

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
MARCH 28, 2002**

The Fauquier County Planning Commission held its regular meeting on Thursday, March 28, 2002, beginning at 3:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Bob Sinclair and Mr. Jim Stone. Also present at the meeting were Mrs. Elizabeth Cook, Mr. Brian Davis, Mr. Kevin Burke, and Mrs. P.J. Gallagher, Clerk.

1. **APPROVAL OF MINUTES - FEBRUARY 28, 2002**

On motion made by Mr. Robison and seconded by Mr. Stone it was moved to amend the agenda to move Approval of Minutes to the end of the afternoon meeting. The motion carried unanimously.

2. **SPECIAL EXCEPTIONS (#SE02-S-13 AND #SE02-S-14) - SEMPLE FAMILY LIMITED PARTNERSHIP, OWNERS, AND AML DEVELOPMENT CORPORATION, APPLICANT** - applicant wishes to obtain special exception approval under Category 26 of the Zoning Ordinance which would allow for an age-restricted continuing care facility, and Category 20 which would allow for the use of a mass drainfield central sewage system. The property contains 120 acres, is zoned Rural Agriculture (RA), and is located on the northwest side of Route 15/29, Scott District. (PIN #6995-79-4111-000)

3. **COMPREHENSIVE PLAN AMENDMENT (#CPA02-S-04) - SEMPLE FAMILY LIMITED PARTNERSHIP, OWNER, AND AML DEVELOPMENT CORPORATION, APPLICANT** - applicant wishes to obtain a Comprehensive Plan Amendment to allow the Fauquier County Water & Sanitation Authority to extend water service to the property, which is beyond the New Baltimore Service District boundary. The property contains 120 acres, is zoned Rural Agriculture (RA), and is located on the northwest side of Route 15/29, Scott District. (PIN #6995-79-4111-000)

Mr. Davis reviewed his staff memorandum, a copy of which is attached to and made a part of these official minutes. He stated that the Commission made a site visit to the property earlier in the day. He further stated that the applicant is to submit revised materials by April 10th and that the Commission will have a work session on April 11th at 4:00 P.M. in the 4th Floor Conference Room. He reviewed the proposed conditions, a copy of which are attached to and made a part of these official minutes.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to postpone the requests until the April meeting and that a work session will be held on April 11th following the submission of additional materials by the applicant and by Mr. Dick Keller, the County's Transportation Consultant. The motion carried unanimously.

4. **PRELIMINARY PLATS**

- a. **#PP00-S-23 - Charles & Thelma Jamison, Trustees, owners/applicants** - applicants wish to subdivide 166.67 acres into one-hundred two (102) lots. The property is zoned Residential-1 (R-1), and is located off Lee Highway (Route 15/29/211), Scott District. (PIN's #6995-65-2468-000 and #6995-76-6411-000)

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

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to postpone the request until the April meeting and ask that VDOT and the applicant move forward expeditiously. The motion carried unanimously.

- b. **#PP02-C-04 - Academy Hill Development, LLC, owner/applicant** - applicant wishes to subdivide 87.808 acres into sixty-one (61) lots. The property is zoned Residential-1 (R-1), and is located on the south side of Academy Hill Road (Route 678) east of its intersection with Millfield Drive, Center District. (PIN's #6984-93-2775-000 and #6984-83-4176-000)

Mrs. Cook reviewed her staff memorandum, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has requested postponement until the April meeting in order for them to address staff comments.

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to postpone the preliminary plat, at the request of the applicant, until the April meeting for further review. The motion carried unanimously.

- c. **#PP02-CR-06 - Golden Oaks Construction, Inc., owner/applicant** - applicant wishes to obtain preliminary plat approval to create two (2) lots of 1.5461± acres each and one (1) 37.8017± acre lot from an approximately 40.9 acre parcel. The property is zoned Rural Agriculture (RA), and is located on Elk Run Church Road (Route 634), Cedar Run District.

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

Mr. Stone stated that he is very familiar with the property.

On motion made by Mr. Stone and seconded by Mrs. McCarty, it was moved to postpone the request until the April meeting to allow time for Danny Hatch, County Soil Scientist, to meet with the applicant. The motion carried unanimously.

- d. **#PP02-CR-07 - Vint Hill Economic Development Authority, Land Bay "G", owner/applicant** - applicant wishes to obtain preliminary plat approval to subdivide approximately 30.0 acres into one-hundred (100) lots. The property is zoned PRD, and is located on Vint Hill Road (Route 215), Rogues Road (Route 602), and Kennedy Road (Route 652), Cedar Run District. (PIN #7925-07-5247-000)

Mrs. Clark reviewed her staff report, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has requested postponement of the preliminary plat.

On motion made by Mr. Stone and seconded by Mr. Robison, it was moved to postpone the preliminary plat, at the request of the applicant, until the April meeting for further review. The motion carried unanimously.

- e. **#PP02-CR-08 - Vint Hill Economic Development Authority, Land Bay "H", owner/applicant** - applicant wishes to obtain preliminary plat approval to subdivide approximately 40.0 acres into ninety-three (93) lots. The property is zoned PRD, and is located on Vint Hill Road (Route 215), Rogues Road (Route 602), and Kennedy Road Route 652), Cedar Run District. (PIN #7925-07-5247-000)

Mrs. Clark reviewed her staff report, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has requested postponement of the preliminary plat.

On motion made by Mr. Stone and seconded by Mr. Robison, it was moved to postpone the preliminary plat, at the request of the applicant, until the April meeting for further review. The motion carried unanimously.

5. **INITIATION OF PROPOSED STORMWATER MANAGEMENT ORDINANCE** - Initiation of proposed County Code amendments to adopt a Stormwater Management Ordinance.

Mrs. Cook stated that a work session will be held on this request prior to the public hearing being scheduled and that the work session will be held on April 25th at 9:00 A.M. in the 4th Floor Conference Room.

Mr. Stone asked if this has been triggered by a new Code amendment, and Mr. Burke replied that the authority is in place, that this is based on a desire to do so.

On motion made by Mr. Robison and seconded by Mrs. McCarty, it was moved to postpone the scheduling a public hearing on the request until after the work session on April 25th. The motion carried unanimously.

6. **INITIATION OF PROPOSED SUBDIVISION ORDINANCE TEXT AMENDMENTS**

- a. Initiation of Subdivision Ordinance Text Amendments to update the Virginia References, numbering inconsistencies, and other clarification.
- b. Initiation of Subdivision Ordinance Text Amendments to Section 5 - General Standards of Design, Section 6 - Street Classifications, Section 7 - Minimum Street Improvements Required, Section 8 - Special Area Requirements for Use of Street Standards and Section 17- Geometric Design Standards to update the street, sidewalk, and trail design, construction standards, specifications and requirements.
- c. Initiation of Subdivision Ordinance Text Amendments to Section 9 - Preliminary Plats and Section 10 - Final Plats to address the processing of construction plans, profiles, and specifications through the Technical Review Committee.
- d. Initiation of Subdivision Ordinance Text Amendments to update the Ordinance to reflect the proposed Stormwater Management Ordinance.

Mrs. Cook reviewed her staff memorandums, copies of which are attached to and made a part of these official minutes.

On motion made by Mr. Robison and seconded by Mrs. McCarty, it was moved to postpone the above-referenced text amendments until the April meeting for further review. The motion carried unanimously.

7. **BOARD OF ZONING APPEALS AGENDA**

- a. **Review of Minutes of the March 7, 2002, Meeting.**
- b. **Variance (#49021) - Mary Howe DiZerga, owners** - applicant is requesting a variance to construct an addition of a bedroom to a single dwelling unit constructed more than 100 years ago. The proposed addition will be located 42 feet from the centerline of Route 712 wherein the Zoning Ordinance requires 75 feet. A variance of 33 feet is request. The property contains 424.39 acres, is zoned Rural Agriculture (RA), and is located at 2000 Rectortown Road, Upperville, VA, Marshall District.
- c. **Special Permit (#49024) - William D. & Joyce L. Barber** - applicants are requesting special permit approval to locate a retail sales establishment of more than 5,000 square feet but less than 75,000 square feet in the Commercial-1 (C-1) zoning district. The property is located on the southeast corner and at the intersection of Dumfries Road (Route 605) and Greenwich Road (Route 603), Cedar Run District.
- d. **Special Permit (#49043) - Smith Cattleguard, owner, and John Cassell/Fielding Kines, applicants** - applicants are requesting special permit approval to locate a mulching operation. This operation will include the production as well as wholesale and retail sale of the product. The property is zoned Industrial-2 (I-2), and is located on Route 28 in Midland, VA, Cedar Run District.

The Commission made no comments.

APPROVAL OF MINUTES - FEBRUARY 28, 2002

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to approve the minutes of February 28, 2002, as amended. The motion carried unanimously.

There being no further business, the meeting was recessed at 3:30 P.M.

The Fauquier County Planning Commission reconvened its regular meeting on Thursday, March 25, 2002, in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Bob Sinclair and Mr. Jim Stone. Also present at the meeting were Mrs. Elizabeth Cook, Mr. Brian Davis, Mrs. Deirdre Clark, and Mrs. P.J. Gallagher, Clerk.

8. **CITIZENS TIME**

No one spoke.

9. **ZONING ORDINANCE TEXT AMENDMENTS**

- a. Zoning Ordinance Text Amendment to Section 9-1006 (Outdoor Recreational Lighting)

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

Mr. Robison opened the public hearing.

Ms. Kitty Smith, Marshall District, stated that this is an important amendment, and the Commission should take as much time as needed to get it right. She stated that she favors total light control, that the public needs protection. She stated that this should be done through the special exception process in that this gives the public a chance to voice their opinion.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

Mr. Robison stated that the Commission has been working on this for several months and that he has appointed a subcommittee to work on this text amendment. The Committee members will be Mr. Stone and Mr. Robison.

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to postpone the request until the April meeting for further review. The motion carried unanimously.

- b. Zoning Ordinance Text Amendment to Section 3-401 to change the maximum density in the Residential (R-1) zoning district from 0.9 dwelling units per acre to 1.0.

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

Mr. Robison opened the public hearing.

In that no one appeared to speak for or against the request, Mr. Robison closed the public hearing.

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to postpone the text amendment until the April meeting for further review. The motion carried unanimously.

- c. Zoning Ordinance Text Amendment to Section 3-404 to change the measurement of the required front yard from the centerline of a right-of-way to the front property line.

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

Mr. Robison opened the public hearing.

In that no one appeared to speak for or against the request, Mr. Robison closed the public hearing.

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to postpone the text amendment until the May meeting for further review.

Mr. Sinclair asked about the postponement time, and Mrs. Bowen replied that 60 days is okay in that there is no urgency with this text amendment. He further stated that the situation on Route 29 North (Lake Whippoorwill) needs to be clarified.

The motion carried unanimously.

- d. Zoning Ordinance Text Amendment to Section 7-603 to bring the Zoning Ordinance into conformity with the Code of Virginia regarding tree canopy requirements.

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

Mr. Robison asked if this should be postponed for 30 or 60 days, and Mrs. Bowen replied 30 days and if not ready up to 60 days, that it has to be ready for the legal ad.

Mr. Robison opened the public hearing.

In that no one appeared to speak for or against the request, Mr. Robison closed the public hearing.

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to postpone the text amendment until the April meeting for further review. The motion carried unanimously.

10. **SUBDIVISION ORDINANCE TEXT AMENDMENT** - Amend Section 9-6 to provide for submission of a denied preliminary plat to the Planning Commission for review and approval.

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

Mr. Sinclair stated if a denied preliminary plat returns with suggested conditions and they are not done it will be denied again.

Mrs. Cook stated that this will continue to go back through the process until it is correct.

Mr. Stone asked if this will be more or less work and Mrs. Cook replied maybe a little more work in that there are to be no gray areas when this goes to the Board of Supervisors.

Mr. Sinclair stated that this will create a better final product.

Mr. Robison opened the public hearing.

In that no one appeared to speak for or against the request, Mr. Robison closed the public hearing.

On motion made by Mr. Stone and seconded by Mrs. McCarty, it was moved to recommend approval of the text amendment. The motion carried unanimously.

11. **SPECIAL EXCEPTIONS**

- a. **#SEA02-CR-04 - Fauquier County (Warrenton-Fauquier Airport), owner, and Carl V. Hunt, applicant** - applicant wishes to obtain a special exception amendment to allow for the modification of the hours of operation. No other modifications from the original approval are proposed. The property contains 269.854 acres, and is located on the west side of Midland Road (Route 610), Cedar Run District. (PIN #7809-78-6301-000)

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

Mr. Robison opened the public hearing.

Mr. Carl Hunt, applicant, stated that they have been doing this operation for the past ten (10) years, and have not heard any objections from neighbors. He stated that they want to continue to hold contests.

Mr. Stone asked if this is done once a year and Mr. Hunt replied yes.

Mrs. McCarty stated that they are currently allowed three (3) per year.

Mr. Hunt stated that the existing conditions cover special events and that there has been confusion with the conditions.

Mr. Bill Fennigan stated that this is not a public event, that there is no extra requirement on services, and that it is not advertised to the public.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

Mr. Stone stated that this event has been in operation for 10 years and that there has been no objection.

On motion made by Mr. Stone and seconded by Mr. Sinclair, it was moved to recommend approval of the request subject to the following conditions:

1. The 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. This special exception is subject to the provisions of Article 12 of the Fauquier County Zoning Ordinance, Site Plans, as may be determined by the Fauquier County Department of Community Development. Any plan submitted pursuant to this special exception shall be in conformance with the special exception plat dated March 14, 2001, and these conditions.

4. This special exception shall be granted for a period of three (3) years from the date of approval and must be renewed by the Board of Supervisors in accordance with the provisions of Section 5-013 of the Zoning Ordinance.
5. There shall be no more than three (3) spectator events held on the subject property within any calendar year.
6. No spectator event shall occur before 9:00 A.M. and all events must concluded no later than 8:00 P.M. Non-spectator events shall be limited to the hours of 8:00 A.M. to 8:00 P.M., with the exception that no event shall occur between the hours of 11:00 A.M. and 12:00 P.M. on Sundays, so as not to interfere with local church activities.
7. There shall be no more than 200 attendees on site at any one time, and no event shall last more than three consecutive days.
8. No structure associated with the use shall be closer than 100 feet to any adjacent lot line.
9. All parking must be provided on-site, and shall be no closer than 100 feet from any adjacent property.
10. The Airport Committee shall provide adequate security, emergency traffic control, sanitation and refreshment services. AT least 30 days prior to the event, the Airport Committee shall provide written proof to the Zoning Administrator that the following agencies have been consulted: Fauquier County Sheriff's Office, Virginia Department of Transportation, Fauquier County Emergency Services, and the Fauquier County Health Department.
11. Any retail use associated with this use shall be either accessory to the use or conducted by and for the benefit of a non-profit, tax exempt organization. The applicant shall provide the name, address and contact person for each entity conducting retail sales at the event to the Zoning Administrator at least 30 days prior to the event.
12. All grass areas used for parking shall be mowed and maintained so as to minimize the risk of vehicle and field fires.

Mrs. McCarty stated that she is reluctant to tamper with the quiet and enjoyment of Sunday.

Mr. Robison stated that he agrees with Mrs. McCarty, and realized that the applicant has been doing this for some time.

The motion failed 2 to 2.

Mr. Kevin Burke, Deputy County Attorney, stated that this can go forward as denied or with no recommendation. He further stated that if the Commission wishes to let the time limit run, that it will go forward with a recommendation of approval.

Mr. Sinclair stated that it appears to be the best option to send this forward with no recommendation.

On motion made by Mr. Sinclair and seconded by Mr. Stone, it was moved to forward the request to the Board of Supervisors with no recommendation/judgment, a deadlocked vote.

Mr. Robison stated that this motion helps the applicant to get the request to the Board of Supervisors quicker.

The motion carried unanimously.

- b. **#SE02-S-16 - Roger L. Elgin, III, Trustee, owner, and Barbara Elgin, applicant** - applicant wishes to obtain special exception approval under Category 5 of the Zoning Ordinance which would allow for an outdoor education facility, and Category 9 which would allow for a tent campground. The property contains 93 acres, is zoned Rural Agriculture (RA), and is located at 2737 Landmark School Road (Route 776), Scott District. (PIN #7012-44-4382-000)

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

Mr. Robison opened the public hearing.

Ms. Barbara Elgin, applicant, stated that she met with the Health Department earlier in the day and that she needs to put in a well, drainfield, restrooms, and a shower. She stated that the Health Department asked if food will be catered or prepared on site and she stated that they are not sure yet. She stated that this will be low impact and a benefit to the community.

Mrs. McCarty stated that there is a Virginia Outdoors Foundation easement on the property and asked if there is any conflict with this, and Mrs. Elgin stated that she will check into this.

Mr. Robison asked if there will be swimming on the property and Mrs. Elgin replied yes, that they have a large swimming pool. Mr. Robison also asked if there will be lifeguards and Mrs. Elgin replied no, but there will be an adult at the pool while children are swimming. Mr. Robison further asked if anyone will have emergency training.

Mrs. Elgin replied that there are nurses and doctors that live in the area and there is the 911 system.

Mr. Robison stated that he would like to make a site visit to the property.

Ms. Jenny Warden, neighbor, stated that saving farmland is a good idea. She further stated that this use is a great idea and that other farmers should consider the same use for their property. She stated that she supports agriculture that is already in place.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

Mr. Sinclair stated that the Elgin family are excellent stewards of the land and true farmers. He stated that he likes what he sees, but does have some questions. He further stated that he would like to visit the site also, to look at the entrance, and to get a better concept of what the applicant hopes to do.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to postpone the request until the April meeting for further review, and for a site visit. The motion carried unanimously.

- c. **#SE02-S-17 - John K. & Judith C. Hensley, owners, and Ron Poston, applicant** - applicant wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for a private sewage system. The property contains 1.4 acres, and is located in the Village of Rectortown on Old Maidstone Road (Route 849), Scott District. (PIN #6061-69-5885-000)

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

Mr. Robison opened the public hearing.

Dr. Emerson E. Smith, Jr., Rectortown, stated that he has not had an opportunity to review the file so he would like to have more details about this request. He asked how deep the drainfield will be?

Mrs. Clark replied that the tank itself, which is similar to a traditional septic tank, houses in it is an aeration system that aerates the liquid.

Mr. Smith asked if we are talking about a drainfield?

Mrs. Clark stated not at this time. She gave Dr. Smith some literature about the request. She stated "the effluent, after it has been aerated for a period of time, is pumped out into a preconstructed berm, in other words a structure built on the property of soil, sand and loam of an adequate mixture that will allow that effluent from the tank to drain down into the soil and aerate further. That berm is vegetated with plants that will allow it to be absorbed by the plants and transpire into the surrounding air and others will percolate down into available soil surrounding it. At that point it should be adequately aerated and treated."

Dr. Smith asked about maintenance, does this particular system require maintenance?

Mrs. Clark replied yes. "There is a condition of installation included in the proposed development conditions that requires the owner to maintain, to contract for a maintenance system that will allow for annual inspections and the results of those inspection are to be reported to the Health Department."

Dr. Smith asked what happens if the owner sells the property one day, would the new owner be required to do the same things?

Mrs. Clark replied yes, the contract with the system would go with the property.

Dr. Smith asked once it seeps into the soil how far will it spread out to adjoining property, how many feet?

Mrs. Clark stated "there is a certain capacity that they are projecting, so the size of the berm that will accommodate flow from the tank would be adequate to allow for the drainage that would then be taken into the surrounding soil."

Dr. Smith asked what direction it will go, because he is concerned about the elevation and topography of the land?

Mrs. Clark replied "the way the berm is constructed it would accommodate the flow of the effluent to such that the liquid comes out into that berm is dispersed equally in all direction."

Mr. Barry Hadley, Soil Consultant, stated that the property is pretty level.

Mrs. Clark stated that the constructed berm will naturally contain the dispersal of the liquid.

Dr. Smith again asked what direction it will go?

Mr. Hadley, stated that it does not flow.

Mrs. Clark stated that the size of the berm is designed to accommodate the amount of effluent.

Dr. Smith stated that his well is not too far away and that is why the direction of the flow is so important.

Mrs. McCarty stated that there is a system of this type already in Rectortown.

Dr. Smith stated that if this is similar to that one, then he has no objections.

Mr. Hadley stated that there will be high quality effluent and this is a lot of record.

Ms. Kitty Smith, Marshall District, stated that she has no problems with this in that it is similar to the one that was approved before. She stated that this is the best remedy at this time.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

Mr. Sinclair stated that the property is located within the Village of Rectortown and is an existing lot of record.

On motion made by Mr. Sinclair and seconded by Mr. Stone, it was moved to recommend approval of the request subject to the following conditions:

1. The special exception is granted for, and runs with, the land indicated in this application and is not transferable to other land.

2. The 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 system shall serve the proposed three (3) bedroom residential structure only.
4. The applicant shall ensure the proper functioning of the system by entering into a maintenance agreement with the manufacturer to inspect, service and sample the system on a regular basis for the life of the unit.
5. Testing shall be conducted by the manufacturer or a certified laboratory. All test results shall be reported to the Health Department.
6. There shall be no further subdivision of the subject property.

The motion carried unanimously.

- d. **#SE02-CR-18 - James O. Holbrook, IV, Trustee & Others, owner, and Schiebel Technology, Inc., applicant** - applicant wishes to obtain special exception approval under Category 17 of the Zoning Ordinance which would allow for a general industrial use in a Rural Agriculture District. The property contains 320 acres and is located on Harpers Run Road (Route 836) on the east side of Marsh Road (Route 17), Cedar Run District. (PIN's #7807-84-7951-000 and #7807-87-9049-000)

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

Mr. Robison opened the public hearing.

Mr. Paul Bernard, Rickmond Engineering, representing the applicant, stated that they need more space, and that they want to stay in the area. He stated that this property fits well with their needs and that less than 1% of the property will be disturbed. He stated that they looked into property near the airport but it was too close to the existing flight patterns.

Mr. Sinclair asked if what is produced is similar to a small helicopter?

Mr. Bernard replied yes, that it is 6 feet in length.

Mr. Sinclair asked if it can ascend to a height of 8,500 feet?

Mr. Bernard stated yes, around 8,500 feet, but they tentatively don't do that, but it does have the capability.

Mr. Sinclair asked if it would be safe to assume that in the testing mode that you would conduct on-site that this vehicle could be entering air space up to 7,000-8,000 feet?

Mr. Bernard stated that would be a real rare occasion.

A man representing Schiebel Technologies, stated that their typical flight pattern is 25 meters which is tree top level. He stated that a lot of their testing is done at military bases

and that they may ask us to go to 20,000 feet even though the machine will not do that. He stated that in house testing is mainly just to start the engine to make sure it is running well and do any adjustments needed.

Mr. Sinclair stated that a couple of years ago we had to entertain ultra-lights and they seem to go wherever, and is wondering what would preclude an unfortunate accident from happening? He stated that Vint Hill was one time restricted air space so you were safe there. He stated that his entire question is centered around safety.

The Schiebel representative stated "it is the responsibility of all pilots to obtain a pre-flight briefing before they get into the airplane and leave the ground. During that pre-flight briefing any NOTAMS, which are Notices to Airmen, will be explained to them. One of those NOTAMS may be that southeast of the Warrenton-Fauquier Airport there is unmanned aerial activity from 0 feet to 5,000 feet in such a radius. NOTAMS are to be on file. As the years tick by the FAA is going to require more and more constraints on their vehicles."

Mrs. McCarty asked if the constraints will be on ultra-lights also?

The Schiebel representative stated that ultra-lights are exempt from almost everything.

Mrs. McCarty asked if ultra-lights would have to do a pre-flight check and the Schiebel representative stated no, they are not licensed pilots, therefore, they are not licensed aircraft.

The Schiebel representative stated "the other thing that should be pointed out is a helicopter does not have a long approach path. We go straight up and around our own property and straight back down. We do not travel very fast. Maximum speed is 25 meters/second which works out to 56 mph. Typical speed would be more like 15 mph as far as speeds around the property."

Mr. Sinclair stated you mentioned NOTAMS, and asked who provides that notice?

The Schiebel representative stated "the Flight Services Center does this which is through the FAA. Any pilot who is getting ready to go somewhere is required by law to phone the Flight Service Center and ask for a weather report, and NOTAMS in the area."

Mr. Sinclair asked if it would be made a matter of record with the FAA that this facility exists at this location?

The Schiebel representative stated that is one way to do it and that he thinks the NOTAMS are the right way to do it, that way everyone flying knows what is going on.

Mr. Davis stated that the Commission could consider a condition that would actually require the applicant to file this notice with the FAA.

Mr. Kevin Burke stated that you want to stay away from anything that would preempt FAA authority.

Mr. Glen Payne, representing Schiebel Technology, stated that right now the FAA has no requirements/standards for this aircraft, or for the operators. He further stated that he has

been with this company for six (6) months and that he has tested five (5) helicopters. These flights took on the average of 15-20 minutes each. He further stated that there is a lot of preparation for a flight from the ground, and that there will not be a helicopter flying over the property for eight (8) hours a day, five (5) days a week.

Mr. Stone stated that what we have here is the construction/building of the aircraft at the site, with preliminary testing over the applicants property and more severe/higher level testing somewhere else. He asked when they would be tempted to fly over 5,000 feet?

Mr. Payne replied that they don't want to have the restriction that they can never fly above 100 feet. He stated that right now they have no intention of flying outside their property, but there may come a time when we want to conduct a high test from our facility. He further stated that they will be happy to comply to any regulations and have a NOTAM for that particular request.

The Schiebel representative stated that the limit of the machine now is that it not be flown over 3,000 feet.

Mr. Stone stated that the reason he asked his question is because this property is close to the Flying Circus, and there is an airstrip across Route 17.

The Schiebel representative stated that the owner of the airstrip on Route 17, Mr. Reynolds, has invited us to fly out from his field, if necessary. He further stated that there was some mention made that we might want to call the Flying Circus before we fly, and he would ask that this not be made a part of our requirements. He stated that this will not protect anyone coming to the Flying Circus. He stated that the correct way to do it is through the NOTAM system that is already in effect.

Mr. Robison asked if these aircraft just fly above the one (1) acre or the whole acreage and the Schiebel representative stated that they want to be able to fly around the entire property.

Mr. Douglas Hanger, representing Scheibel Technologies, stated that he has been with the company since they moved to Fauquier County and that it was six (6) months before he saw them fly. He stated that in a months time they fly 1-2 days and that sometimes they can go 3-4 months without flying anything. He stated that the NOTAMS would be used on a daily basis as they fly and that these notices are given to pilots when they call in. He stated that all of their demonstration so far have been done off-site. He stated that most of their demonstrations are done on military bases.

The Schiebel representative stated that private aircraft are not allowed to fly in this particular air space and that private aircraft cannot fly below 500 feet above the ground.

Mr. Hanger stated that the reason they are looking at such a large parcel is for their own safety. He stated that most of their flights are straight up and straight down, and maybe in a 50 ft. diameter circle.

Mr. Paul Bernard stated that they also intend to allow farming to continue on the property through a lease program.

The Schiebel representative stated that they feel the only one that would complain about this is the Flying Circus.

Mr. Hanger stated that the approach area for any landing strip is a one mile radius, and we are approximately 3 miles from the Flying Circus, 5 miles from the Warrenton-Fauquier Airport, and 2-3 miles from Mr. Reynold's airstrip, so we would not in any way interfere with the approach of aircraft.

The Schiebel representative stated at the Flying Circus there are trees all around so aircraft are not able to do the one mile approach, that they fly in a very tight pattern.

Mr. Robison asked if these vehicles ever fly above the cloud deck?

The Schiebel representative stated that this is probably something that we would like to test someday, and he does not know if this will be done at home or on a military base.

Mr. Robison asked if visual contact is kept and the Schiebel representative stated yes, that is the idea of the testing to allow for us to have a back-up system and a back-up operator.

Mr. Hanger stated that they do not test in inclement weather.

Mr. Robison asked if the helicopters have transponders on them and the Schiebel representative replied no, that they have put a transponder on them and the system does work, but there are not a lot of advantages to having a transponder. Mr. Robison further asked if there is anything else the applicants can tell him about collision avoidance?

The Schiebel representative stated they do not have a collision avoidance system and that our goal in having the 320 acres is to stay out of everybody's way.

Mrs. McCarty asked if they will fly over 500 feet and the Schiebel representative replied that 99% of their flights will be at 80 feet.

Mr. Robison asked if there is radar at the site and the Schiebel representative replied no, that they just have a directional antenna with a camera on it.

Mr. Hanger stated that they do not operate without a backup system, and that the aircraft operates off a computer. He stated that they have one pilot on the ground with a remote control standing ready at all times in the event that something would happen, and he could take control and land it.

Mr. Stone asked how long they have been located at Vint Hill and Mr. Hanger replied since January 1999.

Mr. Talmage Reeves, Economic Development Director of Fauquier County, stated that the applicant has been looking for a site for over a year. He stated that this use will be low impact, with 7-25 employees and asked that it be moved forward.

Ms. Kitty Smith, Marshall District, asked why they are not staying at Vint Hill? She stated that they are asking for an industrial use in an agricultural area.

Mr. Daniel Bore, Cedar Run District, asked about noise, chances of this flying over their house, what are their limitations. He stated that their home is secluded and they want it to stay that way.

Mrs. Tina Bore, Cedar Run District, asked if this is the only product produced onsite and Mr. Payne replied yes.

Mr. Robison asked why they are not staying at Vint Hill and Mr. Hanger replied that their existing building is going to be torn down and deemed for open space, that there are houses being built all around them and there is no other suitable building on Vint Hill.

Mr. Hanger stated that the 320 acres gives them a buffer zone and that a chain saw makes more noise than this helicopter.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

Mr. Robison stated that this is a worthy application, but there are concerns that need to be worked on.

Mr. Stone stated that this is the kind of application the County likes to see, and that possible conditions need to be explored further.

On motion made by Mr. Stone and seconded by Mrs. McCarty, it was moved to postpone the request until the April meeting for further review.

Mr. Robison stated that a site visit to the Vint Hill site and this site would be helpful.

Mr. Payne stated that this would be possible, but they may not be able to fly while you are there.

Mr. Hanger stated that there is a video on their facility and that staff has a copy of it.

Mr. Stone stated that it would be more help to see the new site.

Mr. Robison stated that a site visit is scheduled for April 11th at 2:00 to visit the new site and the existing site at Vint Hill. He asked if they could stake out the building site which would be helpful.

Mr. Sinclair stated that he cannot make it to a 2:00 site visit.

Mr. Reeves stated that the video covers the full use of the facility.

Mr. Davis stated that the video will be made available to the Commission.

The motion carried unanimously.

There being no further business, the meeting was adjourned at 8:55 P.M.

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