

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD
JULY 9, 2009 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz;
Mr. Chester W. Stribling; Mr. R. Holder Trumbo; Mr. Paul S. McCulla,
County Administrator; Mr. Kevin J. Burke, County Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**FOLLOW-UP VDOT ROUTE 29 STUDY WORK SESSION REGARDING A
BUCKLAND BYPASS**

Charlie Rasnick of the Virginia Department of Transportation, along with consultants Joe Springer and Stuart Tyler of Parsons Transportation Group of Virginia, provided an update on the Virginia Department of Transportation's on-going study of transportation needs and concerns in the northern part of the Route 29 Corridor and relevant issues relating to the Buckland Bypass.

**A WORK SESSION TO CONSIDER THE ESTABLISHMENT OF A BUSINESS
ADVISORY COMMITTEE**

Talmage Reeves, Director of the Department of Economic Development, discussed the formation and proposed membership of a Business Advisory Committee to work with the Board of Supervisors and the Economic Development Department on matters pertaining to economic growth and business development matters in Fauquier County.

**A WORK SESSION TO REVIEW THE FISCAL YEAR 2010 PROGRAM PLAN FOR
RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD AND AREA
AGENCY ON AGING, AND TO CONSIDER A SUPPORTING RESOLUTION**

Anthony I. Hooper, Deputy County Administrator, and Brian Duncan, Executive Director of Rappahannock-Rapidan Community Services Board Area Agency on Aging (RRCSB-AAA), presented the 2010 Program Plan for Rappahannock-Rapidan Community Services Board Area Agency on Aging (RRCSB-AAA) operations, for citizens who are elderly and those with disabilities related to mental illness, mental retardation, and substance abuse problems. The Board was asked to consider approving a resolution acknowledging their receipt and review of this plan.

UPDATE ON SOLID WASTE MANAGEMENT

Anthony I. Hooper, Deputy County Administrator, and Mike Dorsey, Director of Environmental Services, provided an update on the status of the Corral Farm Solid Waste Master Plan. A master plan of the Corral Farm facility was completed in 2006 demonstrating that efficient site development offers approximately 50 years of possible landfill capacity. The mining project along with horizontal and vertical expansion of the landfill will increase landfill capacity to 70+ years as well as keep the operation relatively unobtrusive until screening plans have been fully constructed. Lynn Klappich of Draper Aden Associates, reviewed site development issues as part of the upcoming engineering and permitting process including the horizontal and vertical design, a plan to improve screening of the facility, the adjacent inaccessible non-common open space, ground water, stormwater, gas collection and leachate system improvements, wetlands mitigation, and road access to the college and Stafford property.

WASTE TO ENERGY PROJECT UPDATE

Paul S. McCulla, County Administrator, and Bob Brickner, solid waste management consultant, provided the Board of Supervisors with a general update on waste to energy proposals as a means of expanding landfill capacity and achieving environmentally appropriate solid waste programs.

A WORK SESSION TO REVIEW A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 4-100 RELATED TO PLANNED RESIDENTIAL DEVELOPMENT

Mr. Schwartz and Kimberley Johnson, Zoning Administrator, briefed the Board of Supervisors on proposed revisions to the Planned Residential Development (PRD) district, which is also on the agenda for public hearing.

A CLOSED SESSION TO CONSULT WITH LEGAL COUNSEL REGARDING SPECIFIC LEGAL MATTERS INVOLVING THE PETERS PURCHASE OF DEVELOPMENT RIGHTS EASEMENT, THE PROPOSED WASTE TO ENERGY PROJECT AND THE BISHOP'S RUN PROJECT PURSUANT TO CODE OF VIRGINIA SECTION 2.2-3711(A)(7)

Mr. Trumbo moved to go into a closed meeting, pursuant to Virginia Code Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel regarding specific legal matters involving the Peters Purchase of Development Rights easement, the proposed waste to energy project, and the Bishop's Run project. Following discussion and upon the motion being seconded, the vote was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo

Nays: *None*
Absent During Vote: *None*
Abstention: *None*

Upon reconvening from the closed meeting, Mr. Trumbo 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 9th day of July 2009, 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 meeting was reconvened in Regular Session at 6:30 P.M.

INVOCATION

Mr. Stribling offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Stribling led the pledge of allegiance.

ADOPTION OF THE AGENDA

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

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*

Nays: *None*
Absent During Vote: *None*
Abstention: *None*

- Add new Consent agenda item #6(j), a Resolution of Authorizing the County Administrator to Execute the Asphalt Trail Maintenance Agreement Between the Fauquier County Board of Supervisors and the Woods at Warrenton Homeowners Association, Inc.
- Add new Regular agenda item #9, a Resolution to Authorize the Grant of an Easement Across Property Subject to a Purchase of Development Rights Easement and renumber subsequent agenda items accordingly.

CITIZENS' TIME

- Sparky Lewis, Center District, spoke in favor of a proposed Timberfence Parkway connector road.
- Billy Harris, Center District, spoke in support of a Timberfence Parkway connector road.
- Wendy Campbell, Marshall District, spoke in opposition to a connector road for Route 211/17.
- Joanne Glacsock, Marshall District, spoke in opposition to a connector road for Route 211/17.
- John Mayhugh, resident of Foxcroft Road, spoke in support of a bypass for Timberfence Parkway.
- Randy Anderson, Marshall District, spoke in opposition to a Timberfence Bypass.
- Duncan Campbell, Marshall District, spoke in opposition to a Timberfence Parkway connector road.
- Serena Treworgy, Marshall District, spoke in opposition to a Timberfence Parkway.
- Jody Lee Ball, Marshall District, spoke in opposition to a Timberfence Bypass.
- Maura Seaforest, Ceder Run District, spoke in opposition to a Route 211/17 connector road.
- Michelle Draper, Center District, spoke in favor of a bypass for Route 211/17.
- Scott Schaefer, Center District, spoke in opposition to a connector road for Route 211/17.
- Hope Porter, Marshall District, distributed a letter to Board members opposing a two-lane road through the floodplain and wetlands area near the reservoir.
- Henry Fletcher, Marshall District, spoke in favor of a bypass for Route 211/17.
- Madge Eicher, Marshall District, spoke in opposition to designating Springs Valley as an historic district.
- Jock Queen, Marshall District, spoke in opposition to the nomination of the Springs Valley to become an historic district.
- Kat Payne, Marshall District, spoke in opposition to the Springs Valley historic district designation.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Trumbo presented Vicky Dineen on behalf of Mary McIntire a Proclamation Honoring Mary McIntire on the Occasion of Her One Hundred and Fifth Birthday.

CONSENT AGENDA

Mr. Nyhous moved to adopt the following Consent agenda items. Mr. Schwartz seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

Approval of the Minutes of the Fauquier County Board of Supervisors for the June 11, 2009 Regular Meeting

A Resolution Directing the County Administrator to Schedule a Public Hearing on a Proposed Underground Fiber Optic Cable Easement to Fiberlight of Virginia, LLC

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED UNDERGROUND FIBER OPTIC CABLE EASEMENT TO FIBERLIGHT OF VIRGINIA, LLC

WHEREAS, the Fauquier County Board of Supervisors owns a 12.28 acre tract of land located in Cedar Run Magisterial District and fronting on Rogues Road, said property being more particularly described as PIN #7900-40-8840; and

WHEREAS, Fiberlight of Virginia, LLC, has requested that the Board of Supervisors grant it an easement along the front of the aforesaid property for the purpose of installing and maintaining a fiber optic cable for use by the Federal government; and

WHEREAS, prior to the grant of the aforesaid easement the Board of Supervisors is required to hold a public hearing; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of July 2009, That the County Administrator be, and is hereby, directed to schedule a public hearing on the proposed grant of an underground fiber optic cable easement to Fiberlight of Virginia, LLC.

A Resolution to Amend the FY 2009 Adopted Budget by \$586,845 and Amend the FY 2010 Adopted Budget by (\$1,037,000)

RESOLUTION

A RESOLUTION TO AMEND THE FY 2009 ADOPTED BUDGET BY \$586,845 AND AMEND THE FY 2010 ADOPTED BUDGET BY (\$1,037,000)

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 2, 2008 the Board of Supervisors adopted the Fauquier County FY 2009 Budget and on March 31, 2009 adopted the Fauquier County FY 2010 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 June 4, 2009, the Finance Committee recommended for FY 2009 budget adjustments of \$586,845; and

WHEREAS, at its meeting on July 2, 2009, the Finance Committee recommended a de-appropriation of \$1,037,000 in the FY 2010 Health Insurance Fund budget; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of July 2009, That the FY 2009 Budget be, and is hereby, amended in the amount of \$586,845 and the FY 2010 Budget be, and is hereby, amended in the amount of \$1,037,000 as indicated on the attached summary.

July 9, 2009 Budget Action Summary

Requesting Department	Action	Amount	Category		Explanation
			From	To	
FY 2009					
Finance	Interest Income	\$9,041	Interest Income	Capital Improvement Fund	Mellon interest appropriation per terms of Mellon-County agreement.
Finance	Increased Funding	\$300,000	State Revenue	Social Services - Comprehensive Services	Appropriates increased funding for CSA purchase services.
Fire and Emergency Services	Reimbursement	\$6,156	Miscellaneous	Emergency Services	Appropriates revenue received for coverage provided at local events.
Fire and Emergency Services	Reimbursement	\$197	Miscellaneous	Emergency Services	Appropriates revenue received from employees for personal cell phone usage.

Requesting Department	Action	Amount	Category		Explanation
			From	To	
General Services	Reimbursement	\$6,057	State Revenue	General Services - Comprehensive Maintenance	Expense reimbursement from the Commonwealth of Virginia Department of Military Affairs.
Human Resources	Miscellaneous	\$16,590	Contractual Services	Human Resources	Appropriates Water & Sanitation Authority revenue for health insurance administration.
Parks & Recreation	De-appropriation	\$102,669	Capital Improvement Fund	Comprehensive Maintenance and P&R Trust Fund	De-appropriates funding for the Computer Clubhouse project.
School Division	Capital Improvement Fund	\$37,283	Liberty High School HVAC	School Division Capital Reserve	Transfers remaining funds from the closed LHS HVAC project.
School Division	Capital Improvement Fund	\$169,000	FHS Air Handler	FHS Auditorium Chiller	Transfer of Capital Improvement funds from the FHS Annex Air Handler project to complete the FHS Auditorium Chiller project.
Social Services	Federal Revenue	\$90,000 \$54,989	State Funds Federal Funds	Social Services	Appropriates Federal revenue for various Social Services programs.
Volunteer Fire & Rescue Association(VFRA)	Reimbursement	\$201	Catlett Volunteer Fire Department	VFRA Fund	Appropriates funds from supply purchases made by Catlett VFD.
FY 2010					
Management & Budget	De-appropriation	\$1,037,000	Health Insurance Revenue	Health Insurance Fund	Reconcile the FY 2010 budget for the Health Insurance Fund with anticipated revenue and expenditures.

A Resolution Authorizing the County Administrator to Execute an Agreement with the Virginia Office for Protection and Advocacy

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

WHEREAS, the County of Fauquier has been working with the Virginia Office for Protection and Advocacy to assure that its buildings, programs, facilities, and services are ADA compliant and readily accessible to and accessible by people with disabilities; and

WHEREAS, the County of Fauquier and the Virginia Office for Protection and Advocacy wish to memorialize their work by an agreement between the two parties; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of July 2009, That the County Administrator be, and is hereby, authorized to execute the aforesaid Agreement with the Virginia Office for Protection and Advocacy.

A Resolution to Authorize the Agricultural Development Department to Submit Application to the Virginia Department of Agriculture and Consumer Services (VDACS) for a USDA Specialty Crop Grant

RESOLUTION

A RESOLUTION TO AUTHORIZE THE AGRICULTURAL DEVELOPMENT DEPARTMENT TO SUBMIT AN APPLICATION TO THE VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (VDACS) FOR A USDA SPECIALTY CROP GRANT

WHEREAS, Fauquier County orchards are an important component of our local agricultural economy drawing many consumers in search of pick-your-own fruit including peaches, apples, and berries; and

WHEREAS, the Agricultural Development Department wishes to assist the orchard industry with plans to market more directly to ethnic populations in Northern Virginia and Washington, D.C.; and

WHEREAS, the Virginia Department of Agriculture and Consumer Services administers the USDA Specialty Crop Grant program to assist specialty crop producers; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of July 2009, That the Fauquier County Board of Supervisors does hereby authorize the Agricultural Development Department to submit a USDA Specialty Crop Grant request to the Virginia Department of Agriculture and Consumer Services.

A Resolution to Receive the Rappahannock-Rapidan Community Services Board and Area Agency on Aging (RRCSB-AAA) FY 2010 Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Area Plan for Aging Services

RESOLUTION

A RESOLUTION TO RECEIVE THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD AND AREA AGENCY ON AGING (RRCSB-AAA) FY 2010 PERFORMANCE CONTRACT WITH THE DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES AND THE AREA PLAN FOR AGING SERVICES

WHEREAS, in June 2009, the RRCSB-AAA adopted its Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services, and its Area Plan for Aging Services with the Department of Aging; and

WHEREAS, the Fauquier County Board of Supervisors has received a request from the RRCSB-AAA 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; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of July 2009, That the Fauquier Board of Supervisors does hereby receive the FY 2010 RRCSB-AAA with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the 2010 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 Directing the County Administrator to Schedule a Public Hearing to Consider Amendments to Chapter 17 of the County Code

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER AMENDMENT TO CHAPTER 17 OF THE COUNTY CODE

WHEREAS, the Fauquier County Soils Scientist and Fauquier County Health Department have made recommendations with respect to proposed amendments to the Fauquier County Code; and

WHEREAS, the Board of Supervisors has reviewed the proposed amendments in a work session and recommended additional amendments related to the imposition of a bonding requirement for non-conventional septic systems; and

WHEREAS, the Board of Supervisors has determined that it is appropriate and in the public interest to consider the proposed amendments to Chapter 17 of the County Code; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of July 2009, That the County Administrator be, and is hereby, directed to schedule a public hearing on proposed amendments to Chapter 17 of the County Code.

A Resolution for the Establishment of a Business Advisory Committee

RESOLUTION

A RESOLUTION FOR THE ESTABLISHMENT OF A BUSINESS ADVISORY
COMMITTEE

WHEREAS, the Fauquier County Board of Supervisors held a Board of Supervisors Retreat on Economic Development on April 29, 2009; and

WHEREAS, during the Retreat the Board of Supervisors committed to consideration of the establishment of a Fauquier County Business Advisory Committee; and

WHEREAS, the purpose of the Business Advisory Committee is to review and advise the Board of Supervisors on matters pertaining to economic growth and business development matters in Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of July 2009, That the Board of Supervisors does hereby support the establishment of the Business Advisory Committee; and, be it

RESOLVED FURTHER, That the membership of the Advisory Committee will be determined by the Board of Supervisors with the Department of Economic Development Director acting in an advisory capacity to the Committee; and, be it

RESOLVED FURTHER, That the Board of Supervisors will select two members of the Board of Supervisors to be members of the Business Advisory Committee; and, be it

RESOLVED FINALLY, That the Fauquier County Board of Supervisors makes known its desire to establish the Fauquier County Business Advisory Committee.

A Resolution Initiating an Amendment to the Warrenton Service District Plan for the Re-introduction of a Route 211 – Route 17 Connection

RESOLUTION

A RESOLUTION INITIATING AN AMENDMENT TO THE WARRENTON SERVICE
DISTRICT PLAN FOR THE RE-INTRODUCTION OF A ROUTE 211 – ROUTE 17
CONNECTION

WHEREAS, in a January 10, 2008 resolution, the Board directed Department of Community Development to coordinate with the Town of Warrenton in regards to future transportation needs; and

WHEREAS, that effort has evolved at the Fauquier County Transportation Committee and focus has been placed on the need for a Route 211 – Route 17 connection, continues to be reflected in the Town of Warrenton’s adopted Comprehensive Plan; and

WHEREAS, the Transportation Committee is completing its review and recommendations to the Planning Commission in July of 2009, based in part upon the following information:

- Town/HNTB briefing and materials regarding the Warrenton Broadview Avenue Access Management Study (Prepared by: HNTB; Client: VDOT and Town of Warrenton; Dated: May 30, 2008); and
- Route 211 – Route 17 Connector Corridor Technical Planning Study (Prepared by: Department of Community Development; Dated: April 29, 2009) and briefing by the Department of Community Development

; and

WHEREAS, there is evidence that a Route 211 – Route 17 connection needs to be publicly vetted for addition to the Warrenton Service District Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of July 2009, That it initiates and directs the Planning Commission to review and refine the draft Amendment to the Warrenton Service District Plan, submitted as part of the Route 211 – Route 17 Connector Corridor Technical Planning Study, consider recommendations from the Transportation Committee, conduct public hearing(s), and provide final recommendations to the Board of Supervisors.

A Resolution Authorizing the County Administrator to Execute the Asphalt Trail Maintenance Agreement between the Fauquier County Board of Supervisors and the Woods at Warrenton Homeowners Association, Inc.

RESOLUTION

A RESOLUTION OF AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE ASPHALT TRAIL MAINTENANCE AGREEMENT BETWEEN THE FAUQUIER COUNTY BOARD OF SUPERVISORS AND THE WOODS AT WARRENTON HOMEOWNERS ASSOCIATION, INC.

WHEREAS, Woods at Warrenton is a residential subdivision located in Fauquier County and the Center Magisterial District; and

WHEREAS, the Woods at Warrenton Home Owners Association is responsible for maintaining the common areas of the development including asphalt trails; and

WHEREAS, a portion of asphalt trail is located with the Virginia Department of Transportation (VDOT) right-of-way at Swift Crossing Drive; and

WHEREAS, that portion of the asphalt trail which falls within the right-of-way intended for maintenance by VDOT requires a VDOT Land Use Permit to occupy such right-of-way; and

WHEREAS, VDOT will only issue permits for maintenance work within its right-of-way to governmental entities with the capacity to complete the work; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of July 2009, That the County Administrator be, and is hereby, authorized to execute the attached Asphalt Trail Maintenance Agreement which identifies the Woods at Warrenton Home Owners Association as the third party to perform all maintenance and future repairs and improvements of the Swift Crossing Drive trail subject to the specified terms of that agreement.

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 13-600 RELATED TO CIVIL PENALTIES

Mr. Nyhous moved to adopt the following resolution. Mr. Schwartz seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 13-600 RELATING TO CIVIL PENALTIES

WHEREAS, the Zoning Administrator has been granted the authority by the Code of Virginia to utilize certain penalties for violations and infractions of the Fauquier County Zoning Ordinance, including both criminal and civil penalties; and

WHEREAS, the existing enforcement of violations and infractions is based primarily on the utilization of voluntary compliance and through the use of civil injunctions; and

WHEREAS, the Zoning Administrator believes it would be beneficial to the enforcement program to slightly broaden the allowed use of civil penalties under the Zoning Ordinance to include the further use of civil injunctions and civil fines; and

WHEREAS, the amendment of Section 13-600 of the Zoning Ordinance supports good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of July 2009, That an amendment to Section 13-600 of the Zoning Ordinance relating to civil penalties be, and is hereby, initiated and referred to the Planning Commission for public hearing and its recommendation.

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-314.6 AND 5-1407 RELATING TO MOTOR VEHICLE IMPOUNDMENT AND TOWING BUSINESSES

Mr. Nyhous moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-314.6 AND 5-1407 RELATING TO MOTOR VEHICLE IMPOUNDMENT AND TOWING BUSINESSES

WHEREAS, it is appropriate to consider an amendment to Sections 3-314.6 and 5-1407 of the Zoning Ordinance relating to motor vehicle impoundment and towing businesses; and

WHEREAS, the existing regulations contained in Sections 3-314.6 and 5-1407 of the Zoning Ordinance regarding the number of vehicles allowed for impoundment by-right for towing businesses presents certain limitations; and

WHEREAS, the amendment of Sections 3-314.6 and 5-1407 of the Zoning Ordinance supports good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of July 2009, That amendments to Sections 3-314.6 and 5-1407 of the Zoning Ordinance relating to motor vehicle impoundment and towing businesses be, and are hereby, initiated and referred to the Planning Commission for public hearing and its recommendation.

A RESOLUTION TO AUTHORIZE THE GRANT OF AN EASEMENT ACROSS PROPERTY SUBJECT TO A PURCHASE OF DEVELOPMENT RIGHTS EASEMENT

Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None

Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AUTHORIZE THE GRANT OF AN EASEMENT OVER PROPERTY SUBJECT TO A PURCHASE OF DEVELOPMENT RIGHTS EASEMENT

WHEREAS, William D. and Janet L. Peters own property described as Parcel Identification Numbers 7829-62-8515 and 7829-84-3063 which is bisected by a 100 foot power line right of way easement held by Dominion Virginia; and

WHEREAS, Dominion has requested that William D. and Janet L. Peters grant an additional 50 feet of right of way over the property in order to create a “clear zone” which will permit the construction of fewer towers on the subject property; and

WHEREAS, the Purchase of Development Rights (PDR) easement prohibits the construction of structures on the property subject to the easement other than certain residential and agricultural structures; and

WHEREAS, the PDR easement does not preclude the cutting of trees or clearing activity within the 50 feet of right of way which is proposed for acquisition, and the use of the 50 feet of right of way as a “clear zone” or buffer from the power line therefore would not constitute a conversion or diversion of the open space in accordance with the terms of the PDR easement, provided that no towers or other structures are erected within the 50 feet of right of way; and

WHEREAS, Dominion has confirmed that no structures would be constructed within the 50 feet of additional right of way which it proposes to acquire; and

WHEREAS, the reduction of the number of towers will lessen the impact of the project on the agricultural use of the property preserved by the PDR easement such that the County’s interest therein is not adversely affected by the grant of the easement to a greater extent than it would be by the construction of the project within the existing right-of-way, and the County therefore releases any claim to compensation from the landowner for the diminution in value of its interest; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of July 2009, That the County hereby authorizes the grant of a 50 foot wide easement by Peters over the property of Peters subject to the PDR easement, subject further to the condition that no such easement shall authorize the construction of transmission towers or other structures, but may authorize the clearing, mowing and maintenance of the land to provide for the use of the land as a “clear zone” or buffer from the proposed transmission line; and, be it

RESOLVED FURTHER, That the County finds that the proposed easement under the narrow circumstances presented does not constitute a conversion or diversion of open space in accordance with the provisions of §10.1-1704 of the Code of Virginia; and, be it

RESOLVED FINALLY, That the County releases its right to such compensation as it might otherwise be entitled to provided that all terms and conditions set forth in this resolution are satisfied by the easement granting the additional 50 feet of right of way to Dominion.

APPOINTMENTS

By unanimous consent, the following appointment was approved:

- Rappahannock Emergency Medical Services Council: Katherine Chrismer to complete an unexpired three-year term that ends June 30, 2010.

SUPERVISORS' TIME

- Mr. Graham announced that the Board of Supervisors will be serving at the annual Blue Ribbon Dinner during the Fauquier County Fair at 5:00 P.M. on Saturday, July 18, 2009, and he encouraged citizens to attend the event. Mr. Graham stated that he had a good meeting with representatives of the Virginia Department of Transportation regarding the Opal interchange and may be on the verge of a positive resolution to the proposed flyover. Mr. Graham stated that VDOT will soon install a flashing traffic signal on Route 28 near the elementary school, and he urged drivers to be aware of the new signalization. Mr. Graham stated that he is continuing to work with VDOT to install a 4-way stop sign at the intersection of Route 681 and Route 657 on Opal Road.
- Mr. Nyhous stated the Fauquier County / Warrenton Destinations plan lays out specific way to connect the roadways to make the Warrenton Service District a more pedestrian and bicycle friendly place to live and work, and he expressed his thanks to the cooperative effort between Fauquier County staff and Virginia Department of Transportation, Rappahannock-Rapidan Regional Commission, and Town of Warrenton staff. Mr. Nyhous added that the plan will be available for citizen review on-line.
- Mr. Trumbo stated that a new 4-way stop sign will be installed within the next 30 days at the intersection of Riley Road and Broad Run Church Road in New Baltimore.

ANNOUNCEMENTS

- Mr. McCulla announced that the Fauquier County Fair will be held July 16 -19, 2009.

- Mr. McCulla announced the Board of Supervisors will hold its next regular meeting at 6:30 P.M. on August 13, 2009 in the Warren Green 1st Floor Meeting Room located at 10 Hotel Street in Warrenton, VA.

PROPOSED AMENDMENT TO CHAPTER 7 OF THE COUNTY CODE

A public hearing was held to consider amendments to Chapter 7 of the County Code to establish a central absentee precinct for Town elections and to relocate the polling place for Casanova precinct from the Dominion Virginia office to Lord Fairfax Community College. Kevin J. Burke, County Attorney, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 7 OF THE COUNTY CODE TO ESTABLISH A CENTRAL ABSENTEE PRECINCT FOR TOWN ELECTIONS AND TO RELOCATE THE POLLING PLACE FOR CASANOVA PRECINCT FROM THE DOMINION VIRGINIA OFFICE TO LORD FAIRFAX COMMUNITY COLLEGE

WHEREAS, the offices of Dominion Virginia are no longer available as a polling place for the Casanova precinct; and

WHEREAS, Lord Fairfax Community College has agreed to serve as a polling place for the Casanova precinct; and

WHEREAS, the Code of Virginia authorizes the County to adopt a central absentee polling place in order to preclude the need to count absentee ballots separately at each precinct; and

WHEREAS, §24.2-712 of the Code of Virginia authorizes the governing body of a county or city to establish one or more central absentee precincts in the courthouse or other public buildings for the purpose of receiving, counting, and recording absentee ballots cast in the locality; and

WHEREAS, §24.2-101 of the Code of Virginia gives the county electoral board responsibility for administering elections in towns located totally or in greater part within the county; and

WHEREAS, §24.2-710 of the Code of Virginia requires counting absentee ballots separately for each precinct after polls close on election day unless a central absentee precinct has been established; and

WHEREAS, a central absentee precinct for town and county elections will serve the best interests of the citizenry; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of July 2009, That Sections 7-2 and 7-4 of the Fauquier County Code be, and is hereby, amended as follows:

Sec. 7-2. Same--Enumerated.

The precincts for each magisterial district and the polling places for each precinct shall be as set forth below:

(1) *Cedar Run magisterial district:*

- a. Opal precinct, Liberty High School.
- b. Casanova precinct, ~~Dominion Virginia Power Building~~ Lord Fairfax Community College.
- c. Catlett precinct, Catlett Fire Hall.
- d. Kettle Run precinct, St. Stephen's Church.
- e. Lois precinct, Grove Baptist Church.

Subparagraphs (2)-(5) are unchanged.

(Ord. No. 87-1, 2-17-87; Ord. No. 87-5, 7-21-87; Ord. No. 88-1, 3-15-88; Ord. No. 90-5, 7-17-90; Ord. No. 91-6, 7-16-91; Ord. No. 92-2, 3-17-92; Ord. No. 92-4, 8-18-92; Ord. No. 94-2, 5-3-94; Ord. No. 96-2, 3-19-96; Ord. No. 01-05, 7-16-01; Ord. No. 02-08, 11-18-02; Ord. No. 04-02, 4-19-04; Res. No. 05-03, 5-12-05; Ord. No. 06-03, 10-12-06; Ord. No. 09-____)

Sec. 7-4. Central absentee voter election district

~~There is hereby established a central absentee voter election district which shall receive, count and record all absentee ballots that are properly cast in all elections held in the county. The central absentee voter election district shall be located at the County of Fauquier Central Offices, 40 Culpeper Street, Warrenton, Virginia, 20186.~~

There is hereby established a permanent central absentee precinct to be used for all elections held in Fauquier County and any incorporated town therein. The polling place for such precinct shall be located in the Office of the General Registrar located at 32 Waterloo Street, Suite 207, Warrenton 20186. Such central absentee precinct shall be operated as provided for in §24.2-712 of the Code of Virginia, as amended.

(Ord. No. 93-4, 8-17-93; Ord. No. 95-21, 8-15-95; Ord. No. 99-2, 2-16-99; Ord. No. 01-05, 7-16-01; Ord. No. 09-____)

PROPOSED AMENDMENT TO CHAPTER 13.5 OF THE COUNTY CODE

A public hearing was held to consider whether to amend chapter 13.5 of the County Code (noise) to prohibit the collection of trash or refuse in residential districts between the hours of 10 p.m. and 5 a.m. the following day. Kevin J. Burke, County Attorney, summarized the proposed amendment. Kimberley P. Fogle, Assistant Director of the Department of Community Development, summarized the proposed amendment. Jim Hoover, Center District, and Pat Nutz, Center District, spoke in favor of the amendment. Mr. Nyhous read into the record a letter from Mary Morran, Center District, supporting the amendment. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 13.5 OF THE COUNTY CODE TO PROHIBIT THE COLLECTION OF REFUSE IN RESIDENTIAL ZONING DISTRICTS BETWEEN THE HOURS OF 10 P.M. AND 5 A.M. THE FOLLOWING DAY

WHEREAS, the Board of Supervisors has proposed an amendment to the County Code to address the permissible hours of trash collection; and

WHEREAS, the Board of Supervisors conducted a public hearing and considered public input on the question of whether to prohibit the collection of refuse in residential zoning districts between the hours of 10 P.M. and 5 A.M. the following day; and

WHEREAS, the Board of Supervisors has determined that it is appropriate for good planning and zoning purposes and in the interest of the health, safety and welfare of the public to adopt the proposed amendment to the County Code; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of July 2009, That Chapter 13.5, Section 13.5-3of the County Code be, and is hereby, amended as follows:

Sec. 13.5-3. Specific prohibitions.

(a) *Noise near schools, hospitals, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, hospital or sanitarium, or any court while the same is in session, which unreasonably interferes with the working or activities of such place.

(b) *Noisy animals.* Owning, keeping, possessing or harboring any animal or animals which frequently or habitually howl, bark, meow, squawk or make such other noise as is plainly audible across property boundaries or through partitions common to two (2) persons within a building.

(c) *Loud parties, playing of radios, musical instruments, etc.*

(1) Operating or permitting the use, or operation of any radio receiving set, musical instrument, television, phonograph or any other device for the production of sound between the hours of 10:00 p.m. and 7:00 a.m. the following day, except Friday and Saturday evenings, when the hours of noise limitation shall be 11:00 p.m. to 7:00 a.m. the following day in such a manner as to be plainly audible across property boundaries or through partitions common to two (2) persons within a building or plainly audible at fifty (50) feet from such device when operated within a motor vehicle parked on a public right-of-way or in a public place.

(2) The conducting of any loud party, between the hours of 10:00 p.m. and 7:00 a.m., except Friday and Saturday evenings, when the hours of noise limitation shall be 11:00 p.m. to 7:00 a.m. the following day, with or without radios, musical instruments or stereos in such a manner as to be plainly audible across property boundaries or through partitions common to two (2) persons within a building or plainly audible at fifty (50) feet from such device.

(d) *Engine braking.* The creation of any unreasonably loud, disturbing or unnecessary noise caused by the application of engine brakes by any driver of a motor vehicle and is not as of a result a bona fide emergency occurrence necessitating the application of an engine brake. Any violation of this subsection shall constitute a Class 1 misdemeanor, which misdemeanor is punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00) or confinement in jail for not more than twelve (12) months, or both.

(e) The collection of trash or refuse in residential use districts between the hours of 10 p.m. and 5 a.m. the following day.

(Ord. No. 88-3, 6-7-88; Ord. No. 02-07, 10-21-02; Ord. No. 09-____ -__-09)

PROPOSED FEE SCHEDULE CHANGES

A public hearing was held to consider amendments to the Department of Community Development fee schedule to address certain engineering fees. Kimberley Fogle, Assistant Director for the Department of Community Development, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following resolution. Mr. Nyhous seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION REVISING THE DEPARTMENT OF COMMUNITY DEVELOPMENT'S FEE SCHEDULE TO ADDRESS CERTAIN ENGINEERING FEES

WHEREAS, the abolition of the engineering positions within Community Development creates a need to make revisions to the Community Development Fee Schedule to reflect changes to the manner in which certain review fees are assessed; and

WHEREAS, the Board of Supervisors wants County fees for required land development applications and associated documents to keep pace with inflation, personnel, processing, and inspection requirements due to application and project complexities, and to maintain effective, quality and responsible service; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of July 2009, That the Department of Community Development's fee schedule be revised as reflected in Attachment 1. *Proposed Fee Schedule (Zoning, Planning and Environmental Divisions)* incorporated herein, with an effective date of July 9, 2009.

PROPOSED FEE SCHEDULE*
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING, PLANNING AND ENVIRONMENTAL DIVISIONS
EFFECTIVE ~~JUNE 1, 2008~~ JULY 9, 2009

Outsourced Engineering Technical Review

The County outsources its Engineering Technical Review for stormwater management, drainage, grading and associated elements in accordance with its Design Standards Manual. Fees for such review are paid for by the applicant on an hourly basis for time spent in the review by an approved Contractor. Such additional fees are paid directly to the Contractor. Accounting and billing oversight are provided by the County. Engineering Technical Review is required for all applications involving stormwater management review or drainage evaluation, including Major Site Plans, Construction Plans, Infrastructure Plans, Floodplain Studies, Preliminary Plats and Plan Amendments. Fee estimates to be provided to the applicant at the Pre-Application Meeting.

Engineering Technical Review may be required for Rezonings, Comprehensive Plan Amendments and Special Exceptions, where such review is necessary for the adequate consideration of the application by the County.

Zoning Permits, Variances, Appeals, Amendments & Special Permits

Zoning Ordinance Text Amendment	\$1,000
Zoning Permit (including Home Occupation Permit)	\$75
Administrative Permit	\$150
Variance	\$500
Administrative Variance/Modification or any Administrative waiver authorized by ZO	\$200
Appeal to Board of Zoning Appeals	\$500**
Appeal to the Board of Supervisors	\$500**
Sign Package Permit	\$1,000
Sign Permit	Temporary All Others
	\$25 per sign \$50 per sign plus \$2 per square foot
Bio-Solid Fees	
1) Storage facilities annual fee	\$300
2) Spreading fee (paid only for acres spread)	\$2 per acre
Special Permits Categories 1 thru 8	\$500
Special Permits Categories 9 thru 22	\$800
Any Special Permit that is not in a category	\$500
Subdivision Potential Research for all Zoning Districts	\$100
Buildable Lot Determination	\$100
Reissue Valid Subdivision Potential Letter (Regulation or Property Change)	\$25
Administrative Renewal of Special Permit	\$150
Zoning Compliance Letter/Form	\$100 per parcel
Zoning Compliance Letter/Form Involving Proffers	\$250 per parcel

Special Exceptions

Category 1 & 2	\$800 plus \$25 per acre
Category 4 - 8 & 32	\$750
Category 9, 10, 11 & 23	\$1,225
Category 3, 12 – 19, 21, 22 & 24 - 30	\$900
Category 20	\$900
Category 20 (Residential – 1 lot, Private Individual Sewage System)	\$700
Category 20 (Commercial, Industrial, Residential, Private Sewage System)	\$700 up to 1,000 gpd
Greater than 1,000 gpd	\$700 + \$30 per 1,000 gpd
Category 20 (Telecommunications Facilities)	\$7,000
Category 31	\$1,075
Amendment to Special Exception	50% of current SE fee
Administrative Renewal of Special Exception	\$150
Special Exception Extension/Renewal	50% of current SE fee
Any Special Exception that is not in a category	\$875

Comprehensive Plan

Comprehensive Plan Amendment (Requiring rezoning)	50% of current rezoning fee
Comprehensive Plan Amendment (No rezoning required)	\$1,600
Comprehensive Plan Compliance Review (15-2-2232 VA Code)	\$800

**Postponement of any Public Hearing by Applicant after
Advertisement \$150**

Rezoning

Historical District	No Fee
Rural Agriculture/Rural Conservation	\$550
Rural Residential	\$1,250 plus \$40 per acre
Residential 1, 2, 3, 4 Village	\$1,250 plus \$150 per acre
Town House/Garden Apartment/Mobile Home Park	\$1,450 plus \$150 per acre
Commercial 1, Village Commercial	\$1,250 plus \$150 per acre
Commercial 2, 3	\$1,250 plus \$150 per acre
Industrial	\$1,250 plus \$150 per acre
Planned District	\$2,150 plus \$150 per acre
Proffer Amendment (Not involving significant modifications to the Concept Development Plan or Proffer Statement)	\$1,600 or 50% of current rezoning fee, whichever is less
Amendment to Approved Rezoning (Substantive changes, e.g. to the Concept Development Plan, Proffered Conditions and Traffic Impact Analysis – does not include changing Zoning districts or categories)	50% of current rezoning fee

Site Plans

Waiver of Site Plan	\$100
Minor Site Plan	
Residential	\$500 plus \$50 per unit
Non-Residential	\$500 plus \$50 per acre
Telecommunications	\$1,500
Amendment (No additional acreage)	\$500
Major Site Plan	
Residential	\$5,000 plus \$250/unit plus \$20/address unit
Non-Residential	\$5,000 plus \$400/disturbed acre, plus \$20/address unit
Telecommunications	\$3,000 plus \$2,000 if no Special Exception
Additional fee for 3 rd and subsequent submission, excluding signature sets	\$750 flat fee
Amendment (no additional acreage or additional units)	\$1,000
Waiver of any Zoning Ordinance requirement, including landscaping, in conjunction with site plan approval	\$200 per requirement requested to be waived

Subdivisions

Preliminary Plats:	1st Submission	\$2,500 plus \$120 per lot
	2 nd Submission	Fee included above
	3 rd & Subsequent Submissions	\$400 Flat fee
Preliminary Plat Extension		1 st \$100 – 2 nd 50% of base fee
Preliminary Plat Amendment	Minor	\$1,000
	Major	50% of current fee

Final Construction / Infrastructure Plans		
Residential:	1 st Submission 2 nd Submission 3 rd & Subsequent submissions Signature Set	\$5,000 plus \$250 per lot Fee included above \$600 Flat Fee No Fee
Non-Residential	1 st Submission 2 nd Submission 3 rd & Subsequent submissions Signature Set	\$5,000 plus \$400 per disturbed acre Fee included above \$600 Flat Fee No Fee
Approved Construction Plans (Subsequent Amendments)		\$1,000 plus \$50 per lot
Landscape Plan Waiver (Director)		\$150
Final Plats (includes GIS addressing fee):	1 st Submission 2 nd Submission 3 rd & subsequent submissions Signature Set	\$1,000 plus \$80 per lot Fee included above \$400 Flat Fee No Fee
Final Plat Extension		50% of Base Fee
Administrative Subdivisions (includes GIS Addressing Fee)		\$600 plus \$60 per lot
Boundary Adjustment (includes Health Department charge)		\$650
Family Transfer (includes GIS Addressing Fee)		\$600 plus \$60 per lot
Large Lot (Divisions greater than 50 acres) (includes GIS Addressing Fee)		\$500 plus \$110 per lot
Non-Residential Division		\$600 plus \$60 per lot
Appeal of the Subdivision Approval/Denial		\$500
Subdivision Plat Amendment, Easement Plat, Utility Plat		\$300
Deed/Plat of Vacation/Rededication		
1-5 lots		\$200
6-24 lots		\$300
Over 25 lots		\$400
Resubdivision		See Preliminary & Final Plat Fees & Final Construction Plan Fees
Waiver of Subdivision or Zoning Ordinance Regulation (BOS & PC)		\$350
Waiver of Subdivision or Zoning Ordinance Regulation (Administrative)		\$200
Subdivision Ordinance Text Amendment		\$550

Agricultural & Forestal District

Agricultural & Forestal District Application	\$100 per parcel
Agricultural & Forestal District Withdrawal	\$100 per parcel

Streets

Street Sign Application (GIS fee)	\$30 plus cost of sign
Street Name Change (Cost of sign will be reimbursed if not approved) (GIS fee)	\$30 plus postage, advertising and sign cost
Street Resolutions/VDOT Acceptance into State System	\$500 plus \$400 per street segment
Street Inspection	\$300 per inspection request

Technical Review Fees & Permits

Traffic Impact Analysis Review	\$1,000
Private Pond Review	\$400
Floodplain Determination Letter	\$25
Floodplain Study (Requires FEMA processing)	<u>\$500</u>
Base Fee	\$1,000
Plus per square mile of drainage area	\$500
Plus per proposed bridge/culvert/crossing	\$800
Plus per floodplain encroachment	\$800
Private Streets (Subdivision Plans)	
Base Fee (Up to 500 Feet)	\$500
Plus additional length greater than 500 feet	\$0.50 per additional foot
Design Standards Modification request (SWM and E&S)	\$300
Minor Floodplain Alteration	\$1,000
Drainage Study (Normally a driveway crossing the floodplain)	\$400
Hydrogeological Study	\$750
E&S Plan Review	\$200 plus \$50 per acre
Land Disturbing Permit	
Early Grading Permit (\$25,000 maximum)***	\$4,000/disturbed acre
Single-Family Dwelling Erosion & Sediment Control Fee	\$200
All Others (\$15,000 maximum)	\$200 plus 10% of E&S Bond
Erosion & Sediment Control Reinspection	1 st None – Subsequent \$250
Supplemental Land Disturbing Plan	\$750 + \$250 per disturbed acre
Land Disturbing Reinstatement Fee (Result of Stop Work Order)	50% of original permit fee
Wetland Mitigation/Restoration Plans	\$2,500 plus \$250 per disturbed acre
Review of Preliminary Soils Report	
Less than 3 acres	\$325
30 to 30 acres	\$750
Greater than 30 acres	\$750 plus \$25 per acre in excess of 30 acres
Type 1 Soil Map & Report	
Less than 3 acres	\$325
3 to 30 acres	\$750
Greater than 30 acres	\$750 plus \$25 per acre in excess of 30 acres
Bonds	
Initial Bond Estimate Review	
Bonds up to \$300,000	\$450
Bonds greater than \$300,000	\$900
Reduction or Release	\$500 per request

* Fees will be deposited when received. This does not reflect that an application has been accepted. If an application should be rejected for completeness or withdrawn prior to review, upon written request, fees may be returned as appropriate or permitted.

**Fee is returned if the appellant prevails.

***Fee includes early grading plan review and land disturbing permit. It covers the total permit for the entire construction activity.

PROPOSED AMENDMENT TO ZONING ORDINANCE SECTIONS 3-316, 5-1600 AND 15-300

A public hearing was held to consider Zoning Ordinance Text Amendments to Sections 3-316, 5-1600, and 15-300 related to blacksmith shops and similar artisan shops in the rural agricultural district. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-316, 5-1600, AND 15-300 RELATED TO BLACKSMITH SHOPS AND SIMILAR ARTISAN SHOPS IN THE RURAL AGRICULTURAL DISTRICT

WHEREAS, on March 12, 2009, the Board of Supervisors initiated the proposed text amendment; and

WHEREAS, on April 30, 2009 and May 28, 2009 the Planning Commission held public hearings on the proposed text amendment; and

WHEREAS on May 28, 2009 the Planning Commission unanimously voted to forward an alternative form of the proposed text amendment to the Board of Supervisors with a recommendation of approval; and

WHEREAS, on July 9, 2009, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Sections 3-316, 5-1600, and 15-300 of the Fauquier County Zoning Ordinance supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of July 2009, That Sections 3-316, 5-1600, and 15-300 be, and are hereby, amended as follows:

	SITE PLAN	R C	RA	R R -2	V	R-1	R-2	R-3	R-4	T H	G A	M D P	C-1	C-2	C-3	C V	I-1	I-2
3-316 LIMITED INDUSTRIAL (CATEGORY 16)																		
1. Enclosed laboratories and facilities for manufacturing, assembling, and research and development	X	SE	SE														SP	SP
2. Blacksmith or other similar artisan shops	X	SE	SP														SP	SP

PART 16

5-1600

CATEGORY 16 LIMITED INDUSTRIAL

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

5-1601

Standards for All Category 16 Uses

- Such uses shall generally be conducted in completely enclosed buildings with any outdoor storage completely screened from view from all property lines.
- Retail sales connected with such uses shall be ancillary to the primary use and shall not occupy more than five (5) percent of the gross floor area.
- Such a use shall not significantly reduce, impede or conflict with neighboring agricultural operation(s).
- Open space shall be provided for such uses in the amounts shown for the following zoning districts:

Agriculture	95%
Conservation	95%
- Such uses shall be separated from all property lines a distance appropriate to the size and type of use.
- Direct access to a State maintained road shall be adequate to the size and type of such use. In no case shall such road be designated as less than a major collector in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
- The minimum lot size for such uses shall be shown for the following zoning districts:

Agriculture: 100 Acres, except as allowed by 5-1602 below.
Conservation: 150 Acres

8. New structures shall be compatible with the character of the surrounding area, as viewed from streets and surrounding properties with respect to the following features:
 - A. Exterior architectural features including all signs;
 - B. General design, scale and arrangements;
 - C. Texture, material, and color;
 - D. The relation of features 1, 2 and 3 above, to similar features of buildings and structures in the immediate surroundings;
 - E. The extent to which the building or structure would be harmonious with or incongruous to the surroundings. It is not the intent of this consideration to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility should be evaluated in terms of the appropriateness of materials, scale, size, height, placement and use of the new buildings or structure in relationship to existing buildings and structures and to the setting thereof.
9. Such a use shall not be defined as a heavy industrial use (see Section 1703).

5-1602

Additional Standards for Blacksmith or Similar Artisan Shops Approved by Special Permit in the RA District

1. Minimum Lot Size: 50 Acres
2. Maximum Employees: 12

15-300

DEFINITIONS:

BLACKSMITH SHOP OR SIMILAR ARTISAN SHOP: A Blacksmith Shop is a shop where an artisan forges and shapes iron with an anvil and hammer. Included in this category are similar shops where skilled laborers work with their own hands to create items that may be functional or decorative, including furniture, clothing, jewelry, household items, tools, art, etc.

PROPOSED AMENDMENTS TO SUBDIVISION ORDINANCE SECTION 9-5 AND SECTION 10-5

A public hearing was held to consider amendments to Sections 9-5 (Preliminary Plan Requirements) and 10-5 (Final Plat Requirements) of the Subdivision Ordinance to require

inclusion on preliminary plans and final plats of mapped dam break inundation zones. Susan Eddy, Chief of Planning, summarized the proposed amendments. Pat Nutz, Center District, stated this is a significant issue. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following Ordinance. Mr. Trumbo seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

SUBDIVISION ORDINANCE TEXT AMENDMENTS TO SECTIONS 9-5 (PRELIMINARY PLAN REQUIREMENTS) AND 10-5 (FINAL PLAT REQUIREMENTS) TO REQUIRE INCLUSION ON PRELIMINARY PLANS AND FINAL PLATS OF MAPPED DAM BREAK INUNDATION ZONES

WHEREAS, on March 26, 2009, the Planning Commission initiated these text amendments; and

WHEREAS, on May 28, 2009, the Planning Commission held a public hearing on the proposed text amendments and forwarded the proposed text amendments to the Board of Supervisors recommending approval; and

WHEREAS, on July 9, 2009, the Fauquier County Board of Supervisors held a public hearing on these amendments; and

WHEREAS, adoption of the attached amendments to Sections 9-5 and 10-5 supports good subdivision practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of July 2009, That Sections 9-5 and 10-5 be, and are hereby, amended as follows:

9-5 Preliminary Plan Requirements

The following shall be included with the submission of a preliminary subdivision plan, revision, or resubdivision for consideration by the Planning Commission unless waived or modified by the Agent. The Agent may waive or modify any of these submission requirements upon request by the applicant and upon a finding by the Agent that the item waived is not needed for the specific application or that the modification serves the purpose of this Ordinance to at least an equivalent degree.

- A) Acceptance Letter from Engineers & Surveyors Institute (ESI) addressing the minimum checklist quality control review of the preliminary plat.

- B) A preliminary plat shall be prepared on one or more sheets not exceeding 24" x 36" in size. The plan shall be prepared at a scale not greater than one (1) inch to one hundred (100) feet. Such plans shall be prepared, signed in black ink and sealed (on each sheet) by a person or firm licensed in Virginia to prepare such plans. Where more than one sheet is required, a composite plan at a scale of not less than one (1) inch to three hundred (300) feet shall be submitted. The plat(s) shall contain the following:
- 1) The title under which the subdivision is proposed to be recorded. Names proposed for subdivision which are identical to or of such similar nature as to be confusing with the names of previously recorded subdivisions, incorporated towns, and unincorporated areas of the County shall be prohibited.
 - 2) Name and address of the owner(s) and contract owner(s). If the property is under contract, the contract owner shall submit either a complete copy of the contract or an affidavit of the owner consenting to the submission of the application for subdivision.
 - 3) Name, address, and telephone number of the person or firm that prepared the plat.
 - 4) Name of the holder(s) of any easement.
 - 5) Magisterial District.
 - 6) Date of plan preparation.
 - 7) Sheet numbers, sheet index and match lines and scale.
 - 8) North Arrow: If true north is used, the method of determination must be shown.
 - 9) Boundary survey at 1/10000 accuracy. All corners shall be identified.
 - 10) A vicinity sketch map with North Arrow, at a scale of one (1) inch to two thousand (2000) feet showing the relationship of the proposed subdivision to the adjoining property. The map shall show within a minimum of a one (1) mile radius all adjoining roads, their names and numbers, town and/or county boundaries and subdivisions, and other landmarks.
 - 11) A topographic map with a contour interval of not greater than five (5) feet compiled by either accepted field or photogrammetric methods and tied to U.S.G.S. Datum showing all the area covered by the subdivision. Interpolation or enlargements of U.S.G.S. contours shall not be accepted.

The topographic map shall meet all applicable State and local accuracy standards. The source of the topography shall be identified. The five-foot contour interval requirement may be waived by the agent for lots greater than five acres in size.

- 12) The location, dimensions, width, and names of all existing or platted streets and alleys within or adjacent to the subdivision, easements, railroad rights-of-way, and land lot lines, total acreage in each use, both proposed and existing, including utilities and water courses and their names. Location of existing buildings within the proposed subdivision.
- 13) Location, number, dimensions and area (square feet or acres) of proposed and existing lots, and water bodies.
- 14) All parcels of land intended to be dedicated or reserved for public use with appropriate areas (square feet or acres) shown.
- 15) Areas shown in the Comprehensive Plan as proposed sites for schools, parks, or other public uses, which are located wholly or in part within the land being subdivided.
- 16) Preliminary plans indicating the provision/layout for all utilities, including but not limited to, water supply, sewage disposal, BMP's, and stormwater management facilities as outlined in the Fauquier County Design Standards Manual.
- 17) When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat.
- 18) The zoning classification and proposed use for the parcel(s) being subdivided.
- 19) Total acreage of the parcel. If more than one zoning classification, the acreage in each zoning classification shall also be provided.
- 20) Floodplain and floodway boundaries of one hundred year floodplain as shown on the FEMA Flood Insurance Rate Map, in effect at the time of submission, or an acceptable engineering study.
- 21) A drawing of the appropriate tax map scale on a sheet not larger than 24" x 36" containing the following information from tax records:
 - a) property lines
 - b) adjoining property lines

- c) names and addresses of adjacent property owners.
- 22) Parcel Identification Number(s) of the property proposed for subdivision.
- 23) Typical road sections and functional classifications as approved by VDOT.
- 24) Projected traffic volume in accordance with Section 301.B of Chapter 3 of the Fauquier County Design Standards Manual. (Amended by the Board of Supervisors on May 8, 2008.)
- 25) Existing and proposed water usage and anticipated sewage flows in gallons per day where applicable.
- 26) Offsite drainage map from U.S.G.S. quads at a scale of 1":2000' or less showing location of property and all drainage divides.
- 27) Existing and proposed sanitary sewer, storm sewer, waterlines, and fire hydrants.
- 28) Location of any existing or proposed bridges. Location of any proposed major culverts, SWM and BMP facilities as outlined in the Fauquier County Design Standards Manual.
- 29) Proposed areas of common or non-common open space and acreage, including open space calculations and demonstration of appropriateness of location of proposed open space pursuant to Zoning Ordinance Sections 2-309, 2-406 and 2-704.
- 30) Note on the preliminary plat as to conditions and date of approval of rezoning or special exception and file number. Include copy of approved special exception plat and/or concept development plan as a sheet in the preliminary plat.
- 31) A signed statement by the present owner authorizing appropriate County and State personnel permission to enter the property for purposes of evaluating the subdivision proposal.
- 32) The engineer/surveyor shall certify that the above requirements have been met and the plat meets all applicable State and local standards to the best of his/her knowledge.
- 33) US Army Corps of Engineers Jurisdictional Determination pursuant to Section 4-32.

34) *Location of any mapped dam break inundation zone required by Section 10.1-606.2 of the Code of Virginia.*

C) Preliminary Soil Report:

This report is to be prepared by a Professional Soil Scientist. The Soil Scientist must have the education and/or experience to meet eligibility requirements as a Virginia Certified Professional Soil Scientist (see Chapter 22 of Title 54.1 of the Code of Virginia). Credentials must be available to the County Soil Scientist upon request.

The scope and purpose of this report is reconnaissance in nature. It is intended to serve as a screening mechanism to identify those tracts of land or building sites, or parts thereof, with major soil problems relative to the proposed use. It generally relies heavily on a soil map, with reconnaissance field-work to confirm published soil mapping or actual soil mapping of a tract of land. The soil map shall delineate soil mapping of similar soil/landscape conditions and shall provide use potentials. This information is available from the Interpretive Guide to the Soils of Fauquier County.

The preliminary soil report shall include the following:

- 1) A brief description of the site terrain, bedrock geology and surficial materials. The field methods and procedures used in preparing the report.
- 2) A soil map, based on the updated Fauquier County Soil Map; superimposed over the development layout, and showing:
 - a) The general location and extent of soil mapping units for the tract and other soil/landscape features, including stone symbols, gullies, rock outcrops, springs, and wet spots symbols.
 - b) General location of all soil borings and backhoe pits borings shall be to six (6) feet in depth unless bedrock or seasonal water tables are encountered at a lesser depth. Boring locations will be used for field verification by the County Soil Scientist. Distribution of borings should assure adequate coverage of soil conditions on the site evaluated. Minimum soil boring densities are: 1 boring/2 acres in tracts less than 100 acres; 1 boring/5 acres for tracts greater than 100 acres.
 - c) A certification shall be placed on the map, signed by the Soil Scientist, and stating that "The field work verifying this soil map has been completed by a professional soil scientist as required in Section 9-5 of the Subdivision Ordinance of Fauquier County".

- 3) Descriptions of mapping units, including slope, drainage, landscape position, parent material, presence of perched or apparent water tables depth of bedrock, and range in characteristics for texture and color. Boring logs, field notes, field/laboratory data shall be included.
- 4) Narratives of mapping unit potential for proposed use.
- 5) General recommendations/conclusions, to include but not be limited to:
 - a) soil/rock problems and their extent for proposed uses.
 - b) suitability of soil materials for use as road fill and fill under slabs.
 - c) needs for drainage (foundation/road under drainage).
 - d) occurrence of high shrink-swell materials, if applicable.
 - e) topsoil and vegetative stabilization (lawns and shrubs).
 - f) soil suitability for on-site sewage disposal.
 - g) suitability for agricultural or forestal purposes, if applicable.
 - h) soil suitability for stormwater detention/BMP's.
 - i) need for further geotechnical studies.
- 6) A certification should be placed in the report, signed by the Soil Scientist, and stating "This report has been written by a Professional Soil Scientist as required in Section 9-5 of the Subdivision Ordinance of Fauquier County. The Fauquier County Office of Community Development shall be notified in writing of any changes (amendments) to this report.

Signed _____ Dated _____

Based on the findings of the soil report, staff may direct that a more detailed geotechnical study be provided to the County by the applicant prior to final plan, construction plan, or record plat approval. Such a report will be required when structural improvements are proposed on soils with high shrink-swell clays, high water tables, known low-bearing capacities, and areas, which have potential geomorphic instability, per the Interpretive Guide to the Soils of Fauquier County. The geotechnical report shall contain appropriate designs, earthwork specifications, and recommendations for remedial action in problem areas. The report is to be prepared under the directions of, sealed by, a licensed professional

engineer licensed in the State of Virginia with experience in geotechnical engineering.

- D) A Traffic Impact Analysis (TIA) or a traffic assessment as per Section 301.B of Chapter 3 of the Fauquier County Design Standards Manual. (Amended by the Board of Supervisors on May 8, 2008.)

10-5 Final Plat Requirements

The final plat shall be prepared by a land surveyor or professional engineer licensed by the State of Virginia to practice as such. The plat shall be prepared at a scale no greater than 1" to 100' unless approved by staff. The sheet size for recording purposes shall not exceed 18" x 24". Where multiple sheets are required, a composite plat at a scale of 1" to 300' unless agreed to by the applicant shall be submitted on a sheet not to exceed 24" by 36".

- A) The final plat shall show the following unless waived or modified by the Agent. The Agent may waive or modify any of these plat requirements upon request by the applicant and upon a finding by the Agent that the item waived is not needed for the specific application or that the modification serves the purpose of this Ordinance to at least an equivalent degree.

- 1) Title Page containing:
 - a) Title under which the subdivision is proposed to be recorded. (Title must be the same as shown on preliminary plan.) Names proposed for subdivisions which are identical to or of such similar nature as to be confusing with the names of previously recorded subdivisions, towns, and unincorporated areas of the County shall be prohibited.
 - b) A certificate signed by the Land Surveyor stating the source of the title of the owner of the land subdivided and the place of record of the last instrument in the chain of title.
 - c) Name of the individual or firm who prepared the plat.
 - d) Date of the plat.
 - e) Scale of the plat.
 - f) Name or number of a section if the part of a larger tract.
 - g) A statement that "the subdivision of the land described herein is with the free consent and in accordance with the desires of the undersigned owners, proprietors, and trustees". The statement

shall be signed by such persons and duly acknowledged before some officer authorized to take acknowledgements of deeds.

- h) Signature panel for governing body four (4) inches by four (4) inches.
 - i) Vicinity map, with north arrow, at a scale of one to two thousand (1"=2000') showing the relationship of the proposed subdivision to the adjoining property. The map shall show all adjoining roads, its names and numbers, town/county boundaries, subdivisions, and other landmarks within a one mile radius of the subdivision.
- 2) The north point arrow. If true north is used, the method of determination must be shown. If magnetic north is used, the date of the reading must be shown. If magnetic north is used, the date of the reading must be shown. If plat north is shown, the deed book and page must be shown. The top of the sheet shall be approximately north.
 - 3) The boundary lines of the area being subdivided shall be determined by an accurate field survey with a traverse error of control not less than one in ten thousand feet. The boundary lines shall be computed based on the traverse and defined with bearings shown in degrees, minutes, and seconds to the nearest ten seconds and dimensions to be shown in feet to the nearest one hundredth of a foot.
 - 4) All dimensions both linear and angular for locating lots, streets, alleys, public easements, and private easements; the linear dimensions shall be expressed in feet to the one hundredths of a foot, and all angular measurements shall be expressed by bearings or angles expressed to the nearest ten seconds. All curves shall be defined by their radius, central angle, tangent length, chord bearings, chord distances, and arc lengths. Such curve data shall be expressed by a curve table lettered on the face of the plat, each curve being tabulated and numbered to correspond with the respective numbered curve shown throughout the plat.
 - 5) Lot numbers in numerical order and block identification.
 - 6) Location and material of all permanent reference monuments pursuant to Section 7-14 of this Ordinance.
 - 7) A definite bearing and distance tie shown where practical and reasonable between not less than two permanent monuments on the exterior boundary of the subdivision and further tie to existing street intersections where possibly and reasonably convenient.

- 8) Temporary cul-de-sac where needed. When one or more temporary turnarounds are shown, the following notation shall be included on the plat. The area on this plat designated as temporary turnaround will be constructed and used as other streets in the subdivision until (street name) is/are extended to (street name) is/are extended to (street name) at which time the land in the temporary turnaround area will be abandoned for street purposes and will revert to adjoining lot owners in accordance with specific provisions in their respective deeds.
- 9) Horizontal grid ticks shall be provided every five (5) inches based upon the Virginia State Plane Coordinate System, 1983 adjustment if the site is within two (2) kilometers from a geodetic control monument that is accessible to the public. If the site is more than two (2) kilometers from such a monument, the coordinate values may be assumed, but the meridian must be related to true north.
- 10) Street names of all proposed streets. Names shall not duplicate existing or platted street names unless the new street is a continuation of an existing or platted street.
- 11) Total acreages of lots, common open space, streets, and total site acreage.
- 12) Notation " _____ is hereby dedicated for public use".
- 13) Private street notations as defined in Sections 7-305 and 7-306 of the Zoning Ordinance and Section 7-12 of this Ordinance, if applicable.
- 14) All existing and proposed easements and their widths.
- 15) Existing and proposed rights-of-way and widths.
- 16) Seal and signature of a Virginia Licensed Professional Engineer or land surveyor.
- 17) One hundred year FEMA Floodplain and Floodway boundaries in effect at the time of submission; or a floodplain study approved by FEMA, where required by County Ordinances or proposed land disturbing activities or a statement that the site contains no 100-year floodplain.
- 18) ***Location of any mapped dam break inundation zone required by Section 10.1-606.2 of the Code of Virginia.***

PROPOSED AMENDMENT TO ZONING ORDINANCE ARTICLE 4

A public hearing was continued from June 11, 2009, to consider a Zoning Ordinance Text Amendment to Article 4 to amend the Planned Residential Development (PRD) district provisions. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. Kitty Smith, Marshall District, stated she general supports the amendment with minor refinements; James Thompson, Lee District, spoke in opposition to the proposed amendment. No one else spoke. The public hearing was closed. Mr. Schwartz moved to adopt the following Ordinance. Mr. Nyhous seconded, and the vote for the motion was 4 to 1 as follows:

Ayes: Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: Mr. Raymond E. Graham
Absent During Vote: None
Abstention: None

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 4-100 RELATED TO
PLANNED RESIDENTIAL DEVELOPMENT

WHEREAS, on November 26, 2008, an application to amend the Planned Residential Development (PRD) Zoning District regulations (ZOTA09-XX-001) was submitted by Douglas Darling; and

WHEREAS, on January 29, 2009 the Planning Commission held a public hearing on the proposed text amendment; and

WHEREAS on February 26, 2009 the Planning Commission unanimously voted to forward an alternative form of the proposed text amendment to the Board of Supervisors with a recommendation of approval; and

WHEREAS, on April 9, 2009, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Section 4-100 of the Fauquier County Zoning Ordinance supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9th day of July 2009, That Section 4-100 be, and is hereby, amended as follows:

4-101

Purpose and Intent

The Planned Residential District (PRD) is intended to permit development in accordance with the Comprehensive Plan of a mixed-use community, ~~which is under one ownership or control.~~ Planned Residential District developments shall be ~~planned and developed as a single entity, subject to an approved Development Plan and shall be designed as to~~ provide ~~permit~~ a variety of residential unit types in an orderly relationship to one another, with a balance of ~~support~~ community supporting commercial uses, community amenities and open space areas.

It is intended that the PRD be utilized to create pedestrian oriented residential neighborhoods of traditional design physically integrated with the existing surrounding development. ~~these~~ To accomplish this goal, the PRD regulations provide flexibility in residential development by providing for a mix of residential uses, including housing types, densities and alternative forms of housing, with appropriate non-residential uses, flexibility in internal relationships of design elements and, in appropriate cases, increases in residential densities over that provided in conventional districts.

In recognition that the PRD was utilized prior to 2009 to develop communities of a less-traditional, more suburban form, the PRD continues to accommodate these pre-approved projects to develop in the less traditional form where envisioned under the original approvals.

4-102

Size and location

PRDs shall only be located within the Service Districts. The minimum area required for the initial establishment of a PRD shall be 25 acres, or a 5 acre minimum if the parcel has frontage on a street identified as the main street of the Service District in the Comprehensive Plan of a town or village. Additional areas may be added to an established PRD if they adjoin and form a logical addition to an established PRD. The minimum acreage for such addition shall be five acres. Procedures for any additions shall be the same as for establishing an initial PRD.

~~PRD's shall only be located within the Service Districts as designated in the Comprehensive Plan.~~ The PRD shall ~~also~~ be located within an area in the Service District that the Comprehensive Plan designates for planned residential development and which has sufficient infrastructure to support the proposed development, including roads, public facilities and utilities, or where sufficient infrastructure is planned and expected to be in place. In cases where necessary infrastructure is not yet available the applicant shall make provisions for the necessary infrastructure in the Concept Development Plan or Code of Development ~~development plan.~~

4-103**Principal Uses Permitted**

The following principal uses shall be permitted, subject to designations of areas and sites for such uses in the approved [Concept](#) Development Plan and subject to the use limitations set forth in Section 4-106 below:

- A. Detached, single family dwellings
- B. Attached, single family dwellings including duplex, townhouses, atrium houses, and patio houses
- C. Multi-family dwellings
- ~~D. Live-work dwellings townhouses~~
- E. Urban cottages, if accessory to a detached, single family dwelling

4-104**Secondary Uses Permitted**

The following secondary uses shall be permitted only in a PRD which contains one or more principal uses; subject to designation of areas and sites for such uses in the approved [Concept](#) Development Plan and subject to the use limitations set forth in Section 4-106 below:

- A. Parks, playgrounds, community centers and non-commercial recreational and cultural facilities such as tennis courts, swimming pools, game rooms, libraries and related facilities.
- B. Electric, gas, water, sewer, and communication facilities, including transformers, pipes, meters, pump stations and related facilities for distribution of local service.
- C. Public uses and public buildings such as schools, post offices, governmental offices, and roads.
- D. Accessory uses and structures including home occupations, storage buildings, and efficiency apartments.
- E. Temporary buildings, the uses of which are incidental to construction during development being conducted on the same or adjoining tract or section which shall be removed upon completion or abandonment of such construction.
- F. Day care, child care, or nursery facility
- G. Place of worship

- H. Financial institutions
- I. Eating establishments
- J. Drug stores
- K. Barber and beauty shops
- L. Dry cleaners and laundries
- M. Bakeries
- N. Florist, gift and antique shops
- O. Retail stores, including food and hardware stores
- P. Convenience stores
- Q. Offices, including medical facilities and professional and business offices
- R. Theaters
- S. Farmer's market
- T. Retail nurseries and greenhouses
- U. Commercial/Office uses collocated with residential dwelling units ~~co-located with Commercial/Office uses. When Section 4-106 (h) is utilized as part of a rezoning application, then the special exception requirements of Section 3-301.1.d do not apply.~~
- V. Bed and breakfast, inn
- ~~(w) Continuing care facilities~~

4-105 Special Exception Uses

The following uses may be approved by the Board of Supervisors either in conjunction with the establishment of the PRD or, if following the establishment of the PRD, pursuant to the provisions of Section 4-100 and 13-200 of this ordinance, and if approved, may be the subject of certain conditions:

- A. Any use listed in Sections 103 and 104 above which was not specifically designated in the approved Concept Development Plan establishing the PRD.
 - ~~(b) Warehouses and storage buildings~~
 - ~~(c) Service stations, including convenience stores and gas pumps~~

~~(d) Light industrial uses including enclosed laboratories and facilities
— for manufacturing, assembling and research and development.~~

B.e Commercial Recreational Facilities

C.f Continuing care facilities

4-106

Use Limitations

Unless otherwise specified in this Article or modified pursuant to Section 4-112 below, all uses shall conform to the general and specific use limitations and performance standards of Article 6 (Accessory Uses, Accessory Service Uses and Home Occupations); Article 7 (Off-Street Parking and Loading, Private Streets); Article 8 (Signs); and Article 9 (Performance Standards) of this Ordinance. Specific use limitations relating to the PRD are:

- A. Commercial uses within the PRD shall be designed to serve primarily the needs of the residents of the proposed community and nearby areas and such uses, including offices and retail, shall be located and designed to protect the primary residential character of the PRD.
- B. A maximum of 100 square feet of commercial floor area shall be permitted within a project for each dwelling unit in the project; commercial space located within a live-work dwelling townhouse shall not be included in this calculation.
- C. The maximum land area utilized for commercial use shall not exceed 10 percent of the total land area of the PRD.
- D. Live-work dwellings townhouses and secondary uses of a commercial and office nature shall be permitted only in a PRD which has a minimum of 50 residential dwelling units except that live-work units shall also be allowed in PRDs with fewer than 50 dwellings if the live-work units are located on the main street of a town or village Service District, as identified in the Comprehensive Plan.
- E. A level of commercial use beyond that set forth in Sections A, B, C and D above, may be approved by the Board in conjunction with a PRD if either of the following conditions is met:
 - 1. In areas designated for residential uses at a density of 2 or more units per acre in the Comprehensive Plan, the amount of commercial allowed may be increased provided:
 - a. commercial neighborhood location as proposed is consistent with the associated Service District's adopted Comprehensive Plan including any recommended development scale requirements, guidelines and

other associated provisions of the Comprehensive Plan for that specific site;

b. proposed commercial buildings planned in scale, bulk and mass shall be similar to and compatible with the adjoining planned or existing neighborhoods within the Service District; and the

c. ratio of commercial to residential uses is consistent with the Service District's Comprehensive Plan for the specified location.

2. Where a PRD encompasses abuts any portion of a the main street in of a town or village of a Service District, as identified in the Comprehensive Plan, additional commercial uses may be approved on parcels located along the Main Street.

~~E. Service stations shall be located only in commercial areas where there are at least three other, uses that are not related to the sale of automobiles, equipment or auto-related services. In addition, there shall be no vehicle or tool rental; no outside storage or display of goods offered for sale.~~

F. Urban cottages shall be accessory to a single family detached principal dwelling unit and subject to the following restrictions and conditions:

1) Only one urban cottage shall be allowed per lot. Said lot shall have a minimum size of 7,500 square feet. Urban cottages shall be limited to 20% of the total dwellings in the PRD. The Concept Development Plan shall show residential land bays where urban cottages may be permitted.

2) The maximum gross floor area shall be 1,200 square feet.

3) The maximum height shall be 30 feet.

4) One additional parking space shall be required for an urban cottage.

5) Urban cottages shall require a site plan submitted and approved pursuant to Section 12 of this Ordinance prior to construction. Lots that are to contain urban cottages shall be designated on the approved final plat.

G. Multi-family ~~Residential~~ dwelling units, when located in the same building as commercial/office uses, shall be located on levels above street level at a density not to exceed one dwelling unit per floor per 1,000 feet of gross floor area devoted to commercial/office uses.

- ~~h In areas identified and intended as a hub component in the adopted Service District Plans with medium or higher residential densities, institutional/office, mixed use, town center, then C-1 (Commercial Neighborhood) use and use limitation requirements may be substituted in lieu of 4-106 (b), (c), (d) and (g) with justification.~~
- ~~1. The Applicant shall be required as part of that justification for the Concept Development Plan (CDP) to demonstrate and explain how the:
 - ~~a. commercial neighborhood location as proposed is consistent with the associated Service District's adopted land use plan, as well as recommended development scale requirements, guidelines and other associated provisions of the Comprehensive Plan for that specific site;~~
 - ~~b. proposed commercial buildings planned in scale, bulk and mass shall be similar to and compatible with the adjoining planned or existing neighborhoods within the Service District; and the~~
 - ~~c. ratio of commercial to residential uses is consistent with the Service District's land use plan for the specified location.~~~~
 - ~~2. Future parcel additions rezoned to an approved district as described in 4-102 (Size and Location) and appropriately designated within the Comprehensive Plan, will be subject to this Section's provisions.~~

4-107

Lot and Building Requirements

- A. Lot sizes, widths, frontages and setbacks shall be determined by the approval of a Code of Development, subject to the following guidelines:
1. Single family residential units should generally be set back no further than 10-20 feet, with a variety of setbacks provided within blocks.
 2. Commercial or mixed-use buildings should abut the front property line except where areas are provided to accommodate additional landscaping or streetscape elements, including wider sidewalks and/or seating areas.
 3. Side and rear setbacks may be minimal, except that setbacks more consistent with conventional development should be provided at the edge of the project where it abuts more conventional forms of development.
 4. A variety of lot sizes, widths, setbacks, unit sizes and spacing between units shall be provided within blocks along individual streets.
- B. The maximum building heights shall be determined by the approval of a Code of Development, with heights generally no more than two or three stories, and a variety of heights shall be provided within blocks along individual streets.

C. Building form and character shall be determined by approval of a Code of Development, subject to the following guidelines:

1. Monotony shall be avoided through the use of a variety of building styles, floor plans, widths, mass, setbacks, roof types, heights and slopes, entry details, height, trim detailing, porches, fenestration, materials and color.
2. Pitched roofs shall be utilized to promote variety, with 45-60 degrees generally the minimum pitch for such roofs. Flat roofs shall include a parapet wall screening any rooftop equipment.
3. Residential units shall be designed so that garages do not dominate the street, with an emphasis on rear-loaded garages. Where garages cannot be rear-loaded from alleys, the driveway for an individual house shall not exceed 10 feet in width up to where the driveway meets the vertical plane of the front wall or porch of the house. Where garages are unable to be alley served, shared driveways and garages loaded from side-streets are encouraged. Any front loading garage shall be set back a minimum of 14 feet behind the front wall of the house. Any side loading garage shall be set back a minimum of 8 feet behind the front wall of the house.
4. Buildings shall be designed with architectural elements, cues, features and materials that are evocative of the architectural vernacular of the Virginia piedmont and its traditional, historic towns, and shall not include generic design approaches intended to identify a particular building with the user thereof.

~~Except as may be modified pursuant to Section 4-112 below by the Board of Supervisors in approving the PRD, lot size, lot width, yards and setbacks, height limits, road frontage and access shall be the same as specified in this Ordinance for the conventional district for the same use or the conventional use most approximating the PRD use, except for former Federal property where PRD design flexibility is needed to acknowledge existing site buildings, streets or utility systems.~~

4-108

Density

~~The maximum base residential density in the PRD is 5.5 dwelling units per acre as defined in Section 2-308 of this Ordinance. An additional 0.5 dwelling units per net developable acre may be allowed (up to a maximum of 6.0 dwelling units per acre) for urban cottages, and/or housing that qualifies as low and/or moderate under the definition of Affordable Housing (Section 15-300). Ten to twenty percent of the total units shall be affordable before the density bonus is available. Under no circumstances can the maximum allowable density exceed six. For commercial uses there shall be a maximum floor area ratio of 0.40 based on the area of the lot or parcel on which the structure is located.~~

4-109

Open Space and Recreational Requirements

A. Open Space

Not less than 25 percent of the gross area of the PRD shall be in open space, except that PRDs with fewer than 20 acres located along the main street of a town or village Service District, as identified in the Comprehensive Plan, may have lesser open space as approved by the Board. This area shall exclude vehicular areas such as streets (including sidewalks), roads, travelways, and parking lots. Open space may encompass common and non-common open space, active and passive recreational areas, transitional yards, golf courses, buffer areas, utility easements, water bodies, wetlands and floodplains. The open space shall be treated as an integral part of the development, with small parks provided throughout the development within walking distance of all residents. Small open spaces such as plazas or courtyards shall also be incorporated into any commercial areas of the development at appropriate locations, to provide a focal point for activity and serve as gathering places. Larger developments shall also provide for active recreation opportunities for residents within some of the open spaces. Calculations of the area qualifying for open space credit shall be as specified in Section 2-309 of this Ordinance, except that the minimum dimension and consolidated open space requirements of 2-309.3 shall not apply.

B. Recreational Requirements

~~When the PRD district is proposed with another overlay district on the same site, the required open space percentages of both districts shall be combined in calculating total open space credit.~~

~~Recreational areas shall be provided in all developments totaling more than 30 dwelling units in proportion to the rate of development at the rate of 500 square feet of active recreation space per unit for the first 200 units, thereafter, at the rate of 250 square feet of active recreation area per each additional unit. Active recreational space may include, but not be limited to, playfields with play structures, ballfields, multipurpose courts, swimming pools, tennis courts, and other similar facilities for active recreational opportunities. Lakes may also qualify for up to 30% of the required active recreation space provided that the use of any lake so qualifying is open to all homeowners of the PRD, contains specified active recreation features such as boating, swimming, and ice skating, and is located to allow reasonably convenient access by residents of the majority of dwelling units. The specific location and timing of construction of active recreation space shall be included in the approved development plan. The location shall be such that active recreation space is located within a one-half mile of all dwellings. Development plans shall also include passive recreational space which shall, at a minimum, include a network of trail or other pedestrian ways to allow pedestrian access to recreation areas to allow safe and convenient pedestrian access to schools, public facilities, and shopping.~~

4-110 Ownership, Operation, and Management of Common Open Space and Common Facilities

The approved [Concept](#) Development Plan or approved [Code of Development](#) shall include provisions for the ownership, operation and management of all common open space, common private facilities, including private streets, parking, trails and pathways, [stormwater management facilities](#) and lakes. This requirement shall apply to both residential and commercial areas.

4-111 Architectural Controls and Design Standards

~~A Planned Residential District-PRD is intended to be of a scale, size and location which encourages a harmonious environment and promotes a sense of community and place at the pedestrian scale for the residents and visitors of the district. and to To that end, the PRD rezoning application Development Plan shall include plans for architectural controls and design standards, to include Lot and Building standards consistent with Section 4-107, which shall be codified as a Code of Development as set forth in Section 4-113.D. The Code of Development shall be approved by the Board of Supervisors as part of the rezoning, and shall include a mechanism accountable to the public interest whereby the developer will implement the Code of Development for individual buildings within the PRD. and shall govern the development and construction of improvements on the subject property. These plans shall specify how the controls and standards will be approved for individual projects, how they will be enforced, and how and by whom they may be amended.~~

4-112 Modifications

In order to better accomplish the purpose of the PRD as set forth in Section 4-101 above, the Board of Supervisors may, after review ~~and recommendation~~ by the Planning Commission, modify the regulations of this Ordinance, ~~and~~ the Subdivision Ordinance [and the Design Standards Manual](#) upon a finding that the proposed modifications, although not literally in accord with applicable regulations, will satisfy public purposes of the ordinance and regulations to at least an equivalent degree. Modifications to regulations shall be requested and processed concurrent with the rezoning to the PRD pursuant to provisions listed in Section 4-113 below and Section 13-200 of this Ordinance. However, no modification shall be permitted which affect uses, density, ~~floor area ratio~~ or the minimum district size of the PRD. ~~In addition, no modifications shall be made to Ordinance requirements regulating setbacks from adjacent conventional districts, except for a former Federal property where PRD design flexibility is needed to acknowledge existing site buildings, streets or utility system locations.~~

4-113 Rezoning to the Planned Residential Development District

Rezoning to PRD ~~the Planned Residential~~ shall be established by amending the Zoning Map of Fauquier County. The procedures for such an amendment shall be generally as set forth in Section 13-200 of this Ordinance except as provided below. In the event of conflict between the provisions of Section 13-200, the provisions below shall prevail.

A.(4) Pre-Application Conference

Applicants for rezoning to the PRD shall meet with Department of Community Development staff and other appropriate review agencies to review the proposed Concept Development Plan and Code of Development prior to formal submittal. The purpose of such conferences shall be to assist in bringing the application and material submitted therewith as nearly as possible into conformity with these or other regulations applying in the case, and to define specific modifications to the applicant of these regulations which may be modifiable pursuant to Section 4-112 above and which seem justified by alternative means to achieve the public purpose for such regulation to at least an equivalent degree. The timing and number of pre-application conferences shall be as mutually agreed to by the applicant and staff.

B.(2) Rezoning Application Plans - General

All rezonings to the PRD shall ~~require a Development Plan approved by the Board of Supervisors. The approved Development Plan shall govern the development of the project and shall be binding to all current and future owners of the property. The Development Plan shall consist of a~~ require a Concept Development Plan, a Code of Development, and other documents which may include, but not be limited to, proffer statements, dedications, and contributions. ~~and design standards.~~

C.(3) The Concept Development Plan

Applicants for rezoning to the PRD shall submit at time of application a proposed Concept Development Plan which shall include on one or more sheets not to exceed 24 by 36 inches in size at a scale to be approved by the Director:

1. Wetlands, floodplain, streams, other significant environmental features, and historic resources and elements proposed to be preserved.
2. Proposed grading/topography with a maximum of two (25) foot contours.
3. A general street, block and open space layouts, including:
 - a. proposed streets, alleys, sidewalks and pedestrian paths;

- ~~b. connections to existing and proposed streets adjoining the development property, including streets proposed in the County's Comprehensive Plan;~~
 - ~~c. delineation of key pedestrian streets;~~
 - ~~cd. size, location, character and connections between proposed open spaces.~~
4. The general layout for the water and sewer systems, and a conceptual stormwater management plan.
 5. A conceptual landscaping/buffering plan.
 6. The location and general boundaries of each neighborhood proposed within the development.
 7. Summary of development by neighborhood and blocks.
 7. ~~8.~~ The location of key features or major elements within the development essential to the design of the development, such as key uses and civic buildings, etc.
- ~~8 9.~~ A typical lot layouts. The actual layout that occurs as the lots develops may vary from the typical lot layout, provided the degree of variability within individual blocks and along individual streets is maintained.
9. The proposed phasing and sequence of the development for each phase.
 - ~~a) The location and functional relationship of all land uses including the types, density, and number of units for each bay and/or node of development.~~
 - ~~b) The location of roads, streets and travelways to provide vehicular traffic circulation, and proposed classification of streets and right-of-way requirements.~~
 - ~~c) The general location of proposed open space and the type of ownership proposed.~~
 - ~~d) The type and general location of all required active recreational areas and the location of passive recreational areas to include trails, lakes and parks.~~
 - ~~e) The proposed phasing and sequence of the development plan for each phase, the residential density, approximate type and number of dwelling units (including potential urban cottages), the percentage of each bay to be occupied by structures and the types, floor area ratio and general design standards for all commercial uses.~~
 - ~~f) Topographic information with maximum contour intervals of five (5) feet at a scale to be approved by the Director; soils information~~

- to include a map identifying soil types at a scale to be approved by the Director; and the limits of floodplain, if any, on the site.
- ~~g) The approximate limits of clearing and grading for each separate tract or development mode.~~
 - ~~h) A plan depicting the location and type of stormwater management facilities.~~
 - ~~j) A plan showing a landscaping concept, including plans for landscaping, buffering and screening of the PRD from adjacent properties if there are use or visual conflicts.~~
 - ~~i) Schematic plans and typical design sections (including easement requirements) for on-site water, sewer, storm drainage and other essential infrastructure required to implement the subject development plan.~~

D. Code of Development

1. A table of uses permitted in the district.
2. A summary of land uses proposed in the development, overall as well as for each neighborhood and block. Residential lot sizes and types shall be specified, as well as other key uses for each Sub-district and Block.
3. Design standards establishing lot sizes, build-to-lines and heights for each block.
4. Architectural standards that will apply to the development to address the Building Requirements set forth in Section 4-107 and 4-111, including specific architectural sketches, renderings and massing plans for typical buildings, and general exterior finish materials specifications for buildings.
5. Design requirements for open spaces, including specific character and facilities for key open spaces.
6. Design requirements for streets, sidewalks and trails, including typical cross-sections to show dimensions, proportions and streetscape.
7. Landscape standards that will apply to the development to address the Landscaping and Buffering Requirements set forth in Section 4-914.
8. The mechanism whereby the developer will implement and enforce the Code of Development.
9. The proposed phasing and sequence of the Concept Development Plan.

E. Additional Submission Materials

The following additional materials shall be submitted at the time of the application. These materials are to be used by staff, the Planning Commission and the Board of Supervisors in reviewing and evaluating the

application and may, along with the proposed Concept Development Plan and basic application materials required by Section 13-200 of this ordinance, form a basis for identification and mitigation of impacts of the proposed development and for making modifications to the proposal to allow it to better satisfy the purpose and intent of the PRD and to meet all requirements of this Ordinance. The required additional materials are:

- 1.a) A statement which confirms the ownership or control of the property, the nature of the applicant's interest in the same, and the place of record of the latest instrument in the chain of title for each parcel constituting the subject property.
- 2.b) Specific requests for any modifications pursuant to Section 4-112 above. Such requests shall be specific as to all modifications that are being requested, why they are needed or desired and shall provide detailed justification as to how, if approved, the modifications will serve public purposes to at least an equivalent degree as the ordinances being modified. Where such modifications include a reduction in parking or use of on-street spaces to meet parking requirements, a detailed parking impact assessment shall be submitted in support of such reduction.
- 3.e) ~~A traffic study to cover on-site traffic generation and distribution and off-site impacts~~ A Traffic Impact Analysis (TIA) or Traffic Assessment as per Section 301B of the Design Standards Manual.
- 4.d) A statement indicating anticipated impacts of the development including the extent, approximate timing and estimated costs of proposed off-site infrastructure improvements such as roads, water, sanitary sewer and stormwater management facilities necessary to construct the development. This statement should identify those facilities to be constructed by the applicant and explain how and when those to be constructed by others will be provided.

e) Design guidelines and architectural standards consistent with the requirements of Section 4-111.
- 5.f) A draft Proffer Statement to address mitigation of impacts, including but not limited to, transportation impacts, impacts on public facilities such as schools.

4-114 **General Standards for Approval of a Rezoning to the Planned Residential District**

In addition to the specific requirements of this section and the standards for rezoning for all development contained in Section 13-200, ~~the Planning~~

~~Commission in its review and recommendation and the Board in its approval shall find that the following general standards relating to planned development have been satisfied:~~ the following standards shall be utilized and adhered to by the Planning Commission and Board of Supervisors in determining whether to approve the proposed development:

- A. The design of the development is such that it will achieve the stated purpose and intent of the PRD District, to create pedestrian oriented residential neighborhoods of traditional design physically integrated with the existing surrounding development. providing for a reasonable and sustainable transition to adjoining development, with open space, landscaping and/or larger lots utilized to provide buffers where appropriate.
- B. The development is in substantial conformance with the adopted Comprehensive Plan with respect to type, character and intensity of use and public facilities.
- C. The development provides complementary commercial uses where appropriate.
- D. The development provides for a mixture of housing types, sizes, and affordability. Housing in a range of sizes and styles is integrated throughout the development. Opportunities for accessory apartments and live-work units are provided where appropriate.
- E. The development is designed with a pedestrian orientation, with clearly defined continuous sidewalks and paths enhanced by trees, pocket parks, seating and other streetscape elements. Buildings are located close to the sidewalk with the mix of uses providing for a variety of possible pedestrian destinations within walking distance of each other.
- F. Buildings and spaces within the PRD ~~mixed-use developments~~ are designed to create neighborhoods that are attractive and inviting, and in keeping with the feel, style and architectural vernacular of a traditional town in the Virginia piedmont. The elements of building height, setback, yards, architecture and spatial enclosure as established by the Code of Development for the project all contribute to the appearance and function of the development.
- G. Streets are designed to consider their influence on the character of the neighborhood as well as their carrying capacity. Street networks provide multiple connections internally and connect through to adjoining properties where appropriate, providing multiple routes to any destination. Generally, local streets are narrower, minimizing pavement. Parking is accommodated on the street. Utilities are provided within the street wherever possible, in order to accommodate a streetscape that includes street trees as well as sidewalks.

- H. Open space is treated as an integral component of the development design. Small parks are provided throughout the development within walking distance of all residents. In core areas, small open spaces such as plazas or courtyards are provided at appropriate locations to provide a focal point for the community and to serve as gathering places. Larger developments provide for active recreational opportunities for residents. Natural and environmentally sensitive areas are preserved and protected. The open spaces within the development are connected by sidewalks or trails, and connected to other open spaces.
- I. The development minimizes the amount of parking provided, maximizing opportunities for on-street parking and shared parking. Parking for commercial uses are located to the rear and side of buildings and dispersed in smaller lots where possible, so that it does not dominate the street. In residential areas, garages are predominately located to the rear, with alley access, returning the street to the pedestrian. Where garages are fronting on streets rather than alleys, they are designed such that they are not a prominent feature of the street, with side-loading doors and greater setbacks than the remainder of the house.
- J. Lighting is traditional in form and consistent with the human-scale orientation of the development, oriented toward pedestrians and minimizing impacts on dark-skies.
- K. The development efficiently utilizes the available land and protects and preserves floodplains, wetlands and steep slopes.
- L. ~~The proposed development provides for a reasonable and sustainable transition to adjoining development, with open space, landscaping and/or larger lots utilized to provide buffers where appropriate.~~ The development is designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede use of surrounding properties in accordance with the adopted Comprehensive Plan.
- M. The development shall be located in an area in which transportation, police and fire protection, other public facilities and utilities, including water and sewer, are or will be available and adequate for the uses proposed; provided, however, that the applicant shall make provision for such facilities or utilities which are planned but not presently available.
- ~~(1) The development is located within an area designated in the Comprehensive Plan for planned residential development and is consistent with the phasing of the Comprehensive Plan.~~
- ~~(2) The development is of such design that it will result in a development achieving the adopted goals of the Comprehensive plan and the stated purposes of the PRD more than would development under a conventional zoning district.~~
- ~~(3) The development efficiency utilizes the available land and protects and~~

~~preserves to the extent possible all scenic assets and natural features such as trees, streams and topographic features.~~

- ~~(4) — The development is designed to prevent substantial negative impact the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan.~~
- ~~(5) — The development shall be located in an area in which transportation, police and fire protections, other public facilities and utilities, including water and sewer, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.~~

4-115 Deviations from the Modifications to the Approved Concept Plan

Development of the PRD shall be in substantial conformance with the Concept Development Plan and Code of Development. Minor deviations from the approved Concept Development Plan and Code of Development may be permitted when the Director determines that such deviations are necessary due to the requirements of topography, drainage, structural safety or vehicular circulation and such deviations will not materially alter the character of the proposed ~~Development, Plan~~ development, Plan including the proposed development phasing and does not violate other binding components of the Plan including approved Proffers. In no case shall deviations include changes to the general location and types of land uses; an increase in the total number of dwelling units or the floor area for commercial uses; or a decrease in total area for open space and recreational amenities. Changes not in conformance with this section or not deemed minor deviations shall require amendments to the approved rezoning. ~~and Development Plan.~~

4-116 PRD Approved Prior to January 1, 2009

Consistent with the Purpose and Intent set forth in Section 4-101, it is recognized that development was approved utilizing the PRD prior to 2009 which was less traditional and more suburban in form. Therefore, the following special provisions shall apply to amendments to projects where such project was initially approved prior to 2009:

- A. The Lot and Building requirements set forth in Section 4-107 shall not apply; instead, projects shall adhere to the lot and building requirements approved as part of the initial approval.
- B. The items required under Section 4-113.C for the Concept Development Plan submittal shall not be required; instead, the information submitted on the approved Concept Development Plan shall be sufficient (with proposed amendments shown).

- C. The items required under Section 4-113.D for the Code of Development shall not be required; instead, the architectural standards required and approved under the initial rezoning shall be sufficient (with proposed amendments shown).
- D. The standards for approval set forth in Section 4-114 shall not apply; rather the standards listed below, which were in place prior to 2009 utilized to evaluate the initial approval, shall also apply in consideration of any amendment:
1. The development is located within an area designated in the Comprehensive Plan for planned residential development and is consistent with the phasing of the Comprehensive Plan.
 2. The development is of such design that it will result in a development achieving the adopted goals of the Comprehensive plan and the stated purposes of the PRD more than would development under a conventional zoning district.
 3. The development efficiency utilizes the available land and protects and preserves to the extent possible all scenic assets and natural features such as trees, streams, and topographic features.
 4. The development is designed to prevent substantial negative impact the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan.
 5. The development shall be located in an area in which transportation, police and fire protections, other public facilities and utilities, including water and sewer, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.

REZONING #REZN08-LE-007 AND SPECIAL EXCEPTIONS #SPEX08-LE-028, & #SPEX08-LE-030, JAMES I. & GRACE S. LIM AND IN SEOK LIM (OWNERS/APPLICANTS)

A public hearing was continued from June 11, 2009, to consider an application to rezone 6.7 acres from Rural Agricultural (RA) to Commercial – Highway (C-2) and 1.56 acres from Commercial – Highway (C-2) with proffers to Commercial – Highway (C-2) with revised proffers. Applicants are also requesting two Category 13 Special Exceptions to allow for drive-throughs to accommodate a bank and pharmacy. The property is located at the intersection of Marsh Road (Route 17) and Catlett Road (Route 28), at 10772 Bowers Run Drive, Lee District, further described as PIN #6899-16-9374-000 and PIN #6899-16-6332-000. Holly Meade, Senior Planner, summarized the application. James Thompson, Lee District; Bonnie Kidwell, Lee

District; and Mike Glascock, Lee District, spoke in opposition to the application. Lynne Cox, Shenandoah County; Carl Faller, Lee District; and Mr. Hanbach, Lee District, spoke in favor of the application. Merle Fallon, Esquire, spoke on behalf of the applicants requesting favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

AN ORDINANCE TO APPROVE REZN08-LE-007: REZONE 6.7 ACRES FROM RURAL AGRICULTURAL (RA) TO COMMERCIAL – HIGHWAY (C-2) AND 1.56 ACRES FROM COMMERCIAL – HIGHWAY (C-2) WITH PROFFERS TO COMMERCIAL – HIGHWAY (C-2) WITH REVISED PROFFERS

WHEREAS, Grace Lim and James Lim (a.k.a. In Seok Lim), owners, have initiated an application to amend the Fauquier County Zoning Map in accordance with the provisions of Zoning Ordinance Section 13-202 to rezone approximately 6.7 acres from Rural Agricultural (RA) to Commercial – Highway (C-2) and 1.56 acres from Commercial – Highway (C-2) with proffers to Commercial – Highway (C-2) with revised proffers; and

WHEREAS, the parcel is within the Bealeton Service District and identified as PIN's 6899-16-6332-000 and 6899-16-9374-000; and

WHEREAS, on February 26, 2009, the Fauquier County Planning Commission held the final public hearing on the Rezoning request; and

WHEREAS, on March 12, 2009, June 11, 2009, and July 9, 2009 the Fauquier County Board of Supervisors held public hearings on this Rezoning request and considered both oral and written testimony; and

WHEREAS, by the 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 9th day of July 2009, That the Rezoning request (REZN08-LE-007), Lim, to change the Zoning Map designation of PIN 6899-16-6332-000 (6.7 acres) from Rural Agricultural (RA) to Commercial – Highway (C-2) with proffers and to change the Zoning Map designation of PIN 6899-16-9374-000 (1.56 acres) from Commercial – Highway (C-2) to Commercial – Highway (C-2) with revised proffers, be, and is hereby, approved subject to the Concept Development Plan, handmarked and received

in the Department of Community Development on June 26, 2009, and the Proffer statement, undated, signed by the owners on June 26, 2009.

Mr. Stribling moved to adopt a resolution to approve SPEX08-LE-028 and SPEX08-LE-030: two Category 13 Special Exceptions allowing drive through windows. Mr. Graham seconded, and following discussion the vote for the motion failed by as vote of 2-3 as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Chester W. Stribling*
Nays: *Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo*
Absent During Vote: *None*
Abstention: *None*

Mr. Schwartz then moved to adopt the following resolution adding a provision that drive through facilities shall only be allowed for a bank or a pharmacy. Mr. Nyhous seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE SPEX08-LE-028 AND SPEX08-LE-030: TWO CATEGORY 13 SPECIAL EXCEPTIONS TO ALLOW FOR DRIVE-THROUGHS

WHEREAS, Grace Lim and James Lim (a.k.a. In Seok Lim), owners, are seeking Special Exception permits on parcels identified as PIN #6899-16-6332-000 and 6899-16-9374-000 to allow for two drive-throughs; and

WHEREAS, on February 26, 2009, the Fauquier County Planning Commission held the final public hearing on the Special Exception requests; and

WHEREAS, on March 12, 2009, June 11, 2009, and July 9, 2009 the Fauquier County Board of Supervisors held public hearings on the Special Exception requests and considered both oral and written testimony; and

WHEREAS, the Fauquier County Board of Supervisors determined that the applications satisfy the standards of Zoning Ordinance Articles 2-410 and 5-006; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of July 2009, That Special Exceptions SPEX08-LE-028 and SPEX08-LE-030, be, and are hereby, approved, subject to the following conditions:

1. The Special Exceptions are granted for and run with the land indicated in this application as PINs 6899-16-6332-000 and 6899-16-9374-000.
2. The plan shall comply with the provisions in Articles 7 and 12 of the Fauquier County Zoning Ordinance. Such provisions shall be reviewed with the Major Site Plan applications.
3. Drive-through facilities shall only be allowed for a bank or a pharmacy.
4. Drive-throughs shall not front the Local Frontage Road or Bowers Run Road (Route 837).
5. Each drive-through shall be restricted to no more than two lanes provided that the two lanes narrow back to one lane at the sidewalk.
6. A maximum of two drive-throughs shall be allowed on the site.
7. Escape lanes shall be provided for all drive-throughs unless a waiver is granted by the Zoning Office.
8. Drive-throughs shall provide stacking spaces in accord with Section 7-104 of the Fauquier County Zoning Ordinance.

SPECIAL EXCEPTION #SPEX09-CT-007 – GEORGE C. & HELEN F. ELMORE (OWNERS) / NEW CINGULAR WIRELESS PCS, LLC D/B/A AT&T MOBILITY (APPLICANT)

A public hearing was held to consider an application to obtain a Category 20 Special Exception to allow for the construction of a one hundred ten (110) foot monopole, with associated antennas and equipment cabinet(s). The property is located at 7511 Elmores Lane, Center District, further described as PIN #7904-15-6717-000). Bonnie Bogert, Planner, summarized the application. Jim Michal, representing the applicant, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SPEX09-CT-007: A CATEGORY 20 SPECIAL EXCEPTION TO ALLOW FOR THE CONSTRUCTION OF A PERSONAL WIRELESS SERVICE FACILITY TO INCLUDE A MONOPOLE WHICH IS GREATER THAN EIGHTY (80) FEET IN HEIGHT

WHEREAS, George C. and Helen F. Elmore, Owners, and New Cingular Wireless PCS LLC, d/b/a AT&T Mobility, Applicant, request Special Exception approval to allow the construction of a personal wireless facility greater than eighty (80) feet in height on PIN 7904-15-6717-000; and

WHEREAS, on May 28, 2009, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and recommended approval subject to conditions; and

WHEREAS, on July 9, 2009, 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 11-102.2 and 11-102.3; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9th day of July 2009, That SPEX09-CT-007 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception plat dated October 30, 2008, last revised April 20, 2009, signed by John Cabot Goudy on April 20, 2009, as qualified by these development conditions.
3. The use shall comply with Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) requirements at all times.
4. The Special Exception approval is for a 110' foot monopole plus a 7' lightning rod mounted on top of the pole.
5. The applicant shall allow other carriers to locate on the tower, consistent with the Fauquier County Zoning Ordinance. Such accommodation shall be made at market rates.
6. The application for Zoning/Building permit shall include a certification by qualified engineers that the tower will be constructed to accommodate additional carriers. No zoning or building permit will be issued without such certification.

7. No trees within 200 feet of the telecommunications facility shall be removed, except the minimum needed to construct the facility and provide access. Trees to be removed shall be shown on the Major Site Plan. If trees are destroyed or removed beyond those authorized by the site plan, they shall be replaced at the sole cost of the applicant, including larger caliber trees as necessary to restore screening.
8. All illegal outdoor storage shall be removed from the property and properly disposed of before approval of the site plan.
9. All antennas shall be flush-mounted and shall be of materials and colors that match the pole. The monopole shall either maintain a galvanized steel finish or be painted a neutral color to reduce visual impact.
10. No signals or lights shall be allowed, unless specifically required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.
11. No commercial advertising shall occur on the site.
12. No more than 500 square feet of unmanned equipment structures shall be allowed per user on the site, with a maximum height of 12' and with all equipment cabinets finished in neutral, non-reflective colors and materials.
13. No division or boundary line adjustment of this property shall occur which removes a 200' wooded buffer from the monopole property or which could allow the placement of a residential unit within 300 feet of the antenna.
14. Major Site Plan approval shall not be granted without agreement from Columbia Gas allowing construction of the access road across their easement.
15. No building permit for the facility shall be approved prior to approval of a grounding plan for the facility.
16. The owner of the facility shall submit a report to the Zoning Administrator each year by July 1st. The report shall state the current users of the tower.
17. Any antenna or tower shall be disassembled and removed from the site within 90 days of the discontinuance of the use of the tower for wireless communications purposes, consistent with the Zoning Ordinance.

SPECIAL EXCEPTIONS #SPEX09-CR-013, #SPEX09-CR-014, #SPEX09-CR-015, SPECIAL PERMIT #SPPT09-CR-030, & #CCRV09-CR-003 – ELK MOUNT FARM, LLC & WILLIAM C. PATTON (OWNERS) / LEE HOLLANDER (APPLICANT), RANGE 82 - PUBLIC SAFETY TRAINING FACILITY

A public hearing was continued from June 11, 2009, to consider an application to obtain a Category 5 Special Exception to allow for an outdoor technical training facility, a Category 11 Special Exception to allow for a public safety facility (both Emergency Services and Sheriff's Office facilities), and a Category 20 Special Exception to allow for an aboveground water storage facility. The applicant is also requesting an amendment to an approved Special Permit to reconfigure an existing range area, add a range area, and add limited storage of firearms and ammunition. In addition, the applicant is seeking a Comprehensive Plan Conformance Determination in accord with *Code of Virginia*, Section 15.2-2232, as to whether the location of these facilities on this property is substantially in accord with the Comprehensive Plan. The property is located at 4818 Midland Road, Cedar Run District, further described as PIN #7819-66-3353-000. Holly Meade, Senior Planner, summarized the application. Charles Floyd, of Carson Ashley, stated that the applicants are willing to postpone this matter for thirty days to consider proposal to enclose portions of the range. Karen Townsend, Cedar Run District, spoke in opposition to the application. Carl Faller, Lee District, state there are three open-air gun ranges in Lee District, and he urged the Board to keep in mind the health, safety and welfare of citizens, and to follow the fundamental principles of good zoning. No one else spoke. Mr. Graham moved to continue the public hearing and postpone action on this matter until the next regular meeting on August 13, 2009. Mr. Trumbo seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo

Nays: None

Absent During Vote: None

Abstention: None

COMPREHENSIVE PLAN AMENDMENT #CPAM09-LE-001 – DAVID LEROY HODGSON, TERRY LYNN HODGSON, JEAN ELIZABETH CHEATHAM, & WILLIAM WIRT GOULDING (OWNERS) / DOUGLAS E. DARLING / BEALETON GATEWAY, LLC (APPLICANT), MINTBROOK / CHEATHAM FARM

A public hearing was held to consider an application to obtain a Comprehensive Plan Amendment to expand the Bealeton Service District by approximately 125 acres to the north and to allow for a change in land use designation from Medium Density Residential, Residential / No Sewer or Water, Rural (outside of service district), Park/Open Space and SCFRR (School/Church/Fire/Rescue/Recreation) to Institutional/Office/Mixed Use, Medium Density Residential, Park / Open Space and SCFRR (School / Church / Fire / Rescue / Recreation). The applicant is also proposing text changes to the Bealeton Service District Plan and inclusion in the Bealeton Service District Plan of an Illustrative Development Plan. The properties are located at 6331 Mintbrook Lane and 10633 Bowers Run Drive, Lee District, further described as PIN #6899-18-3742-000 and PIN #6889-89-6214-000. Melissa Dargis, Assistant Chief of Planning, summarized the application. Mara Seaforest, Cedar Run District; James Thompson, Lee District; Bonnie Kidwell, Lee District; Kitty Smith, Marshall District; Mary Root, Lee District; Chuck Medvitz, Scott District; and Emelio Castelar, Lee District, spoke in opposition to the application. John Marshall Cheatwood, Center District; Charles Ebbetts, Center District; Tom Campbell,

Marshall District; Sue Williams, Lee District; Lynne Cox, Shenandoah County; Carl Faller, Lee District; Pastor Wes Shore, Liberty Community Church; Tom Wotton, Lee District; Joel Barkman, Cedar Run District; Tom Marable, Marshall District; Ken Miller, Scott District; Paul Bernard, Marshall District; and Dawn Scully, Lee District, spoke in favor of the application. No one else spoke. Mr. Stribling moved to continue the public hearing and postpone action on the matter until the next regular meeting on August 13, 2009. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

COMPREHENSIVE PLAN AMENDMENT #CPAM09-SC-008

A public hearing was held to consider a Comprehensive Plan Amendment to the New Baltimore Service District Plan concerning the alignment of Route 215. Susan Eddy, Chief of Planning, summarize the proposed amendment. John Peer, Cedar Run District, spoke on behalf of the American Battlefield Association asking the Board to be certain that historic preservation funds be granted; Chuck Medvitz, Scott District, asked the board to maintain battlefield integrity and urged coordination between park services and transportation groups. David Zorger, Scott District, spoke in opposition to the amendment. No one else spoke. Mr. Trumbo moved to continue the public hearing and postpone action on the matter until the next regular meeting on August 13, 2009. Mr. Nyhous seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

With no further business, the meeting was adjourned at 10:26 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on July 9, 2009.

*Paul S. McCulla
Clerk to the Board of Supervisors*