

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
August 29, 2013**

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

*The Fauquier County Planning Commission held a Work Session on Thursday, August 29, 2013, beginning at 10:00 a.m., in the Warren Green Meeting Room, First Floor, 10 Hotel Street, Warrenton, Virginia. Members present were Ms. Adrienne Garreau, Chairperson; Mr. John Meadows, Vice-Chairperson; Mr. Dell Ennis, Secretary; Mr. Bob Lee and Mr. Ken Alm. Also present were Mr. R. Holder Trumbo, Jr., Mr. Peter Schwartz, Mr. Lee Sherbeyn, Ms. Tracy Gallehr, Ms. Mary Catherine Sheridan, Ms. Kimberley Fogle, Ms. Kimberley Johnson, Mrs. Susan Eddy, Ms. Holly Meade, Mr. Chuck Floyd, Mr. Adam Shellenberger, Mr. Rob Walton, Ms. Wendy Wheatcraft and Mr. Don Del Rosso.*

**COMMERCIAL WIRELESS FACILITIES**

Ms. Fogle introduced Ms. Susan Raybault with CityScape Consultants, Inc., who led the work session.

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

*The Fauquier County Planning Commission held a Work Session on Thursday, August 29, 2013, beginning at 12:30 p.m., in the Warren Green Meeting Room, First Floor, 10 Hotel Street, Warrenton, Virginia. Members present were Ms. Adrienne Garreau, Chairperson; Mr. John Meadows, Vice-Chairperson; Mr. Dell Ennis, Secretary; Mr. Bob Lee and Mr. Ken Alm. Also present were Ms. Tracy Gallehr, Ms. Mary Catherine Sheridan, Ms. Marianne Primeau, Ms. Kimberley Fogle, Ms. Kimberley Johnson, Mrs. Susan Eddy, Ms. Holly Meade, Mr. Chuck Floyd, Mr. Adam Shellenberger, Mr. Rob Walton, Mr. Harvey Clark, Ms. Wendy Wheatcraft and Mr. Don Del Rosso.*

**SPECIAL EXCEPTION – SPEX14-CR-002 – KENNETH L. & NATALIE J. ORTBERG (OWNERS/APPLICANTS) – CREEKSIDE CROSSING** – An application for a Category 29 Special Exception to waive the public street requirement. The property is located on Creekside Crossing Lane, Cedar Run District. (PIN 6993-90-1426-000) (Don Del Rosso, Staff)

Mr. Del Rosso reviewed the application.

**SPECIAL EXCEPTION – SPEX14-MA-001 – JOHN S. & HELEN J. ZISSIOS/CHARLES R. CHAMBERLAIN (OWNERS)/JOHN S. ZISSIOS & STERGIO ZISSIOS (APPLICANTS) – BLUE VALLEY VINEYARD & WINERY** – An application for a Category 18 Special Exception to allow farm winery special events. The properties are located at 9402 Justice Lane, Marshall District. (PIN 6050-37-4078-000 and 6050-38-9287-000) (Holly Meade, Staff)

Ms. Meade reviewed the application.

**TELECOMMUNICATION SPECIAL EXCEPTION – TWSE13-MA-005 – PLUM RUN FARM, LLC (OWNER)/VERIZON WIRELESS (APPLICANT) – ATOKA VERIZON WIRELESS** – An application for a Category 20 Special Exception to construct an 80’ stealth silo telecommunication facility and associated equipment. The property is located off Plum Run Lane, Marshall District. (PIN 6073-29-8485-000) (Wendy Wheatcraft, Staff)

Ms. Wheatcraft reviewed the application.

**CLOSED MEETING:**

On motion made by Mr. Meadows and seconded by Ms. Garreau, it was moved to go into a closed meeting, pursuant to *Code of Virginia* Section 2.2-3711(A)(7) for the purpose of consultation with legal counsel pertaining to specific legal matters requiring the provision of legal advice by counsel relating to TWSE13-MA-005 – Plum Run Farm, LLC (Owner)/Verizon Wireless (Applicant) – Atoka Verizon Wireless.

The motion carried 5 – 0, as follows:

AYES: Mr. Meadows, Ms. Garreau, Mr. Ennis, Mr. Lee, Mr. Alm

NAYS: None

ABSTENTION: None

ABSENT: None

Upon reconvening from the closed meeting, Mr. Meadows read the following Certification of Closed Meeting:

The Fauquier County Planning Commission, having adjourned into a closed meeting this day for the purposes stated in the resolution authorizing such meeting, does hereby certify that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and
2. Only such public business matters as were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered in the closed meeting.

This certification shall be recorded in the minutes of the Planning Commission on motion of Mr. Meadows and seconded by Ms. Garreau.

The motion carried 5 – 0, as follows:

AYES: Mr. Meadows, Ms. Garreau, Mr. Ennis, Mr. Lee, Mr. Alm

NAYS: None

ABSTENTION: None

ABSENT: None

**ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 3-318 to permit religious retreats in existing structures on non-common open space parcels. (Kevin Burke, Staff)

Ms. Gallehr reviewed the proposed text amendment.

**TELECOMMUNICATION SPECIAL EXCEPTION – TWSE13-SC-006 – PEGGY ANN RECTOR WANG/LYNN RECTOR, JR. (OWNERS)/SPRINT (APPLICANT) – SPRINT/RECTOR – WANG PROPERTY** – An application for a Category 20 Special Exception to install one (1) new microwave dish on an existing telecommunication tower. The properties are located at 7535 John Marshall Highway, Scott District. (PIN 6979-39-8672-000 and 6979-49-0781-000) (Wendy Wheatcraft, Staff)

Ms. Wheatcraft reviewed the application.

**INITIATION OF A COMPREHENSIVE PLAN AMENDMENT TO CHAPTER 3 – POPULATION ANALYSES & PROJECTIONS** (Chris Pettit, Staff)

Mr. Pettit reviewed the proposed Comprehensive Plan Amendment.

**ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Sections 3-318, 6-102 and 15-300 related to sales of agricultural products and agricultural events. (Chuck Floyd, Staff)

Mr. Floyd reviewed the proposed text amendment.

**ZONING WAIVER/PLANNING WAIVER – WAVR14-SC-001 & WVRP14-SC-001 – KENNETH GREENE/RICHARD GREENE/ELIZABETH J. GREENE (OWNERS/APPLICANTS) – GREENE PROPERTY**– Applications for a waiver of Zoning Ordinance Section 7-302.1.A.2 to allow a private street to connect to a private street; and a waiver of Subdivision Ordinance Section 2-39.C.2 to reduce the minimum right-of-way width from thirty (30) feet to twenty (20) feet. The property is located at 5336 Brunswick Lane, Scott District. (PIN 7907-35-8270-000) (Harvey Clark, Staff)

Mr. Clark reviewed the application.

**ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 3-300, Article 5 and Section 15-300 related to approval requirements for select commercial uses. (Chuck Floyd, Staff)

Mr. Floyd reviewed the proposed text amendment.

**ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 8-800 regarding the standards for temporary sandwich board signs. (Chuck Floyd, Staff)

Mr. Floyd reviewed the proposed text amendment.

**ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Sections 6-104 and 6-105 regarding the use limitations and location regulations on fences to permit portable electric fencing. (Chuck Floyd, Staff)

Mr. Floyd reviewed the proposed text amendment.

**SPECIAL EXCEPTION AMENDMENT & SPECIAL PERMIT – SEAM13-SC-010 & SPPT14-SC-005 – GREAT MEADOW FOUNDATION/MEADOW OUTDOORS FOUNDATION, INC. a/k/a THE MEADOWS OUTDOORS FOUNDATION, INC./EASTWOOD MANAGEMENT, LLC (OWNERS)/GREAT MEADOW FOUNDATION (APPLICANT) – GREAT MEADOW FOUNDATION** – An application to amend previously approved conditions of Special Exception (SEAM08-SC-002) and Special Permit (SPPT08-SC-029), and to allow events to take place on Fleming Farm. The properties are located at 5089 Old Tavern Road, 7234 Fleming Farm Road and 7297 Fleming Farm Road, Scott District. (PIN 6978-85-9359-000, 6988-14-0670-000, and 6988-03-6214-000) (Adam Shellenberger, Staff)

Mr. Shellenberger reviewed the application.

Mr. Lee recused himself from discussion on this matter.

**APPROVAL OF MINUTES**

Planning Commissioners discussed the July 18, 2013; July 25, 2013; August 9, 2013; and August 14, 2013 minutes.

**BOARD OF ZONING APPEALS AGENDA**

No comment.

**TRANSPORTATION COMMITTEE AGENDA**

No comment.

**PLANNING COMMISSIONERS' TIME**

Planning Commissioners discussed opportunities to learn from other jurisdictions.

The meeting was adjourned at 5:00 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, August 29, 2013, 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. Dell Ennis, Secretary; Mr. Ken Alm and Mr. Bob Lee. Also present were Mr. Kevin Burke, Ms. Marianne Primeau, Mrs. Susan Eddy, Ms. Holly Meade, Mr. Chuck Floyd, Mr. Adam Shellenberger, Mr. Harvey Clark, Ms. Wendy Wheatcraft and Mr. Don Del Rosso.***

The Planning Commission held a moment of silence in honor of Mr. Chester Stribling, Lee District Supervisor, who is undergoing medical treatment in Chicago.

1. **APPROVAL OF MINUTES** – July 18, 2013; July 25, 2013; August 9, 2013; and August 14, 2013

On motion made by Mr. Ennis and seconded by Mr. Meadows, it was moved to approve the July 18, 2013; July 25, 2013; August 9, 2013; and August 14, 2013 minutes.

The motion carried unanimously.

2. **ZONING WAIVER/PLANNING WAIVER – WAVR14-SC-001 & WVRP14-SC-001 – KENNETH GREENE/RICHARD GREENE/ELIZABETH J. GREENE (OWNERS/APPLICANTS) – GREENE PROPERTY**– Applications for a waiver of

Zoning Ordinance Section 7-302.1.A.2 to allow a private street to connect to a private street; and a waiver of Subdivision Ordinance Section 2-39.C.2 to reduce the minimum right-of-way width from thirty (30) feet to twenty (20) feet. The property is located at 5336 Brunswick Lane, Scott District. (PIN 7907-35-8270-000) (Harvey Clark, Staff)

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

On motion made by Ms. Garreau and seconded by Mr. Lee, it was moved to approve this item.

The motion carried unanimously.

3. **INITIATION OF A COMPREHENSIVE PLAN AMENDMENT TO CHAPTER 3 – POPULATION ANALYSES & PROJECTIONS** (Chris Pettit, Staff)

Mrs. Eddy reviewed the staff report, a copy of which is attached to and made part of these official minutes.

On motion made by Ms. Garreau and seconded by Mr. Alm, it was moved to initiate this item.

The motion carried unanimously.

4. **BOARD OF ZONING APPEALS AGENDA**

No comment.

5. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

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

1. **ANNOUNCEMENTS**

Ms. Garreau announced that additional seating is available in the Second Floor Conference Room, where the meeting can be seen and heard.

Ms. Garreau clarified for the citizens in attendance that the Public Hearing item for a Zoning Ordinance Text Amendment to Section 3-318 to permit religious retreats in existing structures on non-common open space parcels, will not apply to the recent event at Eternal Springs Association, Inc., because that parcel is not a non-common open space parcel.

2. **CITIZENS' TIME**

No one spoke.

3. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 3-300, Article 5 and Section 15-300 related to approval requirements for select commercial uses. (Chuck Floyd, Staff)

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

Ms. Garreau opened the public hearing.

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

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

The motion carried unanimously.

4. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 3-318 to permit religious retreats in existing structures on non-common open space parcels. (Kevin Burke, Staff)

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

Mr. Floyd clarified that this proposed text amendment is not related to activities of the Eternal Spring Association located on Piney Mountain Road.

Ms. Garreau opened the public hearing.

Ms. Jennifer Young, Marshall District, spoke in opposition to this proposed text amendment. Ms. Young stated that allowing religious retreats in existing structures on non-common open space parcels as a by-right use could possibly “open a can of worms.” Ms. Young suggested that the use require a Special Exception, which would entail a public hearing. Ms. Young further requested a definition of “non-common open space.”

Mr. Floyd explained that when a parcel over 30 acres is subdivided within the Rural Agricultural (RA) or Rural Conservation (RC) zoning districts, the lots must be clustered on 15% of the parcel, with the remaining 85% maintained in a single lot – “non-common open space.” Mr. Floyd stated that the non-common open space parcel would be subject to a recorded deed limiting the uses allowed and that it cannot be further subdivided.

Dr. Dan Gisselquist, Scott District, stated that having the Zoning Administrator determine exactly what is characterized as a “religious retreat” may lead to religious discrimination and ultimately put the County in a politically difficult situation. Dr. Gisselquist suggested removing the term “religious” and using only “retreat.”

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

On motion made by Ms. Garreau and seconded by Mr. Meadows, it was moved to postpone action on this item for up to 90 days, with the public hearing closed.

The motion carried unanimously.

5. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 8-800 regarding the standards for temporary sandwich board signs. (Chuck Floyd, Staff)

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

Ms. Garreau opened the public hearing.

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

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

The motion carried unanimously.

6. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Sections 6-104 and 6-105 regarding the use limitations and location regulations on fences to permit portable electric fencing. (Chuck Floyd, Staff)

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

Ms. Garreau opened the public hearing.

Ms. Lisa Gisselquist, Scott District, spoke against this proposed Text Amendment. Ms. Gisselquist explained that she keeps bee hives on her family's 1.87-acre property for the benefit of local honey, which helps alleviate her father's allergy symptoms. Ms. Gisselquist further explained that electric fencing could be a deterrent for bears disturbing the hives and stated electric fencing should be permitted on all properties in order to keep wild animals in check. Ms. Gisselquist urged the Planning Commission to allow electric fences where they are needed and recommended the 2 acre limitation be removed.

Dr. Dan Gisselquist, Scott District, stated he keeps bee hives and explained that there have been bear sightings near his neighborhood. Dr. Gisselquist indicated he does not understand why the 2 acre limitation is being set for electric fences and recommends no acreage cut-off. Dr. Gisselquist suggested that property owners should be responsible for their own property and be required to place warning signs in order to have the opportunity to protect their livelihood and homes from predators.

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

Mr. Meadows recommended that the Board consider citizen requests to revise this proposed text amendment to allow electric fencing on parcels under two acres in size.

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

The motion carried unanimously.

7. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Sections 3-318, 6-102 and 15-300 related to sales of agricultural products and agricultural events. (Chuck Floyd, Staff)

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

Ms. Garreau opened the public hearing.

Mr. Timothy Gisselquist, Scott District, stated that birthday parties should be legal and he cannot understand why the County wishes to restrict such parties.

Ms. Kim Hartke, representing the Farm to Consumer Legal Defense Fund, stated that her organization supports expanding the range of sales and activities allowed on farms. Ms. Hartke expressed concern that farmers must adhere to numerous county, state, and federal regulations, which are often conflicting.

Mr. Jesse Gisselquist, Scott District, stated that his family raises chickens, turkeys, fruits, and vegetables on their property and sell what they do not need. Mr. Gisselquist shared his concern that if a particular crop failed he would need to sell more than 50% of another to make up for the loss. Mr. Gisselquist questioned why a property owner needs to be on the property, or adjacent to it, for a private party to be held.

Dr. Dan Gisselquist, Scott District, stated land use and land management is a responsibility and every property owner should have a right to enjoy the fruits of their labor.

Ms. JoAnn Abbott, Prince William County, voiced her concern for zoning farmland in a way that prohibits farmers from affording their land and causing it to be replaced with subdivisions and gridlock as she has seen happen around Dale City. Ms. Abbott supports having fresh, local produce and eggs available.

Mr. Dan Roberts, Fairfax County, stated he has a 300 acre farm in Ohio that he grew up on that produced chickens, eggs, sheep, and wool and also had an airport that provided air tours. Mr. Roberts expressed his concern for the effects of over-regulating farmers.

Ms. Madge Eicher, Marshall District, spoke against this amendment and shared her concern for eliminating the by-right language. Ms. Eicher stated that farmers need to supplement their income in other ways, such as farmer's markets. Ms. Eicher further stated that tracking 50% of added value products will be difficult for bookkeeping and limiting the number of times a farmer attends a farmer's market to twelve is not realistic. Ms. Eicher urged the Planning Commission not to regulate the farmers.

Ms. Martha Boneta, Marshall District, spoke in opposition and respectfully requested the term "by-right" be placed back into the proposed text amendment. Ms. Boneta voiced her concerns for limiting the categories of farm activities to seven, when the Fauquier Farm Bureau considers up to seventy and further, requiring farmers to provide accounting for their sales sends the wrong message to the community. Ms. Boneta stated that she supports less government and Fauquier County's farming community will do what is needed to restore the farming freedoms that are heavily regulated.

Mr. Ronald Wilcox, Fairfax County, expressed his concern for regulating private parties and requiring the owner to be present on the property.

Ms. Patty Leonard, Cedar Run District, explained that she has been a part of agritourism for thirteen years and has spent thousands of dollars on Special Exceptions and regulations. Ms. Leonard commended the Planning Commission for opening this discussion and encouraged them to expand the discussion to consider more activities that are not currently allowed. Ms. Leonard noted that farmers not only have value in their products, but have recreational value, and suggested adding events and agricultural educational opportunities

to the amendment. Ms. Leonard also noted that she recognizes the need for safety and regulation for events.

Mr. Louis Smith, Virginia Independent Consumers & Farmers Association, stated his organization protects farm and consumer sales and that Fauquier County has a great opportunity to help the community buy from local farmers.

Mr. Jesse Straight, Marshall District, stated he is a farmer at Whiffletree Farm and processes sustainable pasture raised chickens, eggs, pork, beef and turkeys. Mr. Straight asked for clarification if the twelve times per year applies to his farm store and encouraged the Planning Commission to ensure the language is clear to farmers trying to follow the regulations. Mr. Straight requested that farmers be allowed to use the beauty of their farm as an asset and not be prohibited from holding non-agricultural events.

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

Mr. Meadows recommended that the Board consider citizen requests to revise the language of this proposed text amendment.

On motion made by Ms. Garreau and seconded by Mr. Alm, it was moved to forward this item to the Board of Supervisors with a recommendation of approval, as amended.

The motion carried unanimously.

8. **SPECIAL EXCEPTION – SPEX14-MA-001 – JOHN S. & HELEN J. ZISSIOS/CHARLES R. CHAMBERLAIN (OWNERS)/JOHN S. ZISSIOS & STERGIO ZISSIOS (APPLICANTS) – BLUE VALLEY VINEYARD & WINERY** – An application for a Category 18 Special Exception to allow farm winery special events. The properties are located at 9402 Justice Lane, Marshall District. (PIN 6050-37-4078-000 and 6050-38-9287-000) (Holly Meade, Staff)

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

Mr. Meadows clarified that the building will not be visible from Route 66.

Ms. Garreau opened the public hearing.

Ms. Susan Rubin, Marshall District, stated that her house is approximately 2200 feet from the tasting room location and shared her concern for issues caused by event traffic. Ms. Rubin suggested a postponement for the event building until they know the effects of the tasting room.

Ms. Julie Bolthouse, representing Piedmont Environmental Council, remarked that the residents have significant concerns for the potential impacts on ground water supply and quality, traffic on Grove Lane, noise and lighting. Ms. Bolthouse stated the application is premature and incomplete without knowing where the water will come from or where the

buildings will be located. Ms. Bolthouse further stated that designing the buildings before planting the vineyard does not follow the purpose of the ordinance and indicates events will be the primary use. Ms. Bolthouse recommended postponing the special events until the winery is built and processing grapes.

Mr. Stergio Zissios, applicant, requested postponement until several items can be addressed. Mr. Zissios indicated his family had been making wine for five generations and welcomed anyone with concerns to contact him or come to the property.

Dr. Kitty Smith, Marshall District, agreed with the comments stated by Julie Bolthouse and expressed her concerns for having a third application on Grove Lane. Dr. Smith recommended VDOT place traffic counters on Grove Lane in order to evaluate the impacts from the neighboring Barrel Oak Winery.

Mr. Don Meadows, Marshall District, stated he supports entrepreneurs but has concerns for the impacts on ground water and noise. Mr. Meadows further stated his property is adjacent to the proposed winery and supports postponing this application until concerns have been addressed.

Mr. Lee indicated he supports postponing the application with the public hearing kept open in order to address the concerns.

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

On motion made by Mr. Lee and seconded by Ms. Garreau, it was moved to postpone action on this item, at the applicant's request, with the public hearing left open.

The motion carried unanimously.

9. **SPECIAL EXCEPTION – SPEX14-CR-002 – KENNETH L. & NATALIE J. ORTBERG (OWNERS/APPLICANTS) – CREEKSIDE CROSSING** – An application for a Category 29 Special Exception to waive the public street requirement. The property is located on Creekside Crossing Lane, Cedar Run District. (PIN 6993-90-1426-000) (Don Del Rosso, Staff)

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

Ms. Garreau opened the public hearing.

Ann Callaway, Esq., representative, stated that the applicant has read the conditions and supports a recommendation of approval.

Mr. Todd Carver, Cedar Run District, asked for clarification on what the public street requirement is. Mr. Carver spoke in favor of approving this waiver.

Ms. Anita Jaramillo, Cedar Run District, spoke in favor of granting the waiver.

Ms. Natalie Ortberg, applicant, stated this is a family property and expressed her appreciation for the guidance from staff.

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

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

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 titled "Special Exception Creekside Crossing Subdivision," dated May 22, 2013 and received by the Fauquier County Department of Community Development on June 28, 2013, except as modified by these development conditions.
2. Without approval of a Category 23 Special Exception to cross the existing floodplain, lots shown as 3BR-2 and 3BR-3 on Sheet 3 of the Special Exception Plat shall only be accessed west of the existing floodplain.
3. Creekside Crossing Lane, with the exception of the existing culvert, shall be widened to a minimum of twenty (20) feet prior to the issuance of the Certificate of Occupancy for Lots 3BR-2 and 3BR-3. The applicant shall obtain all necessary County, State and Federal approvals prior to widening the road.
4. A turnaround area shall be constructed at the end of Creekside Crossing Lane to accommodate fire apparatus prior to the issuance of the Certificate of Occupancy for Lots 3BR-2 and 3BR-3. The turnaround area shall be designed according to Appendix D of the 2009 Virginia Statewide Fire Prevention Code.
5. Should the culvert be improved, the applicants shall obtain all necessary County, State and Federal approvals prior to making improvements.
6. The applicants shall improve the entrance at Meetze Road (Route 643) in accordance with VDOT requirements prior to the issuance of the Certificate of Occupancy for Lots 3BR-2 and 3BR-3.
7. Prior to Final Plat approval, the entrance improvements shall be bonded with VDOT, pursuant to VDOT guidelines.
8. The Creekside Crossing Declaration of Covenants, Conditions and Restrictions shall be further amended to include Lots 3BR-1, 3BR-2 and 3BR-3, as shown on the Special Exception Plat. The amended Covenants shall be recorded with the Final Plat.

The motion carried unanimously.

10. **SPECIAL EXCEPTION AMENDMENT & SPECIAL PERMIT – SEAM13-SC-010 & SPPT14-SC-005 – GREAT MEADOW FOUNDATION/MEADOW OUTDOORS FOUNDATION, INC. a/k/a THE MEADOWS OUTDOORS FOUNDATION, INC./EASTWOOD MANAGEMENT, LLC (OWNERS)/GREAT MEADOW FOUNDATION (APPLICANT) – GREAT MEADOW FOUNDATION** – An application to amend previously approved conditions of Special Exception (SEAM08-SC-002) and Special Permit (SPPT08-SC-029), and to allow events to take place on Fleming Farm. The properties are located at 5089 Old Tavern Road, 7234 Fleming Farm Road and 7297 Fleming Farm Road, Scott District. (PIN 6978-85-9359-000, 6988-14-0670-000, and 6988-03-6214-000) (Adam Shellenberger, Staff)

Mr. Lee recused himself from any discussion and action on this item.

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

Ms. Garreau opened the public hearing.

Ms. Joyce Johnson, Scott District, explained that she owns rental properties along Route 245. Ms. Johnson voiced her concerns for the Class C events and traffic volume increasing because current events limit the use of the road for residents. Ms. Johnson also shared concerns for a new sound system and monitoring the number of attendees.

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

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

1. All Events

- a. Events at Great Meadow Foundation shall be consistent with the mission of the non-profit organization: the mission is the preservation of open space at Great Meadow for equestrian and field sports, youth and community activities.
- b. Vehicular racing, commercial horse racing (defined as a permanent horse racing track with permanent covered seating and which is operated for ten consecutive days or more at a time) and permanent horse training stables (defined as any stable regularly used for the exercise of horses used in commercial racing) shall not be permitted.
- c. All events shall comply with the appropriate local, state and federal regulatory agencies permit requirements.
- d. All plans for and activities conducted on the property during each event shall be as authorized by Great Meadow Foundation as Fauquier County licensee within provisions of Category 9 of the Zoning Ordinance.
- e. Any retail sales conducted on the property shall either be (a) accessory and incidental to the permitted activity or (b) conducted by and for the benefit of non-profit, tax exempt organizations whose principal offices are located within the County. At least thirty (30) days prior to holding an event the holder of the Special Exception for the property upon which the event will be held shall provide to the Zoning Administrator the name,

address and a contact person for each individual, group association, partnership or corporation which is expected to conduct retail sales at the event.

- f. There shall be no midways or motorized (automobile) events. Static displays of vehicles shall be allowed.
- g. Gates shall close at 12:00 a.m. with the exception of the private night sky watch events which are limited in attendance to private club members and extend through darkness hours.
- h. The majority of activities shall occur during daylight hours, with the exception of Twilight Polo, Twilight Jumpers, and other occasional events. If lighting is required it shall comply with Fauquier County Zoning Ordinance standards and shall be turned off by 11:00 p.m.
- i. The arena/stadium will only be used for equestrian and/or animal (non-human) oriented events throughout the year.
- j. With the exception of the 4<sup>th</sup> of July Event, no aircraft or helicopters shall land on the premises except for health, safety, emergency preparedness at the request of a local, state, or federal law enforcement agency, or for spraying purposes.
- k. No fireworks displays will be held on the premises, except on the 4<sup>th</sup> of July, and no light displays of any kind shall be held on the property at any time.
- l. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in a Residential District. Additionally, no off-street parking or loading space shall be located within 850 feet of PIN 6978-81-7281-000, 6978-80-9825-000, 6978-90-0672-000, or 6978-90-1229-000.

## 2. Class A Events

- a. The Applicant shall be limited to a total of eight (8) Class A Events per year.
- b. No more than five (5) Class A Events per year shall have cumulative, throughout the duration of the event, attendance over 25,000. Furthermore, the cumulative attendance of the event shall not exceed the maximum number of attendees permitted in Section 5-914.1 of the Zoning Ordinance.
- c. There shall be no more than one Class A Event per month, except in July when two Class A events may be held.
- d. No Class A Event shall exceed three (3) days in length.
- e. Class A events shall be limited to equestrian, family, picnic, community, historical, or agricultural demonstration events.
- f. Class A Events may consist of but shall not be limited to:
  - i. Virginia Gold Cup (Spring)
  - ii. International Gold Cup (Fall)
  - iii. 4<sup>th</sup> of July Celebration (includes daytime tethered Hot Air Balloons & evening Fireworks)
  - iv. Equestrian Combined Eventing

## 3. Class B Events

- a. The Applicant shall be limited to a total of nine (9) Class B Events per year.
- b. No Class B Event shall exceed three (3) days in length.
- c. Except as permitted by Special Permit, the cumulative attendance of a Class B Event shall not exceed the maximum number of attendees permitted in Section 5-915.1 of the Zoning Ordinance.

- d. Class B Events may consist of but shall not be limited to:
  - i. Professional bull riding/rodeo
  - ii. Cross Country Championships
  - iii. Cultural Festivals
  - iv. Equestrian Combined Eventing
  - v. Historical Reenactments
- e. Special Permit approval, SPPT14-SC-005, allows for the following Class B events to exceed 5,000 attendees:
  - i. Cultural Festivals
  - ii. Equestrian Combined Eventing

4. Class C Events

- a. The Applicant may hold an unlimited amount of Class C Events per year.
- b. Except as permitted by Special Permit, no Class C Event shall exceed three (3) days in length.
- c. Except as permitted by Special Permit, the cumulative attendance of a Class C Event shall not exceed the maximum number of attendees permitted in Section 5-916.1 of the Zoning Ordinance.
- d. Class C Events may consist of but shall not be limited to:
  - i. Sports clinics and sports day camps
  - ii. Special interest clinics and day camps
  - iii. Local schools sports club practice and meets (cross county track, lacrosse, rugby and soccer)
  - iv. Equestrian activities: clinics, steeplechase, shows, trail rides, combined eventing, and polo
  - v. Dog events: shows, trials and demonstrations, search and rescue tracker dog training, and Basset hound hunting
  - vi. Community activities: meetings, festivals, and picnic/dinner outings
  - vii. Educational uses: Astronomy club night sky watch, rocket club, art class, nature walks, school field trip visits to site, and environmental education activities
  - viii. Flower/plant shows
  - ix. Pony club activities
  - x. Weddings
  - xi. Various social events, receptions
- e. Special Permit approval, SPPT14-SC-005, allows for the following Class C Events to exceed three (3) days in duration:
  - i. Model Rocketry Launch Demonstration - 1 week maximum duration
  - ii. Middleburg Horse Show - 1 week maximum duration
- f. Special Permit approval, SPPT14-SC-005, allows for the following Class C Events to exceed 1,000 attendees:
  - i. Twilight Polo (Memorial Day through September on Saturday evenings)
  - ii. Grass polo events during summer months
  - iii. Model Rocketry Launch Demonstration

5. Sound

- a. The General Grounds Sound System (the largest sound system on the premises) incorporating the Stewards Stand System, the Members Hill System and the Course Perimeter System shall not be used at more than five (5) events per year.
- b. The Stewards Stand system may be used for any Class A, B, or C event.
- c. Members Hill and/or Arena/Stadium Sound Systems shall not be used more than eight days per month.
- d. Members Hill and/or Arena Sound Systems may be used after 6:00 p.m. only one night per week and only during the months of April through November, except this limitation shall not apply to the 4<sup>th</sup> of July, the spring and fall Gold Cup Races, and the Equestrian Combined Eventing.
- e. No sound system shall be activated prior to 8:00 a.m. or remain active after 11:00 p.m. or after the permitted event has ended.
- f. Sound systems (excepting small individual portables) shall only be used during events, except briefly for sound testing purposes.
- g. Sound systems shall not be expanded or enlarged so as to increase the decibel level or area of coverage beyond that which exists as of the date of the granting of the original special exception approval. Except that the Equestrian Eventing Course area may include a new sound system, or be covered by an expansion of the existing sound system.
- h. The sound system for the Equestrian Eventing Course shall only be used during two (2) events per year and shall not be used after 9:00 p.m.
- i. Cannon sounds are only permitted during historical reenactments.
- j. Amplified music shall be prohibited except during spring and fall Gold Cup Races, 4<sup>th</sup> of July, polo or wedding events (at weddings music shall be allowed inside tent or building only).
- k. All requirements of the Fauquier County Code, including this Ordinance, which pertain to limitations and prohibitions on noise in the applicable zoning districts shall be complied with by the holder of the special exception.

6. Lighting

- a. No outdoor lighting system, other than standard floodlights attached to permanent structures, shall be used on the premises except the lights on the arena/stadium, which shall be further regulated as follows:
  - i. Arena/Stadium lights shall be used for events and shall be extinguished no later than 11:00 p.m.
  - ii. Arena/Stadium lighting system shall be used no more than four (4) days per month plus ten additional days as allocated by the applicant and only through the months of April through November, except for testing purposes and lighting for organized equestrian competitions and events (lights shall be extinguished by 9:00 p.m.)
  - iii. There shall be no expansion of the existing arena/stadium lighting system.
- b. All lights shall be shielded so that the source of light is not visible beyond the property boundary.
- c. Any replacement or installation of outdoor lighting fixtures or standards during the term of this Special Exception shall comply with the most current Performance

Standards for Outdoor Lighting Control as contained in Article 9 of the Zoning Ordinance.

7. Building Limits

- a. No structure shall be located closer than 100 feet to any lot line.
- b. Total permitted structures on the premises shall not exceed 35,000 square feet in area.
- c. Any structures shall comply with Fauquier County building codes and building permit requirements.
- d. All structures shall be constructed of materials and colored so as to harmonize with the natural landscape.
- e. Additional permanent structures built on the premises shall be restricted to the not-to-exceed amount of 35,000 square feet and those necessary for maintenance and security of the site.

8. Transportation

- a. The applicant shall comply with all requirements of the Virginia Department of Transportation (VDOT) and reimburse VDOT for use of equipment.
- b. Traffic control for all events having anticipated attendance in excess of 2,500 persons shall be coordinated with the Fauquier County Sheriff's Department.

9. Public Safety and Health

- a. All Class A, B, and C events shall be approved in advance by the Office of Emergency Services, Health Department, Sheriff's Office and VDOT in compliance with Sections 5-914.6, 5-915.6, and 5-916.6 of the Zoning Ordinance. In its submittal to the Zoning Administrator, the applicant shall specify the type and number of rescue equipment, public safety personnel, traffic control, security and on-site sanitary and refreshment facilities required for each event to ensure that adequate services are maintained on site at all times.
- b. The applicant shall comply with all requirements of the Fauquier County Health Department.

10. Terms

- a. This Special Exception and Special Permit shall be issued for a period of five (5) years commencing with the month in which the Board of Supervisors approves it and ending at the end of that same month five (5) years hence, and henceforth shall then be subject to five (5) year administrative renewals by the Zoning Administrator.
- b. In addition to the procedures and standards set forth in Section 5-012 of the Zoning Ordinance for administrative renewals, if the Zoning Administrator finds that practices have changed character and there are new impacts, the Special Exception and Special Permit shall be required to go back to the Board of Supervisors for approval.

The motion carried 4 – 0, as follows:

AYES: Mr. Meadows, Ms. Garreau, Mr. Ennis, Mr. Alm

NAYS: None

ABSTENTION: Mr. Lee

ABSENT: None

11. **TELECOMMUNICATION SPECIAL EXCEPTION – TWSE13-MA-005 – PLUM RUN FARM, LLC (OWNER)/VERIZON WIRELESS (APPLICANT) – ATOKA VERIZON WIRELESS** – An application for a Category 20 Special Exception to construct an 80’ stealth silo telecommunication facility and associated equipment. The property is located off Plum Run Lane, Marshall District. (PIN 6073-29-8485-000) (Wendy Wheatcraft, Staff)

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

Ms. Garreau opened the public hearing.

Ms. Julie Bolthouse, representing Piedmont Environmental Council, spoke against approving this application. Ms. Bolthouse expressed concern about the possible impact of a silo at this location and that the applicant has not provided a technical explanation of why they cannot collocate on the existing silo.

Mr. Frank Stearns, representative, gave a short presentation that explained Verizon’s gap in service and mentioned that this will be a working silo. Mr. Stearns further explained that higher data use is creating the need for better coverage.

Mr. Paul Dugan, representative, stated the proposed antenna height will help coverage on Route 50.

Ms. Wendy Bebie, representing Mosby Heritage Association, requested a denial for this application. Ms. Bebie urged that the pristine Aldie, Middleburg and Upperville battlefields' viewshed be maintained and noted that no citizens were in favor of the silo at the public meeting held by Verizon. Ms. Bebie requested that if this proposal is not denied, then defer decision until the battlefield preservation plan created by the American Battlefield Preservation Program could be considered when complete in mid-2014; until the Department of Historic Resources issues their Section 106 Report; and until specific information on the gap in coverage is provided.

Dr. Kitty Smith, Marshall District, stated the balloon test held in April prior to the full leaf coverage could be seen from Crenshaw Road, Rectors Lane and Atoka Road. Dr. Smith further stated that few people live in this area and agreed with previous speakers supporting the historic nature of this area. Dr. Smith reiterated that the county’s ordinance is structured to support collocation and the applicant has not provided what coverage would be if they collocated.

Mr. Ed Hauswald, Scott District resident and representing the Atoka Preservation Society, spoke against approving this application. Mr. Hauswald stated that the viewsheds of Atoka

and the surrounding battlefields are an integral part of the village and that the benefits offered by Verizon bring marginal benefits to the community.

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

Mr. Lee stated that he values the cultural landscape importance and is in support of waiting for a recommendation from the Department of Historic Resources (DHR).

On motion made by Mr. Lee and seconded by Mr. Meadows, it was moved to postpone action on this item for 30 days, with the public hearing left open.

The motion carried unanimously.

12. **TELECOMMUNICATION SPECIAL EXCEPTION – TWSE13-SC-006 – PEGGY ANN RECTOR WANG/LYNN RECTOR, JR. (OWNERS)/SPRINT (APPLICANT) – SPRINT/RECTOR – WANG PROPERTY** – An application for a Category 20 Special Exception to install one (1) new microwave dish on an existing telecommunication tower. The properties are located at 7535 John Marshall Highway, Scott District. (PIN 6979-39-8672-000 and 6979-49-0781-000) (Wendy Wheatcraft, Staff)

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

Ms. Garreau opened the public hearing.

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

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

1. The one (1) microwave dish shall be of a material or color that matches the exterior of the existing telecommunications tower.
2. The height of the tower shall not exceed 308 feet, which includes the height of the existing lightning rod.
3. With the exception of minor maintenance, the applicant shall retain existing landscaping around the tower compound.
4. The applicant shall obtain all necessary Federal Aviation Administration (FAA) approvals, and the tower shall conform to all Federal Communication Commission (FCC) and FAA regulations.

5. Signals, lights or illumination shall not be permitted on the tower or any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.
6. No commercial advertising or signs shall be allowed on the tower or associated structures.
7. Removal of the facility is subject to the terms identified in Section 11-107.2 of the Zoning Ordinance. The site shall be restored as closely as possible to its original condition.
8. Future replacement or addition of by-right antennas and associated equipment, which do not require Special Exception approval, shall be processed administratively.
9. The deed book and page number of the access easement shall be provided on the required site plan.

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 9:22 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**