at the Circuit Court Building, to Reliance Roofing and Waterproofing, in the amount of $196,120.00.
A Resolution to Authorize Fee Waivers for Lot Consolidation Applications for Properties Located Within the Catlett/Calverton Sewer Service Districts

RESOLUTION

A RESOLUTION TO AUTHORIZE FEE WAIVERS FOR LOT CONSOLIDATION APPLICATIONS FOR PROPERTIES LOCATED WITHIN THE CATLETT / CALVERTON SEWER SERVICE DISTRICTS

WHEREAS, the Board of Supervisors is considering the construction of a decentralized wastewater treatment system serving the Catlett and Calverton service districts to address issues with failed septic systems; and

WHEREAS, the economics of the project necessitates charging a monthly user and non-user fee for each lot in the project area regardless of whether the lot is actually connected to the sewer system; and

WHEREAS, the historic development pattern of Catlett and Calverton originated with the creation of small “in-town” lots where numerous lots are now associated with just one home, often providing additional yard area; and

WHEREAS, the Board of Supervisors finds that the added monthly user fees for these small lots, where no development is likely, may cause an undue hardship for homeowners and, therefore, encourages consolidation of the lots into a single entity; and

WHEREAS, the Board of Supervisors has determined that it is appropriate to grant fee waivers in instances where these lots are consolidated; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of August 2015, That the Fauquier County Board of Supervisors hereby authorizes the waiver of review fees for Deeds of Consolidation for properties located within the Catlett / Calverton Service Districts; and, be it

RESOLVED FURTHER, That this authorization will expire twelve (12) months after the commencement of full operation of the sewer system.

APPOINTMENTS

No appointments were made.

SUPERVISORS’ TIME

- Mr. Sherbeyn thanked the community for supporting the Operation First Response fundraiser at the Fauquier Fairgrounds last Saturday. He added that they had a good turnout, it was a wonderful day for several activities, and they raised a lot of money for a good cause.
Mr. Trumbo said that this past Monday evening the State Corporation Commission held a public hearing here in Fauquier County to receive comments regarding the proposed Warrenton Wheeler power line. He said that he was thankful to the folks who showed up to speak during the SCC hearing, and that it was very helpful. Mr. Trumbo also said he was very grateful to Delegate Michael Webert, Delegate Scott Lingamfelter and Senator Jill Vogel who arranged their schedules to come all the way from Richmond to testify.

Mr. Schwartz announced that this fall Marshall Ford will be celebrating its 100th anniversary, and that it is the longest running Ford dealership in continuous operation in the United States. He said that more specifics will be announced in the near future.

Mr. Granger said he wanted to bring to everybody’s attention that public school starts back on Monday, and he urged citizens to pay attention to the school buses and be aware of changing traffic patterns due to all of the parents who will be transporting their children to school. Mr. Granger said that the Fox 5 News Team recently did a “Zip Trip” broadcast that highlighted Main Street in Warrenton, and he congratulated the Economic Development staff for facilitating a successful event.

Mr. Stribling announced that on Saturday, August 29th, the Goldvein Goldmining Museum will hold a grand opening celebration and demonstration of its new gold and gem mining sluice exhibit, and he encouraged everyone to attend that program.

ANNOUNCEMENTS

Mr. McCulla announced that the Board of Supervisors will hold its next regular meeting at 6:30 P.M. on Thursday, September 10, 2015, at the Warren Green Building, located at 10 Hotel Street in Warrenton, Virginia.

Mr. Stribling announced that the deadline to sign up for the proposed Catlett / Calverton sewer project is drawing near, and that this may be the last opportunity to get the project underway. He said that Mr. Sherbeyn and County staff have been working diligently to get a viable sewer system to the Catlett and Calverton area and Board members are all in favor of bringing this project to fruition, but it will only happen if enough property owners commit to sign up to participate.

AN ORDINANCE TO AMEND THE SEWER USE ORDINANCE FOR THE PROPOSED CATLETT AND CALVERTON SEWER SYSTEM TO CREATE A FINANCING MECHANISM FOR RELIGIOUS AND CHARITABLE USERS

A public hearing was held to consider an Ordinance that provides that religious owners exempt from real estate taxation pursuant to Section 58.1-3617 of the Code of Virginia, and 501(c)(3) charitable organizations shall be entitled to finance the cost of availability fees over a period of 20 years and shall be assessed user and non-user fees in the same manner as other non-
residential users. Mr. Paul McCulla, County Administrator, summarized the proposed text amendment. Mr. Larry Reister, Cedar Run District, spoke in favor of the amendment and asked the Board to also consider waiving the monthly use fee. No one else spoke. The public hearing was closed. Mr. Sherbeyn 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

AN ORDINANCE TO AMEND THE SEWER USE ORDINANCE FOR THE PROPOSED CATLETT AND CALVERTON SEWER SYSTEM TO CREATE A FINANCING MECHANISM FOR RELIGIOUS AND CHARITABLE USERS

WHEREAS, on August 13, 2015, the Board of Supervisors considered public comment regarding amendments to the proposed rate schedule for the Catlett and Calverton Sewer System; and

WHEREAS, the Board has determined that it is appropriate to amend the proposed rate schedule that applies during the incentive period for the sewer system; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of August 2015, That the Board of Supervisors hereby adopts the amended Incentive Period Rate Schedule for the proposed Catlett and Calverton sewer system to provide a financing mechanism for religious and non-profit users as set forth below:

(This space intentionally left blank)
# CATLETT-CALVERTON WASTEWATER SYSTEM
## SEWER USE ORDINANCE
### INCENTIVE PERIOD RATE SCHEDULE

**revised:** 6/11/2015

<table>
<thead>
<tr>
<th>ALL FEES, RATES &amp; OTHER CHARGES SUBJECT TO CHANGE</th>
<th>INCENTIVE PERIOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>DESCRIPTION</td>
<td>June 12 - August 31, 2015</td>
</tr>
</tbody>
</table>

### SCHEDULE OF FEES

<table>
<thead>
<tr>
<th></th>
<th>DESCRIPTION</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>AVAILABILITY FEES PER EDU (ONE TIME)</td>
<td>$18,000</td>
</tr>
<tr>
<td>2</td>
<td>CONNECTION FEES TERMS (ONE TIME)</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>a</strong> RESIDENTIAL (currently estimated not to exceed $2,500 per structure, depending upon complexity of electrical &amp; plumbing)</td>
<td>PAID BY PROPERTY OWNER</td>
</tr>
<tr>
<td></td>
<td><strong>b</strong> NON-RESIDENTIAL</td>
<td>PAID BY PROPERTY OWNER</td>
</tr>
<tr>
<td>3</td>
<td>AVAILABILITY (TAP FEE and CONNECTION FEE) FINANCING TERMS</td>
<td>X %</td>
</tr>
<tr>
<td></td>
<td><strong>a</strong> RESIDENTIAL properties with structures</td>
<td>Lien on property due upon sale or transfer, no prepayment penalty</td>
</tr>
<tr>
<td></td>
<td>Properties owned by a Trust - Lien due at sale/transfer or 20 years, whichever comes first</td>
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<tr>
<td></td>
<td><strong>b</strong> NON-RESIDENTIAL properties with structures except religious and charitable organizations as provided for below</td>
<td>5 year payment plan, no prepayment penalty</td>
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<tr>
<td></td>
<td><strong>c</strong> Churches and other religious organizations eligible for real property tax exemption pursuant to Section 58.1-3617 of the Code of Virginia and Charitable Organizations holding 501(c)(3) designations</td>
<td>20 year payment plan, no prepayment penalty</td>
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</tbody>
</table>

### SCHEDULE OF USER & NON-USER RATES

<table>
<thead>
<tr>
<th></th>
<th>DESCRIPTION</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>BASE UTILITY FEE (MONTHLY) PER EDU* Fee imposed for all properties within Service District(s)</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>RESIDENTIAL &amp; NONRESIDENTIAL PROPERTIES WITH STRUCTURE:</strong></td>
<td>$52.00</td>
</tr>
<tr>
<td></td>
<td>Cost paid by property owner</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>VACANT CONFORMING LOTS:</strong> Cost paid by property owner</td>
<td>$52.00</td>
</tr>
<tr>
<td></td>
<td><strong>VACANT NON-CONFORMING LOTS:</strong> Cost paid by property owner</td>
<td>$17.33</td>
</tr>
</tbody>
</table>

*Annual Escalator may apply
AN ORDINANCE TO AMEND CHAPTER 17 OF THE FAUQUIER COUNTY CODE TO REMOVE THE REQUIREMENT THAT A CERTIFIED PROFESSIONAL SOIL SCIENTIST PARTICIPATE IN DRAINFIELD REVIEW AND TO CHANGE THE THRESHOLD FOR SUBDIVISION EVALUATION BY THE HEALTH DEPARTMENT

A public hearing was held to consider an amendment to Chapter 17 of the Fauquier County Code to remove the requirement that a Certified Professional Soil Scientist participate in the application process for conventional and alternative drainfields, and changes the threshold at which the health department will employ the subdivision review process rather than the drainfield certification process for applicants. Mr. Kevin J. Burke, County Attorney, summarized the proposed amendment.

- Mr. James Slusser, Alternative Onsight Soil Evaluator, *(no district named)* spoke in favor of the amendment. He also commented that in Section 17-11.(a), Level 2 is not defined, and that Section 17-6(c)(1) only addresses “AOSEs”, but not “PEs” who also have statutory authority to perform soil evaluations and designs.
- Mr. Mike Lim, Licensed Professional Soil Scientist, *(no district named)* spoke in favor of the amendment.
- Mr. Ken *(inaudible)*, Alternative Onsight Soil Evaluator, Loudoun County, spoke in favor of the amendment.
- Mr. Barry Hadley, licensed Alternative Onsight Soil Evaluator, *(no district named)* spoke in favor of the amendment.

No one else spoke. The public hearing was closed. Mr. Granger 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

AN ORDINANCE TO AMEND CHAPTER 17 OF THE FAUQUIER COUNTY CODE TO REMOVE THE REQUIREMENT THAT A CERTIFIED PROFESSIONAL SOIL SCIENTIST PARTICIPATE IN DRAINFIELD REVIEW AND TO CHANGE THE THRESHOLD FOR SUBDIVISION EVALUATION BY THE HEALTH DEPARTMENT

WHEREAS, the Board of Supervisors has considered an amendment to Chapter 17 of the County Code to eliminate the requirement that a Certified Professional Soil Scientist participate in the drainfield review process; and
WHEREAS, the Board has further determined that it is appropriate to amend the language of Chapter 17 to provide that the subdivision review process rather than lot certification process will be determined at the same threshold as provided for by Health Department regulations; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of August 2015, That Chapter 17 of the County Code be, and is hereby, amended as follows:

- **Sec. 17-6. - Permit and plat requirements.**
  
  a) No individual sewage disposal system shall be constructed or installed without an approved construction permit. The construction permit shall include all details and specifications necessary for construction of the system. After the individual sewage disposal system has been properly installed and passed all required inspections and tests, the health department shall issue an operation permit authorizing the use of the system.
  
  b) The following statement shall be included on the drainfield plat: "Drainfield and reserve area(s) must be surrounded by safety fence prior to land disturbance and throughout site construction. Safety fence shall be installed twenty (20) feet outside of drainfield and reserve area(s). If the drainfield and/or reserve area(s) are located less than twenty (20) feet off of a property line, safety fence shall be installed on the property line".
  
  c) **Subdivision.**
  1) Plans and specifications of the sewer system or sewage disposal system to be used, together with plans for the anticipated water system to be used in the structure or structures, shall be provided prior to the start of any new subdivision of more than two (2) lots (one (1) lot and a residue lot) for which individual sewage disposal systems are required. These plans and specifications shall be submitted with the first submission of the preliminary plan. The licensed conventional on-site evaluator (LCOSE) or licensed alternative on-site evaluator (LAOSE), who shall also be a Virginia Certified Professional Soil Scientist (CPSS), providing the plans and specifications for the sewage disposal systems shall sign the following certification statement and seal, with both LCOSE or LAOSE and CPSS seal, the preliminary plan sheet showing the location of the individual sewage disposal system(s). The plans and specifications for the sewage disposal system and anticipated water system must be approved by the health department and the Fauquier County Soil Scientist's Office before the preliminary plan is approved.

I hereby certify that my soil and site evaluation(s), sewer disposal system design(s) and/or size(s) and location(s) of the sewage disposal field(s) as shown on sheet ___ of the Preliminary Plan complies with all applicable laws, regulations and policies implied by the Virginia Department of Health and Fauquier County. Furthermore, I certify that all required statements concerning said individual sewage disposal systems have been include on sheet ___ of the ______________ Preliminary Plan.

Signature ____________________________ Date ____________________________
2) The LCOSE or LAOSE/CPSS shall review the construction plans. The LCOSE or LAOSE/CPSS shall ensure that the grading plan and final location of the infrastructure does not impact the sewage disposal system or its required buffer zones. The LCOSE or LAOSE/CPSS shall sign and seal, with both LCOSE or LAOSE and CPSS seal, the following statement:

```plaintext
I hereby certify that my soil and site evaluation(s), sewer disposal system design(s) and/or size(s) and location(s) of the sewer disposal field(s) as shown on sheet ___ of the Construction Plan complies with all applicable laws, regulations and policies implied by the Virginia Department of Health and Fauquier County. Furthermore, I certify that all required statements concerning said individual sewage disposal systems have been include on sheet ___ of the ______________________ Construction Plan.
```

Signature

Date

3) In the case of a new subdivision, before a final (record) plat is approved, the LCOSE or LAOSE/CPSS shall review the final plat, ensuring that the sewage disposal systems are accurately located on the plat and that all required statements concerning the sewage disposal systems are included on the plat. The LCOSE or LAOSE/CPSS shall sign and seal, with both LCOSE or LAOSE and CPSS seal, the following statement:

```plaintext
I hereby certify that the location(s) of the sewer disposal field(s) as shown on sheet ___ of the Final Plat complies with all applicable laws, regulations and policies implied by the Virginia Department of Health and Fauquier County. Furthermore, I certify that all required statements concerning said individual sewage disposal systems have been include on sheet ___ of the _____________ Final Plat.
```

Signature

Date

The final plat shall include a written statement from the health department stating that plans and specifications of the sewer system or sewage disposal systems, together with plans for the anticipated water system, meet the requirements of this section and intent of this chapter.

d) Voidance: Construction permits shall be null and void after twelve (12) months from date of issuance, unless renewed in writing, by the health director, with a limit of two (2) renewals.

(Ord. No. 10-5, 8-12-10; Ord. No. 14-6, 12-11-14; Ord. No. 15-___)
A RESOLUTION TO DESIGNATE BURWELL ROAD (ROUTE 604) AS A VIRGINIA DEPARTMENT OF TRANSPORTATION RURAL RUSTIC ROAD, CEDAR RUN DISTRICT

A public hearing was held to consider designating Burwell Road as a Virginia Department of Transportation Rural Rustic Road. Burwell Road (Route 604) is paved from Old Dumfries Road (Route 667) to 0.13 mile south of the Prince William County line. The unpaved portion of Burwell Road was added to the County's FY 2015-2020 Six-Year Plan for Secondary Roads (SSYP) for paving. Pursuant to Section 33.2-332 of the Code of Virginia, the governing body of any county, in consultation with the Virginia Department of Transportation (VDOT), may designate a highway or highway segment as a Rural Rustic Road. This designation allows unpaved roads to be paved using flexible standards that leave the highway undisturbed to the maximum extent possible without compromising public safety. A resolution by the Board is required for inclusion in the Rural Rustic Road Program. Ms. Marie Pham, Transportation Planner, summarized the proposed road designation. No one else spoke. The public hearing was closed. Mr. Sherbeyn moved to adopt the following Resolution. 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

RESOLUTION

A RESOLUTION TO DESIGNATE BURWELL ROAD (ROUTE 604) AS A VIRGINIA DEPARTMENT OF TRANSPORTATION RURAL RUSTIC ROAD, CEDAR RUN DISTRICT

WHEREAS, Section 33.2-332 of the Code of Virginia, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Fauquier County Board of Supervisors desires to consider whether
Burwell Road (Route 604), from 0.13 mile south of the Prince William County line to the Prince William County line should be designated as a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s Six-Year Plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

WHEREAS, in conformance with Section 15.2-2204 of the Code of Virginia, Prince William County has been notified that the Fauquier County Board of Supervisors is considering paving Burwell Road (Route 604) as a rural rustic road project; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 13th day of August 2015, That the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and, be it

RESOLVED FURTHER, That a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 13-502 TO INCREASE THE THRESHOLD FOR REQUIREMENT OF A ZONING PERMIT

A public hearing was held to consider a text amendment to Section 13-502 to increase the threshold for requirement of a zoning permit. Currently, no Zoning Permit is required for a one-story accessory structure not exceeding 200 square feet in size. The 200 square foot threshold was established to be consistent with the Virginia Statewide Building Code's exemption for certain one-story accessory structures. The most recent update to the building code increased the building permit exemption from 200 square feet to 256 square feet. Therefore, currently, between 200 and 256 square feet, a Zoning Permit is required but not a building permit. This amendment increases the Zoning Permit threshold to 256 square feet to be consistent with the Building Code requirement. It has no actual effect on zoning requirements such as setbacks, as these requirements apply regardless of whether or not a Zoning Permit is required. The Planning Commission unanimously recommended approval of the proposed text amendment on July 16, 2015. Ms. Kimberley Johnson, Zoning Administrator, summarized the amendment. No one else spoke. The
public hearing was closed. Mr. Schwartz moved to adopt the following Ordinance. Mr. Sherbeyn 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 SECTION 13-502 TO INCREASE THE THRESHOLD FOR REQUIREMENT OF A ZONING PERMIT

WHEREAS, the Zoning Ordinance requires a zoning permit be issued by the County for certain uses and construction; and

WHEREAS, the Ordinance historically has exempted certain small accessory structures that do not require a building permit from the zoning permit requirement, with the current exemption applying to one-story, detached structures not exceeding 200 square feet; and

WHEREAS, the Commonwealth of Virginia amended the Building Code to increase the square footage exemption for building permits from 200 square feet to 256 square feet; and

WHEREAS, Fauquier County seeks to maintain the zoning permit exemption consistent with the building permit exemption; and

WHEREAS, the Planning Commission held a public hearing and recommended approval of the amendment on July 16, 2015; and

WHEREAS, consideration of an amendment to Section 13-502 related to the threshold for the requirement of a building permit supports good zoning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of August 2015, That an amendment to Section 13-502 as set forth below be, and is hereby, adopted:

13-502  
Structures Not Exceeding 200 256 Square Feet

Notwithstanding the foregoing, no zoning permit shall be required for any lawful one story, detached structure not exceeding 200 256 square feet in floor area or for any use specified in the Virginia Statewide Uniform Building Code, Section 108.2 Exemptions, except that all buildings and structures within PRD and MU developments governed by a Code of Development shall require a zoning permit regardless of size or type. All structures, regardless of whether they require a zoning permit shall meet all required bulk regulations for the zoning district in which located.
A public hearing was held to consider the Commercial Village (CV) text amendment adopted by the Board in 2014 added a number of uses to the district, with an emphasis on small scale uses in keeping with the village character. A recent proposal by a person interested in a very small scale ice-cream making business (with no retail) alerted staff to the fact that last year's amendment did not provide for small scale processing and manufacturing businesses where products are made in small batches, primarily by hand or using traditional methods. As such uses could conceivably be approved even in residential areas as home occupations, allowing them in CV seems appropriate. Staff is proposing a two-tiered approach where up 5,000 square feet would be allowed with an Administrative Permit and up to 10,000 square feet with a Special Exception, consistent with the approach to other uses in the CV district. On July 16, 2015, the Planning Commission unanimously recommended approval of the proposed text amendment. Ms. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Sherbeyn 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
Abstentions: None

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-316 AND 15-300 TO ADD COTTAGE INDUSTRY AS AN ALLOWED USE IN THE COMMERCIAL VILLAGE DISTRICT

WHEREAS, the Zoning Ordinance permits certain uses within the Commercial Village (CV) Zoning District; and

WHEREAS, the Zoning Ordinance contains approval standards for uses within the Commercial Village (CV) Zoning District; and

WHEREAS, the Zoning Ordinance defines uses in Article 15; and

WHEREAS, Fauquier County seeks to expand the uses allowed in the Commercial Village District by adding small-scale, low-impact industrial uses categorized as Cottage Industry; and

WHEREAS, on July 16, 2015, the Planning Commission held a public hearing and recommended approval of the proposed amendment; and
WHEREAS, amendments to Sections 3-316 and 15-300 to add Cottage Industry as an allowed use in the Commercial Village District supports good zoning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of August 2015, That the following amendments to Sections 3-316 and 15-300 adding Cottage Industries as an allowed use in the Commercial Village District be, and are hereby, approved:

<table>
<thead>
<tr>
<th>3-316 LIMITED INDUSTRIAL (CATEGORY 16)</th>
<th>Site Plan</th>
<th>RA</th>
<th>RC</th>
<th>RR2</th>
<th>V</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>R4</th>
<th>TH</th>
<th>GA</th>
<th>MDP</th>
<th>C1</th>
<th>C2</th>
<th>C3</th>
<th>CV</th>
<th>BP</th>
<th>I1</th>
<th>I2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Enclosed laboratories and facilities for manufacturing, assembling, and research and development</td>
<td>X</td>
<td>SE</td>
<td>SE</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2. Blacksmith shops</td>
<td>X</td>
<td>SE</td>
<td>SP</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>3a. Cottage Industry, up to 4 employees</td>
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<tr>
<td>3b. Cottage Industry, 5–8 employees</td>
<td></td>
<td>X</td>
<td></td>
<td>SE</td>
<td></td>
<td>SP</td>
<td></td>
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15-300 DEFINITIONS

COTTAGE INDUSTRY: A small, low-intensity manufacturing or processing business located outside of an industrial commercial area that operates without altering the rural or residential character of the neighborhood. _Products are made in small quantities or batches, primarily by hand or using traditional methods, and generating low traffic volumes and no noise, smoke, odor, dust, glare or vibration detectable off the property._

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 5-702 AND 15-300 TO ADD SCHOLARLY RESEARCH CENTER

A public hearing was held to consider a proposed text amendment that would add an additional use to the ten (10) uses that can already be approved as an Adaptive Use within historic buildings. The additional use is Scholarly Research Center, a new use category defined as a facility providing resources for scholars and experts in a specific field of study to collaborate and conduct research, to include housing and boarding for up to thirty (30) of the scholars and experts engaged in research on the property. On July 16, 2015, the Planning Commission unanimously recommended approval of the proposed text amendment. Ms. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Schwartz moved to adopt the following Ordinance. 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
ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 5-702 AND 15-300 TO ADD SCHOLARLY RESEARCH CENTER

WHEREAS, the Zoning Ordinance establishes Adaptive Uses which may be approved on certain lots for structures existing prior to 1940, or are independently listed, or are eligible for listing, on the National Register of Historic Places; and

WHEREAS, the intent of the Adaptive Use provisions is to provide more flexibility to property owners with historic structures to utilize such structures as an incentive to save such structures but only in a manner that remains compatible with the surrounding rural land uses; and

WHEREAS, the existing Adaptive Use provisions provide a variety of allowed uses; and

WHEREAS, a newly proposed scholarly research center is not on the list of uses now allowed as Adaptive Uses but is consistent with the character of the uses already allowed; and

WHEREAS, on July 16, 2015, the Planning Commission held a public hearing and unanimously recommended approval of the amendment; and

WHEREAS, consideration of amendments to Sections 5-702 and 15-300 related to adding Scholarly Research Center as an allowed Adaptive Use supports good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of August 2015, That amendments to Sections 5-702 and 15-300 as set forth below be, and are hereby, adopted as follows:

5-702 Adaptive Uses of Historic Structures

1. The following uses may be approved:
   A. Retail shops
   B. Art and Craft galleries, including Photographic Studios
   C. Offices
   D. Restaurants
   E. Receptions
   F. Tourist homes
   G. Repair Service Establishments
   H. Furniture Repair, Cabinet Making, and Upholstery
   I. Personal Service Establishments such as Barber/Beauty Shops
   J. Single-Family and Multi-Family Residential Uses
   K. Scholarly Research Center, but limited to fields of study linked to the property’s historic use or by virtue of existing resources or collections found on the property.
A RESOLUTION TO APPROVE SPEX-15-002645 - PUBLIC SAFETY TRAINING FACILITY - AN APPLICATION TO AMEND EXISTING CONDITIONS OF A CATEGORY 5 SPECIAL EXCEPTION (SPEX09-CR-002) FOR AN OUTDOOR TECHNICAL TRAINING FACILITY AND A CATEGORY 11 SPECIAL EXCEPTION (SPEX09-CR-003) FOR A PUBLIC SAFETY FACILITY (PIN 6982-97-6871-000 AND 6983-81-0145-000, CEDAR RUN DISTRICT)

A public hearing was held to consider an application seeking to amend conditions of previously approved Special Exceptions (SPEX09-CR-002 and SPEX09-CR-003) for the creation and operation of an outdoor technical training and public safety facility. The properties are located at 8790 Green Road and 8499 Bingham Road, Warrenton. On April 16, 2015, the Planning Commission voted unanimously to recommend approval of the application, with conditions. On May 14, 2015, the Board of Supervisors conducted a public hearing and requested new cost estimates involving improvements to the considered access roads. On July 9, 2015, a work session was held presenting new cost estimates associated with access improvements. Mr. Ben Holt, Planner I, summarized the application.

- Ms. Joanne Duncan, Cedar Run District, spoke in favor of increased training facility hours and continued access through the landfill entrance, however, she opposed access to the training facility from Green Road.
- Mr. Robert Green, Cedar Run District, spoke in opposition to allowing access to the training facility by Green Road.
- Ms. Janet Zimmer, Cedar Run District, supported access to the training facility through the landfill entrance only.
- Mr. Tom Marable, President of the Volunteer Fire and Rescue Association, stated that Green Road is a state road and that restricting access was unfair.
- Mr. Sean Polster, Center District, supported increased training facility hours, and favors allowing Green Road to be used as an access point.

No one else spoke. Mr. Trumbo moved to continue the public hearing and postpone action on this matter for 30 days until the next regular Board meeting in order to allow for additional evaluation of the existing road conditions. Mr. Sherbeyn 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
A RESOLUTION TO CONSIDER REZN-15-002660 - WEXFORD VILLAGE - AN APPLICATION TO AMEND A PREVIOUSLY APPROVED REZONING (REZN08-LE-001) TO ALLOW FOR ADDITIONAL COMMERCIAL USES (PIN 6899-24-0759-000 AND 6899-25-0237-000, LEE DISTRICT)

A public hearing was held to consider an application seeking to permit additional commercial uses, recreational vehicle storage and commercial warehouse storage, on the property. The proposal modifies the Proffer Statement to permit the new uses, commit to certain design elements, and revise the construction timing of the internal street network. The application also includes an updated Conceptual Development Plan with two options for the development. The properties are located in the Bealeton Service District on Marsh Road (Route 17) across from Village Center Drive (Route 859). On June 18, 2015, the Planning Commission voted 2 to 1 to forward the application to the Board of Supervisors with a recommendation of denial. Mr. Adam Shellenberger, Senior Planner/Urban Designer, summarized the application. Mr. Joe Wiltse, representing the Applicant, summarized the project history and requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Ordinance to approve the application. Mr. Sherbeyn 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

AN ORDINANCE TO APPROVE REZONING REZN-15-002660, WEXFORD VILLAGE – AN APPLICATION TO AMEND A PREVIOUSLY APPROVED REZONING (REZN08-LE-001) TO ALLOW FOR ADDITIONAL COMMERCIAL USES (PIN 6899-24-0759-000 and 6899-25-0237-000, LEE DISTRICT)

WHEREAS, the applicant, Bealton Financial, LLC, has applied to amend a previously approved Rezoning (REZN08-LE-001) to allow for additional commercial uses on land located in the Bealeton Service District on Marsh Road (Route 17) across from Village Center Drive (Route 859), PIN 6899-24-0759-000 and 6899-25-0237-000; and

WHEREAS, on April 16, 2015 and June 18, 2015, the Fauquier County Planning Commission held public hearings on the application and considered both oral and written testimony; and

WHEREAS, on August 13, 2015, the Fauquier County Board of Supervisors held a public hearing on the application and considered both oral and written 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 13th day of August 2015, That the Rezoning request (REZN-15-002660), to amend a previously approved Rezoning (REZN08-LE-001) to allow for additional commercial uses on PIN 6899-24-0759-000 and 6899-25-0237-000 be, and is hereby, approved subject to the Proffer Statement dated June 15, 2015, Zoning Amendment Wexford Village Plan and associated Concept Development Plans dated February 9, 2015 and revised April 24, 2015, and Conceptual Elevation Wexford Storage Facility dated April 24, 2015.

A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX-15-003203, BELVOIR RIDGE - AN APPLICATION TO AMEND CONDITIONS OF A PREVIOUSLY APPROVED CATEGORY 23 SPECIAL EXCEPTION (SPEX10-SC-007) - (PIN 6979-57-4795-000, 6979-37-9906-000, AND 6979-48-0644-000, SCOTT DISTRICT)

A public hearing was held to consider an application seeking to add conditions of development that would grant the previously approved Special Exception (SPEX10-SC-007) in perpetuity, with no commencement requirement for establishment of the use. The properties are located on Belvoir Road (Route 709) and Whiting Road (Route 622). On July 16, 2015, the Planning Commission voted unanimously to forward the application to the Board of Supervisors with a recommendation of approval. Ms. Holly Meade, Chief of Planning, summarized the application. No one else spoke. The public hearing was closed. Mr. Schwartz moved to adopt the following Resolution. Mr. Granger 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. Strible; Mr. R. Holder Trumbo, Jr.
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SPEX-15-003203, BELVOIR RIDGE – AN APPLICATION TO AMEND CONDITIONS OF A PREVIOUSLY APPROVED CATEGORY 23 SPECIAL EXCEPTION (SPEX10-SC-007) (PIN 6979-57-4795-000, PIN 6979-37-9906-000, AND PIN 6979-48-0644-000, SCOTT DISTRICT)

WHEREAS, Belvoir Ridge of Virginia, LLC, Allied Plywood Corporation (a.k.a., A&M Supply Corporation), and MCM Corporation, owners, and Belvoir Ridge of Virginia, LLC, applicant, are seeking to amend conditions of a previously approved Special Exception (SPEX10-SC-007) to build a road crossing and a railroad crossing; and
WHEREAS, the two crossings will be located on PIN 6979-57-4795-000, PIN 6979-37-9906-000, and PIN 6979-48-0644-000 within the Federal Emergency Management Agency (FEMA) 100-year floodplain and require Category 23 Special Exception approval to allow construction; and

WHEREAS, on July 16, 2015, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and unanimously recommended approval of the application, subject to conditions; and

WHEREAS, on August 13, 2015, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-2300; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of August 2015, That SPEX-15-003203 be, and is hereby, approved, subject to the following conditions:

1. This Special Exception is granted for and runs with the land indicated in this application as PIN 6979-57-4795-000, 6979-37-9906-000, and 6979-48-0644-000.

2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the "Special Exception Plat, Belvoir Ridge" dated September 25, 2009, and received in the Planning Office on October 9, 2009, as approved with this application, as qualified by these development conditions.

3. Under no circumstances shall any use, activity, fill, and/or development within the floodplain adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system which would increase flood heights and/or velocities on adjacent or downstream properties.

4. A detailed hydrologic and hydraulic flood analysis shall be provided for the flood corridor using NRCS methodology or current industry standards. This shall be submitted to FEMA for CLOMR/LOMR processing and approved through FEMA prior to the approval of the Infrastructure/Site Plan.

5. A Jurisdictional Determination of Wetlands shall be provided with the first submission of the Major Site Plan/Infrastructure Plan. Site Plan approval shall not be granted until all necessary permits are obtained for disturbance of any wetlands.

6. No materials or equipment shall be stored in the floodplain.

7. Applicant shall show on any Plan of Development or Site Plan an area designated and reserved for future interparcel connection with access to floodplain crossing, to the parcel to the south identified as PIN 6979-56-2873-000. This area does not need to be constructed, dedicated to public use, or placed into an easement; but it shall be shown on
any such plans so as to not preclude the ability for the owner of that Industrially zoned property to negotiate with the owner or owners of the subject properties for the acquisition of floodplain crossings in such area, to avoid the need for additional floodplain crossings in the area and to enable access to Whiting Road.

8. The use shall be granted with no commencement requirement. Once the use is established it shall not expire.

A RESOLUTION TO APPROVE A COMPREHENSIVE PLAN AMENDMENT (COMA-15-003039) TO CHAPTER 1, INTRODUCTION AND VISION

A public hearing was held to consider a Comprehensive Plan Amendment (COMA-15-003039) to Chapter 1, Introduction and Vision. The major goal of this revision is to provide a consistent form and structure to the County's Comprehensive Plan. The Chapter lays out the framework for the Plan as well as introduces a unifying Vision for the future of the County. This Vision is supported by a series of Guiding Principles and Policies that lay the groundwork for the subsequent chapters of the Plan. The Planning Commission has spent a considerable amount of time crafting this chapter over the course of seven work sessions and following their May 21, 2015 public hearing, voted unanimously to recommend approval of this Chapter. Mr. Andrew W. Hopewell, Assistant Chief of Planning summarized the amendment. No one else spoke. The public hearing was closed. Mr. Schwartz moved to adopt the following Resolution to approve a Comprehensive Plan Amendment (COMA-15-003039), conditioned upon changing the word “ascripts” to “aspires” within the text. Mr. Granger 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 A COMPREHENSIVE PLAN AMENDMENT (COMA-15-003039) TO CHAPTER 1 – INTRODUCTION AND VISION

WHEREAS, the County has expressed a desire to refine the Comprehensive Plan and have a consistent format throughout the document; and

WHEREAS, the draft amendments were reviewed and discussed through an extensive work session process with the Fauquier County Planning Commission on September 25, 2014; October 30, 2014; December 3, 2014; January 15, 2015; February 19, 2015; March 19, 2015 and April 16, 2015; and
WHEREAS, on May 21, 2015, the Fauquier County Planning Commission held a public hearing on the draft chapter considered oral and written testimony, and voted unanimously to recommend approval of this amended chapter; and

WHEREAS, on August 13, 2015, the Fauquier County Board of Supervisors held a public hearing and received input from the public; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of August 2015, That an update to Chapter 1 of the Fauquier County Comprehensive Plan dealing with an Introduction and Vision, as recommended by the Planning Commission, be, and is hereby, adopted.

With no further business, the meeting was adjourned at 7:30 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on August 13, 2015.

(SEAL)

Paul S. McCulla
Clerk to the Board of Supervisors