

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
OCTOBER 25, 2007**

The Fauquier County Planning Commission held its regular meeting on Thursday, October 25, 2007, beginning at 6:30 P.M. in the 1st Floor Conference Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Holder Trumbo, Chairman; Ms. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Larry Kovalik; and Mr. Jim Stone. Also present at the meeting were Mr. Rick Carr, Ms. Kim Johnson, Mr. Kevin Burke, Mrs. Bonnie Bogert, Mrs. Susan Eddy, Ms. Kristen Slawter, Ms. Kim Abe, Mrs. Melissa Dargis, and Miss Carissa Blevins.

1. **APPROVAL OF MINUTES** – August 30, 2007 & September 27, 2007

Mr. Stone, seconded by Mr. Meadows, moved to approve the minutes, as amended.

The motion carried unanimously.

2. **RESOLUTION**

- A resolution recommending the inclusion of energy efficiency and environmental design in applications for development.

Mr. Stone read the attached resolution into these official minutes.

WHEREAS, Fauquier County's Comprehensive Plan limits development in rural areas and concentrates growth in nine service districts, thereby preserving local historic rural landscapes, agricultural resources, as well as regional and global ecosystems, and

WHEREAS, land preservation is a key overarching strategy for implementing the county's rural and service district plan concept, as well as a number of environmental, cultural, economic, and community goals, and

WHEREAS, environmental design policies for the county's built environment should complement and enhance land preservation efforts and the county's service district vision, and should therefore recognize various site conditions accordingly, and

WHEREAS, environmental design policies will be refined in a forthcoming update to Chapter 2, Environmental and Cultural Resources, Fauquier County Comprehensive Plan, inclusive of key strategic policies achieving a multitude of county goals, and

WHEREAS, this Resolution accompanies a similar Architectural Review Board Resolution which encourages the Planning Commission to seek appropriate energy

efficient and environmentally sensitive design solutions for decisions within their purview, and

WHEREAS, Fauquier County citizens and government face important energy transmission issues, and energy efficiency, recycling, and conservation measures are all fiscally prudent goals that can be achieved through cooperative private and public initiatives, and

WHEREAS, Fauquier County citizens depend on local supplies of groundwater and reservoirs for its water supplies and therefore has interests and responsibilities toward the maintenance of healthy and plentiful supplies of groundwater, preventing damage from local floods, and improving water quality in its streams and rivers; now therefore be it

RESOLVED by the Fauquier County Planning Commission this 25th day of October, 2007, that this Board does hereby recommend that the Fauquier County Board of Supervisors consider adopting a policy to promote incorporation of energy efficient and environmentally-sensitive designs in future development projects and buildings and to include such policies in Chapter 2 of its Comprehensive Plan.

Mr. Stone, seconded by Mr. Trumbo, moved to adopt.

The motion carried unanimously.

3. **ZONING AND SUBDIVISION ORDINANCE TEXT AMENDMENTS**

- a. Initiation of a Zoning Ordinance Text Amendment to Sections 5-006, 12-610 and 15-300 to add additional standards for special exceptions and site plans and special permits to encourage low impact development.

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

For the purposes of convenience and good zoning practices, Mr. Stone, seconded by Mr. Meadows, moved to initiate a Zoning Ordinance Text Amendment to Sections 5-006, 12-610 and 15-300 to add additional standards for special exceptions, site plans and special permits to encourage low impact development and to schedule a public hearing for the Planning Commission's November 29, 2007 meeting.

The motion carried unanimously.

- b. Initiation of a Zoning Ordinance Text Amendment to Sections 4-400 and 15-300 to update the official date of adopted Floodplain Maps.

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

For the purposes of convenience and good zoning practices, Mr. Stone, seconded by Mr. Meadows, moved to initiate a Zoning Ordinance Text Amendment to Section 4-400 and 15-300 to update the official date of adopted Floodplain Maps and to schedule a public hearing for the Planning Commission's November 29, 2007 meeting.

The motion carried unanimously.

4. **PRELIMINARY PLAT EXTENSIONS**

- a. **GGFS/Greenwich Meadows, LLC, owner and Kustom Kastles, applicant – Creekmont Estates** – applicant wishes to obtain a six month extension of a previously approved preliminary plat (PPLT05-CR-012). The property is located on the east side of Greenwich Road (Route 603), Cedar Run District. (PIN 7924-35-7268-000 & 7924-34-0017-000)

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

Mr. Stone, seconded by Ms. McCarty, moved to approve.

The motion carried unanimously.

- b. **Brookside Communities, LLC, owner and applicant – Brookside** – applicant wishes to obtain an extension of a previously approved Preliminary Plat (PPLT02-SC-001). The property is located off of Riley Road (Route 676), Scott District. (PIN 7905-90-5850-000, 7915-34-4195-000, 7915-21-7975-000, 7915-10-9734-000, 7905-93-5666-000, 7915-35-2459-000, 7915-22-0132-000, 7915-20-9661-000, 7915-16-2290-000, 7915-05-6985-000, 7915-20-4957-000)

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

Mr. Trumbo, seconded by Mr. Stone, moved to postpone action until the November 29, 2007 meeting.

5. a. **BOARD OF ZONING APPEALS AGENDA**

No comments.

- b. **TRANSPORTATION COMMITTEE AGENDA**

No comments.

***Public Hearings
7:00 P.M.
Warren Green Meeting Room
10 Hotel Street, Warrenton, Virginia***

6. **THE PLEDGE OF ALLEGIANCE**

7. **ANNOUNCEMENTS**

Mr. Trumbo announced that the Planning Commission would conduct a site visit at Fauquier High School to determine the need for funding for renovations. He continued that the Planning Commission would be meeting at the school at 1:00 p.m. on October 31, 2007

Mr. Trumbo announced that Item 10 – Laurenwood II was postponed prior to the meeting, but the Planning Commission would hear any public comments if necessary.

Mr. Trumbo announced that the Planning Commission would conduct a work session on December 4, 2007 at 2:00 p.m. regarding the proposed Zoning Ordinance Text Amendment - Mixed Use.

8. **CITIZENS' TIME**

No one spoke.

9. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES, THE FAUQUIER COUNTY CODE AND THE COMPREHENSIVE PLAN**

- Zoning Ordinance Text Amendment to Article 4, Special and Overlay District Regulations, to create a Public Reservoir Management and Protection Overlay District (PRMPOD) to encourage and promote the protection of Warrenton Reservoir, Fauquier County's public water supply reservoir.

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

Mr. Trumbo opened the public hearing.

Mr. Merle Fallon, representing the Hazel family, stated the Hazel family owns 300 acres which is affected by this PRMPOD. He commented that every portion of the County is in some watershed. Mr. Fallon stated that if

all reservoir water is to be preserved, this ordinance should be uniform across the County. Mr. Fallon said that this ordinance does not accomplish the objective it is intended to accomplish, which is wrong. Mr. Fallon stated that Fauquier County residents that this ordinance would affect do not have access to the water that goes into the Warrenton Reservoir unless the Town serves them, which is at an increased cost. He continued that the Town of Warrenton has not had meaningful participation in this proposed ordinance. He stated there was no evidence of any problem with the reservoir water. Mr. Fallon stated that this ordinance does not pertain to anyone unless there is some type of development, meaning that there will be different sets of rules for different residents and who will be monitoring these people. Mr. Fallon pointed out that this ordinance does not go into affect until the Final Plat stage and that does not work. He also pointed out that developers generally do not post bond and submit a Final Plat until after the development has been constructed and therefore this ordinance would not achieve the goal it is trying to achieve. Mr. Fallon expressed his concern with the references in this ordinance to other rules and regulations which then refer to dozens of other rules and regulations causing no clear definitions of what is or is not permitted. Mr. Fallon then pointed out that the use limitations just list what is prohibited and what is not and that it does not go into affect until after development, meaning that as long as there is not new development residents can continue to use any pesticides or other hazardous materials they currently use. He continued the list of hazardous materials that this ordinance refers to is hundreds of pages long and most people would not know what they were. Mr. Fallon stated that diesel and gasoline are included on that list of hazardous materials meaning that farms would not be able to drive their farm equipment over a bridge in that buffer zone. He also noted that the required impervious surface surveys are very expensive. The last item Mr. Fallon stated was this ordinance is not right for Fauquier County; it is not accurate and is fatally flawed. He would request that this is passed to the Board of Supervisors with a recommendation of denial. Mr. Fallon stated that nobody is against clean water but this is not the way to achieve it.

Mr. John Sylvester, Center District, stated that he is a homeowner in this area and has a pond behind his home with a stream that never flows, but the official maps show that as a perennial stream rather than an intermittent stream which causes a 100 foot buffer when a 50 foot buffer would be more accurate. He stated that he would urge the County to do surveys of the water supplies in this area before passing any new ordinance in order to have accurate information.

Mr. Ronald Borta, Center District, stated that he is opposed to this Ordinance. He continued that this will cause him to lose twelve useable acres of his land and does not benefit the residents of this area. He

continued that he is not against clean water in this area, but does not think this is way to achieve it.

Mr. Jim Downey, representing Airlie Foundation, stated that the Airlie Foundation has been very active in reviewing this draft Ordinance and are known to be good stewards of Fauquier County and very environmentally friendly. The Airlie Foundation does not like the position it has been put in regarding this Ordinance and the amount of buffering the County is suggesting. He continued that the Chesapeake Bay Act has been put into affect to protect the water supply of Virginia residents and that no other jurisdictions in the Chesapeake Bay regulate intermittent streams. Mr. Downey continued that the Airlie Foundation is also not against clean water but would like this Ordinance looked at very carefully.

Mr. Todd Benson, representing Piedmont Environmental Council, stated that he would recommend postponing action on this proposed Ordinance for another month in order to take into account the citizen's comments. He continued that this is a step to prevent damage to our water supply and a step in the right direction.

Ms. Mimi Moore, Marshall District and representative for Citizens of Fauquier County, stated that Fauquier County is fortunate to be able to control every bit of our own water supply. She continued that most of the streams in Fauquier County are impaired and would urge the County to make this Ordinance uniform throughout the County. Ms. Moore stated that many speakers tonight said that they did not intend to do any new development in this area and therefore this Ordinance would not affect them. She concluded that she supports this Ordinance.

Mr. Bryan Whysons, Scott District, stated that he is opposed to this Ordinance and objects to the County telling him how to care for his property. He concluded that this Ordinance is attempting to fix a problem that is not there.

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

Mr. Trumbo, seconded by Mr. Stone, moved to postpone action for 30 days, with the public hearing left open.

The motion carried unanimously.

10. **REZONING**

- **REZN08-LE-002 – Michael and Dianne Six & David and Georgia Buckwalter, owners and Wexford Mews, LLC, applicants – Laurenwood**

postponed

II – applicant wishes to rezone approximately 112.73 acres from Rural Agriculture (RA) to Residential-2 (R-2). The property is located on the southeast side of Remington Road (Route 656), Lee District. (PIN 6888-62-0664-000, 6888-71-9633-000, 6888-52-9309-000, 6888-72-2837-000)

11. **REZONING AND SPECIAL EXCEPTION**

- **REZN07-CR-003 & SPEX08-CR-005 – James W. Ward Jr. and Judy W. Land, owners and James W. Ward, Jr., applicant – Opal Creek/Ward – Land Property** – applicant wishes to rezone approximately 13.07 acres from Rural Agricultural (RA) to Residential-4 (R-4) with proffers, for a proposed residential subdivision. The applicant is also requesting a Category 27 Special Exception to eliminate the requirement for 3 acres of active recreation per Zoning Ordinance Section 2.309.3. The property is located at 10012 Clarkes Road (Route 608), between Kirkwood Lane and Clarkes Meadow Drive, Cedar Run District. (PIN 6981-31-9262-000)

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

Mr. Trumbo opened the public hearing.

Mr. Chuck Floyd, representing the applicant, stated that this application was submitted about a year ago for twenty-four lots and was advised that there was a Comprehensive Plan road going through the center of the property that the applicant would need to accommodate. He continued that after studying the Comprehensive Plan, the applicant realized that this proposed road is actually on R.L. Ryder’s land and that they had reserved the right of way for a Comprehensive Plan road which did not touch the applicant’s property and would donate twenty five feet of property to assist in developing this road. Mr. Floyd stated that the applicant has agreed with all the terms set forth by staff and the Planning Commission and would respectfully request approval of this application.

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

Mr. Stone stated that this application is not perfect but it is consistent with the Comprehensive Plan and the applicant has been in agreement with the County’s suggestions and request. He also stated that the amount of open space proffered is extremely valuable in itself.

Mr. Stone, seconded by Mr. Meadows, moved to forward to the Board of Supervisors with a recommendation of approval.

Mr. Kovalik stated that he agrees that this project is not perfect but comes as close as it can to what is included in the Comprehensive Plan. He continued that he would hope that if an interconnection was needed that the applicant would try to work with the County.

Mr. Trumbo stated that he does not agree with this rezoning but does respect the hard work of the applicant and staff. He continued that this application does not meet the standards that the Planning Commission would have hoped for, but will not oppose the application.

Mr. Meadows stated that he commended Mr. Stone for his work on this application and appreciates the applicant's contribution made in the proffer statement.

Ms. McCarty stated that she does not support this application and does not feel it meets the requirements set forth by the County.

The motion passed 4-1 with Ms. McCarty in opposition.

12. **SPECIAL EXCEPTION**

- **SPEX08-MA-004 – Dondoric Farm Limited Partnership, LLC, owner and Summerplace Farm Horse Show, LLC, applicant – Summerplace Farm Horse Shows** – applicant wishes to obtain a Category 9 Special Exception in order to run horse shows as part of the Virginia Horse Show Association. The property is located west of the intersection of Dondoric Farm Road (Route 812) and Route 17, Marshall District. (PIN 6978-56-3909-000)

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

Mr. Trumbo opened the public hearing.

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

Ms. McCarty, seconded by Mr. Trumbo, moved to postpone action until the November 29, 2007 meeting at the applicant's request, with the public hearing left open.

The motion carried unanimously.

13. **SPECIAL EXCEPTION AMENDMENT**

- **SEAM08-SC-002 – Great Meadow Foundation, owner and applicant – Great Meadow** – applicant wishes to obtain a Category 9 Special

Exception to extend the time of a previously approved Special Exception (SPEX03-SC-012) from five (5) years to ten (10) years. The property is located east of Route 17, Scott District. (PIN 6978-96-2610-000 & 6988-04-7000-000)

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

Mr. Trumbo opened the public hearing.

Ms. Leslie VanSant, President of the Great Meadow Foundation, stated that she submitted letters of support of this application earlier today.

Mr. Tom Marable, President of Fauquier Fire and Rescue Association, stated that he would urge the Planning Commission to re-evaluate approval for five years versus ten years. He continued that he supports Great Meadow, but due to the growth of these events, it is causing a strain on the Fire and Rescue Departments because they provide services at these events and projects which due to lack of volunteer personnel will not be able to assist at these events. He stated that the Fire and Rescue Department do charge a fee for some of these services but it is a bare minimum.

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

Mr. Trumbo, seconded by Mr. Stone, moved to postpone action for 30 days, with the public hearing left open.

The motion carried unanimously.

In that there was no further business, the meeting adjourned at 8:25 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, Warrenton, Virginia, for a period of one year.