

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
MAY 29, 2003**

*The Fauquier County Planning Commission held its regular meeting on Thursday, May 29, 2003, beginning at 3:05 P.M. in the 4<sup>th</sup> Floor Conference Room of the Fauquier County Courthouse, 40 Culpeper Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Jim Stone, Secretary; Mr. Bob Sinclair; and Mr. John Meadows. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mr. Robert Counts, Ms. Deirdre Clark, Mr. Chuck Floyd, Mrs. Kimberley Johnson and Ms. Beckie Williams.*

Mr. Robison, seconded by Mr. Meadows, moved to add agenda item 2 c, Initiation of the Warrenton Service District Plan public hearing.

The motion carried unanimously.

1. **APPROVAL OF MINUTES** – February 27, 2003, March 13, 2003, March 27, 2003, and April 24, 2003

Mr. Robison, seconded by Mr. Stone, moved to postpone action.

The motion carried unanimously.

2. **INITIATION OF TEXT AMENDMENTS TO THE ZONING ORDINANCE AND THE FAUQUIER COUNTY CODE**

- a. Add abattoir as a special exception use in the I-1 and I-2 Zoning District to Section 3-317 (General Industrial), add Section 5-1705 (Additional Standards for Abattoir) and add definition of abattoir to Section 15-300 (Definitions).

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

Mr. Meadows, seconded by Mrs. McCarty, moved to schedule this request for the June 26, 2003 public hearing, subject to the existing four (4) standards and the addition of four (4) additional standards.

These four (4) additional standards are:

1. Any structure or loading or unloading area associated with the use shall not be located within 50 feet of any property line which is in a Rural District, or within 100 feet of any property line which is in a Residential District.
2. All animals awaiting processing are to be housed within a fully enclosed structure.

3. All inedible offal, meat that is not food, condemned material and refuse of the meat processing shall be refrigerated and stored in the interior of a fully enclosed structure until time of pick up or final disposal.
4. All loading and unloading areas for animals shall be screened from adjoining properties.
5. Humane bedding shall be provided for animals housed over 24 hours.
6. Proper disposal of all bedding materials shall be required.
7. All animals that shall remain onsite for up to 12 hours are to be supplied food and water.
8. Proper ventilation of all holding areas shall be provided.

This motion carried unanimously.

- b. The Board of Supervisors will be referring the following proposed amendments to the Zoning Ordinance and Fauquier County Code:
  1. Restrictions regarding the location of public and private sewer systems;
  2. Addition of an Aquifer Protection Overlay District;
  3. Addition of a Highway Corridor Overlay District;
  4. Clarification public sewer and water requirements;
  5. Addition of a Watershed Overlay District.

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

Mr. Robison, seconded by Mrs. McCarty, moved to schedule items 2 and 5 for the Planning Commission's June 26, 2003 Public Hearing.

Mr. Robison, seconded by Mrs. McCarty, moved to schedule items 1, 3, and 4 for a work session on June 25, 2003 and for the Planning Commission's July 31, 2003 Public Hearing.

The motion carried unanimously.

c. **WARRENTON SERVICE DISTRICT PLAN**

Mr. Robison, seconded by Mrs. McCarty, moved to schedule this item for the Planning Commission's June 26, 2003 Public Hearing.

The motion carried unanimously.

3. **PRELIMINARY PLAT EXTENSION**

- a. **#PP02-CR-11 – Herbert W. Lunceford, owner and J. Scott Godfrey, applicant**  
 – applicant wishes to obtain a six (6) month extension of the twelve (12) month requirement for filing the Final Plat for the Lunceford Property Subdivision.

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

Mr. Sinclair, seconded by Mr. Robison, moved to approve this request.

The motion carried unanimously.

4. **PRELIMINARY PLATS**

- a. **#PP02-S-12 - Llewellyn J. Evans, Jr., owner and Airlie Estates, LLC, applicant - Reserve at Glanaman (formerly known as Airlie Estates)** - applicant wishes to obtain preliminary plat approval to subdivide approximately 47.56 acres into twenty-four (24) lots. The property is zoned Residential -1 (R-1), and is located on the northeast side of Airlie Road (Route 605), Scott District. (PIN's #6995-15-0169-000 and 6995-15-2925-000) (Postponed until May 29, 2003 at the request of the applicant.)
- b. **#PP02-S-13 - Lillie E. Smith Estate, owner, and Robert H. Rogers, III, applicant - Smithridge Subdivision** - applicant wishes to obtain preliminary plat approval to subdivide approximately 14.5 acres into fourteen (14) lots. The property is zoned Residential -1 (R-1), and is located on the southeast side of Routes 15/29, Lee District. (PIN #6888-32-5186-000) (Postponed until June 26, 2003, at the request of the applicant.)
- c. **#PP02-C-20 - Carlton Moorefield, owner, and Premier Homebuilders, Inc., applicant - Cedar Mill Subdivision** - applicant wishes to obtain preliminary plat approval to subdivide approximately 19.2 acres into nineteen (19) lots. The property is zoned Residential -1 (R-1), and is located on Frytown Road, Center District. (PIN's #6994-36-3798-000, #6994-37-3260-000 and #6994-36-5406-000) (Postponed until June 26, 2003, at the request of the applicant.)
- d. **#PP03-C-05 - Toll Bros, Inc., owner / applicant - Warrenton Chase Subdivision** - applicant wishes to obtain preliminary plat approval to subdivide approximately ± 244 acres into (one hundred fifty) 150 single family residential and (2) two non-residential lots. The property is zoned Residential-1 (R-1) and is located on the north side of Duhollow Road (Route 672) at its intersection with Frytown Road (Route 674), Center District. (PIN #6984-92-6454-000, 6984-93-2775-000, 6984-83-4176-000, 6994-02-8294-000, 6994-03-2688-000, and 6994-13-8021-000)

Ms. Clark reviewed her staff memorandum, a copy of which is attached to and made part of these official minutes. She stated that the applicant submitted a revised plat on May 14, 2003, which had not been reviewed in detail. Therefore, the applicant has requested a 60-day postponement because of the insufficient review time.

Mr. Robison, seconded by Mrs. McCarty, moved to postpone this request for 60-days, at the applicant's request.

The motion carried unanimously.

- e. **#PP03-M-11 – The California House Investment Co., LLC owner / applicant – Fenny Hill Subdivision** – applicant wishes to obtain preliminary plat approval to subdivide approximately 18.9 acres into five (5) lots. The property is located on the northeast side of Fenny Hill Road (Route 816), Marshall District. (PIN #6031-60-1727-000) (Postponed until May 29 2003, for further review.)

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

Mrs. McCarty, seconded by Mr. Sinclair, moved to approve this request, subject to the following conditions:

1. The Final Plat shall be in general conformance with the Preliminary Subdivision Plat entitled "Fenny Hill Subdivision" dated April 7, 2003 and received in the Planning Office on April 9, 2003.
2. Prior to Final Plat and Final Construction Plan approval, the applicant shall submit a detailed landscape plan as required pursuant to Section 7-600 of the Zoning Ordinance for review.
3. Prior to Final Construction Plan approval, a lot density calculation shall be provided.
4. The soil map shown on sheet 6 of 6 is the County Soil Survey map and shall be removed from the plat.
5. Soil mapping unit 10B shall be added to the Interpretive Information chart.
6. A Virginia Certified Professional Soil Scientist (CPSS) should 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.
7. A signature block shall be placed on this plat for the CPSS to sign which states:

Preliminary Soils Information Provided by Larry K. Johnson, CPSS dated February 2003.

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

Va. Certified Professional Soil Scientist  
CPSS #3401-\_\_\_\_\_

DATE

8. The summary of soil characteristics and use potential shall be stated from the most recent *Interpretive Guide to the Soils of Fauquier County, Virginia*, for all mapping unit symbols shown on the soil map. Also a Symbols Legend shall be placed on the Final Construction Plan to identify spot symbols.
9. The following statement shall be placed on the final soils map:
  - "The County recommends that no below grade basements be constructed on soil mapping units 15B, 15C, 415B and 10B 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."
10. The following statements shall be placed on the Final Construction Plans:
  - "Before a home is started the builder needs to mark the drainfield area off and not disturb it during construction."
  - "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 20B, 20C, 20D, 18D, 18E, and 19D 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."
11. The type of primary and reserve (including percentage) drainfield area(s) shall be stated for each lot.
12. The final soil map shall be filed in the front office of Community Development and the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
13. Two copies of the final soil map, with the original CPSS signature, shall be submitted to the County Soil Scientist Office before Final Plat approval is made.
14. All road design and construction shall be in accordance with VDOT's Subdivision Street Requirements manual and VDOT's Road and Bridge Standards.

15. Road and other construction shall insure drainage water will not rise higher than 18" below the shoulder of proposed or existing public roads. At a minimum, culverts shall be designed to accommodate 10-year flood frequencies.
16. All utilities placed within the highway right of way shall be placed on the outer three (3) to five (5) feet of the edge of the right of way.
17. Trees within street rights of way shall not be credited towards satisfying Fauquier County's tree canopy ordinance.
18. Unpaved portions of street right of ways shall not be credited towards open space requirements.
19. The ingress/egress easement described in Deed Book 482, page 63, shall be vacated in the area shown on the plat to be dedicated to public use. All necessary parties to the vacation shall join in the plat or instrument vacating the easement.
20. At such time that the proposed road is accepted into the Virginia Department of Transportation public road system, provision shall be made for the continued use of that portion of the existing ingress/egress easement that is not included in that system.
21. Lot 5 shall be accessed directly from the proposed cul-de-sac.
22. All SWM/BMP facilities shall be designed and constructed to conform to Fauquier County Stormwater Management Ordinance standards.
23. A homeowners' association maintenance agreement shall be required for the SWM/BMP facilities. The homeowners' association documents shall be submitted with the Final Construction Plans.
24. Maintenance easements shall be provided for all SWM/BMP facilities.
25. The SWM/BMP facilities shall be located on separate lots.
26. The toe of slope on the embankment or associated disturbed area of the SWM/BMP facilities shall be at least twenty-five (25) feet from the property line.
27. Driveway culverts and all other pipes shall be shown on the Final Construction Plan and shall be sized for the ten (10) year storm.

The motion carried unanimously.

- f. **#PP03-CR-27 – Joseph L. & Donetta J. Perkins, owner / applicant** – applicants wish to obtain preliminary plat approval to subdivide approximately 40.6 acres into three (3) lots. The property is described as Lot 3, White Ridge, Cedar Run District. (PIN # 7836-89-5535-000)

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

Mr. Stone, seconded by Mr. Robison, moved to approve this request, subject to the following conditions:

1. The final plat shall be in general conformance with the Preliminary Subdivision Plat entitled "Perkins Subdivision" dated November 15, 2002, and received in the Planning Office on April 17, 2003; however, the following items need to be addressed prior to the Board of Supervisors Action:
  - A. In accord with Section 3-400.12 of the Fauquier County Zoning Ordinance, front building restriction lines are measured (and shall be noted on the Preliminary Plat) from the centerline of the roadway, not the property line.
  - B. The bulk regulations for the appropriate zoning district shall be listed on the plan.
  - C. Lots 4 and 5 shall meet the minimum lot width requirements for RA zoning; please note on the plan if this is a cluster development and provide the accurate bulk regulations for such.
  - D. The Preliminary Plat shall include the width of the right-of-way on Route 616 from either the centerline of the road or the edge of pavement to the property line.
  - E. The Preliminary Plat shall indicate the distance to the nearest intersection
2. In accord with Section 7-603.2 of the Fauquier County Zoning Ordinance, Residential Subdivisions, a landscape plan shall be required prior to approval of the Construction Plans.
3. All existing culverts are to be shown. All driveway culverts are to be sized for the 10-year storm.
4. The natural drainage swales are to be protected to the maximum extent possible. All houses are to be located above the 10-year water surface elevation in the drainage swales.
5. A Virginia Certified Professional Soil Scientist (CPSS) needs to adjust the preliminary soil map with revisions onto the final construction plan. This needs to be done in the field and checked for any additional soils information to be added to the final construction plan.
6. 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.

7. The statements under Home Sites and Road Construction shall be placed on the same sheet as the final soils map.
8. 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 November 19, 2002.	
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 4 and 5.	
_____ Va. Certified Professional Soil Scientist CPSS #3401-_____	_____ DATE

The motion carried unanimously.

- g. **#PP03-S-28 – James R. and Margaret L. Hendricks, Trustees, owner / applicant – Misty Run Estates – Phase 3** – applicants wish to obtain preliminary plat approval to subdivide approximately 10.5 acres into six (6) lots. The property is located on the west side of Gray’s Mill Road (Route 674), Scott District. (PIN # 6995-94-1740-000)

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

Mr. Sinclair, seconded by Mr. Robison, moved to postpone this application for 90-days (August 28, 2003), at the applicant’s request.

The motion carried unanimously.

5. **SPECIAL EXCEPTIONS**

- a. **#SE02-L-27 - D.C. Diamond Corporation, owner/applicant** - applicant wishes to obtain special exception approval under Category 23 of the Zoning Ordinance, which would allow for grading and construction of a road in the floodplain. The property contains 85.84 acres, is zoned Rural Agriculture (RA), and is located on the southwest side of Catlett Road (Route 28), Lee District. (PIN #6889-31-7311-000) (Postponed until May 29, 2003, at the request of the applicant.)

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

Mr. Meadows, seconded by Mr. Sinclair, moved to recommend approval of this request subject to the following revised conditions:



- 1) The applicant hereby agrees that the extension of Southcoate Village Drive from the Southcoate Village subdivision will cross the Craig Run floodplain in the area circled on the Special Exception Plat prepared by Carson, Harris & Associates, LLC (Carson/ Harris) dated April 5, 2002, and last revised March 12, 2003. The design of this stream crossing, when finalized, shall be generally perpendicular to the stream.
- 2) There shall be no other impacts to the 100-year floodplain with this Special Exception beyond that which is described above. As such, the alignment of Southcoate Village Drive proposed with this application has been modified to eliminate a second impact to the 100-year floodplain between Craig Run and the proposed intersection with State Route 28 (Catlett Road). However, the applicant reserves the right to apply for a Special Exception for additional 100-year floodplain encroachments if the property identified by P.I.N. 6899-31-7311-000 is re-zoned or regional transportation planning dictates.
- 3) Additionally, the applicant hereby agrees to the following completion schedule:
  - a. The final planimetric (horizontal) design of the road shall be completed and submitted to the Virginia Department of Transportation (VDOT) and the County for concept approval within three (3) months from the date of Board of Supervisor's approval of this Special Exception.
  - b. Carson/ Harris, shall prepare and submit for approval to Fauquier County, a right-of-way reservation & temporary construction easement plat for the road within three (3) months of the date of approval of the aforementioned planimetric plan.
  - c. Final construction plans for the road, including all necessary drainage and stormwater management facilities, shall be prepared by Carson/ Harris and submitted to Fauquier County no later than eight (8) months from the date of Board of Supervisor's approval of this Special Exception.
  - d. Road construction activities shall commence within six (6) months of final construction plan approval by all applicable local, State, and Federal agencies.
  - e. Road construction shall be completed within twenty-four (24) months of Board of Supervisor's approval of this Special Exception.
- 4) Pursuant to the schedule established in the preceding paragraph, the applicant may be granted a one-time six (6) month extension by the Director of Planning. Additional extensions, if requested, may only be granted by the Fauquier County Planning Commission.

- 5) The applicant, D.C. Diamond Corporation, its successors and assigns, shall be responsible for ensuring the construction of the Southcoate Village Drive extension. Furthermore, to ensure the timely construction of a second point of access to the Southcoate Village subdivision, the applicant hereby agrees the construction bond for Southcoate Village Phases 3 and 4 may be reduced but shall not be released until:
  - a. Construction of the road extension contemplated in this Special Exception is completed and accepted, or;
  - b. An alternate second point of access to Southcoate Village is approved by the County and bonded for construction, or;
  - c. Final construction plans for a different design of the Southcoate Village Drive extension are approved and bonded for construction.
  
- 6) The applicant hereby agrees to bond, an amount sufficient to cover the design & construction costs of the road. Said bond amount shall be determined based on a planimetric (horizontal) road plan approved in conceptual form by VDOT and the County Engineer and will include the following provisions:
  - a. Approved Design and Permitting Costs, including but not limited to:
    - i. Construction Plans to be prepared by Carson/ Harris for a fixed fee agreed to by Carson/ Harris and the County and stated in the approved bond;
    - ii. Record Plats & Deeds;
    - iii. Studies and/ or mitigation plans required to obtain all necessary State and Federal permits and/or letters of concurrence, including, but not limited to:
      - (1) U.S. Army Corps of Engineers Permits;
      - (2) Virginia Department of Environmental Quality Permits;
      - (3) Conditional and final letters of map revision from the Federal Emergency Management Agency;
  - b. Construction Costs
    - i. Construction stakeout
    - ii. Mobilization
    - iii. Clearing, grading and erosion controls
    - iv. Construction materials and installation
    - v. Contingency for removal of unsuitable soils and replacement with suitable soils;
  - c. 15% Contingency
  - d. 5% Annual Inflation Factor; and,

Carson, Harris & Associates, LLC, its successors or assigns, shall assist in facilitating any engineering related items.

- 7) The Applicant, its successors and assigns shall be responsible for complying with these conditions, which shall run with the land.

The motion carried unanimously.

- b. #SE02-S-22 and #SE02-S-23 - Llewellyn J. Evans, Jr., owner, and Airlie Estates, applicant – Reserve at Glanaman (formerly known as Airlie Estates) - applicant wishes to obtain special exception approval under Category 29 which would allow for a waiver of the public/central water requirements and Category 31, which would allow for a waiver of the public/central water requirement. The property contains 7.56 acres, is zoned Residential-1 (R-1), and is located on Airlie Road (Route 605), Scott District. (PIN's #6995-15-0169-000 and #6995-15-2925-000) (Postponed until May 29, 2003, at the request of the applicant.)
- c. #SE03-C-17, SE03-C-23, and SE03-C-22 – Toll Bros., Inc., owner / applicant – Warrenton Chase Subdivision – applicant wishes to obtain special exception approval under Category 20, which would allow for a water storage system and the construction and operation of a community wastewater treatment and disposal system; Category 21, which would allow for the location of SWM facilities and utility and trail crossings in the floodplain; and Category 30, which would allow for a waiver of the public sewer requirements. The applicants have also requested a county determination as to whether the location of the proposed water storage facility associated with # SE03-C-17 is in accord with the Code of Virginia, Section 15.2-2232 and a determination that the proposed dedication of open space meets the open space requirements for development. The property is located on the north side of Duhollow Road (Route 672), Center District. (PIN #6984-92-6454-000, 6984-93-2775-000, 6984-83-4176-000, 6994-02-8294-000, 6994-03-2688-000, 6994-13-8021-000)

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

Mr. Robison made the following comments regarding this application:

WATER:

“Some areas of the Frytown Community have been plagued with a polluted underground water supply. This is due to dry cleaning chemicals, specifically PCE, from an old leaking chemical dumpsite. Public water from the Town of Warrenton is not available, for the Warrenton Chase project. The polluted underground water is not acceptable for individual or community wells. The existing community residents and the Warrenton Chase homes need clean, safe water. The solution is to utilize Public Water supplied from Fauquier County WSA. They told us that according to the Emery and Garrett study, New Baltimore has much more water supply than the foreseeable need, and that serving the area with water is no problem. Should that be the case, we the Planning Commission recommend that WSA pursue an additional well site in Center District to link with the New Baltimore water source.

The state and federal governments have not performed the proper remediation efforts for the Frytown residents. These are county residents. This commission

cannot overlook the problems of our neighbors, and must do whatever possible to bring them clean, safe water.

Toll Brothers proposes to extend a waterline and a storage facility to this area. Through block grants and already set aside county funds, we can implement this project. I would add conditions that careful consideration be given to the location of this waterline extension to be sensitive to existing floodplain, erosive soils, private improvements, and natural resources.

There are some considerations to extend this waterline to the Fair Grounds and the County Sports Field Complex, which will benefit all the citizens of Fauquier County. I would also recommend that this waterline be a minimum of 6 to 8" to accommodate fire hydrants, to assist Fire & Rescue, and for a safer community.

#### SEWER:

The Planning Commission looked at a package sewer plan facility, also known as community sewer systems, at Lenah Farms in Loudoun County. This facility was remotely located from the housing areas. It was a cold day, and the housing development was only 50% complete. I spoke to an official with Loudoun County Sanitation Authority who stated that when the development is 100% complete and in the Summer heat, the odor WILL be much more of a problem and would be apparent at these new homes. We do not need these odor problems for the existing and new residents in the Frytown area.

Package sewer plants are problematic, expensive to operate, expensive to repair, and have a limited lifespan. Our own Water and Sewer Authority frowns on these systems, and so do I. Households connected to these systems can be expected to pay from \$210 to \$280 per month, just for sewer service. Obviously, these rates are not reasonable for low or moderate-income households. Prince William County does not allow package plants or alternative drainfield systems in the rural crescent. They only allow central sewer systems or conventional drainfield systems.

Throughout various areas of the country, failed package plants are being replaced with pump stations and sewer mains. Loudoun County has a current cost of \$30,000 per house for this "pump-over" conversion. For a 150 home development, that would cost our citizens about \$4.5M!

In a major watershed in PA, including 1,237 stream miles has recently been studied. 31% or 389 miles of the assessed streams were found to be impaired. The study sites package sewer plants as one of the main sources of impairment.

In North Carolina, the Lewisville Sanitary Services Advisory Committee states that Package Plants are not cost effective and are considering using bonds to build sewer lines to keep package plants out.

Florida State University states that Package Plants are often poorly operated and maintained.

In Martin County, Florida, the Utilities Department initiated discussions to eliminate package plants, where citizens suffer from high utility bills.

In Idaho, package plants have caused odor problems, public health hazards, and high-suspended solids in the effluent causing their downstream drainfields to fail. The regional office areas solution was to not approve package plants thereby forcing the owner to choose another wastewater treatment alternative.

In Ocala, Florida, a package plant proved to be a major headache and expense from the day it started up. Perhaps most frustrating was that no one accepted responsibility for the problem – not the engineer, not the equipment supplier, not the installer, not the operator. A lot of fingers were pointed but no one could be held accountable.

In Hamilton County, Ohio, the Metropolitan Sewer District is spending \$13.5M to eliminate package plants.

In Douglas County, Georgia, the Water Planning District and WSA would like to eliminate all package plants.

Some jurisdictions in Texas were told that package sewer systems were safe for deep well discharges, or injection wells to discharge treated wastewater. Today, some of these areas now have major quality problems.

The EPA states that Package Plants are mechanically complex and relatively labor intensive. They state plugged air diffusers can be a problem, as can flow or chemical shocks, rising sludge, foaming, and mechanical failures.

The EPA also states that bulking sludge problems are due to various imbalance conditions between the three variables biological oxygen demand, suspended solids and the level of dissolved oxygen maintained. Additionally, the frothing problem is often due to the introduction of synthetic detergents.

According to the EEC, in many cases, effluent from package plants is being sent down rivers or into leach fields where it is causing severe problems. Rivers, lakes and aquifers are becoming polluted due to this inadequate treatment. Pollution seeps into our environment on an ongoing basis. Need I say more?

The disadvantages of package sewer plants are numerous, the advantages are few. The VDH and DEQ basically allow these systems as an economic development tool. They are used to promote growth in counties of poor economy and declining population. Do we need this in Fauquier County?

Obviously, I am opposed to package sewer plans for many reasons. If the majority of the Board of Supervisors desires to accept these facilities I would first highly recommend five requirements; that I have for staff to forward,

1. Adhere to WSA Design Standards.
2. Set additional policy standards similar to Loudoun County, including the 90% rule.

3. Require the developer to escrow the replacement cost or pump-over costs.
4. Provide in-depth education for the WSA officials and operators and give them final approval so that they can obtain and approve soil based, best technology, Cadillac type systems with double redundancy; NOT the lesser quality, shorter life Yugo type systems. For example, they would select the highest level of treatment, fixed film filters, MBR's, RME procedures, dispersal systems, etc.
5. Locate these facilities with a one thousand foot buffer to any existing homes, proposed homes, recreation areas, or property lines.

We must not create additional burdens on the citizens of Fauquier County. Therefore, due to the disadvantages of package sewer plants and 11 Conditions of Denial outlined by staff, I make a motion to deny the Special Exception allowing the use of the system.”

Mr. Sinclair stated that it is poor public practice to utilize another service districts' water resources. He said this is a short-term fix but we need to think long-term. Mr. Sinclair said that he is not indicating that we should not help provide utilities; but to rely on New Baltimore as a primary source for the Warrenton Service District is poor public policy.

Mrs. McCarty stated that the decision to deny this request is good environmental planning.

Mr. Meadows stated that the members of the WSA are hesitant to have anything to do with this package treatment plant.

Mr. Sinclair asked who would operate this system.

Mr. Meadows stated that is why he supports this motion.

Mr. Stone stated that if the homeowners are paying more than \$100.00 a month for this system, then they should have the right to do whatever they want with it.

Mr. Robison, seconded by Mrs. McCarty, moved to recommend approval of the Category 20 request for the water storage facility, subject to the following conditions:

1. The Fauquier County Board of Supervisors determines that the proposed extension of water service by WSA can be made without detrimental effect on the residents now served, or planned to be served by the New Baltimore well system.
2. That the physical extension of water lines shall be made at the sole expense of the Applicant, with no costs transferred to the County or WSA.
3. That the physical extension of water lines shall be made in a manner that provides adequate lateral crossings of both Frytown and Duhollow

Roads, as determined by WSA, to facilitate the connection to public water for current residents on either side of these two roads.

The motion carried unanimously.

Mr. Robison, seconded by Mr. Stone, moved to recommend denial of the request for a Category 20 for the community sewer system, with the following resolution:

#### RESOLUTION

#### A RESOLUTION OF THE FAUQUIER COUNTY PLANNING COMMISSION RECOMMENDING DENIAL OF THAT PORTION OF SE03-C-20 REQUESTING APPROVAL OF A COMMUNITY WASTEWATER TREATMENT AND DISPOSAL SYSTEM

WHEREAS, in the matter of SE03-C-20: A Special Exception to construct a community wastewater treatment facility, the Planning Commission has conducted a public hearing; and

WHEREAS, based on public testimony, staff analysis and its own deliberations the Planning Commission has made a number of findings and conclusions regarding the proposed system, now, therefore, be it

RESOLVED by the Fauquier County Planning Commission this 29<sup>th</sup> day of May 2003, That the Planning Commission recommends to the Board of Supervisors denial of that portion of SE03-C-20 relating to a community sewage treatment and disposal system based on the following findings and conclusions:

1. The Applicant has failed to demonstrate the long-term viability of the proposed land application of sewage effluent.
2. Absent an agreement to transfer the proposed system to public ownership, the Applicant has failed to demonstrate either the long-term viability of system ownership or operational responsibility.
3. The Applicant has failed to adequately demonstrate the provision of 200% reserve drainfield area as recommended by WSA draft standards for such systems.
4. The Applicant has failed to adequately demonstrate that the proposed community drainfield system will not adversely affect the use or development of neighboring properties.
5. The Applicant has failed to demonstrate that the anticipated life of the proposed system will provide adequate long-term sewage disposal for the proposed community.
6. The Applicant has failed to demonstrate that the proposed land application of treated sewage will not degrade surface or groundwater to an extent that may hinder or discourage the development or use of adjacent properties.

7. Similar systems in other jurisdictions have required extensive upgrades and/or replacements with conventional sewage systems at significant public cost; the proposed system provides no safeguards against such an occurrence.
8. In the absence of a specific system design, the Applicant has been unable to provide adequate information on long-term operating history and reliability of the proposed system.
9. The Applicant has failed to adequately address the effect of reduced common open space that would be required by the proposed community drainfields.
10. The Applicant has failed to demonstrate that the primary drainfields, required reserve drainfield areas, SWM/BMP facilities, and required open space can all be adequately accommodated within the proposed development.
11. The denial of this request will not preclude the Applicant from pursuing other reasonable development opportunities for this site.

The motion carried unanimously.

Mr. Robison, seconded by Mr. Stone, moved to recommend approval of the request for a Category 23, with no SWM facilities in the floodplain, subject to the following conditions:

1. No such use shall cause an increase in the level of flooding or velocity of floodwaters.
2. No such use shall create a potential hazard of debris subject to movement by floodwaters, which might cause damage downstream.
3. The applicant shall have obtained and shall present evidence attesting any applicable approvals by State and Federal authorities concerning such a use.
4. Materials and equipment stored in the floodplain shall not be buoyant, flammable or explosive, and shall not be subject to major damage by flooding or such materials and equipment must be firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.
5. No stormwater management ("SWM") or associated Best Management Practice ("BMP") facilities shall be placed in the floodplain.

The motion carried unanimously.

Mr. Robison, seconded by Mr. Sinclair, moved to recommend approval of the request for a Category 30, subject to the following condition:

The Applicant shall give first priority to developing the property using a publicly owned sewer system, second priority to developing with a privately built system



to be conveyed to a public entity, and third priority to developing with conventional individual drainfield systems.

The motion carried unanimously.

Mr. Robison stated that the applicant needs this special exception under Category 30 either for the package treatment plant or a traditional drainfield.

Mr. Carr confirmed this.

Mr. Robison, seconded by Mr. Stone, moved to recommend approval of the Section 15.2-2232, Code of Virginia determination regarding the locations of the water storage facility.

The motion carried unanimously.

6. **REZONING**

- a. **#RZ03-L-12 – BRS, L.C., owner / applicant – Cedar Brooke (formerly Reynard’s Crossing)** – applicant wishes to amend proffers of rezoning application # RZ 99-L-04 related to a right-of-way dedication. The property is located on the south side of Route 28, east of its intersection with Route 17, Lee District. (PIN # 6899-47-7006-000)

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

Mr. Meadows stated that the applicant is coming before the Commission because of neglect. He stated the applicant applied for Final Plat approval but because of an improper proffer he could not receive approval on the last phase. Mr. Meadows stated that when the applicant received rezoning approval all lots complied with the setbacks; however, because of zoning ordinance amendments they do not now. He stated that the applicant would provide a statement on all plats warning buyers that the houses do not comply with setbacks.

Mr. Meadows, seconded by Mrs. McCarty, moved to approve this request.

The motion carried unanimously.

7. **INITIATION OF REZONING** – Consider scheduling public hearing for Board of Supervisors sponsored rezoning of a portion of Calvin L. Ritchie property, identified as PIN # 7808-52-4186-000, located at 5177 Ritchie Road; to amend the zoning map designation from Rural Agriculture (RZ) to Industrial (I-1).

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

Mr. Stone, seconded by Mr. Meadows, moved to schedule this rezoning for the June 26, 2003 Public Hearing.

The motion carried unanimously.

8. **BOARD OF ZONING APPEALS AGENDA**

Mr. Robison asked if there were any comments to the Board of Zoning Appeals.

No comments were stated.

There being no further business, the regular meeting was adjourned.

*The Fauquier County Planning Commission held its Public Hearing on Thursday, May 29, 2003, beginning at 7:00 P.M. in The Library at Fauquier High School, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Jim Stone; Secretary; Mr. Bob Sinclair; and Mr. John Meadows. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mr. Robert Counts, Ms. Deirdre Clark, Mr. Kevin Burke, and Ms. Beckie Williams, Administrative Secretary.*

Mr. Robison announced that the Planning Commission's Public Hearings from June 2003 until February 2004 would be held at the Warrenton Community Center.

9. **THE PLEDGE OF ALLEGIANCE**

Mr. Robison led the Commission, staff and public in The Pledge of Allegiance.

10. **CITIZENS TIME**

No one spoke.

11. **SPECIAL EXCEPTIONS**

- a. **#SE02-M-28 – Dondoric Farm Limited Partnership, owner / applicant – Summerplace Horse Shows** – applicant wishes to obtain special exception approval under Category 9, which would allow for horse shows. The property is located on the south side of James Madison Highway (U.S. Route 17), Marshall District. (PIN # 6978-56-3909-000)

Ms. Clark reviewed her staff memorandum, a copy of which is attached to and made part of these official minutes. She stated that the applicant has requested a 90-day deferral.

Mr. Robison opened the public hearing.

Mr. Tom Finch, Manager, Summerplace Horse Shows, gave a brief description of the horse shows that take place on this property. He stated that there is a need to promote good, healthy horse shows that are economically feasible. He stated that they have designed a horse show that benefits the most without destroying the land agriculture. Mr. Finch said these shows benefit various charities, for example, the Youth for Tomorrow. He further stated that local businesses are benefiting from the horse shows. Mr. Finch stated that they are working to better the traffic situation and they have an approved commercial entrance from VDOT.

Dianna McNautten, Marshall District, stated the Summerplace Horse Shows are a wonderful opportunity for young riders in the area. She said Mr. Finch manages these shows well and that this is a pleasant and beautiful area. Ms. McNautten stated that these shows are also cost effective for riders in this area.

Karen Conchar, Scott District, stated she is the Engineer for Fairfax County and she used to work for VDOT. She said she understands the issues but stated that Mr. Finch does have a current entrance permit and the new location will be safer. She asked the Commission to look favorably on this application.

Mr. John Blevins, Scott District, stated that these horse shows have continued for well over one year without permits. He said the entrance is inadequate and unsafe for drivers and livestock. Mr. Blevins stated that this company has no regard for the rules. He said there is no screening around Don's Johns and no water facilities to control the dust. Mr. Blevins stated the County must enforce its own ordinance and the applicant must abide by the County laws.

Ms. Lisa Ann White stated that she has been in business with Mr. Finch for at least 10-years and that he would never put anyone's life or horse's life in jeopardy. She said there has never been a traffic problem and Mr. Finch waters and drags the rings often during the shows.

Ms. Helen Whitney, employee of Summerplace Horse Shows, stated that she has been to every horse show. She said she has seen Mr. Finch water the grounds frequently and there has never been an issue with traffic, coming or going. Ms. Whitney stated it is important to have this facility in Fauquier County to support the equine community.

Ms. Ruth Evans, secretary of Summerplace Horse Shows, stated she has only heard compliments, never anything negative. She further stated that Mr. Finch does have a water truck and dust is not a problem.

Ms. Meg Graham, Cedar Run District, stated the applicant and the opposing neighbors should talk and work things out. She also stated that Mr. Finch does everything VDOT asks, but they still deny him.

Ms. Denise Finch, Atoka Road, stated the County is fortunate to have this horseshow.

Mr. John Middleton, Marshall District, stated he has lived next to Dondoric Farm for 50 years. He said this horse show is clean and an asset to the community.

Mrs. Lori Blevins, Scott District, voiced her concerns. She said the applicant is in violation of the Zoning Ordinance. Mrs. Blevins stated the applicant has bypassed the whole system. She asked when would the commercial entrance permit and the special exception conditions be implemented. Mrs. Blevins said she is for the horse show; however, everyone has to abide by the same laws and they applicant should submit a site plan and have it approved before they continue these shows.

Ms. Kathy Borsky stated these horse shows are the best run and they have never had a problem. She said Fauquier County is in desperate need of horse shows.

Ms. Melissa Mainville stated she is a beginner rider and Mr. Finch's show has given her a great opportunity. She said this is a positive atmosphere and delaying or stopping these shows would be a big mistake.

Mr. Bill Wicks stated the need to preserve the community. He stated the applicant should obtain the required permits but asked the Commission not to stop the horse shows. Mr. Wicks said this is for our kids.

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

Mrs. McCarty asked Mr. Finch if he had a copy of the current approved VDOT permit. He stated the permit was included in the package he passed out at the beginning of the meeting.

Mrs. McCarty stated the horse show was not the issue before the Commission, the issue is safety.

Mrs. McCarty, seconded by Mr. Sinclair, moved to postpone the request for 90 days for further review and for a site visit on June 26<sup>th</sup>.

The motion carried unanimously.

- b. **#SE02-CR-29 - William A. Hamp, III, owner, and Karen Coleman/Eastern Clearing Inc., applicant** - applicant wishes to obtain special exception approval under Category 20 of the Zoning Ordinance, which would allow for an experimental waste transfer station. The property contains ± 10 acres, is zoned Industrial-Park (I-1), and is located on the northeast side of Bealeton Road (Route 805), Cedar Run District. (PIN #6899-75-8606-000) (Postponed until May 29, 2003, at the request of the applicant.)

- c. **#SE03-CR-29 – William H. Martin, Jr. & Nelson D. Martin, owners, AT & T Wireless Services, applicant** – applicants wish to obtain special exception approval under Category 20, which would allow for the construction of a 120' monopole, antennas, and related equipment and a determination by the county as to whether the location of a telecommunications facility associated with this special exception is in accord with the Code of Virginia, Section 15.2-2232. The property is located on the northeast side of Dumfries Road (Route 605), Cedar Run District. (PIN # 7914-33-2804-000)

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

Mr. Robison opened the public hearing.

Mr. Terry Cooke, representative of the applicant, stated the need for a facility at this location. He said there is a 4-mile gap without any telecommunications coverage. He said the Martin property is well suited for this use. Mr. Cooke stated the property is well screened. He said they have modified the height of the

tower to 105' after the balloon test. Mr. Cooke said they considered moving the tower based on the county consultant's comments but there would still be a need for a special exception because this area does not provide screenage.

Mr. Sinclair asked Mr. Cooke why is the coverage of this tower only 1 ½ miles and not 4 – 5 miles? Mr. Cooke responded that the coverage is based on the topography and because this site is heavily wooded and hilly the coverage is not as far.

Mr. Sinclair asked if there is a chance AT & T will be back before the Commission with another application for a tower in the same area. Mr. Cooke said that is possible.

Mrs. McCarty asked if at either distance (105' or 120') would AT & T be the sole carrier or will there be room for others. Mr. Cooke stated at this time AT & T will be the sole carrier. He said it is not likely for another carrier to locate on the tower and transmit over the trees.

Mr. Tom Harris, Center District and employee of Piedmont Environmental Council, stated he came to the meeting thinking this application was for a tower of 120 feet but not the applicant is stating 105' feet. He said he was before the Commission to support the county consultant's decision. Mr. Harris stated the applicant should submit the environmental and historic studies prior to approval. He said the Commission should deny the application for the 120' tower and consider the county consultant's options 2 and 3.

Mr. John Payne, Cedar Run District, representing the property owners at Auburn Crossing. He sated that all of these towers to cover a 4-mile radius is destroying the beautiful county. Mr. Payne said the removal of trees will lead to more noise and will hurt the wildlife. He said there is no beauty in cell towers.

Ms. Mimi Moore, Marshall District, stated the Fauquier County Tower Ordinance does not address towers within one mile of historic districts. She stated it is poor practice to allow a tower over 80-feet, as permitted in the ordinance.

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

Mr. Stone stated he does not like dealing with changes that takes everyone by surprise. He said there is a new proposal in front of the Commission. Mr. Stone, seconded by Mr. Robison, moved to postpone action until the June 26, 2003 public hearing, due to an error in the Legal Ad, leaving the public hearing open.

The motion carried unanimously.

- d. **#SE03-S-26 – Fauquier County, owner / applicant – Northern Fauquier County Sports Complex** – applicant wishes to obtain special exception approval under Category 20, which would allow for the construction and operation of an above ground water storage tank and sanitary sewer pump station and a determination by the county as to whether the location of the proposed water

storage tank is in accord with the Code of Virginia Section 15-2232. The property is located at the northeast corner of John Marshall Highway (Route 55) and Whiting Road (Route 622), Scott District. (PIN # 6070-40-3474-000)

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

Mr. Robison opened the public hearing.

Mr. Ron Mabry, Project Manager, stated there has been no additional information since the May 29<sup>th</sup> Planning Commission meeting.

Mrs. McCarty asked Mr. Mabry if the old silo would be removed or would there be two. Mr. Mabry stated that is undetermined. He said Parks & Recreation might use the existing silo as a storage facility.

Mr. Meadows asked if the WSA would own and operate the pumping station. Mr. Mabry stated WSA would own and operate it. Mr. Meadows said that is not listed in the conditions. Mr. Carr stated that it is mandatory that WSA own and operate this system; therefore, it does not have to be stated in the conditions.

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

Mr. Sinclair, seconded by Mrs. McCarty, moved to recommend approval of this request, subject to the following conditions:

1. The wetlands shall not be disturbed without permits from the U.S. Army Corps of Engineers.
2. The wetland areas shall be fenced or otherwise protected during construction of the pump station and water tower.
3. The foundation of the proposed above ground storage facility shall be designed and constructed to overcome soils with high shrink-swell potential and a high water table.
4. The above ground sanitary sewer pump station shall be designed so that it will not be affected by any potential ponding as well as the shrink-swell potential of the soil.
5. The water storage facility shall have a physical appearance that will blend with the surrounding area and complement the proposed uses on the site.

The motion carried unanimously.

- e. **#SE03-M-27 – Judith A. Almquist, owner and AT & T Wireless, applicant** – applicant wishes to obtain special engineering approval under Category 20, which would allow for the construction of poles, monopoles, antennas, and related equipment. The property is located at 9309 Belle Haven Lane, Marshall District.

(PIN # 6050-50-3466-000) (Postponed until June 26, 2003, at the request of the owner)

- f. **#SE03-S-31 – George Downes, owner and applicant – New Baltimore Garage** – applicant wishes to obtain special exception approval under Category 14, which would allow the expansion of an existing non-conforming use to construct a new facility for truck repairs and related office, restroom and mechanical room to be located behind the existing business. The property is located at 5346 Lee Highway, Scott District. (PIN # 7906-21-1989-000 and 7906-22-2059-000)

Mr. Counts reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes. He stated that it intentions of the applicant not to increase volume but to enclose existing area.

Mr. Robison opened the public hearing.

Mr. Ben Tissue, representative of the applicant, stated there were no outstanding issues with this application and he would be happy to answer any questions.

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

Mr. Sinclair stated that this family is good to the community and the New Baltimore Garage has been in business for many years.

Mr. Sinclair, seconded by Mr. Meadows, moved to recommend approval of this request, subject to the following conditions:

1. An approved Minor Site Plan is required prior to the issuance of building and/or zoning permits.
2. The site plan must be in general conformance with the approved Special Exception Plat.
3. Driveways and service roads are to be paved at a minimum of 20 feet in width for vehicular traffic and parking.
4. The Applicant must comply with all current setback requirements of 80-foot front, and 15-foot side and rear.
5. A landscape plan must be submitted with the site plan and must provide adequate boundary screening/buffering outlined in Article 7-604 of the Zoning Ordinance. The plan must include the planting and/or replacement of trees to assure that, at a maturity of twenty (20) years, a minimum 10% tree canopy shall be provided.
6. Health Department approval of the well and septic system will be required prior to obtaining building or zoning permits.
7. Virginia Department of Transportation approval will be required to be obtained prior to obtaining building or zoning permits.

8. The building location may need to be altered to comply with minimum building separation and fire code regulations. This requirement will ultimately be addressed at the building permit phase, but the Applicant is encouraged to consider these requirements as part of the site plan process.

The motion carried unanimously.

12. **REZONING**

- a. **#RZ03-M-13 – Hunter’s Head, LC** - applicant wishes to amend one (1) proffer condition to change the hours of operation. The property is located at 9048 John S. Mosby Highway, Marshall District. (PIN # 6054-95-8361-000)

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

Mr. Robison opened the public hearing.

Bill Cousins, representing Hunter’s Head, stated that the applicant is responding to the community needs. He said that the applicant was requesting in increase of one hour four days a week.

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

Ms. McCarty, seconded by Mr. Mr. Robison, moved to recommend approval of this request.

The motion carried unanimously.

Mr. Robison announced a worksession scheduled for June 25, 2003 in the Fourth Floor Conference Room.

There being no further business, the meeting adjourned at 8:31 p.m.

*A tape recording of the meeting is retained on file in the Department of Community Development, 40 Culpeper Street, Warrenton, Virginia, for a period of one year.*