



**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
AUGUST 8, 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 11:03 A.M.

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

A WORK SESSION TO DISCUSS LANDFILL CLOSURE OPTIONS

Ms. Catherine Heritage, Deputy County Administrator, discussed landfill closure options, costs and financing scenarios for the Fauquier County Environmental Services that is related to a Department of Environmental Quality mandate to close Landfill Permit 149 starting in 2020.

A WORK SESSION TO DISCUSS PARKING REGULATION OPTIONS

Ms. Tracy Gallehr, Deputy County Attorney, reviewed the current draft of amendments to the County's parking regulations contained in Article III of Chapter 13 of the Fauquier County Code and proposals to consider creating zones where parking is limited to a term of hours, such as 12 hours. Other options available for consideration include the issuance of parking permits and potentially the installation of parking meters.

CLOSED SESSION

Mr. Butler moved to go into closed session pursuant to Code of Virginia § 2.2-3711(A)(29) to discuss the award of a public contract involving the expenditure of public funds for broadband services, including a discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the County. After being seconded, 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

Upon reconvening from closed session, the Board adopted the following Certification of Closed Meeting:

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 8th day of August 2019, That the Fauquier County Board of Supervisors certifies 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 NEXT STEPS FOR BROADBAND

Ms. Catherine Heritage, Deputy County Administrator, and Mr. Gerhardt reviewed next steps regarding the wireless broadband network project for Fauquier County. In 2019, Data Stream acquired Omnipoint Technology Partners, Inc., incorporating Broadband Wireless Internet Services to its portfolio. Mr. Gerhardt discussed proposed operational sites, projected deployment timelines, incentive plans, and potential capital outlay and payback.

FAUQUIER EXCELLENCE IN EDUCATION FOUNDATION NEW TEACHER DINNER (OFFSITE)

Board members attended a reception immediately prior to the annual New Teacher Dinner hosted by the Fauquier Excellence in Education Foundation at the Fauquier Springs Country Club in Warrenton.

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

INVOCATION

Mr. Butler offered the Invocation.

PLEDGE OF ALLEGIANCE

Mr. Butler invited Sheriff Bob Mosier to lead the Pledge of Allegiance.

ADOPTION OF THE AGENDA

Ms. McDaniel moved to adopt the agenda with the following change. 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

- Add new Regular Agenda Item #8: A Resolution to Authorize the County Administrator to Negotiate a Comprehensive Agreement for Expansion of Broadband Under the Public Private Facilities and Infrastructure Act of 2002 with Data Stream Mobile Technologies, Inc., and to also authorize Him to Continue to Seek Incentivized Partnerships with Data Stream Mobile Technologies, Inc. to Provide Broadband Solutions for Unserved and Underserved Areas of Fauquier County.

CITIZEN'S TIME

- Ms. Lesley Guberman, Marshall District, requested that Fauquier County's Real Estate Tax Relief for the Elderly program income thresholds be updated to account for inflation and the rising cost of living.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Butler presented a Proclamation to Recognize Larry Miller Upon the Occasion of His Retirement, to wit:

PROCLAMATION

A PROCLAMATION HONORING LARRY W. MILLER UPON HIS RETIREMENT AS DIRECTOR OF PARKS AND RECREATION AFTER 34 YEARS

WHEREAS, Larry W. Miller has elected to retire as Fauquier County's Parks and Recreation Director, effective August 1, 2019; and

WHEREAS, during his tenure, Larry developed and opened the Marshall, Warrenton and Vint Hill Community Centers along with Crockett, Northern Fauquier, Monroe and Riverside Parks to provide countless activities and opportunities to improve the health and well-being of the community; and

WHEREAS, over the last 34 years, Larry grew the Department by adding numerous programs and classes based upon the public's requests; and

WHEREAS, Larry was instrumental in bringing the Warrenton Caboose to downtown and established the first Safety Town in the County, in addition to creating the County's first disc golf course and so many other exceptional projects too numerous to mention; and

WHEREAS, Larry's dedication will be long-remembered by all those who utilize the parks, community centers and all the other amenities he worked tirelessly to bring to fruition; and

WHEREAS, the citizens of Fauquier County, as well as visitors from other locations, have Larry to thank for their enjoyment of special functions, events and gatherings at these sites; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 8th day of August 2019, That the Board wishes to express its most sincere appreciation for the dedication and commitment of Larry Miller; and, be it

PROCLAIMED FURTHER, That the Fauquier County Board of Supervisors wishes to extend its best wishes to Larry, his wife, Carol, and his family upon what will hopefully be a long and fulfilling retirement.

CONSENT AGENDA

Ms. McDaniel moved to adopt the following Consent Agenda items. Mr. Trumbo 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

Minutes of the Fauquier County Board of Supervisors

Approved as presented.

A Resolution to Amend the FY 2020 Adopted Budget by \$333,500 and Authorize the Acceptance and Appropriation of State and Private Grant Funding

RESOLUTION

A RESOLUTION TO AMEND THE FY 2020 ADOPTED BUDGET BY \$333,500 AND AUTHORIZE THE ACCEPTANCE AND APPROPRIATION OF STATE AND PRIVATE GRANT FUNDING

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 21, 2019, the Board of Supervisors adopted the Fauquier County FY 2020 Budget; and

WHEREAS, during the course of the fiscal year certain events occur that necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Department of Economic Development was recently awarded funding from the Virginia Department of Housing and Community Development (DHCD) and the PATH Foundation to support the Young Entrepreneurs Program; and

WHEREAS, the total award amount is \$185,350, of which \$83,500 is sourced by the DHCD, \$18,350 is sourced by the PATH Foundation, and \$83,500 is sourced from in-kind match; and

WHEREAS, at its meeting on July 22, 2019, the Finance Committee recommended for FY 2020, the acceptance and appropriation of \$101,850 to the General Fund in support of the Young Entrepreneurs Program, the acceptance and appropriation of a \$250,000 private donation to cover all expenses related to re-paving Northern Fauquier Community Park, the transfer of \$34,655 from the Contingency Reserve for the Timber Fence Trail, and the transfer of \$75,000 from the Capital Reserve for the Warrenton Branch Greenway Trail; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors on this 8th day of August 2019, That the FY 2020 Budget be, and is hereby amended in the amount of \$333,500, as indicated on the attached summary; 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 Fauquier County.

Requesting Department	Description	Amount	Category		Action/Explanation
			Source	Fund	
Consent Agenda					
FY 2020					
Board of Supervisors/Parks and Recreation	Town of Warrenton Timber Fence Trail Phase II local match	\$34,655	Contingency Reserve	Capital Improvement Fund	Allocates \$34,655 to the Town of Warrenton for VDOT Transportation Alternatives grant application based on updated construction and total engineering costs of both phases of the project. The County had previously committed \$91,876 in FY 2017 towards the project, for total commitment of \$126,531.
Economic Development	Young Entrepreneurs Program Grant	\$101,850	State Funding and Donations	General Fund	Accepts and appropriates \$83,500 in state funding for GO VA grant through DHCD and \$18,350 of PATH Grant funding for the Young Entrepreneurs Program grant project. The GO VA grant has a 1:1 local match requirement that will be committed by in-kind contributions.
Parks and Recreation	Northern Fauquier Community Park re-paving project	\$250,000	Donation	Capital Improvement Fund	Accepts and appropriates a \$250,000 donation to cover all expenses related to re-paving the Northern Fauquier Community Park.
Parks and Recreation	Warrenton Branch Greenway Trail Project	\$75,000	Capital Reserve	Capital Improvement Fund	Transfers \$75,000 from the County's Capital Reserve to the Warrenton Branch Greenway Project to fund the installation of County communication lines while the trail is under construction from the Greenway bridge to the County's Stafford property, and allows for future extension to the Central Sports Complex.

A Resolution to Approve Funding for the Purchase of Development Rights of Qualifying Twentieth Round Applicants to the Purchase of Development Rights (PDR) Program

Postponed.

A Resolution to Support a Town of Warrenton Grant Application for Timber Fence Trail and to Authorize Matching Funds

RESOLUTION

A RESOLUTION TO SUPPORT A TOWN OF WARRENTON GRANT APPLICATION FOR
TIMBER FENCE TRAIL AND TO AUTHORIZE MATCHING FUNDS

WHEREAS, the Town of Warrenton is seeking additional grant funding under the VDOT Transportation Alternatives Set-Aside program due to updated construction and total engineering costs of both phases of the Timber Fence Trail project; and

WHEREAS, the project scope includes a multi-use trail that will (1) connect existing Fauquier High School sidewalk and existing trail in front of the Stonelea Development along Waterloo Road, and (2) connect trail on Timber Fence Parkway to Segment 1; and

WHEREAS, Fauquier County supports the construction of the proposed trail; and

WHEREAS, in FY 2017, Fauquier County previously committed \$91,876 towards the project; and

WHEREAS, the Virginia Department of Transportation's grant program for Transportation Alternatives Set-Aside projects requires a twenty percent (20%) local match, and the County is committed to providing half of the match, which would total \$34,655; and

WHEREAS, the Town of Warrenton has committed to provide the remainder of the required local match; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors on this 8th day of August 2019, That the County hereby supports the request of the Town of Warrenton to the Commonwealth Transportation Board to update the project for Timber Fence Trail; and, be it

RESOLVED FURTHER, That the County hereby agrees to provide a matching contribution for this project in the amount of \$34,655; and, be it

RESOLVED FINALLY, That upon notice of award, the Board of Supervisors hereby authorizes the Office of Management and Budget and the Finance Department to process the budget adjustments required for the County's local match commitment.

A Resolution Authorizing Acceptance of a Conservation Easement Over the Property of Poplar Springs, LLC

RESOLUTION

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF POPLAR SPRINGS, LLC

WHEREAS, Poplar Springs, LLC has proposed to donate a conservation easement over PIN 7902-61-891, 0.2300 acres, PIN # 7902-71-5280, 148.6600, PIN # 7902-81-3618, 0.2300 and PIN # 7902-91-3271, 23.2000 acres, Totalling 172.3200 acres, hereinafter “the Property;” and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important recreational, historical and scenic lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the “Open-Space Land Act;” now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of August 2019, That the Board finds as follows:

1. The proposed easement preserves recreational, historical, and scenic open-space lands in the county pursuant to the goals and objectives stated in the county’s Comprehensive Plan and thereby advances a public purpose of the county; and
2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses which are consistent with and which will not adversely affect the open-space values described in the easement; and
3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

A Resolution Appointing a Local Complete Count Committee

RESOLUTION

A RESOLUTION APPOINTING A LOCAL COMPLETE COUNT COMMITTEE
FOR THE UPCOMING 2020 CENSUS

WHEREAS, the 2020 Census is forthcoming; and

WHEREAS, the United States Census Bureau has encouraged all localities to appoint a local Complete Count Committee to bolster participation in the Census; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of August 2019, That the following representatives be, and are hereby, appointed to the Complete Count Committee:

Dan Stell	Geographical Information Services
Andrew Hopewell	Planning
Jack Ledden	Social Services
Jim LaGraffe	Rappahannock Rapidan Community Services Board
Maria Del Rosso	Library
Alex Abels	Registrar
Lowell Nevill	Sheriff's Office
Stephen Gyurisin	Town of The Plains
Guy Hinkler	Fauquier Chamber of Commerce
Frank Finn	Fauquier County Public Schools
Catherine Heritage	Fauquier County Administration

A Resolution Establishing the Percentage Allocation of the Fixed Amount of State Personal Property Tax Relief for Qualifying Motor Vehicles for Tax Year 2019

RESOLUTION

A RESOLUTION ESTABLISHING THE PERCENTAGE ALLOCATION OF THE FIXED
AMOUNT OF STATE PERSONAL PROPERTY TAX RELIEF ON QUALIFYING
VEHICLES

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523, *et seq.* (“PPTRA”), was substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS, these legislative enactments required the County of Fauquier to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the Personal Property Tax Relief Act as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the County of Fauquier of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles; now, therefore, be it.

RESOLVED, by the Fauquier County Board of Supervisors this 8th day of August 2019, That qualifying vehicles obtaining situs within the County of Fauquier during tax year 2019, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 50.5% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 50.5% tax relief on the first \$20,000 of value;
- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

A Resolution Authorizing the County Administrator to Enter Into a Contract with Emery & Garrett Groundwater Investigations, a Division of GZA, for the Provision of Geotechnical Services Related to Fauquier County Groundwater Monitoring and Groundwater Protection

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH EMERY & GARRETT GROUNDWATER INVESTIGATIONS, A DIVISION OF GZA, FOR THE PROVISION OF GEOTECHNICAL SERVICES RELATED TO FAUQUIER COUNTY GROUNDWATER MONITORING AND GROUNDWATER PROTECTION

WHEREAS, the Board of Supervisors desires to identify and protect the aquifers and wells which provide water to the County’s Service Districts; and

WHEREAS, Emery & Garrett Groundwater Investigations, a division of GZA, has been pre-qualified as a geotechnical consulting entity under the County’s Procurement process; and

WHEREAS, the County has an open-ended contract with Emery & Garrett Groundwater Investigations for the provision of those geotechnical services; and

WHEREAS, Emery & Garrett Groundwater Investigations, at the request of the County, has submitted a proposal to carry out a detailed groundwater monitoring and aquifer protection program in the New Baltimore, Marshall and Bealeton Service Districts; and

WHEREAS, the proposal for both phases of the project total a combined amount of \$323,500 and extend over a multiple year process; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of August 2019, That the Board does hereby authorize the County Administrator to enter into a contract with Emery & Garrett Groundwater Investigations, a Division of GZA, for the groundwater monitoring and aquifer protection initiative for the Service Districts of New Baltimore, Marshall and Bealeton, provided that such contract shall be subject to the local appropriation of funds in future years.

A Resolution to Authorize the County Administrator to Execute an Extension to the Memorandum of Understanding Between the Fauquier County Board of Supervisors and The Fauquier Equestrian Forum

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN EXTENSION TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE FAUQUIER COUNTY BOARD OF SUPERVISORS AND THE FAUQUIER EQUESTRIAN FORUM

WHEREAS, the Fauquier County Board of Supervisors and the Fauquier Equestrian Forum are currently parties to a Memorandum of Understanding executed in February of 2016; and

WHEREAS, that Memorandum of Understanding permits the Fauquier Education Forum to establish bridle trails, trail heads, a riding ring and appropriate parking on a portion of the Stafford Property; and

WHEREAS, Section E. 3. provides that the Memorandum of Understanding shall remain in effect for 10 years from the date of execution; and

WHEREAS, the Fauquier Equestrian Forum wishes to obtain grants for the development of the bridle trails, trail heads, riding ring and parking lot on the Stafford Property; and

WHEREAS, some of the grants sought would require that public access, as permitted under the Memorandum of Understanding, continually exist for a period of not less than 20 years; and

WHEREAS, the Board of Supervisors wishes to acknowledge the Fauquier Equestrian Forum's work and its positive impacts on the equestrian heritage in Fauquier County; now, therefore, be it:

RESOLVED by the Fauquier County Board of Supervisors this 8th day of August 2019, That the County Administrator be, and is hereby, authorized to enter into an extension of the Memorandum of Understanding to extend the term of the Memorandum of Understanding for not less than 20 years from the date of the extension agreement, with all other terms and conditions of the original Memorandum of Understanding to remain in full force and effect.

A RESOLUTION AUTHORIZING THE CHAIRMAN TO ENTER INTO AN OPEN SPACE AGREEMENT WITH THE IDENTIFIED LANDOWNERS

Ms. McDaniel moved to adopt the following Resolution. Mr. Butler seconded and, following discussion, the motion carried by a vote of 4 to 1, as follows:

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

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN TO ENTER INTO OPEN SPACE AGREEMENT WITH LANDOWNERS

WHEREAS, Fauquier County has established a special land assessment program for the preservation of real estate devoted to open space pursuant to § 58.1-3233, *Code of Virginia*, 1950, as amended; and

WHEREAS, a landowner may qualify for the special land assessment program for the preservation of open space upon the execution and recordation of a written open space use agreement between the landowner and the Board of Supervisors; and

WHEREAS, to qualify for the special land assessment program for the preservation of open space, the real estate to be entered into the program must meet the general and specific standards promulgated by the Director of the Department of Conservation and Historic Resources as set forth in the Manual of the State Land Evaluation Advisory Council (1992); and

WHEREAS, the hereinafter identified landowners have requested that the Board of Supervisors enter into an Open Space Use Agreement for the preservation of certain land owned by them for the purposes of qualifying for the special land assessment program under the open space category, and

WHEREAS, the Board of Supervisors has determined that the hereinafter described land meets the general and specific standards as promulgated by the Director of the Department of Conservation and Historic Resources for entering into an Open Space Use Agreement committing

the landowner not to change the use of the land to a non-qualifying use for a time period of eight years; now therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of August 2019, That the Chairman be, and is hereby, authorized to execute an Open Space Use Agreement with the hereinafter identified landowners; and, be it

RESOLVED FURTHER, That upon execution and recordation of the agreement, the described real estate shall be eligible for classification as Open Space under the Fauquier County Special Land Assessment Program.

NAME	IDENTIFICATION	ACREAGE
<u>NEW</u>		
Greene, Richard Spencer & Robinson, Ellen W. 5336 Brunswick Ln. Broad Run, VA 20137	7907-35-5671-000	52.1283 Ac.
<u>RENEWALS</u>		
Bender, Stanley and Others 6284 Occoquan Forest Drive Manassas, VA 20112-3014	6042-01-6974-000	50.9021 Ac.
Curtis, Harry F. & Linda L. P.O. Box 143 Delaplane, VA 20144	6042-21-4927-000	50.5172 Ac.
Kennedy, Mary Ellen Faye Estate 10298 John S Mosby Highway Upperville, VA 20184	6044-19-8335-000	135.88 Ac.
McNelis, Minna Romaine Marosy 2613 Leeds Manor Road Markham, VA 22643	6022-73-8745-000 6022-35-9293-000	201.589 Ac. 96.141 Ac.
Warren, Mary Lois Trust 3640 Landmark Road The Plains, VA 20198	7001-06-6975-000	29.324 Ac.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO NEGOTIATE A COMPREHENSIVE AGREEMENT FOR EXPANSION OF BROADBAND UNDER THE PUBLIC PRIVATE FACILITIES AND INFRASTRUCTURE ACT OF 2002 WITH DATA STREAM MOBILE TECHNOLOGIES, INC., AND TO ALSO AUTHORIZE HIM TO CONTINUE TO SEEK INCENTIVIZED PARTNERSHIPS WITH DATA STREAM MOBILE TECHNOLOGIES, INC. TO PROVIDE BROADBAND SOLUTIONS FOR UNSERVED AND UNDERSERVED AREAS OF FAUQUIER COUNTY

Mr. Gerhardt 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 AUTHORIZE THE COUNTY ADMINISTRATOR TO NEGOTIATE A COMPREHENSIVE AGREEMENT FOR EXPANSION OF BROADBAND UNDER THE PUBLIC PRIVATE FACILITIES AND INFRASTRUCTURE ACT OF 2002 WITH DATA STREAM MOBILE TECHNOLOGIES, INC. AND TO ALSO AUTHORIZE HIM TO CONTINUE TO SEEK INCENTIVIZED PARTNERSHIPS WITH DATA STREAM MOBILE TECHNOLOGIES, INC. TO PROVIDE BROADBAND SOLUTIONS FOR UNSERVED AND UNDERSERVED AREAS OF FAUQUIER COUNTY

WHEREAS, following the issuance of a Request for PPEA Proposals (RFPP-82-18sm) Tenebris Fiber, LLC of Springfield, Virginia submitted a solicited PPEA proposal and Omnipoint Technical Partners of Fredericksburg, Virginia submitted an unsolicited PPEA proposal to the Procurement Division; and

WHEREAS, in accordance with County PPEA Policy FDP-02, these proposals were reviewed and evaluated by a panel consisting of the Deputy County Administrator, Procurement Manager, IT Director and IT Technical Services Manager, Finance Director and Digital Mobilizations of Warrenton, VA, acting in the capacity of consultant; and

WHEREAS, the two proposals presented different approaches to the provision of broadband services, with one being fiber-based and one being tower-based; and

WHEREAS, on November 8, 2018, the Board of Supervisors accepted both proposals in order to request a Detailed Phase Proposal from each; and

WHEREAS on August 8, 2019, after a Detailed Phase Proposal review, the review panel recommended to the Board of Supervisors that the County Administrator be authorized to negotiate a Comprehensive Agreement with Data Stream Mobile Technologies; and

WHEREAS, over the past two years, the County, in partnership with the Economic Development Authority and the PATH Foundation, has negotiated and contracted with Data Stream Mobile Technologies, Inc., on an incentive basis to facilitate the placement of equipment on towers and the provision of services in several unserved and underserved areas of the County; and

WHEREAS, the Board of Supervisors wishes the County Administrator to continue to negotiate with Data Stream Mobile Technologies, Inc., to identify other areas that may be served at the most advantageous terms for the County and its citizens; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of August 2019, That the County Administrator be, and is hereby, authorized to negotiate a Comprehensive Agreement for the expansion of Broadband with Data Stream Mobile Technologies, Inc.; and, be it

RESOLVED FURTHER, That the County Administrator is hereby authorized to continue to seek incentivized partnerships for the provision of Broadband solutions to the unserved and underserved areas of the County.

COMMITTEE APPOINTMENTS

No appointments were made.

SUPERVISORS' TIME

- Ms. McDaniel announced that Marshall Day will be held on Saturday, September 7, 2019, and will include a 5K race, fun things for the kids to do, plenty of good food and comradery, and she hoped everyone will come out to enjoy the event. Ms. McDaniel said that earlier in the evening Board members went by the new teachers' dinner and the amount of energy in the room was amazing. Ms. McDaniel wished all of the new teachers well and said she is glad to have them in Fauquier County to educate the children.
- Mr. Granger said that next Wednesday, August 15, 2019, is the first day of school and he asked that drivers to take a little extra time, especially on back roads as school bus drivers are becoming familiar with new routes, and students will be boarding / disembarking at bus stops, and it is still dark at that time of morning for a lot of high schoolers. Mr. Granger said that he attended the grand opening celebration of the Orlean Fire Station, which was well attended. Mr. Granger said it was great to see a volunteer organization that began 50 years ago has come full circle to become a 24/7 facility that provides full service to the folks in Orlean, Hume and the greater Fauquier area.

- Mr. Trumbo said that in addition to a lot of school busses on the roads next week, there will also be a group of new drivers headed to school and he encouraged folks to give them ample time and space on the roads. Mr. Trumbo thanked everyone for their patience during the “Cut the Hills” road construction project at Route 29 / Route 215. Mr. Trumbo added that the road project concluded on time with minimal problems, and he expressed his thanks and appreciation to Sheriff Mosier and his personnel for doing a great job in keeping things moving through the detours as well as they did.
- Mr. Gerhardt said that earlier in the evening Board members attended a wonderful event for new teachers that was generously sponsored by the Fauquier Excellence in Education Foundation. Mr. Gerhardt said there is definitely an excited new crop of teachers ready to go to work and he welcomed them to Fauquier County. Mr. Gerhardt said in the past week or so there has been misinformation spread on social media as well as in the local media with regard to the County’s broadband expansion efforts. Mr. Gerhardt said that specifically there is a community in the north that is somehow under the impression the Board of Supervisors planned to pass a resolution to permit a 140-foot tower without first allowing for any public comment. Mr. Gerhardt said in one instance an individual spread a lot of misinformation and unfortunately agitated a lot of people in the community, and in another instance an erroneous headline was published in the local media asserting that the Supervisors had postponed a public hearing on related to broadband - even though a public hearing was never scheduled on the Board’s agenda. Mr. Gerhardt said that it is too early in the process for a public hearing since the broadband expansion project is not even to the point where a detailed design from the vendor has even been accepted. Mr. Gerhardt said that when the Board does come to that point in the decision process, a public hearing will be scheduled and the community will have ample opportunity to weigh in.
- Mr. Butler said he wanted to welcome all of the new teachers and commented that it was really great to see their energy earlier in the evening. Mr. Butler said that as the County enters into its annual budget negotiations he hoped they are able to retain those teachers. Mr. Butler urged citizens not to rely on social media for information on the local government business because social media is not always accurate; instead, he encouraged people to attend the public meetings, write, call and speak directly with their Board members on any matters of interest or concern.

ANNOUNCEMENTS

- Mr. McCulla announced that the Fauquier County Working Together Committee will be holding its annual charitable golf tournament on September 20, 2019, at Fauquier Springs Country Club, and added that anyone interested in sponsoring or participating in the event is invited to contact the County Administration office for details.
- Mr. McCulla announced that the Board of Supervisors will hold its next regular meeting at 6:30 P.M. on September 12, 2019, in the Warren Green Building located at 10 Hotel Street in Warrenton, Virginia.

AN ORDINANCE TO CONSIDER THE 22ND ADDITION TO THE MARSHALL / WARRENTON AGRICULTURAL AND FORESTAL DISTRICT, AGFO-18-010355 - FOX PROPERTY, PIN 6966-66-4380-000, MARSHALL DISTRICT

A combined public hearing was held to consider whether to add the Fox Property (more particularly described as PIN 6966-66-4380-000) to the existing Marshall/Warrenton Agricultural and Forestal District. The property is located in the vicinity of Carters Run Road and Sylvan Lane, Warrenton. On March 4, 2019, the Agricultural and Forestal District Advisory Committee unanimously recommended approval of AGFO-18-010355. On April 18, 2019, the Planning Commission unanimously recommended approval of AGFO-18-010355. On June 13, 2019, the Board of Supervisors held a public hearing and postponed action for 60 days regarding additions to the Marshall/Warrenton District with the public hearing remaining open. Mr. Andrew Hopewell, Assistant Chief of Planning, summarized the application. No one else spoke. The public hearing was closed. Mr. Butler moved to adopt the following Ordinance. 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***

ORDINANCE

AN ORDINANCE TO APPROVE THE 22nd ADDITION TO THE MARSHALL / WARRENTON AGRICULTURAL AND FORESTAL DISTRICT, AGFO-18-010355 – FOX PROPERTY (PIN 6966-66-4380-000, MARSHALL DISTRICT)

WHEREAS, Section 15.2-4310, *Code of Virginia* (1950), as amended, allows additional parcels of land to be added to an existing District following the process described for the creation of a new District; and

WHEREAS, on March 4, 2019, the Agricultural and Forestal District Advisory Committee held a public meeting and unanimously recommended approval of AGFO-18-010355; and

WHEREAS, on April 18, 2019, the Fauquier County Planning Commission held a public hearing and considered written and oral testimony and unanimously recommended approval of AGFO-18-010355; and

WHEREAS, on June 13, 2019 and August 8, 2019, the Fauquier County Board of Supervisors held public hearings and considered written and oral testimony; and

WHEREAS, all requirements of Section 15.2-4310, *Code of Virginia* (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of August 2019, That the 22nd Addition to the Marshall/Warrenton Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and, as such, is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to the public interest.
- 2) That this 22nd Addition to the Marshall/Warrenton Agricultural and Forestal District is hereby added this 8th day of August 2019, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310, of the *Code of Virginia*, (1950), as amended, until the expiration of the District on June 30, 2020.
- 3) That this 22nd Addition to the Marshall/Warrenton Agricultural and Forestal District shall consist of the following parcel(s):

PIN	OWNERS	ACREAGE
6966-66-4380-000	Christine A. Fox	25.0000
	Total:	25.0000

; and, be it

ORDAINED FURTHER, That the following conditions and restrictions shall apply, to wit:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. For properties in the Agricultural and Forestal District, uses listed in Zoning Ordinance Sections 3-301 through 3-317 and Sections 3-319 through 3-332 that require a Special Permit shall instead require a Special Exception. Agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family shall be allowed as permitted under the Zoning Ordinance. No special exception permit shall be in conflict with the purposes for which the district was created. Telecommunications towers are not considered to be in conflict with the purposes for which the district was created.
 - b. Only the following divisions of land are allowed within an Agricultural and Forestal District:
 - i. Family Transfers.
 - ii. Large Lots divisions.

- c. Boundary Line Adjustments are allowed between other Agricultural and Forestal Districts. If a boundary line adjustment occurs between different Districts, the area boundary line adjusted would not be allowed to withdraw from the District any sooner than the first opportunity under the District created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 *et seq.* of Chapter 32 of Title 58.1 of the *Code of Virginia*.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the *Code of Virginia*.
4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the *Code of Virginia*.
5. If a parcel is divided or boundary line adjusted to less than 5 acres, the parcel shall be considered ineligible for renewal with the District.
6. If any parcel is boundary line adjusted or divided such that a newly created parcel contains less than 25 acres, then the parcel containing less than 25 acres shall be considered ineligible for renewal with the District. An exception to this rule shall be where such property is part of a working farm that is comprised of a contiguous collection of parcels under the same ownership; in such a case, any parcel containing less than 25 acres that is sold shall be removed from the District. Furthermore, if the contiguous collection of parcels under the same ownership is decreased to less than 25 acres, then all of the parcels in that collection shall be considered ineligible for renewal with the District.

AN ORDINANCE TO CONSIDER THE 22ND ADDITION TO THE MARSHALL / WARRENTON AGRICULTURAL AND FORESTAL DISTRICT AGFO-19-010649 - WHITE DOG FARM, LLC, PIN 6966-95-7817-000, MARSHALL DISTRICT

A combined public hearing was held to consider whether to add the White Dog Farm, LLC Property (more particularly described as PIN 6966-95-7817-000) to the existing Marshall/Warrenton Agricultural and Forestal District. The property is located at 8139 Rockingham Road, Warrenton. On March 4, 2019, the Agricultural and Forestal District Advisory Committee unanimously recommended approval of AGFO-19-010649. On April 18, 2019, the Planning Commission unanimously recommended approval of AGFO-19-010649. On June 13, 2019 the Board of Supervisors held a public hearing and postponed action for 60 days regarding additions to the Marshall/Warrenton District with the public hearing remaining open. Mr. Andrew Hopewell, Assistant Chief of Planning, summarized the application. No one else spoke. The public hearing was closed. Mr. Butler moved to adopt the following Ordinance. 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*

ORDINANCE

AN ORDINANCE TO APPROVE THE 22nd ADDITION TO THE MARSHALL / WARRENTON AGRICULTURAL AND FORESTAL DISTRICT, AGFO-19-010649 – WHITE DOG FARM, LLC (PIN 6966-95-7817-000, MARSHALL DISTRICT)

WHEREAS, Section 15.2-4310, *Code of Virginia* (1950), as amended, allows additional parcels of land to be added to an existing District following the process described for the creation of a new District; and

WHEREAS, on March 4, 2019, the Agricultural and Forestal District Advisory Committee held a public meeting and unanimously recommended approval of AGFO-19-010649; and

WHEREAS, on April 18, 2019, the Fauquier County Planning Commission held a public hearing and considered written and oral testimony and unanimously recommended approval of AGFO-19-010649; and

WHEREAS, on June 13, 2019 and August 8, 2019, the Fauquier County Board of Supervisors held public hearings and considered written and oral testimony; and

WHEREAS, all requirements of Section 15.2-4310, *Code of Virginia* (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of August 2019, That the 22nd Addition to the Marshall/Warrenton Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and, as such, is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to the public interest.
- 2) That this 22nd Addition to the Marshall/Warrenton Agricultural and Forestal District is hereby added this 8th day of August 2019, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310, of the *Code of Virginia*, (1950), as amended, until the expiration of the District on June 30, 2020.
- 3) That this 22nd Addition to the Marshall/Warrenton Agricultural and Forestal District shall consist of the following parcel(s):

PIN	OWNERS	ACREAGE
6966-95-7817-000	White Dog Farm, LLC	25.5972
	Total:	25.5972

; and, be it

ORDAINED FURTHER, That the following conditions and restrictions shall apply, to wit:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. For properties in the Agricultural and Forestal District, uses listed in Zoning Ordinance Sections 3-301 through 3-317 and Sections 3-319 through 3-332 that require a Special Permit shall instead require a Special Exception. Agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family shall be allowed as permitted under the Zoning Ordinance. No special exception permit shall be in conflict with the purposes for which the district was created. Telecommunications towers are not considered to be in conflict with the purposes for which the district was created.
 - b. Only the following divisions of land are allowed within an Agricultural and Forestal District:
 - i. Family Transfers.
 - ii. Large Lots divisions.
 - c. Boundary Line Adjustments are allowed between other Agricultural and Forestal Districts. If a boundary line adjustment occurs between different Districts, the area boundary line adjusted would not be allowed to withdraw from the District any sooner than the first opportunity under the District created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 *et seq.* of Chapter 32 of Title 58.1 of the *Code of Virginia*.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the *Code of Virginia*.
4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the *Code of Virginia*.

5. If a parcel is divided or boundary line adjusted to less than 5 acres, the parcel shall be considered ineligible for renewal with the District.
6. If any parcel is boundary line adjusted or divided such that a newly created parcel contains less than 25 acres, then the parcel containing less than 25 acres shall be considered ineligible for renewal with the District. An exception to this rule shall be where such property is part of a working farm that is comprised of a contiguous collection of parcels under the same ownership; in such a case, any parcel containing less than 25 acres that is sold shall be removed from the District. Furthermore, if the contiguous collection of parcels under the same ownership is decreased to less than 25 acres, then all of the parcels in that collection shall be considered ineligible for renewal with the District.

AN ORDINANCE TO CONSIDER THE 22ND ADDITION TO THE MARSHALL / WARRENTON AGRICULTURAL AND FORESTAL DISTRICT, AGFO-19-011043 - DAVIDSON PROPERTY, PIN 6966-84-1601-000, MARSHALL DISTRICT

A combined public hearing was held to consider whether to add the Davidson Property (more particularly described as PIN 6966-84-1601-000) to the existing Marshall/Warrenton Agricultural and Forestal District. The property is located in the vicinity of Rockingham Road and Summerfield Hills Drive, Warrenton. Due to the application date, AGFO-19-011043 has not been reviewed by the Agricultural and Forestal District Advisory Committee or the Planning Commission. On June 13, 2019, the Board of Supervisors held a public hearing and postponed action for 60 days regarding additions to the Marshall/Warrenton District with the public hearing remaining open. Mr. Andrew Hopewell, Assistant Chief of Planning, summarized the application. No one else spoke. The public hearing was closed. Mr. Butler moved to adopt the following Ordinance. 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>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO APPROVE THE 22nd ADDITION TO THE MARSHALL / WARRENTON AGRICULTURAL AND FORESTAL DISTRICT, AGFO-19-011043 – DAVIDSON PROPERTY (PIN 6966-84-1601-000, MARSHALL DISTRICT)

WHEREAS, Section 15.2-4310, *Code of Virginia* (1950), as amended, allows additional parcels of land to be added to an existing District following the process described for the creation of a new District; and

WHEREAS, on June 13, 2019 and August 8, 2019, the Fauquier County Board of Supervisors held public hearings and considered written and oral testimony; and

WHEREAS, all requirements of Section 15.2-4310, *Code of Virginia* (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of August 2019, That the 22nd Addition to the Marshall/Warrenton Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and, as such, is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to the public interest.
- 2) That this 22nd Addition to the Marshall/Warrenton Agricultural and Forestal District is hereby added this 8th day of August 2019, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310, of the *Code of Virginia*, (1950), as amended, until the expiration of the District on June 30, 2020.
- 3) That this 22nd Addition to the Marshall/Warrenton Agricultural and Forestal District shall consist of the following parcel(s):

PIN	OWNERS	ACREAGE
6966-84-1601-000	Hillary R. and John V. Davidson	15.3300
	Total:	15.3300

; and, be it

ORDAINED FURTHER, That the following conditions and restrictions shall apply, to wit:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. For properties in the Agricultural and Forestal District, uses listed in Zoning Ordinance Sections 3-301 through 3-317 and Sections 3-319 through 3-332 that require a Special Permit shall instead require a Special Exception. Agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family shall be allowed as permitted under the Zoning Ordinance. No special exception permit shall be in conflict with the purposes for which the district was created. Telecommunications towers are not considered to be in conflict with the purposes for which the district was

created.

- b. Only the following divisions of land are allowed within an Agricultural and Forestal District:
 - i. Family Transfers.
 - ii. Large Lots divisions.
 - c. Boundary Line Adjustments are allowed between other Agricultural and Forestal Districts. If a boundary line adjustment occurs between different Districts, the area boundary line adjusted would not be allowed to withdraw from the District any sooner than the first opportunity under the District created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 *et seq.* of Chapter 32 of Title 58.1 of the *Code of Virginia*.
 3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the *Code of Virginia*.
 4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the *Code of Virginia*.
 5. If a parcel is divided or boundary line adjusted to less than 5 acres, the parcel shall be considered ineligible for renewal with the District.
 6. If any parcel is boundary line adjusted or divided such that a newly created parcel contains less than 25 acres, then the parcel containing less than 25 acres shall be considered ineligible for renewal with the District. An exception to this rule shall be where such property is part of a working farm that is comprised of a contiguous collection of parcels under the same ownership; in such a case, any parcel containing less than 25 acres that is sold shall be removed from the District. Furthermore, if the contiguous collection of parcels under the same ownership is decreased to less than 25 acres, then all of the parcels in that collection shall be considered ineligible for renewal with the District.

AN ORDINANCE TO CONSIDER THE 24TH ADDITION TO THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT, AGFO-19-010546 - KOCH PROPERTY, PIN 7901-56-2496-000, CEDAR RUN DISTRICT

A combined public hearing was held to consider whether to add the Koch Property (more particularly described as PIN 7901-56-2496-000) to the existing Southern Fauquier Agricultural and Forestal District. The property is located at 9626 Rogues Road, Midland. On March 4, 2019, the Agricultural and Forestal District Advisory Committee unanimously recommended approval of these additions of AGFO-19-010546. On April 18, 2019, the Planning Commission unanimously recommended approval of AGFO-19-010546. On June 13, 2019, the Board of

Supervisors held a public hearing and postponed action for 60 days regarding additions to the Southern Fauquier District with the public hearing remaining open. Mr. Andrew Hopewell, Assistant Chief of Planning, summarized the application. No one else spoke. The public hearing was closed. Mr. Butler moved to adopt the following Ordinance. 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*

ORDINANCE

AN ORDINANCE TO APPROVE THE 24th ADDITION TO THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT, AGFO-19-010546 – KOCH PROPERTY (PIN 7901-56-2496-000, CEDAR RUN DISTRICT)

WHEREAS, Section 15.2-4310, *Code of Virginia* (1950), as amended, allows additional parcels of land to be added to an existing District following the process described for the creation of a new District; and

WHEREAS, on March 4, 2019, the Agricultural and Forestal District Advisory Committee held a public meeting and unanimously recommended approval of AGFO-19-010546; and

WHEREAS, on April 18, 2019, the Fauquier County Planning Commission held a public hearing and considered written and oral testimony and unanimously recommended approval of AGFO-19-010546; and

WHEREAS, on June 13, 2019 and August 8, 2019, the Fauquier County Board of Supervisors held public hearings and considered written and oral testimony; and

WHEREAS, all requirements of Section 15.2-4310, *Code of Virginia* (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of August 2019, That the 24th Addition to the Southern Fauquier Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and, as such, is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to the public interest.
- 2) That this 24th Addition to the Southern Fauquier Agricultural and Forestal District is hereby added this 8th day of August 2019, in accordance with the provisions of Title

15.2, Chapter 43, Section 15.2-4310, of the *Code of Virginia*, (1950), as amended, until the expiration of the District on June 30, 2022.

- 3) That this 24th Addition to the Southern Fauquier Agricultural and Forestal District shall consist of the following parcel(s):

PIN	OWNERS	ACREAGE
7901-56-2496-000	Frederick and Sherrie Koch	26.8340
	Total:	26.8340

; and, be it

ORDAINED FURTHER, That the following conditions and restrictions shall apply, to wit:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. For properties in the Agricultural and Forestal District, uses listed in Zoning Ordinance Sections 3-301 through 3-317 and Sections 3-319 through 3-332 that require a Special Permit shall instead require a Special Exception. Agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family shall be allowed as permitted under the Zoning Ordinance. No special exception permit shall be in conflict with the purposes for which the district was created. Telecommunications towers are not considered to be in conflict with the purposes for which the district was created.
 - b. Only the following divisions of land are allowed within an Agricultural and Forestal District:
 - i. Family Transfers.
 - ii. Large Lots divisions.
 - c. Boundary Line Adjustments are allowed between other Agricultural and Forestal Districts. If a boundary line adjustment occurs between different Districts, the area boundary line adjusted would not be allowed to withdraw from the District any sooner than the first opportunity under the District created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 *et seq.* of Chapter 32 of Title 58.1 of the *Code of Virginia*.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the *Code of Virginia*.

4. That lawful termination of any owner’s association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the *Code of Virginia*.
5. If a parcel is divided or boundary line adjusted to less than 5 acres, the parcel shall be considered ineligible for renewal with the District.
6. If any parcel is boundary line adjusted or divided such that a newly created parcel contains less than 25 acres, then the parcel containing less than 25 acres shall be considered ineligible for renewal with the District. An exception to this rule shall be where such property is part of a working farm that is comprised of a contiguous collection of parcels under the same ownership; in such a case, any parcel containing less than 25 acres that is sold shall be removed from the District. Furthermore, if the contiguous collection of parcels under the same ownership is decreased to less than 25 acres, then all of the parcels in that collection shall be considered ineligible for renewal with the District.

AN ORDINANCE TO CONSIDER THE 24TH ADDITION TO THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT, AGFO-19-010576 - COLE PROPERTY, PIN 7921-90-0877-000, CEDAR RUN DISTRICT

A combined public hearing was held to consider whether to add the Cole Property (more particularly described as PIN 7921-90-0877-000) to the existing Southern Fauquier Agricultural and Forestal District. The property is located at 3215 Old Devils Turnpike, Catlett. On March 4, 2019, the Agricultural and Forestal District Advisory Committee unanimously recommended approval of AGFO-19-010576. On April 18, 2019, the Planning Commission unanimously recommended approval of AGFO-19-010576. On June 13, 2019, the Board of Supervisors held a public hearing and postponed action for 60 days regarding additions to the Southern Fauquier District with the public hearing remaining open. Mr. Andrew Hopewell, Assistant Chief of Planning, summarized the application. No one else spoke. The public hearing was closed. Mr. Butler moved to adopt the following Ordinance. 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>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO APPROVE THE 24th ADDITION TO THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT, AGFO-19-010576 – COLE PROPERTY (PIN 7921-90-0877-000, CEDAR RUN DISTRICT)

WHEREAS, Section 15.2-4310, *Code of Virginia* (1950), as amended, allows additional parcels of land to be added to an existing District following the process described for the creation of a new District; and

WHEREAS, on March 4, 2019, the Agricultural and Forestal District Advisory Committee held a public meeting and unanimously recommended approval of AGFO-19-010576; and

WHEREAS, on April 18, 2019, the Fauquier County Planning Commission held a public hearing and considered written and oral testimony and unanimously recommended approval of AGFO-19-010576; and

WHEREAS, on June 13, 2019 and August 8, 2019, the Fauquier County Board of Supervisors held public hearings and considered written and oral testimony; and

WHEREAS, all requirements of Section 15.2-4310, *Code of Virginia* (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of August 2019, That the 24th Addition to the Southern Fauquier Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and, as such, is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to the public interest.
- 2) That this 24th Addition to the Southern Fauquier Agricultural and Forestal District is hereby added this 8th day of August 2019, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310, of the *Code of Virginia*, (1950), as amended, until the expiration of the District on June 30, 2022.
- 3) That this 24th Addition to the Southern Fauquier Agricultural and Forestal District shall consist of the following parcel(s):

PIN	OWNERS	ACREAGE
7921-90-0877-000	Michael W. and Sandra L. Cole	41.3800
	Total:	41.3800

; and, be it

ORDAINED FURTHER, That the following conditions and restrictions shall apply, to wit:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below.

These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.

- a. For properties in the Agricultural and Forestal District, uses listed in Zoning Ordinance Sections 3-301 through 3-317 and Sections 3-319 through 3-332 that require a Special Permit shall instead require a Special Exception. Agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family shall be allowed as permitted under the Zoning Ordinance. No special exception permit shall be in conflict with the purposes for which the district was created. Telecommunications towers are not considered to be in conflict with the purposes for which the district was created.
 - b. Only the following divisions of land are allowed within an Agricultural and Forestal District:
 - i. Family Transfers.
 - ii. Large Lots divisions.
 - c. Boundary Line Adjustments are allowed between other Agricultural and Forestal Districts. If a boundary line adjustment occurs between different Districts, the area boundary line adjusted would not be allowed to withdraw from the District any sooner than the first opportunity under the District created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 *et seq.* of Chapter 32 of Title 58.1 of the *Code of Virginia*.
 3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the *Code of Virginia*.
 4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the *Code of Virginia*.
 5. If a parcel is divided or boundary line adjusted to less than 5 acres, the parcel shall be considered ineligible for renewal with the District.
 6. If any parcel is boundary line adjusted or divided such that a newly created parcel contains less than 25 acres, then the parcel containing less than 25 acres shall be considered ineligible for renewal with the District. An exception to this rule shall be where such property is part of a working farm that is comprised of a contiguous collection of parcels under the same ownership; in such a case, any parcel containing less than 25 acres that is sold shall be removed from the District. Furthermore, if the contiguous collection of parcels under the same ownership is decreased to less than 25 acres, then all of the parcels in that collection shall be considered ineligible for renewal with the District.

AN ORDINANCE TO CONSIDER THE 24TH ADDITION TO THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT, AGFO-19-010617 - MORGAN PROPERTY, PIN 7839-72-7190-000 AND 7839-61-9909-000, CEDAR RUN DISTRICT

A combined public hearing was held to consider whether to add the Morgan Property (more particularly described as PIN 7839-72-7190-000) to the existing Southern Fauquier Agricultural and Forestal District. The property is located at 2522 and 2525 Cromwell Road, Catlett. On March 4, 2019, the Agricultural and Forestal District Advisory Committee unanimously recommended approval of one of the parcels, PIN 7839-61-9909-000, but not PIN 7839-72-7190-000, due to various concerns expressed about admitting this parcel into the District. On April 18, 2019, the Planning Commission unanimously recommended approval of both parcels. On June 13, 2019, the Board of Supervisors held a public hearing and postponed action for 60 days regarding additions to the Southern Fauquier District with the public hearing remaining open. Mr. Andrew Hopewell, Assistant Chief of Planning, summarized the application. No one else spoke. The public hearing was closed. Mr. Butler moved to adopt the following Ordinance. 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*

ORDINANCE

AN ORDINANCE TO APPROVE THE 24th ADDITION TO THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT, AGFO-19-010617 – MORGAN PROPERTY (PIN 7839-72-7190-000 and 7839-61-9909-000, CEDAR RUN DISTRICT)

WHEREAS, Section 15.2-4310, *Code of Virginia* (1950), as amended, allows additional parcels of land to be added to an existing District following the process described for the creation of a new District; and

WHEREAS, on March 4, 2019, the Agricultural and Forestal District Advisory Committee held a public meeting and considered AGFO-19-010617; and

WHEREAS, on April 18, 2019, the Fauquier County Planning Commission held a public hearing and considered written and oral testimony and unanimously recommended approval of AGFO-19-010617; and

WHEREAS, on June 13, 2019 and August 8, 2019, the Fauquier County Board of Supervisors held public hearings and considered written and oral testimony; and

WHEREAS, all requirements of Section 15.2-4310, *Code of Virginia* (1950), as amended,

have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of August 2019, That the 24th Addition to the Southern Fauquier Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and, as such, is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to the public interest.
- 2) That this 24th Addition to the Southern Fauquier Agricultural and Forestal District is hereby added this 8th day of August 2019, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310, of the *Code of Virginia*, (1950), as amended, until the expiration of the District on June 30, 2022.
- 3) That this 24th Addition to the Southern Fauquier Agricultural and Forestal District shall consist of the following parcel(s):

PIN	OWNERS	ACREAGE
7839-72-7190-000	Joel H. & Wanda H. Morgan	7.7710
7839-61-9909-000	Joel H. & Wanda H. Morgan	26.4500
	Total:	34.2210

; and, be it

ORDAINED FURTHER, That the following conditions and restrictions shall apply, to wit:

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4312 of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. For properties in the Agricultural and Forestal District, uses listed in Zoning Ordinance Sections 3-301 through 3-317 and Sections 3-319 through 3-332 that require a Special Permit shall instead require a Special Exception. Agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family shall be allowed as permitted under the Zoning Ordinance. No special exception permit shall be in conflict with the purposes for which the district was created. Telecommunications towers are not considered to be in conflict with the purposes for which the district was created.

- b. Only the following divisions of land are allowed within an Agricultural and Forestal District:
 - i. Family Transfers.
 - ii. Large Lots divisions.
 - c. Boundary Line Adjustments are allowed between other Agricultural and Forestal Districts. If a boundary line adjustment occurs between different Districts, the area boundary line adjusted would not be allowed to withdraw from the District any sooner than the first opportunity under the District created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Article 4 of Section 58.1-3229 *et seq.* of Chapter 32 of Title 58.1 of the *Code of Virginia*.
 3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the *Code of Virginia*.
 4. That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4311 of the *Code of Virginia*.
 5. If a parcel is divided or boundary line adjusted to less than 5 acres, the parcel shall be considered ineligible for renewal with the District.
 6. If any parcel is boundary line adjusted or divided such that a newly created parcel contains less than 25 acres, then the parcel containing less than 25 acres shall be considered ineligible for renewal with the District. An exception to this rule shall be where such property is part of a working farm that is comprised of a contiguous collection of parcels under the same ownership; in such a case, any parcel containing less than 25 acres that is sold shall be removed from the District. Furthermore, if the contiguous collection of parcels under the same ownership is decreased to less than 25 acres, then all of the parcels in that collection shall be considered ineligible for renewal with the District.

A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 2 TO ALLOW FAMILY SUBDIVISIONS ON CERTAIN PARCELS SUBJECT TO NON-COMMON OPEN SPACE EASEMENTS

A public hearing was held to consider a proposed Zoning Ordinance text amendment that would allow a single-family subdivision lot on Agricultural (RA) or Conservation (RC) District parcels placed in a non-common open space easement prior to September 7, 1999, provided certain criteria can be achieved and the parent parcel retains the 85% non-common open space requirement. On July 18, 2019, the Planning Commission held a public hearing and voted to recommend denial of the proposed text amendment by a vote of 3 to 2. Ms. Amy Rogers, Chief of Zoning & Development Services, summarized the proposed amendment.

- Ms. Julie Bolthouse, representing the Piedmont Environmental Council, spoke in opposition to the proposed text amendment.

No one else spoke. The public hearing was closed. Mr. Butler moved to approve a Zoning Ordinance Text Amendment to Article 2 to allow family subdivisions on certain parcels subject to non-common open space easements. Mr. Granger seconded and, following discussion, the motion failed by a vote of 2 to 3, as follows:

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

A RESOLUTION TO CONSIDER SPECIAL EXCEPTION SPEX-19-011074, STSK9 AT NATANIA FARM - AN APPLICATION FOR A CATEGORY 13 SPECIAL EXCEPTION TO ALLOW A MINOR KENNEL (PIN 6961-89-5738-000 AND 6961-79-5691-000, MARSHALL DISTRICT)

A public hearing was held to consider an application requesting a Category 13 Special Exception to allow a Minor Kennel. The Applicants are proposing a training facility with various programs and a small-scale breeding operation. Only the Applicants' personal dogs will be kept on the property overnight. The properties are part of the Springs Valley Agricultural and Forestal District. The properties are located at 8270 March Wales Road, Warrenton. On June 20, 2019, the Planning Commission voted 3 to 2 to recommend approval of the application. On July 11, 2019, the Board of Supervisors voted 5 to 0 to grant the 30 day postponement requested by the Applicants; the public hearing remained open. A Resolution of Approval and a Resolution of Denial have been provided for the Board's consideration. Ms. Kara Krantz, Planner, summarized the application.

- Mr. Amir Pirasteh, Applicant, Marshall District, gave an overview of the project and requested favorable consideration of the application.
- Mr. Dennis Pearson, Marshall District, spoke in opposition to the application.
- Mr. Peter Petronzio, Marshall District, spoke in opposition to the application.
- Mr. Daniel Heller, Scott District, spoke in support of the application.
- Ms. Marie Donahue, Maryland, spoke in support of the application.
- Mr. Tyson Larimore, Marshall District, spoke in opposition to the application.
- Mr. Harvey Pearson, Marshall District, spoke in opposition to the application.
- Mr. Gabriel Boie, Marshall District, spoke in support of the application.
- Mr. Kenneth Shenk, Marshall District, spoke in support of the application.
- Ms. Mariam Pearson, Marshall District, spoke in opposition to the application.
- Ms. Ann Melle, Spotsylvania County, spoke in support of the application.
- Mr. Chris Cloud, Marshall District, spoke in support of the application.
- Ms. Lucretia Larimore, Marshall District, spoke in opposition to the application.

- Ms. Kasey Morris, Marshall District, spoke in support of the application.
- Mr. Nino Drowaert Firdous, Marshall District, spoke in support of the application.
- Mr. Jeff Hollis, Fairfax County, spoke in support of the application.
- Ms. Gretchen Pirasteh, Applicant, requested favorable consideration of the application.
- Mr. Charles Emmling, Marshall District, spoke in opposition to the application.
- Mr. Mark Medina, Prince William County, spoke in support of the application.

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

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

Nays: *Mr. Christopher N. Granger*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO DENY SPECIAL EXCEPTION SPEX-19-011074, STSK9 AT NATANIA FARM – AN APPLICATION FOR A CATEGORY 13 SPECIAL EXCEPTION TO ALLOW A MINOR KENNEL (PIN 6961-89-5738-000 AND 6961-79-5691-000, MARSHALL DISTRICT)

WHEREAS, A. Ahmad and Gretchen Pirasteh (Owners/Applicants), are seeking approval of a Category 13 Special Exception to operate a minor kennel in an Agricultural and Forestal District, on the properties located at 8270 March Wales Roads, on PIN 6961-89-5738-000 and 6961-79-5691-000; and

WHEREAS, on June 20, 2019, the Fauquier County Planning Commission held a public hearing on the Special Exception; and

WHEREAS, on July 11, 2019 and August 8, 2019, the Board of Supervisors conducted public hearings and considered written and oral testimony; and

WHEREAS, the Board of Supervisors finds that in the matter of Special Exception SPEX-19-011074:

1. That the proposal is in conflict with the purposes of the Springs Valley Agricultural and Forestal District.
2. The application does not satisfy the standards of Zoning Ordinance Sections 5-006 and 5-1301.1.
3. The proposed use will adversely affect the use or development of neighboring properties and will impair the value of nearby land.

4. The traffic generated by the proposed use will be in conflict with the existing and anticipated traffic in the neighborhood and on streets serving the site.
5. The impacts of the proposal have not been mitigated.
6. The property has other reasonable use; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of August 2019, That SPEX-19-011074 be, and is hereby, denied.

A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX-19-011213, MEADOWS TANK #2 - AN APPLICATION FOR A CATEGORY 20 SPECIAL EXCEPTION FOR THE INSTALLATION OF AN ABOVEGROUND WATER STORAGE TANK AND TREATMENT FACILITY (PIN 6887-48-9929-000 AND 6887-68-2679-000), LEE DISTRICT

A public hearing was held to consider an application requesting a Category 20 Special Exception to allow for the installation of an aboveground water storage tank on an existing Fauquier County Water and Sanitation Authority lot. The proposed tank will provide water to serve the final phases of The Meadows of Remington and the future development of Remington Technology Park. The property is located at 6986 Helm Drive, Remington. On July 18, 2019, the Planning Commission voted 5 to 0 to recommend approval of the application. Ms. Kara Krantz, Planner, summarized the application.

- Ms. Donna Rose, Lee District, expressed concerns about odors and property devaluation.

No one else spoke. The public hearing was closed. Mr. Butler moved to adopt the following Resolution. Mr. Trumbo 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-19-011213, MEADOWS TANK #2 – AN APPLICATION FOR A CATEGORY 20 SPECIAL EXCEPTION FOR THE INSTALLATION OF AN ABOVEGROUND WATER STORAGE TANK AND TREATMENT FACILITY (PIN 6887-48-9929-000, 6887-68-2679-000, LEE DISTRICT)

WHEREAS, Fauquier County Water and Sanitation Authority and Remland, LLC (Owners)/Robert N. Springer, Remland, LLC (Applicant), are seeking approval of a Category 20 Special Exception for the installation of an aboveground water storage tank and treatment facility, on the properties located at 6986 Helm Drive, on PIN 6887-48-9929-000 and 6887-68-2679-000; and

WHEREAS, on July 18, 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 August 8, 2019, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors finds that there is no more suitable site available for such use in a Commercial or Industrial District; 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 8th day of August 2019, That SPEX-19-011213 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted only for PIN 6887-48-9929-000 and 6887-68-2679-000, runs with the land as indicated in the application, and shall not be transferred to other land.
2. The Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Exhibits dated April 15, 2019, revised on May 15, 2019 and received by Community Development on May 16, 2019, except as qualified by these development conditions.
3. All applicable Virginia Department of Health (VDH) permits for the well and related system shall be obtained prior to connection to the existing system.
4. The Applicant shall obtain any and all applicable State and Federal approvals prior to establishing the use.
5. A row of evergreen trees and a fence shall be provided and maintained along all property lines except where vehicular access points and utility easements are needed. Fencing shall be located inside of the required evergreen tree screen where possible.
6. A Site Plan shall be required prior to commencement of the use.

AN ORDINANCE TO APPROVE REZONING REZN-16-004841, HAUCK PROPERTY - AN APPLICATION TO REZONE TWO PARCELS FROM RURAL AGRICULTURE (RA) TO INDUSTRIAL GENERAL (I-2) (PIN 7819-08-6289-000 AND 7819-08-7272-000), CEDAR RUN DISTRICT

The applicant is seeking approval to rezone two adjoining one acre parcels from Rural Agriculture (RA) to Industrial General (I-2). The lots are planned for Industrial purposes and are bordered on three sides by properties zoned I-2. The properties are located on Midland Road, in the Midland Service District. On June 16, 2016 the Planning Commission unanimously recommended approval of the application. Following that recommendation the Applicant placed the application on hold with the goal of finding an end user and resolving outstanding issues related to setbacks and Virginia Department of Transportation (VDOT) entrance requirements. There have been no changes to the application since that recommendation. Ms. Holly Meade, Director of Community Development, summarized the application.

- Ms. Elizabeth Hauck, Applicant, requested favorable consideration of the application.

No one else spoke. The public hearing was closed. Mr. Gerhardt moved to adopt the following Ordinance. 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

AN ORDINANCE TO APPROVE REZN-16-004841, HAUCK PROPERTY – AN APPLICATION TO REZONE TWO PARCELS FROM RURAL AGRICULTURE (RA) TO INDUSTRIAL GENERAL (I-2) (PIN 7819-08-6289-000 AND 7819-08-7272-000, CEDAR RUN DISTRICT)

WHEREAS, Edwin A. Pittard, Jr., Clyde Pittard, Sr., and Elizabeth Anne Pittard Hauck (Owners) and Elizabeth A. Hauck (Applicant), have initiated an application to amend the Fauquier County Zoning Map in accordance with the provision of Zoning Ordinance Section 13-202 to rezone approximately two acres from Rural Agriculture (RA) to Industrial General (I-2) without proffers; and

WHEREAS, the parcels are located in the Midland Service District with a land use designation of Industrial and are identified as PIN 7819-08-6289-000 and 7819-08-7272-000); and

WHEREAS, the adopted Comprehensive Plan designates the parcels as Industrial; and

WHEREAS, the Board of Supervisors determines that the proposed rezoning is consistent with the adopted Comprehensive Plan; and

WHEREAS, on June 16, 2016, the Fauquier County Planning Commission held a public hearing on the Rezoning request and unanimously recommended approval; and

WHEREAS, following the Planning Commission public hearing the Applicant requested the application be placed on hold; and

WHEREAS, on July 20, 2019, the Applicant requested to move forward with the application; and

WHEREAS, on August 8, 2019, the Fauquier County Board of Supervisors held a public hearing on this Rezoning request and considered both oral and written testimony; and

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

ORDAINED by the Fauquier County Board of Supervisors this 8th day of August 2019, That the Rezoning request (REZN-16-004841), to change the Zoning Map designation of PINs 7819-08-6289-000 and 7819-08-7272-000 from Rural Agriculture (RA) to Industrial General (I-2) without proffers, be, and is hereby, approved.

AN ORDINANCE TO CONSIDER REZONING AMENDMENT REZN-19-011151, ARRINGTON - AN APPLICATION TO AMEND PORTIONS OF A PREVIOUSLY APPROVED PROFFER STATEMENT (REZN-15-003477), WHICH DO NOT AFFECT USE OR DENSITY, PIN 6983-44-4874-000, MARSHALL DISTRICT

A public hearing was held to consider an application for a Rezoning amendment requesting changes to Arrington's previously approved Proffer Statement, which do not affect use or density. The most significant requested change is to remove the age-restricted housing requirement for the 217 residential lots in the PRD zoned portion of the project. Other requested changes address the location of the proffered Warrenton Dog Park, construction of off-site recreation fields in lieu of financial contribution, and the phasing of the project's previously approved connections to public streets. No changes to the previously approved Concept Development Plan (CDP) or Code of Development (COD) are proposed with this application. The property is located off James Madison Highway between Alwington Boulevard and Lovers Lane, Marshall District. Mr. Adam Shellenberger, Chief of Planning, summarized the application.

- Ms. Lora Jenkins, Marshall District, spoke in opposition to the application.
- Mr. Russell Marks, representing the Applicant, summarized the proposed amendments and requested favorable consideration of the application.
- Mr. Larry Kovalik, Center District, spoke in opposition to the application.
- Ms. Christine Fox, Center District, spoke in opposition to the application.

- Mr. Lewis Ray, Cedar Run District, spoke in opposition to the application.
- Ms. Amy Regeti, Center District, spoke in support of the application.

No one else spoke. The public hearing was closed. Ms. McDaniel moved to continue the public hearing and postpone consideration of this matter indefinitely. Upon being 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*

With no further business, the meeting was adjourned at 8:39 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on August 8, 2019.

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