



**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
AUGUST 11, 2016, AT 11:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; 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. Granger called the meeting to order at 11:03 A.M.

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**A WORK SESSION TO BRIEF THE BOARD ON COUNTY STAFF EXPERIENCES
WITH LEADERSHIP FAUQUIER**

Four County employees were among Leadership Fauquier's first class that graduated in June 2016. Ms. Renée Culbertson (Deputy Clerk of the Board of Supervisors), Mr. Andrew Hopewell (Assistant Chief of Planning), and Mr. Tom Pavelko (Director of Adult Court Services) presented the final class project of a Community Benefit Matrix and discussed their experiences as County employees in the program.

A WORK SESSION TO RECEIVE THE ANNUAL REPORT FROM PEOPLE, INC.

People, Inc. is the County's designated Community Services provider. Mr. Paul McCulla, County Administrator, introduced Mr. Robert Goldsmith, President and CEO of People Inc., who presented the Board with its Annual Report detailing its activities within Fauquier County.

A WORK SESSION ON HOUSING DEVELOPMENT AND SUBDIVISION IN THE RURAL AREAS

Ms. Kimberley Johnson, Chief of Zoning and Development Services, presented information highlighting the trends in subdivision and housing construction in the rural areas.

A WORK SESSION TO RECEIVE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES FY 2017 PROGRAM PLAN

Mr. Brian Duncan, Executive Director of Rappahannock-Rapidan Community Services (RRCS), requested the Board of Supervisors to receive the 2017 Program Plan for Rappahannock-Rapidan Community Services operations, for citizens who are elderly and those with disabilities related to mental illness, intellectual disability, and substance abuse problems. A summary of the services and Board objectives for FY 2017 was provided.

A WORK SESSION TO REVIEW CORRAL FARM TRANSFER PROJECT CONSTRUCTION

Mr. Michael Dorsey, Director of Environmental Services, was joined by representatives of Joyce Engineering Consultants who provided an update on the Corral Farm transfer project construction. After completing a detailed evaluation, a transportation and disposal contract was awarded to Republic Services at the December 11, 2014 Board meeting. To preserve limited landfill space, temporary transfer operations were started on July 1, 2015, and on July 17, 2015, professional engineering services procured to design and permit facility improvements necessary for a permanent Municipal Solid Waste (MSW) transfer operation. The local approval process for Corral Farm development and engineering schedule to develop the project was provided in Attachment A to the agenda request. Contractor procurement for transfer project construction was advertised on June 16, 2016, a mandatory pre-bid meeting held on June 28, 2016, with eight (8) firms in attendance. Procurement closed on June 27, 2016, with only two (2) firms submitting bids. Attachment B to the agenda request provides additional procurement details within the Engineer's letter recommending to not award a contract. Staff provided an overview of the project plans, the construction bid, and recommended an approach to construct the transfer project.

A WORK SESSION TO RECEIVE VOLUNTEER FIRE & RESCUE AUDIT PROCESS RECOMMENDATIONS

Mr. Jon Munch, Finance Director, provided an update on the Volunteer Fire & Rescue audit process. The Board received recommendations for creating greater levels of efficiency, while safeguarding the needed annual assessment of internal controls at the volunteer fire and rescue companies.

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

INVOCATION

Mr. Butler offered the Invocation.

PLEDGE OF ALLEGIANCE

Mr. Trumbo invited Alan Trumbo of Marshall Middle School to lead the Pledge of Allegiance.

ADOPTION OF THE AGENDA

Mr. Gerhardt moved to adopt the agenda as presented. Mr. Butler seconded, and the vote was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

CITIZEN'S TIME

No one spoke.

PROCLAMATIONS AND RECOGNITION

No presentations were made.

CONSENT AGENDA

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

<i>Ayes:</i>	<i>Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Minutes of the Fauquier County Board of Supervisors

Approved as presented.

A Resolution Directing the County Administrator to Schedule a Public Hearing on a School Bus Camera Ordinance

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR
TO SCHEDULE A PUBLIC HEARING ON A SCHOOL BUS CAMERA ORDINANCE

WHEREAS, Code of Virginia § 46.2-844(B), enables localities to authorize the School Division to install and operate, or contract for such, a video-monitoring system in or on school buses for the purposes of recording violations of § 46.2-844(A), passing a stopped school bus loading or unloading passengers; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2016, That the County Administrator be, and is hereby, directed to schedule a public hearing to obtain citizen input regarding the adoption of a Fauquier County Code provision that enables to School Division to install or have installed a video-monitoring system.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider Amendments to County Code Chapter 13.5 Pertaining to Noise

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR
TO SCHEDULE A PUBLIC HEARING TO CONSIDER AMENDMENTS TO COUNTY
CODE CHAPTER 13.5 PERTAINING TO NOISE

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

RESOLVED by the Fauquier County Board of Supervisors this 18th day of August 2016, That the County Administrator be, and is hereby, directed to schedule a public hearing to obtain citizen input regarding revisions of Chapter 13.5 of the Fauquier County Code pertaining to noise.

A Resolution Clarifying The Board of Supervisors' Resolution of February 14, 2013, Which Authorized The County Administrator To Sign a Letter of Support For The Windy Hill Foundation's Application For State Tax Credits For A 30-Unit Affordable Housing Development In Marshall And Further Authorized The County Administrator To Execute A Revitalization Area Certification And A Zoning Certification And Finally Authorized The Waiver of \$240,000 in Real Estate Taxes

RESOLUTION

A RESOLUTION CLARIFYING THE BOARD OF SUPERVISORS' RESOLUTION OF FEBRUARY 14, 2013, WHICH AUTHORIZED THE COUNTY ADMINISTRATOR TO SIGN A LETTER OF SUPPORT FOR THE WINDY HILL FOUNDATION'S APPLICATION FOR STATE TAX CREDITS FOR A 30-UNIT AFFORDABLE HOUSING DEVELOPMENT IN MARSHALL AND FURTHER AUTHORIZED THE COUNTY ADMINISTRATOR TO EXECUTE A REVITALIZATION AREA CERTIFICATION AND A ZONING CERTIFICATION AND FINALLY AUTHORIZED THE WAIVER OF \$240,000 IN REAL ESTATE TAXES

WHEREAS, on February 14, 2013, the Board of Supervisors adopted a resolution that authorized the County Administrator to sign a letter of support for the Windy Hill Foundation's application for state tax credits for a 30-unit affordable housing development in Marshall, and further authorized the County Administrator to execute a Revitalization Area Certification and a Zoning Certification, and finally authorized the waiver of \$240,000 in real estate taxes; and

WHEREAS, the County has received a request to clarify the language of its Resolution as it relates to the waiver of the \$240,000 in real estate taxes; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2016, That the Board affirms and restates its waiver of \$240,000 in real estate taxes over an eight-year period associated with the 30-unit affordable housing development in the unincorporated area of Marshall, County of Fauquier, Virginia, said project being developed by the Windy Hill Foundation.

A Resolution to Initiate a Zoning Ordinance Text Amendment to Section 5-2601 to Allow Special Exception Approval of a Reduction in Non-Common Open Space Where Another Conservation Easement Achieves the Purpose of a Non-Common Open Space Easement

RESOLUTION

A RESOLUTION TO INITIATE ZONING ORDINANCE TEXT AMENDMENT TO ARTICLES 2 AND 5 TO ALLOW A WAIVER OR SPECIAL EXCEPTION APPROVAL OF A REDUCTION IN NON-COMMON OPEN SPACE WHERE ANOTHER CONSERVATION EASEMENT ACHIEVES THE PURPOSE OF A NON-COMMON OPEN SPACE EASEMENT

WHEREAS, Section 2-406.2 of the Fauquier County Zoning Ordinance requires 85 percent of the gross site area be placed in a non-common open space easement in conjunction with division of rural lots; and

WHEREAS, the intent of the non-common open space requirement is to conserve large parcels for agricultural use within the County by requiring subdivision to be clustered on 15 percent a parcel's land area; and

WHEREAS, the County has a significant inventory of land located within conservation easements pursuant to Section 10.1-1700 of the *Virginia Code*, the open space land act and seeks to encourage such conservation easements; and

WHEREAS, these alternative conservation easements frequently accomplish the same goal as a non-common open space easement; and

WHEREAS, requiring a non-common open space easement as a second easement on such properties may not provide additional benefit; and

WHEREAS, the County wishes to consider an amendment to the Zoning Ordinance to allow Special Exception or Waiver approval of a non-common open space reduction in cases where the Board determines that an alternative conservation easement on the property accomplishes the same goal as the non-common open space; and

WHEREAS, the County has determined that the public necessity, convenience, general welfare and good zoning practice warrant this amendment; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2016, That the County hereby initiates consideration of an amendment to Articles 2 and 5 of the Zoning Ordinance to allow a reduction in non-common open space based on existence of an alternative conservation easement for preparation by staff and recommendation by the Planning Commission.

A Resolution to Amend the FY 2017 Adopted Budget by \$112,453

RESOLUTION

A RESOLUTION TO AMEND THE FY 2017 ADOPTED BUDGET BY \$112,453

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 5, 2016, the Board of Supervisors adopted the Fauquier County FY 2017 Budget; and

WHEREAS, during the course of the fiscal year certain events occur that necessitate adjusting the budget plan, including increases or decreases to the total budget or transfers requiring Board of Supervisors’ approval; and

WHEREAS, at its meeting on July 25, 2016, the Finance Committee recommended for FY 2017, the appropriation of \$85,186 from prior years’ fund balance within the Fleet Maintenance Fund, and the appropriation and acceptance of \$27,267 in Federal funding to the General Fund in support of the Restorative Pathways Project; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2016 that the FY 2017 Budget is hereby amended by \$109,453, 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 11, 2016 Budget Action Summary

Requesting Department	Description	Amount	Category		Action/Explanation
			From	To	
Consent Agenda					
FY 2017					
General Services/Fleet Maintenance	Speedometer Calibration Equipment Purchase	\$85,186	Fleet Maintenance Fund Balance	Fleet Maintenance	Appropriates \$85,186 of prior years’ fund balance within the Fleet Maintenance Fund for the purchase and installation of Speedometer Calibration Rack equipment. The available fund balance as of June 30, 2015 was \$334,944.
School Division	Virginia Department of Criminal Justice Services (DCJS) JJDP Title II – Restorative Pathways Project	\$27,267	Federal Revenue	General Fund	Accepts and appropriates \$27,267 in Federal funding in support of the “JJDP Title II – Restorative Pathways Project,” awarded by DCJS. There is no local match on this grant. The County will be grantee and fiscal agent, as DCJS does not allow School Divisions to apply directly for these programs.

A Resolution Authorizing the County to Amend Contract FC-62-14smc with Federal Engineering, Incorporated For Engineering and Consulting Services, 800MHz Public Safety Radio System Upgrade

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY TO AMEND CONTRACT FC-62-14SMC WITH FEDERAL ENGINEERING, INCORPORATED, FOR ENGINEERING AND CONSULTING SERVICES, 800MHZ PUBLIC SAFETY RADIO SYSTEM UPGRADE

WHEREAS, on October 9, 2014, the Board of Supervisors approved award of Contract FC-62-14smc to Federal Engineering, Incorporated, for Engineering and Consulting Services, 800MHz Public Safety Radio System Upgrade, Phases I-III, valued at \$102,080; and

WHEREAS, Phases I through II are now complete, and Federal Engineering, Incorporated, has forwarded Task Order 2 for Phase IV, System Implementation Support, for \$163,200; and

WHEREAS, VI, 14, a, Modifications of a Contract, of Procurement Policy FDP-01 requires Board of Supervisor approval of contract modifications representing an increase of more than 25% or \$50,000, whichever is greater; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2016, That the Board does hereby authorize the execution of a contract amendment for Phase IV, System Implementation Support, \$163,200, to Contract FC-62-14smc with Federal Engineering, Incorporated, contingent upon the approval, funding and execution of the contract amendment by Culpeper and Rappahannock Counties.

A Resolution of Support from Fauquier County for Projects Submitted for the FY 2017-2023 Smart Scale Prioritization Process

RESOLUTION

A RESOLUTION OF SUPPORT FROM FAUQUIER COUNTY FOR PROJECTS SUBMITTED FOR THE FY 2017-2023 SMART SCALE PRIORITIZATION PROCESS

WHEREAS, on April 6, 2014, the General Assembly of Virginia approved an Act to amend the Code of Virginia by adding in Article 1.1 of Chapter 1 of Title 33.1, a section numbered 33.1-23.5:5, commonly referred to as the Smart Scale Prioritization Process, requiring projects requesting funding through the Six-Year Improvement Program (SYIP) to be prioritized; and

WHEREAS, Fauquier County, in coordination with the Virginia Department of Transportation (VDOT) have identified the following six (6) projects to submit for funding through the FY 2017-2023 SYIP:

1. Whiting Road (Route 622) Railroad Crossing,
2. Route 28 and Schoolhouse Road (Route 661) Intersection Safety Improvements,
3. Rogues Road (Route 602) Reconstruction,
4. Route 28 and Routes 616/603 Intersection Safety Improvements,
5. Route 29 Northbound Corridor Safety Improvements, and
6. Broad Run Church Road (Route 600) and Riley Road (Route 676) Intersection Improvements; and

WHEREAS, the following three projects are located on Corridors of Statewide Significance:

2. Route 28 and Schoolhouse Road (Route 661) Intersection Safety Improvements,
4. Route 28 and Routes 616/603 Intersection Safety Improvements, and
5. Route 29 Northbound Corridor Safety Improvements; and

WHEREAS, the Smart Scale Prioritization Process requires a resolution of support from the Planning District Commission, the Rappahannock-Rapidan Regional Commission, for projects located on a Corridor of Statewide Significance; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 11th day of August 2016, That the Board supports submitting the projects listed below for the Smart Scale Prioritization Process; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors requests a Resolution of support from the Rappahannock-Rapidan Regional Commission to submit the above listed projects for the Smart Scale Prioritization Process; and, be it

RESOLVED FINALLY, That the Fauquier County Board of Supervisors supports the Smart Scale application submitted by the Town of Warrenton for Broadview Avenue Improvements.

A Resolution Establishing the Percentage Allocation of the Fixed Amount of State Personal Property Tax Relief for Qualifying Motor Vehicles for Tax Year 2016

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 11th day of August 2016, That qualifying vehicles obtaining situs within the County of Fauquier during tax year 2016 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 55% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 55% 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.

A Resolution to Acknowledge Receipt of Rappahannock-Rapidan Community Services (RRCS) FY 2017 Program Plan and to Endorse the Rappahannock-Rapidan Community Services Contract with the Virginia Department Of Behavioral Health and Developmental Services And The Area Plan For Aging Service

RESOLUTION

A RESOLUTION TO ACKNOWLEDGE RECEIPT OF RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES (RRCS) FY 2017 PROGRAM PLAN AND TO ENDORSE THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES CONTRACT WITH THE DEPARTMENT OF VIRGINIA BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES AND THE AREA PLAN FOR AGING SERVICES

WHEREAS, in June 2016, the Rappahannock-Rapidan Community Services Board (RRCS) adopted its Performance Contract with the Virginia Department of Behavioral Health and Developmental Services and its Area Plan for Aging Services with the Department of Aging and Disability Services; and

WHEREAS, the Fauquier County Board of Supervisors has received a request from the Rappahannock-Rapidan Community Services Board that it endorse the Contract and Plan by either approving both documents or acknowledging that the Board of Supervisors participated in the review process and has no further additional comments on either the Plan or the Contract; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2016, That the Board does hereby acknowledge receipt of the FY 2017 RRCS Board Performance Contract with the Virginia Department of Behavioral Health and Developmental Services and the RRCS Board 2017 Area Plan for Aging Services, and acknowledges that the Fauquier County Board of Supervisors participated in the review process and has no additional comments regarding the Contract or Plan.

A Resolution Authorizing the Acceptance of a Conservation Easement over the Property of Bust Head Land, LLC

RESOLUTION

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF BUST HEAD LAND, LLC

WHEREAS, Bust Head Land, LLC, has proposed to donate a conservation easement over its property described as tax map parcel 7001-10-9775 consisting of approximately 82.66 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 recreational, historical and scenic 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 11th day of August 2016, That the Board finds as follows:

1. The proposed easement preserves recreational, historical, and scenic 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 Institute a Review of Sections 3-313.1 and 5-1301 of the Fauquier County Zoning Ordinance

RESOLUTION

A RESOLUTION TO INSTITUTE A REVIEW OF SECTIONS 3-313.1 and 5-1301
OF THE FAUQUIER COUNTY ZONING ORDINANCE

WHEREAS, the Board of Supervisors has received a number of requests from citizens that the provisions of Sections 3-313.1 and 5-1301 of the Fauquier County Zoning Ordinance be reviewed; and

WHEREAS, by adoption of this Resolution, the Board expresses its interest and intent to review Sections 3-313.1 and 5-1301 of the County's Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2016, That the Board does hereby direct the Fauquier County Community Development Department to institute review of the provisions related to Fauquier County Zoning Ordinance Sections 3-313.1 and 5-1301.

COMMITTEE APPOINTMENTS

By unanimous consent, the following committee appointments were made:

- Library Board – Lee District: Ms. Lawrie Parker was reappointed for a four-year term that ends June 30, 2020.
- Other Post-Employment Benefits (OPEB) – Citizen Member: Ms. Erin Kozanecki was reappointed for a two-year term that ends August 11, 2018.

SUPERVISORS' TIME

- Mr. Trumbo announced that on September 18, 2016, from 9:00 A.M. until 1:00 P.M., students from Kettle Run High School will meet at the Brookside Community Center to hold their final *Sydney Davies Childhood Cancer Awareness Walk*. Mr. Trumbo encouraged citizens to support this fundraiser and added that all funds raised will go towards childhood cancer research and for scholarships at Kettle Run, Liberty and Fauquier High Schools in memory of Sydney Davies, who would have been in the graduating senior class of Kettle Run High School this year.
- Mr. Butler announced that he recently attended a joint community event hosted by Sheriff Mosier and Clergy from Remington area churches where they discussed how they could work together to make the community better. He added that it was such a good event. Mr. Butler said that plans are underway to host another Community Unity Event in the fall and he hoped for as much participation as possible from the community. Mr. Butler announced that on September 17, 2016, the Remington Volunteer Fire Department will hold its annual Crab Feast. Mr. Butler announced that October 8, 2016, the annual Remington Fall Festival will take place on Main Street in Remington.
- Ms. McDaniel said that with school starting next week, she wanted to remind everyone to be especially safe and careful, and she wished the students good luck in the school year ahead.
- Mr. Gerhardt said that the Broadband Advisory Committee is conducting a public survey and over 1,000 individuals have responded so far. Mr. Gerhardt added that he is encouraged by the level of participation and from what they are hearing from residents of the county. Mr. Gerhardt announced that on August 31, 2016, a joint community meeting for Cedar Run and Lee Districts will be held at 7:00 P.M. in the Eagle Room of Liberty High School in Bealeton, and he invited everyone to attend.
- Mr. Granger asked citizens to be watchful of school bus activity beginning next week and he urged drivers to not pass stopped school busses. Mr. Granger asked citizens to visit the Fauquier County Public School website (<http://www.fcps1.org>) for details regarding the Middle School Modernization Project, which will focus on updating Taylor Middle School or Warrenton Middle School. Mr. Granger encouraged residents to be actively involved in school issues in general.

ANNOUNCEMENTS

- Mr. McCulla announced that the next regular meeting of the Board of Supervisors will be held on August 11, 2016, at 6:30 P.M. in the Warren Green Building meeting room, located at 10 Hotel Street in Warrenton, Virginia.

A ZONING ORDINANCE TEXT AMENDMENT TO ADD A VEHICLE STORAGE, INDOOR USE TO THE C-1, C-2, C-3 AND I-1 ZONING DISTRICTS; ADD ADDITIONAL STANDARDS FOR THE USE TO SECTION 5-1401.1; UPDATE THE USE CHART IN SECTION 3-314; AND ADD A DEFINITION FOR THE VEHICLE STORAGE, INDOOR TO SECTION 15-300

A public hearing was held to consider a proposed Zoning Ordinance text amendment regarding indoor vehicle storage. Currently, the Zoning Ordinance does not allow a commercial indoor vehicle storage facility in any zoning district. The proposed use would permit an indoor storage facility in the C-1, C-2, C-3 and I-1 zoning districts with the approval of an Administrative Permit when using existing buildings or in some cases with the approval of a Special Permit when constructing new buildings, or the expansion of existing buildings are proposed. In addition to the required Permit approval, the use would require Site Plan approval and appropriate building permits prior to the commencement of the use on the property. Ms. Kim Johnson, Chief of Zoning and Development Services, summarized the proposed text amendment. Mr. Trumbo stated that since this is his request, he will recuse himself from consideration of the application.

- Ms. Jennifer Moore, Esquire, spoke on behalf of the Applicant and noted that as a private citizen, Mr. Trumbo has paid all of the county fees and attorney’s fees just as any other citizen might in this application process. She stated they are generally in agreement with the staff report and requested favorable consideration of the application, with the exception of Standard #8 that relates to glass percentage of the façade, and which she feels is unnecessary.

No one else spoke. The public hearing was closed. Ms. McDaniel moved to adopt the following Ordinance, as amended to remove the words “or less” from Standard #8. Mr. Gerhardt seconded and, following discussion, the vote was unanimous, as follows:

Ayes: *Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel;*
Nays: *None*
Absent During Vote: *None*
Abstention: *Mr. R. Holder Trumbo, Jr.*

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO ADD A VEHICLE STORAGE, INDOOR USE TO THE C-1, C-2, C-3, AND I-1 ZONING DISTRICTS; ADD ADDITIONAL STANDARDS FOR THE USE TO SECTION 5-1401.1; UPDATE THE USE CHART IN SECTION 3-314, AND TO ADD A DEFINITION FOR VEHICLE STORAGE, INDOOR TO SECTION 15-300

WHEREAS, the Zoning Ordinance does not currently allow a Vehicle Storage, Indoor Use in any zoning district; and

WHEREAS, R. Holder Trumbo, Jr., Applicant, has requested an amendment to the Zoning Ordinance to allow such a use in the C-1, C-2, C-3 and I-1 Districts with appropriate approvals; and

WHEREAS, on July 21, 2016, the Fauquier County Planning Commission held a public hearing on the amendment and unanimously recommended approval of the proposed amendment; and

WHEREAS, consideration of the amendment supports good zoning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11th day of August 2016, That Sections 3-314, 5-1401.1 and 15-300 to allow vehicle storage, indoor be, and are hereby, amended as follows:

See Page III-4 for Key	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
	3-314 MOTOR VEHICLE RELATED USES (CATEGORY 14)																		
1. Vehicle Storage, Indoor	X												A/SP	A/SP	A/SP			A	
2. (Deleted)																			
3. Auto repair garage	X												SP	P	SP	SP/SE		P	SE
4. Auto service station	X												SP	P	SP	SP/SE		SP	
5. Auto body/painting establishments	X													P		SP/SE		P	P
6. Motor vehicle impoundment, towing																			
a. maximum of 10 vehicles	X												SP	SP				P	P
b. maximum of 30 vehicles	X																	P	P
c. more than 30 vehicles	X																	SP	SP
7. Junkyard/automobile graveyard	X																		SE
8. Automobile sales, rental and service (including motorcycles and recreational vehicles)	X																	A ²⁰	A/SP
9. Truck and heavy equipment sales, rental and service	X													P				A ²⁰	SP
10. Farm equipment sales, rental and service	X		SP	SP									SP	P		SP/SE	SP	P	SP

PART 14

5-1400

CATEGORY 14 MOTOR VEHICLE RELATED USES

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

5-1401.1

Additional Standards for Vehicle Storage, Indoor

- When located within the C-1, C-2, C-3 and I-1 zoning districts, an Administrative Permit is required if the use is limited to existing structures. All newly proposed structures, or expansions to existing structures, shall require approval of a Special Permit with the exception of the I-1 District where newly proposed buildings are permitted with the approval of an Administrative Permit. When located within the C-2, C-3 and I-1 zoning districts, an Administrative Permit is required whether the use is limited to existing structures or within newly constructed expansions or structures.
- All motor vehicles shall be stored indoors.

3. All motor vehicles stored at the facility shall be in operable condition, properly licensed and registered as being garaged in Fauquier County.
4. Car shows organized by the proprietor may be held at the site and adjoining parking area no more than twelve (12) times per calendar year for a duration not to exceed one (1) day. Car shows may utilize outdoor parking areas and shall only be held during daylight hours.
5. Minor repairs, maintenance and detailing may be performed only on stored vehicles indoors by the vehicle's owner or the proprietor. Minor repairs and maintenance may include changing oil and other fluids (which shall be properly disposed of), changing spark plugs, belts, fuses, lights, changing or repairing tires and batteries and similar activities.
6. Major car repairs must be performed off-site including, but not limited to, engine and transmission replacement, and body repair involving paint work.
7. Vehicles stored at the site may be sold from the property by the individual owning the vehicle. All private sales from the site shall be by appointment only.
8. Within the C-1 District, any façade of such facility shall incorporate at least 10% glass on the façade at street level, ~~or less~~ if the amount proposed is determined to be sufficient by the Zoning Administrator that pedestrian interest is satisfied, so that some of the vehicles in the storage facility are visible to pedestrians.

5-1401.2 Additional Standards for Motor Vehicle Washes and Auto Service Stations

PART 3 15-300 DEFINITIONS

Vehicle Storage, Indoor: A facility used for the commercial storage of operable vehicles only within an enclosed building(s). The use shall not be construed as an Auto Repair Garage, Service Station nor Vehicle Sales which are separate use categories of the Zoning Ordinance.

A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 11 TO CHANGE THE HEIGHT LIMIT TRIGGERING ADDITIONAL REQUIREMENTS

A public hearing was held to consider a Zoning Ordinance text amendment to Article 11 regarding telecommunication tower height limits. The existing telecommunication provisions require applicants for towers over 120 feet in height to: (1) demonstrate that environmental and topographical constraints, as well as available technology, cannot provide acceptable service at a lower height; (2) demonstrate that all existing structures, site and height alternatives have been exhausted; and (3) acquire Architectural Review Board (ARB) review and recommendation prior to submission for a Special Exception. The proposed text amendment would change this threshold from 120 feet to 145 feet, eliminating these requirements for towers between 120 and 145 feet in

height. On July 21, 2016, the Planning Commission voted 4 to 1 to approve an amended version of the proposal. Ms. Kimberley Johnson, Chief/Zoning and Development Services, summarized the proposed text amendment.

- Mr. Robert Ridgell, Cedar Run District, Vice Chairman of the Broadband Advisory Committee, spoke in favor of the proposed text amendment.

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

Ayes: *Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

ORDINANCE

AN ORDINANCE TO APPROVE A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 11 TO CHANGE THE HEIGHT LIMIT TRIGGERING ADDITIONAL REQUIREMENTS

WHEREAS, the County Telecommunications Ordinance currently imposes less stringent requirements for towers between the height of 80 feet and 120 feet and more stringent standards above the height; and

WHEREAS, the Board of Supervisors desires to initiate consideration of an amendment which raises the threshold from 120 feet to 145 feet; and

WHEREAS the County has determined that the public necessity, convenience, general welfare and good zoning practice warrant consideration of the amendment; and

WHEREAS, on June 9, 2016, the Fauquier County Board of Supervisors initiated an amendment to the Telecommunications Ordinance to consider these changes; and

WHEREAS, on July 21, 2016, the Fauquier County Planning Commission held a public hearing on the amendment and recommended approval of the amendment, as amended below; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2016, That the amendment as set forth below be, and is hereby, approved:

11-102.3a

- Special Circumstances: A telecommunication tower facility up to ~~120~~ **145** feet in height is permissible upon technical demonstration that environmental and topographical constraints, as well as available technology used, cannot provide acceptable service at a lower height. Such a facility needs to be designed to accommodate co-location; or

With the exception of emergency communication tower facilities, a personal wireless or telecommunication facility proposed in excess of ~~120~~ **145** feet in height is an application of last resort. The applicant/carrier must technically justify that: (a) all existing structures, site and height alternatives have been exhausted; and (b) the facility proposed is at the minimum height, based on the best available technology, to adjust to the identified environmental and topographical constraints, for the established service carrier, and without the site at the requested height, service cannot be provided.

The applicant must submit, prior to special exception application, any telecommunication facility proposal, greater than ~~120~~ **145** feet in height, to the Architectural Review Board (ARB) for review and recommendation. Its application review will focus on Sections 11-102.3.a (location and siting) and 11-102.3.b.14 (assessment of historic resources and Scenic Byways impacts), as well as the Comprehensive Plan. ARB recommendations shall be transmitted to the Community Development Director no later than 30 days after its scheduled meeting; otherwise, it will be deemed as a recommendation for approval.

A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLES 3, 5 AND 15 TO ADD EVENTS AS AN ALLOWED USE IN THE COMMERCIAL NEIGHBORHOOD (C-1) DISTRICT

A public hearing was held to consider a proposed Zoning Ordinance text amendment that would create a new "Event Facility" category that would allow indoor events to be approved on properties in the C-1 zoning district. As proposed, facilities with events not exceeding 75 people would be by-right, and facilities hosting larger events could be approved by Special Permit. On July 21, 2016, the Planning Commission unanimously recommended approval. Ms. Kimberley Johnson, Chief of Zoning and Development Services, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Ms. McDaniel moved to adopt the following Ordinance. Mr. Trumbo seconded and, following discussion, the vote was unanimous, as follows:

Ayes: *Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

ORDINANCE

AN ORDINANCE TO APPROVE A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLES 3, 5 AND 15 TO ADD EVENTS AS AN ALLOWED USE IN THE COMMERCIAL NEIGHBORHOOD (C-1) DISTRICT

WHEREAS, the Commercial Neighborhood (C-1) District provides for small-scale business activities; and

WHEREAS, the existing provisions of the Fauquier County Zoning Ordinance do not provide for Events as a primary business use; and

WHEREAS, the County seeks to provide more flexibility for small-scale events in the C-1 district; and

WHEREAS, consideration of amendments to Articles 3, 5 and 15 would provide such flexibility and supports good zoning practice, convenience and the general welfare; and

WHEREAS, the Fauquier County Board of Supervisors initiated an amendment to add this use in the C-1 district on June 9, 2016; and

WHEREAS, on July 21, 2016, the Fauquier County Planning Commission held a public hearing on the proposed amendment and voted unanimously to recommend approval of the amendment; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11th day of August 2016, That amendments to Articles 3, 5 and 15 to allow small-scale events in the C-1 district as set forth below be, and are hereby, approved:

15-300 DEFINITIONS

EVENT FACILITY. Building space utilized to host gatherings of people for activities such as parties, weddings, receptions, demonstrations, or other similar activities. The gatherings may be hosted by the owner or proprietor of the facility or the facility may be leased to private parties for such activities. An EVENT FACILITY may include on-site kitchen/catering facilities.

5-1309 Additional Standards for Event Facilities

Any facility hosting events of more than 75 people, per event, shall require Special Permit approval. The following standards shall apply:

1. Events shall occur entirely indoors on any lot adjoining a residential unit.
2. Events shall end no later than 10:00 p.m. on any lot adjoining a residential unit.
3. The Board of Zoning Appeals may waive or modify the above standards upon a finding that the specific proposal will not impact adjoining residents.

3-313 Commercial Business and Personal Services (Category 13)																			
	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
1. Kennel/animal shelter	X	SP	SP	SP		SP							SP	P		SP/SE	P		
2. Veterinary Clinic	X	SP	SP	SP	SP								P	P	P	SP/SE	P	P	
3. Funeral home less than 5,000 sq. ft.	X												P	P			P		
4. Funeral home more than 5,000 sq. ft.	X												SP	P		SP/SE	P		
5. Farm supply establishment	X		SP		SP								SP ¹⁷	P		SP/SE	P		
6. Financial institutions	X												P	P	P	P/SE	P	P	
7. Business or Professional Office, less than 20,000 sq. ft.	X												P	P	P	P/SE	P	P	SP/SE
8. Business or Professional Office, 20,000 sq. ft. to 50,000 sq. ft.	X												SP ¹⁷	P	P	P/SE	P	P	SE
9. Business or Professional Office over 50,000 sq. ft.	X												SP ¹⁷	SP ¹⁷	SP ¹⁷		P	P	SE
10. Business or Professional Office, 6 or less employees	X	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP								
11. Drive-through facility in conjunction with any commercial business	X												SE ¹⁷	SE ¹⁷	SE ¹⁷	SE ¹⁷	SE ²¹	SE	
12. Eating establishment	X												P	P	P	P/SE	P ²²	SP	
13. Eating establishment, fast food	X												SP ¹⁷	P	P	SP/SE	P ²²	SP	
14. Repair service establishment less than 5,000 sq. ft.	X												P	P	P	P	P	P	P
15. Event Facility	X												P/SP						

A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 13 RELATED TO APPLICATIONS FOR RESIDENTIAL REZONING

A public hearing was held to consider a proposed Zoning Ordinance text amendment that adds a submission requirement for all residential rezoning applications to address changes in Section 15.2-2303.4 of the *Code of Virginia*. Specifically, the amendment requires that an applicant for a residential rezoning submit an affidavit attesting that no suggestion, request or demand for an unreasonable proffer was made prior to the submission of any proffer. Or, if the applicant asserts that such a request, suggestion or demand was made, the affidavit must set forth the nature of the requested proffer. This new submission requirement will provide notice to the County of any case where an applicant may assert a claim against the County related to residential proffers. On July 21, 2016, the Planning Commission unanimously recommended approval. Ms. Kimberley Johnson, Chief of Zoning and Development Services, summarized the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Butler moved adopt the following Ordinance. Mr. Gerhardt seconded and, following discussion, the vote was unanimous, as follows:

Ayes: *Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

ORDINANCE

AN ORDINANCE TO APPROVE A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 13 RELATED TO APPLICATIONS FOR RESIDENTIAL REZONING

WHEREAS, during its last term, the Virginia General Assembly adopted Section 15.2-2303.4 of the *Code of Virginia*; and

WHEREAS, Section 15.2-2303.4 permits applicants to assert a claim that the County suggested, requested or demanded an unreasonable proffer during the process of a rezoning whether the rezoning is approved or denied; and

WHEREAS, there is no provision within the statute which provides for reasonable notice to the County that an applicant has the intention of contesting actions related to proffers during the course of consideration of such rezoning; and

WHEREAS, the County is authorized to impose procedural requirements related to the process by which it considers rezonings and proffer amendments; and

WHEREAS, the County has determined that the public necessity, convenience, general welfare and good zoning practice warrant an amendment to the Zoning Ordinance to create procedural requirements which place it on notice whether an applicant asserts that an improper suggestion, request or demand has been made by the County during the consideration of a residential rezoning; and

WHEREAS, on June 9, 2016, the Board of Supervisors initiated consideration of an amendment to the Zoning Ordinance to add a submission requirement for affidavits related to this issue as set forth below; and

WHEREAS, on July 21, 2016, the Planning Commission held a public hearing on the proposed amendment and then recommended approval; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11th day of August 2016, That a Zoning Ordinance text amendment adding Section 13-202(D)(12) and D(13) be, and is hereby, approved as follows:

D. Proffered Conditions Regulations

- (12) The County shall not accept any proffer for a residential rezoning unless accompanied by a sworn affidavit that the proffer is entirely voluntary and reasonable, that it was not suggested, requested or demanded by the County, and that it directly addresses an impact that is specifically attributable to the new residential development or use proposed.
- (13) Prior to the Board's action on any residential rezoning, the applicant shall be required within the sworn affidavit required in paragraph (D)(12) to either:
 - (a) acknowledge and affirm that no suggestions, requests, demands of any proffers were made at any time; or
 - (b) if the applicant/owner asserts that the County suggested, requested or demanded a proffer, then the applicant shall include in the sworn affidavit the exact proffer suggested, whether it was reasonable or unreasonable, and shall affirm that it was provided a copy of the County's resolution stating that any such suggestion was not authorized by the County and was an *ultra vires* action of the person making the suggestion.

A RESOLUTION TO ADOPT THE FAUQUIER COUNTY COMPREHENSIVE DROUGHT MANAGEMENT AND EMERGENCY PREPAREDNESS PLAN

A public hearing was held to consider the Fauquier County Comprehensive Drought Management and Emergency Preparedness Plan. The Virginia Department of Environmental Quality's (DEQ) final approval of the Fauquier County Water Supply Plan is contingent upon the completion of an associated Drought Plan. Staff worked with representatives from the towns of Warrenton, The Plains and Remington, as well as the Fauquier County Water and Sanitation Authority and the Department of Fire Rescue & Emergency Management to develop an integrated drought plan for the County. This plan, once adopted, should help to meet the requirements of DEQ and allow for the full approval of the County's Water Supply Plan. On July 21, 2016, the Planning Commission unanimously voted to recommend approval. Mr. Andrew Hopewell, Assistant Chief of Planning, summarized the proposed Drought Plan. No one else spoke. The public hearing was closed. Ms. McDaniel moved to adopt the following Resolution. Mr. Gerhardt seconded and, following discussion, the vote was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO ADOPT THE FAUQUIER COUNTY COMPREHENSIVE DROUGHT MANAGEMENT AND EMERGENCY PREPAREDNESS PLAN

WHEREAS, Virginia Administrative Code Section 9VAC25-780-50 requires Fauquier County to develop a Water Supply Plan; and

WHEREAS, on September 29, 2011, Fauquier County did adopt a Water Supply Plan; and

WHEREAS, the Virginia Department of Environmental Quality did provide provisional acceptance to said Water Supply Plan provided that Fauquier County did provide, among other items, a Drought Plan; and

WHEREAS, Virginia Administrative Code Section 9VAC25-780-120 requires Fauquier County develop a Drought Response and Contingency Plan; and

WHEREAS, on June 16, 2016, the Fauquier County Planning Commission did hold a work session and a public hearing on July 21, 2016, where they recommended adoption of the Drought Response and Contingency Plan; and

WHEREAS, on June 9, 2016, and a public hearing on August 11, 2016, the Fauquier County Board of Supervisors did hold a work session; and

WHEREAS, the Board has determined that it is appropriate and in the best interest of the public to adopt the Comprehensive Drought Management and Emergency Preparedness Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2016, That the Comprehensive Drought Management and Emergency Preparedness Plan, be, and is hereby, adopted.

A RESOLUTION REGARDING SPEX-16-005186, WEAVERS HAUNTED WOODS - AN APPLICATION FOR A CATEGORY 9 SPECIAL EXCEPTION TO ALLOW CLASS C SPECTATOR AND NON-SPECTATOR FIELD EVENTS AND ACTIVITIES (PIN 6889-47-4775-000 AND 6889-47-8357-000), LEE DISTRICT

A public hearing was held to consider an application seeking approval of a Category 9 Special Exception to allow a haunted trail on Friday and Saturday nights in October. The existing Weaver's Haunted Woods is located at 10720 Weaversville Road just outside the Bealeton Service District. On July 21, 2016, the Planning Commission voted unanimously to recommend approval of the application. Mr. Andrew Hopewell, Assistant Chief of Planning, summarized the application. No one else spoke. The public hearing was closed. Mr. Butler moved to adopt the following Resolution. Ms. McDaniel seconded and, following discussion, the vote was unanimous, as follows:

Ayes: **Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.**

Nays: **None**

Absent During Vote: **None**

Abstention: **None**

RESOLUTION

A RESOLUTION TO DENY SPEX-16-005186, WEAVER'S HAUNTED WOODS – AN APPLICATION FOR A CATEGORY 9 SPECIAL EXCEPTION TO ALLOW CLASS C SPECTATOR AND NON-SPECTATOR FIELD EVENTS AND ACTIVITIES (PIN 6889-47-8357-000 AND 6889-47-4775-000), LEE DISTRICT

WHEREAS, Joseph K. Coleman, Sherri L. Coleman and Carson Weaver, Applicants, are seeking a Category 9 Special Exception to allow for outdoor recreation in the form of a seasonal haunted trail at 10720 Weaversville Road, Bealeton, Virginia; and

WHEREAS, on July 21, 2016, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and recommended that the application be approved; and

WHEREAS, on August 11, 2016, the Fauquier County Board of Supervisors held a public hearing and considered written and oral testimony; and

WHEREAS, the Fauquier County Board of Supervisors finds in the matter of the Special Exception application:

1. That the proposal does not conform to, nor is it in accordance with, the Comprehensive Plan as it relates to the Rural Lands in the County.
2. That less restrictive standards related to acreage and road frontage do negatively impact other general or specific standards contained in Article 5 for this use as it pertains to traffic and noise impacts on adjoining properties, and will not serve the purpose of promoting public health, safety, and welfare.
3. That the proposed use fails to be in accordance with the standards of Zoning Ordinance Sections 5-006, 5-901 and 5-916.
4. The Board of Supervisors finds that said application will negatively impact the public health, safety and welfare of residents of Fauquier County.
5. The proposed use will adversely affect the use or development of neighboring properties and will impair the value of nearby land.
6. That the impacts of the proposal have not been mitigated.

7. The property has other reasonable use; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2016, That SPEX-16-005186, be, and is hereby, denied.

A RESOLUTION TO APPROVE SPEX-16-005221, SHADY GROVE SPORTING CLAYS COURSE - AN APPLICATION FOR A CATEGORY 9 SPECIAL EXCEPTION TO ALLOW AN OUTDOOR SPORTING CLAYS COURSE (PIN 6888-95-3841-000, 6888-95-5281-000, AND 6888-86-8224-000), LEE DISTRICT

A public hearing was held to consider an application seeking approval of a Category 9 Special Exception to allow an outdoor Sporting Clays Course on the subject properties. The proposal is to relocate Shady Grove Kennel and Hunting Preserve's existing and currently operating Sporting Clays Course, located on Virginia Electric & Power Company property (PIN 6888-83-5891-000), to a new location that is directly across the street from the current location. The properties are located on Lucky Hill Road (Route 655), Remington. On July 21, 2016, the Planning Commission voted unanimously to recommend approval of the application. Mr. Adam Shellenberger, Senior Planner and Urban Designer, summarized the proposed amendment.

- Mr. Neil Selby, Lee District, requested favorable consideration on behalf of the applicants.

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

Ayes: ***Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

RESOLUTION

A RESOLUTION TO APPROVE SPEX-16-005221, SHADY GROVE SPORTING CLAYS COURSE – AN APPLICATION FOR A CATEGORY 9 SPECIAL EXCEPTION TO ALLOW AN OUTDOOR SPORTING CLAYS COURSE (PIN 6888-95-3841-000, PIN 6888-95-5281-000, & PIN 6888-86-8224-000), LEE DISTRICT

WHEREAS, Luck Stone Corporation (Owner) and Neil Selby and Leslie Carter (Applicants) are seeking to allow an outdoor Sporting Clays Course, on properties located on Lucky Hill Road (PINs 6888-95-3841-000, 6888-95-5281-000, and 6888-86-8224-000); and

WHEREAS, on July 21, 2016, the Fauquier County Planning Commission held a public hearing on the application and recommended that the application be approved; and

WHEREAS, on August 11, 2016, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors finds that the application satisfies the standards of Zoning Ordinance Sections 5-006, 5-901 and 5-904; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of August 2016, That SPEX-16-005221 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for PINs 6888-95-3841-000, 6888-95-5281-000, and 6888-86-8224-000, runs with the land as indicated in the application, and shall not be transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated in the “Shady Grove Sporting Clays Course” application materials received in the Planning Office on May 27, 2016, as approved with this application, as qualified by these development conditions.
3. All on-site facilities and operations shall be in accordance with all applicable state and local regulations at all times.
4. Use of the sporting clay facility shall be generally limited to a maximum of twenty-five (25) shooters at any one time, and a maximum of six (6) cars parked on the property at any one time. Except that a maximum of twelve (12) times per year the facility may be used for a private shooting event, which shall be limited to one hundred (100) attendees per event.
5. Use of the sporting clay facility shall be limited to between 7:00 A.M. and 30 minutes before sunset.
6. The Applicants shall incorporate the following Safety Measures:
 - a. A 100-yard buffer zone for safety shall be provided and maintained around the perimeter of the designated shooting area.
 - b. All activities shall be limited to this designated shooting area.
 - c. The entire border between the Sporting Clays Course and the buffer area shall be adequately designated and secured with single strand wire fencing. This fencing shall be appropriately marked with bright yellow outward facing warning signs. The signs shall be posted a minimum of one every one hundred (100) yards.
 - d. An employee of the facility shall be on-site at all times when the course is in use.
 - e. The entrance to the property shall include a locked gate which will be closed during hours of which the facility is not in operation.

7. The existing entrance shall be updated to a Low Volume Commercial Entrance, in accordance with Virginia Department of Transportation's (VDOT) commercial entrance design standards. A VDOT Land Use Permit is required for upgrading the existing entrance. All improvements shall be completed prior to the first event.
8. The parking area shall be maintained in a manicured vegetated state. If the turf does not withstand the traffic pressure or rutting and erosion occur, the Applicants shall install turf-protecting geotextile grids or other low impact methods for surfacing the parking area. Alternatively, if the Applicants choose to use a gravel or asphalt parking area, a stormwater management plan that addresses run-off from the parking lot shall be required.
9. The term of this Special Exception shall be valid for ten (10) years from approval by the Board of Supervisors. Following the initial term, five (5) year administrative renewals may be granted by the Zoning Administrator, provided that all conditions herein have been adhered to. If, during the administrative renewal process, the Zoning Administrator finds that practices have changed character and/or there are new impacts, the Special Exception shall be required to go back to the Board of Supervisors for approval.

A RESOLUTION REGARDING SPEX-16-005184, THE MEADOWS AT KELLY FARM - AN APPLICATION TO AMEND A PREVIOUSLY APPROVED CATEGORY 29 SPECIAL EXCEPTION (SPEX-14-001333) TO WAIVE THE PUBLIC STREET REQUIREMENT (PIN 7903-27-1455-000, PIN 7903-36-7799-000 & PIN 7903-46-0693-000), CEDAR RUN DISTRICT

A public hearing was held to consider an application seeking to amend the current Category 29 Special Exception (SPEX-14-001333) to waive the public street requirement. The current Category 29 Special Exception requires the applicant to construct an 18-foot wide private gravel road with two (2)-foot shoulders on each side of the road. The applicants are requesting to build a 16-foot wide private gravel road with variable shoulders on either or both sides of the road for a total minimum clear width of 20 feet. The properties are located on Kelly Meadows Lane, Cedar Run District. On July 21, 2016, the Planning Commission voted unanimously to recommend approval of the application with an 18-foot gravel road and one-foot shoulders on each side. Ms. Marie Pham, Transportation Planner, summarized the application.

- Mr. Leslie Kelly, Cedar Run District, requested a postponement for one month to allow time to address concerns that had been brought to the attention of the applicants earlier in the day.
- Mr. John Schied, Cedar Run District, spoke in opposition to the application.
- Mr. Robert Ridgell, Cedar Run District, spoke in favor of the application.
- Mr. David Kelly, Cedar Run District, spoke in favor of the application.

No one else spoke. The public hearing was closed. Mr. Gerhardt moved to continue the public hearing and postpone action on this matter for thirty (30) days until the next regular Board

meeting on September 8, 2016. Mr. Butler seconded and, following discussion, the vote was unanimous, as follows:

Ayes: *Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

With no further business, the meeting was adjourned at 7:36 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 11, 2016.

(SEAL)

Paul S. McCulla
Clerk to the Board of Supervisors