

**BOARD OF SUPERVISORS OF FAUQUIER COUNTY  
WARREN GREEN BUILDING  
10 HOTEL STREET  
WARRENTON, VIRGINIA 20186**

**MINUTES**

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD  
APRIL 11, 2019 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

**P R E S E N T** Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.; Mr. Paul S. McCulla, County Administrator; Mr. Kevin J. Burke, County Attorney

**A B S E N T** None

**CALL TO ORDER**

Mr. Butler called the meeting to order at 11:00 A.M.

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda.

**A CLOSED SESSION PURSUANT TO CODE OF VIRGINIA SECTION 2.2-3711(A)(3)  
TO DISCUSS POTENTIAL ACQUISITION OF REAL PROPERTY AND DISPOSITION  
OF PUBLICLY HELD REAL PROPERTY**

Mr. Butler moved to go into a closed meeting, pursuant to §2.2-3711(3) of the Code of Virginia, to discuss the acquisition and use of real property and disposition of publicly held real property. Ms. McDaniel seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.***

***Nays: None***

***Absent During Vote: None***

***Abstention: None***

Upon reconvening from the closed meeting, Mr. Butler moved, without objection, to adopt the following certification.

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 11th day of April 2019, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

**A WORK SESSION TO DISCUSS ADDITIONAL FUNDING OPTIONS FOR CENTRAL SPORTS COMPLEX**

Mr. Jon Munch, Finance Director, discussed additional funding options for financing of the Central Sport Complex.

**A WORK SESSION TO DISCUSS THE RECOMMENDATION FOR AWARDING MEDICAL, PRESCRIPTION AND DENTAL CONTRACTS**

Ms. Janelle Downes, Director of Human Resources, presented recommendations for awarding medical, prescription and dental contracts and employee rates for FY 2020.

**A WORK SESSION TO PRESENT THE COUNTY'S BROADBAND STRATEGY**

Ms. Catherine Heritage, Deputy County Administrator, and Mr. Lanny Cornwell, Consultant, presented the strategy to serve as a guide for the implementation of the County's Broadband project.

The Board of Supervisors reconvened in regular session at 6:30 P.M.

**INVOCATION**

Mr. Butler offered the Invocation.

**PLEDGE OF ALLEGIANCE**

Ms. Hurley McKenzie led the Pledge of Allegiance.

**ADOPTION OF THE AGENDA**

Ms. McDaniel moved to adopt the agenda with the following changes. Mr. Granger seconded and, following discussion, the vote was unanimous, as follows:

*Ayes: Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.*

*Nays: None*

*Absent During Vote: None*

*Abstention: None*

- Remove Consent Agenda Item #6(e): A Resolution to Adopt the Fauquier county Water and Sanitation Authority and Fauquier County Board of Supervisors Self-Funded Agreement (Addendum #4) for FY 2020 and add it as new Regular Agenda Item #9.
- Remove Consent Agenda Item #6(j): A Resolution To Approve Subdivision Ordinance Waiver WAIV-19-010723 - Wince Subdivision, Lot 6 - An Application To Waive The Requirements Of Subdivision Ordinance Section 7-17 Subsection C Related To The Installation Of A Pedestrian Trail (PIN-6993-09-0350-000, Cedar Run District) and add it as new Regular Agenda Item #8.
- Add new Consent Agenda Item #6(m): A Resolution Authorizing Execution of An Agreement To Provide Space On A Town Of Warrenton Water Tower For A Broadband Antenna And A Memorandum Of Understanding Between The Town And County For Provision Of Geographic Information System Services
- Add new Consent Agenda Item #6(n): A Resolution to Authorize the Sale of County Owned Property Identified as Elk Run Lot 2, Midland, Virginia (PIN# 7818-53-3121-000).

## **CITIZEN'S TIME**

- Ms. Hurley McKenzie, Marshall District, discussed the broadband gap and general lack of high speed internet access for rural areas.
- Ms. Mary Wilkerson, Marshall District, expressed her concerns regarding the Marshall Main Street improvement project.
- Mr. Chris Cloud, Marshall District, expressed his concerns regarding the leadership of the Marshall Business and Residents Association (MBRA).
- Mr. Jeff Symanski, Marshall District, inquired about alternate funding sources for the Marshall Main Street revitalization project, and had questions about widening of the road.
- Mr. Peter Schwartz, Marshall District, spoke in support of the Marshall Main Street project, adding that it is an important project for economic development of Main Street as a business destination.
- Ms. Mary Elizabeth Wilkerson, Marshall District, spoke in opposition to imposing a local tax levy for the Marshall Main Street project.
- Ms. Debbie Cloud, Marshall District, spoke on behalf of the Marshall Ruritan Club in support of the Marshall Main Street revitalization project.

## **PROCLAMATIONS AND RECOGNITIONS**

- Mr. Butler announced that a Proclamation will be presented during a Memorial Service on April 27, 2019, to posthumously honor the life of Howard Lee Grove, to wit:

### PROCLAMATION

#### A PROCLAMATION HONORING THE LIFE OF HOWARD LEE GROVE

WHEREAS, on November 10, 1948, Howard Lee Grove was born in Fredericksburg, Virginia, to Howard and Vivian Reed Grove; and

WHEREAS, Howard Lee Grove was raised on the family farm where he developed his deep affinity towards the agricultural community and the people it serves; and

WHEREAS, in 1971 Howard Lee Grove graduated from Virginia Polytechnic Institute and State University with a Bachelor of Science degree in Agricultural Economics, and after graduation went on to teach Agriculture at Fauquier High School and Orange High School; and

WHEREAS, in 1974 Howard Lee Grove worked with National Bank and Trust as its Agricultural Consultant in Charlottesville, Virginia, for more than 15 years; and

WHEREAS, following his banking career, Howard Lee Grove returned to his first love of farming where he owned and operated Highwater Farm in Morrisville, Virginia, for more than 30 years; and

WHEREAS, Howard Lee Grove held strong convictions in support of local and family farms and promoted good stewardship of the land and its natural resources; and

WHEREAS, at his farm, Howard Lee Grove embraced new technologies, tested unconventional approaches to farming, provided employment opportunities for many local youth, and sponsored placements for the work/study program for students of Virginia Tech; and

WHEREAS, Howard Lee Grove was devoted to his community and served various organizations, most notably the Future Farmers of America, 4H Livestock Club, the Fauquier Farm Bureau, the Fauquier Livestock Exchange, the John Marshall Soil and Water Conservation District, and the Casanova Hunt; and

WHEREAS, Howard Lee Grove shared 44 years of marriage to his wife, Jane, and was blessed with two children, two grandchildren, and a loving family; and

WHEREAS, on March 2, 2019, Howard Lee Grove passed away peacefully at the age of 70, and he will be greatly missed by those whose lives he touched along the way; and

WHEREAS, the Fauquier County Board of Supervisors wishes to posthumously honor Howard Lee Grove for his dedication, perseverance and service to the community; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 27<sup>th</sup> day of April 2019, That the Board hereby recognizes and commends the life of Howard Lee Grove, and extends its deepest appreciation and condolences to his family.

- Mr. Trumbo presented to Ms. Jane Bowling-Wilson a Proclamation to recognize May 7 as Give Local Piedmont Day in Fauquier County, to wit:

#### PROCLAMATION

#### A PROCLAMATION DESIGNATING MAY 7, 2019, AS GIVE LOCAL PIEDMONT DAY IN FAUQUIER COUNTY, VIRGINIA

WHEREAS, the Northern Piedmont Community Foundation is sponsoring Give Local Piedmont Day on May 7, 2019, joining more than 100 communities throughout the United States in a National Day of Giving, and celebrating the 19<sup>th</sup> anniversary of the Community Foundation's founding in 2000; and

WHEREAS, this event allows participating non-profit organizations an opportunity to energize their donor base and to tell their story throughout the broader community of Culpeper, Fauquier, Madison and Rappahannock Counties on May 7<sup>th</sup>; and

WHEREAS, non-profit organizations that serve Fauquier County registered so far include: Allegro Community Music School, The Arc of North Central Virginia, Be the Change Foundation, Books on the Bus, Boys and Girls Club of Fauquier, Bull Run Mountain Conservancy, Bwell Today for Tomorrow, Citizens for Fauquier County, Clifton Institute, Cold War Museum, Come as You Are Foundation, Community School of the Piedmont, Covenant Christian Academy, Gloria Faye Dingus Music Alliance, Experience Old Town Warrenton, Families4Fauquier, Fauquier CADRE, Inc., Fauquier Community Action Committee, Inc., Fauquier Community Band, Fauquier Community Child Care, Inc., Fauquier Community Food Bank and Thrift Store, Fauquier Community Theater, Fauquier Cops for Children, Fauquier County 4-H, Fauquier Excellence in Education, Fauquier Family Shelter Services, Fauquier FISH, Fauquier Free Clinic, Fauquier Habitat for Humanity, Fauquier Heritage and Preservation Foundation, Fauquier Hospital Auxiliary, Fauquier High School Band, Fauquier History Museum at Old Jail, Fauquier SPCA, Fauquier Sports Foundation, Finley's Green Leap Forward Fund, Fresta Valley Christian School, Friends of Fauquier Library, Furnish A Home Again, Girls on the Run Piedmont, Goose Creek Association, Hero's Bridge, Highland School, Hospice Support of Fauquier County, Just Ask Trafficking Prevention Foundation, Leadership Fauquier, Learning Starts Early, Lord Fairfax Community College, Mental Health Association of Fauquier, Middleburg Humane Foundation, Mosby Heritage Area Association, Mountain Vista Governor's School Foundation, National Alliance on Mental Illness, Native Wildlife Reserve, Inc., Nirvana Ridge Ferret Rescue, Northern Piedmont Community Foundation, Northern Virginia 4-H Education and Conference Center, PAWS for Seniors, People Helping People of Fauquier County, Inc., Piedmont Dispute Resolution Center, Piedmont Environmental Council, Piedmont Symphony Orchestra, Piedmont United Way, The Pregnancy Centers of Central VA, Rainbow Therapeutic Riding Center, Rappahannock-Rapidan Community Services, Ride Fauquier, SAFE, Inc., Spiritual Care Support Ministries, Spiritworks Foundation, Virginia STEM, VolTran, Wakefield Country Day School, Warrenton Chorale, WAAAG, and Weston Farmstead, Young Life Fauquier County; and

WHEREAS, it is important for citizens to support their local community as they may, and the Give Local Piedmont effort allows an easy, effective means for citizens to support the non-profit organizations they believe in, and to learn about others with which they may not be familiar, through the website [www.givelocalpiedmont.org](http://www.givelocalpiedmont.org); now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That the Board of Supervisors hereby declares May 7, 2019, as Give Local Piedmont Day and encourages residents and members of the community to support their favorite participating non-profit organizations.

- Mr. Butler presented to Sheriff Bob Mosier and Ms. Joell Kight a Proclamation recognizing Public Safety Telecommunications Week, to wit:

## PROCLAMATION

### A PROCLAMATION TO DECLARE THE WEEK OF APRIL 14-20, 2019, AS PUBLIC SAFETY TELECOMMUNICATIONS WEEK

WHEREAS, emergencies can occur at any time that require law enforcement, fire, or emergency medical service; and

WHEREAS, when an emergency occurs, the prompt response of Law Enforcement Officers, Firefighters, and Emergency Medical Technicians is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our Law Enforcement Officers, Firefighters, and Emergency Medical Technicians is dependent upon the quality and accuracy of information obtained from citizens who telephone the Fauquier County Sheriff's Office Communications Division; and

WHEREAS, Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Dispatchers provide the single vital link for our Law Enforcement Officers, Firefighters, and Emergency Medical Technicians by monitoring their activities by radio, providing them information, and ensuring their safety; and

WHEREAS, Public Safety Dispatchers of the Fauquier County Sheriff's Office Communications Division have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and

WHEREAS, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of his job in the past year; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 11th day of April 2019, That, in honor of the men and women whose diligence and professionalism keep our County, Town and citizens safe, the week of April 14 through April 20, 2019, be, and is hereby, declared Public Safety Telecommunications Week in Fauquier County.

- Mr. Gerhardt presented to Sheriff Bob Mosier and Deputy First Class Marisa Efaw a Proclamation recognizing Animal Control Officer Appreciation Week, to wit:

## PROCLAMATION

### A PROCLAMATION TO DECLARE APRIL 14-20, 2019, AS ANIMAL CONTROL OFFICER APPRECIATION WEEK

WHEREAS, the National Animal Care and Control Association (NACA) is committed to setting the standard of professionalism in animal welfare and public safety through training, networking and advocacy; and

WHEREAS, NACA has designated the second week of April each year as Animal Control Officer Appreciation Week; and

WHEREAS, animal care and control professionals dedicate their lives to the health and safety of at -risk, helpless animals; and

WHEREAS, animal care and control professionals work to rescue and protect animals from injury, disease, abuse and starvation; and

WHEREAS, federal, state and local government officials throughout the nation take this time of the year to recognize, thank and commend all animal care and control professionals for the dedicated services they provide; and

WHEREAS, the Commonwealth of Virginia recognizes and commends animal care and control professionals for the many dedicated, long hours of service they perform, and for fulfilling the commitment to providing the highest and most efficient level of customer service; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That the Board does hereby recognize April 14 through 20, 2019, as Animal Control Officer Appreciation Week in Fauquier County.

- Mr. Granger presented to Ms. Maria Del Rosso and members of the Library Board of Director a Proclamation recognizing the Fauquier County Library Community Read Program, to wit:

PROCLAMATION

A PROCLAMATION TO RECOGNIZE THE FAUQUIER COUNTY LIBRARY  
2019 FAUQUIER COMMUNITY READ PROGRAM

WHEREAS, this week we celebrate National Library Week, a time to recognize the Fauquier County Public Library as a treasured institution that provides free access to ideas and information; and

WHEREAS, recognizing the library’s role to support life-long learning, once a year the Library Board invites the Fauquier community to read the same book because it believes that a community that reads together is a community that grows together; and

WHEREAS, “Before We Were Yours” by Lisa Wingate, a thought-provoking story of a family lost and found and the triumph of sibling love, has been chosen as the 2019 Fauquier Community Read book; and

WHEREAS, with support from the Friends of the Fauquier Library, the Kortlandt Fund of the Northern Piedmont Community Foundation and the Library Board, the library staff and volunteers have planned free activities and programs to explore “Before We Were Yours”; and

WHEREAS, Ms. Wingate will visit Fauquier County on May 16<sup>th</sup> to speak about her book and conduct a workshop on May 17<sup>th</sup> with aspiring high school writers; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 11th day of April 2019, That the Fauquier County Library 2019 Fauquier Community Read Program be, and is hereby, recognized; and, be it

PROCLAIMED FURTHER, That the Board encourages all citizens to read the book “Before We Were Yours” and attend related programs to reflect, discuss and embrace author Wingate’s message of the enduring ties of family love.

**CONSENT AGENDA**

Ms. McDaniel moved to adopt the following Consent Agenda items. Mr. Gerhardt seconded and, following discussion, the vote was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>

*Abstention: None*

**Minutes of the Fauquier County Board of Supervisors**

Approved as presented.

**A Resolution to Award the Medical and Pharmacy Insurance Contract to Anthem Blue Cross Blue Shield and to Adopt the Health Insurance Rates for FY 2020**

RESOLUTION

A RESOLUTION TO AWARD THE MEDICAL AND PHARMACY INSURANCE CONTRACT TO ANTHEM BLUE CROSS BLUE SHIELD AND TO ADOPT THE HEALTH INSURANCE RATES FOR FY 2020

WHEREAS, Fauquier County Government requested proposals for medical and prescription services; and

WHEREAS, the Request for Proposal Committee reviewed eight proposals to determine the best financial option with the most access to medical and pharmacy providers; and

WHEREAS, the recommendations were presented to the Board of Supervisors concerning the employee health insurance program and its rate structure; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That the Fauquier County Medical and Pharmacy Insurance be, and is hereby, awarded to Anthem Blue Cross Blue Shield for services commencing July 1, 2019; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to execute the contract for medical and pharmacy insurance upon the review and approval of the County Attorney; and, be it

RESOLVED FINALLY, That the employee rates are hereby adopted for FY 2020 effective June 1, 2019.

**A Resolution to Award the Dental Insurance Contract to Delta Dental of Virginia and To Adopt the Dental Insurance Rates for FY 2020**

RESOLUTION

A RESOLUTION TO AWARD THE DENTAL INSURANCE CONTRACT TO DELTA DENTAL OF VIRGINIA AND TO ADOPT THE DENTAL INSURANCE RATES FOR FY 2020

WHEREAS, Fauquier County Government requested proposals for dental services; and

WHEREAS, the Request for Proposal Committee reviewed ten proposals to determine the best financial option with the most access to dental providers; and

WHEREAS, the recommendations were presented to the Board of Supervisors concerning the employee dental insurance program and its rate structure; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That the County Dental plan be, and is hereby, awarded to Delta Dental of Virginia for services commencing July 1, 2019; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to execute the contract for dental insurance upon the review and approval of the County Attorney; and, be it

RESOLVED FINALLY, That the employee rates are hereby adopted for FY 2020 effective June 1, 2019.

**A Resolution Authorizing the County to Amend the Employee Health Cottage, Health Services Agreement**

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY TO AMEND THE EMPLOYEE HEALTH COTTAGE, HEALTH SERVICES AGREEMENT

WHEREAS, on September 14, 2017, the Fauquier County Board of Supervisors approved award of the Employee Health Cottage to Marathon Health, LLC, of Winooski, Vermont; and

WHEREAS, this Health Services Agreement is being expanded to allow for the addition of dependent spouses and children, inclusion of Water and Sanitation Authority employees and dependents, and addition of occupational health physicals for three hundred (300) volunteer fire department firefighters; and

WHEREAS, the increase in the Agreement amount for Marathon Health, LLC, is necessary in order to provide these additional services as proposed in the First Addendum; and

WHEREAS, the dollar value of this First Addendum exceeds the allowable 25% of original contract value noted in Procurement Policy Section VI, Section 14, thereby requiring Board approval of the First Addendum; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That the Fauquier County Administrator or his designee, be, and is hereby, authorized to execute Health Services Agreement First Addendum for an additional \$390,000 with Marathon Health, LLC, for added services as noted herein, bringing the new total contract value to \$ 1,459,997.00.

**A Resolution to Designate Stoney Road (Route 636) as a Virginia Department of Transportation (VDOT) Rural Rustic Road, Cedar Run District**

RESOLUTION

A RESOLUTION TO DESIGNATE STONEY ROAD (ROUTE 636) AS A VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) RURAL RUSTIC ROAD, CEDAR RUN DISTRICT

WHEREAS, Section 33.2-332 of the Code of Virginia, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Fauquier County Board of Supervisors desires to consider whether Stoney Road (Route 636), from Green Road (Route 674) to the end of state maintenance, should be designated as a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's Six-Year Plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation; and, be it

RESOLVED FURTHER, That the Board requests this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

**A Resolution to Designate Old Culpeper Road (Route 800) as a Virginia Department of Transportation (VDOT) Rural Rustic Road, Marshall District**

RESOLUTION

A RESOLUTION TO DESIGNATE OLD CULPEPER ROAD (ROUTE 800) AS A VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) RURAL RUSTIC ROAD, MARSHALL DISTRICT

WHEREAS, Section 33.2-332 of the Code of Virginia, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Fauquier County Board of Supervisors desires to consider whether Old Culpeper Road (Route 800), from James Madison Highway (US 15/17/29) to the end of state maintenance, should be designated as a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's Six-Year Plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation; and, be it

RESOLVED FURTHER, That the Board requests this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

**A Resolution to Designate Dulins Ford Road (Route 798) as a Virginia Department of Transportation (VDOT) Rural Rustic Road, Marshall District**

RESOLUTION

A RESOLUTION TO DESIGNATE DULINS FORD ROAD (ROUTE 798) AS A VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) RURAL RUSTIC ROAD, MARSHALL DISTRICT

WHEREAS, Section 33.2-332 of the Code of Virginia, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Fauquier County Board of Supervisors desires to consider whether Dulins Ford Road (Route 798), from Leeds Manor Road (Route 688) to the end of state maintenance, should be designated as a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's Six-Year Plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation; and, be it

RESOLVED FURTHER, That the Board requests this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

**A Resolution to Designate Springs Mill Road (Route 823) as a Virginia Department of Transportation (VDOT) Rural Rustic Road, Lee District**

RESOLUTION

A RESOLUTION TO DESIGNATE SPRINGS MILL ROAD (ROUTE 823) AS A VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) RURAL RUSTIC ROAD, LEE DISTRICT

WHEREAS, Section 33.2-332 of the Code of Virginia, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Fauquier County Board of Supervisors desires to consider whether Springs Mill Road (Route 823), from Warrenton Road (US 17) to the end of state maintenance, should be designated as a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's Six-Year Plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation; and be it

RESOLVED FURTHER, That the Board requests this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

**A Resolution to Accept and Appropriate Additional Grant Funding in Support of the Warrenton-Fauquier Airport's Terminal Apron and Access Road Construction Project**

RESOLUTION

A RESOLUTION TO ACCEPT AND APPROPRIATE ADDITIONAL GRANT FUNDING IN SUPPORT OF THE WARRENTON-FAUQUIER AIRPORT'S TERMINAL APRON AND ACCESS ROAD CONSTRUCTION PROJECT

WHEREAS, the Warrenton-Fauquier Airport was recently awarded additional funding from the Federal Aviation Administration (FAA) and the Virginia Department of Aviation (DOAV) to support the Terminal Apron and Access Road project; and

WHEREAS, the total additional award amount is \$361,446, of which \$325,302 is sourced by the FAA, \$28,915 is sourced by the DOAV, and \$7,229 is sourced by the County's local match; and

WHEREAS, this project is a part of the approved Airport Capital Improvement Plan (ACIP) and the County's Capital Improvement Program (CIP) with local matching funds sourced in the adopted FY 2019-2023 County Capital Improvement Program; and

WHEREAS, a terminal apron, connector taxiway and entrance road will be built to support the new terminal building; and

WHEREAS, upon commencement of construction of the project, additional waste excavation and disposal was required; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That the Board hereby authorizes the appropriation and acceptance of grant funds as allocated by the FAA and DOAV, and hereby authorizes the Office of Management and Budget and the Finance Department to process the budget adjustment required for this appropriation; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign documents related to the acceptance of grant funds on behalf of the Fauquier County.

**A Resolution to Approve Change Order 2 for Sargent Corporations Contract for Services for the Terminal Area Site Preparation/Terminal Apron & Access Taxiway Construction Project at the Warrenton-Fauquier Airport**

RESOLUTION

A RESOLUTION TO APPROVE CHANGE ORDER 2 FOR SARGENT CORPORATION'S CONTRACT FOR SERVICES FOR THE TERMINAL AREA SITE PREPARATION / TERMINAL APRON & ACCESS TAXIWAY CONSTRUCTION PROJECT AT THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, the Warrenton-Fauquier Airport was awarded grant funding from the Federal Aviation Administration (FAA) and the Virginia Department of Aviation (DOAV) in the to support the terminal building construction project; and

WHEREAS, the total award amount was \$4,995,238, of which \$3,765,801 is sourced by the FAA, \$938,548 is sourced by the DOAV, and \$245,889 is sourced by the County's local match; and

WHEREAS, the County Contract #69-17ksc was awarded to Sargent Corporation in 2017 in the amount of \$4,473,114; and

WHEREAS, Sargent Corporation has submitted a change order in the amount of \$361,446.20 for the removal of debris encountered during construction of the access road; and

WHEREAS, the additional costs were incurred due to the debris being discovered once excavation began as the original site testing did not discover any foreign materials; and

WHEREAS, Warrenton-Fauquier Airport recommends the approval of Change Order 2 as part of the Terminal Area Site Preparation/Terminal Apron & Access Taxiway Project; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That the Board of Supervisors hereby authorizes the approval of Change Order #2 to Contract #69-17ksc for Sargent Corporation for the amount referenced above, FAA Project No. 3-51-0068-022-2017 and DOAV Project Nos. CS0068-25 and CF0068-22; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign documents related to the award of this contract on behalf of Fauquier County.

**A Resolution to Award an On-Call Contract for Construction Engineering and Inspection Services for Grant Projects**

RESOLUTION

A RESOLUTION TO AWARD AN ON CALL CONTRACT FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR GRANT PROJECTS

WHEREAS, in 2018 the County issued a request for proposal (RFP) #46-18sm for Construction Engineering and Inspection Services (CEI) for the services related to Virginia Department of Transportation (VDOT) federally funded grant projects; and

WHEREAS, the County received seven proposals that were reviewed by a panel of County staff, with the panel interviewing four of the respondents and selecting the top two offerors; and

WHEREAS, the top respondents, McDonough Bolyard Peck, Inc. (MBP) and Whitman, Requardt, & Associates, LLP (WRA) provided a fee proposals for all CEI services including pre-construction, construction, and materials testing; and

WHEREAS, the proposal and related documentation requires review and approval by the Virginia Department of Transportation's Central Office (VDOT), with any follow-up documentation requirements executed at the district level; and

WHEREAS, the grant terms and conditions, as well as County Procurement Policy, require Board of Supervisor's approval of this contract award; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of April 2019, That the Board hereby authorizes the award of RFP #46-18sm to McDonough Bolyard Peck, Inc., and Whitman, Requardt, & Associates, LLP, for on-call CEI services upon full completion of VDOT review processes and concurrence.

**A Resolution to Award a Contract for Construction Engineering and Inspection Services to Whitman, Requardt and Associates, LLP, for the Marshall Streetscape Improvements Project**

RESOLUTION

A RESOLUTION TO AWARD A CONTRACT FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES TO WHITMAN, REQUARDT, AND ASSOCIATES, LLP FOR THE MARSHALL STREETSCAPE IMPROVEMENTS PROJECT

WHEREAS, in 2018 the County issued a request for proposal (RFP) #65-18sm for Construction Engineering and Inspection Services (CEI) for services related to the Marshall Streetscape Improvements grant project; and

WHEREAS, the County received eight, responsive proposals that were reviewed by a panel of County staff, with the panel interviewing three of the respondents; and

WHEREAS, the top respondent Whitman, Requardt, & Associates, LLP, provided a fee proposal for all CEI services, including pre-construction; construction; and materials testing, totaling \$398,324.55; and

WHEREAS, the proposal and related documentation requires review and approval by the Virginia Department of Transportation's Central Office (VDOT); with any follow-up documentation requirements executed at the district level; and

WHEREAS, the grant terms and conditions, as well as County Procurement Policy, require Board of Supervisor's approval of this contract award; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of April 2019, That the Board does hereby authorize the award of RFP #65-18sm to Whitman, Requardt, & Associates, LLP, for CEI Services for the Marshall Streetscape Improvement Project, UPC 91227, upon full completion of VDOT review processes and concurrence.

**A Resolution Authorizing an Agreement to Provide Space on a Town Of Warrenton Water Tower for a Broadband Antenna and a Memorandum of Understanding Between the Town and County for Provision of Geographic Information System Services**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A LEASE FOR A BROADBAND ANTENNA ON A TOWN OF WARRENTON WATER TOWER AND A MEMORANDUM OF UNDERSTANDING WITH THE TOWN OF WARRENTON FOR GIS SERVICES

WHEREAS, the Town of Warrenton Town Council and Fauquier County Board of Supervisors determined that execution of these two agreements will increase their ability to preserve the health, safety and welfare of their citizens; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of April 2019, That, the Lease Agreement and the Memorandum of Understanding for GIS Services with the Town of Warrenton be, and is hereby, authorized for execution with any amendments or changes as recommended by the County Attorney.

**A Resolution to Authorize the Sale of County Owned Property Identified as Elk Run Lot 2, Midland, Virginia (PIN# 7818-53-3121-000)**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE SALE OF COUNTY OWNED PROPERTY IDENTIFIED AS ELK RUN LOT 2, MIDLAND, VIRGINIA (PIN# 7818-53-3121-000)

WHEREAS, Fauquier County is the owner of a 22.83 acre unimproved parcel located in Cedar Run Magisterial District identified as Elk Run Lot 2 (PIN# 7818-53-3121-000); and

WHEREAS, the Fauquier County Board of Supervisors adopted a resolution on February 8, 2018, authorizing the County Administrator to take all actions necessary to sell certain surplus County real property; and

WHEREAS, the property identified as Elk Run Lot 2 (PIN# 7818-53-3121-000) is one of the surplus real properties referenced in the February 8, 2018, resolution of the Board of Supervisors; and

WHEREAS, the property was appraised at \$62,000; and

WHEREAS, after marketing of the property, Fauquier County has received an offer for the purchase of the unimproved property identified as Elk Run Lot 2 (PIN# 7818-53-3121-000); and

WHEREAS, pursuant to Section 15.2-1800 of the Code of Virginia, 1950, as amended, the County may sell its real property following a public hearing; and

WHEREAS, the County has previously conducted a public hearing on the sale of the unimproved property identified as Elk Run Lot 2 (PIN# 7818-53-3121-000); now, therefore, be it:

RESOLVED by the Fauquier County Board of Supervisors this 11th day of April 2019, That the Sales Contract for Unimproved Land dated March 26, 2019, from Suzanne Miller for the purchase from Fauquier County of Elk Run Lot 2, Midland, Virginia (PIN# 7818-53-3121-000) for the sum of \$75,000 is hereby ratified and the County Administrator and the County Attorney are hereby authorized to take all actions necessary to complete the sale in accordance with the Contract.

**A RESOLUTION TO TRANSFER \$300,000 FROM THE CAPITAL RESERVE TO THE MARSHALL STREETSCAPE IMPROVEMENT PROJECT**

Ms. McDaniel moved to adopt the following Resolution. Mr. Trumbo announced that he would recuse himself from the vote due to his business interest in the project area. Mr. Granger seconded and, following discussion, the vote was unanimous, as follows:

*Ayes: Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: Mr. R. Holder Trumbo, Jr.*

RESOLUTION

A RESOLUTION TO TRANSFER \$300,000 FROM THE CAPITAL RESERVE TO THE MARSHALL STREETSCAPE IMPROVEMENTS PROJECT

WHEREAS, the County holds a grant from the Virginia Department of Transportation (VDOT) for the Marshall Streetscape Improvement Project and in the FY 2019 budget process identified funding shortfalls due to increased construction costs; and

WHEREAS, the County initiated efforts to complete the project within VDOT time requirements and also allowed to initiate a community effort to raise private support to fund the additional money for undergrounding to complete the full, anticipated scope of the project; and

WHEREAS, private support totaling \$610,000 has been committed for the project and an additional \$367,000 in proffer funding has been reallocated, with the reduction of scope relative to the Frost Street Improvements determined to be unnecessary, reducing the funding shortfall to \$300,000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of April 2019, That \$300,000 be, and is hereby, allocated from the County's Capital Reserve to the Marshall Streetscape Improvements Project.

**A RESOLUTION TO APPROVE SUBDIVISION ORDINANCE WAIVER WAIV-19-010723, WINCE SUBDIVISION, LOT 6 - AN APPLICATION TO WAIVE THE REQUIREMENTS OF SUBDIVISION ORDINANCE SECTION 7-17 SUBSECTION C RELATED TO THE INSTALLATION OF A PEDESTRIAN TRAIL (PIN-6993-09-0350-000), CEDAR RUN DISTRICT**

Mr. Butler moved to adopt the following Resolution. Mr. Granger seconded and, following discussion, the vote was unanimous, as follows:

*Ayes: Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr*

*Nays: None*

*Absent During Vote: None*

*Abstention: None*

RESOLUTION

A RESOLUTION TO APPROVE WAIV-19-010723 – A WAIVER OF SUBDIVISION ORDINANCE SECTION 7-17 SUBSECTION C TO WAIVE THE CONSTRUCTION OF A PEDESTRIAN TRAIL IN A PROPOSED SUBDIVISION (PIN 6993-09-0350-000), CEDAR RUN DISTRICT

WHEREAS, the Applicants, Hurley and Bonnie Shortt, have requested a Waiver of Subdivision Ordinance 7-17 Subsection C to waive the construction of a pedestrian trail as part of a proposed subdivision located at the intersection of Wince Lane and Meetze Road within the Warrenton Service District; and

WHEREAS, the Applicants propose to subdivide the 3.2089 acre parcel into two residential lots; and

WHEREAS, Section 7-17.C of the Subdivision Ordinance requires the construction of pedestrian trails, or dedication of easements for future trails, as shown in the Comprehensive Plan; and

WHEREAS, there is a 10 foot pedestrian trail along Meetze Road shown in Chapter 6 and Chapter 10 of the Comprehensive Plan; and

WHEREAS, Section 7-17 allows the requirement for constructing a pedestrian trail to be waived by the Planning Commission as provided for in Section 4-27 of the Subdivision Ordinance; and

WHEREAS, on March 21, 2019, the Planning Commission held a public meeting and considered written and oral testimony concerning the waiver request; and

WHEREAS, the Planning Commission approved the waiver after determining that construction of the pedestrian trail as part of the proposed subdivision is not in keeping with the character of the area, does not serve the public interest and that no pedestrian and vehicular traffic hazards will be created; and

WHEREAS, the Board of Supervisors affirms the determination of the Planning Commission that the application satisfies the standards of Subdivision Ordinance Section 7-17(C); now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of April 2019, That WAIV-19-010723 be, and is hereby, approved subject to the following condition:

1. The waiver is granted only for the purpose(s), structure(s) and/or uses indicated in the waiver application (WAIV-19-010723) submitted by Hurley and Bonnie Shortt (Owner/Applicant), and shall be in conformance with the application materials.

**A RESOLUTION TO ADOPT THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY AND FAUQUIER COUNTY BOARD OF SUPERVISORS SELF-FUNDED AGREEMENT (ADDENDUM #4) FOR FY 2020**

Mr. Butler moved to adopt the following Resolution. Mr. Gerhardt seconded and, following discussion, the vote was unanimous, as follows:

*Ayes: Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr*

*Nays: None*

*Absent During Vote: None*

*Abstention: None*

RESOLUTION

**A RESOLUTION TO ADOPT THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY AND FAUQUIER COUNTY BOARD OF SUPERVISORS SELF-FUNDED AGREEMENT (ADDENDUM #4) FOR FY 2020**

WHEREAS, the Fauquier County Water and Sanitation Authority (FCWSA) and the Fauquier County Board of Supervisors' have joined in an agreement to offer medical, pharmacy, and dental programs to employees of the Fauquier County Water and Sanitation Authority since July 1, 2019; and

WHEREAS, the Fauquier County Water and Sanitation Authority agrees to continue the partnership with the Fauquier County Board of Supervisors; and

WHEREAS, the Fauquier County Water and Sanitation Authority employees (forty-four) and dependents covered under the Fauquier County medical insurance plan will be eligible to use the Fauquier County Employee Wellness Center; and

WHEREAS, the Fauquier County Water and Sanitation Authority agrees to all costs outlined in the Addendum #4; and

WHEREAS, the Fauquier County Water and Sanitation Authority would continue participation in the Fauquier County Board of Supervisors' contracts as a "sub-group" to the main contracts; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That the attached Fauquier County Water and Sanitation Authority and Fauquier County Board of Supervisors Self-Funded Agreement (Addendum #4) be, and is hereby adopted for FY 2020.

### **APPOINTMENTS**

The following committee appointment(s) was made by unanimous consent:

- Rappahannock Emergency Medical Services Council, Inc.: Lieutenant Mary Hart was reappointed for a three-year term that ends June 30, 2022.
- Towing and Recovery Advisory Board: Sergeant Kenneth Frantz was appointed as Virginia State Police Representative.

### **SUPERVISORS' TIME**

- Mr. Granger said that he attended the groundbreaking ceremony for the Central Sports Complex and it was great to see so many there to make it a reality. Mr. Granger thanked the County Administrator and the Budget Office and said it is great for the community.
- Ms. McDaniel invited everyone to the opening of the Riverside Preserve for the first public access to the Rappahannock River. Ms. McDaniel added that the preserve is a crown jewel for Fauquier County, thanks to the generous donation of land made by Mr. Charles McDonald.
- Mr. Trumbo announced that on Saturday, May 4, 2019, the Virginia Gold Cup will be held at Great Meadows and he invited everyone to come out and have a good time.
- Mr. Gerhardt said that the groundbreaking for the Central Sports Complex was a terrific event. He added that it will give great benefit to kids and he thanked staff and all others who participated for all of their hard work in bringing the project to the forefront.
- Mr. Butler announced that on April 22, 2019, at 7:00 P.M. another public information meeting will be held at the Remington Lions Club to discuss proposed improvements to Route 29 / James Madison Highway and he encouraged all interested citizens to attend.

**ANNOUNCEMENTS**

- Mr. McCulla announced that the Board of Supervisors will convene for its next regular meeting on Thursday, May 9, 2019, in the Warren Green Building first floor meeting room, located at 10 Hotel Street in Warrenton, Virginia. Work sessions will begin at 11:00 A.M., to be followed by the regular meeting at 6:30 P.M.

**AN ORDINANCE TO AMEND SECTION 13.5-4(b)(3) OF THE FAUQUIER COUNTY CODE PROHIBITING REFUSE COLLECTION IN THE EARLY MORNING HOURS**

A public hearing was held to consider an amendment to Fauquier County Code § 13.5-4(b)(3) to prohibit refuse collection and sanitation services earlier than 7:00 A.M. Ms. Tracy Gallehr, Deputy County Attorney, summarized the proposed amendment.

- Ms. Jennifer Rose, Scott District, spoke in support of the proposed amendment.

No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following Ordinance. Mr. Granger seconded and, following discussion, the vote was unanimous, as follows:

*Ayes: Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.*

*Nays: None*

*Absent During Vote: None*

*Abstention: None*

ORDINANCE

AN ORDINANCE TO AMEND SECTION 13.5-4(B)(3) OF THE FAUQUIER COUNTY CODE PROHIBITING REFUSE COLLECTION IN THE EARLY MORNING HOURS

WHEREAS, the Fauquier Board of Supervisors, after due notice and public hearing, has determined that it is in the best interest of the health, safety and welfare of the citizens of Fauquier County to amend and adopt this Ordinance; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11th day of April, 2019, That Section 13-5.4(b)(3) of the Fauquier County Code be, and is hereby amended and adopted, which Section shall read as follows:

**Sec. 13.5-4. - Exemptions.**

(a) The following activities shall be exempt from the provisions of this chapter:

- (1) Animal shelters or kennels which were in existence prior to September 8, 2016.
- (2) Sporting events or other activities operated and conducted under the auspices of an official organization such as a hunt club, civic organization, public or private school or that which occurs on or in any municipal, county, state, federal property or facility.
- (3) Agricultural activities on agriculturally zoned property associated with crops, livestock, and livestock products, including field crops, fruits, vegetables, horticultural specialties, cattle, sheep, domesticated game animals, hogs, goats, horses, poultry, milk, honey, eggs, aquaculture, timber including Christmas trees, and dogs working or being trained to work in conjunction with any agricultural activity.
- (4) Automobile races at commercial facilities before 10:00 p.m., except Friday and Saturday evenings, which will be before 11:00 p.m.
- (5) Lawful discharge of firearms or lawful hunting.
- (6) Clocks, bells, carillons, and other calls to worship emanating from a public building, church or place of worship.
- (7) Noise generated by a business on industrially zoned property.
- (8) Railroads and any sound emanating from any area permitted by the Virginia Department of Mines, Minerals and Energy, or any division thereof.
- (9) The emission of sound for the purpose of alerting persons to the existence of an emergency, provided that such alarm signals cease once any threat is no longer imminent.
- (10) The emission of sound in response to any emergency situation by law enforcement, fire and rescue personnel or any other public employee.
- (11) Use and operation of any equipment to remove snow or ice.
- (12) Operation of backup generators during power outages resulting from storms or other emergencies.
- (13) Heat pumps and/or air conditioners operated in accordance with manufacturer's specifications.
- (14) Electric garage door openers when properly installed and operated according to manufacturer's specifications and alarms or noise emanating from a motor vehicle when locking or unlocking such vehicle. (15) Motor vehicles travelling on a public right-of-way and any other activities for which the regulation of noise has been preempted by federal or state law.

(16) Any noise associated with a use permitted by the issuance of special exception or special use permit for that use on the subject property.

(17) The provisions of this chapter shall not subject a sport shooting range to noise control standards more stringent than those in effect at the time of the effective date of the range. The operation or use of a sport shooting range shall not be enjoined on the basis of noise, nor shall any person be subject to action for nuisance or criminal prosecution in any matter relating to noise resulting from the operation of the range, if the range is in compliance with all ordinances relating to noise in effect at the time of the effective date of the range. For the purposes of this section, the following definitions shall apply: a. A sport shooting range is an area or structure designed for the use for rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting; and b. Effective date means the time the construction or operation of the sports shooting range initially was approved, or at the time any application was submitted for the construction or operation of the sports shooting range, whichever is earliest.

(b) The following activities or sources of sound shall be exempt during the hours of 7:00 a.m. to 10:00 p.m., unless specifically noted otherwise, from the prohibitions in this chapter:

(1) Activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property, except no such activities shall commence before 9:00 a.m. on Saturdays, Sundays and federal holidays.

(2) Gardening, lawn care, tree maintenance or removal, and other landscaping activities.

**(3) Refuse collection and sanitation services, except that refuse collection and sanitation services may begin at 5:00 6:00 a.m.**

(4) Testing of audible signal devices which are employed as warning or alarm signals in case of fire, emergency, theft, or burglary, or imminent danger, except such testing shall not occur after 8:00 p.m.

(Ord. No. 88-3, 6-7-88; Ord. No. 16-2, 9-8-16; Ord. No. 19-\_\_, 4-11-19)

### **A RESOLUTION TO ADOPT THE 2019-2020 THROUGH 2024-2025 SIX-YEAR PLAN FOR SECONDARY ROADS (SSYP) AND THE 2019-2020 FISCAL YEAR BUDGET**

A public hearing was held to consider a Resolution to adopt the Virginia Department of Transportation 2019-2020 through 2024-2025 Six-Year Plan for Secondary Roads (SSYP) and the FY 2019-2020 Budget. Ms. Marie Pham, Transportation Planner, summarized the plan.

- Mr. Jim Cirillo, Cedar Run District, Rector of Grace Church, spoke in support of resurfacing Grace Church Lane.
- Ms. Joanne Grout, Cedar Run District, spoke in support of resurfacing Grace Church Lane.

- Mr. Richard Embrey, Cedar Run District, spoke in favor of paving Grace Church Lane.
- Ms. Dale Hilgartner-Cirillo, Cedar Run District, spoke in support of resurfacing Grace Church Lane. She also read a letter of support for paving Grace Church Lane from Rob and Melanie Moline of Midland, Virginia.

No one else spoke. The public hearing was closed. Mr. Butler moved to adopt the following Resolution. Ms. McDaniel seconded and, following discussion, the vote was unanimous, as follows:

**Ayes:** *Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.*

**Nays:** *None*

**Absent During Vote:** *None*

**Abstention:** *None*

## RESOLUTION

### A RESOLUTION TO ADOPT THE 2019-2020 THROUGH 2024-2025 SIX-YEAR PLAN FOR SECONDARY ROADS (SSYP) AND THE 2019-2020 FISCAL YEAR BUDGET

WHEREAS, the 2019-2020 through 2024-2025 Secondary Construction Six-Year Plan and the 2019-2020 Fiscal Year Budget for Fauquier County was duly advertised for public hearing and said public hearing was held on April 11, 2019, and that the items brought forth at the public hearing were duly considered; and

WHEREAS, on October 24, 2018, the Fauquier County Transportation Committee recommended adoption of the Secondary Six-Year Plan for 2019-2020 through 2024-2025 transportation priorities, which are outlined herein; and

WHEREAS, on April 11, 2019, the Board of Supervisors held a joint public hearing with the Virginia Department of Transportation and received public comment on the Six-Year Plan; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That the 2019-2020 through 2024-2025 Secondary Construction Six-Year Plan and the 2019-2020 Fiscal Year Budget be, and are hereby, adopted as follows:

<u>Priority</u>	<u>Magisterial</u>	<u>Route</u>	<u>UPC</u>	<u>Route Name</u>	<u>Description of Work</u>
					<u>District</u>

1	Scott/Cedar Run	602	104300	Rogues Road	Safety and Operational Improvements from Route 9956 to Route 1352
2	Marshall/Scott	622	71962	Whiting Road	Reconstruct Road and Upgrade Railroad Crossing
3	Cedar Run	607	113500	Shenandoah Path	Reconstruct and Surface Treat from 0.85 Mile South of the Northern Intersection with Route 806 to 1.69 Miles South of the Northern Intersection with Route 806 as a Rural Rustic Road
4	Cedar Run	636	113790	Stoney Road	Reconstruct and Surface Treat from Route 674 to End of State Maintenance as a Rural Rustic Road
5	Marshall	798	113791	Dulins Ford Road	Reconstruct and Surface Treat from Route 688 to End of State Maintenance as a Rural Rustic Road
6	Marshall	800	113792	Old Culpeper Road	Reconstruct and Surface Treat from Route 29 to End of State Maintenance as a Rural Rustic Road
7	Lee	823	113793	Springs Mill Road	Reconstruct and Surface Treat from Route 17 to End of State Maintenance as a Rural Rustic Road
8	Lee	803	T22323	Curtis Road	Reconstruct and Surface Treat from Route 615 to End of State Maintenance as a Rural Rustic Road
9	Cedar Run	664	T22327	Grace Church	Reconstruct and Surface Treat from

				Lane	Route 602 to End of State Maintenance as a Rural Rustic Road
10	Cedar Run	834	T22326	Old Morgansburg Road	Reconstruct and Surface Treat from Route 841 to End of Road State Maintenance as a Rural Rustic Road
11	Marshall	780	113742	Cabin Branch Road	Reconstruct and Surface Treat from Route 681 to 0.9 mile north of Route 681 as a Rural Rustic Road
12	Marshall	780	TBD	Cabin Branch Road	Reconstruct and Surface Treat from Route 737 to 0.2 mile south of Route 737 as a Rural Rustic Road
13	Cedar Run	648	113743	Ebenezer Church Road	Reconstruct and Surface Treat from Route 602 to 0.9 Mile North of Route 602 as a Rural Rustic Road
14	Cedar Run	648	113857	Ebenezer Church Road	Reconstruct and Surface Treat from 0.9 Mile North of Route 602 to Route 646 as a Rural Rustic Road
15	Cedar Run	634	TBD	Elk Run Church Road	Reconstruct and Surface Treat from Route 758 to Route 637 as a Rural Rustic Road
16	Marshall	734	TBD	Washwright Road	Reconstruct and Surface Treat from Route 735 to Route 688 as a Rural Rustic Road
17	Marshall	735	TBD	Keyser Road	Reconstruct and Surface Treat from

Route 688 to 1.7 miles north Route 688  
as a Rural Rustic Road

18	Marshall	613	113411	Jeffersonton	Rehabilitate Waterloo Bridge Road
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**A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLES 3, 5, 7 AND 15 RELATED TO SEWER AND WATER PROVISIONS**

A public hearing was held to consider a Zoning Ordinance Text Amendment to Articles 3, 5, 7 and 15 related to sewer and water provisions. Ms. Heather Jenkins, Assistant Zoning Administrator, summarized the amendment.

No one else spoke. The public hearing was closed. Mr. Granger moved to adopt the following Ordinance, as amended. Mr. Butler seconded and, following discussion, the vote was unanimous, as follows:

***Ayes: Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.***  
***Nays: None***  
***Absent During Vote: None***  
***Abstention: None***

**ORDINANCE**

**A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLES 3, 5, 7 AND 15 RELATED TO SEWER AND WATER PROVISIONS**

WHEREAS, the Fauquier County Zoning Ordinance, Articles 3, 5, 7 and 15 contain regulations and definitions relating to sewer and water; and

WHEREAS, the current ordinance requirements for sewer and water are confusing and in many cases conflict with each other and adopted changes to the County Code and Subdivision Ordinance; and

WHEREAS, the County has determined that the public necessity, convenience, general welfare and good zoning practice warrant this amendment; and

WHEREAS, the Fauquier County Planning Commission initiated this text amendment on February 15, 2018 and then held a work session to discuss this topic on March 15, 2018; and

WHEREAS, on September 20, 2018, the Fauquier County Planning Commission conducted a public hearing and unanimously recommended approval of the text amendment; and

WHEREAS, on November 8, 2018, the Fauquier County Board of Supervisors held a work session to discuss the proposed text amendment; and

WHEREAS, on January 10, 2019, March 14, 2019, and April 11, 2019, the Fauquier County Board of Supervisors conducted a public hearing; now, therefore, be it

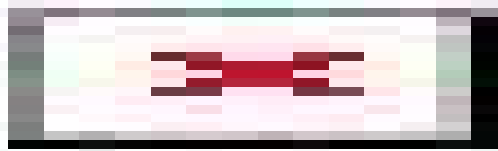
ORDAINED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019,  
That the following amendment to Zoning Ordinance Articles 3, 5, 7 and 15 related to sewer and  
water provisions, be, and is hereby, approved:

**ARTICLE 3**

**PART 3**

**3-300**

**USES**







least ten years, adequate provisions will be made to provide for the continued successful operation of the system, and the system will be deeded to a homeowners association with all necessary authority and easements to operate the system in perpetuity.

## ARTICLE 7

### OFF-STREET PARKING AND LOADING, STREETS, WATER AND SEWER, TREE CANOPY, LANDSCAPE AND BUFFER REQUIREMENTS

#### ~~PART 5~~ ————— ~~7-500~~ ————— ~~PUBLIC WATER AND SEWER AND CENTRAL WATER SYSTEM REQUIREMENTS~~

#### ~~7.500~~                    ~~Public Water and Sewer Requirements and Central Water System Requirements.~~

#### ~~7-501~~ ————— ~~Public Water Requirements~~

~~Public water shall be required for:~~

- ~~1. All residential subdivisions, multifamily or townhouse development of 7 or more lots or units under the following circumstances:
  - ~~A. Within the Bealeton, Marshall, New Baltimore, Opal, Remington and Warrenton and Catlett service districts except in those areas designated as non-sewered and/or non-public water growth areas in the Comprehensive Plan.~~
  - ~~B. Outside service districts in the R-1, R-2, RR-2 and V zones.~~~~
- ~~2. Commercial or industrially zoned properties in the Marshall Service District and Commercial zoned properties within the Warrenton Service District when immediately adjacent to the town limits provided that the Master Water and Sewer Plan contemplates water service unless a waiver has been obtained pursuant to Chapter 19 of the County Code.~~
- ~~3. These circumstances; however, the requirement for a public water system may be removed by special exception pursuant to Section 5-3100.~~

#### ~~7-502~~ ————— ~~Public Sewer Requirements~~

- ~~1. Except as described herein, public sewer shall be required for all lots and dwelling units located in any service district in which public sewer is available.~~
- ~~2. However, public sewer is not required:
  - ~~a) Within the Catlett, Calverton and Midland Service Districts; or~~~~

- b) ~~In any area of a service district designated as a non-sewered growth area in the Comprehensive Plan.~~
  - c) ~~In any area where the requirement for public sewer system has been removed by special exception pursuant to Section 3-330 and the general and specific standards contained in Article 5 of this Zoning Ordinance.~~
3. ~~Public and private central sewer systems shall not be permitted outside of any service district, nor permitted inside designated non-sewered areas within service districts of the Comprehensive Plan, except to correct existing health problems on developed lots. For purposes of this subsection the term "sewer system" shall be defined as any sewage disposal system serving two or more lots or dwelling units. Notwithstanding any other provision of this subsection to the contrary multiple use sewage disposal systems may be authorized outside of service district pursuant to Section 3-320 and the general and specific standards contained in Article 5 of this Zoning Ordinance when necessary to remediate a failed drainfield serving an existing use, which has been certified by the Virginia Health Department to pose a real or potential health threat and multiple use system is the only alternative for repair.~~

~~For existing lots with failing drainfields in designated non-sewered areas, within Service Districts of the Comprehensive Plan, the health mitigation priorities order are:~~

- a) ~~installation of individual alternative systems for each lot;~~
- b) ~~connection to a public sewer system; and, as a last resort, for clustered failures affecting 15 or more lots;~~
- c) ~~a community wastewater system that provides advanced wastewater treatment capable of biological nutrient removal designed to the Community Wastewater System Standards, Utility Standards and Rules and Regulations of the Fauquier County Water and Sanitation Authority (WSA) for the specified watershed location. Such community wastewater treatment systems must be owned and operated by the WSA. An amendment to the Comprehensive Plan for any remediation area being connected to~~

a public sewer system or community wastewater system shall be required and limited to the effected developed lots.

**7-503** ~~\_\_\_\_\_~~ **Sewer and Water Facility Design and Construction Requirements**

1. All public or central water and/or sewer facilities shall be designed and constructed to meet any applicable requirements of the Virginia Department of Health, Fauquier County Water and Sanitation Authority, the Subdivision Ordinance and this Ordinance.
2. Whenever a public water system is not required, a freestanding central water system shall be designed and constructed to serve all lots within a subdivision of seven or more lots, unless a special exception is obtained in accordance with the terms of Section 5-3100.
3. In subdivisions in the RA and RC zones containing 25 or more lots, the required central water system shall be designed and constructed to provide adequate fire flows as determined by the Virginia Department of Health.

**PART 5**

**7-500 WATER AND SEWER REQUIREMENTS**

**7-501**

**Applicability**

The provisions of Part 5 of Article 7 of this Ordinance shall apply to the development and subdivision of all lots and parcels within Fauquier County. The requirements of Part 5 may be waived or modified only where specifically allowed as stated below. All terms are used as defined in Article 15 of this ordinance.

**7.502 Water Supply Systems**

**A. Individual Water Supply System Required**

1. An individual water supply system, consisting of a privately-owned water well permitted through the Virginia Department of Health, is required to serve all lots and parcels of record except where a central water supply system is required as specified in this ordinance.
2. An individual water supply system may serve multiple uses and/or structures under common ownership that are located on a single parcel of record.
3. Any individual water supply system that meets the triggering threshold of a Public Water System as defined by the Environmental Protection Agency or a Waterworks as defined by the Virginia Water Works Regulations must be permitted

through the Virginia Department of Health – Office of Drinking Water.

## B. Central Water Supply System Required

### 1. Rural and Residential Uses and Zoning Districts

- a. A central water supply system is required for all subdivisions of seven or more lots, and all multifamily or townhouse developments.
- b. A central water supply system is required for all subdivisions with lots of less than one acre in size.
- c. Within service districts, all lots must be served by a municipal water supply system except in those areas that are designated as non-public water growth areas in the Comprehensive Plan and those lots where water service is not contemplated as a part of the Warrenton service district Master Water and Sewer Plan.
- d. Within service districts, where any building or structure that requires water service is located within 300 feet of an existing municipal water supply system, that building or structure shall be required to connect to the municipal water supply system per Chapter 19 of the County Code.
- e. For lots created through the Administrative Division or Family Division process as regulated by Section 3 of the Subdivision Ordinance, the requirement for a non-municipal central water supply system shall not apply.

### 2. Commercial and Industrial Uses and Zoning Districts

- a. Within the Catlett, Bealeton, Marshall, New Baltimore and Remington service districts, all commercial or industrial zoned properties must be served by a municipal water supply system.
- b. Within the Warrenton service district immediately adjacent to the Town limits, a municipal water supply system shall be required to serve all commercial zoned properties provided that the Master Water and Sewer Plan contemplates water service to that property.
- c. Where any existing or proposed structure that requires water service is located within 300 feet of an existing municipal water supply system, that structure shall be required to connect to the municipal water supply system per Chapter 19 of the County Code.

### 3. Waivers to the Central Water Supply System Requirement

- a. The requirement for a central water supply system may be removed within all rural and residential zoning districts with approval of a special exception per Section 5-3100.
- b. For an existing residential or commercial lot of record the landowner may install an individual water supply system

with the approval of an Administrative Permit where the following conditions are met:

1. There are no municipal or non-municipal water supply systems within 300 feet of the lot *or* the water supply system provider does not currently have the capacity to permit the connection *or* the lot is located within a non-public water growth area of a designated service district *or* water service is not contemplated as a part of the Warrenton service district Master Water and Sewer Plan; and
  2. There are no **current** plans for water supply system expansion or improvements within the immediate area of the lot ~~for a period of at least 5 years~~ that would allow for the connection; and
  3. Upon recordation of an agreement that the individual water supply system shall be abandoned, and connection shall be made to the central water supply system when it is available.
- c. The requirement for a central water supply system may be removed for subdivisions of six or less lots to allow individual wells on individual lots with approval of an Administrative Permit ~~in conjunction with a construction plan application as regulated by Section 10 of the Subdivision Ordinance,~~ where the following conditions are met:
1. The lots are one acre or greater in size; and
  2. There are no municipal or non-municipal water supply systems within 300 feet of the proposed subdivision *or* the existing water supply system currently does not have capacity to allow the connection; and
  3. There are no **current** plans for water supply system expansion within the immediate area of the subdivision ~~for a period of at least 5 years~~; and
  4. No further density for future subdivision remains; and
  5. All easements and conveyances are provided so as to allow the connection of the lots to the central water supply system in the future; and
  6. Upon recordation of a well agreement that the individual wells shall be abandoned, and connection shall be made to the central water supply system when it is available.

### **7.503 Sanitary Sewer Systems**

#### **A. Individual Sanitary Sewer System Required**

1. An individual sanitary sewer system, consisting of a privately-owned sewage disposal system that serves one lot or parcel of record as permitted through the Virginia Department of Health, is required to serve all lots and parcels of record except where a central sanitary sewer system is required or allowed as specified in this ordinance.

2. An individual sanitary sewer system may serve multiple uses and/or structures under common ownership that are located on a single parcel of record, where that system does not meet the definition of a Sewage Treatment Facility as found in Article 15.
3. An individual sanitary sewer system that discharges effluent to surface waters shall be allowed solely for remediation purposes. Where no on-site repair or non-discharging system can be located, and no municipal sanitary sewer system is available, a discharging system shall may be permitted with approval of a special exception per Section 5-2000.

#### B. Central Sanitary Sewer System Required

1. Connection to a central sanitary sewer system is required for all rural and residential subdivisions with lots of less than one acre in size.
2. Connection to a municipal sanitary sewer system is required for all lots and structures located in any service district or sewer remediation district where public sewer is available. However, connection to a municipal sanitary sewer system is not required in the following circumstances:
  - a. Within the Midland service district; and
  - b. In any area of a service district that is designated as a non-sewered growth area in the Comprehensive Plan.
3. ~~Non-municipal central sanitary sewer systems shall not be allowed outside of any service district, except in the following circumstances and with the approval of a special exception per Section 5-3000 and 5-2000:~~
  - ~~a. As a last resort for clustered failures affecting 15 or more lots, in order to correct existing health problems on developed lots when necessary to remediate a failed drainfield serving an existing use, which has been certified by the Virginia Department of Health to pose a real or potential health threat, and a multiple-use system is the only alternative for repair; or~~
  - ~~b. To serve existing commercial and residential structures located within the Village (V) or Commercial Village (CV) districts, zoned lots and structures that are located within the defined boundary of a village area as shown in the Comprehensive Plan, to be limited to the following: Bristersburg, Calverton, Casanova, Delaplaine, Goldvein, Hume, Markham, Morrisville, New Baltimore, Orlean, Paris, Rectortown, Sumerduck and Upperville.~~

#### C. Waivers to the Central Sanitary Sewer Requirement

1. The requirement to connect to a ~~municipal~~ central sanitary sewer system may be removed within all zoning districts by approval of a special exception per Section 5-3000.

2. For an existing residential or commercial lot of record the landowner may install an individual sanitary sewer system with the approval of an Administrative Permit where the following conditions are met:
  - a. There are no municipal or non-municipal sanitary sewer systems within 300 feet of the lot *or* the sewer system provider does not currently have the capacity to permit the connection *or* the lot is located within a non-sewered growth area of a designated service district *or* sewer service is not contemplated as a part of the Warrenton service district Master Water and Sewer Plan; and
  - b. There are no current plans for sanitary sewer system expansion or improvements within the immediate area of the lot for a period of at least 5 years that would allow for the connection; and
  - c. Upon recordation of an agreement that the individual sanitary sewer system shall be abandoned, and connection shall be made to the central sanitary sewer system when it is available.
  
3. The requirement to connect to central sanitary sewer system may be removed for subdivisions of six or less lots to allow individual sanitary sewer systems on individual lots with approval of an Administrative Permit ~~in conjunction with a construction plan application as regulated by Section 10 of the Subdivision Ordinance~~, where the following conditions are met:
  - a. The lots are one acre or greater in size; and
  - b. There are no municipal or non-municipal central sanitary sewer systems within 300 feet of the proposed subdivision *or* the existing sanitary sewer system currently does not have capacity to allow the connection; and
  - c. There are no current plans for sanitary sewer system expansion or improvements within the immediate area of the subdivision that would allow the connection to be made for a period of at least 5 years; and
  - d. No further density for future subdivision remains; and
  - e. All easements and conveyances are provided so as to allow the connection of the lots to the central sanitary sewer system in the future; and
  - f. Upon recordation of an agreement that the individual sanitary sewer systems shall be abandoned, and connection shall be made to the central sanitary sewer system when it is available.

#### **7.504 Water and Sewer Design and Construction Requirements**

All central water or sewer facilities shall be designed and constructed to meet any applicable requirements of the Virginia Department of Environmental Quality, Virginia Department of Health, Fauquier County Water and Sanitation Authority, the Fauquier County Code, the Subdivision Ordinance, and this ordinance.

#### A. Water Supply Systems

1. All proposed central water supply systems shall conform to the hydrogeologic testing requirements as found in Section 18 of the Subdivision Ordinance.
2. In subdivisions located in the Agriculture (RA) or Conservation (RC) zones with 25 or more lots, the required central water supply system shall be designed and constructed to provide adequate fire flows to all lots and dwellings.
3. For residential subdivisions of seven to twenty-five lots to be served by a non-municipal central water supply system, the distribution lines shall be sized to provide adequate fire flows.
4. For all non-municipal water supply systems where adequate fire flows are required, fire flow data shall be submitted with the applicable site plan or construction plan, and shall be reviewed for adequacy by the Virginia Department of Health.

#### B. Sanitary Sewer Systems

1. An individual sanitary sewer system must be located on the same lot or parcel as the use or structure that the system serves, except for repair of existing systems as allowed by Chapter 17 of the County Code, Section 17-7.9.
2. Individual sanitary sewer systems shall be designed and permitted with the following reserve capacity:
  - a. A reserve capacity equal to 100% of the primary area for all lots located within a designated service district area; or
  - b. A reserve capacity equal to 200% of the primary area for all lots located outside of a designated service district area.
3. Central sanitary sewer systems shall be designed and permitted with the following reserve capacity:
  - a. Non-municipal central sanitary sewer systems shall have a reserve capacity equal to 200% of the primary area; and
  - b. Municipal sanitary sewer systems shall be allowed a reduced reserve capacity equal to 100% of the primary area upon confirmation that site soils, facility design, and other characteristics are suitable to allow the reduced reserve capacity.
4. The owner of a non-municipal central sanitary sewer system must be registered with the State Corporation Commission as a Public Utility.
5. Any sanitary sewer facility where the operating characteristics meet the definition of a Sewage Treatment Facility as defined in Article 15 requires the approval of a special exception per Section 5-2000.
6. Where a non-municipal central sanitary sewer system is allowed per this ordinance to correct existing health problems on developed lots outside of a service district when necessary to remediate a failed drainfield serving an existing use, the central sanitary sewer system shall be designed to provide advanced wastewater treatment capable of biological nutrient removal

designed to the Community Wastewater System Standards, Utility Standards and Rules and Regulations of the Fauquier County Water and Sanitation Authority (WSA) for the specified watershed location.

## ARTICLE 15

### ORDINANCE STRUCTURE, INTERPRETATION AND DEFINITIONS

#### PART 3

#### 15-300

#### DEFINITIONS

The following definitions shall be used in the interpretation and administration of this Ordinance. The definition of various terms as presented herein does not necessarily represent the same definitions as may be found for the same terms in other Chapters of the Code.

~~**SEWAGE TREATMENT FACILITY:** A system to digest and/or treat more than 1,200 gallons per day (gpd) of sewage; or any system approved for experimental or provisional use by the Virginia Department of Health; or any system requiring discharge into an open ditch or water as the means of disposal.~~

**SANITARY SEWER SYSTEM:** A system which collects, treats and disposes of sewage that may be categorized by the following types:

**SEWAGE TREATMENT FACILITY:** A system to digest and/or treat more than 1,200 gallons per day of sewage; or any system approved for experimental or provisional use by the Virginia Department of Health; or any system requiring discharge into an open ditch or water as the means of disposal.

**INDIVIDUAL:** A sanitary sewer system that serves one parcel, which may include multiple structures under common ownership.

**CENTRAL:** A sanitary sewer system that serves two or more parcels or structures under separate ownership.

**DISCHARGING:** A sanitary sewer system that outlets effluent to surface waters of the Commonwealth.

**NON-DISCHARGING:** A sanitary sewer system that disposes of effluent below the ground surface.

**MUNICIPAL:** A sanitary sewer system that is owned by a government body or agency (e.g., Fauquier County, Fauquier Water and Sanitation Authority or Town of Warrenton).

**NON-MUNICIPAL:** A sanitary sewer system that is owned by a private entity.

**SEWER, PUBLIC:** A municipal sanitary sewer system; see SANITARY SEWER SYSTEM.

**WATER, PUBLIC:** A municipal water supply system. For the purposes of this ordinance, this shall not be taken to mean a Public Water System as defined by the Environmental Protection Agency and permitted by the Virginia Department of Health – Office of Drinking Water. See WATER SUPPLY SYSTEM.

**WATER SUPPLY SYSTEM:** A system for the collection, transmission, treatment, storage and distribution of water from source to consumers, which may include but are not limited to homes, commercial businesses, industrial developments and public agencies for water-related activities. A Water Supply System may be categorized by the following types:

**PUBLIC WATER SYSTEM:** As defined by the Environmental Protection Agency, a water system that provides water for human consumption to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year.

**INDIVIDUAL:** A water system that serves one parcel, which may include multiple structures under common ownership.

**CENTRAL:** A water system that serves two or more parcels from a common source.

**MAJOR:** A water system that meets the definition of a Public Water System as defined by the Environmental Protection Agency or a Waterworks as defined by the Virginia Waterworks Regulations of 12VAC5-590.

**MINOR:** A water system that is below the triggering threshold of a Public Water System as defined by the Environmental Protection Agency.

**MUNICIPAL:** A water system that is owned by a government body or agency (e.g., Fauquier County, Fauquier Water and Sanitation Authority or Town of Warrenton).

**NON-MUNICIPAL:** A water system that is owned by a private entity.

**A SUBDIVISION ORDINANCE TEXT AMENDMENT TO SECTIONS 2 AND 4 RELATED TO SEWER AND WATER PROVISIONS**

A public hearing was held to consider a Subdivision Ordinance Text Amendment to Sections 2 and 4 related to sewer and water provisions. Ms. Heather Jenkins, Assistant Zoning Administrator, summarized the amendment.

No one else spoke. The public hearing was closed. Mr. Granger moved continue the public hearing and postpone action on this matter for up to sixty (60) days. Mr. Gerhardt seconded, and following discussion, Mr. Granger amended his motion to adopt the following Ordinance. Mr. Butler seconded and, following discussion, the vote was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

**ORDINANCE**

**A SUBDIVISION ORDINANCE TEXT AMENDMENT TO SECTIONS 2 AND 4 RELATED TO SEWER AND WATER PROVISIONS**

WHEREAS, the Fauquier County Subdivision Ordinance, Sections 2 and 4 contain regulations and definitions relating to sewer and water; and

WHEREAS, the current ordinance requirements for sewer and water are confusing and in many cases conflict with each other and adopted changes to the County Code, Zoning and Subdivision Ordinance; and

WHEREAS, the County has determined that the public necessity, convenience, general welfare and good zoning practice warrant this amendment; and

WHEREAS, the Fauquier County Planning Commission initiated this text amendment on February 15, 2018 and then held a work session to discuss this topic on March 15, 2018; and

WHEREAS, on September 20, 2018, the Fauquier County Planning Commission conducted a public hearing and unanimously recommended approval of this text amendment; and

WHEREAS, on November 8, 2018 the Fauquier County Board of Supervisors held a work session to discuss the proposed text amendment; and

WHEREAS on January 10, 2019, March 14, 2019 and April 11, 2019 the Fauquier County Board of Supervisors conducted a public hearing; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That the following amendment to Subdivision Ordinance Sections 2 and 4 related to sewer and water provisions, be, and is hereby, approved:

***SECTION 2 - DEFINITIONS (WORDS AND TERMS)***

***2-41 Central Sewerage and/or Water System***

*Central Sewerage System - Any sewage disposal system which serves three or more parcels or buildings under separate ownership. A sanitary sewer system that serves two or more parcels or structures under separate ownership.*

*Central Water System - Any system of water service which serves three or more parcels or buildings under separate ownership from a common source(s). A water system that serves two or more parcels under separate ownership from a common source.*

The system shall include all buildings, equipment, lines and other facilities, and the associated land, converted in fee or by easement as necessary for ownership and operation.

***SECTION 4 - PLAT PREPARATION PROCEDURES, GENERAL***

***4-11—Sanitary Sewer and Water***

Except for agricultural lots meeting the requirements of Section 4-11(4) below, no subdivision shall be approved where individual water and/or septic tank systems are to be used until written approval has been secured from the Health Director, and where required by the provisions of the Zoning Ordinance, a Special Exception has been obtained permitting development of the parcel on individual septic tank systems and/or individual wells. The Director or his agent shall determine the suitability of soil for the use of septic tank systems with sub-surface disposal and shall not approve such subdivisions when satisfactory service is not reasonably anticipated. The Health Director or agent shall evaluate sub-surface disposal areas based on required soils studies,

and requirements of Fauquier County Sanitation Ordinances and the Sewage Handling and Disposal Regulations. Where lots are created that require the use of alternative sewage disposal systems; as defined in Chapter 17, Article II, the final plat of any subdivision subject to such systems shall have boldly printed thereon the words "**ALTERNATIVE SEWAGE DISPOSAL SYSTEM REQUIRED**" and reference made to the lot numbers of the lots subject to this requirement.

## 2. General Requirements

- e. Notwithstanding any other provisions of this Ordinance or the Zoning Ordinance, subdivisions of lots greater than one-half acre in size, and less than one acre in size, shall be served by a central water system, provided that the requirements of the Health Department and paragraph 9-13 of this Ordinance can be met. Lots less than one-half acre in size shall be served by central water and sewage systems. All lots in a subdivision in which central water and/or sewer are required shall be served by said system and deed restrictions to ensure same shall be required. Where a new or unapproved source(s) of water is involved in a proposed central water system, the source must be tested for quality and quantity impacts. Such tests shall include all those required by the Virginia Department of Health and the Water and Sanitation Authority. A detailed hydrogeologic report including descriptions of any on-site investigations and support materials shall be completed prior to approval of the preliminary plat. The hydrogeologic report must be prepared by a geologist or hydrologist certified in the Commonwealth of Virginia and it shall include the characteristics and extent of the aquifer utilized and the effect of pumping required to serve the subdivision on surrounding wells and the optimal yield of the aquifer. (Amended by the Board of Supervisors on July 12, 2012)
- d. Any person contemplating the construction of a public central water and/or sewerage system shall, by the time final subdivision plans, profiles and specifications are submitted, have agreed by written contract approved by the Fauquier County Water and Sanitation Authority that the water and/or sewerage system shall become the property of the Water and Sanitation Authority. Said system shall be constructed in accordance with Health Department and Water and Sanitation Authority requirements. Any requirements of the Water and Sanitation Authority, in a system, over and above that required to serve the needs of the proposed development shall be reimbursed in accordance with the Water and Sanitation Authority regulations.
- e. Plans, profiles, and specifications for central water and/or sewerage systems approved by the Water and Sanitation Authority, Virginia Department of Health, and/or State Water Control Board shall be submitted with the final plat of such subdivision. Where the Health Department or Water Control Board is required to review and approved water and/or sewerage plans, such approvals shall be submitted to the Water and Sanitation Authority prior to the review of the plans by the Authority.

- f. Wherever a private central water or sewer system is permitted, said system(s) shall be deeded to a homeowners association, with every lot owner a member, established as a non-profit corporation duly authorized under the laws of Virginia. The developer or owner shall present a plan including proper agreements and covenants running with the land acceptable to Fauquier County, for the development and maintenance of the system(s). The members of such non-profit corporate ownership shall be the owner of the system(s) and said system(s) is to be held and maintained for the owners of said subdivision lots. Covenants shall provide that the assessments, charges and cost for the maintenance of the system(s) shall constitute a pro rata lien upon the individual lots of the subdivision, inferior only to taxes and bona fide deeds of trust on each lot. Said system shall be constructed in accordance with Health Department requirements.

### 3. ~~Additional Requirements – Service Districts~~

~~Sewer shall be required in service districts as set forth in Section 7-502 of the Fauquier County Zoning Ordinance.~~

~~Any freestanding private system permitted by this Ordinance or the Zoning Ordinance shall be designed to the standards of the Virginia Department of Health. Such systems shall be designed to the standards of the Virginia Department of Health. Such systems shall be designed and constructed to provide adequate fire flows as determined by the Department of Emergency Services where the number of lots is twenty or more. Where the number of lots is from seven to nineteen the distribution lines shall be sized to provide adequate fire flows. All necessary easements and deed restrictions shall be provided requiring all lots to connect to the public water system when said system is extended to the subdivision. All lots shall have all necessary easements platted and deed restrictions requiring lot owners to connect to public water when it becomes available.~~

- e. ~~Notwithstanding anything contained in this ordinance to the contrary new subdivision lots may be approved without the individual sewage system disposal permits and approvals required by this ordinance upon the following conditions:~~

- 4. The lot is located in the Rural Agricultural or Rural Conservation Zoning District.

- 5. The owner of the lot submits an affidavit stating under oath that the lot is to be used solely for agricultural purposes, which do not require a sewage system. For purposes of this section the phrase "agricultural purposes" shall mean:

- Activities devoted to the bona fide production of fruits and vegetables of all kinds; meat, dairy and poultry products; nuts, tobacco, nursery and floral products; to animal pasturage, or to the production and harvest of products from silviculture activities.

6. The lot conforms with all other requirements of the ordinance and the Zoning Ordinance.—
7. The final plat of subdivision and the deed of subdivision creating the lots contain ~~boldly printed thereon the following statement:—~~

~~This lot was created for use for solely agricultural purposes and is not approved for an individual sewage disposal system. This lot may not be used for any purpose other than agricultural purposes as defined above until a permit for an individual sewage disposal system is approved by the Fauquier County Health Department pursuant to the requirements of Chapter 17 of the Fauquier County Code or public sewer is extended and available to the lot.~~

### *Sanitary Sewer and Water*

#### General Requirements

Adequate sanitary sewer and water shall be provided to all lots within a subdivision. Sewer and water shall be provided as found in Section 7-500 of the Zoning Ordinance and the Fauquier County Code.

Where a new or unapproved source of water is involved in a proposed central water system, the source must be tested for quality and quantity impacts, and meet the following requirements:

- a. The tests shall include all those required by the Virginia Department of Health, the Fauquier County Water and Sanitation Authority, and Section 18 of this ordinance.
- b. A detailed hydrogeologic report meeting all requirements as described in Section 18 of this ordinance shall be submitted and approved prior to submission of a preliminary plat, or prior to submission of a construction plan where no preliminary plat is submitted or required, or prior to submission of an infrastructure plan.

Plans, profiles and specifications for central water supply and central sanitary sewer systems shall be provided with the initial submission of a construction plan or infrastructure plan, as applicable.

Where the Health Department or Water Control Board is required to review and approve water and/or sewer plans, the approvals of these agencies shall be submitted by the applicant to the Fauquier County Water and Sanitation Authority prior to the review-approval of the plans by the Authority.

Wherever a privately-owned, non-municipal central water or sewer system is permitted, said system(s) shall be deeded to a homeowners association, with every lot owner a member, established as a non-profit corporation duly authorized under the laws of Virginia. The developer or owner shall present a plan including proper agreements and covenants running with the land acceptable to Fauquier County, for the development and maintenance of the system(s). The members of such non-profit corporate ownership shall be the owner of the system(s) and said system(s) is to be held and maintained for the owners of said subdivision lots. Covenants shall

provide that the assessments, charges and cost for the maintenance of the system(s) shall constitute a pro rata lien upon the individual lots of the subdivision, inferior only to taxes and bona fide deeds of trust on each lot. Said system shall be constructed in accordance with Health Department requirements.

#### Additional Requirements - Service Districts

Central water systems shall be designed and constructed to provide adequate fire flows as specified in Section 7-500 of the Zoning Ordinance.

For residential subdivisions to be served by a non-municipal central water system, all necessary easements and deed restrictions shall be provided requiring all lots to connect to the municipal water system when said system is extended to the subdivision.

All lots shall have all necessary easements platted and deed restrictions requiring lot owners to connect to a municipal water system when it becomes available.

#### 4. ~~Waiver of the Requirement to Provide Agricultural Exemption for Sewer and Water~~

Where individual sanitary sewer and water supply systems are allowed per Section 7-500 of the Zoning Ordinance, new subdivision lots may be approved without the required individual sanitary sewer and water supply system under the following circumstances:

4. The lot is located in the Agriculture (RA) or Conservation (RC) zoning districts; and
5. The owner of the lot submits a notarized affidavit stating under oath that the lot is to be used solely for agricultural purposes, which do not require a sanitary sewer system; and
6. The lot conforms with all other requirements of this ordinance and the Zoning Ordinance; and
7. The subdivision plat and the deed of subdivision creating the lot contain the following statement in bold print:

**THIS LOT WAS CREATED FOR USE FOR SOLELY AGRICULTURAL PURPOSES AND IS NOT APPROVED FOR AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM. THIS LOT MAY NOT BE USED FOR ANY PURPOSE OTHER THAN AGRICULTURAL PURPOSES UNTIL A PERMIT FOR AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM IS APPROVED BY THE FAUQUIER COUNTY HEALTH DEPARTMENT PURSUANT TO THE REQUIREMENTS OF CHAPTER 17 OF THE FAUQUIER COUNTY CODE OR PUBLIC SEWER IS EXTENDED AND AVAILABLE TO THE LOT.**

8. For purposes of this section, the phrase “agricultural purposes” shall mean the following:

Activities devoted to the bona fide production of fruits and vegetables of all kinds, meat, dairy and poultry products; nuts, tobacco, nursery and floral products; to animal pasturage, or to the production and harvest of products from silviculture activities.

**A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 4 PART 6 RELATED TO VETERINARY CLINICS AND ACCESSORY KENNELS IN THE PLANNED COMMERCIAL INDUSTRIAL DEVELOPMENT (PCID) DISTRICT**

A public hearing was held to consider A Zoning Ordinance Text Amendment to Article 4 Part 6 related to Veterinary Clinics and accessory kennels in the Planned Commercial Industrial Development (PCID) District. Ms. Amy Rogers, Zoning Administrator, summarized the amendment.

- Mr. Tim Hoffman, Scott District, President of the Vint Hill Homeowners Association, spoke in support of the text amendment.
- Mr. Joshua Merdossy, Scott District, spoke in support of the text amendment.
- Ms. Marlana Gray, Cedar Hill, spoke in support of the text amendment.
- Ms. Ami Pape, Esquire, spoke on behalf of the applicant to request favorable consideration of the proposed text amendment.
- Mr. Rick Dickson, Cedar Run District, spoke in support of the text amendment.

No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following Ordinance. Ms. McDaniel seconded and, following discussion, the motion carried by a vote of 4 to 1, as follows:

***Ayes: Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.***  
***Nays: Mr. Christopher T. Butler***  
***Absent During Vote: None***  
***Abstention: None***

**ORDINANCE**

**A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 4 PART 6 RELATED TO VETERINARY CLINICS AND ACCESSORY KENNELS IN THE PLANNED COMMERCIAL INDUSTRIAL DEVELOPMENT (PCID) DISTRICT**

WHEREAS, the Planned Commercial Industrial Development (PCID) District is a planned development zoning overlay district in the Fauquier County Zoning Ordinance; and

WHEREAS, the PCID provisions promote mixed-use limited commercial and light industrial uses; and

WHEREAS, Veterinary Clinics are a permitted use and Kennels are a special use in Commercial and Industrial Districts under Article 3 of the Zoning Ordinance; and

WHEREAS, the community has expressed interest in these uses within PCID areas; and



Conference or training center

Convenience stores

Contractors' offices and shops

Continuing care facilities

Construction office

Data Center using recycled water for cooling and with all new power lines,  
including transmission or substation feed lines, placed underground

Day care, child care, or nursery

Distribution facility

Farmers market

Health and fitness center/spa

Indoor sports/activity centers

Laundry, dry cleaners, laundromat

Manufacture, processing, fabrication and/or assembly of products such as, but  
not limited to scientific and precision instruments, photographic  
equipment, communication equipment, computation equipment, drugs,  
medicines, pharmaceuticals, household appliances, toys, sporting and  
athletic goods, die-cut paperboard and cardboard, glass products made of  
purchased glass, electric lighting and wiring equipment, service industry  
machines, lithographic and printing  
  
processes, industrial controls, radio and TV receiving sets, watches and  
clocks, bags and containers, sanitary paper products, optical goods,  
electrical machinery, wireless communications

Medical care facility, major or minor

Meeting halls for social, fraternal, civic, public and similar organizations

Mobile Eating Establishments (subject to the Standards in Section 5-807 of  
the Zoning Ordinance)

Motor vehicle service and repair, light

Offices, administrative, business and professional

Place of worship

Plant nursery/greenhouse

Postal Service, overnight courier collection and overnight mail distribution  
facility

Printing service

Private clubs

Public and quasi-public uses, including but not limited to post office, library, parks and recreation facilities, governmental office and service facilities, public safety facilities (fire and rescue, police)

Radio and television recording/broadcasting studio

Recycling drop off collection center, small

Repair service establishments

Research, experimental testing, or development activities

Restaurants

Schools, primary and secondary

Service Stations

Swimming/tennis/racquet facility

Technical schools, indoor and outdoor

Theater, indoor

Vehicle Transportation Service Establishments

**Veterinary Clinic**

Warehousing facilities

Water and sewer pumping stations

Wholesale trade establishments

#### **4-604**

#### **Secondary Uses Permitted**

The following secondary uses shall be permitted only in a PCID which contains one or more principal use; such secondary uses shall be supportive and complementary to (i.e., which serves the users of) existing permitted principal uses. Areas and sites for such uses shall be shown in the approved Development Plan and subject to the use limitations set forth in Section 4-606 below:

- (a) Parks, playgrounds, community centers and non-commercial recreational and cultural facilities which are not commercial, public or quasi-public.

- (b) Electric, gas, water, sewer and communication facilities, including transformers, pipes, meters, pump stations and related facilities for distribution of local services. Electrical substations are not included.
- (c) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or section and which shall be removed upon completion or abandonment of such construction.
- (d) Retail sales of products manufactured, assembled or distributed by a Principal User when in a Principal Use building and under ten percent (10%) of gross floor area.
- (e) The following may be included as Secondary Uses when within a Principal Use Building: fast food or take out restaurant, barber or beauty shop, gymnasium, adult or child care facility, dry cleaners (pick up and drop off services only), financial or ATM facilities and mailing services.

**4-605**

**Special Exception Uses**

The following uses may be approved by the Board of Supervisors pursuant to the requirements of Article V:

- (a) Any use listed in Section 603 which was specifically prohibited in the original approval and any use listed in Section 604 above which was not specifically designated in the approved Development Plan establishing the PCID.
- (b) Data Center not using recycled water for cooling and with all new power lines, including transmission or substation feed lines, placed underground.
- (c) Hotel/motel
- (d) Hospital

- (e) Motor freight terminals
- (f) Retail sales with floor area less than 75,000 square feet
- (g) Shopping centers under 200,000 square feet
- (h) Commercial golf course facility
- (i) Wastewater treatment facilities; water treatment facilities
- (j) Affordable Housing, Supportive Housing and Transitional Housing Facilities when proposed for use in an existing building.
- (k) Electrical Substation
- (l) **Kennel, Minor, accessory to a Veterinary Clinic., subject to standards found in Section 5-1301.2 and the following additional limitations:**
  - 1) **Boarding shall not exceed 10% of the total square footage of the building.**
  - 2) **The use shall be strictly indoors with no outdoor runs or exercise pens.**
  - 3) **The use shall not be located within 500 feet of a property line containing an existing or planned residential, transient housing, or institutional use.**

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX-19-010598, JEREMY M. & CAROLYN K. HODGE (OWNERS) / DOMINION SOIL SCIENCE, INC. (APPLICANT) – COPPER FOX LANE PROPERTY**

A public hearing was held to consider an application for a Category 20 Special Exception to allow a private individual sewage treatment system that discharges into a drainageway. The property is located at 10238 Copper Fox Lane, Cedar Run District (PIN 6980-97-5249-000). Mr. Ben Holt, Planner, summarized the application.

- Mr. Danny Hatch, of Dominion Soil Science, spoke on behalf of the applicant to request favorable consideration of the Special Exception.
- Ms. Donna Hunsaker, Cedar Run District, adjacent property owner spoke in opposition to the application, citing concern related to discharge into the waterway that crosses her property and potential consequences to her well.

No one else spoke. The public hearing was closed. Mr. Gerhardt moved to adopt the following Resolution. Mr. Butler seconded and, following discussion, the vote was unanimous, as follows:

**Ayes:** *Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.*

**Nays:** *None*

**Absent During Vote:** *None*

**Abstention:** *None*

#### RESOLUTION

A RESOLUTION TO APPROVE SPEX-19-010598, COPPER FOX LANE PROPERTY – AN APPLICATION FOR A CATEGORY 20 SPECIAL EXCEPTION TO ALLOW A PRIVATE INDIVIDUAL SEWAGE TREATMENT SYSTEM THAT DISCHARGES INTO A DRAINAGEWAY (PIN 6980-97-5249-000), CEDAR RUN DISTRICT

WHEREAS, Jeremy M. and Carolyn K. Hodge (Owners)/Dominion Soil Science, Inc. (Applicant), are seeking approval of a Category 20 Special Exception to allow a private individual sewage treatment system that discharges into a drainageway, located at 10238 Copper Fox Lane, PIN 6980-97-5249-000; and

WHEREAS, on March 21, 2019, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and recommended that the application be approved; and

WHEREAS, on April 11, 2019, the Fauquier County Board of Supervisors held a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors concurred with the Planning Commission and agreed that the application satisfies the standards of Zoning Ordinance sections 5-006, 5-2001 and 5-2002; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That SPEX-19-010598 be, and hereby is, approved subject to the following conditions:

1. The Special Exception is granted for PIN 6980-97-5249-000, runs with the land as indicated in the application, and shall not be transferable to other land.
2. This approval shall be granted for one private individual discharge sewage treatment system, for the remediation of the failed system, to serve the existing single family dwelling and accessory garage apartment.

3. The individual discharge system shall be in general accordance with the Special Exception Plat prepared by Bagby, Foroughi and Goodpasture, PLLC (BFG) and dated January 10, 2019, unless alteration is required by DEQ or VDH.
4. The system shall be designed to discharge a flow equal to or less than 900 gallons per day (gpd) on monthly average. At no time shall the discharge flow exceed 1,000 gpd.
5. The Applicant shall submit evidence that all applicable permits, such as but not limited to Virginia Department of Health (VDH) and Department of Environmental Quality (DEQ), have been granted for the discharge sewage treatment system prior to any land disturbing activities associated with the Special Exception.
6. Operation, maintenance, performance and monitoring of the individual discharge sewage treatment system shall be in accordance with all applicable federal, state and local regulations.
7. The Applicant shall install a water meter or an effluent meter to track water. Copies of all reports as required by VDH or DEQ shall be submitted to the Zoning Administrator.
8. A maintenance and monitoring contract with a licensed professional shall be retained at all times. The Applicant shall provide the Zoning Administrator with a copy of the contract annually.
9. A remote telemetry device, which will notify the owner and operator of alarm events, shall be included in the installation of the sewage treatment system. The Applicant shall provide proof the device has been connected and is operational.
10. A site plan shall be required for this use if the disturbance associated with the system is greater than 10,000 square feet.

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX-19-010607, GREAT MARSH PLACE, LLC (OWNER / APPLICANT) – GREAT MARSH ESTATE**

A public hearing was held to consider an application for a Category 9 Special Exception to host Class C Events and a Category 3 Special Permit to operate a Tourist Home. The property is located at 6105 Great Marsh Place, Lee District (PIN 6990-50-4480-000). Ms. Kara Krantz, Planner, summarized the application.

- Mr. John Grew, Owner/Applicant, requested favorable consideration of the application.

No one else spoke. The public hearing was closed. Mr. Butler moved to adopt the following Resolution. Mr. Gerhardt seconded and, following discussion, the vote was unanimous, as follows:

*Ayes: Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.*

*Nays: None*

*Absent During Vote: None*

*Abstention: None*

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX-19-010607, GREAT MARSH PLACE, LLC– AN APPLICATION FOR A CATEGORY 9 SPECIAL EXCEPTION TO HOST CLASS C EVENTS AND A CATEGORY 3 SPECIAL PERMIT TO OPERATE A TOURIST HOME (PIN 6990-50-4480-000), LEE DISTRICT

WHEREAS, Great Marsh Place, LLC (Owner/Applicant), is seeking approval of a Category 9 Special Exception to host Class C Events and a Category 3 Special Permit to operate a tourist home on the property located at 6105 Great Marsh Place, on PIN 6990-50-4480-000; and

WHEREAS, on March 21, 2019, the Fauquier County Planning Commission held a public hearing on the Special Exception request and recommended that the application be approved; and

WHEREAS, on April 11, 2019, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors concurred with the Planning Commission and agreed that the application satisfies the standards of Zoning Ordinance Sections 5-006, 5-302, 5-901 and 5-916; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April 2019, That SPEX-19-010607 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted only for PIN 6990-50-4480-000, runs with the land as indicated in the application, and shall not be transferred to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Great Marsh Place, LLC Special Exception Plat dated January 22, 2019 and the exhibit showing use areas dated March 6, 2019, as approved with this application, as qualified by these development conditions.
3. Events shall be limited to weddings, receptions, family reunions, corporate events, agricultural events and other similar events. There shall be no more than 48 events per year.
  - a. Attendance at a minimum of 24 events shall not exceed 100 guests.
  - b. Attendance at a maximum of 24 events shall not exceed 200 guests.
  - c. Events with more than 100 guests shall be limited to Saturdays only.

4. All events shall be single day events, and there shall be no more than one event per day. No multi-day events shall be permitted.
5. All weekend events shall occur between the hours of 9:00 a.m. and 11:00 p.m. All weekday events shall occur between the hours of 10:00 a.m. and 10:00 p.m. All activities relating to the event, including event breakdown, shall cease one (1) hour after the scheduled end of the event.
6. Ceremony locations shall be limited to the stable, courtyard behind the estate house and the knoll adjacent to the stable. The cocktail hour shall be limited to the courtyard in front of the estate house and the area surrounding the stable. Event receptions shall be limited to the stable.
7. Temporary tents, if used, shall only be permitted at the ceremony locations. Tents shall not be erected on the property more than 72 hours before a scheduled event, and shall be removed no later than 72 hours after the scheduled end of the event. Any tent with an occupancy greater than 50 people or greater than 900 square feet in size shall obtain Zoning and Building Permits prior to erection.
8. Amplified music or other amplified sound shall only be allowed within the stable from 10:00 a.m. until the end of the event. Sound from any event, including events with music (amplified and non-amplified), shall comply with the requirements of the Fauquier County Code, which pertain to limitations and prohibitions on noise in the applicable zoning districts.
9. During event hours, bathrooms within the estate house shall be limited to the bridal party and groom's party and may only be used prior to the start of the wedding ceremony.
10. Temporary toilet trailers may be used for events in the stable for a maximum of two (2) years from approval by the Board of Supervisors, provided that they are not placed on the property more than 24 hours before a scheduled event and shall be removed no later than 24 hours after the scheduled end of the event.
11. Temporary toilet trailers shall be required any time an event or portion of an event is to be adjacent to the estate house, provided that they are not placed on the property more than 24 hours before a scheduled event and shall be removed no later than 24 hours after the scheduled end of the event.
12. Restrooms within the stable shall only be used following design, permitting and construction of a permanent drainfield or other approved treatment system.
13. The Tourist Home use shall be restricted to the estate house and a maximum of ten (10) guests. On days when events are scheduled to occur the use shall be limited to event guests. All Building and Zoning permits are required prior to commencement of this use.

14. The Applicant shall acquire all Health Department, VDOT and County permits before commencing Class C events. This shall include, but not be limited to, all building and zoning permits required for the stable and associated areas.
15. No cooking for events shall occur within the stable or main house unless a commercial kitchen is approved, permitted and inspected by the local Health Department.
16. The Applicant shall comply with all requirements of the Fauquier County Health Department/Virginia Department of Health. This shall include, but not be limited to the following: (a) demonstration that the drainfield and well at the main house are suitable and adequate for the proposed bridal suite and groom's suite; (b) demonstration that the drainfield and well at the main house are suitable and adequate for the proposed tourist home; and (c) temporary privy permits, if utilized, are obtained for each event.
17. The property entrance and driveway to the stable shall provide adequate access for safety and conform to standards found in the Design Standards Manual. The Department of Fire, Rescue and Emergency Management shall provide concurrence that the access is adequate.
18. The entry gate shall remain open at all times during an event. Additionally, an access box shall be installed at the entry gate to provide the Department of Fire, Rescue and Emergency Management access to the property.
19. A dry hydrant shall be located and installed as specified by the Department of Fire, Rescue and Emergency Management.
20. As stated in the Fauquier County Zoning Ordinance 5-916(6), the Zoning Administrator shall be notified no less than 30 days prior to any Class "C" event. This notice shall include the date, time and type of event and copies of any required permits or licenses from the Sheriff's Office, VDOT, Emergency Services Office and Health Department. Should the existing Zoning Ordinance be amended, this provision shall conform to the amended Zoning Ordinance.
21. Any retail sales conducted on the property shall either be: (a) accessory and incidental to the permitted activity; or (b) conducted by and for the benefit of nonprofit, tax exempt organizations whose principal offices are located within the County. At least thirty (30) days prior to holding an event the holder of the Special Exception for the property upon which the event will be held shall provide to the Zoning Administrator the name, address and a contact person for each individual, group association, partnership or corporation which is expected to conduct retail sales at the event.
22. The event parking area shall be limited to the area shown on the Special Exception Plat and exhibit. The total event parking area shall be limited to a maximum of 150 vehicles. Additionally, the travel aisles shall be constructed with a permanent surface; the parking spaces may be grassed if properly maintained. However, if the grass does not withstand the traffic pressure or rutting and erosion occurs, the Applicant shall install turf-protecting geotextile grids or another low impact method for surfacing parking spaces. If gravel or

asphalt is used, a stormwater management plan addressing run-off from the parking lot shall be required.

23. Site plan approval is required prior to commencement of either use. Any required improvements related to site access or parking shall be shown on the Site Plan and completed prior to the first event.
24. The term of this Special Exception shall be valid for three (3) years from the month of approval by the Board of Supervisors.

**AN ORDINANCE TO APPROVE REZONING AMENDMENT REZN-19-010781 - FOXHAVEN SUBDIVISION**

A public hearing was held to consider an application to amend portions of a previously approved Proffer Statement (associated with REZN-18-008619) that does not affect use or density. The properties, known as Foxhaven Subdivision, are located near the intersection of Catlett Road (Route 28) and Schoolhouse Road (Route 661) in Bealeton, Lee District (PINs 6889-54-9297-000, 6889-74-2503-000). Mr. Adam Shellenberger, Chief of Planning, summarized the application.

No one else spoke. The public hearing was closed. Mr. Butler moved to adopt the following Resolution. Ms. McDaniel seconded and, following discussion, the vote was unanimous, as follows:

**Ayes:** *Mr. Christopher T. Butler; Mr. Richard R. Gerhardt; Mr. Christopher N. Granger; Ms. Mary Leigh McDaniel; Mr. R. Holder Trumbo, Jr.*

**Nays:** *None*

**Absent During Vote:** *None*

**Abstention:** *None*

**ORDINANCE**

**AN ORDINANCE TO APPROVE REZN-19-010781, FOXHAVEN SUBDIVISION – AN APPLICATION TO AMEND PORTIONS OF A PREVIOUSLY APPROVED PROFFER STATEMENT (ASSOCIATED WITH REZN 18-008619) WHICH DO NOT AFFECT USE OR DENSITY (PIN 6889-54-9297-000 and 6889-74-2503-000, LEE DISTRICT)**

WHEREAS, Fox Meadows Investment Company LLC, William F Springer, GGFS / Foxhaven LLC (Owners) / Fox Meadows Investment Company LLC, Robert N. Springer, GGFS / Foxhaven LLC, Timothy Rizer (Applicants) have applied to amend portions of a previously approved proffer statement (associated with REZN-18-008619) for properties located to the northwest of the intersection of Catlett Road and Schoolhouse Road within the Bealeton Service District (PIN(S) 6889-54-9297-000 and 6889-74-2503-000); and

WHEREAS, the Foxhaven Subdivision rezoning (RZ03-L-02) and the subsequent proffer amendment (REZN-18-008619) were approved by the Board of Supervisors in 2003 and 2018, respectively, each of which were determined to meet the applicable requirements of the Code of Virginia related to conditional zoning in place at the time of each respective Board approval; and

WHEREAS, the Applicants are seeking amendments to proffers which relate to how the development’s phasing as well as the internal road network design; and

WHEREAS, on April 11, 2019, the Fauquier County Board of Supervisors conducted a public hearing and considered written and oral testimony related to the application; and

WHEREAS, the Board of Supervisors has determined that the proffer amendments do not constitute a change in use or density, and are consistent with all statutory requirements of the Code of Virginia related to conditional zoning; and

WHEREAS, by adoption of this Ordinance, the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practice is supported by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of April, 2019, That the Rezoning request (REZN-19-010781) to amend portions of a previously approved proffer statement (associated with REZN-18-008619) on PIN(S) 6889-54-9297-000 and 6889-74-2503-000, be, and is hereby, approved subject to the voluntary Proffer Statement dated March 27, 2019, and the Concept Development Plan (CDP) approved on April 21, 2003, with RZ03-L-02.

With no further business, the meeting was adjourned at 8:37 P.M.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on April 11, 2019.*

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Paul S. McCulla, County Administrator  
Clerk to the Board of Supervisors