

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
DECEMBER 8, 2004**

The Fauquier County Planning Commission held its regular meeting on Thursday, December 8, 2004, beginning at 4:00 P.M. in the 2nd Floor Conference Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Richard Robison; and Mr. Holder Trumbo. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mr. Chuck Floyd, Ms. Holly Meade, Mr. Todd Benson, Mr. Kevin Burke and Mrs. Rebecca Kauffman.

1. **APPROVAL OF MINUTES** – October 28, 2004 and November 18, 2004

Mr. Stone, seconded by Mr. Trumbo, moved to approve the October 28, 2004 and the November 18, 2004 minutes as amended.

The motion carried unanimously.

2. **PRELIMINARY PLATS**

- a. **#PPLT04-LE-013 – Dunn Brothers, Inc., owners and applicants – Oak Meadows Subdivision** – applicant wishes to subdivide approximately 5.9 acres into nine (9) lots. The property, which is in the Bealeton Service District, is located on the south side of Oak Shade Road (Route 661), Lee District. (PIN #6889-75-7223-000)

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

Mr. Meadows, seconded by Mr. Stone, moved to approve subject to the following revised conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Oak Meadows Subdivision" dated May 11, 2004, signed by John Orr on 10-12-04 and received in the Planning Office on October 14, 2004, except as modified by these conditions. This approval is for a maximum of nine (9) residential lots.
2. The County recommends that no below-grade basements be constructed on soils with high water table due to wetness unless the foundation drainage system of the structure is designed by a licensed professional engineer to assure a dry basement and preclude wet yards and recirculation of pumped or collected water. Where possible, all exterior foundation drainage systems shall be designed to gravity daylight without assistance from mechanical means. All discharged water (mechanical or gravity) must be conveyed to the subdivision stormwater collection system and discharged through the stormwater management facilities.

Drainage easements, where necessary, shall be placed on the final plat. A note shall be placed on the final plat stating that “Basements are not recommended in mapping units 73B and 79A. Basements in these units are subject to flooding due to high seasonal water tables. Sump systems may run continuously, leading to possible premature pump failure.”

3. The applicant agrees that there will be no direct driveway access to Oak Shade Road. This shall include a deed restriction on PINs 6889-85-0293-000, 6889-85-1282-000, and 6889-85-2271-000. All lots shall either be accessed from McKay Street or the alley as shown on the Preliminary Plat.
4. Lots 6 and 9 appear to be configured such that the houses will be located in swales and shall be relocated.
5. Evidence that there is adequate fire flow, as outlined by the Office of Emergency Services, shall be required with the first submission of the Final Construction Plan. A water model showing existing conditions and assumptions shall be included.
6. Soils in the area of the proposed SWM facility are characterized as hydric with a high water table indicating possible wetlands. All applicable State and Federal permits shall be filed with the first submission of the Final Construction Plans. This includes the COE/DEQ wetlands permit.
7. Offsite easements shall be acquired and evidence submitted, prior to Final Construction Plan approval, for the waterline, bypass channel construction and maintenance and the temporary turn around grading and construction.
8. The bypass drainage channel shall be sufficient distance away from the toe of any embankment slope so there is no danger if erosion of the embankment occurs during larger rain events.
9. An emergency spillway shall be provided for any pond.
10. There shall be no increases of stormwater at the property line of PIN 6889-84-3727-000.
11. McKay Street typical section shall be built to the Fauquier County typical for a local street class 1A, unless through traffic warrants a higher class.
12. The alignment of McKay Street shall match the Fox Haven Subdivision street alignment presented in a fax from Tim Vaughan, P.E. to Chuck Floyd on July 21, 2004.
13. The typical section on Sheet 3 shall indicate the overall right-of-way width, and shall indicate the street is being dedicated for public street purposes.

14. The right-of-way width dedication on Route 661 shall be twenty-five (25) feet from centerline.
15. The typical section for Route 661 shall show the width of the right-of-way rather than indicate it is variable. A proposed ditch has been shown on sheet 2, but it is not shown on the typical. The water and sewer lines shall be located behind the ditch line. The distance from the edge of pavement to the utilities shall be shown.
16. The temporary turnaround shall be hard surfaced, and shall have a 4-foot gravel shoulder with adequate drainage.
17. The driveway detail shall be the VDOT standard rather than a Fauquier County standard.
18. The sidewalk at the intersection of McKay Street and Route 661 shall not extend beyond the right-of-way line.
19. McKay Street shall be constructed all of the way to the property line, or onto the neighboring property via a temporary turnaround easement.
20. All frontage improvements on Route 661 warranted by VDOT or the County shall be constructed by the developer and at its expense.
21. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map soil lines onto the Final Construction Plan. This shall be done in the field and checked for any additional soils information to be added to the Final Construction Plan.
22. Interpretive information from the Type I Soil Map for each mapping unit shown on the above plat shall be placed on the same soil map. Also, a Spot Symbols Legend shall be placed on the plat map to identify spot symbols.
23. This final soil map shall be filed in the Building Department and used exclusively for obtaining soils information for this proposed subdivision.
24. Two copies of this final soil map with CPSS signature shall be submitted to the Soil Scientist Office before Final Plat approval is made.
25. The final signature sets shall require original CPSS signature.
26. These statements under Home Sites and Road Construction shall be placed on the same plat map.
 - The County recommends that no below grade basements be constructed on soil mapping units 62A, 62B, 63B, 78A, and 79A due to wetness unless

the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer. The foundation drainlines should be daylighted for gravity flow on all structures.

- Roads built on this property will need to be designed to overcome the low bearing capacity caused by poor internal drainage of the soil types.
- Foundations placed in soil mapping units that show a moderate, high, or very high shrink-swell potential in the most recent *Interpretive Guide to the Soils of Fauquier County, Virginia*, will require a geotechnical evaluation in order to determine proper design.
- The County recommends that before road or home construction begins in soil mapping units 62A, 62B, and 63B, a site specific evaluation be conducted so that shallow to bedrock areas are identified. These areas may require blasting if deep cuts or excavation is done.

27. A signature block shall be placed on the Final Soil Map sheet for the CPSS to sign which states:

Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated_____.	
This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=???) and certifies that this is the Best Available Soils Information to Date for Lots 1-??.	
_____	_____
Va. Certified Professional Soil Scientist CPSS #3401-_____	DATE

The motion carried unanimously.

- b. **#PPLT05-LE-001 - James & Joseph Romano, owners and applicants - Loveless - Lot 10** – applicants wish to subdivide approximately 5.0 acres into three (3) lots. The property is zoned Residential-1 (R-1), and is located on the west side of Marsh Road (Route 17), Lee District. (PIN #7816-61-2981-000)

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

Mr. Meadows, seconded by Mr. Stone, moved to approve subject to the following conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Loveless Lot 10" dated July 7, 2004, signed by James R. Ashley on 10-6-04 and received in the Planning Office on October 7, 2004, except as modified by these conditions. This approval is for a maximum of two (2) residential lots.
2. Pursuant to Section 7-603 of the Fauquier County Zoning Ordinance, a landscape plan shall be submitted with the Final Construction Plans for approval.
3. All driveway culverts are to be a minimum of 15 inches diameter and pass no less than the 10 year storm. VDOT may have a higher standard.
4. The County recommends that no below grade basements be constructed on soils with high water table due to wetness unless the foundation drainage system of the structure is designed by licensed professional engineer to assure a dry basement and preclude wet yards and recirculation of pumped or collected water. Where possible, all exterior foundation drainage systems shall be designed to gravity daylight without assistance from mechanical means. All discharged water (mechanical or gravity) must be conveyed to an adequate channel. Drainage easements, where necessary, shall be placed on the final plat. A note that "Basements are not recommended in mapping units 10B, 13B, and 50A. Basements in these mapping units are subject to flooding due to high seasonal water tables. Sump systems may run continuously, leading to possible premature pump failure."
5. The preliminary plan shows access for both of these lots across an ingress/egress easement. Evidence is to be submitted with the first submission of the Final Construction Plan that this access can be used by this owner. VDOT may require improvements to Route 17 for access at this location due to the high volumes of traffic on Route 17.
6. The plan shall include a note that the proposed lots will access only from Stribling Drive with no direct access to Route 17.
7. The existing drainfield shall be shown.
8. A Virginia Certified Professional Soil Scientist (CPSS) needs to adjust the preliminary soil map with revisions onto the Final Construction Plan. This shall be done in the field and checked for any additional soils information to be added to the Final Construction Plan.
9. Interpretive information from the Preliminary Soil Report for each mapping unit shown on the Final Construction Plan shall be placed on the same sheet as the soil map. Also a Symbols Legend shall be placed on the Final Construction Plan to identify spot symbols.

10. This final soil map will be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
11. Two copies of this final soil map with CPSS signature need to be submitted to the Soil Scientist Office before final plat approval is made.
12. The final signature sets will require original CPSS signature.
13. The type of primary and reserve drainfield area shall be stated for each lot.
14. These statements under Home Sites and Road Construction shall be placed on the same sheet as the final soils map.
 - The County recommends that no below grade basements be constructed on soil mapping units 10B, 13B, and 434B due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer. The foundation drainlines should be daylighted for gravity flow on all structures.
 - The following statement shall be included on final soils map and E & S plans: **“PRIOR TO FINAL CONSTRUCTION PLAN APPROVAL, IT SHALL BE AGREED THAT ALL DRAINFIELD AREAS ARE TO BE SURROUNDED BY SAFETY FENCING AND NO CONSTRUCTION TRAFFIC SHALL CROSS NOR SHALL LAND DISTURBANCE OCCUR IN THESE AREAS. THE FENCING OF THESE AREAS IS TO BE VERIFIED BY COUNTY STAFF BEFORE THE ISSUANCE OF THE LAND DISTURBING PERMIT.”**
 - Foundations placed in soil mapping units that show a moderate, high, or very high shrink-swell potential in the most recent *Interpretive Guide to the Soils of Fauquier County, Virginia* will require a geotechnical evaluation in order to determine proper design.

The motion carried unanimously.

- c. #PPLT05-SC-006 – Shirley D. & Louie R. Walker, owners and applicants – Breezy Knoll – applicants wish to subdivide approximately 10.5 acres into six (6) lots. The property is located on the east side of Lee Highway (Route 15/29), Scott District. (PIN #6995-98-5502-000)

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

Mr. Trumbo, seconded by Mr. Meadows, moved to approve subject to the following revised conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Breezy Knoll Subdivision" dated July 7, 2004, signed by Timothy W. Vaughan on 11-12-04 and received in the Planning Office on December 1, 2004 except as modified by these conditions. This approval is for a maximum of six (6) residential lots.
2. Pursuant to Section 7-603 of the Fauquier County Zoning Ordinance, a landscape plan shall be submitted with the construction drawings for approval.
3. The applicant agrees to reserve a fifty (50) foot wide right-of-way strip for a future/possible inter-parcel connection to PIN 6995-88-9395-000. The final design of the inter-parcel connection will be worked out during the Final Construction Plan phase of development.
4. Signage approved by VDOT and the County shall be located at the terminus of any temporary cul-de-sac identifying the planned inter-parcel connection. The applicant is encouraged to seek out easements on adjoining properties for construction of the temporary cul-de-sacs. Also a note shall be placed on the Final Construction Plans, Final Plat, and Deed of Subdivision stating, "Breezy Knoll Drive" is planned as an inter-parcel connection.
5. All necessary offsite easements for storm drainage shall be approved and recorded prior to Final Construction Plan approval.
6. It appears that the limits of clearing and grading extend to PIN 6995-98-1762-000. These easements shall be approved and recorded prior to Final Construction Plan approval.
7. The existing fifty (50) foot ingress/egress easement shall be vacated prior to Final Plat approval, if the easement is going to be moved.
8. Breezy Knoll Drive cannot be used as a street name. Prior to Final Plat approval an appropriate street name not already duplicated within Fauquier County shall be used.
9. All intersections shall meet the County intersection landing requirement IL-1.
10. Houses shall not be placed in swales. The houses shall be placed above the 10-year water surface elevation of the swale.
11. All applicable wetlands permits shall be submitted with the first submission of the Final Construction Plans. If wetlands do not exist, a statement from DEQ shall be required.

12. Any area where grading is proposed to be steeper than 3:1 shall require some type of matting. Where banks along the road are 3:1 or steeper, grading and maintenance easements shall be required.
13. Road grades shall not exceed 10%.
14. The County recommends that no below grade basements be constructed on soils with high water table due to wetness unless the foundation drainage system of the structure is designed by a licensed professional engineer to assure a dry basement and preclude wet yards and recirculation of pumped or collected water. Where possible, all exterior foundation drainage systems shall be designed to gravity daylight without assistance from mechanical means. All discharged water (mechanical or gravity) must be conveyed to the subdivision stormwater collection system and discharged through the stormwater management facilities. Drainage easements, where necessary, shall be placed on the final plat. A note that states "Basements are not recommended in mapping units 17B and 2A. Basements in these mapping units are subject to flooding due to high seasonal water tables. Sump systems may run continuously, leading to possible premature pump failure."
15. Evidence that there is adequate fire flow, as outlined by the Office of Emergency Services, shall be required with the first submission of the Final Construction Plan. A water model showing existing conditions and assumptions shall be included. However; if the fire flow waiver is granted with this Preliminary Plat application, the applicant shall demonstrate prior to Final Construction Plan approval that the water system could meet fire flow in the future
16. If the existing pond to remain an engineer shall certify that the pond is structurally sound and will remain so with any additional flow and meet the minimum requirements of the SWM Ordinance. If the pond is to be rebuilt all ponds and outfall structures shall be kept 25 feet from the property lines. Trees, shrubs, and any other woody plants are not to be planted on the embankment or adjacent areas extending at least 25 feet beyond the embankment toe and abutment contacts. This area is to be within a maintenance easement. Tree save areas and landscaping shall not be in these areas.
17. Verify with VDOT that the pond embankment meets VDOT's requirements for embankments adjacent to roads.
18. Frontage improvements, if required, shall be determined by VDOT.
19. Structures designated as "Rain Gardens" shall use the design criteria for bioretention facilities as outlined in the Virginia Stormwater Management Handbook

20. A sight distance profile shall be provided demonstrating that the entrance meets the minimum sight distance requirements in accordance with the Minimum Standards of Entrances to State Highways dated December 3, 2003. The profile shall indicate the posted and/or design speed used to calculate the sight distance.
21. It is not clear if Breezy Knoll Drive is intended to become a public or private street. If it is intended to be public, the plan shall indicate the street is dedicated for public street purposes.
22. The plan appears to be indicating that the existing wet pond is within the area of the road dedication. The stormwater management ponds shall be constructed in accordance with the October 16, 2003 memorandum "Proposed Stormwater Management Facilities Adjacent to VDOT Right-of-way" from the Culpeper District Hydraulic Engineer. A profile shall be provided demonstrating that the pond is in compliance.
23. The right-of-way for Route 29 shall be dimensioned on the plan from the centerline or edge of pavement to the property line. Route 29 is on the Fauquier County Comprehensive Plan as a rural freeway with a right-of-way between 212 feet and 300 feet.
24. The distance to the nearest state road and the nearest crossover shall be shown along Route 29.
25. The proposed road and driveway locations shall be shown.
26. The existing entrances on Route 29 shall be removed and the lots should be accessed from Breezy Knoll Drive.
27. All existing and proposed drainage structures shall be shown.
28. The following shall be included in the typical section: overall right-of-way width, label the shoulder and indicate material type, the road should be ¼ inch: 1 foot slope, pavement design should be an asphalt mix rather than prime and double seal, the depth of ditch should be 18 inches to accommodate a 15 inch pipe, and the ditch should be 3:1 minimum slope.
29. A note shall be incorporated that the pavement design is for planning purposes only, and the final design shall be based on the Flexible Pavement Design Worksheet per the 2000 Pavement Design Guide and actual CBR values. The pavement design shall be reviewed and approved by VDOT prior to construction.
30. Provide a right turn lane with a minimum 150-foot taper and 100-foot deceleration lane. A typical section shall be provided indicating the existing lanes and the proposed lane.

31. Stationing along the centerline of Breezy Knoll Drive and along Route 29 shall be provided.
32. Label all of the radii.
33. There appears to be utility poles along Route 29 that will need to be relocated. The plan shall be labeled to indicate which poles need to be relocated.
34. Interpretive information from the Type I soil report for each mapping unit shown on the above Final Construction Plan shall be placed on the same sheet as the soil map. Also a Symbols Legend shall be placed on the Final Construction Plan to identify spot symbols.
35. This final soil map shall be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
36. Two copies of this final soil map with CPSS signature shall be submitted to the Soil Scientist Office before Final Plat approval is made.
37. The final signature sets shall require original CPSS signature.
38. The type of primary and reserve drainfield areas shall be stated for each lot.
39. These statements under Home Sites and Road Construction shall be placed on the same sheet as the final soils map.
 - The County recommends that no below grade basements be constructed on soil mapping units 2A and 17B due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer. The foundation drainlines should be daylighted for gravity flow on all structures.
 - **PRIOR TO FINAL CONSTRUCTION PLAN APPROVAL, IT SHALL BE AGREED THAT ALL DRAINFIELD AREAS ARE TO BE SURROUNDED BY SAFETY FENCING AND NO CONSTRUCTION TRAFFIC SHALL CROSS NOR SHALL LAND DISTURBANCE OCCUR IN THESE AREAS.**
 - Roads built on any of the mapping units will need to be designed to overcome the low bearing capacity caused by the substratum of these soil types which are high in mica.
 - Due to the mica content of the soils in all of the mapping units, these soils are highly erosive. The erosion and sedimentation plans need to consider more filtration practices as compared to sedimentation. Special precaution

will need to be addressed in stabilizing the cut-banks along the proposed road.

- Foundations placed in soil mapping units that show a moderate, high, or very high shrink-swell potential in the most recent *Interpretive Guide to the Soils of Fauquier County, Virginia* will require a geotechnical evaluation in order to determine proper design.

40. A signature block shall be placed on this plat for the CPSS to sign which states:

Preliminary Soils Information Provided by Frazier Consultants (1"= 50') Dated September 2004.

This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=?) and certifies that this is the Best Available Soils Information to Date for Lots 1-?.

Va. Certified Professional Soil Scientist
CPSS #3401-_____

DATE

The motion carried unanimously.

- d. **#PPLT05-CR-010 – James B. & Teresa Rogers, owners and applicants – Rogers Subdivision** – applicants wish to subdivide approximately 35.1 acres onto two (2) lots. The property is located on the north side of Courtney School Road (Route 637), Cedar Run District. (PIN #7828-83-8511-000)

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

Mr. Stone seconded by Mr. Meadows, moved to approve subject to the following revised conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Rogers Property" dated September 17, 2004, revised November 11, 2004 signed by Carson Balzrette, except as modified by these conditions. This approval is for a maximum of two (2) residential lots. The following items shall be addressed on the Preliminary Plat prior to scheduling for Board of Supervisors action:
 - a. The Magisterial District is listed incorrectly on the Preliminary Plat. The property is in the Cedar Run Magisterial District.
 - b. The parcel identification number is listed incorrectly as 7805-66-0235 on the Preliminary Plat.

- c. The calculations provided on sheet 1 and 2 of the Preliminary Plat are misleading. References to the 1.0-acre Family Transfer lot shall be removed. The applicants are seeking Preliminary Plat approval to divide approximately 35.1756 acres into two (2) single-family residential lots of ±2.0 and ±33.1756 acres (residue).
 - d. The drainageway symbols on soils map shall be clarified. A three dot drain is called an ephemeral drain.
 - e. Dot soil boundary lines shall be changed to thick solid lines on the soils map.
 - f. Sheet 3 of 4 shall be labeled as the as Preliminary Soil Map.
 - g. The source of the soils map and interpretive information shall be clearly stated on same sheet as soil map. "Preliminary soils information via a Type I Soils Map (original scale 1" = 400') and report from Fauquier County Soil Scientist Office dated September 2004."
 - h. The applicant shall clarify the note on sheet 2 of the Preliminary Plat regarding open space and reservation of density.
2. Houses shall not be located in the swales.
 3. The existing entrance along the west property line shall be taken out of service when the entrance to the 2-acre lot is put in service.
 4. When submitting the Final Construction Plans, a complete landscape plan shall be provided with full detail of planting type, size and location pursuant to Article 7-603.2 of the Zoning Ordinance.
 5. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map soil lines onto the final construction plan. This shall to be done in the field and checked for any additional soils information to be added to the final construction plan.
 6. A signature block shall be placed on this plat for the CPSS to sign which states:

Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated September 2004.

This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=?) and certifies that this is the Best Available Soils Information to Date for Lots 1-?.

_____ Va. Certified Professional Soil Scientist CPSS #3401-_____	_____ DATE
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7. Interpretive information from the Type I soil report for each mapping unit shown on the above Final Construction Plan shall be placed on the same sheet as the soil map. Also a Symbols Legend shall be placed on the Final Construction Plan to identify spot symbols.
8. The final soil map shall be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
9. Two copies of this final soil map with CPSS signature shall be submitted to the Soil Scientist Office before Final Plat approval is made.
10. The final signature sets shall require original CPSS signature.
11. The following statement needs to be placed on the Final Construction Plan: "Foundations placed in soil mapping units that show a moderate, high, or very high shrink-swell potential in the most recent *Interpretive Guide to the Soils of Fauquier County, Virginia* will require a geotechnical evaluation in order to determine proper design."
12. The type of primary and reserve drainfield area shall be stated for each lot.
13. The following statements under Home Sites and Road Construction shall be placed on the same sheet as the final soils map:
 - a. Due to landscape position (drainageways) and high seasonal water tables the following statement needs to be placed on the final construction plan to be placed in the front office of Community Development: "The County recommends that no below grade basements be constructed on soil mapping units 14B, 63C, 67B, 67C, 475C due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer. The foundation drainlines should be daylighted for gravity flow on all structures."
 - b. The following statement shall be included on final soils map and E & S plans: **"PRIOR TO FINAL CONSTRUCTION PLAN APPROVAL, IT SHALL BE AGREED THAT ALL DRAINFIELD AREAS ARE TO BE SURROUNDED BY SAFETY FENCING AND NO CONSTRUCTION TRAFFIC SHALL CROSS NOR SHALL LAND DISTURBANCE OCCUR IN THESE AREAS. THE FENCING OF**

THESE AREAS IS TO BE VERIFIED BY COUNTY STAFF BEFORE THE ISSUANCE OF THE LAND DISTURBING PERMIT.”

14. The applicant shall satisfy all VDOT requirements.

The motion carried unanimously.

- e. **#PPLT05-MA-011 – William L. Beach, owner and Marshall Painter, applicant – Fiery Run Road Subdivision** – applicant wishes to subdivide approximately 26.8 acres into three (3) lots. The property is located on the west side of Fiery Run Road (Route 726), Marshall District. (PIN #6000-50-8282-000)

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

Mrs. McCarty, seconded by Mr. Trumbo, moved to continue the 90 day postponement, at the request of the applicant.

The motion carried unanimously.

- f. **#PPLT05-LE-017 – Margaret L. Dyson, owner and applicant – Dyson Subdivision** – applicant wishes to subdivide approximately 16.0 acres into three (3) lots. The property is located on the northwest side of Courneys Corner Road (Route 634), Lee District. (PIN #7816-26-1092-000)

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

Mr. Meadows, seconded by Mr. Robison, moved to postpone action for up to 90 days, at the request of the applicant.

The motion carried unanimously.

- g. **#PPLT05-MA-015 – Henry C. Lane, Jr., owner and The Long Companies, applicant, Lane Subdivision** – applicant wishes to subdivide approximately 22.9 acres into seventy-eight (78) lots. The property is located on the northeast side of Winchester Road (Route 17), Marshall District. (PIN #6969-97-2278-000 and a portion of 6969-98-4109-000)

This application was postponed at the request of the applicant prior to the Planning Commission meeting.

- h. **#PPLT05-CR-005 – Everett C. & Katherine A. Nelson, owners and applicants – Princess Ann Estates** – applicants wish to subdivide

approximately 30.4 acres into five (5) lots. The property is located on the west side of Brent Town Road (Route 612), Cedar Run District. (PIN #7849-49-7051-000).

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

Mr. Stone, seconded by Mr. Robison, moved to postpone action for up to 90 days, at the request of the applicant.

The motion carried unanimously.

- i. **#PPLT05-CR-016 – Calvin L. Ritchie, owner and applicant – Ritchie Subdivision – Lot 1** – applicant wishes to subdivide approximately 128.0 acres into two (2) lots. The property is located on the south side of Ritchie Road (Route 644), Cedar Run District. (PIN #7808-52-4186-000)

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

Mr. Stone, seconded by Mr. Meadows, moved to approve subject to the following conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Preliminary Waiver Request Plat on the Property of Calvin L. Ritchie" dated September 15, 2004, signed by Eric K. Niskanen on 9-15-04 and received in the Planning Office on October 25, 2004 except as modified by these conditions. This approval is for a maximum of two (2) residential lots.
2. Prior to Final Plat approval a copy of the approved Major Site Plan shall be submitted to the Fauquier County Planning Office. This shall be required as part of the waiver of Subdivision Ordinance Section 10-5.
3. The approval of the Preliminary Plat includes the approval of the following waivers:
 - Waiver of Section 5-7 of the Subdivision Ordinance to allow a private street that is 40 feet in width instead of the required 50 feet.
 - Waiver of Section 10-5 of the Subdivision Ordinance to allow the Major Site Plan to serve as the Construction Plans for the subdivision.

- Waiver of Section 7-302 of the Zoning Ordinance (Private Street Limitations and Section 7-303 of the Zoning Ordinance (Private Street Design Standards) to allow the Major Site Plan to serve as the design of the private street.

The motion carried unanimously.

- j. **#PPLT05-LE-014 – Patrick T. & Evelyn B. Sullivan and Mark A. Foldenauer, owners and applicants – Sullivan/Foldenauer Subdivision** – applicants wish to subdivide approximately 50.0 acres into two (2) lots. The property is located on the west side of Silver Hill Road (Route 615), Lee District. (PIN #7815-21-6249-000)

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

Mr. Meadows, seconded by Mr. Robison, moved to approve subject to the following conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled “Preliminary Plan Division of the Land of Patrick T. Sullivan, II, Evelyn B. Sullivan & Mark A. Foldenauer” dated July 6, 2004, signed by Kenneth A. Marceron October 12, 2004, except as modified by these conditions. This approval is for a maximum of two (2) residential lots. The following items shall be addressed on the Preliminary Plat prior to scheduling for Board of Supervisors action:
 - a. Show the Building Restriction Lines (BRLs) on each lot.
 - b. Identify a proposed landscape easement along Silver Hill Road to accommodate required street tree plantings.
2. All driveway culverts shall be a minimum of 15 inches diameter and pass no less than a 10-year storm.
3. When submitting the Final Construction Plans, a complete landscape plan shall be provided with full detail of planting type, size and location pursuant to Article 7-603.2 of the Zoning Ordinance.
4. The County recommends that no below grade basements be constructed on soils with high water table due to wetness unless the foundation drainage system of the structure is designed by a licensed professional engineer to assure a dry basement and preclude wet yards and recirculation of pumped or collected water. Where possible, all exterior foundation drainage systems shall be designed to gravity daylight without assistance from mechanical means. All discharged water (mechanical or gravity) must be conveyed to an adequate channel. Drainage

easements, where necessary, shall be placed on the final plat. A note shall be placed on the final plat stating that “Basements are not recommended in mapping units 12A, 15B, 17B, 17C, and 48B. Basements in these mapping units are subject to flooding due to high seasonal water tables. Sump systems may run continuously, leading to possible premature pump failure.”

The motion carried unanimously.

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

Mr. Robison, commenting on Item #2, recommended a condition stating no greater than 60 decibels will be heard at the property line.

b. **TRANSPORTATION COMMITTEE AGENDA**

No comments.

There being no further business, the meeting was adjourned.

The Fauquier County Planning Commission held its Public Hearing on Wednesday, December 8, 2004, beginning at 7:00 P.M. at the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Richard Robison; and Mr. Holder Trumbo. Also present at the meeting were Mr. Rick Carr, Ms. Elizabeth Cook, Ms. Kimberley Johnson, Mr. Kevin Burke, Mr. Todd Benson, Mrs. Melissa Dargis, and Mrs. Rebecca Kauffman.

4. **THE PLEDGE OF ALLEGIANCE**

5. **CITIZENS' TIME**

David Lewis, Lee District, stated he would like to see a more stringent law passed to discipline those parked in fire lanes.

6. **CAPITAL IMPROVEMENT PLAN – Fiscal Years 2006-2015** – The CIP lists proposed projects for the School Division and General County Government, which includes Library, General Services, Parks & Recreation, Extension Office and the SPCA. Included within the document, for example, is also a summary of each project recommended for consideration, along with justifications for projects not recommended.

Bryan Tippie, Fauquier County Finance Department, stated there are twenty-four (24) major projects in the recommended Capital Improvements Plan (CIP) for the next ten (10) years. He added the only change to the Plan is that the School Board has asked that there be an increase in funding allotted for the new high school.

Mr. Stone stated the Planning Commission will carefully study the CIP and forward it to the Board of Supervisors with a recommendation. He added that the public hearing will be kept open.

Ms. Mimi Moore, Marshall District and on behalf of the Citizens for Fauquier County, asked the Planning Commission to consider moving funding of the new Baltimore Library to 2006 as the Warrenton branch is already too crowded and a new branch would alleviate some of the traffic in the Warrenton area.

Dr. Kitty Smith, Marshall District, stated she is aware that the new high school is a huge issue, but there are other requests from the school system. She continued a new middle school is being proposed as well as renovations to Taylor Middle School, both of which are in the Center District. She said she is disappointed to hear that the school system thinks of its existing schools as disposable units. Dr. Smith stated the current school sites are good ones and the School Board should look into the real costs of renovation in order to bring the schools up to capacity. She asked that the \$26 million for a new middle school be put off until some real figures can be calculated.

Mr. Stone, seconded by Mr. Trumbo, moved to postpone action until next month's meeting with the public hearing left open.

The motion carried unanimously.

Mr. Stone thanked Bryan Tippie, the CIP committee members and Staff for all their hard work.

7. **SPECIAL EXCEPTIONS**

- **#SPEX05-MA-015 – Charles Edward Strother Trust, owner and Victory Thru Jesus Ministry, applicant – Victory Thru Jesus Praise & Worship Center** – applicant wishes to obtain Special Exception approval under Category 6 to allow for the renovation of an existing barn into a place of worship. The property is located in the Paris Valley Agricultural and Forestal District on the north side of Leeds Manor Road (Route 688), Marshall District. (PIN #6033-48-8473-000)

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

Mr. Stone opened the public hearing.

Mr. Charles Strother, owner and applicant, stated the Praise and Worship Center will be a special place for youth in the community. He added that he hopes local churches will be able to take advantage of the facility.

Mr. Tom Davenport, neighbor, commented that Mr. Strother's farm is the most beautiful farm in Crooked Run Valley, and it would be of great value to others to participate in agriculture this way. He added the beauty of the area has a tremendous spiritual effect on people, and he only questions whether this property will be leased out. He stated he hopes Mr. Strother will continue to own the farm.

Mr. David deGive, Marshall District, stated he hopes this application is postponed so as to give the Planning Commission ample time to consider it. He expressed his fear that this will become the next Oasis Vineyard with too few limitations on the use of the property. He said he would like to see the Special Exception conditions limit the Center to hosting no more than six (6) events per year and no more than 150 people at a time. Mr. deGive added he is concerned about the traffic increase in the area as it could be a dangerous situation.

Mrs. McCarty, seconded by Mr. Robison, moved to postpone action for up to 90 days, at the request of the applicant with the public hearing left open.

The motion carried unanimously.

8. **REZONINGS**

- **#REZN04-LE-004 – Revathi Rathinasamy, Trustee of the Palani Rathinasamy Living Trust; William A. (Jr.) & Linda Long and Joan E. Jamerson, owners, and U.S. Home Corporation, applicant – Bowen's Run** – applicant wishes to rezone approximately 82.18 acres from R-1/R-4 to R-4 Cluster in order to permit a 215 lot subdivision. The property, which is in the Bealeton Service District, is located on the northwest side of Remington Road (Route 656) and the south side of Schoolhouse Road (Route 661), Lee District. (PIN #6899-01-6220-000, 6899-03-8054-000, 6899-02-8719-000 and 6899-02-8338-000)

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

Mr. Stone opened the public hearing.

Mr. James Downey, Center District and representative for the owners and the applicant, stated he hoped this would be forwarded to the Board of Supervisors this evening but agreed there are some VDOT issues yet to be resolved. He said Staff asked that there be protection against basement flooding in the new development, and he noted the applicant has agreed to incorporate such protection. He continued that open space should be treated equally regardless of whether it is in a floodplain or not. Mr. Downey explained that the applicants and the County disagree on the

number of allowable units on this property because of the underlying issues resulting from the floodplain density credit text amendment that is currently on the agenda. He stated the density calculations are clear in the Zoning Ordinance and the applicant is in compliance. Mr. Downey referred to the Rifkin/Carson report of the 1970's where the County took inventory of the floodplain, and he noted that the formula for awarding floodplain density credit has not changed over all these years. He stated the proposed Zoning Ordinance text amendment regarding floodplain density credit is a piecemeal down zoning that should not be allowed and urged the Planning Commission to allow the applicant's calculations or grandfather this Rezoning under the existing rules. Mr. Downey stated a twenty-four (24) hour traffic study was performed, as required, although the more useful information came from the peak hour demand study. He said the applicant is prepared to fix the recorded failures by entirely funding traffic signalization and escrowing money for road improvements so they are completed even before the first house is built. Mr. Downey concluded his clients would consent to a deferral.

Mr. Harry Fisher, resident on Schoolhouse Road, stated there are already significant demands on roads, sewage systems, schools and other County services that will only be worsened by this development. He noted that area residents had not been well informed about this project and asked that the natural landscape be preserved.

Charles Law, Meadefield resident, showed the Planning Commission pictures of the area that adjoins the proposed building site that he took after the last rain.

Mr. Brad Duff, neighbor, stated after the last big rain, the area looked like a river with a floodwaters spanning 120 yards in width and reaching 5-6 feet in depth. He said any change to the floodplain could cause major problems in the future.

Mr. Jim Van Luven, Lee District, stated 215 units would be too many for this area and encouraged the Planning Commission to grant the applicant the 62 by-right units only.

Mr. David Lewis, Meadefield resident, stated he has seen a great deal of water in this area and agreed with the previous speaker in that the development should be limited to the 62 by-right lots. He said the proffers are no consolation for this type of growth.

Mr. Larry Kovalik, Center District, stated he does not live in the immediate area but worries about the impact this will have on traffic and the County's infrastructure. He concluded that the County does not need this much density.

Mr. Robert Dunleavy, Scott District, asked the Planning Commission to look at the big picture and decipher what benefit this would be to the County. He stated it would only be a detriment.

Mr. Neil Stribling, Lee District and Meadefield subdivision resident, said most homes in Phase 1 of his development require sump pumps because of periodic flooding. He stated he volunteers with the local Fire and Rescue Company and runs many calls to Bealeton Station where basements have flooded because the homes were built on ground that is not adaptable. He concluded 215 units would be too much; only by-right units should be allowed.

Mr. Stone asked Mr. Stribling if the flooding was due to residential development.

Mr. Stribling responded it was partially due to development and partially due to the fact that the Rappahannock River simply can not hold that much overflow.

Mr. Michael Scally, resident of Schoolhouse Road, stated he is not only concerned with the flooding but also with the traffic this will impose on Schoolhouse Road. He asked the Planning Commission to allow no more than by-right development.

Mr. John Lum, Meadefield resident, stated he objects to building so many units in close proximity to the floodplain and exclaimed giving density credit for land in the floodplain is terrible. He added schools are at capacity and will be overburdened.

Mr. Stone asked Mr. Lum if his yard flooded.

Mr. Lum stated his yard did not flood.

Mr. Trumbo asked if his home had a basement.

Mr. Lum stated he does not have a basement and the floodwaters did not reach his crawlspace but could, in the future, if the ground is further capped.

Dr. Kitty Smith commented Staff has worked hard and done a good job with this Rezoning application. She explained the burden is now on the applicant to prove how this will benefit the community. She said the applicant has boundary adjusted a lot, into the greater property, that is almost entirely floodplain, and there are also easements on this piece of property. She continued this portion is an unsuitable lot for building and

has no density credit since 50% of zero (0) suitable building lots equals zero (0). She noted Mr. Downey's comment that by-right numbers don't matter and exclaimed that, in fact, they do. She commented Staff indicates there are sixty-two (62) by-right lots which include some density credit for floodplain, but if one looks at the 215 units that the applicant wants to focus on, he will find 3.86 density units per acre. She said that is far too dense for this property. Dr. Smith concluded the proposed site is so close to the floodplain that building will certainly ensue on compromised soils, so this Rezoning should not be granted.

Mr. George Knaus, Lee District, stated he owns 50 acres in the area and over the past ten (10) years, has witnessed flooding four (4) times. He asked that the Planning Commission look at the floodplain with the proper perspective and approve as many lots as they see fit. He added he is worried about the infrastructure of the Service District.

Mr. Ricky Mullins, a volunteer with the local Fire and Rescue Company, voiced concerns about flooding, school overcrowding, rapid growth, and loss of aesthetic value. He stated this proposed community makes no sense in that it would be built on "Blackjack" soil and detrimental to the greater community.

Mrs. Jolly deGive, Marshall District and on behalf of the Piedmont Environmental Council, asked the Planning Commission to take into account the traffic impact and to be sure that the proffer agreement is settled at the Planning Commission stage in this process. She said this area has poor drainage and the community will be founded on shrink-swell soil. She urged the County to check with Chesterfield County on a similar development that was approved only to create many costly problems for the County.

Ms. Mimi Moore, Marshall District and on behalf of Citizens for Fauquier County, stated she agrees with County Staff that the by-right density equals 62 units. She cited the neighbors' comments regarding floodwaters rising in the past few years and suggested the floodplain be reevaluated since so much development has emerged. She added there should be a more comprehensive traffic study and asked that the Planning Commission table this application tonight.

Mr. James Outzen, Liberty Run resident, stated floodplain runs through the middle of his young development, and the community is already dealing the consequences of building around a floodplain. He said they have seen a great deal of flooding. He urged the Planning Commission to stand up for the citizens who will unsuspectingly move into this new neighborhood and later find out the disadvantages of living so near to floodplain.

Mr. Trumbo asked Mr. Outzen the age of the homes where flooding has occurred.

Mr. Outzen stated the homes are only two years old, and residents were surprised to deal with these issues so early on. He added that the developer has never been able to get the community up to standards in regards to flooding.

Mr. Trumbo asked Mr. Outzen if the homes in Liberty Run have basements and if so, do they have sump pumps.

Mr. Outzen answered they do have basements as well as sump pumps which are running all the time. He said there is concern that if there is a power outage, the homes would be inundated with water.

Mr. Ray Hyde, Delaplane resident, stated building in a floodplain is a terrible idea. He said the Chesapeake Bay Foundation is suing the Environmental Protection Agency to bring about change in the way Virginia views stream beds, and this may result in greater setbacks from stream beds. He continued, on the other hand, if development of the surrounding area has damaged this lot, it is ironic that those residing in the new communities want to use that fact to restrict the applicant's building lots.

Mr. David deGive, Marshall District and member of the Capital Improvements Plan Committee, noted that Fauquier County citizens are facing an increase in taxes because of new development that has failed to pay proffers sufficient to cover increased demand on County services.

Mr. Fred Dick, Meadefield resident, stated flooding has been so bad in parts of this area that roads become impassable. He mentioned he thought there was to be no building in a floodplain.

Ms. Ruby Law, Meadefield resident, stated she has had to install a sump pump in her home. She said she was told there would be no building in the floodplain as the run-off is steadily increasing. She added the schools are already to capacity.

Mr. Michael Carr, resident of Paris, advised the floodplain should not be disturbed by laying more asphalt as it will increase the size of the floodplain.

Mr. William Stribling, Paris resident, noted a creek that runs below him and questioned whether his property is in a floodplain.

Mr. Stone suggested Mr. Stribling call the Department of Community Development where Staff could help him determine this.

Mr. Robison called Fred Dick, who was no longer present, and Charles and Ruby Law up to the dais to look at pictures of the flooding and to discuss the proximity of the floodwaters to their homes.

Mr. Lance Kilby, the applicant's engineer, stated he would like to set up a community outreach or an information session for the public to further explain the plan. He continued that this development will be all single-family homes, none of which will be built in the floodplain. He explained the by-right yield does matter, but noted the applicant has a different calculation than the County. Mr. Kilby added the applicant's calculations are in conformance with the Comprehensive Plan which calls for less than 224 units in this area. He maintained the floodplain was adopted by FEMA and this new community will not interfere.

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

Mr. Meadows mentioned the applicant wished a decision could be reached this evening, but said the Planning Commission could not do that while there are so many concerned citizens. He said he earlier asked the applicant's representative if they would agree to an indefinite postponement and they refused. Mr. Meadows asked again if they would agree to such terms.

Mr. James Downey, the applicant's representative, conferred with his client and responded that while they appreciate the public's input and respect their concerns, some of them seem misinformed. He stated nothing will be built in the floodplain.

Mr. Meadows stated more citizens will come out against this proposal.

Mr. Downey stated there are only four (4) issues that need to be resolved, and they are confident this can be accomplished within 90 days.

Mr. Meadows, seconded by Mrs. McCarty, moved to postpone action for up to 90 days, at the request of the applicant.

Mr. Robison asked if the applicant holds a public meeting, that an invitation is extended to the Planning Commission.

The motion carried unanimously.

9. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES**

- a. Zoning Ordinance Text Amendment to amend Sections 6-102, 6-105, 15-300, and 2-512 to allow livestock on parcels smaller than 2 acres in Rural Agricultural (RA), Rural Conservation (RC), Rural Residential (RR-2), Village (V), and Residential-1 (R-1) Districts, to establish set backs for animal enclosures, and to eliminate the definition of commonly accepted pets.

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

Mr. Meadows asked if the Zoning Ordinance defined a shed and a barn separately.

Mr. Benson answered they are not separately defined but they are separately regulated.

Mr. Stone opened the public hearing.

Mr. Ray Williams, Catlett, stated he lives on over two (2) acres and his next door neighbor is raising pigs. He said according to the Zoning Ordinance, his neighbor could have up to 120 hogs. He asked that the Ordinance regarding the number of allowable livestock in residential areas be more clearly defined.

Mrs. McCarty asked Mr. Williams how long he has lived in his home.

Mr. Williams responded he has been there eight (8) years, and his neighbor just began raising the noisy pigs last year on a little over two (2) acres.

Mr. Stone inquired as to the zoning of the properties.

Mr. Williams said the properties are zoned Rural Residential-2 (RR-2).

Mr. Stone asked Mr. Benson to address these comments.

Mr. Benson stated this text amendment will not impact Mr. Williams' situation, but he urged Mr. Williams to call him to further discuss the problem.

Mr. Ray Hyde, stated he has a hay business and witnesses many customers housing too many animals on too little land. He commented the County may be going the wrong way with this text amendment and suggested

researching other ordinances where you'll find greater setbacks. He said communities with two (2) acre parcels are not rural but suburban and if one surveys law suits on matters regarding livestock, they will find most of them involve parcel owners with less than five acres.

Ms. Suzanne Ashby, Marshall District, stated she is a humane investigator in Fauquier County and would like to see an increase in the amount of acreage required for housing livestock. She clarified two (2) acres is sufficient for goats, sheep and poultry but not cows and horses which require two (2) to three (3) acres per animal.

Mrs. McCarty asked Mr. Benson where he came up with the figures for calculating an animal unit.

Mr. Benson stated he met with Staff from the Extension Office. He clarified that under this text amendment horses would not be allowed on less than two (2) acres.

Ms. Kendall Chester stated she lives on ten (10) acres in Orlean, and her daughter is a member of the 4-H Club. She said while some people may abuse the right to house livestock on their property, many would not, and it would be nice for those with less acreage to have the privilege.

Mr. Jordan Canon, thirteen (13) year old New Baltimore Service District resident, explained he may have to get rid of his goat. He stated he is in the 4-H Club and is learning a sense of responsibility from raising a goat. He continued that the goat, his best friend, does not damage the land nor does he bother anyone as he is contained in a pen.

Mr. Lance Cannon, eleven (11) year old resident of the New Baltimore Service District, said he has goat and does not want to have to part with her. He stated the goat does not damage the land or bother the neighbors. He requested that the Planning Commission let him keep his goat.

Mr. Mel Canon, New Baltimore Service District, stated his family moved here six (6) years ago in preparation for adopting two (2) children. He mentioned his kids are in the 4-H Club and are learning a great deal from raising goats. He accepted he probably should not have these goats in the Service District, but asked the Planning Commission not to deny this to his children. He asked that they please change the exclusionary language in this text amendment that leaves out the Service District.

Ms. Tammy Slaustas, Lee District, stated she keeps goats and chickens on an acre of land. She said there is not much for kids to do in Southern Fauquier County and this has helped her daughter to learn responsibility

through feeding the animals and selling the chicken eggs. Ms. Slaustas concluded the children should not have to get rid of their pets.

Ms. McCarty explained that this text amendment is not taking away from anyone, but actually giving more rights to those on less than two (2) acres in certain Zoning Districts.

Mr. John Wright, Midland resident whose property is zoned R-1, stated he is having a hard time figuring half units of chickens. He commented he does not like the government trying to gain more control and wonders if someone will use new measures to take his rights away. He continued that if citizens in the Service Districts are not allowed certain rights they will sell their homes and more houses will go in. He added most zoo animals live on only three (3) to four (4) acres.

Mr. Chuck Medvitz, New Baltimore Service District resident, stated when a text amendment to the Zoning Ordinance to allow kennels in the R-1 Zoning District was approved, the Planning Commission considered noise and odor control. He suggested it postpone this evening to look at this text amendment in the same manner and add these controls.

Mr. Wayne Preston, Lee District, stated allowing livestock on less than two (2) acres could create problems between neighbors as a rooster will wake the neighbors and twenty-five (25) chickens next door could affect a house's resale value.

Mr. Tom Davenport, Marshall District, stated he has been a farmer in the area for a long time, and Fauquier County has always been an agricultural area. He said most people move here for that reason. He added that chickens live in very small spaces and do not require a great deal of land.

Mr. Harvey Ussery, Village of Hume, said you will always hear horror stories, but asked that the Planning Commission not base its decision on these few extreme cases. He asked that the rural-agricultural aspects of the County and the fundamental elements of a democratic society be protected. He said raising livestock is a great way for the young to learn responsibility. He suggested the setbacks remain twenty-five (25) feet.

Ms. Susan Cannon, New Baltimore Service District, asked if the County has a definition of livestock because what some may consider livestock, others consider pets. She said no ordinance should preclude neighbors being considerate, but noted that goats are ecologically sound.

Mr. Peter Hansen, Marshall District, commended the County's efforts to expand agriculture. He stated many neighborhoods have covenants that will dictate what sort of animals will be allowed, and those who are

opposed to agriculture in residential neighborhoods may enjoy a community with this type of security. He concluded this text amendment is a small step in the preservation of nature.

Mr. Tom Fisher, Marshall District, stated he grew up on a farm and found the experience of raising livestock to be invaluable. He mentioned land prices are so high that not many can afford to buy a farm, so they move to Fauquier County to enjoy the agricultural lifestyle even though they may live on a smaller parcel. He referred to the right-to-farming laws indicating the County can not deny Rural-Agricultural (RA) landowners an agricultural lifestyle. He stated there should be few problems with livestock on less than two (2) acres if owners take proper care of the land and the animals. He also mentioned the Department of Agriculture, Virginia State and Iowa State all define animal units differently including a definition where animal units equal the amount of manure output.

Ms. Dina Callow, Marshall District, voiced her support for this text amendment as her granddaughter is a member of 4-H, and this will be a great benefit.

Ms. Terri Brown, Scott District, stated she lives on seventeen (17) acres and works with the 4-H Club. She said many people's lives revolve around agriculture and many children keep bunnies, goats, and chickens for pets. She stated she agrees with the twenty-five (25) foot setbacks. Ms. Brown asked what will happen to those families keeping livestock in the Service District.

Mr. Mike Facazio, Marshall District, stated he is in favor of the text amendment as small portions of land can be managed properly to support livestock. He mentioned the term and type of calculation involved in deciphering "animal units" is more fitting for large industrial areas.

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

Mr. Meadows stated he is in full support of this. He continued it is important for young people to have the experience of raising livestock as one can learn a lot on the family farm. He deferred to Mrs. McCarty since she provided a great deal of input for this text amendment.

Mrs. McCarty stated she is in favor and only regrets it does not encompass the Service District. She suggested adding a sentence regarding management of waste products.

Mr. Meadows, seconded by Mrs. McCarty, moved to forward to the Board of Supervisors with the revised language inserted into Zoning Ordinance Article 2-512, Section 1.a. and b.

Mr. Robison stated he was caught off guard as he had the notion this would be postponed since there were several issues raised regarding odor and noise.

Mr. Meadows said these issues are covered by the addition of the language regarding management of waste products and by the current Noise Ordinance allowing no more than 90 decibels.

Mr. Trumbo stated this is tough because they want to grant use of the land for agriculture while preventing nuisance uses. He reminded everyone that this text amendment can work in conjunction with other ordinances that regulate run-off, erosion and noise. He continued this is an agricultural community even though many of the farms are no longer functioning. He stated he hopes to create sustainable agriculture by allowing use of smaller lots and would like to see neighbors working to settle any differences amongst themselves. He suggested the language about waste management be consistent with the language used in the recent kennel text amendment.

Mr. Stone thanked Staff, Mr. Meadows, and Mrs. McCarty for their hard work. He said there are other ordinances that cover noise and so forth.

Mr. Meadows explained according to regulations, ten (10) hounds are allowed on smaller parcels and suggested twenty-five (25) chickens would be better by far.

Mr. Robison suggested the Planning Commission consider the Noise Ordinance sooner rather than later.

Mr. Benson replied the Noise Ordinance text amendment will be on the January agenda.

The motion carried unanimously.

Mr. Benson announced the public is welcome to address Staff with questions before or after any Public Hearing.

- b. Zoning Ordinance Text Amendment to Section 2-308.4 in order to allow no residential density allowance calculated on that area of a lot, in zoning districts other than RA and RC, comprised of floodplain, quarries or existing water bodies. At present, fifty percent credit is given. Density calculations in the rural districts (RA and RC) would not change and would continue to have full density credit for land in floodplain.

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

Mr. Stone opened the public hearing.

Ms. Deborah Harrell, Cedar Run District, stated she resides in a Residential-1 (R-1) District and has floodplain on her property only because a small stream runs through. She stated this text amendment will devalue her property.

Mr. Stone asked Ms. Harrell if she was aware there was floodplain on the property at the time of purchase.

Ms. Harrell answered that she knew there was floodplain but was comfortable with it because it is a dry area.

Mr. Chuck Medvitz, Scott District, stated this is an excellent proposal considering previous experiences in the County where building has compounded problems in floodplain areas. He said he was unsure why there was ever fifty (50) percent density credit awarded.

Mr. Jim Van Luven, Lee District, agreed with Mr. Medvitz.

Mr. Larry Kovalik, Center District, agreed with Mr. Medvitz and added transferring density out of the floodplain is essentially extending it in that roads and rooftops contribute to the floodplain.

Mr. David deGive, Marshall District, agreed with Mr. Medvitz questioning why fifty (50) percent density credit was ever awarded.

Mrs. Jolly deGive, Marshall District and on behalf of the Piedmont Environmental Council, stated she agreed with the previous speakers in support of this text amendment.

Dr. Kitty Smith, Marshall District, stated she is in support of the text amendment. She concluded it should have been done long ago based on testimonies from those in the Bealeton Service District suggesting that building near the floodplain creates run-off and increases the size of the floodplain.

Mr. Neil Stribling, Lee District, stated he is in support of this as growth is worsening the floodplain. He warned future homeowners in the proposed Bowen's Run subdivision, "Buyer Beware," and said no one should get density credit for land in the floodplain.

Mr. David Lewis, Lee District, stated he works for Greystone Homes, a local builder, and supports the text amendment. He said urban planning on the Eastern Seaboard has been poor, so we should learn from our mistakes and build with balance keeping our community and our children in mind.

Mr. Bill Swick, New Baltimore Service District, stated he opposes this text amendment because if passed, it would ruin his only other building lot which he has been working with the County to transfer to his granddaughter.

Mr. Trumbo asked if Mr. Swick's division would be either administrative or a family transfer.

Mr. Swick answered it would be.

Mr. Trumbo suggested Mr. Swick may not be affected.

Ms. Johnson stated Mr. Swick would be affected as this applies to all divisions.

Mrs. Cook noted there may need to be an established date to signify when this text amendment takes effect in order to grandfather divisions nearly through the process.

Mr. Trumbo stated he wants to find out how this will affect Mr. Swick.

Mr. Joel Garreau, Scott District and author of the book "Edge City," stated his concerns that the language in this text amendment could be ruinously expensive to the County. He said it could be viewed as a taking, since this law may reduce property values. He indicated if this was heard in court and ruled a taking, the County could be required to pay the market value for the land.

Mr. James Downey, Center District and representative for the applicant of the proposed Bowen's Run Rezoning, said Bowen's Run is a good test case for this text amendment as it frames all the issues at hand. He continued that his client had every reason to believe he would receive fifty (50) percent density credit for the floodplain portion of the purchased land, as this rule has been in effect for so many years. He explained by awarding fifty (50) percent credit, the owner's rights are preserved as opposed to reducing the floodplain land to zero (0) value. He stated Bowen's Run is a good example of this resulting in a taking and concluded this is a piecemeal down zoning.

Mr. Stone asked for the advice of Staff as to whether a cut-off date should be considered for the purposes of grandfathering some divisions or if that is something to be decided at the Board of Supervisors level.

Mr. Benson replied the Planning Commission may certainly recommend a date to the Board of Supervisors.

Mr. Robison, seconded by Mr. Trumbo, moved to include the Bowen's Run Rezoning case record into the record of this case.

The motion carried unanimously.

Mr. Meadows suggested that the public hearing be closed as those who wished to speak have likely done so and the Planning Commission have a short closed session with legal counsel before it acts.

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

Pursuant to §2.2-3711(7) of the Code of Virginia, Mr. Meadows, seconded by Mr. Trumbo, moved to go into Closed Meeting for the purpose of consultation with legal counsel pertaining to specific legal matters requiring the provision of legal advice by counsel relating to a Zoning Ordinance Text Amendment to Section 2-308.4.

The motion carried unanimously.

Upon reconvening from the closed meeting, Mr. Stone took roll call.

Mr. Meadows read the following Certification of Closed Meeting.

We do swear to the best of each member's knowledge:

1. only public business matters lawfully exempted from open meeting requirements under the this Chapter, 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 meeting by the public body.

This certification shall be recorded in the minutes of the Planning Commission on motion of Mr. Meadows, seconded by Mr. Robison.

AYES: Mr. Stone, Mrs. McCarty, Mr. Meadows, Mr. Robison, Mr. Trumbo

NAYS: None

ABSTENTION: None

ABSENT: None

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

The motion carried unanimously.

Mr. Stone announced the Planning Commission will have a Capital Improvements Plan (CIP) Work Session on January 25, 2005 from 4:00 p.m. to 7:00 p.m.

There being no further business, the meeting adjourned at 10:30 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.