

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
APRIL 20, 2017**

**Work Session
12:30 p.m.
Warren Green Meeting Room
10 Hotel Street, Warrenton, Virginia**

The Fauquier County Planning Commission held a Work Session on Thursday, April 20, 2017, beginning at 12:30 p.m., in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Ms. Adrienne Garreau, Chairperson; Mr. John Meadows, Vice-Chairperson; Mr. Bob Lee, Mr. Ken Alm and Mr. Matthew Smith. Also present were Ms. Tracy Gallehr, Ms. Kimberley Fogle, Ms. Kimberley Johnson, Ms. Holly Meade, Mr. Andrew Hopewell, Mr. Rob Walton, Mr. Jim Sawyer, Mr. Adam Shellenberger, Ms. Heather Jenkins, Mr. Ben Holt and Mr. Myles Busching.

SPECIAL EXCEPTION – SPEX-17-006634 – ALVIN C. AND EMMA BRENNEMAN (OWNERS/APPLICANTS) – HOWLING HILL KENNELS, LLC

Mr. Myles Busching reviewed the application.

SPECIAL EXCEPTION – SPEX-17-006662 – ARLINGTON OUTDOOR EDUCATION ASSOCIATION, INC. AND DONNA RICE (OWNERS) ARLINGTON OUTDOOR EDUCATION ASSOCIATION, INC. (APPLICANT) – ARLINGTON OUTDOOR EDUCATION ASSOCIATION

Mr. Ben Holt reviewed the application.

SPECIAL EXCEPTION – SPEX-17-006415 – SAMMY’S RENTAL, INC. (OWNER/APPLICANT) – SAMMY’S PLACE

Mr. Ben Holt reviewed the application.

APPROVAL OF MINUTES – MARCH 16, 2017

Planning Commission members discussed the minutes.

SUBDIVISION ORDINANCE WAIVER – WAIV-17-006687 – OLD SALEM COMMUNITY DEVELOPMENT II, LLC (OWNER)/EMERY & GARRETT GROUNDWATER INVESTIGATIONS (APPLICANT) – CUNNINGHAM FARM

Ms. Heather Jenkins reviewed the application.

ZONING ORDINANCE TEXT AMENDMENT – Initiation of a Zoning Ordinance Text Amendment to Section 6-102.24 to update State provisions and clarify the requirements related to permitting and construction of certain types of ponds.

Ms. Rob Walton reviewed the proposed amendment.

ZONING ORDINANCE TEXT AMENDMENT/SUBDIVISION ORDINANCE TEXT AMENDMENT – Initiation of a Zoning Ordinance Text Amendment to Articles 2, 3 & 15, and a Subdivision Ordinance Text Amendment to Section 4 regarding lot shape.

Ms. Heather Jenkins reviewed the proposed amendments.

ZONING ORDINANCE TEXT AMENDMENT – Initiation of a Zoning Ordinance Text Amendment to Article 5 to change the standards for Adaptive Re-use to address relocated and reconstructed historic buildings placed on a property.

Ms. Kimberley Johnson reviewed the proposed amendment.

ZONING ORDINANCE TEXT AMENDMENT – TEXT-17-006625 – A Zoning Ordinance Text Amendment to Articles 3, 5 and 15 to define College/University and to allow adjunct uses to be approved with a Special Exception for a College/University.

Ms. Kimberley Johnson reviewed the proposed amendment.

COMMISSIONERS' TIME

Ms. Holly Meade led the discussion on the process for additions and revisions to the electronic agenda.

Ms. Kimberley Fogle indicated that the Rappahannock River Basin Committee and Department of Forestry are in the process of developing focus groups with a variety of stakeholders. She requested that anyone interested in volunteering contact her.

Ms. Kimberley Johnson announced that the Marshall Code public hearing will be held on May 17, 2017 at 6:30 p.m. in the Marshall Community Center. She noted that if the Planning Commission decides to continue the meeting, they will not have to run a new legal ad.

Ms. Holly Meade requested that the Commissioners update their contact information for staff.

Ms. Tracy Gallehr provided an update on new FOIA legislation that will require the County to provide access to electronic agenda materials for each meeting and noted that it would likely not apply unless it was an electronic meeting.

MARSHALL CODE

Ms. Kimberley Johnson provided a thorough review of the proposed Marshall Code.

The meeting was adjourned at 4:20 p.m.

*Regular Meeting
6:30 p.m.
Warren Green Meeting Room
10 Hotel Street, Warrenton, Virginia*

The Fauquier County Planning Commission held its regular meeting on Thursday, April 20, 2017, beginning at 6:30 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Ms. Adrienne Garreau, Chairperson; Mr. John Meadows, Vice-Chairperson; Mr. Bob Lee, Mr. Ken Alm, and Mr. Matthew Smith. Also present were Ms. Tracy Gallehr, Ms. Kimberley Fogle, Ms. Kimberley Johnson, Ms. Holly Meade, Ms. Heather Jenkins, Mr. Ben Holt and Mr. Myles Busching.

1. **APPROVAL OF MINUTES** – March 16, 2017

On motion made by Mr. Bob Lee and seconded by Mr. Ken Alm, it was moved to approve the March 16, 2017 minutes.

The motion carried unanimously.

2. **SUBDIVISION ORDINANCE WAIVER – WAIV-17-006687 – OLD SALEM COMMUNITY DEVELOPMENT II, LLC (OWNER)/EMERY & GARRETT GROUNDWATER INVESTIGATIONS (APPLICANT) – CUNNINGHAM FARM** – An application to waive the requirements of Subdivision Ordinance Sections 18-1.C.1.c1, 18-

1.C.2.e, 18-1.D.1, and 18-1.D.2, related to hydrogeologic testing, PIN 6969-39-1347-000, Marshall District (Heather Jenkins, Staff)

Ms. Heather Jenkins reviewed the staff report, a copy of which is attached to and made part of these official minutes.

Mr. Jamie Emery validated the accuracy of the applicant's documentation and spoke to the importance of groundwater protection for Marshall.

On motion made by Mr. Bob Lee and seconded by Ms. Adrienne Garreau, it was moved to approve this item, subject to the following conditions:

**CUNNINGHAM FARM
WAIV-17-006687**

1. The waiver is granted only for the purpose(s), structure(s) and/or uses indicated in the waiver application (WAIV-17-006687) submitted by Old Salem Community Development II LLC (Owner), and Mark Wingsted, Emery & Garrett Groundwater Investigations LLC (Applicant), and shall be in conformance with the application materials, except as modified by these conditions.
2. The waiver is granted only for hydrogeologic testing that has been completed prior to the waiver application date of February 21, 2017, for well numbers MVM-2, MVM-4 and MVM-11, as a part of the submitted hydrogeologic study for Cunningham Farm, County case number STUD-16-005998, and shall not apply to any further testing or field procedures associated with this study, or with the approved Preliminary Plat for the Cunningham Farm subdivision, PPLT14-MA-002.

The motion carried unanimously.

3. **ZONING ORDINANCE TEXT AMENDMENT** – Initiation of a Zoning Ordinance Text Amendment to Section 6-102.24 to update State provisions and clarify the requirements related to permitting and construction of certain types of ponds. (Rob Walton, Staff)

Mr. Rob Walton reviewed the initiation, a copy of which is attached to and made part of these official minutes.

For purposes of good zoning practice, convenience, as well as public general welfare, on motion made by Mr. John Meadows and seconded by Ms. Adrienne Garreau, it was moved to initiate this item.

The motion carried unanimously.

4. **ZONING ORDINANCE TEXT AMENDMENT/SUBDIVISION ORDINANCE TEXT AMENDMENT** – Initiation of a Zoning Ordinance Text Amendment to Articles 2, 3 & 15, and a Subdivision Ordinance Text Amendment to Section 4 regarding lot shape. (Heather Jenkins, Staff)

Ms. Heather Jenkins reviewed the initiation, a copy of which is attached to and made part of these official minutes.

For purposes of good zoning practice, convenience, as well as public general welfare, on motion made by Ms. Adrienne Garreau and seconded by Mr. John Meadows, it was moved to initiate this item.

The motion carried unanimously.

5. **ZONING ORDINANCE TEXT AMENDMENT** – Initiation of a Zoning Ordinance Text Amendment to Article 5 to change the standards for Adaptive Re-use to address relocated and reconstructed historic buildings placed on a property. (Kim Johnson, Staff)

Ms. Kimberley Johnson reviewed the initiation, a copy of which is attached to and made part of these official minutes.

For purposes of good zoning practice, convenience, as well as public general welfare, on motion made by Ms. Adrienne Garreau and seconded by Mr. John Meadows, it was moved to initiate this item.

The motion carried unanimously.

<p style="text-align: center;"><i>Public Hearings</i> <i>6:30 p.m.</i> <i>Warren Green Meeting Room, First Floor, 10 Hotel Street</i> <i>Warrenton, Virginia</i></p>
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1. **CITIZENS' TIME**

No one spoke.

2. **ANNOUNCEMENTS**

None.

3. **ZONING ORDINANCE TEXT AMENDMENT – TEXT-17-006625** – A Zoning Ordinance Text Amendment to Articles 3, 5 and 15 to define College/University and to allow adjunct uses to be approved with a Special Exception for a College/University (Kim Johnson, Staff)

Ms. Kimberley Johnson reviewed the staff report, a copy of which is attached to and made part of these official minutes.

Ms. Adrienne Garreau opened the public hearing.

In that there were no speakers, Ms. Adrienne Garreau closed the public hearing.

On motion made by Mr. Matthew Smith and seconded by Mr. John Meadows, it was moved to forward this item to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

4. **SPECIAL EXCEPTION – SPEX-17-006415 – SAMMY’S RENTAL, INC. (OWNER/APPLICANT) – SAMMY’S PLACE** – An application for a Category 9 Special Exception to allow for Class C Spectator and Non-Spectator Field Events and Activities. The property is located at 12237 Baines Corner Road, Cedar Run District. (PIN 7807-46-9919-000) (Ben Holt, Staff)

Mr. Ben Holt reviewed the staff report, a copy of which is attached to and made part of these official minutes.

Ms. Adrienne Garreau opened the public hearing.

Mr. Christer Carshult, applicant’s representative, discussed his client’s concerns for the revised conditions that would reduce the proposed number of attendees and number of events, as well as the requirement to remove the temporary tents and restrooms from the property within 72 hours of an event. Mr. Carshult requested a favorable recommendation or more time to work through the conditions.

In that there were no further speakers, Ms. Adrienne Garreau closed the public hearing.

On motion made by Mr. Matthew Smith and seconded by Mr. John Meadows, it was moved to postpone action on this item for thirty (30) days at the applicant’s request, with the public hearing closed.

The motion failed 2 – 3, as follows:

AYES: Mr. Matthew Smith and Mr. John Meadows

NAYS: Ms. Adrienne Garreau, Mr. Bob Lee and Mr. Ken Alm

ABSTENTION: None

ABSENT: None

After discussion amongst the Commissioners, the majority determined the gap between the staff's proposed recommendations and the applicant's request was too large to reach consensus. On motion made by Ms. Adrienne Garreau and seconded by Mr. Ken Alm, it was moved to forward this item to the Board of Supervisors with a recommendation of denial.

The Planning Commission noted that the proposed use did not conform to the rural land use designation, there were no provisions for adequate utilities, and that an event center is not appropriate in a Rural Agriculture (RA) zoning district as a primary use.

The motion carried 3 – 2, as follows:

AYES: Ms. Adrienne Garreau, Mr. Bob Lee and Mr. Ken Alm

NAYS: Mr. Matthew Smith and Mr. John Meadows

ABSTENTION: None

ABSENT: None

5. **SPECIAL EXCEPTION – SPEX-17-006634 – ALVIN C. AND EMMA BRENNEMAN (OWNERS/APPLICANTS) – HOWLING HILL KENNELS, LLC** – An application for a Category 13 Special Exception to allow the continued operation of a kennel. The property is located at 11347 Eskridges Lane, Cedar Run District. (PIN 7829-81-1018-000) (Myles Busching, Staff)

Mr. Myles Busching reviewed the staff report, a copy of which is attached to and made part of these official minutes.

Ms. Tracy Gallehr, Deputy County Attorney, stated that the Planning Commission is a land use regulating body restricted to making decisions based on compatibility with the community and impacts to the neighbors. Concern for the animals' health, welfare, and safety is under the purview of the Fauquier County Sheriff's Office which runs the Animal Control division.

Ms. Adrienne Garreau opened the public hearing.

Ms. Emma Brenneman, applicant, requested that the Commission members renew their permit and stated that they run a responsible, clean kennel. She explained that they have proven that both Boston Terriers and Pugs are tolerable to the weather. Shade and water is provided for the dogs, and they are meant to be outside. Ms. Brenneman disagreed with confining the dogs at night and commented that it would be cruel and noise is not an issue. She stated that the dogs have no genetic health issues, are not malnourished and are checked daily. Females are

regularly bred once each year; however, a young female may be bred twice. Ms. Brenneman noted that buyers are not currently required to spay or neuter because people will do it on their own and requested that the proposed condition be changed to require this when the puppy is six months old. In closing, Ms. Brenneman said that puppy mills keep their dogs in cages and they have proven they are not one of them.

Ms. Hilleary Bogley, a Fauquier County Humane Investigator and founder of the Middleburg Humane Foundation, spoke in opposition to granting this renewal and stated that she is obligated to speak for the animals. After referencing both the Virginia State Code and the Fauquier County Code's allowable number of breeding dogs, in addition to producing 35 litters per year, she stated that having only two employees is not enough to care for 100 to 200 dogs, including puppies. Ms. Bogley strongly urged the Commissioners to consider reducing the number of dogs for this application to help ensure a humane and responsible breeding kennel in our community.

Ms. Angie Webber, founder of Washington Area Animal Adoption Group (WAAAG) and a Fauquier County resident, spoke in opposition and expressed deep concern for the extreme number of dogs housed on a small portion of this property, as well as concern for the waste it generates. Ms. Webber emphasized that this is a puppy mill. The kennels at her rescue facility (WAAAG) are climate controlled and they do not make money off the dogs. She noted they currently have a pregnant female, which is common, and there is no need for puppy mill breeders.

Ms. Ursula Landsrath, President of the Animal Rescue Fund (ARF) and a Fauquier County resident, spoke in opposition and compared this kennel to the recent Warren case where many local citizens spoke against puppy mills like this one. Her organization, ARF, is called upon to assist rescues with funding for food, medication, vet bills and spay/neuter procedures. She said last year's request for this local area totaled \$430,000; however, they were only able to raise \$145,000. Ms. Landsrath indicated that this shows how many abandoned animals are in need locally and stated that hundreds of thousands are killed every year across the United States in shelters.

Ms. Amanda McFadden, neighbor of Howling Hill Kennels, stated that she did not know a kennel existed nearby for the first two of the five years she has lived on Eskridges Lane. Ms. McFadden spoke of her friendship with the applicants and that she has not been affected by noise or smell from the kennel.

In that there were no further speakers, Ms. Adrienne Garreau closed the public hearing.

On motion made by Mr. Matthew Smith and seconded by Ms. Adrienne Garreau, it was moved to postpone action on this item for thirty (30) days, with the public hearing closed.

The motion carried unanimously.

6. **SPECIAL EXCEPTION – SPEX-17-006662 – ARLINGTON OUTDOOR EDUCATION ASSOCIATION, INC. AND DONNA RICE (OWNERS) ARLINGTON OUTDOOR EDUCATION ASSOCIATION, INC. (APPLICANT) – ARLINGTON OUTDOOR EDUCATION ASSOCIATION** – An application for a Category 5 Special Exception to allow for the continued operation of an Indoor/Outdoor Technical School. The property is located at 5111 Biscuit Mountain Road, Scott District. (PIN 7907-47-1045-000, 7907-67-9308-000, 7907-58-2168-000, 7908-50-7923-000, 7907-75-5564-000) (Ben Holt, Staff)

Mr. Ben Holt reviewed the staff report, a copy of which is attached to and made part of these official minutes.

Ms. Adrienne Garreau opened the public hearing.

Mr. Robert Schrider, Vice-President of the Arlington Outdoor Education Association, described the history of how the property has been used and explained the current need for tiny houses to provide sleeping space for staff. He agreed with the staff recommendations and requested no time limit on the approval because the main use is not changing.

In that there were no further speakers, Ms. Adrienne Garreau closed the public hearing.

On motion made by Ms. Adrienne Garreau and seconded by Mr. John Meadows, it was moved to forward this item to the Board of Supervisors with a recommendation of approval, subject to the following revised conditions:

**ARLINGTON OUTDOOR EDUCATION
SPEX-17-006662**

1. The Special Exception is granted only for the land indicated in this application, including PIN 7907-47-1045-000, 7908-50-7923-000, 7907-58-2168-000, 7907-67-9308-000 and 7907-75-5564-000 and is not transferable to other land.
2. The Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Arlington Outdoor Lab Expansion Special Exception Plat, originally dated August 10, 2007 and received by Community Development February 24, 2017.
3. A maximum of three (3) school buses per day may visit the site.
4. No more than one hundred seventy-five (175) people shall occupy the site at any given time.
5. The facility shall be permitted to operate twelve (12) months out of the year, provided the facility complies with Fauquier County School inclement weather advisories.
6. During the school year, daytime programs shall be allowed Monday through Friday from 9:00 a.m. to 2:30 p.m.

7. Daytime programs during summer months shall be allowed Monday through Friday.
8. Daytime programs shall also be allowed during weekends throughout the year.
9. Scheduled overnight camping events shall be permitted.
10. Arlington Outdoor Education Association (AOEA) shall be allowed to conduct a maximum of four (4) Open House events each year.
11. The Event Parking Area on PIN 7907-75-5564-000 shall be utilized for parking only during Open House events.
12. All grass areas used for parking shall be mowed and maintained so as to minimize the risk of vehicle and field fires.
13. Adequate traffic control shall be provided for Open House Events. The Sheriff's Office shall be notified no less than 30 days prior to any Open House Event. The notice shall include the date and time of the scheduled event.
14. The Applicant shall submit to the Zoning Administrator, on an annual basis, a summary of attendance records for the events to ensure that attendance limitations are maintained.
15. Permanent structures to be used as classrooms shall be restricted to the existing buildings on-site, as indicated on the Arlington Outdoor Lab Expansion Special Exception Plat, originally dated August 10, 2007 and received by Community Development February 24, 2017. Other structures utilized for maintenance, storage of materials used for the education curriculum, agricultural purposes, student projects or temporary uses shall be allowed if they are in accord with the Applicant's Virginia Outdoors Foundation (VOF) easement. **Any new structure meeting this criteria shall only be permitted within three hundred (300) feet of existing permitted structures.**
16. Approval of this Special Exception shall authorize the use of the tiny house structures. Use of the tiny house structures shall be restricted to overnight camping activities only.
17. The replacement of Striker Cottage shall be permitted at up to 200% of the existing square footage and approximate in location to the existing structure. Replacement of Striker Cottage shall also require Virginia Department of Health approvals and Virginia Outdoors Foundation approval.
18. Camping and open house events shall conform to all Health Department and Emergency Services notification requirements.
19. The Applicant shall comply with all applicable water and waste treatment standards as required by the Virginia Department of Health.

20. All parking for daytime school activities and camping events must be provided within AOE property.
21. The applicant shall satisfy all applicable Virginia Department of Transportation (VDOT) requirements associated with the bus/visitor parking entrance.
22. The Applicant shall require all employees, volunteers and program attendees to comply with State burning laws. Current requirements of such laws shall be posted conspicuously on-site.

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 8:04 p.m.

A tape recording of the meeting, as well as the associated staff reports and attachments for each agenda item, are retained on file in the Department of Community Development's Planning Office, 10 Hotel Street, Third Floor, Warrenton, Virginia, for a period of one year.

**THE AGENDA MAY BE MODIFIED ON ADOPTION BY THE PLANNING
COMMISSION IN THE FORM OF ADDITIONS, DELETIONS OR REVISIONS**