

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
AUGUST 25, 2011**

**Work Session  
1:00 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, August 25, 2011, beginning at 1:00 p.m., in the Warren Green Building, Second Floor Conference Room, Warrenton, Virginia. Members present were Mr. Ken Alm, Chairperson; Ms. Adrienne Garreau, Vice-Chairperson; Mr. Jim Stone, Secretary; Mr. John Meadows, and Mr. Bob Lee. Also present were Ms. Tracy Gallehr, Mr. Rick Carr, Mrs. Susan Eddy, Ms. Kimberley Johnson, Ms. Kim Abe, Ms. Holly Meade, Ms. Kristen Slawter, Mr. Harvey Clark, and Mr. Adam Shellenberger.*

**SPEX11-CR-007 & SPEX11-CR-008 – Elk Mount Farm, LLC & William C. Patton (Owners)/Lee Hollander (Applicant) – Range 82, LLC**

Ms. Meade reviewed updates to the application.

**SPEX11-SC-013 – Victoria R. & William Friel Edmands (Owners/Applicants) – Edmands Property**

Ms. Abe reviewed the application.

**SPEX11-CR-012 & SPPT11-CR-031 – Colonial Pipeline Company (Owner)/Rappahannock Electric Cooperative (Applicant) – Elk Run Substation**

Mrs. Dargis reviewed the application.

**Arrington Update**

Ms. Meade reviewed updates to the application.

**Design Standards Manual – Transportation**

Ms. Johnson reviewed.

**Green Infrastructure**

Mr. Carr reviewed the proposal.

**Initiation of a Comprehensive Plan Amendment to Chapter 6 – Service Districts – Bealeton, Opal and Remington Service District Plan, to Amend Transportation Elements of the Bealeton Service District Plan**

Mrs. Eddy reviewed the proposed Comprehensive Plan Amendment.

**APPROVAL OF MINUTES – July 28, 2011**

Planning Commissioners discussed the July 28, 2011 minutes.

**BOARD OF ZONING APPEALS AGENDA**

Ms. Johnson reviewed the Board of Zoning Appeals’ agenda.

**Planning Commissioners’ Time**

Mr. Alm led the discussion.

The meeting was adjourned at 4:30 p.m.

<p style="text-align: center;"><b>Regular Meeting</b> <b>6:30 p.m.</b> <b>Warren Green Meeting Room</b> <b>10 Hotel Street, Warrenton, Virginia</b></p>
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*The Fauquier County Planning Commission held its regular meeting on Thursday, August 25, 2011, 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. Jim Stone, Secretary; Mr. John Meadows and Mr. Bob Lee. Also present were Ms. Tracy Gallehr, Mr. Rick Carr, Mrs. Susan Eddy, Mrs. Melissa Dargis, Ms. Holly Meade and Mrs. Rebecca Kellert.*

1. **APPROVAL OF MINUTES** – July 28, 2011

On motion made by Mr. Stone and seconded by Mr. Lee, it was moved to approve the July 28, 2011 minutes.

The motion carried unanimously.

2. **COMPREHENSIVE PLAN AMENDMENT**

- Initiation of a Comprehensive Plan Amendment to Chapter 6 – Service Districts – Bealeton, Opal and Remington Service District Plan, to amend transportation elements of the Bealeton Service District Plan. (Susan K. Eddy, 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 Mr. Meadows and seconded by Ms. Garreau, it was moved to initiate this item.

The motion carried unanimously.

3. **SPECIAL EXCEPTIONS**

- **SPEX11-CR-007 & SPEX11-CR-008 – Elk Mount Farm, LLC & William C. Patton (Owners)/Lee Hollander (Applicant) – Range 82, LLC** – Applications for a Category 5 and Category 9 Special Exception to allow for the continued operation of a recreational firing range with the addition of training courses. The property is located at 4818 Midland Road (Route 610), Cedar Run District. (PIN #7819-66-3353-000) (Holly Meade, Staff)

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

Mr. Stone expressed appreciation for the hard work done by staff.

On motion made by Mr. Stone and seconded by Mr. Meadows, it was moved to forward this item to the Board of Supervisors with a recommendation of denial, due to the following:

RESOLUTION

A RESOLUTION TO RECOMMEND DENIAL OF SPEX11-CR-007 & SPEX11-CR-008 – ELK MOUNT FARM, LLC & WILLIAM C. PATTON (OWNERS)/LEE HOLLANDER (APPLICANT) – RANGE 82, LLC – APPLICATIONS FOR A CATEGORY 5 AND CATEGORY 9 SPECIAL EXCEPTION TO ALLOW FOR THE CONTINUED OPERATION OF A RECREATIONAL FIRING RANGE WITH THE ADDITION OF TRAINING COURSES

WHEREAS, Range 82, LLC (Applicant) is seeking Special Exception approvals for a recreational shooting range and an outdoor technical training facility; and

WHEREAS, two applications are proposed:

1. SPEX11-CR-007 – Category 5 Special Exception to allow for an outdoor technical training facility.
2. SPEX11-CR-008 – Category 9 Special Exception to allow for a recreational shooting range; and

WHEREAS, on July 28, 2011, the Fauquier County Planning Commission held a public hearing on the proposed applications; and

WHEREAS, on August 25, 2011 the Fauquier County Planning Commission voted unanimously to recommend denial of the applications; and

WHEREAS, the Planning Commission has determined that the applications do not satisfy the standards of Zoning Ordinance Articles 5-006, 5-501, 5-502, 5-505, 5-901, and 5-904; and

WHEREAS, the Fauquier County Planning Commission finds in the matter of the Special Exception applications SPEX11-CR-007 and SPEX11-CR-008:

1. That the provisions of the Zoning Ordinance for a Special Exception are not met in these applications, the Planning Commission finding that said applications will negatively impact the public health, safety, and welfare of residents of Fauquier County.
2. The proposed use will hinder and discourage the appropriate development and use of adjacent land and buildings and impair the value of adjacent land and buildings in violation of Section 5-006 of the Zoning Ordinance.
3. That the proposed use will be incompatible with existing or planned development in the general area, as set forth in Section 5-006 of said Zoning Ordinance.
4. That the proposed use fails to comply with and is not in conformity with all the applicable standards of Article 5 of said Zoning Ordinance and all other applicable requirements of said Zoning Ordinance.

RESOLVED by the Planning Commission of Fauquier County, Virginia this 25<sup>th</sup> day of August 2011, That SPEX11-CR-007 and SPEX11-CR-008 be, and are hereby, forwarded to the Board of Supervisors with a recommendation of denial.”

The motion failed 3 – 2, as follows:

AYES: Mr. Meadows, Mr. Stone

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

ABSTENTION: None

ABSENT: None

Mr. Alm stated that the revised conditions adequately address his main concerns relating to safety and noise standards.

Ms. Garreau stated that the revised conditions set forth clear guidelines for the applicant so that the environment is protected from lead contamination. Ms. Garreau also stated that she feels confident that the revised conditions will more effectively address safety and noise concerns than what is currently in place.

Mr. Lee clarified that while he fully appreciates the neighbors' rationale for denial, this would not stop the applicant from continuing with activities currently taking place at the site.

Mr. Stone stated that while he would have preferred a recommendation of denial, he is hopeful that if the Board of Supervisors does approve the application, these conditions will bring about a safer and quieter condition than what currently exists.

Mr. Meadows stated that those who serve and protect our community need a place to train and practice and this facility is a good location to do so. Mr. Meadows further stated that those citizens residing in the vicinity deserve a tranquil place to live and expressed his desire that these revised conditions be followed so that this facility can operate successfully while allowing its neighbors to enjoy a good quality of life.

On motion made by Mr. Alm 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 amended conditions:

**Planning Commission Recommended Conditions of Approval**  
**Range 82**  
**SPEX11-CR-007 and SPEX11-CR-008**  
**August 25, 2011**

1. Operation of the Safety Training Facility shall be consistent with the application, (submitted January 28, 2011 and revised February 2, 2011 and June 15, 2011), including the Special Exception Plat entitled "Range 82," prepared by Carson-Ashley, dated January 28, 2011, except as modified by these conditions.
2. Location of improvements shall be as generally shown on the Special Exception Plat, with exact locations subject to change due to environmental or topographic conditions, or compliance with regulations.
3. Prior to commencement of any activities beyond those approved with the original special permit (SPPT05-CR-025) the Virginia Department of Transportation shall approve a revised entrance permit and the required entrance plus any associated road improvements shall be constructed.

4. The Virginia Department of Health shall approve well and septic facilities for the expanded facilities, and these facilities shall be constructed and operational by June 1, 2012.

#### Lead Management

5. In addition to normal landscaping and stormwater management requirements imposed by the County, landscaping and stormwater management shall be designed, installed, and maintained to control lead in a manner consistent with “Best Management Practices (BMP) for Outdoor Ranges” published by the U.S. Environmental Protection Agency (EPA). All (100%) areas where lead is utilized shall have BMPs for Lead Management.
6. The applicant shall prepare an updated Environmental Management/Lead Management Plan for the range consistent with the EPA’s “Best Management Practices for Outdoor Ranges” and including the items listed below, to be approved by the Zoning Administrator in consultation with Technical staff within 120 days of approval of Special Exceptions SPEX11-CR-007 and SPEX11-CR-008. All operations at the range shall strictly conform to the approved Lead Management Plan. The plan shall include:
  - a) Provisions for testing for lead, arsenic and pH, including:
    - testing of: soils adjacent to any lead collection tanks; soils adjacent to any discharge from a range berm that does not go through a collection tank; stormwater management ponds; sediment forebays; existing groundwater test wells; and, if any drinking well is installed on the property, the drinking well;
    - identification of specific testing locations to the County’s satisfaction;
    - specific sampling protocol for the correct collection of samples or identification of qualified professionals;
    - frequency of testing, consistent with item (b), below;
    - provision for specific record-keeping requirements on the tests;
    - provisions for timely submission of all test results to the Zoning Administrator.
  - b) Frequency of Testing. A quarterly test shall be made for lead, arsenic and pH for two years following approval of these Special Exceptions. Thereafter, the testing may be reduced to annual testing if the two years of test results show no pattern in increase of lead or arsenic levels. If, at any time, an annual test shows a significant increase in lead or arsenic levels testing shall resume on a quarterly basis until no pattern of increase in lead or arsenic levels is documented for a full year. Testing may then return to an annual basis.
  - c) Lead reclamation procedures, including:
    - Frequency based on a measurable indicator, such as rounds fired, etc.;
    - Methods proposed for reclamation;

- Provisions mandating that any person involved in lead reclamation will wear protective gear and breathing apparatus that meets with Occupational Safety and Health Administration (OSHA) and/or Environmental Protection Agency (EPA) requirements for handling lead.
- d) Specific measures for responding to a pattern of increasing concentrations of lead and arsenic and for responding to the required soil tests showing a pH outside of the 6.5-8.5 range within designated test areas.
7. Allowing for normal expected fluctuations in readings, if the Zoning Administrator determines by comparative analysis that the empirical results of periodic testing establish a clear and consistent pattern of increasing concentrations of lead or arsenic, the Zoning Administrator may require the operator to submit a plan of corrective action for approval by the Zoning Administrator. If subsequent testing demonstrates that the approved corrective measures have failed to stabilize or reduce lead and arsenic concentrations, the Zoning Administrator may require the applicant to fund the hiring of an independent expert mutually agreed upon by the applicant and the Zoning Administrator, to develop a corrective action plan which will then be implemented by the applicant. If subsequent testing continues to show a consistent pattern of increasing concentrations of lead or arsenic, the special permit/special exception approvals for the Range shall be docketed for reconsideration by the Planning Commission and Board of Supervisors.

#### Facilities Design and Construction

8. The shooting ranges shall operate under the applicable guidelines for ranges established by the United States Environmental Protection Agency (EPA) and Department of Justice.
9. The two (2) 200-yard ranges shall be constructed using the National Rifle Association Range Source Book: A Guide to Planning and Construction, current edition.
10. Once each new range is constructed, it shall be the applicant's responsibility to have the National Rifle Association's Technical Team inspect the facility and provide a report to the Fauquier County Zoning Administrator.
11. With the exception of land clearing required to construct the proposed shooting ranges, existing vegetation on the property shall be preserved and maintained for screening purposes.
12. No approved activity on-site shall be located in a wetland area.
13. If any activities on-site include the firing of weapons at vehicles in a simulation exercise, all potential run-off from such vehicles shall be directed to an oil/water separator.

14. Drainfield and reserve areas shall be located and surrounded by fencing during any construction on-site, to prevent disturbance.
15. No structure used for or in conjunction with the use shall be within one hundred (100) feet of any property line.
16. The existing range, as well as the additional 200-yard range, shall be constructed as “no blue sky” firing ranges as referenced in the National Rifle Association Range Source Book: A Guide to Planning and Construction, current edition. Ballistic grade materials shall be provided at the 50, 100 and 200 yard firing positions as well as along the sidewalls and backstop of the range to contain bullets within the property.
  - a. “No blue sky” shall be defined as structures containing ballistic grade materials which prevent a shooter standing at the shooting position, aiming down-range, from seeing blue sky in a 180 degree viewshed.
  - b. The 25-yard ranges identified on the Special Exception plat shall be “enclosed ranges.”
  - c. The 200-yard ranges identified on the Special Exception plat shall be modified to be “enhanced sound reduction” ranges. Said modifications shall be completed by June 1, 2012.
  - d. An “enclosed” range is one that is entirely under roof and enclosed on four sides by walls with sound attenuation panels such that there is no direct exit route for the sound of gunfire. Such ranges shall be constructed substantially similar to the attached Plan and cross section for sound Managed Outdoor Firing Range proposed by James F. Tucker, AIA, dated May 3, 2011 attached to these conditions and incorporated herein.
  - e. An “enhanced sound reduction” range is one that is covered by roof from 35 yards into the backstop with sound attenuation panels and ballistic grade materials located on two sides of the range and the non-firing direction of the range being open. The firing stations beyond the 35 yard covered area shall be under roof, but said roof will not cover the entire facility. Sound reduction panels and ballistic grade materials shall be placed above and on the side of the firing station at 50, 100 and 200 yards in addition to the safety walls.
  - f. Where possible, once the enclosed range is constructed, Range 82 shall schedule classes and live fire exercises on the 25-yard enclosed ranges rather than the “enhanced sound reduction” ranges.
  - g. All live fire exercises shall be conducted on either the “enhanced sound reduction” or an “enclosed” range.
17. The total number of ranges shall be limited to four (4): two (2) 200-yard “enhanced sound reduction” ranges and two (2) “enclosed” 25-yard ranges.
  - a. The existing 100-yard range shall be upgraded and expanded, to include any 200-yard shooting position, to an “enhanced sound reduction” range by June 1, 2012.

- b. The next range to be built shall be an “enclosed” range which shall be constructed by December 31, 2014.
  - c. Only three training classes per week shall be permitted until the “enclosed” range is constructed.
  - d. A second “enclosed” range shall be constructed before the number of weekly participants at the site exceeds 750. The second 200-yard range will be built only once the number of weekly participants exceeds 840.
18. The simunition area shall be limited to governmental entities, governmental contractors and similar public safety agencies and only non-toxic ammunition shall be used for simunition exercises.
19. Simunitions and/or field exercises shall not be permitted within one hundred (100) feet of the lease line as shown on the Special Exception plat.
20. When in use, the simunition area shall be enclosed with a nylon mesh screen, or similar, type fencing.
21. Paintball shall be strictly prohibited on the site.
22. All site plans shall demonstrate that stormwater management is adequate for the entire leased area.

#### Facility Operations

23. Range 82 shall be used only by facility members who complete the safety training course, and by law enforcement or governmental entities.
24. The maximum number of patrons at the facility per day shall not exceed seventy-five (75) at any one time and no more than one hundred fifty (150) per day.
25. Shooting hours of operation shall be limited to: Monday through Friday from 8:00 a.m. until thirty (30) minutes before sundown; Saturday — from 12:00 p.m. until thirty (30) minutes before sundown.
26. Weapons on the two (2) 200-yard ranges shall be limited to hand guns, rifles, shotguns, longbows, compound bows, and air guns. The following weapons are prohibited: handguns above .45 caliber, rifles above .46 caliber, and black powder weapons above .54 calibers.
27. Fully automatic weapons shall be restricted to use by law enforcement or government sanctioned security personnel and are only permitted to be fired between the hours of 10:00 a.m. until 4:00 p.m., Monday through Friday. The firing of fully automatic weapons shall be permitted on the 200-yard ranges, from 25-yard shooting position, three times per week. Once the “enclosed” 25-yard range is constructed, all firing of fully automatic weapons must be done on the “enclosed” range.

28. A "Range Safety Officer" or "Range Master" shall be present at each range during shooting activities.
29. Firearms/ammunition belonging to government certified security and/or law enforcement patrons who are returning the next day may be stored overnight. Firearms shall be stored in compliance with U. S. Department of Defense Publication DOD5100.76-M "Physical Security of Sensitive Conventional Firearms, Ammunition & Explosives."
30. Ammunition may be sold on-site but only for use on-site. Such ammunition shall be stored on the site in compliance with United States Department of Defense Publication DOD5100.76-M "Physical Security of Sensitive Conventional Firearms, Ammunition & Explosives."
31. Ammunition outlawed by the Federal or State law shall not be permitted on-site.
32. No firearm sales shall be permitted on-site.
33. Noise levels shall not exceed 75 decibels at any property line.
34. Following the issuance of a Certificate of Occupancy for each of the three (3) ranges to be constructed on-site, the applicant shall be required to fully fund the conduction of a sound study to ensure that each new range performs to the 75 decibel limit at any property line. The vendor selected for the study and the time at which such studies shall take place is at the discretion of the Zoning Administrator.
35. Once all ranges have been constructed on-site, the Zoning Administrator shall have the ability to require additional sound studies should there be sufficient evidence that indicates the 75 decibel sound limit is being exceeded. If said sound study shows the applicant is in violation of the 75 decibel sound limit then Range 82 shall reimburse the County for the study. Furthermore, any such violation shall be subject to all applicable provisions found in Section 13-600 of the Fauquier County Zoning Ordinance, and all activity shall cease on the specific range in violation until such time that the violation has been properly addressed and corrected.
36. No use shall be made of any land or water in such a manner as to:
  - a) Create electrical interference with navigational signals or radio communications between the airport and aircraft;
  - b) Diminish the ability of pilots to distinguish between airport lights and other lights;
  - c) Result in glare in the eyes of pilots using the airport;
  - d) Impair visibility in the vicinity of the airport;

- e) Create the potential for bird strikes;
  - f) Otherwise in any way endanger or interfere with the landing, take-off, or maneuvering of aircraft in the vicinity of and intending to use the airport; and
  - g) No structure shall exceed 150 feet in height.
37. Range 82 must comply with all Federal, State and Local environmental laws and regulations and provided that any violation of such Federal, State and Local environmental laws and regulations shall be deemed a violation of the Special Exception.
38. The Special Exception Permits are subject to Administrative renewal in accord with Section 5-012 of the Zoning Ordinance once every five years until the facility is completely constructed. Five years after construction of the fourth range, the Special Exception Permits shall be valid in perpetuity unless the terms of the permit are neglected at which time the Special Exception becomes null and void in accord with Section 5-015 of the Zoning Ordinance.
39. The applicant shall be required to provide proof of performance and maintenance of the sound proofing materials in the form of a sound study with each five year Administrative Renewal.
40. Where these conditions require the performance of an act by the applicant dependent upon a third party approval, the Zoning Administrator may, upon request, grant a reasonable extension of the cited deadline to allow the applicant to meet the deadline where the applicant has demonstrated diligent pursuit of the deadline prior to the deadline being reached.

The motion carried 3 – 2, as follows:

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

NAYS: Mr. Meadows, Mr. Stone

ABSTENTION: None

ABSENT: None

4. **BOARD OF ZONING APPEALS AGENDA**

No comment.

5. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

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

Mr. Alm announced efforts to map Green Infrastructure and read a letter to the Rappahannock-Rapidan Regional Commission, a copy of which is attached to and made part of these official minutes.

7. **CITIZENS' TIME**

No one spoke.

8. **SPECIAL EXCEPTION**

- **SPEX11-SC-013 – Victoria R. & William Friel Edmands (Owners/Applicants) – Edmands Property** – An application for a Category 32 Special Exception to legalize a dwelling unit previously approved by the County in error. The property is located at 8517 Maidstone Road (Route 713), Scott District. (PIN #6061-36-4829-000) (Kimberly Abe, 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.

Ms. Vicki Edmands, applicant, stated that she would like to restore the cabin to its condition prior to the recent fire, which destroyed a portion of it.

Mr. Mark Scheffel, Scott District, spoke in support of this proposal, stating that the cabin is an important part of this historical area.

Ms. Nancy Scheffel, Scott District, stated that she is in favor and noted that this cabin is a treasure and an important part of history.

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

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.

9. **SPECIAL EXCEPTION/SPECIAL PERMIT**

- **SPEX11-CR-012 & SPPT11-CR-031 – Colonial Pipeline Company (Owner)/Rappahannock Electric Cooperative (Applicant) – Elk Run Substation** – Applications for a Category 20 Special Exception and Special Permit to replace an existing 12' x 12' control building with a 12' x 20' control building. The property is located at 11576 Rogues Road (Route 602), Cedar Run District. (PIN #7808-96-0433-000, 7808-86-7510-000, and 7808-97-4064-000) (Melissa Dargis, Staff)

Mrs. Dargis 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. Sam Wilson, representative, thanked staff for their hard work. Mr. Wilson stated that the applicant is hoping to start construction by December 1, 2011, but noted that a postponement has been requested until the next regularly scheduled meeting to allow for a site visit.

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

On motion made by Mr. Stone and seconded by Mr. Meadows, it was moved to postpone action on this item until the next regularly scheduled meeting, at the applicant's request, with the public hearing left open.

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 7:00 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.*