

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
October 25, 2012**

**Work Session
1:30 p.m.
Warren Green Building
Second Floor Conference Room
10 Hotel Street, Warrenton, Virginia**

The Fauquier County Planning Commission held a Work Session on Thursday, October 25, 2012, beginning at 1:30 p.m., in the Warren Green Building, Second Floor Conference Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. Ken Alm, Chairperson; Ms. Adrienne Garreau, Vice-Chairperson; Mr. Dell Ennis, Secretary; Mr. Bob Lee, and Mr. John Meadows. Also present were Ms. Tracy Gallehr, Mrs. Susan Eddy, Ms. Kimberley Fogle, Mr. Andrew Hushour, Mr. Don Del Rosso, and Mr. Adam Shellenberger.

PLANNING COMMISSION GOALS

Mr. Alm reviewed the short and long-term Planning Commission vision goals.

SPECIAL EXCEPTION – SPEX13-MA-001 – BRIAN C. & SHARON L. ROEDER (OWNERS/APPLICANTS) – BARREL OAK WINERY

Mrs. Eddy reviewed the application.

SPECIAL EXCEPTION AMENDMENTS – SEAM13-CR-001 & SEAM13-CR-002 – RFI WC, LC (OWNER/APPLICANT) – WARRENTON CHASE

Mrs. Eddy reviewed the applications.

SPECIAL EXCEPTIONS – SPEX13-MA-002 & SPEX13-MA-003 – ORLEAN VOLUNTEER FIRE DEPARTMENT, INC. (OWNER/APPLICANT) – ORLEAN VOLUNTEER FIRE COMPANY 11

Mr. Shellenberger reviewed the applications.

ZONING ORDINANCE TEXT AMENDMENT – A Zoning Ordinance Text Amendment to Section 6-104 regarding the barrier requirements for swimming pools.

Mr. Hushour reviewed the proposed text amendment.

ZONING ORDINANCE TEXT AMENDMENT – A Zoning Ordinance Text Amendment to Section 2-409 regarding the extension of handicapped accessible ramps into required setbacks.

Mr. Hushour reviewed the proposed text amendment.

ZONING ORDINANCE TEXT AMENDMENT – A Zoning Ordinance Text Amendment to Section 5-700 regarding the adaptive use of public and quasi-public buildings.

Mr. Hushour reviewed the proposed text amendment.

ZONING ORDINANCE TEXT AMENDMENT – A Zoning Ordinance Text Amendment to Section 15-300 regarding the limited allowance of the service of automobiles as part of a Farm Equipment Sales, Rental and Service Establishment.

Mr. Hushour reviewed the proposed text amendment.

BOARD OF ZONING APPEALS AGENDA

Mrs. Eddy stated the November 1, 2012 meeting was cancelled.

TRANSPORTATION COMMITTEE AGENDA

Planning Commission members were given a copy of the draft agenda.

APPROVAL OF MINUTES – September 27, 2012; October 9, 2012; and October 16, 2012

Planning Commissioners discussed the September 27, 2012; October 9, 2012; and October 16, 2012 minutes.

The meeting was adjourned at 4:30 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, October 25, 2012, beginning at 6:30 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. Ken Alm, Chairperson; Ms. Adrienne Garreau, Vice-Chairperson; Mr. Dell Ennis, Secretary; Mr. Bob Lee, and Mr. John Meadows. Also present were Ms. Tracy Gallehr, Mrs. Susan Eddy, Mr. Andrew Hushour, Mr. Adam Shellenberger, Mr. Don Del Rosso and Ms. Karen Firehock.

1. **APPROVAL OF MINUTES** – September 27, 2012; October 9, 2012; and October 16, 2012

On motion made by Ms. Garreau and seconded by Mr. Lee, it was moved to approve the September 27, 2012; October 9, 2012; and October 16, 2012 minutes.

The motion carried unanimously.

2. **GREEN INFRASTRUCTURE OPEN HOUSE**

Ms. Firehock and Mr. Shellenberger gave a presentation.

3. **SPECIAL EXCEPTION AMENDMENTS – SEAM13-CR-001 & SEAM13-CR-002 – RFI WC, LC (OWNER/APPLICANT) – WARRENTON CHASE** –

Mrs. Eddy reviewed the staff report with two sets of conditions (1A and 2A), copies of which are attached to and made part of these official minutes.

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 entitled “Revised Conditions 1A”:

**WARRENTON CHASE
SEAM13-CR-001 and SEAM13-CR-002
Revised Conditions 1A**

SEAM13-CR-002: To Amend SE03-C-22 to Waive the Public Sewer Requirement

1. Warrenton Chase shall be developed with a privately owned system consistent with the application materials to be designed in accordance with the Virginia Department of

Health (VDH) standards and deemed to an entity acceptable to VDH for maintenance and monitoring.

2. Nothing in these conditions to SEAM13-CR-002 and SEAM13-CR-001 shall prevent or preclude the ability to transfer this sewage treatment facility to the Fauquier County Water and Sanitation Authority (FCWSA) or any other public entity at any time. Should this system be taken over by FCWSA or another public entity, condition numbers 4, 5 and 8 below (SEAM13-CR-001) shall no longer apply.

SEAM13-CR-001: To Amend SE03-C-20 to Allow an Alternative On-Site Wastewater Treatment and Disposal System (AOSS)

1. The treatment plant, and dispersal system shall be designed and built to the standards set forth in the Virginia Department of Health (VDH) Alternative On-site Sewer Regulations (12 VAC 5-613 *et seq.*). The collection system shall be designed and built in accord with the Sewage Collection and Treatment Regulations (9VAC 25-790).
2. The Applicant, as used herein, is RFI WC, LC.
3. The Applicant shall be responsible for all design and construction costs provided, however, that the responsibility for these costs may be assigned to a separate single entity as set forth below.
4. The Applicant shall be responsible for all costs of operation and maintenance until the AOSS is conveyed to a licensed third-party operator acceptable to the VDH. The operator shall comply with the requirements of the Public Service Companies, Utility Facilities Act (Va. Code Section 56-265.3:1 *et. seq.*) and shall acquire a certificate of public convenience and necessity pursuant to Section 56-265.2 and 265.3 which requires a comprehensive business plan and reasonably assures system performance over the long term as judged by the State Corporation Commission (SCC).
5. The operator shall provide its comprehensive business plan to the County at the same time it is provided to the SCC.
6. The operator of the entire system, (including: collection system, treatment facilities, primary dispersal system and reserve area), shall be vested with the legal authority to operate the entire AOSS and shall, prior to assuming such responsibility, be provided with any and all necessary easements or interest in property required to perform its duties.
7. Prior to construction plan approval for the AOSS approved hereby, the applicant shall have acquired VDH approval of the proposed AOSS and shall have satisfied all conditions of such approval.
8. The Applicant and the operator shall comply with all published bonding requirements of the Fauquier County Board of Supervisors and the State Corporation Commission.

9. Prior to execution of any contract for the sale or resale of a residential unit, the seller shall disclose the existence of the AOSS and any fees associated with its operation and maintenance as required by Virginia law.
10. Prior to any required site plan approval, the AOSS design shall be reviewed and approved by the Virginia Department of Health. Documentation of approval shall be given to the Department of Community Development.
11. The Applicant, separate and apart from the single entity, shall establish and arrange for a bond issued for the benefit of the Fauquier County Board of Supervisors or the maintenance of a Reserve Fund in the amount of the actual cost to modify the existing treatment system to meet the proposed AOSS design. The bond or reserve fund shall be commenced at the time of the issuance of the first plant modification permit and continued until the SCC bonds the facility.
12. Nothing in these conditions to SEAM13-CR-002 and SEAM13-CR-001 shall prevent or preclude the ability to transfer this sewage treatment facility to the Fauquier County Water and Sanitation Authority (FCWSA) or any other public entity at any time. Should this system be taken over by FCWSA or another public entity, condition numbers 4, 5 and 8 above (SEAM13-CR-001) shall no longer apply.

The motion failed 3 – 2, as follows:

AYES: Mr. Meadows, Mr. Ennis

NAYS: Ms. Garreau, Mr. Lee, Mr. Alm

ABSTENTION: None

ABSENT: None

On motion made by Mr. Lee and seconded by Ms. Garreau, it was moved to forward this item to the Board of Supervisors with a recommendation of approval subject to the following conditions entitled “Revised Conditions 2A”:

**WARRENTON CHASE
SEAM13-CR-001 and SEAM13-CR-002
Revised Conditions 2A**

SEAM13-CR-002: To Amend SE03-C-22 to Waive the Public Sewer Requirement

1. Warrenton Chase shall be developed with a publicly owned and operated system consistent with the application materials to be designed in accordance with the Virginia Department of Health (VDH) standards.

SEAM13-CR-001: To Amend SE03-C-20 to Allow an Alternative On-Site Wastewater Treatment and Disposal System (AOSS)

1. The treatment plant, and dispersal system shall be designed and built to the standards set forth in the Virginia Department of Health (VDH) Alternative On-site Sewer Regulations (12 VAC 5-613 *et seq.*). The collection system shall be designed and built in accord with the SCAT regulations.
2. The Applicant, as used herein, is RFI WC, LC.
3. The Applicant shall be responsible for all design and construction costs provided, however, that the responsibility for these costs may be assigned to a separate single entity as set forth below.
4. The operator of the entire system, (including: collection system, treatment facilities, primary dispersal system and reserve area), shall be vested with the legal authority to operate the entire AOSS and shall, prior to assuming such responsibility, be provided with any and all necessary easements or interest in property required to perform its duties.
5. Prior to construction plan approval for the AOSS approved hereby, the applicant shall have acquired VDH approval of the proposed AOSS and shall have satisfied all conditions of such approval.
6. Prior to execution of any contract for the sale or resale of a residential unit, the seller shall disclose the existence of the AOSS and any fees associated with its operation and maintenance as required by Virginia law.
7. Prior to any required site plan approval, the AOSS design shall be reviewed and approved by the Virginia Department of Health. Documentation of approval shall be given to the Department of Community Development.
8. The Applicant shall establish and arrange for a bond issued for the benefit of the Fauquier County Board of Supervisors or the maintenance of a Reserve Fund in the amount of the actual cost to meet the proposed AOSS design. The bond or reserve fund shall be required prior to the issuance of any permit for such facility and continued until released by the Fauquier County Board of Supervisors.

The motion carried 3 – 2, as follows:

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

NAYS: Mr. Meadows, Mr. Ennis

ABSTENTION: None

ABSENT: None

4. **BOARD OF ZONING APPEALS AGENDA**

No comment.

5. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

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

1. **ANNOUNCEMENTS**

None.

2. **CITIZENS' TIME**

None.

3. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 6-104 regarding the barrier requirements for swimming pools. (Andrew Hushour, Staff)

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

Mr. Alm opened the public hearing.

In that there were no speakers, Mr. Alm closed the public hearing.

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.

The motion carried unanimously.

4. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 2-409 regarding the extension of handicapped accessible ramps into required setbacks. (Andrew Hushour, Staff)

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

Mr. Alm opened the public hearing.

In that there were no speakers, Mr. Alm 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.

The motion carried unanimously.

5. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 5-700 regarding the adaptive use of public and quasi-public buildings. (Andrew Hushour, Staff)

Mr. Alm opened the public hearing.

Mr. Brian Roeder, Marshall District, spoke in support of this amendment because rehabilitation gives us the opportunity to protect our assets within the community.

In that there were no further speakers, Mr. Alm adjourned the public hearing.

On motion made by Ms. Garreau and seconded by Mr. Alm, it was moved to postpone action on this item with the public hearing left open until after the Board of Supervisors acts on a related text amendment.

The motion carried unanimously.

6. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 15-300 regarding the limited allowance of the service of automobiles as part of a Farm Equipment Sales, Rental and Service Establishment. (Andrew Hushour, Staff)

Mr. Alm opened the public hearing.

Ms. Julie Bolthouse, Piedmont Environmental Council (PEC), spoke in opposition. She stated the upcoming changes could cause this amendment to have significant impacts by diluting the distinction between uses and result in a confusing and contradictory definition.

In that there were no further speakers, Mr. Alm adjourned the public hearing.

After discussion, on motion made by Ms. Garreau and seconded by Mr. Alm, it was moved to postpone action on this item until the next meeting, with the public hearing left open.

The motion carried unanimously.

7. **SPECIAL EXCEPTION – SPEX13-MA-001 – BRIAN C. & SHARON L. ROEDER (OWNERS/APPLICANTS) – BARREL OAK WINERY** – An application for a Category 18 Special Exception to allow winery special events. The property is located at 3623 Grove Lane, Marshall District. (PIN 6050-25-9665-000) (Holly Meade, Staff)

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

Mr. Alm opened the public hearing.

Merle Fallon, Esquire, representative, stated that Barrel Oak claims this is an inappropriate and illegal procedure, and they are challenging the underlying Ordinance this is based on. Mr. Fallon clarified that they are agreeing to the changes in conditions discussed earlier this afternoon, not with the process, and requested a recommendation of approval for this special exception.

Ms. Julie Broaddus, Citizens for Fauquier County (CFFC), stated she objects to the application because it asks the County to ignore the limitations for the number and frequency of special events, as well as the establishment of daylight hours as set forth in the County's Zoning Ordinance. She expressed CFFC's support for the Zoning Ordinance as written.

Ms. Julie Bolthouse, Piedmont Environmental Council (PEC), agreed with the previous speaker and expressed PEC's concern that the hours of operation are neither in compliance with the previous nor the current farm winery ordinance. She noted the request for approval for 18 years is significantly in excess of the 3 year initial approval allowed by the Ordinance. She also stated the traffic impact analysis is not based on days of events.

Mr. Carter Wiley, Scott District, expressed his concern for grandfathering illegal activity and recommends voting against the application.

Ms. Brenda Moorman, Marshall District, explained that her farm is adjacent to a winery and in close proximity to many others. She expressed her support for the new farm winery ordinance and added her concerns that Barrel Oak's road frontage is on a minor collector and they plan to hold future events on the adjacent property, Oak Hill, which would double the impact.

Mrs. Eddy clarified that the revised conditions match maximums allowed in the Ordinance.

Dr. Kitty Smith, Marshall District, asked for further clarification if the applicant has agreed to the conditions the County has set forth.

Mr. Alm granted permission for Mr. Merle Fallon to address the Commissioners and answer the question.

Merle Fallon, Esquire, representative, stated the applicant objects to the conditions because they believe the underlying Ordinance is illegal. However, the applicant is going through the process in the event the court case fails.

Dr. Kitty Smith, Marshall District, explained she lives near Barrel Oak Winery and stated there is more traffic now than before I-66 was built. With the consideration that there could be future events held on the Oak Hill property, she suggested VDOT perform a traffic study and requested the Commissioners postpone action and make a site visit.

Mr. George Thompson, Marshall District, an adjacent neighbor to Barrel Oak Winery, remarked that 103 permitted parking spaces far exceed the number of anticipated attendees of at least 500. He further expressed his concerns for the slope of the drainfields, the close proximity of drainfields to Grove Lane, the late hours and the encroachment on the property rights of the adjacent owners. Mr. Thompson requested a deferral for further investigation.

Mr. Brian Roeder, applicant, pointed out the location of the neighbors' homes on the map and indicated there is tree coverage and a ridge obscuring sight and sound between properties.

Mr. Jim Moorman, Marshall District, shared his concerns for other wineries seeking similar approvals.

Ms. Douglas Wise-Stuart, Marshall District, stated that one does not need to be in eyesight or earshot to be concerned about the narrow roads.

Mr. Lee read specific language from the Zoning Ordinance and urged that the public hearing remain open for the public to have the opportunity to review the revised conditions. He suggested conducting a site visit. Since there were no VDOT comments, Mr. Lee further suggested the County's traffic consultant evaluate Grove Lane.

In that there were no further speakers, Mr. Alm adjourned the public hearing.

After discussion, on motion made by Mr. Lee and seconded by Ms. Garreau, it was moved to postpone action on this item until the next meeting, with the public hearing left open.

The motion carried 4 – 1, as follows:

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

NAYS: Mr. Meadows

ABSTENTION: None

ABSENT: None

8. **SPECIAL EXCEPTIONS – SPEX13-MA-002 & SPEX13-MA-003 – ORLEAN VOLUNTEER FIRE DEPARTMENT, INC. (OWNER/APPLICANT) – ORLEAN VOLUNTEER FIRE COMPANY 11** – An application for a Category 11 Special Exception for the development of a new fire station and a Category 20 Special Exception for an aboveground water storage facility. The property is located at 6838 Leeds Manor Road, Marshall District. (PIN 6935-58-4087-000) (Adam Shellenberger, Staff)

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

Mr. Alm opened the public hearing.

Mr. Jim Downey, representative, requested a favorable recommendation.

Ms. Douglas Wise-Stuart, Marshall District, requested clarification on all water usage especially the silo to be constructed.

Ms. Ingrid Lindsay, Marshall District, an adjoining property owner, expressed her concerns with the silo water being used for more than the required sprinkler system and the availability of water in the future.

Mr. Tom Marable, President, Department of Fire, Rescue and Emergency Management, confirmed that the silo will be used for the sprinkler system. Only as a last resort after the existing cisterns and other available resources were depleted, would the silo be used to fight a fire.

Ms. Janie Harlow, Marshall District, asked if dry hydrants would be used and Mr. Marable responded that yes they are one of the resources.

Ms. Pharibe Wise, Marshall District, an adjoining property owner, shared her concerns for depleting ground water for surrounding farms.

In that there were no further speakers, Mr. Alm closed the public hearing.

After discussion, on motion made by Mr. Lee 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 revised conditions.

**ORLEAN VOLUNTEER FIRE COMPANY 11
SPEX13-MA-002 & SPEX13-MA-003**

1. This Special exception is granted for and runs with the land indicated in this application as PIN 6935-58-4087.

2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the "Special Exception Plat – Orlean Volunteer Fire Department Inc." dated September 24, 2012 and received in the Planning Office on September 25, 2012, as approved with this application, as qualified by these development conditions.
3. The plan shall comply with the provisions in Article 12 of the Fauquier County Zoning Ordinance. Such provisions shall be reviewed with the Site Plan application.
4. The final architectural design of both the Fire House and Water Tower (silo) shall be in substantial conformance with the conceptual design shown on sheet 1 of the Special Exception Plat.
5. All off-street parking and loading areas shall be no closer than 25 feet from any lot line and shall be effectively screened.
6. The relocated propane tank and generator pad shall be adequately screened from view from Leeds Manor Road and neighboring properties.
7. The proposed sewage treatment system shall meet all applicable Virginia Department of Health Standards, and shall not be a system which discharges into an open ditch. The Virginia Department of Health shall approve a sewage treatment system, prior to Fauquier County approving a Major Site Plan.
8. The above ground water storage tank shall only be located in the RA portions of the site, and it shall be limited to the form of a silo (as indicated on the special exception plan). It shall not contain potable water. It shall only be used for fire suppression purposes in the building and for the *emergency* filling of tanker equipment used for off-site fire suppression.

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 8:48 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**