

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
AUGUST 16, 2018**

**Work Session  
10:00 a.m.  
Warren Green Meeting Room  
10 Hotel Street, Warrenton, Virginia**

*The Fauquier County Planning Commission held a Work Session on Thursday, August 16, 2018, beginning at 10:00 a.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. Matthew Smith and Ms. Diane Roteman. Also present were Ms. Tracy Gallehr, Ms. Kimberley Fogle, Mr. Adam Shellenberger, Mr. Rob Walton, Mr. Andrew Hopewell, Ms. Heather Jenkins, Ms. Amy Rogers, Mr. Ben Holt, Ms. Kara Krantz and Ms. Meredith Meixner.*

**INTRODUCTIONS**

Mr. Adam Shellenberger introduced Ms. Kara Krantz, the new Planner in Community Development.

Ms. Adrienne Garreau welcomed Ms. Diane Roteman, the new Center District Planning Commissioner.

**RURAL LANDS PLAN**

Ms. Kimberley Fogle provided an overview of the draft recommendations to the Rural Lands Chapter of the Comprehensive Plan.

**ZONING ORDINANCE TEXT AMENDMENT – TEXT-18-009107** – A Zoning Ordinance Text Amendment to Articles 3, 5 and 15 to create a new use category, standards and a definition to allow fill to be placed on properties in Rural zoning districts associated with an agricultural operation with the approval of a Special Exception.

Mr. Rob Walton provided an update on the proposed amendment and the revised resolutions.

**APPROVAL OF MINUTES – JULY 19, 2018**

Planning Commission members discussed the minutes.

**SUBDIVISION ORDINANCE TEXT AMENDMENT – TEXT-18-009664** – A Subdivision Ordinance Text Amendment to Section 3 to revise and update language required to be included on all Large Lot division plats and deeds.

Ms. Heather Jenkins reviewed the proposed amendment.

**SPECIAL EXCEPTION – SPEX-18-009523 – EC INVESTORS, LLC (OWNER/APPLICANT) – MT. STERLING FARM/EC INVESTORS**

Mr. Adam Shellenberger reviewed the application.

**SPECIAL EXCEPTION – SPEX-18-009524 – STERLING VALLEY, LLC (OWNER/APPLICANT) – MT. STERLING FARM/STERLING VALLEY**

Mr. Adam Shellenberger reviewed the application.

**SPECIAL EXCEPTION – SPEX-18-009540 – GREGORY T. AND STEPHANIE L. SETTLE (OWNERS/APPLICANTS) – MT. STERLING FARM/SETTLE PROPERTY**

Mr. Adam Shellenberger reviewed the application.

**COMMERCIAL WIRELESS FACILITIES UPDATE**

Mr. Andrew Hopewell provided an overview of the Wireless Telecommunications Master Plan.

**FOIA/COIA**

Ms. Tracy Gallehr reviewed and distributed the updated Freedom of Information Act (FOIA) and Conflict of Interest Act (COIA) legislation.

In that there was no further business, the meeting was adjourned at 12:36 p.m.

<p><i>Regular Meeting</i> <i>6:30 p.m.</i> <i>Warren Green Meeting Room, First Floor</i> <i>10 Hotel Street, Warrenton, Virginia</i></p>
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*The Fauquier County Planning Commission held its Regular Meeting on Thursday, August 16, 2018, 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. Matthew Smith and Ms. Diane Roteman. Also present were Ms. Tracy Gallehr, Mr. Adam Shellenberger, Mr. Rob Walton Ms. Meredith Meixner.*

1. **ADOPTION OF THE AGENDA**

Ms. Adrienne Garreau moved to adopt the agenda with the addition of Commissioner's Time to the Regular Meeting.

Planning Commission members unanimously voted to adopt the agenda as amended.

2. **COMMISSIONERS' TIME**

Mr. Bob Lee mentioned there will be a discussion hosted by the Office of Natural Resources at the Old Bust Head Brewery this weekend.

Ms. Adrienne Garreau welcomed Ms. Diane Roteman, the new Center District Planning Commissioner.

3. **CITIZENS' TIME**

None.

4. **APPROVAL OF MINUTES** – July 19, 2018

On motion made by Mr. Matthew Smith and seconded by Mr. John Meadows, it was moved to approve the July 19, 2018 minutes.

The motion carried unanimously.

**Public Hearings**  
**6:30 p.m.**  
**Warren Green Meeting Room, First Floor, 10 Hotel Street**  
**Warrenton, Virginia**

1. **ANNOUNCEMENTS**

None.

2. **ZONING ORDINANCE TEXT AMENDMENT – TEXT-18-009107** – A Zoning Ordinance Text Amendment to Articles 3, 5 and 15 to create a new use category, standards and a definition to allow fill to be placed on properties in Rural zoning districts associated with an agricultural operation with the approval of a Special Exception. (Rob Walton, Staff)

Mr. Rob Walton reviewed the staff report.

Ms. Adrienne Garreau opened the public hearing.

Ms. Barbara Katherine Anderson, Cedar Run District resident, stated that her property on Brent Town Road is the most affected by the dumping. Citing the comment letter written by Piedmont Environmental Council (PEC) the month prior, she inquired why this issue has been allowed to continue. Ms. Anderson distributed a packet of case law research and urged the County to put a stop to the operation adjacent to her property.

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

Mr. Matthew Smith commended staff for their work on this amendment and stated that it will give the County something to enforce.

On motion made by Mr. Matthew Smith and seconded by Ms. Adrienne Garreau, it was moved forward this item to the Board of Supervisors with a recommendation of approval of Resolution B.

Mr. Bob Lee said he does not support the motion, as it would allow a tremendous amount of fill from other counties. Mr. Lee indicated he prefers the more restrictive Resolution C, because it is a more appropriate way to address problems, as well as protect land resources and neighbors.

Ms. Adrienne Garreau spoke in support of Resolution B as revised and explained that it gives legitimate farming operations the ability to deal with topography issues. This amendment needs to get to the Board of Supervisors as soon as possible to help with an ongoing situation.

Ms. Diane Roteman agreed with Commissioner Garreau's comments and stated that the revised Resolution B will address the non-agricultural fill material and the amount allowed.

Mr. John Meadows commented that there is urgency for a decision and supports the motion.

The motion carried 4 to 1, as follows:

AYES: Ms. Adrienne Garreau, Mr. Matthew Smith, Mr. John Meadows, and Ms. Diane Roteman

NAYS: Mr. Bob Lee

ABSTENTION: None

ABSENT: None

3. **SUBDIVISION ORDINANCE TEXT AMENDMENT – TEXT-18-009664** – A Subdivision Ordinance Text Amendment to Section 3 to revise and update language required to be included on all Large Lot division plats and deeds. (Heather Jenkins, Staff)

Ms. Heather Jenkins reviewed the staff report.

Ms. Adrienne Garreau opened the public hearing.

Mr. Jack Vance, Scott District resident, asked how citizens can access and review the proposed amendment language. Ms. Adrienne Garreau responded that the item was advertised two weeks ago and that the staff report was made available last week on line.

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

On motion made by Mr. Bob Lee and seconded by Ms. Adrienne Garreau, 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-18-009523 – EC INVESTORS, LLC (OWNER/APPLICANT) – MT. STERLING FARM/EC INVESTORS** – An application for a Category 26 Special Exception to decrease the non-common open space requirement; a Category 29 Special Exception to waive the public street requirement; a waiver of Zoning Ordinance Section 7-302 to allow a private street to connect to another private street; and a waiver of Zoning Ordinance Section 7-450 to allow for a private street longer than 1,320 feet. The property is located near the intersection of Dumfries Road and Woodlawn Lane, Cedar Run District. (PIN 7904-66-3738-000) (Adam Shellenberger, Staff)
5. **SPECIAL EXCEPTION – SPEX-18-009524 – STERLING VALLEY, LLC (OWNER/APPLICANT) – MT. STERLING FARM/STERLING VALLEY** – An application for a Category 26 Special Exception to decrease the non-common open space requirement and a waiver of Zoning Ordinance Section 7-450 to allow a private street longer than 1,320 feet.

The property is located at 7442 Mt. Sterling Farm Road, Cedar Run District. (PIN 7904-38-9985-000) (Adam Shellenberger, Staff)

6. **SPECIAL EXCEPTION – SPEX-18-009540 – GREGORY T. AND STEPHANIE L. SETTLE (OWNERS/APPLICANTS) – MT. STERLING FARM/SETTLE PROPERTY** – An application for a Category 26 Special Exception to decrease the non-common open space requirement; a Category 29 Special Exception to waive the public street requirement; and a waiver of Zoning Ordinance Section 7-450 to allow a private street longer than 1,320 feet. The property is located at 7483 Elmores Lane, Cedar Run District. (PIN 7904-28-4409-000) (Adam Shellenberger, Staff)

Mr. Adam Shellenberger reviewed the staff reports for items 4, 5, and 6.

Ms. Adrienne Garreau opened the public hearing.

Mr. Chuck Floyd, applicants' representative, indicated that the applicant understands and takes no issue that the Sterling Valley application will be postponed until next month. Mr. Floyd explained how the Conservation Easements will limit the future development of the properties beyond a single family house. Access off Dumfries Road will utilize the existing farm roads with minor adjustments, and this will establish a hard edge to the Service District. He concluded that this is a rural development that fits in with the character of the community on the south side of Dumfries Road.

Mr. Jack Vance, Scott District resident, inquired about the details of the reduction in open space and if there could be future changes. Mr. Adam Shellenberger answered that the Conservation Easements will be recorded in perpetuity. Mr. Vance added that he would only be concerned for the development if it impacts the water and sewage.

Mr. Larry Evans, Scott District resident, expressed his concerns for impacts to the wetlands and whether the new driveway will be located in front of his house along Dumfries Road.

Mr. Chris Farey, Cedar Run District resident, questioned if the three new lots on the Settle property will be accessed through Elmores Lane. Mr. Adam Shellenberger replied that VDOT will not permit any new lots on Elmores Lane; therefore, the lots will be accessed by a new private lane.

Mr. William Woodbury, Cedar Run District resident, shared his concerns for length of the private roads and that the land will no longer be used for growing hay and cattle grazing. Mr. Woodbury recommended more protection for the property which has a long history of fox hunting.

In that there were no further speakers, Ms. Adrienne Garreau closed the public hearing for item numbers 4 (E.C. Investors) and 6 (Settle Property) and adjourned the public hearing for item number 5 (Sterling Valley).

On motion made by Mr. Matthew Smith and seconded by Mr. John Meadows, it was moved to postpone item number 5 (Sterling Valley) until the next regularly scheduled meeting and to forward items 4 (E.C. Investors) and 6 (Settle Property) to the Board of Supervisors with a recommendation of approval, subject to the following conditions:

**E.C. INVESTORS  
SPEX-18-009523**

1. The Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated and shall be in general conformance with the Special Exception Plat dated June 14, 2018, received in the Planning Office on June 15, 2018, as approved with this application, as qualified or as modified by the associated Conditions and as required by the Fauquier County Zoning Ordinance.
2. Future subdivision of PIN 7904-66-3738-000 shall not create more than four (4) lots, including the residue parcel. All lots shall be deed restricted from allowing further subdivision.
3. Residential development on each of the four (4) lots shall be limited solely to a single primary dwelling unit, those accessory structures and uses allowed in Article 6 of the Zoning Ordinance for such dwelling unit, and those permitted agricultural uses in 3-318. The Accessory Uses allowed shall include both Minor and Major Home Occupations provided that such home occupations occur entirely from within existing structures without alteration of external appearance of the same, with no outdoor storage allowed.
4. All future residential development shall only have vehicular access from the future private street. All lots shall be deed restricted from having direct access to Dumfries Road.
5. The connection/intersection of the future private street and Dumfries Road (Route 605) shall meet all applicable Virginia Department of Transportation standards.
6. The existing ingress/egress easement (DB 1496, Pg. 444) shall be realigned to be directly across from Woodlawn Lane (Route 1302). Additionally, stopping sight distance shall be verified at this connection/intersection.
7. The existing ingress/egress easement (DB 1496, Pg. 444) shall be extended and/or realigned to provide access to all future lots.
8. A Private Street Maintenance Agreement shall be created and recorded for all properties accessing the private street.
9. No structures, except those needed for minor property improvements, shall be erected closer than three hundred (300) feet from the Dumfries Road (Route 605) right-of-way.

10. The future private street and home sites shall be designed, to the greatest extent possible, to take advantage of topography so as to mitigate adverse visual impacts and maintain the scenic qualities and/or historic resources.
11. The private street shall provide adequate ingress/egress for emergency vehicles, adequate turn-around facilities, and adequate drainage and conveyance of stormwater. Additionally, the private street shall adhere to all applicable portions of the Virginia Statewide Fire Prevention Code (SFPC).

**SETTLE PROPERTY**  
**SPEX-18-009540**

1. The Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated and shall be in general conformance with the Special Exception Plat dated June 14, 2018, received in the Planning Office on June 15, 2018, as approved with this application, as qualified or as modified by the associated Conditions and as required by the Fauquier County Zoning Ordinance.
2. Application ADIV-17-006666, for an Administrative Subdivision, shall be withdrawn or amended to meet all applicable conditions of this approval.
3. Prior to subdivision of PIN 7904-28-4409-000, the entire property shall be placed within an open space or conservation easement authorized pursuant to either the Virginia Conservation Easement Act, Section 10.1-1009, et. seq., or the Open Space Easement Act, Section 10.1-1700, et. seq., of the Virginia Code, that limits the division of the property to a maximum of three (3) lots, including the residue parcel, and protects the land for use as agriculture or open space.
4. Future subdivision of PIN 7904-28-4409-000 shall not create more than three (3) lots, including the residue parcel. All lots shall be deed restricted from allowing further subdivision.
5. Residential development on each of the three (3) lots shall be limited solely to a single primary dwelling unit, those accessory structures and uses allowed in Article 6 of the Zoning Ordinance for such dwelling unit, and those permitted agricultural uses in 3-318. The Accessory Uses allowed shall include both Minor and Major Home Occupations provided that such home occupations occur entirely from within existing structures without alteration of external appearance of the same, with no outdoor storage allowed.
6. All future residential development shall only have vehicular access from the future private street. All lots shall be deed restricted from having direct access to Dumfries Road (Route 605) and Elmores Lane (Private).
7. The connection to/intersection of the future private street and Dumfries Road (Route 605) shall meet all applicable Virginia Department of Transportation standards.

8. A Private Street Maintenance Agreement shall be created and recorded for all properties accessing the private street.
9. No structures, except those needed for minor property improvements, shall be erected closer than three hundred (300) feet from the Dumfries Road (Route 605) right-of-way.
10. The future private street and home sites shall be designed, to the greatest extent possible, to take advantage of topography so as to mitigate adverse visual impacts and maintain the scenic qualities and/or historic resources.
11. The private street shall provide adequate ingress/egress for emergency vehicles, adequate turn-around facilities, and adequate drainage and conveyance of stormwater. Additionally, the private street shall adhere to all applicable portions of the Virginia Statewide Fire Prevention Code (SFPC).

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 7:16 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**