

MINUTES OF**FAUQUIER COUNTY PLANNING COMMISSION****MAY 31, 2001**

The Fauquier County Planning Commission held its regular meeting on Thursday, May 31, 2001, in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Bob Sinclair, Chairman; Mr. Richard Robison, Vice Chairman; Mr. Serf Guerra, Secretary; Mr. Mark Rohrbaugh and Mrs. Ann McCarty. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mr. Brian Davis, Mrs. Carolyn Bowen, Mr. Doug Morgan and Mrs. P.J. Gallagher, Clerk.

AMENDMENT OF AGENDA

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to add a proposed Zoning Ordinance Text Amendment to be advertised for a public hearing at the June meeting. The motion carried unanimously.

1. ***APPROVAL OF MINUTES - MARCH 27, 2001, MARCH 29, 2001, AND APRIL 26, 2001***

On motion made by Mr. Sinclair and seconded by Mr. Guerra, it was moved to postpone the minutes until the end of the meeting. The motion carried unanimously.

2. ***ZONING ORDINANCE TEXT AMENDMENT*** - amend Section 3-318 by adding number 23 to allow the manufacture of distilled spirits as a special exception use with site plan approval in the Rural Agriculture (RA) zoning district. Also add Section 5-1814 (Additional Standards for the Manufacture of Distilled Spirits) and definitions of distillery and distilled spirits to Section 15-300 (Definitions).

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

On motion made by Mr. Guerra and seconded by Mrs. McCarty, it was moved to change the proposal, delete the use from Rural Agriculture (RA) zoning, and propose the use in the Industrial-1 (I-1) and Industrial-2 (I-2) zoning district and to advertise the text amendment for a public hearing at the June meeting. The motion carried unanimously.

3. ***SPECIAL EXCEPTIONS***

- a. ***#SE01-CR-01 - Calvin L. Ritchie, owner/applicant*** - applicant wishes to obtain special exception approval under Category 9, Class C Spectator and Non-Spectator Field Events of the Zoning Ordinance. The property is located on Lake Ritchie Road, Cedar Run District. (PIN #7807-78-3793-000)

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

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

1. Applicant must have site plan approval in accordance with Article 12 of the

- Fauquier County Zoning Ordinance prior to obtaining any building or zoning permits.
2. Uses subject to this special exception shall be limited to the Class C events as listed in Section 3-309.16 of the Fauquier County Zoning Ordinance.
 3. In no event shall fireworks, hot-air balloons or helicopters be used for any Class C events.
 4. No more than 300 persons shall attend any single event.
 5. The maximum number of "Class C" events shall not exceed two (2) in any calendar week.
 6. Events conducted under this special exception shall be held only from March to November in any calendar year.
 7. All grass areas used for parking shall be mowed and maintained so as to minimize the risk of vehicle and field fires.
 8. All events shall be restricted to use the ingress/egress from Route 17, Marsh Road.
 9. The special exception holder shall provide adequate security, emergency, traffic control, sanitation and refreshment services at every Class C event or activity. Notice should be given to the Zoning Administrator at least thirty (30) days prior to hold a Class C event. The Zoning Administrator will require written proof from the following agencies that the facilities are adequate for the size and the type of the event or activity to be held: Fauquier County Sheriff's Office, Virginia Department of Transportation, Fauquier County Emergency Services Coordinator, Fauquier County Health Department.
 10. The applicant shall require its employees and all invitees to strictly comply with State burning laws and copies of such laws shall be posted on site.
 11. Fire extinguishers meeting State and Federal standard shall be provided at all events.
 12. All on-site parking, entrances and other physical improvements will comply with the County's site plan regulations.
 13. The applicant shall conform at all times to County Health Department regulations regarding sanitary sewerage facilities, food service, hand washing facilities and wells.
 14. All uses under this special exception shall be conducted so as to meet all noise performance standards enumerated in Article 9 of the Fauquier County Zoning Ordinance.
 15. During events with outdoor music or amplified sound the maximum permitted sound pressure noise levels shall not exceed sixty (60) db at the property line.

16. All events will be conducted between the hours of 12:00 Noon and 11:00 P.M. provided that all outdoor music shall cease no later than 10:00 P.M. Event preparation and breakdown shall cease by 11:00 P.M.
17. All lighting shall be in conformance with the Fauquier County Zoning Ordinance and positioned downward, inward, and shielded to eliminate glare from all adjacent properties.
18. This special exception for Class C events shall be limited to a three (3) year period from the date of approval by the Board of Supervisors.

The motion carried unanimously.

- b. **#SE01-M-04 - Heather K. Taylor, Co-Trustee, and First Union Bank, Co-Trustee, owners, and APC Realty & Equipment Company, LLC, applicants** - applicants wish to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 95' monopole with telecommunications antenna and equipment. The property is zoned Rural Agriculture (RA), contains 199.0 acres, and is located on Fiery Run Road (Route 726), Marshall District. (PIN #6010-88-9930-000)

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

Mrs. McCarty stated that because this tower is extremely well placed two (2) miles within the interior of the land, and barely shows above the trees, and further because of the tree height and cell component, she recommends approval of the application subject to the 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 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 February 14, 2001, and these conditions.
4. The use shall comply with Federal Aviation Administration (FAA) and Federal Communications Commission requirements at all times.
5. The height of the tower shall not exceed 95 feet, inclusive of any antennae or stealth components.
6. The tower shall be lighted only to meet FAA requirements with no additional lighting permitted.
7. Stealth techniques shall be employed in the design of the tower to be consistent with the surrounding area. Specifically, the design shall simulate

a tree-type indigenous to the area.

8. The tower shall be painted appropriately so as to minimize visual impact as permitted by FAA regulations.
9. Prior to the issuance of the zoning permit, one (1) telecommunications provider shall have an executed lease with the applicant. The applicant shall provide written documentation to the Fauquier County Zoning Administrator in the event that any future co-location cannot be accomplished.
10. The applicant shall provide to the County public service agencies, at no cost to the locality, one acceptable site on the tower and necessary space in the equipment shed. There shall be no rental or maintenance fees charged by the County for this use.
11. The owner of each antennae or tower shall submit a report to the Zoning Administrator once a year, no later than July 1, that state the current user status of the tower.
12. Any antennae or tower shall be disassembled and removed from the site within 90 days of the discontinuance of the use the tower for wireless telecommunications proposes. Removal includes the removal of the antennas, telecommunication towers, fence footers, underground cables and other related equipment/structures. If there are two (2) or more users, then this provision shall not become effective until all users cease using the tower.
13. A commercial entrance to the site shall be built to current Virginia Department of Transportation standards prior to issuance of a zoning permit.
14. An ingress/egress easement for public emergency and maintenance vehicles shall be granted to the County and indicated on the Final Site Plan.
15. Any structure placed on soil mapping units 21D, 121D and 121E shall require a geo-technical study prior to site plan approval. Additionally, the foundation shall be designed by a Virginia Licensed Professional Engineer in accordance with the Uniform Statewide Building Code.

Mr. Sinclair seconded the motion.

Mr. Robison stated that he would like to mention that there was a balloon test and he made a visit to the area during the balloon test and did not see the balloon from many key locations around the area.

Mr. Guerra stated that "during the work session it was brought out by the applicant that he is one of six (6) potential competitors for towers here. He also mentioned that he has no less than thirty-five (35) towers planned for Fauquier County. Assuming that five (5) others will have the same, we are talking about a potential of almost 250 towers in our County, all because of the 80 foot tower height which this Commission has approved to the Board, and the Board approved it. That 80' is basically the reason for it because of aesthetics, not because of need, but aesthetics. I feel that when we have to consider aesthetics over safety of our people, for proper communication for our people, I think this is wrong. I have said it before that I consider the ordinance that we placed is flawed only because of that 80' height. I am

against that and I am against this process only because we will not have any co-location, so that means instead of having maybe 35-40 towers throughout the whole County, we are going to end up with over 250 towers or more. Also, if we have one competitor that has an advantage you can bet that the prices for his service will experience a high cost. So for that reason, I, Mr. Chairman, and members of the Commission, am going to vote in the negative."

The motion carried 4 to 1 with Mr. Guerra voting against the motion.

- c. **#SE01-M-05 - Charles M. Flint, owner, and APC Realty & Equipment Company, LLC, applicants** - applicants wish to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 120' monopole with telecommunications antenna and equipment. The property is zoned Rural Agriculture (RA), contains 19.8 acres, and is located on Dead End Road (Route 754), Marshall District. (PIN #6041-40-6912-000)

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

On motion made by Mrs. McCarty and seconded by Mr. Rohrbaugh, it was moved to recommend denial of the request subject to the following resolution:

RESOLUTION

A RESOLUTION TO RECOMMEND DENIAL

OF SPECIAL EXCEPTION (#SE01-M-05)

CHARLES FLINT, OWNER, AND APC REALTY & EQUIPMENT

COMPANY, INC., APPLICANT

WHEREAS, the applicant, APC Realty, Inc. has filed an application to construct a 120 foot monopole tower under the provisions of Article 11-102 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Planning Commission held a public hearing on this application on April 26, 2001; and

WHEREAS, the Planning Commission has considered the written and orally presented information of the applicants and the public; now, therefore, be it

RESOLVED by the Fauquier County Planning Commission this 31st day of May 2001, That the application by APC Realty & Equipment Company to construct a 120 foot monopole tower on the property of Charles Flint, and further identified as PIN 6041-40-6912-000, be recommended for denial to the Board of Supervisors for the following reasons:

1. The applicant has failed to demonstrate that the requested tower height of the application is compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture, as indicated in Section 11-102.3(b)(1) of the Zoning Ordinance.

2. The application is not in conformance with general goal #2 of the Commercial Wireless Technology Facilities Plan component of the Comprehensive Plan, which is to maintain and preserve the agricultural and residential character of the County and its neighborhoods and to promote the creation of an attractive and harmonious community.
3. The applicant has failed to minimize the adverse visual impacts of wireless communications towers through this application, which is a stated objective in the Commercial Wireless Technology Facilities Plan component of the Comprehensive Plan.
4. The applicant has failed to horizontally separate this proposed tower from residential neighborhoods and other visually sensitive areas to minimize visual obstruction, which is a stated objective in the Commercial Wireless Technology Facilities Plan component of the Comprehensive Plan.
5. The applicant has failed to demonstrate that other available alternatives will not provide adequate service.
6. The applicant has failed to demonstrate that the application adequately protects adjoining property values and otherwise meets the general standards for a special exception contained in Section 5-006 of the Zoning Ordinance.

Mr. Sinclair stated that he agrees with the reasons stated and that he disagrees with his colleague from Lee District and believes that aesthetics are important. He stated that he is familiar with the area and that the view from the church speaks to aesthetics.

Mr. Guerra stated that a 120 foot tower would allow for three (3) co-locations and would reduce the potential for more towers and that he is also going to vote in favor of the motion.

Mr. Robison stated that he visited the site during the balloon test and the location is objectionable.

Mr. Rohrbaugh stated that the Telecommunication Plan allows for more towers at a lower height and that we would not be able to see them, and that they would barely be seen above the tree lines.

The motion carried unanimously.

- d. ***#SE01-L-06 - Cynthia E. Tibbs, owner, and APC Realty & Equipment Company, LLC, applicants*** - applicants wish to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 140' monopole with telecommunications antenna and equipment. The property is zoned Rural Agriculture (RA), contains 25.0 acres, and is located on Sumerduck Road (Route 651), Lee District. (PIN #7825-00-2509-000)

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

Mr. Guerra stated the following: "Prior to the meeting I spoke with the applicant's

representative and suggested to him that the 140', as discussed during the work session, most likely would be denied. I asked him if he would rather postpone and he said at this point he would rather not postpone and he did not even consider the 120', that he does not have the authority to change that, therefore, since he is requesting a postponement..."

Mr. Sinclair stated that he did not understand that he was asking for a postponement.

Mr. Guerra stated "I brought this up. The 140' actually would come into a more reasonable area where you can have 2, 3 or 4 co-locations, and that to me means fewer towers. It is also in an area which, since 1989 the Ram Report, has been stating that we have a dead spot there as well as one spot in Marshall. This is something that we do need. I would like to make a motion for approval knowing that it will be denied by the Commission, and hopefully that the applicant will probably reconsider using one of the power lines which they themselves are 130 ft. high, and which are within a mile of that area. Therefore, Mr. Chairman and members of the Commission, I move that this be forwarded to the Board of Supervisors for a 140' tower."

Mr. Rohrbaugh seconded the motion for discussion only.

Mr. Rohrbaugh stated that he agrees with staff that the 120' tower would be much better in this case. He stated that the applicant wants to go with 140' and he does not believe he can support that. He also stated that the applicant has stated that 120' would work today but might not work in the future.

Mr. Sinclair stated that the 140' is absolutely a request for compromise of the ordinance that was developed a couple years ago. He stated that there is a maximum limit that we can entertain and that is 120'. He further stated that the idea of extending that to 140' is not something that he can comprehend. He stated that the Commission had some discussion this morning about the need because of topography and the need because of trees and he can understand this, but he is hard-pressed to understand that there are deciduous trees beyond 70-80 feet that this tower would be constructed to go beyond, so he thinks that to be placed in a position where this would be approved would be a great injustice to the ordinance that was developed.

Mr. Guerra asked "does the Commission realize that as of today there has been no one neither for or against this tower from my area, that is Lee District? Again, let me emphasize that the visual impact is always going to be against the safety and needs of the community. That is not to say that I totally disregard viewing tower sites, but I am more concerned about the good that a tower can do. I am talking about the potential, that I know for a fact that there was a woman's car that ran off the road and she reached for her cellular phone and this was within one-half mile of this site and she could not locate anyone. Admittedly, anyone can drive down Route 17 or any highway and you might have a 2 minute lag and all of a sudden you go into a dead spot and then you pick it up again. I am not so much concerned about the people from Richmond to New York or the Miami to Canada people as I am the people in my area. This is not right on Route 17 or a highway, this is further removed from that which would help the constituents in Lee District, and that it is my concern and will be my concern always. I would like to have a good site as well as anybody else, but I am not going to subjugate my voice just for something that is sticking out in the air. If we want to go that far, let the people that are protesting this get rid of the telephone poles".

Mrs. McCarty stated that she is going to vote for denial of this tower because of the incompatibility with the Telecommunications Ordinance and because there are other alternatives. She stated that there were people that spoke against this tower that came all the way to Marshall for the hearing and they were from Lee District.

Mr. Guerra stated that he is sorry, there were 2 individuals that spoke against this request.

Mr. Robison stated that we have done a lot of work to develop an ordinance, and stated the importance of the balloon tests to get a visual idea of the impact of the height and location, where a 95' tower or 120' tower may be appropriate in one location and in another it may not. He stated that the balloon tests were supposed to be conducted starting at 2:00 P.M. and he was there until 4:00 and the test had not been done, nor was anyone, the applicant or representation, present on the site. He stated that he made several phone calls from his cellular phone while on-site and his phone worked just fine. He further stated that the applicant did contact one of the five Commissioners once the balloon was finally up at 6:00 P.M. He stated that it was not him, and that he was not notified at all. He stated that there should have been an attempt made by the applicant to contact every Commissioner to let them know when the balloon test was finally performed. He further stated that he cannot support this application.

The motion failed 1 to 4 with Mr. Sinclair, Mr. Robison, Mr. Rohrbaugh and Mrs. McCarty voting against the motion.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to recommend denial of the request for the following reasons:

1. The applicant has failed to demonstrate that the requested tower height of the application is compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture, as indicated in Section 11-102.3(b)(1) of the Zoning Ordinance.
2. The application is not in conformance with general goal #2 of the Commercial Wireless Technology Facilities Plan component of the Comprehensive Plan, which is to maintain and preserve the agricultural and residential character of the County and its neighborhoods and to promote the creation of an attractive and harmonious community.
3. The applicant has failed to minimize the adverse visual impacts of wireless communications towers through this application, which is a stated objective in the Commercial Wireless Technology Facilities Plan component of the Comprehensive Plan.
4. The applicant has failed to horizontally separate this proposed tower from residential neighborhoods and other visually sensitive areas to minimize visual obstruction, which is a stated objective in the Commercial Wireless Technology Facilities Plan component of the Comprehensive Plan.
5. The applicant has failed to demonstrate that other available alternatives will not provide adequate service.
6. The applicant has failed to demonstrate that the application adequately

protects adjoining property values and otherwise meets the general standards for a special exception contained in Section 5-006 of the Zoning Ordinance.

The motion carried 4 to 1 with Mr. Guerra voting against the motion.

4. ***SPECIAL EXCEPTION (#SE00-L-17) AND COMPREHENSIVE PLAN AMENDMENT (#CPA00-L-03) - MARSH RUN GENERATION COOPERATIVE, LLC, AKA OLD DOMINION CORPORATION, OWNER/APPLICANT*** - applicant wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction and operation of an electric generation plant. Applicant also wishes to amend Chapter 6, Service Districts, of the Comprehensive Plan to add text and revise the land use map of the Remington Service District to incorporate an electric utility and extension of a line from the water treatment plant. The property is zoned Rural Agriculture (RA), contains 60 acres, and is located on Old Grassdale Road (Route 782), Lee District. (PIN #6897-26-4438-000)

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

Mr. Guerra made the following motion: That the Old Dominion Generation, LLC, proposed Comprehensive Plan Amendment #CPA00-L-03 for the Cooperative Energy Marsh Run Station be forwarded to the Board of Supervisors with a recommendation that it be approved as amended in the May 29, 2001, letter from Mr. Richard W. Gregory. That correspondence included a map, which identified the general area in which the line connections for product effluent will be constructed.

Mr. Rohrbaugh seconded the motion.

Mr. Guerra stated "it has been a long time since we got the application, but we knew that it was coming, and we have spent a lot of time, and a lot of consideration has been given. In the second motion that I will propose, I will list the 22 conditions. I must say that the 4 years that I have been on the Commission that I have never had any application come before me that took so much time, so much consideration, and so much help from the applicant. I would like to commend the applicant on doing a tremendous job in trying to isolate any problems with this application. In general, I feel that they have done a terrific job. The most important issue that was always with me was the part of pollution. There are many issues that we have addressed here, and we will discuss them again later. But the pollution has been uppermost for me and the constituents of Lee District. I feel that we have had a good reply from DEQ on this, and I feel very strongly that this department has capable people. They have given this a temporary bill of health, of course nothing will continue till a license is approved, subject to of course, our moving it to the Board and the Board of Supervisors approving it."

Mr. Robison stated the following:

1. Citizen Input: During the March Public Hearing, we had 25 citizens speak to the proposed power plant. 5 of our citizens spoke for the plant. 20 spoke against the plant. I have also received many calls and correspondence voicing opinions against the proposed power plant. I'm also told that the Southern Fauquier Alliance, the PEC, the Town of Remington, and the CFFC all oppose, or have concerns with, the proposed plant. I am not a member of any of these organizations, but they do speak for some of our fellow citizens.
2. Traffic Impacts: Old Grassland Road is not designed for the construction traffic and fuel delivery traffic that is expected. The applicant is proposing to

upgrade the road to handle the increased, heavy traffic. ODEC admits, that if approved, this plant will create a short-term traffic problem. But what about the continued impact of yearly traffic to deliver the fuel oil; heavy, dangerous tractor trailers riding the same roads as slow wide farm tractors. Additionally, ODEC states that they have not made any determination on how to direct construction traffic to and from the site.

3. Environmental Impacts: The combination of two side-by-side power plants will pump tons of toxins and pollutants in the air of Fauquier County. I understand that several power companies have land in neighboring counties designated as non-attainment, but prefers to locate plants in attainment localities to avoid more expensive clean air measures.

Keep in mind that the existing and proposed power plant would operate during the time of greatest need. When is that? According to ODEC, the hottest and coldest days of the year. 80% of those days would be on the hottest days of the year. Times like those very hot, hazy, summer days when we hear on the news that it is a CODE RED day. The days when we are asked not to mow our lawns and not drive anywhere unless absolutely necessary. The days when it is recommended that the elderly and persons with certain health problems stay indoors.

If you were to plant a garden to grow your own food, would you locate it next to a plant that gives off nitrous oxide and other poisons? I don't think so! Similarly, if you were looking for farmland to raise crops and animals for human consumption, would you purchase farmland located near two power plants that could potentially pump 500 ton of pollutants in the year per year? Folks, the farmland is already there! The power plants don't need to be. Essentially, we could be exposed to these pollutants in many ways; the air, the water, and the food that we consume.

4. Days of Operation: ODEC has initially indicated that they intend to operate approximately 57 days, or an equivalent of 56.6 days per year. Since they don't intend to operate 24 hours per day, and according to their own literature, ODEC would actually operate about 131 days per year! Over double the 57 day number they kept telling us. WE have heard in our work session today, by John Lee that ODEC has no idea on hours of operation, but yet another ODEC representative stated approximate hours of operation. About 104 of these days would be the hottest Summer days. The CODE RED days!

5. Water Consumption: I am also concerned with water consumption. ODEC has been a little nebulous in this area. I have two figures concerning water consumption. ODEC states that they expect to use a total maximum consumption 18.4 million gallons of water per year. WSA has preliminarily committed 400,000 gallons of water per day, with a return of approximately 70%. 18.4 million would indicate 65% return. My calculations indicate an annual consumption of 19.8 million gallons of water consumed per year. That's nearly 20 million less gallons of water per year, that would otherwise flow into the Rappahannock River. I believe that this large reduction in water flow to the Rappahannock River could harm the river's ecological system. It is also important to note that WSA and ODEC have not come to terms yet; they are still negotiating.

6. Back-Up Fuel Oil: No back-up about it! I am concerned that ODEC states that the oil is only a back-up fuel source. We heard today that ODEC only burned oil 3 days in the past 5 years. Again, according to their own literature, they plan to burn fuel oil during the winter months. About 27 days per year. My calculations indicated that they will burn nearly 7 million gallons of fuel oil each winter. This is a lot of tractor trailers coming and going each year. (7,000,000 divided by 8,000 equals 875 tractor trailers)
7. Zoning: With exception to the existing power plant, it is not appropriate to locate an industrial site in the center of an agricultural zoned area. Two wrongs don't make a right.
8. Justification: Earlier this month I heard a news clip on WTOP Radio about the power situation out west. The obvious questions that was asked is if we may someday be faced with the same problems. The answer is NO, that Virginia is part of the Mid-Atlantic Power Grid, and has much power supply than it has need, or is expected to need in the future.

ODEC does mention in their literature, that this plant is for future needs, not current needs.

9. Alternatives: Assuming we have a need: The Department of Energy states, "There are 29.8 GW of potential hydropower capacity at 5,677 sites that have been screened for favorable environmental, legal and institutional conditions". The report goes on to state that, seventy-two percent of this potential can be developed without the construction of a new dam. Technological advances have made it possible for today's hydropower turbines to convert 90 percent of available energy into electricity a better efficiency rating than any other form of generation. The National Hydropower Association states that "hydropower is a clean, renewable and reliable energy source that serves national environmental and energy policy objective".

Hydroelectric facilities could also be used for flood control, irrigation, and recreation. I am not suggesting that one of these facilities be located in Fauquier County.

10. Interesting Facts: Did you know that ODEC considered nine other sites in Maryland and Virginia prior to the Marsh Run site?

ODEC serves more than 320,000 metered customers, just in Virginia. Of those 320,000 customers, less than 9,000 are in Fauquier County? Very little of the power produced would serve Fauquier County citizens.

We need to send a message to electric power providers that our clean air, our attainment status, and our beautiful countryside are not for the taking.

Should this application move towards a recommendation of approval, please consider the following:

Planting and Screening: The proposed amount of plant and tree screening is way under-planned. A strong example is the Virginia Power Facility. The trees are too small and too far apart; they look like little toothpicks in front of monster pieces of equipment. We need a forest line, not a tree line.

Hours of Operation: Do not allow both plants to operate at the same time.

Height: Keep the height of the stacks down to 75'.

Environmental Impacts: As we previously learned, BACT means Best Available Control Technology, not best available environmental technology. Catherine Powers, the Supervisor of DSM Planning for ODEC, states that "energy efficiency" (not ecology) "is and will continue to be extremely important to the electrical cooperatives of Virginia". I understand that selective catalytic reduction systems could be added to the turbines which would convert nitrous oxide to nitrogen, which is not a pollutant. These catalytic converters would be required if ODEC were to seek approval for 250 or more tons of pollutants per year. If approved, the converters should be required for this plant.

Mrs. McCarty stated "ODEC has described the proposed power plant as water front property, a frututions conversion of electric power lines, natural gas and rail. I am told that they will make 75 million dollars a year with not much required from them in return. It is a good deal, but how is it for us? If we had answered comprehensively how to allow heavy industrial use in an agricultural area, if we were sure we were getting the best pollution controls available for when we almost immediate become a non-attainment area, if we were benefiting from a mission off-set at other sites, and if we were keeping much of the generated tax revenue allocation formula and the overall cost of the non-attainment, and were sure that we were getting a better deal, I might want to approve this power plant, but we are not. Heavy industrial development is incompatible with areas planned for residential development. It is particularly devastating to the Remington Service District Plan and the ongoing citizen plan. The northern end of the County has been accused in the past of dumping on the southern end, what we ourselves would not want. Lee District, watch this vote."

Mr. Rohrbaugh stated "I turned on the news the other night and I saw the Governor of California on their blaming George Bush for their power problems. Our President has been in office about 5 months now, and I am here to tell you that California's problems did not start in the past 5 months, it happened many years ago because they did not plan for their future. I heard Mr. Robison say we have enough power for the near future. I think as Planners we need to look past the end of our noses, we need to look out 10-15-20 years and these sort of things take 3-4-5 years to build. I for one agree with our Vice President, that the time is now to get started on projects like this so we can have power in the future. It was pointed out that the elderly on the Code Red days go in their houses, they go in and turn on the air conditioners requiring more power, and I think in this country if we can't start planning for our future, our future is going to be quite dim. Like I said, I think we need to be looking long term and not short term as planners, we need to look 5-10-20 years down the road and I think we need to do that with power plants, with water supply, with roads, highways, infrastructure, etc., not just to develop all of Fauquier County because I think we have some good plans in place that will prevent that. I seriously think if we don't get on the ball now we are going to come up short. They say the problems they are having out west are going to start moving east, it is coming this way, and we have seen their rates go up double, triple, whatever, and ours will do the same thing. That has happened with gas and electricity just last winter. Our utility bills doubles last winter, so I think now is the time for planning."

Mr. Sinclair stated "for my entire adult life my evolvment in my community has been relative to issues dealing with the environment and historic preservation. So, needless to say, when this application came before us I looked at it with a great deal of skepticism. The issue that has been discussed, by everyone here, about the degradation of our quality of life, that is

extremely important to me and as all of these other hard working folks have done, spent hours and hours reading through reams and reams of material. I have spent time making contact with individuals within environmental groups across the United States, particularly the Sierra Club, and I have reached a conclusion that the individuals within ODEC will be utilizing the most current status of cleaning mechanisms, to diminish as much as possible the degradation that could probably be added into our air quality. I would also submit to the Commission that I feel confident in saying should this plant not be located on that spot, that we will probably at some point in time be looking at about 150-200 homes, and I would ask you to consider if that would perhaps not degrade the environment at least equally, if not more than this power plant. The Sierra Club has indicated that the gas fired electrical generation plants are the state-of-the-art because they are the least intrusive into our environment. The listing of conditions that has been cited, 22 that have been crafted, within the body of these 22 conditions you will find one in particular where the residue of the property, which this site is to be located, will be deed restricted. We are talking about 200 acres of land that can be used only for agricultural purposes or recreational purposes. We do not have to go far back in the press to read where the County of Fauquier has spent hundreds of thousands of dollars to purchase a centralized athletic facility/recreational facility in the northern end of the County, and near the center portion of the County. Here is an opportunity, of at least 200 acres of land, that could be involved and employed in that particular use without the expenditure of hundreds of thousands of taxpayer dollars. I am also critically interested in the preservation of our historic resources and our wildlife. Fauquier County began on the Rappahannock River many-many years ago and I think we have an opportunity, with the cooperation of ODEC to make a community effort, or provide facilities for the community in Southern Fauquier and certainly benefit the historic resources that can be developed there. Identified on the site for example are 5 particular locations that would speak directly to the prehistoric history of this County and I would hope that they could be developed as well. So, therefore, with all of these things being said, I am in favor of the application as presented."

Mr. Guerra stated "as the motion maker I have the final say on this. I am a little bit surprised. I thought that when we had work sessions that all Commissioners would address their concerns. I had requested, both of the Commissioners to my left and to my right for this, and I am surprised that they have enumerated so to certain extent, especially Richard. A lot of the things that you brought out, Richard, we discussed. Some of those that we did not, I would have appreciated some personal contact, and I would have appreciated it with the rest of the Commission so that we could have addressed it and put your mind to rest on it. The people of Lee District have already told me, a ratio of better than 8 to 1, that they want this facility. I don't want to hear from our northern friends that they are going to protect us from our own situation. Our northern friends also gave us a library that we don't need, but we got that library. This is something that they want. I have spent a lot of time going throughout the neighborhoods and I know I have talked to no fewer than 500 people, and they have stated that they do want it. There have been a few that have said not, and I have identified them. Some of those that I have identified I have shared with my colleagues, and these folks at Liberty High School said that they did not want this because they are right under it. By the same token they had 40,000 watt or 40 kw generators, which they can attach to a diesel tractor any time there is a brown-out or a black-out, so they don't care whether we have this. They are taking care of themselves. So that is 40 kw of regeneration and some of them, some of my neighbors, have 6 kw generators, so that when they are in a black-out, winter or summer, they can turn their generator on. Unfortunately, too many of the people in Lee District cannot afford that kind of thing."

Mr. Guerra's motion carried 3 to 2 with Mr. Robison and Mrs. McCarty voting against the motion.

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved that the

application for Old Dominion Generation #SE00-L-17 be forwarded to the Board of Supervisors with a recommendation that it be approved subject to the following conditions as discussed and revised by the Planning Commission on May 31, 2001.

1. Unless a Board of Supervisors extension is approved, a certificate of occupancy of the facility must be issued within five (5) years of the date of approval of the special exception, or the special exception shall expire and be null and void.
2. Noise levels shall meet applicable County performance standards and requirements contained in Section 9-705 of the Zoning Ordinance.
3. The total area of the site developed for the peaking facility shall be limited to 60+ acres as generally depicted on the Special Exception Plat. Unless the Board of Supervisors approves an amendment to this special exception, the remaining parcel acreage shall be deed restricted from further development with limited exceptions through a recorded easement. Those exceptions are that the remaining parcel area may be utilized for utility poles and lines, natural gas reduction station, the well for potable use, septic tank and drainfield and required reserve for the facility, agricultural, forestry, wildlife habitat areas and observation points or open space uses, including public recreational facilities. Along with these exceptions are included any Board of Supervisors approved special exception amendments resulting from State or Federal air quality regulations which require operational and equipment improvements outside the existing 60+ acre facility footprint. The referenced easement will include the conditions mentioned above, and shall be reviewed and approved by the County Attorney.
4. The facility shall be permitted as a peak generation facility in accordance with Virginia Department of Environmental Quality (DEQ) regulations. Any increase in the operating conditions of facility expansions which (i) are beyond what is depicted on the Special Exception Plat and contained within the application materials, and (ii) require a modification of the DEQ permitted annual emissions for the facility, as depicted on Special Exception Plat, shall require an amendment to the special exception. However, changes in regulations promulgated by DEQ or the Environmental Protection Agency requiring compliance with stricter environmental standards, even if they require modifications to the facility, shall be permitted without amendment to this special exception.
5. The facility shall utilize Best Available Control Technology (BACT) as determined by DEQ for this facility to minimize impacts on air quality.
6. The combustion turbine stacks shall be limited to ninety (90) feet in height.
7. All outdoor lighting shall be turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary for safety and security. This limitation also applies during the period of construction for the facility.
8. The facility lighting shall comply with the performance standards contained in Section 9-900 of the Fauquier County Zoning Ordinance.
9. The issuance of all required Health Department permits for wastewater disposal/drainfield and site well are required prior to the submission of the site plan for County review and approval action.

10. The applicant shall use groundwater only for potable and domestic water uses.
11. Prior to submitting the site plan for County review and action, the applicant shall complete an executed agreement with the Fauquier County Water and Sanitation Authority (WSA) regarding the construction of lines conveying treated effluent to the peaking facility and returning product water to the Remington Wastewater Treatment Facility, the quantity of effluent to be used, and associated topics.
12. The following lists the required transportation improvements and actions:
 - a. The applicant shall submit construction plans and profiles for Old Grassdale Road (Route 782), from the project site entrance to the intersection with Lucky Hill Road to VDOT for review and the required State Environmental Review Process (SERP).
 - b. Route 782 shall be designed as a Type I paved Rural Local Road (200 vehicles to DHV 400 vehicles) with a right-of-way of +54 feet, including the clear zone, with twenty-four (24) foot pavement width (pursuant to the VDOT Road Design manual, Volume 1, Page A-7). The project entrance and the Route 782/655 intersection shall be designed and constructed to meet VDOT standards for such project entrances and intersections respectively. Improvements herein shall be completed prior to the issuance of the Certificate of Occupancy.
 - c. If the applicant removes trees, due to VDOT requirements, along Route 782 as part of the required road improvements, then a tree planting plan along the right-of-way shall be submitted as part of the site plan process. Trees shall be planted at a minimum density of one (1) tree per thirty-five (35) linear feet along this road, with a minimum caliper of 2.5 inches dbh (deciduous) or 15 feet in height (conifer) with a maturity height of 60-80 feet.
 - d. Prior to site plan approval, the applicant shall receive official State Environmental Review Process (SERP) clearance from VDOT the Old Grassdale Road improvement project may process as designed.
 - e. Prior to the issuance of a land disturbing permit, the applicant must obtain the VDOT entrance permit and Hauling Permit, which will cover the transportation of the turbine units and associated equipment over public roads. The applicant shall be required to repair any damage to public roads resulting from construction traffic and deliveries, if VDOT so request.
13. Prior to site plan approval, the applicant must demonstrate to the Department of Community Development that all wetland requirements, if any, have been achieved to the satisfaction of the U.S. Army Corps of Engineers.
14. Prior to site plan approval, the applicant must submit an Emergency Response Plan for approval by the Fauquier County Office of Emergency Services. That includes an updated emergency contact list and protocol. Prior to issuance of any building permit, that plan must be approved.
15. Any gas line and associated pump station requiring special exception review and approval must be completed prior to site plan approval for the peaking facility.

16. Prior to site plan approval, the applicant must have an approved fuel supply and tank design, which includes performance standards, secondary containment, inventory control, formal inspections, leak detection, and safe fill and shutdown procedures.
17. A landscape/buffering plan shall be prepared and submitted with the site plan for the facility, pursuant to Zoning Ordinance requirements for approval by the Department of Community Development, and also shall include:
 - a. Route 782 Tree Plantings. Provide tree plantings along the Route 782 as described in 12.c.
 - b. Perimeter Buffering. The applicant shall identify tree stands, which are to be preserved and the method of protection before and after construction. The applicant shall plant a forested buffer serving as a visual screen along the eastern, southern (north of the power transmission line easement) and the western property perimeter where the facility is located.

The visual screening, along the defined perimeter, shall be at least one-hundred (100) feet in width, with mixed planting and massing of evergreen and deciduous tree canopy, as well as a combination of evergreen and deciduous shrubs. There shall be a minimum of five (5) evergreen and deciduous trees per one hundred (100) linear feet of perimeter boundary, with a minimum tree spacing of thirty (30) feet with shrubs planted between the trees. The objective is to screen the facility and towers as much as possible along the project perimeter with an evergreen forested area.

Native species will be the principal planting categories used for the benefit of existing and future wildlife populations. Species should include, but not be limited to, loblolly pine, red cedar, white pine, leyland cypress, willow oak, sycamore, locust, waxmyrtle, highbush blueberry, downy serviceberry, redbud, and similar types. The planting plan will be submitted as part of the site plan and shall meet the landscape and buffering requirements contained in 7-600 of the Zoning Ordinance.

- (1) Dead and Dying Trees and Replacements. If any trees shown on the approved site plan to be preserved or planted, as part of the perimeter buffer and those identified in 12.c., should die or are dying, the Applicant shall remove these trees and provide replacements. The replacement trees shall be planted as nearly as possible to the location of the removed trees. The replacement trees must be the equivalent to that shown on the approved plan.
 - (2) Protection. The applicant shall be responsible for the protection of the tops, trunks and roots of all existing trees, as well as other vegetation on the site. Protection devices shall be installed along the limits of clearing and grading, prior to any construction occurring onsite. Protection shall be maintained until all work in the vicinity has been completed, and shall not be removed without the consent of the County Engineer.
18. The applicant shall obtain and, as necessary, maintain all applicable Federal, State and local permits.
19. The applicant shall submit a summary of the Phase I Cultural Resources Survey and

- subsequent information regarding historic and archeological resource findings and location onsite at the issuance of the Certificate of Occupancy. This report, including the Phase I Survey, will be presented to the Fauquier County Historic Resources Committee, along with a commitment to field locate and mark those areas allowed to the extent allowed by the Virginia State Historic Preservation Officer.
20. The applicant shall work with the environmental organizations and public schools in development and establishment of planned wildlife habitats, wildlife observation areas, including boardwalks and other associated viewing areas within the established woodlands, field and marsh environment, consistent with State and Federal regulations.
 21. The applicant will, to the extent practicable, utilize zero-emission electric maintenance vehicles in connection with the operation of the facility. The applicant will install an appropriate recharging station at the facility as necessary. The applicant shall provide to the County, upon request, equipment for a vehicle recharging station facility, which the Board of Supervisors can install at an available location in the County.
 22. This special exception approval is issued solely to the applicant, Old Dominion Generation, LLC, and shall be nontransferable within the initial four (4) year construction period. For purposes of this condition, the reference to "Old Dominion Generation, LLC", shall include any parent or subsidiary entity of the applicant, or any entity owned, partially owned or controlled by the applicant, or a successor of the applicant in the event the applicant conveys the facility as a result of deregulation of the electric industry.

The motion carried 3 to 2 with Mr. Robison and Mrs. McCarty voting against the motion.

5. ***PRELIMINARY PLATS***

- a. ***#PP01-L-03 - State Bank of Remington, owner/applicant*** - applicant wishes to subdivide 100.0960 acres into one-hundred (100) lots. The property is zoned PRD, and is located off Catlett Road (Route 28) and Marsh Road (Route 17), Lee District. (PIN's #6899-47-6674-000 and #6899-46-4144-000)

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. Guerra and seconded by Mr. Robison, it was moved to approve the preliminary plat subject to the following conditions:

1. The applicant shall provide, if requested by the County Engineer's Office, a post-conditions floodplain study to determine whether construction of any improvements will have any impacts on the lots adjoining the floodplain and the property across the creek.
2. No fill shall be permitted in the floodplain per Zoning Ordinance Section 4-405, Permitted Uses, without special exception approval.
3. The applicant shall clarify at the submission of construction plans for the first phase of the development the timing of the stream crossing.

4. The following statements shall be noted on the final drainfield plat to be placed in the Community Development Office:
 - a. "The County recommends that no below grade basements be constructed on soil mapping units 74A & B, 78A, 178A and 274 A & B 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 map units 64C, a site specific evaluation be conducted so that shallow to bedrock areas are identified. These areas may require blasting if deep cut or excavation is done."
 - c. "Structures placed on mapping units 78A, 74A and 74B will require a geo-technical study and the foundation will need to be designed by a Virginia Licensed Professional Engineer in accordance with the Uniform Statewide Building Code."
5. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map and lines onto the final drainfield plat. This shall be done in the field and checked for any additional soil information to be added to the final scale plat map.
6. A signature block shall be placed on this plat for the CPSS to sign, which states: "Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated August 16, 1999. 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 . Virginia Certified Professional Soil Scientist CPSS #3401- Date".
7. Interpretive information from the Type I soil report for each mapping unit shown on the plat shall be placed on the same soil map. Also a Symbols Legend shall be placed on the plat map to identify spot symbols.
8. This drainfield plat shall be filed in the front office of Community Development and used exclusively for obtaining soils information for this proposed subdivision.
9. This map shall be submitted to the County Soil Scientist's Office before final plat approval.
10. The right-of-way for Station Drive shall be 110 feet and the preliminary plat will be revised to reflect 110 feet of right-of-way. However, if the Comprehensive Plan is revised to reflect a different right-of-way requirement for Station Drive, that new right-of-way width may be utilized for the final road design.
11. The applicant shall obtain the appropriate right-of-way for and construct the connection to Village Center Drive and/or will adjust lots to accommodate the connection to Village Center Drive.
12. If requested by VDOT, the applicant shall design and construct the Station

Drive/Route 28 intersection to its ultimate four-lane configuration with Station Drive transitioning into two-lanes within the property.

13. The connection of Station Drive to Route 28 shall align with the existing entrance to Grace Miller Elementary School.

14. In addition, left and right turn lanes on Route 28 need to be provided by the developer.

15. The residential lots shall not have direct access to Station Drive, Village Center Drive or Route 28.

16. Parks and Recreation shall have the opportunity to review and comment on the homeowner's association documents as they relate to the recreational facilities.

Mr. Rohrbaugh abstained from voting on the preliminary plat.

The motion carried 4-0-1.

- b. ***#PP01-M-05 - Earl C. Hawkins, Jr. & Mary L. McDaniel, owners/applicants*** - applicants wish to subdivide 20.783 acres into three (3) lots. The property is zoned Rural Agriculture (RA), and is located off Crest Hill Road (Route 647), Marshall District. (PIN #6959-21-1972-000)

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 Type I Soils Report is obtained.

On motion made by Mrs. McCarty and seconded by Mr. Rohrbaugh, it was moved to postpone the preliminary plat, at the request of the applicant, until the Type I Soils Report is obtained. The motion carried unanimously.

6. ***PRELIMINARY PLAT EXTENSION - PIEDMONT INVESTMENT, LLC, LOT 1*** - applicant is requesting a six (6) month preliminary plat extension. The preliminary plat was approved on June 29, 2000.

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. Guerra and seconded by Mr. Sinclair, it was moved to grant the six (6) month preliminary plat extension. The motion carried unanimously.

7. ***SUBDIVISION ORDINANCE TEXT AMENDMENT - HABU DEVELOPMENT, LLC, OWNER*** - applicant wishes to amend Section 5-10 of the Subdivision Ordinance to allow alleys in a residential subdivision.

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. Guerra and seconded by Mr. Rohrbaugh, it was moved to recommend approval of the text amendment. The motion carried unanimously.

8. **BOARD OF ZONING APPEALS AGENDA**

- a. **Review of Minutes of April 5, 2001, and May 3, 2001, Meetings**
- b. **Special Permit (#47062) - Roger Steele Clearing & Excavation Company, Inc., owner** - Continued from the April and May hearings. Applicant is requesting special permit approval to locate a contractor's office and shop on property identified as PIN #7906-42-8883-000 containing approximately 1.9042 acres, located at 5193 Lee Highway (Route 15/29) in New Baltimore, zoned Commercial-2, Scott District.
- c. **Special Permit (#47370) - Janice V. Mills, owner** - applicant received special permit approval in August 1996, for a day care in her home. She is requesting an increase in the number of children from twelve (12) to twenty (20). The subject property is identified as PIN #6959-38-7134-000, containing approximately 5.0 acres, located at 9389 Ramey Road (Route 732), zoned Rural Agriculture, Marshall District.
- d. **Special Permit (#47413) - Donald E. and Janie G. Jones, owners** - applicants are requesting special permit approval to operate a farm equipment sales and service business. The subject property is identified as PIN #6953-47-9783-000, containing approximately 5.492 acres, located at 9488 Old Waterloo Road (Route 691), zoned Rural Agriculture, Marshall District.
- e. **Special Permit (#47444) - Jeremiah and Virginia Kearns, owners, and Joseph and Debbie Stambaugh, applicant/lessee** - applicants are requesting special permit approval to continue operating a kennel. The BZA issued special permit approval to continue operating a kennel. The BZA issued special permit approval in June 1998, for three years. The applicants are requesting an increase in the number of dogs from twelve (12) to twenty (20), and are also requesting a time period of ten (10) years. The subject property is identified as PIN #7824-79-8039-000, containing approximately 27.25 acres, located at 3368 Thompsons Mill Road (Route 615), zoned Rural Agriculture, Cedar Run District.
- f. **Special Permit (#47452) - James H. and Mary C. Weeks, owners** - applicants are requesting special permit approval for an auto repair garage as a residential business. The subject property is identified as PIN #7808-16-6253-000, containing approximately 2.001 acres, located at 11744 Marsh Road (Route 17), zoned Rural Agriculture, Lee District.
- g. **Special Permit (#47457) - Charles and Ruth Gray, owners, and Chemetrics, Inc., applicant/lessee** - applicant is requesting special permit approval to use an existing dwelling as a business office of approximately 960 square feet. The subject property is identified as PIN #7911-63-1777-000, and requesting to use a 1.50 acre portion of approximately 171.50 acres, located at 4285 Catlett Road (Route 28), zoned Industrial-1, Cedar Run District.

The Commission made no comments.

There being no further business the meeting was recessed at 4:05 P.M.

The Fauquier County Planning Commission reconvened its meeting on Thursday, May 31, 2001, at 7:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia, for public hearings. Those members present were Mr. Bob Sinclair, Chairman; Mr. Richard Robison, Vice Chairman; Mr. Serf Guerra, Secretary; Mr. Mark Rohrbaugh and Mrs. Ann McCarty. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mr. Brian

Davis and Mrs. P.J. Gallagher.

Mr. Sinclair stated that the Warrenton-Gateway request will be on the July agenda. He also stated that at the end of the meeting the minutes will be discussed.

9. *CITIZENS TIME*

Mr. Robert Knupp, Cedar Run District, asked how long the Commission was going to let Smith-Midland continue with their operation.

Mr. Sinclair stated that this is on the agenda later in the evening, and that he can speak to the request at that time.

10. *ZONING ORDINANCE TEXT AMENDMENT* - amend Article 5, Special Permits and Special Exceptions, Section 5-2101.4, Standards for All Category 21 (Transportation) Uses.

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

Mr. Sinclair opened the public hearing.

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

Mr. Rohrbaugh stated that the Warrenton-Fauquier Airport has been there for a long time and that they have constructed a new row of hangars. He stated that they wish to construct more hangars and that the County will receive tax base from the aircraft stored in the hangars. He stated that we are not taking taxpayer money away.

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

11. *OPEN SPACE REDUCTION (#OSR01-M-02) - THOMAS A. DEWEESE, OWNER/*

APPLICANT - applicant wishes to obtain a reduction in the open space requirement under Section 2-406.5.D of the Zoning Ordinance. The property contains 27.2592 acres, is zoned Rural Agriculture (RA), and is located on Leeds Manor Road (route 688) and Wesley Chapel Road (Route 798), Marshall District. (PIN #6944-54-9050-000)

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

Mr. Sinclair opened the public hearing.

Mr. Jim Carson, engineer representing the applicants, stated that staff has outlined the request clearly and that they agreed to the conditions.

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

Mrs. McCarty stated that this property will be deed restricted, the driveway will not access Route 688 and steep slopes will not be disturbed.

On motion made by Mrs. McCarty and seconded by Mr. Rohrbaugh, it was moved to approve 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 plat approved with the application, as qualified by these development conditions.
3. The reduction is for the requested amount of 12%, thereby allowing a 73% open space parcel consisting of 27.25 acres.
4. The 27.25 acre parcel shall be deed restricted to prevent further subdivision potential.
5. The driveway shall not access Route 688.
6. The house location shall be sited so as not to disturb any steep slopes in excess of 25% on Mapping Unit 125E (Hazel very stony loam).

The motion carried unanimously.

12. ***SPECIAL EXCEPTION (#SE01-CR-10) - SMITH-MIDLAND CORPORATION, OWNER/APPLICANT*** - applicant wishes to obtain special exception approval under Category 23, Floodplain Uses, of the Zoning Ordinance which would allow the applicant to retain the existing fill in an area used as a parking lot. The property is zoned Industrial-2 (I-2), contains 12.8229 acres, and is located on Catlett Road (Route 28), Cedar Run District. (PIN #7900-75-6202-000)

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

Mr. Rohrbaugh asked when comments will be received from FEMA, and Mr. Davis replied that they are not prepared to do a Community Support Letter until the applicant responds to their questions.

Mr. Sinclair opened the public hearing.

Mr. Robert Knupp, property owner directly across from this site, stated that he was told this would not happen. He stated that every time it rains the situation gets worse and acres of land get flooded. He stated that the people upstream as well as the people downstream need to be protected and that this has been going on for years. He further stated that the County tends to bend over backwards to break the rules for this applicant, and that he is very much opposed to this request. He stated that this is killing the value of his property. He stated that there are pictures on file in the Zoning Office of his property while it is flooded.

Mr. Robison asked if the Commission could receive a copy of the pictures and Mr. Knupp stated that they are at the County Zoning Office.

Mr. Sinclair stated that the Commission is going to make a site visit the morning of their June meeting and suggested that Mr. Knupp be present also.

Mr. Knupp stated that the signs that the County post on property are a disgrace that they are

too small to be seen. He also stated that he was not notified when the fill was first done.

Mr. Carr stated that he will have the pictures at the next meeting.

Mr. Sinclair stated that he recognizes the feelings of citizens when they are not notified.

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

Mr. Rohrbaugh asked if the letter states how long the postponement will be and Mr. Rodney Smith replied until the engineers answer the questions raised.

Mr. Guerra stated that we need a date or postpone indefinitely.

Mr. Rohrbaugh stated that we do not need a date if the applicant is requesting postponement, and that the Commission does not have all the information needed to review this application.

On motion made by Mr. Rohrbaugh and seconded by Mr. Robison, it was moved to postpone the request until the June meeting, at the request of the applicant.

Mr. Guerra stated that Roberts Rules of Order stated that a date is needed.

The motion carried unanimously.

Mr. Carr stated that the hearing will remain open and that a time for the site visit will be scheduled.

Mr. Sinclair stated that he would prefer the site visit to be at 9:00 A.M.

Mr. Rohrbaugh amended his motion to keep the public hearing open until the June meeting. Mr. Robison amended his second, and the motion carried unanimously.

13. ***REZONING REQUEST (#RZ01-S-03) - THE ATOKA PRESERVATION SOCIETY, INC., OWNER/APPLICANT*** applicant wishes to rezone 1.644 acres from Commercial Village (CV) Conditional to the Village Residential (V) district. The property on the southwest side of John S. Mosby Highway (Route 50) with access to Rectors Lane (Route 828), Scott District. (PIN #6073-89-9285-000)

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

Mr. Robison asked if this parcel is next to the Atoka store and Mr. Davis replied that it is two (2) parcels down from the store.

Mr. Sinclair opened the public hearing.

Mr. Herb Gammons, representing Atoka Preservation Society, asked that the Commission consider this favorably.

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

Mr. Sinclair stated that he appreciates the work this group has done in the Atoka community.

On motion made by Mr. Sinclair and seconded by Mrs. McCarty, it was moved to recommend approval of the request subject to the proffer statement dated May 21, 2001.

Mr. Rohrbaugh stated that he was in the Atoka area on Monday, and that it is a beautiful area and worth preserving.

The motion carried unanimously.

APPROVAL OF MINUTES

On motion made by Mr. Robison and seconded by Mr. Rohrbaugh, it was moved to approve the minutes of March 27, 2001. The motion carried unanimously.

On motion made by Mr. Robison and seconded by Mr. Rohrbaugh, it was moved to approve the minutes of March 29, 2001, as amended. The motion carried unanimously.

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved to postpone the minutes of April 26, 2001, for further review. The motion carried unanimously.

There being no further business, the meeting was adjourned at 7:40 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.