

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
JUNE 26, 2003**

*The Fauquier County Planning Commission held its regular meeting on Thursday, June 26, 2003, beginning at 3:15 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, Ms. Holly Meade, Mr. Kevin Burke and Ms. Beckie Williams.*

1. **APPROVAL OF MINUTES** – February 27, 2003, March 13, 2003, March 27, 2003, April 24, 2003, and May 29, 2003

Mr. Robison, seconded by Mr. Stone, moved to postpone action until after the 7:00 p.m. public hearing.

The motion carried unanimously.

2. Planning Commission Policies, Calendar, and Associated Action Items
  - a. Revised Balloon Test Policy
  - b. Calendar
  - c. Conservation Easements (Proffer Policy)

Mr. Robison, seconded by Mr. Stone, moved to postpone action until the end of the 3:00 regular meeting.

The motion carried unanimously.

3. **INITIATION OF A TEXT AMENDMENT TO THE ZONING ORDINANCE**

- Add a standard to Section 5-1503 (Additional Standards for Livestock Exchange) in order to allow an arena at a livestock exchange.

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

Mr. Sinclair, seconded by Mr. Stone, moved to schedule this request for the July 31, 2003 public hearing.

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-three (23) 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 June 26, 2003 at the request of the applicant.)

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

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

Mr. Sinclair asked Mr. Carr, since these items were presented together, he should make a motion for them together or each separately as they appear on the agenda.

Mr. Carr stated either was fine.

Mr. Sinclair, seconded by Mr. Meadows, moved to recommend approval of the preliminary plat (#PP02-S-12), subject to the revised conditions stated below.

1. The Final Plat shall be in general conformance with the Preliminary Subdivision Plat entitled "The Reserve at Glanaman" dated June 9, 2003 and received in the Planning Office on June 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. All road design and construction shall be in accordance with VDOT's Subdivision Street Requirements, Road and Bridge Standards, and Drainage Manual.
4. At the time the streets are accepted into the Secondary System of State Highways for maintenance, a permit application, as-built plans and continuous bond will need to be provided by whomever is maintaining the private waterline to cover the waterline within the right-of-way.

5. The sight distance profile shall indicate the design speed or posted speed used to calculate the sight distance.
6. Details for the entrance on Route 29 that is to be used for the emergency access shall be provided to ensure the entrance is sufficient to accommodate emergency vehicles.
7. The typical section for the Route 605 improvements shall include the width and slope of the existing through lane, and the width of the right-of-way. The typical section should indicate a wedge section to tie into the existing pavement.
8. The right-of-way width on Nicole Way shall transition at a defined point rather than the gradual narrowing.
9. It appears that the easement for the waterline is being shown crossing the right-of-way, but there cannot be any easements within the proposed right-of-way dedication.
10. If any work outside of the proposed road construction is to be conducted prior to house construction (overlot grading, cut and fill on individual lots, stockpiles, borrow areas, etc.), these areas shall be included in the E&S plan on the final construction plans.
11. All intermittent streams shall be protected during construction.
12. Sediment traps shall be used only for areas with less than three (3) acres of total drainage.
13. Sediment basins with drainage areas over twenty (20) acres shall be sized using the TR-55 method.
14. Disturbance of cover on steep slopes shall be avoided, if at all possible. Where needed, soil stabilization matting shall be used.
15. Clearing and grading shall be limited to those areas needed to accommodate the proposed roads and infrastructure as indicated on Sheet 10 of the Preliminary Plat.
16. Approval of over-lot grading plans and lot-specific erosion and sediment control plans shall be reviewed for approval prior to the receipt of the final building permits.
17. All State and Federal permitting requirements shall be met prior to Final Construction Plan approval.

18. A final floodplain study and dam construction plan shall be submitted for review prior to Final Construction Plan approval.
19. The Applicant shall obtain a CLOMR/LOMR from FEMA prior to Final Construction Plan approval.
20. All drainfield areas are to be surrounded by safety fencing and no construction traffic shall cross nor shall land disturbance occur in these areas. Fencing of these areas is to be verified by County Staff before issuance of the Land Disturbing permit.
21. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map soil lines onto the final plat. This shall be done in the field and checked for any additional soil information to be added to the final scale plat map.
22. 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_____	
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

23. 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.
24. The following statements under Home Sites and Road Construction shall be placed on the same plat map:
  - a. "The County recommends that no below grade basements be constructed on soil mapping units 12A, 15B, 17B, and 482B due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer."

- b. "The County recommends that before road or home construction begins in soil mapping units 140B, 140C, 140D, 340B, 340C, and 340D 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."
  - c. "Structures placed on mapping unit 482B will require a geotechnical study and the foundation will have be designed by a Virginia Licensed Professional Engineer in accordance with the Uniform Statewide Building Code."
- 25. The foundation drain lines shall be daylighted for gravity flow on all structures.
  - 26. This soils information will need to be provided by the applicant to the Building Department at the time of application.
  - 27. This plat will be filed in the front office of Community Development and used exclusively for obtaining soils information for this proposed subdivision.
  - 28. This map shall be submitted to the Soil Scientist Office before Final Plat approval is made.
  - 29. Maintenance access shall be provided to the well lot.
  - 30. The grade associated with the proposed entrance feature shall be built up to help avoid the 10-year flood elevation. The entrance feature shall be designed to allow water to flow through. The Zoning Office and the County Engineer's Office shall approve the final design of the entrance.
  - 31. The fire protection system shall be designed and constructed based on review and consultation with the Department of Fire and Emergency Services.

Mr. Robison asked staff to clarify the fire hydrant issues. Ms. Clark stated one condition is that the applicant must provide adequate fire flow. Mrs. Cook stated the specific details would be addressed with the Final Construction Plan.

Mrs. McCarty asked if the Commission would recommend to the Board of Supervisors that the applicant should demonstrate that sufficient financial resources and a business plan are in place to ensure the successful operation of the system for at least ten (10) years.

Ms. Cook stated that will be part of the Resolution.

Mrs. McCarty stated this is a concern to her and she is recommending approval of this application under the impression the business plan will go through.

The motion carried unanimously.

- b. **#PP02-L-13 – Smithridge, LLC, owner, and Robert H. Rogers, III, applicant - Smithridge Subdivision** applicant wishes to obtain preliminary plat approval to subdivide approximately 17 acres into fifteen (15) 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 31.92 acres into seventeen (17) 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.)

Ms. Clark reviewed her staff memorandum, a copy of which is attached to and made part of these official minutes. Ms. Clark stated the applicant has requested this item be removed from the agenda and they will re-submit at a later time.

Mr. Robison, seconded by Mr. Stone, moved to postpone this request for up to 90-days at the applicant's request.

The motion carried unanimously.

- d. **#PP03-M-30 – William G. Beals, Inc., owner / applicant – Rivendell Homes at Keyser Road** – applicant wishes to obtain preliminary plat approval to subdivide approximately 20.8 acres into three (3) lots. The property is located on the southwest side of Keyser Road (Route 735), Marshall District. (PIN # 6917-97-3689-000)

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

Mrs. McCarty, seconded by Mr. Stone, moved to approve this request, subject to the conditions stated below.

1. The final plat shall be in general conformance with the Preliminary Subdivision Plat entitled "Rivendell Homes at Keyser Road" dated November 15, 2002, and received in the Planning Office on April 9, 2003; however, the following items need to be addressed prior to the Board of Supervisors Action:
  - A. On sheet 1 of 5, General note #18, remove "original scale 1" = 400'.
  - B. On sheet 1 of 5, add a general note stating, "Waiver of Preliminary Soil Report (as required by Section 9-5-C of the Fauquier County Subdivision Ordinance) obtained on April 22, 2003."
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. Interpretive information from the most recent *Interpretive Guide to the Soils of Fauquier County, Virginia* 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.
5. The source (Fauquier County Soil Survey) and original scale (originally mapped at 1" = 1320') of soil map shall be stated on the same sheet as the final soils map.
6. The following statement shall be placed on the same sheet as the final soils map.
  - A. "The County recommends that no below grade basements be constructed on soil mapping units 10A, 15B, 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."
  - B. "Before a home is started the builder needs to mark the drainfield area off and not disturb it during construction."
  - C. "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.”

7. This 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.
8. Two copies of this final soil map need to be submitted to the Soil Scientist Office before final plat approval is made.

The motion carried unanimously.

- e. **#PP03-S-31 – Leocade Leighton, owner / applicant** – applicant wishes to obtain preliminary plat approval to subdivide approximately 3.0 acres into two (2) lots. The property is located at 7044 Riley Road, Scott District. (PIN # 7905-86-6547-000)

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

Mr. Burke clarified this request was for one lot as outlined in the application.

Mr. Sinclair, seconded by Mr. Robison, moved to approve this request, including the waivers, subject to the approval of Rezoning application #RZ03-CR-15.

The motion carried unanimously.

5. **SPECIAL EXCEPTIONS**

- a. **#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 31, which would allow for a waiver of the public/central water requirement. The property contains 47.56 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 June 26, 2003, at the request of the applicant.)

Mr. Sinclair, seconded by Mr. Robison, moved to approve this request, subject to the conditions stated below.

1. The applicant shall obtain all applicable licenses and permits to construct and operate a private water supply system.



2. The approval shall be for a maximum of 23 lots.
3. Prior to the approval of the Final Plat, the applicant shall demonstrate that sufficient financial resources and a business plan are in place to insure the successful operation of the system for at least ten (10) years.
4. The water system shall be deeded to a homeowners association with all necessary authority and easements to operate the system in perpetuity.

The motion carried unanimously.

- b. **#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) (Postponed on 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. Robison, moved to approve this request, subject to the revised conditions stated below.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. The Site Plan shall be generally consistent with the plat approved with this Special Exception, with modifications only as necessary to meet the requirements of the Zoning Ordinance.
4. This Special Exception is subject to the provisions of the Fauquier County Zoning Ordinance, as may be determined by the Fauquier County Department of Community Development.
5. The events scheduled for this property shall not occur on the same dates as those existing major events scheduled for Great Meadow.
6. Events shall be limited to the following:

- a. A maximum of eleven (11) full day shows may be held from mid-April through mid-October on Saturdays or Sundays with a minimum of two weeks between shows.
  - i. Total attendance including staff, participants, trainers, grooms and spectators shall not exceed 175 persons per event.
  - ii. Shows shall begin no earlier than 8:00 A.M. and shall end at 6:00 P.M., or sunset, whichever is earlier.
  - iii. Access to the site shall be available no earlier than 7:00 A.M.
  - iv. All show related activity and access to the site shall cease at 6:30 P.M. or at sunset, whichever is earlier. At that time, all participants, trainers, grooms and spectators shall have exited the area, along with all vehicles, including horse trailers.
  - v. The total number of horse trailers on site shall not exceed (50) trailers per event.
  - vi. At least two (2) flag persons, certified in traffic control, shall direct traffic. They shall maintain radio contact with one another to facilitate safe traffic movement.
  - vii. Amplified sound shall be limited to those three speakers already in place. All amplified sound shall not commence prior to 8:00 A.M. and shall cease at 6:00 P.M. Amplified sound shall not exceed sixty decibels at the property line.
- b. A maximum of thirteen (13) weekday shows may be held one evening per week through the months of June, July and August.
  - i. Total attendance including staff, participants, trainers, grooms and spectators shall not exceed 75 persons per event.
  - ii. Shows shall begin no earlier than 4:00 P.M. and shall end at 7:00 P.M. or sunset, whichever is earlier.
  - iii. Access to the site shall be available no earlier than 3:00 P.M.
  - iv. All show related activity and access to the site shall cease at 7:00 P.M. or at sunset, whichever is earlier. At that time, all participants, trainers, grooms and spectators shall have exited the area, along with all vehicles, including horse trailers.
  - v. The total number of horse trailers on site shall not exceed fifteen (15) trailers per event.

- vi. At least two (2) flag persons, certified in traffic control, shall direct traffic. They shall maintain radio contact with one another to facilitate safe traffic movement.
  - vii. Amplified sound shall be limited to those three speakers already in place. All amplified sound shall cease at 7:00 P.M. Amplified sound shall not exceed sixty decibels at the property line.
7. No artificial lighting shall be installed nor shall it be used for any event.
8. Two portable toilets shall be supplied for use during events. These shall be located and screened so as to be out of view of adjacent property owners and passing traffic and/or removed from the property following each event. These facilities shall be properly maintained to Health Department Standards.
9. All food-vending facilities shall meet Health Department standards.
10. Potable water shall be available on site for both human and animal consumption.
11. All riding surfaces shall be treated with water, as needed, to maintain a dust-free environment.
12. Appropriate surfacing materials shall be applied to all travel ways and parking areas to maintain minimal dust conditions and to prevent the tracking of sediment onto public roads.
13. A safe and functional ingress/egress pattern shall be designed, constructed and maintained to the Virginia Department of Transportation standards.
14. All traffic control measures and practices shall be approved by VDOT.
15. All animal waste shall be handled in a manner that is consistent with Best Management Practices.
16. The Special Exception holder shall provide adequate security, emergency, traffic control, sanitation, and refreshment services at every Class C event or activity. At least thirty (30) days prior to holding a Class C event the holder of the Special Exception for the property upon which a Class C event will be held shall provide to the Zoning Administrator written proof, including copies of any permits or licenses if required, from the following agencies that traffic control, security, emergency services and on-site sanitary and refreshment

facilities are adequate for the size and type of the event or activity to be held: Fauquier County Sheriff's Office, Virginia Department of Transportation, Fauquier County Emergency Services, Fauquier County Health Department.

17. This Special Exception shall be limited to a period of one (1) year from the date of approval. The Special Exception may be extended by the Zoning Administrator, in accordance with the provisions of Section 5-012 of the Zoning Ordinance for a period of one year and, upon the expiration of the one-year extension, the Zoning Administrator may grant a second extension for a period of one year. Thereafter, the Special Exception must be renewed in accordance with Section 5-013 of the Zoning Ordinance.
18. No events shall be held until all conditions of the Special Exception and Site Plan are met.
19. All site plan requirements, as required by the Virginia Department of Transportation and the Office of Zoning, shall be met.
20. A sign shall be posted at the emergency entrance indicating that it is for emergency access only.
21. Traffic control signs shall be posted in both directions on Route 17.
22. All signs are to be in conformance with the Manual on Uniform Traffic Control Devices and Virginia Work Area Protection Manual.
23. All Flaggers shall be certified.
24. Sign spacing shall be in conformance with the Virginia Work Area Protection Manual, and shall be labeled on the plan. Sign spacing where the speed limit exceeds 45 mph shall be 500 to 800 feet.
25. Permit number 746-9053 shall be revised to incorporate placing the shoulder stone along Route 812.
26. A narrative of the method of traffic control shall be provided to VDOT for evaluation and approval.
27. All Flaggers shall wear safety vests.
28. Signs shall be placed at the exit to alert traffic to the presence of Flaggers.
29. All VDOT Flagging requirements shall be met.

30. Flaggers shall not be stationed on Route 17.

31. Each Flagger shall be provided a sign paddle of an approved size.

The motion carried unanimously.

6. **BOARD OF ZONING APPEALS AGENDA**

Mr. Robison asked the Commission if they had any comments to forward to the Board of Zoning Appeals.

Mrs. McCarty stated she would like to support Special Permit # 51842, George A. Horkan, III, owner and Tony Horkan, applicant.

Mr. Robison stated he would like the BZA to ensure proper setbacks and buffering requirements on Special Permit #51780, Clark's Gun Shop, Inc., owner.

There were no further comments to forward.

**Item #2 previously tabled until the end of the 3:00 p.m. meeting:**

2. Planning Commission Policies, Calendar, and Associated Action Items

a. Revised Balloon Test Policy

Mr. Counts 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 approve the revised policy as outlined below.

***NOTICE OF***

***THE FAUQUIER COUNTY PLANNING COMMISSION'S***

***BALLOON TEST POLICY***

*It is the policy of the Fauquier County Planning Commission that all applicants for telecommunication Special Exceptions shall be required to conduct balloon tests that meet the following standards:*

1. *All tests shall be scheduled and conducted to run over a consecutive two-day period beginning on a Friday and concluding on a Saturday.*
2. *The balloon used in the test shall be fully inflated, bright red in color and no less than six (6) feet in diameter.*

3. *An alternative display method (e.g., a crane) may be used if approved by the Planning Commission Chairman a minimum of seven (7) days in advance of the scheduled test.*
4. *Regardless of the method used, tests shall be displayed from 8:00 a.m. to 5:00 p.m. on both Friday and Saturday. A representative of the applicant shall attend the test site at all times through the duration of the test.*
5. *All tests shall be conducted from the precise location (latitude and longitude coordinates) of the proposed tower site.*
6. *All tests shall be scheduled and conducted prior to a specifically scheduled Planning Commission public hearing. The preferred scheduling of balloon tests will have them conclude (i.e., the completion of the second day of a two-day test) 12 or 19 days (2-3 Saturdays) before the scheduled hearing date. Applicants may have some latitude in the scheduling of tests, but in no instance shall tests be scheduled to conclude any earlier than thirty-three (33) days (5 Saturdays) prior to the scheduled public hearing or any later than five (5) days (1 Saturday) prior to the public hearing date.*
7. *The applicant shall identify the dates for the proposed test, including alternate test dates should the test be canceled because of inclement weather. Inclement weather is defined as weather conditions that 1) physically preclude the performance of the test, 2) restrict the visibility of the test object (balloon or crane), or 3) prevent reasonable access to the test sight by observers. These conditions include but are not limited to rain, snow, sleet, fog, high winds, flooding, etc.*
8. *In the event that 1) adverse conditions require a temporary suspension of a given day's balloon that exceeds three (3) hours in length, or 2) if over the course of a given test day one or more intermittent suspensions, when added together, exceed three (3) hours, the test for that day shall be deemed incomplete and the applicant shall repeat the full-day test on the same day the following week or, if necessary, the succeeding week(s) until a full test day is completed. The applicant shall provide notice of the rescheduled test date to the Board of Supervisors, the Planning Commission, and the County Planning Staff.*
9. *In the event that it is necessary to rescheduled balloon test on a date other than an alternate date identified in notice provide to adjacent property owners, the Applicant shall not be required to provide additional notice to the adjacent property owners, but shall be required to post a notice on the property that reads:*

**RESCHEDULED  
BALLOON TEST  
FOR  
TELECOMMUNICATIONS TOWER  
APPLICATION**

DATE: \_\_\_\_\_, TIME: \_\_\_\_\_

*Such posted notice shall be in bold lettering, at least two (2) inches in height, placed on weather resistant poster board with minimum dimensions of at least 19-inches by 22-inches. Such posters shall be placed at 300-foot intervals along the property's public road frontage. Such posters must be placed on the property not less than 5-days prior to the rescheduled test.*

10. *Applicant shall establish a local or toll free telephone connection that will provide a recorded update of balloon test status throughout the scheduled test period, including alternate test dates.*
11. *The applicant shall provide notification to the Board of Supervisors, the Planning Commission, the Architectural Review Board (if tower height is greater than 120 feet), adjacent Homeowners Associations and individual property owners, and the Fauquier County Department of Community Development. Such notice shall be in writing and given at least one seven (7) days prior to the initial test date. In addition to the date and time of the scheduled test (including the alternate dates and times), the notice shall provide information on the proposed height of the facility, the physical address and general location of the property, the name and address of property owner or owners representative, the name of and contact information for the applicant, and the approximate starting time of the test.*
12. *The applicant shall include with the notice an 11" by 17" reduction of the special exception plat showing site location information including latitude and longitude coordinates of the proposed tower location.*
13. *The applicant shall submit to the Department of Community Development a copy of the notice and a listing of the individuals notified. The applicant shall also provide an affidavit indicating that all of the appropriate parties have been notified of the test and by what method the notification was accomplished. Such affidavit shall also indicate that this balloon test policy will be followed and that the test will be conducted from the proposed tower location site.*

14. *The tether connecting the balloon to the site location be marked at twenty (20) foot intervals with ribbons or surveyors tape of highly visible color.*
15. *The applicant shall provide photographs of the balloon test taken from four strategic locations. These photos shall indicate the point and distance from which each photo was taken. The photos shall be provided to the Planning Commission no later than the scheduled public hearing.*

The motion carried unanimously.

b. Calendar

Ms. Cook reviewed the Planning Commission Calendar.

Mr. Stone, seconded by Mr. Robison, moved to approve the following Planning Commission meeting dates: July 31, August 28, September 25, October 30, November 20, and December 18.

The motion carried unanimously.

c. Conservation Easements (Proffer Policy)

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 approve the Proffer Policy as outlined below.

**FAUQUIER COUNTY, VIRGINIA**  
***BOARD OF SUPERVISORS PROFFER POLICY***

A. General Guidelines

1. Pursuant to this policy, staff will (i) calculate the annual net cost of public facilities, (ii) calculate the fiscal impact of a rezoning request that permits residential uses and (iii) administer the collection and expenditure of proffered funds. The Board will accept cash proffers for rezoning requests that permit residential uses in accordance with this policy. However, the Board may also accept cash, land, conservation easements or in-kind improvements in accordance with county and state law. Staff will provide a recommendation for a maximum proffer based upon this policy.
2. Historic experience has demonstrated that revenue derived from residential growth (residential and commercial real estate taxes, sales taxes, fees, and associated revenue sources) typically will not pay all of the normal operating costs for service delivery to residents of new developments, with no funds



remaining to compensate for the cost of public facilities needed to serve these residents. State and county laws permit the Board to accept cash proffers to fund the public facility needs generated by any new residential development.

3. In determining the net cost per dwelling unit of a public facility, staff relies on countywide averages, where possible. In addition, staff will consider the five components described below, as well as any other unique circumstances of which might qualify, related to an individual zoning case.
4. To determine how and where a proffer will be spent, the County is divided into service districts. For facilities which have a Countywide service implication, (for example, parks, libraries and fire & rescue stations), the proffer may be spent Countywide. For roads and schools, the proffer will generally be spent within the associated school service areas as described below, except in circumstances, which warrant otherwise.
5. The following public facilities will be funded by cash proffers: schools, roads, parks, libraries, fire and rescue facilities, and sheriff facilities. The County does not currently accept cash proffers to fund public facilities such as jails, and other government facilities.

#### B. Methodology and Policy Terms

1. There are five "components" involved in calculating what a new dwelling unit will cost the County in terms of providing public facilities. The components are as follows:
  - a. Demand generators - Staff uses the weighted average of single family and multi-family persons per household (2.75 FY 2002) and an average number of students per household (.75 for FY 2002) to calculate demand generators (number of people and number of students) associated with a new dwelling unit.
  - b. Service levels - Staff calculates existing service levels for each type of facility for which a cash proffer will be accepted (Service levels are calculated annually)
  - c. Gross cost (replacement) of public facilities. - Staff calculates the gross cost of public facilities. The term gross cost is used because a credit (described in (d) below) for anticipated future revenues from a new dwelling unit will be applied against the gross cost.
  - d. Credits - Staff calculates a credit to apply against the gross cost for each public facility. Fauquier County has issued and plans, dependent upon fiscal constraints, to continue to issue general obligation bonds to finance the construction of public facilities. Residents of new developments will pay real

estate taxes to the County and a portion of these taxes will go to help retire this debt. So that new dwelling units are not paying twice (once through payment of a cash proffer and again through real estate taxes) a credit is computed.

- e. Net cost - Staff calculates the net cost per public facility or maximum cash proffer. This is the gross cost per public facility minus the applicable credit per public facility.
2. There must be a relationship between the rezoning itself and the need for a public facility. In order to ensure that money proffered by an applicant is used to fund the public facilities necessitated by the development, service areas or districts are established across the County.
- a. Since parks, libraries, and fire and rescue stations serve areas greater than a specific service district, the geographic service areas for these facilities are determined to be Countywide. Rezoning requests can be analyzed on a Countywide basis to determine their impact on these facilities and proffers may be spent to fund these facilities Countywide.
  - b. Rezoning requests can be analyzed on a Countywide basis to determine their impact on schools. In order to ensure that money proffered by an applicant is used to fund the public facilities necessitated by the development, the county is divided into two school service areas corresponding to the attendance zones of grouped high schools.

Service Area One corresponds to the combined attendance zone for Fauquier High School and all its feeder elementary and middle schools, Service Area Two corresponds to the combined attendance zone for Liberty High School and its feeder elementary and middle schools. Funds collected from a development within a District will be spent on school improvements within that District or for any school improvement, which provides relief for the District within which the development is located.

- c. With respect to public streets, rezoning requests shall be analyzed based on project consistency with the Comprehensive Plan, VDOT recommendations, and the Traffic Impact Analysis (TIA). Residential rezoning applications, with average daily trip generation rates of 1,000 or greater, or due to other VDOT threshold requirements, will be required to submit a TIA, which examines VDOT/County designated offsite intersections, existing traffic conditions, future traffic conditions (without and with the project), level of service impacts at specified phases, and recommended improvements and/or other mitigation measures.

Proffered improvements must be timed with proffered phases and associated threshold residential unit totals. Proffered cash contributions for

transportation improvements shall be placed in specified County accounts to ensure expenditure for those identified improvements.

3. In some instances, a rezoning applicant may wish to diminish the development's calculated impact on public facilities by dedicating property, doing in-kind improvements or dedicating conservation easements limiting development on other properties within the rezoning impact area, in lieu of all or a portion of the cash proffer. Land conveyed for County facilities shall be deeded to the County or its designee. The value of donated land generally will be based on the current assessed value of the property, not to exceed the cost per acre used in the calculation of the proffer (not the estimated value after rezoning). The value of a conservation easement dedication will generally be the total number of development units lost to easement times the value of a development unit as set by the County's Purchase of Development Rights Program. The form and content of any deed or conservation easement along with the entity to which the easement will be transferred will be subject to the approval of staff and final acceptance by the Board of Supervisors.

The value of improvements shall be the estimated cost if constructed by a governmental entity. If the dedication or in-kind improvement does not fully alleviate the development's calculated impact on public facilities, then the dedication and/or improvement's value may be applied as a credit against the development's calculated impact on the applicable public facility. The credit cannot exceed the development's calculated impact on the applicable public facility.

4. Fauquier County will continue to consider any unique circumstances about a proposed development.
5. Payment of the cash proffer for residential development must occur prior to release of a building permit. Timing for dedication of property, conservation easements, or in-kind improvements should be specified in the proffer statement.
6. Proffered conditions shall provide for disposition of real property or cash in the event the property or cash payment is not used for the purposes for which tendered.
7. Adjustments in the cash proffer amount may be considered every fiscal year. Staff will re-compute net costs based on the current methodology and recommend adjustments. Any adjustments would be effective upon adoption, but no sooner than July 1 of the new fiscal year.
8. The maximum cash proffer that the Board of Supervisors will accept from residential rezoning applicants is \$14,730 per dwelling unit. The Proffers should identify an appropriate index, such as the Consumer Price Index, to provide an adjustment for inflation. It needs to be noted that this total does not include the

cost of offsite road improvements proffered by the applicant, or other utility requirements under the auspices of the Fauquier County Water and Sanitation Authority.

<u>FACILITY</u>	ELS**per unit
Schools	\$11,890
Parks and Recreation	\$730
Libraries	\$303
Fire and Rescue	\$1,363
Sheriff	\$389
Transportation*	not applicable
Environmental Services: Landfill	\$179
Totals	\$14,854
Credit: Debt Service	(\$124)
Credit: Non-local tax**	\$0
Adjusted Total	\$14,730

\* Transportation is based on traffic impact analysis for each application and consistency with the adopted Comprehensive Plan recommendations regarding the public road network.

\*\* School cost is multiplied times 0.75%, which represents the local government share and 0.94% for other public facilities. This calculation results in the deduction for state and federal contributions.

a:revision72103

The motion carried unanimously.

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

*The Fauquier County Planning Commission held its Public Hearing on Thursday, June 26, 2003, beginning at 7:10 P.M. at the Warrenton Community Center, 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, Ms. Deirdre Clark, Mr. Richard Calderon, Mr. Kevin Burke, and Ms. Beckie Williams.*

Mr. Robison announced the following scheduled Planning Commission work sessions and their locations.

- July 29, 2003, 5:00 p.m. – 9:00 p.m., 4<sup>th</sup> Floor Conference Room
- July 30, 2003, 4:00 p.m. – 4<sup>th</sup> Floor Conference Room
- September 3, 2003, 7:00 p.m. – Marshall Community Center
- September 23, 2003, 5:00 p.m. – 4<sup>th</sup> Floor Conference Room
- September 24, 2003, 4:00 p.m. – 4<sup>th</sup> Floor Conference Room
- October 28, 2003 – 5:00 p.m. – 4<sup>th</sup> Floor Conference Room
- October 29, 2003 – 4:00 p.m. – 4<sup>th</sup> Floor Conference Room
- November 18, 2003 – 5:00 p.m. – 4<sup>th</sup> Floor Conference Room

7. **THE PLEDGE OF ALLEGIANCE**

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

8. **CITIZENS TIME**

- Transmittal of Marshall Service District Plan to Planning Commission

Mr. Paul Lawrence, representing the Marshall Service District Planning Committee, transmitted the Marshall Service District Plan to the Commission. He stated that he has worked with the committee from September 2001 to April 2003 to prepare this plan. Mr. Lawrence stated he would make a formal presentation for the committee at the Planning Commission's scheduled September 25, 2003 public hearing.

There were no further speakers.

9. **PROPOSED TEXT AMENDMENTS TO THE ZONING ORDINANCE AND THE FAUQUIER COUNTY CODE**

- a. Zoning Ordinance Text Amendment to Section 15-300 (Definitions) to add RV / Trailer sales, rental and service to Agriculturally related uses, Commercial-2 Zoning Districts.

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

Mr. Robison opened the public hearing.

Ms. Kitty Smith, Marshall District, stated she has been against this agriculturally related zoning area every time it has come before the Commission. She stated the definition of agriculturally related uses should not be expanded any further. Ms. Smith said most farmers do not own recreational vehicles; therefore, she doesn't understand how they were approved for storage in that area. Retail sales are not needed in this area. Ms. Smith indicated there are two schools within ½ mile of the site and the sports complex is located across Route 55 from this area. She warned that there would be more than enough traffic in this area and a retail sales establishment is not needed.

Ms. Meredith Whiting, Marshall District, representing Goose Creek Association, echoed Ms. Smith's remarks. She stated this area is rural and under the current code it is supposed to stay that way.

Mr. Holder Trumbo, Scott District, stated that if the Commission looks over the Marshall Service District Plan that was submitted to them earlier in the night, they would notice this section of Route 55 is to be less developed.

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

Mr. Sinclair stated he concurs with the speakers and their concerns. He stated the applicant already possesses three uses of their property and in his view it would be ill advised to add an additional use.

Mr. Sinclair, seconded by Mrs. McCarty, moved to recommend denial of this request.

The motion carried unanimously.

- b. 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).

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

Mr. Robison opened the public hearing.

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

Mr. Meadows, seconded by Mr. Robison, moved to approve this request subject to the revised conditions as outlined below.

**5-1705            ADDITIONAL STANDARDS FOR AN ABATTOIR**

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.

The motion carried unanimously.

10. **AMENDMENT TO THE FAUQUIER COMPREHENSIVE PLAN**

The amendment requests the proposed update for the land use, transportation and public facilities components of the Warrenton Service District.

Mr. Calderon 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. Chris Mothershead, Planning Director of the Town of Warrenton, applauded the committee for their hard work. He stated Mr. Keller is here to present the Town's transportation issues.

Mr. Dick Keller, Kellerco, stated there are transportation issues in the Town of Warrenton that will only be solved by the Town and the County working together. Mr. Keller gave the Commission and the public a brief presentation regarding the details of the transportation components of the greater Warrenton area. Mr. Mothershead stated the transportation problems need to be fixed now. He said the estimated projected vehicle trips for 2020 will ruin the Town of Warrenton and its rural character.

Mr. Chuck Medvitz, Scott District, stated if you drive from Prince William County through Fauquier to Culpeper there is a world of difference in how the rural freeway that these counties share has been managed. He said in the New Baltimore Service District Plan, the committee attempted to preserve the rural freeway. Mr. Medvitz indicated this amendment does not reflect any of the proposed changes and access management that the New Baltimore Service District Plan shows. He stated, if the community does not do anything now to institutionalize stewardship of the rural freeway, then everyone would have to pay more taxes to build bypasses. Mr. Medvitz stated the impact of this amendment is significant.

Ms. Kitty Smith, Marshall District, stated the Warrenton Service District Committee and staff has spent many hours on this plan and they have done basically a good job. However, there are a couple of points with which she does not agree. She stated there was part of the Whippoorwill Subdivision that should have been left for a grade-separated interchange at 605 and Route 29, she said that is not part of the plan before the Commission today. Ms. Smith said Route 29 does not get any easier as time goes on and it needs to be preserved now. She said there are two other areas to which she would like to offer changes. The first being, the land south of the eastern bypass at Meetze Road, across from existing light Industrial businesses. Ms. Smith stated in her opinion, it was a mistake in putting that zoning on that property because it has never been part of a service district and it doesn't have any services. She further stated the item Mr. Calderon missed in his presentation was the fact the Town has said they will not provide sewer and water outside of the service district. Ms. Smith stated this is the glacial change that has happened in the last few months and this plan must reflect this. Ms. Smith urged the Commission to look at the idea of not expanding the service district in this area, especially the commercial uses. Ms. Smith stated the second area she wanted to speak to is the Arrington tract. She stated this land should be taken out of the service district. She said PIN # 7983-42-6828-000, approximately 200 acres, is partly in the service district and partly not. She suggested that this RA zoned parcel be entirely removed from the service district.

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

Mr. Robison stated that he was hoping more citizens would have spoken regarding this issue. He stated this plan has long-term effects to the community.



Mr. Robison, seconded by Mr. Stone, moved to postpone action for 30-days and leave the public hearing open.

Mr. Sinclair echoed Mr. Robison's comments. He stated he was disappointed that not too many people spoke. He said on previous plans submitted before the Commission there were quite a few speakers. Mr. Sinclair further stated this plan would affect everyone in years to come.

The motion carried unanimously.

11. **SPECIAL EXCEPTION**

- a. **#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 a wastewater discharge system. The property contains  $\pm$  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 June 26, 2003, at the request of the applicant.)

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

Mr. Robison opened the public hearing.

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

Mr. Stone stated the final decision of this application is made not only by the Board of Supervisors but also by the State Department of Environmental Quality.

Mr. Stone, seconded by Mrs. McCarty, moved to recommend approval of this request.

The motion carried unanimously.

- b. **#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 105-foot 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)

Mrs. Cook reviewed Mr. Counts' 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 AT & T Wireless, stated that at the June 26<sup>th</sup> public hearing he explained the need for this tower at the Martin site. He stated he would be addressing the comments voiced last month by the public and the concerns that were brought up at the work session. Mr. Cooke said several of the concerns were whether or not the applicant has received any proof that this tower will not impact the environment or any historic resources in this area. He stated on June 12 the applicant received a letter stating that this tower will not affect any historic areas or the environment and no further investigation is recommended. Mr. Cooke stated that with these items addressed he hopes the concerns of the citizens have been satisfactorily met. Mr. Cooke said at the work session ATC stated that there was no need for this tower. He further stated, the applicant would not put the time or the money in a tower that was not needed. He said the applicant has run tests that reflect a major gap in this area. Mr. Cooke said the Catlett tower went on air on June 25<sup>th</sup> and they were hoping to run a "drive test"; however, were unable to perform that by the Planning Commission meeting. He asked the Commission to please allow them time to run this test to show proof that this tower is needed. Mr. Cooke said there was a concern for the need for a 105' pole. He said the parcel is mostly open; however, there is an area that is heavily treed and buffered. Mr. Cooke explained that if they proposed an 80-foot tower they would still be before the Commission seeking a special exception. He stated the pole is only visible in a few places.

Mr. Robison asked Mr. Cooke the construction status of the Elmore Tower. He responded he was not sure but would find out and get back to him.

Mr. Carpenter, Cedar Run District, stated he was here representing the Auburn Crossing Homeowners Association. He said that when the applicant ran the balloon test it was windy and overcast. He stated he spoke to the attendant who claimed to have the balloon under control; however, it was swinging in the wind. Mr. Carpenter stated it was not an adequate balloon test. He closed by saying with the change from a 120' to a 105' pole shows there is a lack of communication with this application.

Ms. Mimi Moore, Marshall District, stated since the last public hearing she has reviewed the staff report and file which says there is negligible

need for this tower. She stated five years ago, nobody expected to be able to talk on his or her cell phones while driving around the countryside. She voiced her belief that people are comfortable with gaps of coverage, especially when faced with the chance of having the county marked with cell towers and antennas. Ms. Moore stated this tower must be economically profitable to AT & T and she does not feel it is reasonable for Fauquier County to facilitate a profit making enterprise when the county already has sufficient coverage and is not making a profit. She further stated Fauquier should adhere strictly to the 80-foot by-right limit, beyond that the applicant should have to provide extraordinary reasoning. Ms. Moore urged the Commission to recommend denial of this application and to stand firm on the 80-foot rule.

Mr. Gunner Isaksen, Cedar Run District, stated the last letter the adjacent property owners received regarding the balloon test was in April. He stated the weather has been bad for many months; therefore, no one really got to see the balloon test. Mr. Isaksen stated he works for Nextel Communications and with regards to cell towers being built; the telecommunications companies are always advancing their technology. He asked if Mr. Cooke has thought to provide services for other carriers on this tower. He stated if the residents of Fauquier County have to put up with the eye sore then everyone, not only AT & T customers, should benefit.

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

Mr. Robison stated the applicant has been very cooperative in regards to the balloon test. He stated the test was rescheduled several times because of the weather and the change in size. Mr. Robison stated the Commission adopted a new Balloon Test Policy to clarify and help the adjacent property owners, as well as the applicant.

Mr. Stone thanked the applicant for arguing its case for the client. He stated the fact is he heard good and sound arguments from the county consultant. Mr. Stone said with the Elmore tower not operating the “drive test” would not show exactly what areas need to be covered. He had visited the site twice to view the balloon tests, once at 120’ and once at 105’. Mr. Stone said at 120’ the tower was unacceptable and the applicant realized that. He said at 105’ it was quite prominent above the tree line and in the wintertime it would be quite visible. Mr. Stone said the client has options that are by right – these options involve moving the base of the pole up to a higher elevation. Basing his recommendation on the staff report and Chapter 11 Section 201 of the Zoning Ordinance requirements. Mr. Stone stated the applicant has not met Chapter 11, Section 201.

Mr. Stone, seconded by Mrs. McCarty, moved to recommend denial of this application, based on the items outlined below.

1. That the provisions of the Zoning Ordinance for a special exception are not met in this application, the Commission finding that the proposed facility will negatively impact the public health, safety and welfare of residents of Fauquier County and adjoining property owners.
2. The proposed use will hinder and discourage the appropriate development and use of adjacent land and impair the value of adjacent land in violation of Sections 5-006, 11-101 and 11-102 of the Zoning Ordinance.
3. That the proposed use will be incompatible with existing or planned development in the general area and the Comprehensive Plan.
4. That the proposed use fails to comply with and is not in conformity with the applicable standards of Article 5 and Article 11 of the Zoning Ordinance and all other applicable requirements of the Zoning Ordinance.
5. That the property, which is the subject of this special exception request, has available to it other existing reasonable permitted, special exception and special permit uses.
6. That other existing and potential locations are suitable to serve the proposed use.
7. That the proposed site, at the elevation proposed, is not necessary in order to afford cellular service in the affected area.
8. That suitable alternatives to afford cellular coverage in the affected area exist or are feasible.

Mr. Meadows stated the community is led to believe that bigger is better but the county consultant proved otherwise in the work session. He favored this application until the presentation by ATC, the County's consultant.

Mr. Robison agreed with Mr. Stone and Mr. Meadows and thanked the county consultant and Mr. Stone for their work.

Mrs. McCarty stated she agrees with the reasons the staff provided for denying this application. She said the applicant has other options and she feels they were unable to prove the need for a 105' tower.

Mr. Sinclair stated the Zoning Ordinance was prepared to be a guide to follow. He said if they did not follow the ordinance the months of hard work to prepare it would have been a waste.

The motion carried unanimously.

- c. **#SE03-L-34 – BRS, L.C., owner / applicant – Cedar Brooke** – applicant wishes to obtain special exception approval under Category 23, which would allow for the crossing of a floodplain. The property is located on the southeast side of Catlett Road (Route 28), Lee District. (PIN # 6899-46-3611-000 and 6899-36-9571-000)

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

Mr. Robison opened the public hearing.

Mr. Ben Jones, representative of BRS, L.C., stated he is in agreement with the staff report.

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

Mr. Meadows, seconded by Mr. Sinclair, moved to approve this request subject to the condition stated below.

This Special Exception shall be limited to only the proposed crossing of the floodplain and fill associated with that crossing. This Special Exception allows no other uses of the floodplain.

The motion carried unanimously.

- d. **#SE03-S-30 – William S. Fralin, P.C. & Gladys M. Joseph, Trustees; Richard S. & Maggie M. Stanley; Cecil T. & Rebecca W. Campbell, owners, and Shenandoah Development, LLC, applicants – Cross Creek Retail Center** – applicants wish to obtain special exception approval under Category 23, which would allow for some minor filling and grading within a floodplain to construct an access road. The property is located on Route 29, Scott District. (PIN # 7906-83-2379-000 and portions of 7906-82-0818-000, 7906-82-6836-000, 7906-83-8247-000 and 7906-93-1223-000.)

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

Mr. Ben Jones, representing Shenandoah Development, LLC, stated he agrees with the staff report.

Mr. Chuck Medvitz, Scott District, stated that what is being proposed is a four-lane road running right beside a rural freeway. He said the issue is what is in our comprehensive plan today for Route 29. Mr. Medvitz stated Route 29 is a rural freeway and you do not build road intersections into a rural freeway. He stated there is already a signal light on Route 600 / 29 and access to the shopping center could be achieved off of Route 600. Mr. Medvitz said at some point in time a decision has to be made whether or not to preserve Route 29 or begin to plan the bypass of New Baltimore. He said if you decide to turn Route 29 into Sudley Road in Manassas, residents should know that the current Route 29 is a rural freeway. Mr. Medvitz expressed that this application seemed like a simple request but it is just at the wrong place at the wrong time. He ended by stating this area should be preserved starting now.

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

Mr. Sinclair stated he has met with staff and the applicants several times regarding this application. He stated he concurs with staff.

Mr. Sinclair, seconded by Mr. Meadows, moved to approve this request subject to the conditions stated below.

Mr. Stone stated that the Commission did not have the benefit of Mr. Medvitz's comments at the work session. He said he would like to take a little more time to review this application.

Mr. Robison stated he is hearing a suggestion to postpone this application.

Mrs. McCarty stated she concurs with Mr. Stone.

Mr. Sinclair stated he has a motion on the floor.

The motion failed two to three, with Mr. Stone, Mrs. McCarty, and Mr. Robison in opposition.

Mr. Stone, seconded by Mrs. McCarty, moved to postpone this application for 30-days, for further review.

Mr. Sinclair stated they had an opportunity to work on this application during the work session; however, it appears they did not. He stated he is disappointed that his colleagues changed their opinion.

Mrs. McCarty stated that it could be credited to the persuasiveness of Mr. Medvitz.

Mr. Sinclair stated he spoke with Mr. Medvitz before the meeting but that still does not cause him anything but some degree of anxiety with this issue coming before some of the Commissioners had reached a decision, which was contrary to what was decided at the work session.

The motion carried 3 to 1, with Mr. Sinclair against and Mr. Meadows not voting.

- e. **#SE03-C-32 and SE03-C-33 – Margaret A. Hufnagel & Others, owners and Landmark Property Development, LLC, applicant – Raymond Farm** – applicant wishes to obtain special exception approval under Category 20, which would allow for the construction of an on-site wastewater collection and treatment system; and Category 30, which would allow for a waiver of the public sewer requirement. The property is located at the southeast quadrant of the Route 29 and Route 605 intersection, Center District. (PIN # 6995-21-1875-000)

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

Mr. Meadows asked staff if the applicant was allowed 48 lots by right. Mrs. Cook stated they actually could receive 57 building lots without a rezoning but they are seeking 64 lots, pending a rezoning application that the Commission has already voted favorably on.

Mr. Robison opened the public hearing.

Mr. Thillmann, Landmark Property Development, LLC, stated they have worked very hard on providing a plan that accommodates everyone's comments and concerns. He said they have successfully accomplished this; however, the wastewater treatment plant is still a concern. Mr. Thillmann stated he is now working with Dr. David Rigby, who is very familiar and knowledgeable in this field. He said Dr. Rigby has designed the plant and is willing to own and manage this plant.

Mr. Meadows asked Mr. Thillmann if they went to conventional building, will they drill wells or be served by WSA. Mr. Thillmann stated they would have public water.

Mr. Meadows said there were some figures given during the work session on the additional charge for the homeowners, which would result in about \$30.00 a month per unit. He said staff did the math and over about 10-years that would be approximately \$230,000 that would be accumulated to support this system. Mr. Meadows asked Mr. Thillman if he felt that this money would hook this subdivision to sewer if the system failed.

Mr. Thillmann stated that this money would be applied to the hook-up cost.

Mr. Thillmann said that it is his intent to keep costs down for homeowners and by Dr. Rigby owning and maintaining this it would accomplish that.

Mr. Meadows asked Mr. Thillmann if he were to do conventional drainfields how many houses would require an injector pump. Mr. Thillmann responded that his best guess would be half.

Dr. Rigby, Wastewater Management, briefly shared his credentials. He stated he always recommends a wastewater treatment plant be the last resort and in this case it is. Dr. Rigby stated that he has learned that a system must be maintained. He said he designs systems that are of good quality, that are similar to conventional systems, and that are solid. Dr. Rigby stated he would own and operate this system if the county is okay with that, if not he could always operate it under contract.

Ms. Kitty Smith, Marshall District, stated Mr. Thillmann informed her before the meeting that Dr. Rigby would not only manage this system but would also own it; therefore, it would not be the responsibility of the homeowners. She stated her biggest concern was this plant being the responsibility of the homeowners, but since it will not be she said the Commission should support this application.

Mr. Meadows asked Dr. Rigby to clarify if he would own and operate this system. Dr. Rigby confirmed.

Mr. Mike Stinburg, Center District, stated he moved to this area about a year ago. He said he was informed of this subdivision by the newspaper and was impressed with its layout. He stated this is a beautiful development and we should take pride in it. Mr. Stinburg urged the Commission to approve this development as presented.

Ms. Adrienne Stone, Center District, stated everything has been said regarding this application. She said she is very supportive and hopes this development will work out. Ms. Stone stated this development is special and unique.



Mr. Tom Grady, P.E., Marshall District, stated he was opposed to public ownership, whether it is by homeowners or a private company. He said most plants last 3 to 5 years and then mechanical parts begin to breakdown. He says the county believes once they approve it they can wash their hands of it, but, if the system fails, the costs to cover it will come back to haunt them. Mr. Grady said there are two solutions to this problem, one is to ensure the system is a good design and two is to have county ownership and either operate it yourself or hire someone to operate it.

Mr. Meadows asked Mr. Grady to clarify the difference between having a private company own it or having the county own it. Mr. Grady stated the homeowners should not own it because when it breaks down they will be back to the Board of Supervisors.

Mrs. McCarty asked Mr. Grady what if the company owns and operates it.

Mr. Grady stated that is still giving up ownership. He said private companies can be bought and sold; therefore, you never know what kind of operators it will have down the road. Mr. Grady said if the Commission is going to approve this application please approve it correctly and take ownership. Mr. Grady said the question comes down to whether or not the county wants to be in the wastewater treatment business.

Mr. Chuck Medvitz, Scott District, stated the Commission's decision tonight sets the precedent for the entire area. Mr. Medvitz said a main concern was to preserve the pond and to keep the appeal of the area, when in fact, across from this land is commercial property.

Mr. Joel Maynard, Center District, stated the development sounds great; however, the location of the plant is his biggest concern. He said this plant is in his backyard. Mr. Maynard stated DEQ does not address odors.

Mr. Meadows asked Mr. Maynard to point out his house and to state the distance from the proposed plant. Mr. Robison stated it was approximately 100 yards.

Mr. Roger Miller, Center District, reviewed a few of his and other neighbor's comments and concerns. He stated their main concern was odors. He said the system is enclosed; however, it has to be opened when it is being maintained which will cause odors. Mr. Miller stated the buffer will not prevent odors which will occur regardless of the where the plant is located (if there are odors). Mr. Miller suggested the plant be moved to Parcel A. He stated this is far from any existing property owners, it will add one building light, it would be located on county property, and the

operators will have easy access. He said this suggestion is only if the plant will not produce odors.

Mr. Miller read a letter from adjacent property owners, which is attached to and made part of these official minutes.

Ms. Hope Porter, Marshall District, added the value of the property of the home and land was overstated.

Mr. Craig Mason, Center District, voiced his concerns over the odor and maintenance. He asked if this system fails will the county take over? He said this system would lower the value of all of the existing homes because no one wants to have a sewer system in their backyard. Mr. Mason stated development cannot be stopped but it should not decrease the value of existing homes.

Mr. Tom Ingham, Center District, stated his concern was the odor.

Mr. Bo Tucker, Center District, stated he was not for or against this application; he just wants a good neighbor. He said he has mixed emotions. Mr. Tucker stated the odor is a concern to him but he knows that there are neutralizing systems. He said the ownership and the life cycle of the plant are also concerns of his. Mr. Tucker stated he supports the idea of moving the plant to Parcel A.

Mr. Jim Koehr, Center District, stated he supports the idea of moving it closer to Route 605.

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

Mr. Meadows asked Mr. Thillmann if they went to a conventional drainfield would it change the cost of the house. Mr. Thillmann stated it would make the lots bigger but would not affect the house size or cost.

Mr. Thillmann stated the plant could be placed at another location.

Mr. Robison made the following comments regarding this application.

**SEWER:**

“The Planning Commission previously toured a package sewer plant facility, also known as a community wastewater system, 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 about 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 residents of Highmeadow Place, Woodstone Court and Ashley Meadows, or new residents in the Raymond Farm development.

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. According to recent Loudoun County figures, 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 average income households.

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 64 home development, that would cost our citizens nearly \$2,000,000!!!

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 water 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.

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 populations.

I recommend that the applicant consider other options, to build homes on this land while still preserving the front open space and providing a buffer area to existing homesites.

Obviously, I am opposed to package sewer plants 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, as a minimum.
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 10 conditions of denial outlined by staff, I make a motion to deny the Special Exception allowing the use of this sewer system.”

Mr. Stone seconded Mr. Robison's motion.

Mr. Meadows asked the Commission to please think about delaying action for 30-days for further review.

Mr. Sinclair agreed with Mr. Meadows. He said Mr. Robison pointed out numerous areas where this type of system has failed but in Fauquier County there have been a number of conventional systems that have failed as well. Mr. Sinclair said a lot of information has come out at the public hearing and this application deserves further consideration.

Mr. Thillmann stated if he believed that the Commission's minds would be changed he would agree to a 30-day postponement but he believes they have presented an application that should result in an approval.

Mr. Meadows stated the applicant has agreed to move the plant, which would help.

Mr. Stone stated after listening to his colleagues he agrees that they do not have enough information about costs. He said he is not for moving the plant just to move the odor but he would like to look into it. Mr. Stone said he likes the concept but is troubled by the impact it could cause existing homeowners.

Mrs. McCarty stated she is for denying this application but she will vote for a postponement.

Mr. Meadows stated the Planning Commission is in charge of ironing out problems before it gets to the Board of Supervisors.

Mr. Robison's motion for denial failed, 2 – 3, with Mr. Meadows, Mrs. McCarty, and Mr. Sinclair in opposition.

Mr. Robison, seconded by Mrs. McCarty, moved to postpone this request for 30-days for further review.

The motion carried unanimously.

12. **REZONING**

- a. **#RZ03-S-14 – Leocade Leighton, Eleanor J. Bulter, Nicholas F. & Michele A. Glowicki, owners, Leocade Leighton, applicant** – applicant wishes to rezone approximately 3.0 acres from Residential-1 (R-1) to Residential-2 (R-2). The property is located on the northwest side of Riley Road (Route 676) south of Lakeview Drive, Scott District. (Pin # 7905-86-6547-000, 7905-86-7609-000, 7905-86-7871-000)

Mr. Carr reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes. Mr. Carr asked the Commission to please remove PIN # 7905-86-7609-000 and 7905-86-7871-000 from this application and only consider PIN # 7905-86-6547-000, Mrs. Leighton's one-acre parcel for approval. He stated the other two applications would come before the Commission in July.

Mr. Robison opened the public hearing.

Ms. Leocade Leighton, Scott District, expressed her concern for the error in the advertisement on her application. She stated she was not applying for Eleanor J. Butler or Nicholas F. & Michele A. Glowicki.

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

Mr. Sinclair, seconded by Mr. Robison, moved to remove PIN # 7905-86-7609-000 and 7905-86-7871-000 from the agenda and reschedule for July.

The motion carried unanimously.

Mr. Sinclair, seconded by Mr. Meadows, moved to recommend approval of this request.

The motion carried unanimously.

- b. #RZ03-CR-15 – Calvin L. Ritchie, owner / Board of Supervisors, applicant – applicant wishes to rezone approximately three (3) acres from Rural Agricultural (RA) to Industrial (I-1) and is located on Ritchie Road (Route 644) east of Route 17, Cedar Run District. (a portion of PIN # 7808-52-4186-000)

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

Mr. Robison opened the public hearing.

Mr. Holder Trumbo, Scott District, stated he runs the only grocery store in the county that offers Fauquier raised beef, pork, and lamb. However, these meats have to be processed in Edinburg because there is no place in Fauquier. He asked the Commission to approve this application and keep businesses in the county.

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

Mr. Stone, seconded by Mr. Meadows, moved to approve this request.

The motion carried unanimously.

Mr. Meadows stated he wishes Mr. Ritchie speedy and full recovery.

APPROVAL OF MINUTES – February 27, 2003, March 13, 2003, March 27, 2003, April 24, 2003, and May 29, 2003

Mr. Robison, seconded by Mr. Meadows, moved to approve these minutes as amended.

The motion carried unanimously.

Mr. Meadows requested staff to include all conditions with the minutes.

There being no further business, the meeting adjourned at 10:36 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.*