

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD
NOVEMBER 8, 2007 AT 2:30 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Harry F. Atherton, Chairman; Mr. Raymond E. Graham, Vice-Chairman;
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;
Mr. Paul S. McCulla, County Administrator; Mr. Kevin J. Burke, County
Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**A CLOSED SESSION TO CONSULT WITH LEGAL COUNSEL PERTAINING TO
LITIGATION**

Mr. Atherton moved to go into a closed meeting, pursuant to Virginia Code Section 2.2-3711(A)(1) for the purpose of discussion regarding specific legal matters requiring the provision of legal counsel related to the Verizon Cellular Tower litigation. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

Upon reconvening from the closed meeting, Mr. Atherton 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 8th day of November 2007, 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.

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT STATUS UPDATE

David Cabbage, Assistant Resident Engineer of the VDOT Warrenton Residency Office, briefed the Board of Supervisors on the status of specific projects within Board members' Magisterial Districts.

A WORK SESSION TO DISCUSS THE PROGRESS OF PHASE 1 AND PHASE 2 FIRE AND RESCUE CAPITAL PROJECTS

Tom Marable, President of the Volunteer Fire and Rescue Association, discussed the progress of Phase 1 and Phase 2 Capital Projects, and Vivian McGettigan, Director of Finance, discussed the financing process.

The meeting was reconvened in Regular Session at 6:30 P.M.

INVOCATION

Mr. Atherton offered the invocation.

PLEDGE OF ALLEGIANCE

Peter Schwartz led the pledge of allegiance.

ADOPTION OF THE AGENDA

Mr. Graham moved to adopt the agenda with the following amendment. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

- Add new Consent agenda item #6(j), a Resolution to Initiate a Zoning Ordinance Text Amendment to Chapter 11 of the Zoning Ordinance to Revise Standards Related to Telecommunications Tower Approvals and Confirm the Requirement for a Special Exception within 100 Feet of Roads, Streets, Highways and Right-of-Ways.

CITIZENS' TIME

- Dominic Paravano, Scott District, stated that the developer of Suffield Meadows subdivision has not provided certain promised amenities to the community, and he requested that the County revoke all of the developer's bonds and permits until their obligation has been met.

- Larry Evans, Scott District, requested a moment of silence for victims of a recent fatal car accident in Maryland involving four teenagers; Mr. Evans spoke in opposition to the Cross Creek / Costco development; Mr. Evans requested deer crossing signs be installed between Route 676 and Atlee Road; Mr. Evans spoke in favor of the preservation of agriculture in the County.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Atherton presented a Proclamation to Recognize National Family Caregivers Month.
- Mr. Stribling introduced Mr. Jeff Walker, Executive Director of the Rappahannock-Rapidan Regional Commission, who presented the 2007 Distinguished Leadership Award to Mr. Atherton.

CONSENT AGENDA

Mr. Graham moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Approval of the Minutes for the September 13, 2007 Regular Meeting, October 2, 2007 Special Meeting, and October 11, 2007 Regular Meeting of the Fauquier County Board of Supervisors

A Resolution to Authorize an Increase of Contract #63-05smc, with Emery & Garrett Groundwater, Inc., by the Amount of \$250,000.00, as Appropriated in the Adopted Fauquier County FY2008 Budget, for the Continuation of Geophysical Surveys and Exploratory Drilling, Hydrogeologic Assessments of Sensitive Groundwater Development Protection Areas, and Groundwater Testing for Yield and Quality

RESOLUTION

A RESOLUTION TO AUTHORIZE THE INCREASE OF CONTRACT #63-05SMC, WITH EMERY & GARRETT GROUNDWATER, INC., BY THE AMOUNT OF \$250,000.00, FOR THE CONTINUATION OF GEOPHYSICAL SURVEYS AND EXPLORATORY DRILLING IN THE NEW BALTIMORE SERVICE DISTRICT, HYDROGEOLOGIC ASSESSMENTS OF SENSITIVE GROUNDWATER DEVELOPMENT PROTECTION AREAS IN BEALETON, WARRENTON, AND REMINGTON SERVICE DISTRICTS, AND GROUNDWATER TESTING FOR YIELD AND QUALITY IN NEW BALTIMORE SERVICE DISTRICT

WHEREAS, on October 15, 2001, the Board of Supervisors resolved that groundwater would serve all County provided public water; and

WHEREAS, Emery & Garrett Groundwater, Inc., produced a hydrogeologic report submitted to Fauquier County in July 1992 entitled “Groundwater Resource Investigation – New Baltimore Service Area – County of Fauquier, Virginia;” and

WHEREAS, Emery & Garrett Groundwater, Inc. produced a reassessment and update on the status of previously selected groundwater development zones report submitted to Fauquier County in March 2007 entitled “2006-2007 Continuation of Groundwater Investigation in New Baltimore Service District;” and

WHEREAS, in April 2007, Emery & Garrett Groundwater, Inc. produced a groundwater exploration and development program report submitted to Fauquier County entitled “Preliminary Hydrologic Investigation” for the Marshall Service District; and

WHEREAS, it is imperative that groundwater supplies in Fauquier County continue to be identified and investigated to secure supplies for future generations; and

WHEREAS, in February 2005, a contract was awarded to Emery & Garrett Groundwater, Inc., for Water Resource Management and Consulting Services in the amount of \$72,000.00, subsequently modified to the amount of \$77,500.00, and additionally modified through Fauquier County Board of Supervisors approval in September 2006 for an additional \$ 250,000 in the Fiscal Year 2007 for implementation of groundwater investigation; and

WHEREAS, the Fauquier County Board of Supervisors appropriated \$250,000.00 in the Fiscal Year 2008 Water Resource Management Program budget for the continuation of Geophysical Surveys and Exploratory Drilling in the New Baltimore Service District, Hydrogeologic Assessments of Sensitive Groundwater Development Protection Areas in Bealeton, Warrenton, and Remington Service Districts, and Groundwater Testing for Yield and Quality in New Baltimore Service District; and

WHEREAS, Procurement Policy Section 4.1.15 states that no fixed-price contract may be increased by more than 25% of the contract or \$50,000, whichever is greater, without the advance written approval of the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That the Board of Supervisors does hereby authorize the issuance of a modification to increase the Emery & Garrett Groundwater, Inc., Contract #63-05smc by the amount of \$250,000.00, in order to accomplish the tasks set forth in Emery & Garrett’s proposal dated March 5, 2007.

A Resolution to Approve Donation of Funds to the Fauquier SPCA, Inc., for the Sale of Animal Friendly License Plates

RESOLUTION

A RESOLUTION TO APPROVE DONATION OF FUNDS TO THE FAUQUIER SPCA, INC.,
FOR THE SALE OF ANIMAL FRIENDLY LICENSE PLATES

WHEREAS, the Department of Motor Vehicles sells Animal Friendly license plates as authorized by Section 46.2-749 of the Code of Virginia (1950), as amended, as part of its special license plate program; and

WHEREAS, a portion of the funds from the sale of the license plates are set aside in a special fund for distribution to localities to be used in support of sterilization programs for dogs and cats; and

WHEREAS, for Fiscal Year 2007, Fauquier County is entitled to the sum of \$2,535.00 from the sale of Animal Friendly license plates; and

WHEREAS, Fauquier County does not have a sterilization program, however, statute provides that the County may make the funds available to a local, private, non-profit organization which supports the purposes of the program; and

WHEREAS, the Fauquier SPCA, Inc., is a local, private, non-profit organization which has a sterilization program for dogs and cats and which has affirmed that funds donated will be used by that organization for the purposes of that program in accordance with Virginia Code; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That upon receipt from the Department of Motor Vehicles the sum of \$2,535.00 due to Fauquier County based on the sale of Animal Friendly license plates, as authorized by Section 46.2-749 of the Code of Virginia (1950), as amended, be, and is hereby, appropriated for donation to the Fauquier SPCA, Inc., for the exclusive use by that organization for the sterilization of dogs and cats.

A Comprehensive Plan Amendment to adopt *The Fauquier County Connections Plan* by Reference in Chapter 9-Public Facilities and Utilities and Chapter 10-Transportation

RESOLUTION

A RESOLUTION TO ADOPT THE FAUQUIER COUNTY CONNECTIONS PLAN BY
REFERENCE IN CHAPTER 9: PUBLIC FACILITIES AND UTILITIES, AND IN
CHAPTER 10: TRANSPORTATION, OF THE
FAUQUIER COUNTY COMPREHENSIVE PLAN

WHEREAS, *The Fauquier County Connections Plan* addresses the need for additional trails, greenways and sidewalks for pedestrians and bicyclists in the County that connect to libraries, parks, shopping, historical sites and scenic areas, particularly in the nine service districts; and

WHEREAS, trails, greenways and sidewalks contribute to a high quality of life, improved health, and allow citizens and tourists to recreate and travel safely; and

WHEREAS, additional text is inserted in the Fauquier County Comprehensive Plan that adopts *The Fauquier County Connections Plan* by reference; and

WHEREAS, on June 28, 2007, the Planning Commission unanimously recommended approval of this item to the Board of Supervisors with recommended language identified in the November 8, 2007 staff report; and

WHEREAS, on August 9, 2007 and September 13, 2007, the Fauquier County Board of Supervisors conducted a public hearing on this item and considered written and oral testimony; and

WHEREAS, on October 11, 2007, the Fauquier County Board of Supervisors conducted a work session with the Fauquier County Department of Recreation and the Parks & Recreation Board; now, therefore, be it

RESOLVED by the Fauquier County Board on November 8th 2007, That Chapters 9 and 10 of the Fauquier County Comprehensive Plan be, and are hereby, amended as reflected in the staff report dated November 8, 2007, which adopts *The Fauquier County Connections Plan*.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Obtain Citizen Input Concerning a Revision of Chapter 4 of the Fauquier County Code

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR
TO SCHEDULE A PUBLIC HEARING TO OBTAIN CITIZEN INPUT CONCERNING A
REVISION OF CHAPTER 4 OF THE FAUQUIER COUNTY CODE

WHEREAS, it is in the best interest of the citizens of the County for all companion animals within the County to be provided with adequate space and shelter; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That the County Administrator be, and is hereby, directed to schedule a public hearing to obtain citizen input regarding the revision of Chapter 4 of the Fauquier County Code.

A Resolution Supporting the Inclusion of Catlett on the Virginia Landmarks and National Registers

RESOLUTION

A RESOLUTION TO THE VIRGINIA BOARD OF HISTORIC RESOURCES AND
THE NATIONAL PARK SERVICE SUPPORTING THE INCLUSION OF CATLETT
ON THE VIRGINIA LANDMARKS AND NATIONAL REGISTERS

WHEREAS, Catlett originated as a railroad town in 1852 at the juncture of the rail line and Dumfries road on a circa 1715 land grant to John Catlett, being first known as Colvins' Station in 1853, later known as Catlett's Station, and now known as Catlett; and

WHEREAS, the town's location on the Orange and Alexandria Railroad was strategically important during the Civil War when the nation was torn apart; and

WHEREAS, Catlett was a busy commercial and residential center for this rural area of Fauquier County during the early 20th century, and the historic area encompasses 118 acres, inclusive of 76 buildings of historical interest; and

WHEREAS, the town features elegant Italianate houses, sturdy farm houses, a tile-sided commercial building, a small department store building, Sears Kit houses, a meat market, a Craftsman bungalow, a tile dairy barn, an old hardware store building, a creamery, a gazebo that was once the Catlett school bell tower, and other interesting buildings that collectively tell the unique story of this town's development; and

WHEREAS, the Virginia Landmarks and National Register District designations are high honors to bestow on a community, and ones that record a community's past so that it can properly plan for its future; and

WHEREAS, Catlett was a busy commercial and residential center for this rural area of Fauquier County during the early 20th century, and the historic area encompasses 118 acres, inclusive of 76 buildings of historical interest; and

WHEREAS, this architectural history is being completed as part of a Board of Supervisors multi-year program to document 21 of the County's towns and villages for inclusion on the National Register; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That the Board hereby supports and encourages the Virginia Board of Historic Resources to include the Catlett National Register Historic District, located in the Cedar Lee Magisterial District, in the Virginia Landmarks Register; and, be it

RESOLVED FURTHER, That the Board of Supervisors encourages the Virginia Board of Historic Resources to recommend to the National Park Service, due to the established and unique history and National significance of Catlett, that this village be enrolled in the National Register of Historic Places.

A Resolution Supporting the Inclusion of Hume on the Virginia Landmarks and National Registers

RESOLUTION

A RESOLUTION TO THE VIRGINIA BOARD OF HISTORIC RESOURCES AND THE NATIONAL PARK SERVICE SUPPORTING THE INCLUSION OF HUME ON

THE VIRGINIA LANDMARKS AND NATIONAL REGISTERS

WHEREAS, the historic village of Hume encompasses approximately 63 acres surrounded by pristeen rolling farmland between Big Cobbler and Buck Mountains in the center of the John Marshall-Leeds Manor National Register Rural Historic District; and

WHEREAS, this village was first known as Barbee's Cross Roads, named for the operator of one of the County's few surviving early taverns at the intersection of Leeds Manor and Hume Roads, with Leeds Manor being the road that first linked the county seat at Warrenton with the Shenandoah Valley; and

WHEREAS, Hume was presumably named so in honor of "Jacob Hume" who was a longtime large landholder in the immediate area, and Hume has been the site of two churches, several schools, five small stores, home to both African-Americans and whites, with 60 historic buildings representing this unique history from 1797 to 1952; and

WHEREAS, the Virginia Landmarks and a National Register District designations are high honors to bestow on a community; and

WHEREAS, this architectural history is being completed as part of a Board of Supervisors multi-year program to document 21 of the County's towns and villages for inclusion on the National Register; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That the Board hereby supports and encourages the Virginia Board of Historic Resources to include the Hume National Register Historic District, located in the Marshall Magisterial District, in the Virginia Landmarks Register; and, be it

RESOLVED FURTHER, That the Board of Supervisors encourages the Virginia Board of Historic Resources to recommend to the National Park Service, due to the established and unique history and National significance of Hume, that this village be enrolled in the National Register of Historic Places.

A Resolution Authorizing Initiation of New Baltimore Service District Impact Fee Project and the Funding Source

RESOLUTION

A RESOLUTION AUTHORIZING INITIATION OF NEW BALTIMORE SERVICE DISTRICT IMPACT FEE PROJECT AND THE FUNDING SOURCE

WHEREAS, the New Baltimore Service District Plan includes a Transportation Plan for buildout, as well as recommended secondary and primary road improvements for over a 5-year period; and

WHEREAS, State funding sources for the road improvements needed to support the expected growth within this area continues to be limited; and

WHEREAS, § 15.2-2319 of the Code of Virginia provides the authority to assess and impose transportation impact fees; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That the Board hereby directs the Department of Community Development to initiate the transportation impact fee project for the New Baltimore Service District; and, be it

RESOLVED FURTHER, That the Board of Supervisors hereby authorizes the expenditure of proffered cash contributions, not to exceed \$30,000.00, to be used from the New Baltimore Transportation Fund (Brookside/Vint Hill proffered cash contributions) for this specified project.

A Resolution to Support the Appointment of Steven L. Walker as the Region 7 Representative on the Virginia Association of Counties (VACo) Board of Directors

RESOLUTION

A RESOLUTION TO SUPPORT THE APPOINTMENT OF STEVEN L. WALKER AS THE REGION 7 REPRESENTATIVE ON THE VIRGINIA ASSOCIATION OF COUNTIES (VACo) BOARD OF DIRECTORS

WHEREAS, the current term of Steven L. Walker, Culpeper County Supervisor, as Region 7 representative on the VACo Board of Directors will expire on December 31, 2007; and

WHEREAS, the Fauquier County Board of Supervisors wishes to express its support for Steven L. Walker to continue to serve on the VACo Board for Region 7 for the two-year term beginning January 1, 2008 and ending December 31, 2009; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That the Board hereby supports the reappointment of Steven L. Walker as Region 7 representative on the VACo Board of Directors for the next two-year term.

A Resolution to Initiate a Zoning Ordinance Text Amendment to Chapter 11 of the Zoning Ordinance to Revise Standards Related to Telecommunications Tower Approvals and Confirm the Requirement for a Special Exception within 100 Feet of Roads, Streets, Highways and Right-of-Ways

RESOLUTION

A RESOLUTION TO INITIATE A ZONING ORDINANCE TEXT AMENDMENT TO CHAPTER 11 OF THE ZONING ORDINANCE TO REVISE STANDARDS RELATED TO TELECOMMUNICATIONS TOWER APPROVALS AND CONFIRM THE REQUIREMENT FOR A SPECIAL EXCEPTION WITHIN 100 FEET OF ROADS, STREETS, HIGHWAYS AND RIGHT-OF-WAYS

WHEREAS, the County has determined that it is necessary to amend Chapter 11 of the Zoning Ordinance in order to clarify its intent with respect to the situations in which a special exception is required for telecommunications towers; and

WHEREAS, the Board of Supervisors has determined that other clarifications with respect to the requirements of the Telecommunications Ordinance are appropriate; and

WHEREAS, the County has determined that initiation of such an amendment is appropriate, in the public interest and consistent with good zoning practice; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That an amendment to Chapter 11 of the Zoning Ordinance to clarify that a special exception is required for telecommunications towers within 100 feet of or within highway right-of-way and revise other requirements of the Ordinance be, and is hereby, forwarded to the Fauquier County Planning Commission for public hearing.

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF JACKIE SHAY McNEAL

Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF JACKIE SHAY McNEAL

WHEREAS, Jackie Shay McNeal has proposed to donate a conservation easement over his property described as PIN #6031-63-0308-000, consisting of approximately 50 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 agricultural and forestal 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 November 2007, That the Board finds as follows:

1. The proposed easement preserves 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;
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;
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 TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF BENJAMIN S. COOPER AND POLLY GAULT

Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF BENJAMIN S. COOPER AND POLLY GAULT

WHEREAS, Benjamin S. Cooper and Polly Gault have proposed to donate a conservation easement over their property described as PINs #6956-09-2277-000, #6946-98-2300-000, and #6946-77-9146-000, consisting of approximately 126.5 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 agricultural and forestal 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 November 2007, That the Board finds as follows:

1. The proposed easement preserves 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;
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;
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 REFERRING TO THE PLANNING COMMISSION A REQUEST OF BRIAN K. SANDBERG FOR THE ISSUANCE OF A SPECIAL EXCEPTION UNDER ZONING ORDINANCE SECTION 3-320.7 PERMITTING AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM WITH A DISCHARGE TO REPLACE A PRESENTLY EXISTING FAILED SYSTEM ON REAL PROPERTY OWNED BY THE APPLICANT AND IDENTIFIED AS PIN #7925-33-9468

Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None

Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION REFERRING TO THE PLANNING COMMISSION A REQUEST OF BRIAN K. SANDBERG FOR THE ISSUANCE OF A SPECIAL EXCEPTION UNDER ZONING ORDINANCE SECTION 3-320.7 PERMITTING AN INDIVIDUAL SEWAGE DISPOSAL SYSTEM WITH A DISCHARGE TO REPLACE A PRESENTLY EXISTING FAILED SYSTEM ON REAL PROPERTY OWNED BY THE APPLICANT AND IDENTIFIED AS PIN #7925-33-9468-000

WHEREAS, the applicant, Brian K. Sandberg owns real property located at 7215 Jay Ray Way, Nokesville, Virginia 20181, more particularly described as PIN #7925-33-9468-00; and

WHEREAS, a residence is located on the parcel, which residence is served by a Puraflo Sewage Disposal System; and

WHEREAS, the property's current sewage disposal system has failed and the applicant is seeking a special exception under Zoning Ordinance Section 3-320.7 to permit a sewage disposal system with discharge; and

WHEREAS, the failed system and the property have been reviewed by both the Fauquier County Health Department and the County Soils Scientist and both agree that the discharge system is the only alternative for repair; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That upon Mr. Sandberg's filing of the appropriate application and payment of the required filing fee, the application for a Special Exception under Zoning Ordinance Section 3-320.7 to permit a sewage disposal system with discharge be, and is hereby, referred to the Planning Commission; and, be it

RESOLVED FURTHER, That the Director of the Department of Community Development or his designee shall contact Mr. Sandberg and provide guidance regarding the filing of the appropriate application and payment of appropriate fees.

A RESOLUTION OF THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA, APPROVING THE ISSUANCE OF HOSPITAL REVENUE BONDS (THE "BONDS") BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF FAUQUIER COUNTY, VIRGINIA (THE "IDA"), FOR THE BENEFIT OF THE FAUQUIER HOSPITAL, INCORPORATED (THE "HOSPITAL") AND SENIOR LIVING CONCEPTS, LLC (THE "LLC")

Mr. Robison moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G.*

Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling

Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA, APPROVING THE ISSUANCE OF HOSPITAL REVENUE BONDS (THE “BONDS”) BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF FAUQUIER COUNTY, VIRGINIA (THE “IDA”), FOR THE BENEFIT OF THE FAUQUIER HOSPITAL, INCORPORATED (THE “HOSPITAL”) AND SENIOR LIVING CONCEPTS, LLC (THE “LLC”)

WHEREAS, The Fauquier Hospital, Incorporated (the “Hospital”), and Senior Living Concepts, LLC (the “LLC”), have requested the Industrial Development Authority of Fauquier County, Virginia (the “Authority”), to issue bonds in the form of hospital revenue bonds (the “2007 Bonds”) in an amount now estimated not to exceed \$40,000,000 to (1) finance or refinance the Projects, as described below, (2) to pay issuance expenses in connection with the 2007 Bonds, (3) pay the cost of credit enhancement for the 2007 Bonds, if any, and (4) fund one or more debt service reserve funds for the 2007 Bonds; and

WHEREAS, the Hospital is a not-for-profit Virginia nonstock corporation, and the LLC is a Virginia limited liability company whose sole member, upon issuance of the 2007 Bonds, will be the Fauquier Health System, Inc. (the “Health System”); and

WHEREAS, the principal place of business for all of the aforementioned entities currently is 500 Hospital Drive, Warrenton, Virginia; and

WHEREAS, the Projects shall include, but shall not be limited to, the following: (1) an assisted living facility of approximately 65,000 square-feet (the “Assisted Living Project”) containing approximately 60 assisted living units, to be located in Fauquier County, Virginia, approximately six miles north of Warrenton, Virginia, on Route 29, in the planned unit development known as Suffield Meadows, (2) improvements and renovations to the general hospital facilities operated by the Hospital at 500 Hospital Drive in Warrenton (Fauquier County), Virginia, including without limitation, the renovation and approximately 12,000 square-foot expansion of the Hospital’s existing emergency room and the construction and equipping of an outpatient observation within the Hospital’s existing facilities to include approximately 12 outpatient rooms (the “Hospital Project”), and (3) routine capital expenditures, funded interest for the 2007 Bonds, and equipment purchases for the Assisted Living Project, the Hospital Project and for the Hospital’s other hospital facilities; and

WHEREAS, the Assisted Living Project is expected to be owned and operated by the LLC, and the Hospital Project is expected to be owned and operated by the Hospital; and

WHEREAS, the Projects, however, also may be owned, operated or used by one or more entities related to the Hospital and the LLC, all of which currently have as their principal place of business 500 Hospital Drive, Warrenton, Virginia; and

WHEREAS, the related entities of the Hospital and the LLC are: (1) the Health System, (2) Fauquier Health System Foundation, a Virginia non-stock corporation and (3) Warrenton Overlook Health and Rehabilitation Center, Inc., a Virginia non-stock corporation; and

WHEREAS, the Authority has held a public hearing (the “Public Hearing”) on the issuance of the 2007 Bonds for the Projects on October 18, 2007, and has agreed to issue the 2007 Bonds to finance the costs of the Projects; and

WHEREAS, the Authority has requested and recommended that the Board of Supervisors (the “Board”) of Fauquier County, Virginia (the “County”), approve the Projects and the issuance of the 2007 Bonds to comply with Section 15.2-4906 of the Industrial Development and Revenue Bond Act, as amended (the “Act”), and Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, a copy of the Authority’s October 18, 2007, resolution approving the issuance of the 2007 Bonds, a fiscal impact statement and a reasonably detailed summary of the comments made at the Public Hearing have been filed with the Board; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That the Board hereby approves the Projects and the issuance of the 2007 Bonds by the Authority for the benefit of the Hospital and the LLC, to the extent required by Section 15.2-4906 of the Act and Section 147(f) of the Code, to permit the Authority to assist in the Projects; and, be it

RESOLVED FURTHER, That the approval of the issuance of the 2007 Bonds does not constitute an endorsement of the 2007 Bonds or the creditworthiness of the Hospital or the LLC or any related entity, and the 2007 Bonds shall provide that neither the County nor the Authority shall be obligated to pay the 2007 Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore, and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the County nor the Authority shall be pledged thereto; and, be it

RESOLVED FINALLY, That this resolution shall take effect immediately upon its adoption.

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 5-1813 TO AMEND THE ADDITIONAL STANDARDS FOR A COMMUNITY FARMERS’ MARKET

Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 5-1813 TO AMEND THE ADDITIONAL STANDARDS FOR A COMMUNITY FARMERS' MARKET

WHEREAS, it is appropriate to amend the Zoning Ordinance to address standards for special permit and special exception uses; and

WHEREAS, Fauquier County seeks to provide additional flexibility in locating Community Farmers' Markets at locations within the County; and

WHEREAS, adoption of the attached amendments to Section 5-1813 supports good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That amendments to Section 5-1813 related to standards for Community Farmers' Markets be, and is hereby, initiated and referred to the Planning Commission for public hearing and recommendation; and, be it

RESOLVED FURTHER, That the following text represents the proposed changes for consideration:

5-1813

Additional Standards for a Community Farmers' Market

1. The minimum lot size requirement shall be one hundred (100) acres; multiple contiguous legal lots under common ownership may be utilized to satisfy the lot size requirement. The requirements of this section shall not preclude the property owner from conducting compatible, Permitted Uses on the same parcel.
2. The road frontage requirement shall be a minimum of 300 feet on a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
3. All open off-street parking and loading areas shall be no closer than 25 feet from any lot line.
4. In addition to the allowed farm sign, one temporary, portable sign may be erected of up to 12 square feet in size and six (6) feet in height to advertise hours of operation and products available.
5. The permitted activity is the use of any tract of land in a rural agriculture zoning district for the retail sales and preparation of agricultural products, horticultural products, aquacultural products, and hand made crafts. Any other retail sales conducted on the property shall be accessory and incidental to the permitted activity. Permitted accessory products shall be accessory

and incidental to the permitted activity. Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other similar type items directly related to the culture, care, use of, or processing of the principal use. Products using electrical or combustion power such as lights, lawn trimmers, and tractors shall not be allowed. Outdoor recreational activities such as corn mazes, hayrides, pumpkin patches or other similar activities which are dependent on the products being produced on site may be held in conjunction with a community farmer's market if approved as part of a special permit application.

6. Highway entrance shall be approved by the Virginia Department of Transportation.
7. Sanitary facilities shall be approved by the Fauquier County Health Department.
8. No structure used for or in conjunction with the use shall be located within ~~500~~ **100** feet of any adjoining property located in a Residential or Rural Zoning District.
9. No more than one new structure shall be allowed to be constructed, not to exceed ~~2,500~~ **6,500** square feet in size and shall meet all location requirements for the RA zoning district. However, structures previously existing on the parcel may be converted to a farmers' market use, regardless of size or number, if the Board determines the location, accessibility, and visibility of these structures is appropriate to this use.
10. ~~All~~ **At least 80% of the** agriculture products, horticultural products, and hand made crafts shall be grown or produced within the Commonwealth of Virginia.

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO CREATE A MIXED USE SPECIAL DISTRICT AS SECTION 4-900 AND INITIATING A COMPREHENSIVE PLAN AMENDMENT TO UPDATE THE BEALETON, OPAL AND REMINGTON SERVICE DISTRICT PLAN

Mr. Stribling moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO CREATE A MIXED USE SPECIAL DISTRICT AS SECTION 4-900 AND INITIATING A

COMPREHENSIVE PLAN AMENDMENT TO UPDATE THE BEALETON, OPAL AND
REMINGTON SERVICE DISTRICT PLAN

WHEREAS, it is appropriate to amend the Zoning Ordinance to create new zoning districts to facilitate the implementation of the County's Comprehensive Plan; and

WHEREAS, it is appropriate from time to time to update the County's Comprehensive Plan; and

WHEREAS, Fauquier County seeks to refine the vision for Mixed Use Development in the Bealeton Service District; and

WHEREAS, Fauquier County seeks to promote mixed use development in a traditional, pedestrian oriented form as provided for in the Bealeton and New Baltimore Service Districts; and

WHEREAS, the existing Zoning Ordinance regulations do not provide for the type and character of development envisioned by the Service District Plans; and

WHEREAS, clarification of the mixed use vision for the Bealeton Service District through a Comprehensive Plan amendment and adoption of a new Zoning District to implement the mixed use vision of the Comprehensive Plan supports good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, to initiate an amendment to Article 4 of the Zoning Ordinance to create a new Mixed Use Special District; and, be it

RESOLVED FURTHER, to also initiate an amendment to the Bealeton, Opal and Remington Service District Plan in order to clarify the vision for mixed use development in the Bealeton Service District.

REZONING REQUEST #REZN07-SC-007 FOR THE REZONING OF 8.5 ACRES FROM RESIDENTIAL (R-1) TO COMMERCIAL - HIGHWAY (C-2), A CATEGORY 12 SPECIAL EXCEPTION REQUEST #SPEX07-SC-013 FOR A SHOPPING CENTER CONTAINING MORE THAN 50,000 SQUARE FEET, AND SPECIAL EXCEPTION REQUEST #SPEX07-SC-014 FOR ADDITIONAL SIGNAGE

Mr. Downey moved to adopt the following [ordinance and](#) resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was 3 to 2 as follows:

Ayes: Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling
Nays: Mr. Harry F. Atherton; Mr. Richard W. Robison
Absent During Vote: None
Abstention: None

ORDINANCE

AN ORDINANCE TO APPROVE REZONING REQUEST REZN07-SC-007, CROSS CREEK INVESTMENTS, LLC

WHEREAS, Cross Creek Investments, LLC, owner and applicant, has initiated an application to amend the Fauquier County Zoning Map in accordance with the provision of Zoning Ordinance Section 13-202 to rezone 8.455 acres from Residential (R-1) to Commercial - Highway (C-2) to permit a mixed use development of neighborhood commercial use; and

WHEREAS, on August 30, 2007, the Fauquier County Planning Commission held its final public hearing on the rezoning request; and

WHEREAS, on October 11, 2007, the Fauquier County Board of Supervisors held its final public hearing on the rezoning request and considered both oral and written testimony; and

WHEREAS, the Fauquier County Board of Supervisors has determined that the proposed rezoning is in conformance with the Fauquier County Comprehensive Plan; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this rezoning; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of November 2007, That rezoning request REZN07-SC-007, Cross Creek Investments, LLC, to change the Zoning Map designation of 8.455 acres Residential (R-1) to Commercial – Highway (C-2), and is hereby, approved subject to the Conceptual Development Plan/Special Exception Plat prepared by Patton Harris Rust & Associates, PC, (“PHRA”) dated October 22, 2007, (the “CDP/SE Plat”), and with the “Cross Creek New Baltimore Architectural, Landscaping, Signage, Parking, and Transportation Exhibits” prepared by Angler Development, dated October 5, 2007, (the “Exhibits”), and the Proffer Statement dated October 11, 2007, with minor corrections shown on CDP/SE dated October 22, 2007.

AND

RESOLUTION

A RESOLUTION TO APPROVE SPEX07-SC-013 AND SPEX07-SC-014: CROSS CREEK CATEGORY 12 SPECIAL EXCEPTION REQUEST FOR A SHOPPING CENTER CONTAINING MORE THAN 50,000 SQUARE FEET AND SPECIAL EXCEPTION REQUEST FOR ADDITIONAL SIGNAGE

WHEREAS, Cross Creek Investments, LLC (Owner) is seeking Category 12 Special Permit approval to allow a shopping center containing more than 50,000 square feet and Special Exception request for additional signage; and

WHEREAS, the property is subject to a companion rezoning request (REZN07-SC-007) for 8.5 acres from Residential (R-1) to Commercial – Highway (C-2) and associated proffers dated October 11, 2007 with minor corrections shown on CDP/SE dated October 22, 2007; and

WHEREAS, on August 30, 2007, the Fauquier County Planning Commission held its final public hearing on the Special Exception requests; and

WHEREAS, on October 11, 2007, the Fauquier County Board of Supervisors held its final public hearing on the Special Exception requests; and

WHEREAS, on November 8, 2007, the Fauquier County Board of Supervisors determined that the applications satisfy the standards of Zoning Ordinance Articles 5-006, 5-1200 and 8-1500; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That SPEX07-SC-013 and SPEX07-SC-014 be, and is hereby, approved, subject to Conceptual Development Plan/Special Exception Plat prepared by Patton Harris Rust & Associates, PC, (“PHRA”) dated October 22, 2007, (the “CDP/SE Plat”), and with the “Cross Creek New Baltimore Architectural, Landscaping, Signage, Parking, and Transportation Exhibits” prepared by Angler Development, dated October 5, 2007, (the “Exhibits”), and the Proffer Statement dated October 11, 2007 with minor corrections shown on CDP/SE dated October 22, 2007, and the following conditions:

1. This Special Exception is granted for, and runs with, the land identified in the above-referenced application.
2. This Special Exception is granted for the use and development of the Cross Creek Shopping Center on Route 29/15 and State Route 600, in the Scott Magisterial District. Development of the Shopping Center shall further be as proffered in the Cross Creek Proffer Statement dated October 11, 2007, with minor corrections shown on CDP/SE Plat dated October 22, 2007 and accepted by the Board of Supervisors on October 11, 2007 (proffers applicable to the “Rezoned Area”). Collectively the Cross Creek property that constitutes the development shall be referred to as the “Property.”
3. The Property shall be developed in general conformance with the Conceptual Development Plan/Special Exception Plat prepared by Patton Harris Rust & Associates, PC, (“PHRA”) dated October 22, 2007, (the “CDP/SE Plat”), and the “Cross Creek New Baltimore Architectural, Landscaping, Signage, Parking and Transportation Exhibits,” dated October 5, 2007, (the “Exhibits”), except as otherwise modified to meet the conditions herein.
4. The use and development of the Property shall be subject to the County’s C-2 Zoning District regulations except as may be otherwise provided herein.
5. The total gross square footage authorized for the Property shall not exceed 255,000 gross square feet, of which the Costco building shall be included in said total. Wherever the term square feet is used in these conditions, it shall mean

gross square feet. Buildings in the Rezoned Area shall be subject to the terms and conditions of that rezoning, subject to the limits aforesaid.

6. The following uses shall be allowed:
 - a) a Costco store, with up to 148,000 square feet of retail space and tire center, ancillary office space not to exceed 2,500 square feet and separate but associated gas facilities, not to exceed 12 pumps;
 - b) retail shops, including antique shop and convenience store, with no single user exceeding 30,000 square feet;
 - c) drive-through facilities (on existing C-2 portion of site only);
 - d) financial institution;
 - e) indoor theater;
 - f) veterinary clinic;
 - g) farm supply establishment;
 - h) business or professional office;
 - i) eating establishment;
 - j) repair service establishments;
 - k) laundry/dry-cleaning pick-up and full service under 5,000 sq.ft.;
 - l) furniture repair/cabinet making/upholstery;
 - m) barber/beauty shop;
 - n) photographic studio;
 - o) car wash;
 - p) vehicle part sales, installation (not including auto repair garage);
 - q) hotel, motel;
 - r) any other use subsequently determined by amendment to the Zoning Ordinance to be part of a shopping center;
 - s) additional uses shall only be authorized by amendment to this special exception.
7. Applicant shall be permitted to have four (4) drive-through facilities outside the area subject to the proposed C-2 rezoning, provided that no more than two (2) such facilities shall be associated with eating establishments. No drive-through facilities, car wash or service station shall be permitted in the area proposed for C-2 zoning with REZN07-SC-007.
8. The specific uses, building footprints and parking areas as shown on the CDP/SE Plat may be modified during final engineering due to site constraints, normal engineering practices and market conditions, provided the revised layout meets all conditions of the special exception approval and further provided the revised layout meets the following requirements and all other codes and ordinances:
 - a) The total square footage at the shopping center shall not exceed 255,000 sq. ft.
 - b) The Costco building footprint shall not exceed 150,000 square feet, not including the canopy area. No other building on site shall exceed 30,000 square feet in size, provided further that no building or that portion of a larger building in the Rezoned Area shall exceed 12,000 sq. ft. in size.

- c) Buildings and parking shall be located no closer to Route 600 than shown on the CDP/SE Plat, and no more than one building shall have a service drive between the building and Route 600. In no case shall parking be located between the building and Route 600.
 - d) Upon buildout of the Property the maximum amount of development in the Rezoned Area shall not exceed 45,000 sq. ft.; further no fewer than four buildings shall be constructed in said Area, and there shall be not less than 70 feet of separation between each such building.
 - e) The entrance to the gas station shall be located no closer than 125 feet from Cross Creek Drive, as measured from the centerline of said road to the end of the point of curvature of the entrance to the gas station.
9. No additional entrances into the shopping center shall be provided on Cross Creek Drive.
10. Architectural concepts shall remain generally consistent with the architectural features illustrated in the Exhibits, and shall employ a coordinated architectural design for the entire center, to include buildings, signage, lighting, and other features. Roof lines on internal buildings shall be varied and articulated, but need not replicate the roof forms on buildings fronting Route 600.
11. A Site Plan shall be required for any uses on the Property pursuant to Article 12 of the Zoning Ordinance.
12. A Parking Agreement for the shared use of parking spaces on the site shall be provided to the County for review and approval prior to Site Plan approval. This shall not prohibit the Applicant from reserving a limited number of parking spaces for a particular user/tenant.
13. No overnight parking of boats, trailers, or camper type vehicles shall be permitted on the Property.
14. Building setbacks from the Cross Creek exterior property lines, and the interparcel connector as shown on the CDP/SE Plat, shall be not less than as depicted on that Plat.
15. Instruments establishing a Cross Creek property owners' association for all land encompassed in the SE shall be submitted to the County for review and comment prior to Site Plan approval, and shall be recorded contemporaneously with, or prior to, the sale of the first parcel from the Property. Such instruments shall incorporate, inter alia, common ownership and maintenance of stormwater management/BMP facilities, landscaping, parking agreements/arrangements, parking lot maintenance, private streets, open space, and related "community" features on the Property. Such documents shall be in conformance with applicable County ordinances and standards.
16. All buildings shall be limited to a maximum height of thirty-five (35) feet as defined by the Zoning Ordinance.

17. Pursuant to Section 8-1500.1 of the Zoning Ordinance, an increase in signage is authorized for Costco consistent with Exhibit A (“Costco Signage Area Tabulation”) dated June 26, 2007; however, the specific amount of signage shall be limited to:
 - a). Two 7 ft. “C” signs each measuring 222.74 square feet, totaling 445.48 S.F. and two 4 ft “C” signs each measuring 73.06 square feet totaling 146.12 S. F.
 - b). One Tire Center sign measuring 9.92 square feet.
 - c). Two “Costco Gasoline” signs each measuring 18.38 square feet, totaling 36.76 S.F. to be located only on the north and west face of the canopy.
18. All signage shall be channel letter type, with no internal illumination, and the total amount of signage shall not exceed 639 square feet, based on the calculation of the aggregate area of the individual channel letters as provided in Section 8-1500.1B(1) of the Zoning Ordinance. Said calculation shall be certified by Costco’s architect.
19. All signage must meet the requirements of Article 8 of the Zoning Ordinance. All non-Costco signage at the center shall be designed in a coordinated fashion to complement the building design as determined by the Director of Community Development, in consultation with the Applicant. An overall sign package for the project showing the general type, location and size (square footage and height) for all signage shall be submitted prior to site plan approval with the first site plan for any building other than the Costco building. Amendment to the sign package may be made from time to time to accommodate specific tenants or company logo, provided such changes are coordinated with the overall design concept.
20. Freestanding exterior lighting shall have uniform material, style, and color throughout the Property.
21. Landscaping shall be generally consistent with the landscaping design and materials illustrated in the Exhibits, and the CDP/SE, as modified by the following additional requirements:
 - a) In addition to the proposed landscaping, a screening fence shall be provided along the property boundary adjoining PIN#7906-82-9369-000. This fence shall extend from the southern boundary of the proposed interparcel connector road to the rear elevation of the existing residential structure. This condition shall be void if the full thirty (30) foot buffer is provided or it otherwise complies with the Zoning Ordinance.
 - b) The existing wooded area within the 100-year floodplain of the Property shall be preserved as an undisturbed open space area/buffer between the existing commercial uses along Route 29 and Cross Creek. Additional landscaping as shown in “Typical Side Yard Buffer Planting” A and B in the Exhibits shall be provided, with sufficient portion of the landscape located above the

retaining wall if necessary to adequately screen the building and loading area. Minimum 4" caliper trees and 12' height evergreens shall be utilized along the parking lot from the corner of the Property to a point opposite the eastern edge of the Costco canopy. In no case shall the screening provided be less than that demonstrated on the photographic representation of the screening along Route 29 submitted as part of this application, as determined by the Director of Community Development in conjunction with Site Plan review.

- c) Parking lot landscaping shall be provided to comply with Section 7-604.3.g of the Zoning Ordinance.
 - d) Screening shall be provided for all loading areas to comply with Sections 3-504.5.A and 7-604.3.h of the Zoning Ordinance.
 - e) Landscaping shall be provided along Route 600 to comply with the minimum requirements of Section 7-604.3.i.2 of the Zoning Ordinance (minimum of 3 canopy trees, 3 understory trees and 24 shrubs every 100 feet). To avoid conflicts with utilities, the layout shown on the exhibit entitled "Broad Run Church Road –Route 600 Landscaping Exhibit", dated July 16, 2007 will meet minimum standards.
 - f) A minimum 10' wide landscape buffer strip shall be provided along the entire length of Cross Creek Drive (with the exception of entrances and the northernmost ±80 feet adjoining the stormwater management pond). The strip shall be planted with no less than 1 canopy tree and 10 shrubs every 35 feet, creating a unified landscaping along Cross Creek Drive. Within the ±80-foot area noted above, shrubs shall be planted in lieu of trees.
22. Applicant shall provide a 36-foot wide interparcel connector road with a public access easement generally in the location and as depicted on the CDP/SE. This connector shall provide for inter-parcel access to adjoining parcels to the east and west of the Property and shall limit the number of entrances into the parking lots as depicted on the Costco parking lot exhibit dated June 21, 2007. The portion of the roadway to the east of Cross Creek Drive shall be constructed with the Costco building and the section to the west of Cross Creek Drive shall be constructed with the first site plan on that side of the road. Parking shall be prohibited on this access easement.
23. Applicant shall construct commercial entrance and full frontage improvements on Route 600 at its intersection with Cross Creek Drive, including curb and gutter, a five-foot sidewalk, and right turn and left-turn lanes into the Rezoned Property, in conformance with the engineering plans and design standards set forth on the Cross Creek Infrastructure Plan (SPMA05-SC-001) prepared by PHR&A approved by Fauquier County June 5, 2007, incorporated herein by reference, and as may be modified to accommodate the referenced improvements. Such improvements shall be completed prior to the issuance of the first occupancy permit for the development of the Rezoned Property.

24. Applicant shall construct its Cross Creek Drive/Route 29/15 entrance including left turn lanes, median closure/relocation and other related Route 29/15 work in accordance with the engineering plans and design standards set forth on the Cross Creek Infrastructure Plan (SPMA 05-SC-001) prepared by PHR&A and approved by Community Development on June 5, 2007 (the "Infrastructure Plan"). The Applicant shall install or fund the installation of a traffic signal at the Cross Creek Drive/Route 29/15 intersection at the direction of VDOT. These improvements shall be completed prior to issuance of the first occupancy permit for the Property. This requirement may be modified by the Director of Community Development to accommodate delays caused by VDOT permitting, traffic management or other construction-related issues.
25. Applicant shall construct Cross Creek Drive, including turning lanes, in accordance with the referenced Infrastructure Plan. These roadway improvements shall be completed prior to issuance of the first occupancy permit for the Property.
26. The applicant shall undertake the following additional improvements:
 - a) At the Kelly Road/Route 600 intersection, the turning radius at the southeast corner shall be increased and the utility pole on the southwest corner shall be relocated in accordance with the road work illustrated on Exhibit A and Exhibit B dated October 8, 2007 and included herein. It is recognized that these intersection improvements shall require additional right-of-way from the adjacent parcel (i.e., PIN 7906-72-5027). Applicant shall use its best efforts to acquire the necessary right-of-way as depicted on said Exhibits from the affected property owner at fair market value. If, within 90 days after approval of the subject Special Exception, Applicant has not been successful in executing an Agreement with the Property Owner in the acquisition of the referenced right-of-way, Applicant shall immediately petition Fauquier County to file appropriate documents with the Court to acquire this right-of-way. Applicant shall be responsible for all of the County's direct costs in the acquisition of this right-of-way, including but not limited to appraisals, negotiation fees, court costs, legal fees, engineering fees and any sums awarded to the landowner in such proceeding. If Fauquier County elects not to proceed within 90 days from Applicant's request for County condemnation, Applicant shall be relieved of this obligation, except for the relocation of the utility pole referenced above.
 - b) At the Route 676/600 intersection, the necessary signage (stop signs and stop ahead warning signs) shall be installed to provide an all-way stop, at such time as this improvement is warranted by VDOT. In addition, "rumble strips" shall be installed on the pavement of the westbound approach to the intersection along Route 600 as approved by VDOT.
 - c) At the Route 600/29 intersection, restripe the existing lanes on Route 600 to accommodate dual left turn movements as approved by VDOT. This improvement shall be made prior to the issuance of an occupancy permit for the Costco facility.

- d) Widen the Route 600/29 intersection to allow for safer left-turn movements through this intersection from Route 600 onto Route 29/15. This improvement shall be subject to the availability of right-of-way and approval by VDOT, and shall be made prior to the issuance of an occupancy permit for the Costco facility.
 - e) Extend the existing south bound left-turn lane on Route 29/15 at the Route 600 intersection. This improvement shall be coordinated with and approved by VDOT and increase this existing turn lane by approximately 200 feet. It shall be completed prior to the issuance of an occupancy permit for the Costco facility.
 - f) The Applicant shall initiate and undertake the design and engineering of a roundabout at the Route 600/Route 676 intersection in accordance with VDOT standards. The design and engineering shall be completed no later than July 1, 2009, or the applicant shall contribute \$75,000 (the Marshall and Swift Construction Cost Index shall be used to provide adjustments for inflation) to the New Baltimore Transportation Fund to be used for the design and engineering of said roundabout. The July 1, 2009 date may be modified by the Director of Community Development to accommodate delays caused by VDOT permitting, traffic management or other construction-related issues.
 - g) The time periods identified within this paragraph may be extended by the Director of Community Development to accommodate delays caused by VDOT permitting, traffic management, weather or other construction-related issues.
27. “Completed” or “completion” of transportation improvements, for the purposes of these Conditions, shall mean that the improvements have been opened for use by the public, but may have not yet been final paved and/or accepted by VDOT for inclusion in the State System of Secondary Roads.
28. The Applicant shall provide an internal pedestrian system at Cross Creek linking the uses on the east side of Cross Creek Drive with those on the west side consistent with the proposed system illustrated on the CDP/SE Plat. At site plan design, applicant shall provide enhanced pedestrian crossings of stamped asphalt, brick or similar distinctive material at all major cross walks in accordance with VDOT design criteria as illustrated on the CDP/SE Plat.
29. In addition to the asphalt trail/sidewalk at Route 600 that leads into and through the project, the Applicant shall provide a minimum 5’ sidewalk along the Route 600 frontage. The sidewalk may be located within the right-of-way width if allowed by VDOT and constructed to VDOT standards.
30. All tractor-trailer deliveries to and pick-up from the Costco facility shall be made between the hours of 9:00 pm and 9:00 am. Signage shall be placed on the site to

require all delivery trucks to turn right onto Cross Creek Drive from the Costco parking area and to exit by way of Route 29/15.

31. Except during a declared local or national emergency, the hours of operation of the Costco facility shall be limited to 10:00 am to 9:00 pm on Monday – Friday, and 9:00 am to 6:00 pm on Saturday and Sunday. The hours of operation for the associated gas pumps shall be 6:00 am to one hour after store closing. Notwithstanding the provisions of this paragraph, the Costco facility shall be permitted to extend its operating hours by not more than 30 hours in any calendar year, provided that it shall not open more than one hour earlier or close more than two hours later, on any calendar day. Such extended hours shall not carry-over if unused in any calendar year. The store shall maintain a record of all store hours unused and provide that record to the Zoning Administrator upon request.
32. A jurisdictional determination of the exact location of wetlands on the site shall be provided prior to or with the first site plan on the west side of Cross Creek Drive. If wetlands are disturbed, US Army Corps of Engineers and/or Virginia state permits shall be required prior to site plan approval, and restrictive covenants as required by the Corps shall be imposed on those lands determined to be subject to federal and state jurisdiction. The overall site layout on the west side may have to be reconfigured to address wetland issues during the wetland permitting process.
33. The Applicant shall preserve and protect all existing vegetation in the conservation easements within the subject property and ensure that no clearing or grading shall be permitted, nor allow the easement areas be denuded, defaced or otherwise disturbed without the prior written approval of the County Administrator. Approval of these Special Exception(s) and/or Rezoning shall not constitute the written approval referenced above.
34. This special exception does not authorize any construction within the 100-year floodplain. Any work within the 100-year floodplain outside of that approved with SPEX03-SC-028 shall require a separate special exception and an update to the approved floodplain study. Landscaping within the 100-year floodplain shall be permitted, and shall not require a special exception. The design of all stormwater management facilities shall not increase the surface elevation of the 100-year floodplain.
35. Following the placement of the Conspan for Cross Creek Drive, the Applicant shall place a durable sign, four feet by eight feet in size, in a highly visible location stating that all construction traffic for the shopping center shall enter and exit the site from Route 29.
36. Applicant shall work with the Director of Community Development on the design and implementation of a cost effective system or mechanism to recycle the rainwater from the roof of the Costco building.

A RESOLUTION TO APPROVE FRESTA VALLEY CHRISTIAN SCHOOL: SEAM-MA-008 AN AMENDMENT TO A PREVIOUSLY APPROVED CATEGORY 5 SPECIAL EXCEPTION TO ALLOW FOR CONSTRUCTION OF A MULTI-PURPOSE FACILITY AND ADDITIONAL PARKING; AND TO INCREASE THE STUDENT POPULATION BY 100

Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was 4 to 1 as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling*
Nays: *Mr. Richard W. Robison*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE FRESTA VALLEY CHRISTIAN SCHOOL:
SEAM07-MA-008 AN AMENDMENT TO A PREVIOUSLY APPROVED CATEGORY 5
SPECIAL EXCEPTION TO ALLOW FOR CONSTRUCTION OF A MULTI-PURPOSE
FACILITY AND ADDITIONAL PARKING AND TO INCREASE THE STUDENT
POPULATION BY 100

WHEREAS, Fresta Valley Christian School, Ltd., owner and applicant, is seeking Special Exception approval to amend a previously approved Category 5 Special Exception to allow for construction of an addition to its school building to include a multi-purpose gymnasium room, additional storage areas, new bathrooms, new library, classrooms, offices and additional parking and to increase its total number of students by 100 (for a grand total of 400 students) on the parcels known as PINs 6956-25-6041-000 and 6956-1534-000; and

WHEREAS, on August 30, 2007, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception; and

WHEREAS, the Fauquier County Planning Commission recommended unanimous approval of the application, subject to conditions; and

WHEREAS, on October 11, 2007, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006, and 5-500; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That SEAM07-MA-008 be, and is hereby, approved, subject to the following conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat titled Fresta Valley Christian School dated July 31, 2007, as approved with this application, as qualified by these development conditions.
3. All lighting shall be in conformance with the Fauquier County Zoning Ordinance and positioned downward, inward and shielded to eliminate glare from all adjacent properties.
4. The applicant shall comply with all applicable water and sewage treatment standards as determined by the Virginia Department of Health.
5. The Special Exception shall grant the following uses at the site identified as PINs 6956-25-6041-000 & 6956-1534-000:
 - a. Primary School - allowed in accordance with Zoning Ordinance Sections 3-305.2, 5-006, 5-501, 5-502, and 5-504.
 - b. Secondary/Advanced School - allowed in accordance with Zoning Ordinance Sections 3-305.3, 5-006, 5-501, 5-502, and 5-504.
6. This Special Exception approval grants the Fresta Valley Christian School a Special Exception to allow for construction of their proposed building to commence within five (5) years of date of Special Exception approval.
7. A new Major Site Plan is required per Fauquier County Zoning Ordinance Sections 3-305.2, 3-305.3, 12-201 and 12-500 for the uses since new physical changes to the property are proposed that will require 10,000 square feet or more of land disturbance.
8. The architecture, building materials and landscaping shall be consistent with the Special Exception Plat, and as described in the Statement of Justification.
9. Storm water management and BMPs shall be required for the site.
10. The applicant shall meet landscape and buffering requirements pursuant to the Zoning Ordinance.
11. No future buildings shall be constructed or located within 175 feet of any adjoining property line, which is in a Rural or Residential zoning district.
12. The maximum number of students on site shall be four hundred (400).
13. The maximum number of teachers on site shall be fifty (50).
14. Regular hours of school operation shall be limited from 8:15 a.m. to 3:30 p.m., Monday through Friday. However, the multipurpose facility is not subject to these hours of operation and it may be used seven (7) days per week.

15. All activities inside the multipurpose facility shall conclude by 11:00 p.m., unless occasional after hours activities require later use, which shall not exceed 15 times annually. Facility housekeeping may extend beyond 11:00 p.m. This condition shall not apply during emergencies, if the facility is opened to provide service during said emergencies.
16. Extracurricular activities during the school year for students may take place before or after school or on weekends.
17. During summertime the school shall have the option of conducting day camps or summer programs for students such as, but not limited to, Band/Orchestra camp. During summertime, the maximum number of day campers on site shall be one hundred forty (140). During summertime, the hours of operation shall be limited to 8:00 a.m. to 5:00 p.m.
18. All new outdoor recreation areas shall be fully fenced.
19. There shall be no lighting of the recreational athletic fields.
20. For outdoor recreation, the number of children that may use the space at any one time is based on the size of the fenced area and the child's school year as follows: kindergarten through grade 3 shall have 200 square feet of space per child using the recreational area at any one time; and grade 4 through 12 shall have 430 square feet per child using the recreational area at any one time.
21. Children shall be escorted by teachers or other authorized adults to access the outdoor recreation area or other athletic fields.
22. Fresta Valley Christian School shall demonstrate to the County that it has an emergency policy that includes emergency forms to be signed by parents and/or legal guardians that provide details regarding emergency care.
23. Fresta Valley Christian School shall demonstrate to the County that it has a written emergency plan in case of accident, fire, snow, or other unforeseen occurrence. This includes an emergency call plan, posted evacuation maps, written procedures, and practice drills as mandated by state and county codes.
24. Food preparation on site shall occur only if appropriate Virginia Department of Health permits are obtained. Prior to conducting this activity, evidence of appropriate approvals shall be provided to the Zoning Administrator.
25. A retaining wall shall be constructed, for tree preservation, as indicated on the aforementioned Special Exception Plat.
26. Tree areas designated to provide screening from adjacent properties and Wilson Road (Route 738) shall be clearly labeled on the Site Plan. Trees within these areas shall be replaced if they are fallen, diseased, or dead.

27. The entrance shall meet minimum sight distance and entrance requirements in accordance with the VDOT Minimum Standard of Entrances to State Highways.
28. Since public water supply is unavailable, arrangements shall be made to comply with a nationally recognized standard such as NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting.
29. Except as herein provided, all exterior lighting shall be less than three (3) feet high, downlit, shielded and less than 2.5 foot candles measured at the edge of the area being so lighted, and shall be limited to providing safe access from on-site facilities to parking areas and along pedestrian walkways. Notwithstanding anything contained in the previous sentence, there shall be no lighting of athletic fields or courts. Notwithstanding anything to the contrary within this paragraph, pole lights in parking areas shall not exceed twelve (12) feet in height and will be downlit, shielded so that the light source is not visible from outside the property and parking areas shall be lit at less than 2.5 foot-candles. Lights shall be on a timer to be turned off at 10:00 P.M. unless occasional after hour activities require later use.
30. Except as herein provided, there shall be no outdoor sound amplification of whatever means. Notwithstanding anything contained in the previous sentence, the following event may include amplification of sound: graduation ceremonies.
31. No band shall be allowed to practice or hold concerts outdoors.
32. Fresta Valley Christian School shall not allow its students to drive themselves to school and park their vehicles on site.
33. With the goal of reducing traffic on Wilson Road, Fresta Valley Christian School shall place into service one additional school bus once the on-site student population reaches 310 and shall place one additional school bus into service once the on-site student population reaches 360.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Architectural Review Board – Center District: Mr. John Albertella, to fill an unexpired term ending August 11, 2009.
- Disability Services Board – Local Government/Business: Mr. Tom Harris, reappointed for a three-year term ending December 9, 2010.

- Disability Services Board – Business: Mr. Richard Robison, to fill an unexpired term ending March 9, 2009.
- Local Workforce Investment Board – Private Sector (Business) Representative: Mr. Douglas Brown, appointed for a three-year term ending November 8, 2010.
- Rappahannock-Rapidan Community Services Board: Dr. Ingerid Refour, reappointed for a three-year term ending December 31, 2010.

SUPERVISORS' TIME

- Mr. Atherton congratulated everybody that won in the recently completed election.
- Mr. Graham stated it has been a great privilege within the last month to have several upgrades come to fruition for public safety and fire and rescue services, and he expressed his appreciation to all involved for a job well done. Mr. Graham announced that Turkey Bowl is scheduled for Friday, November 9, 2007, with Liberty High School versus Fauquier High School. Mr. Graham thanked everyone that turned out to vote in the recent elections. Mr. Graham stated that he will miss retiring Board members and expressed his sincere appreciation for their integrity, willingness to communicate, respectfulness, and service.
- Mr. Downey congratulated winners of the election, and recommended the book, “The Agony of Leadership” for incoming Board members. Mr. Downey requested that Board members work in an amenable way to resolve the situation with the Town of Warrenton with the rate structure of the Aquatic Center.
- Mr. Stribling thanked the voters for turning out to the polls, and stated the Board’s commitment to making decisions that are in the best interest of the community. Mr. Stribling welcomed incoming Board members. Mr. Stribling stated he recently attended a ceremony and luncheon honoring Veterans at the Sumerduck Ruritan Club. Mr. Stribling stated he recently attended a ceremony honoring John Williams, former School Board member, who has served in his church for over 50 years. Mr. Stribling expressed his appreciation to citizens that volunteer their services to the community.

ANNOUNCEMENTS

- Mr. Atherton announced that members of the Board of Supervisors will attend the annual Virginia Association of Counties Annual Meeting in Bath County, Virginia, on November 11 through 13, 2007.
- Mr. Atherton announced that the next regular meeting of the Board of Supervisors will be held in the Warren Green building meeting room located at 10 Hotel Street in Warrenton, Virginia on December 13, 2007 at 6:30 P.M.

A RESOLUTION TO AMEND THE FY 2008 ADOPTED BUDGET IN THE AMOUNT OF \$7,010,882

A public hearing was held to consider various budget related issues in the amount of \$5,914,412 in appropriations and \$1,096,470 in transfers for FY 2008. Bryan Tippie, Budget Director, summarized the proposed budget amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO AMEND THE FY 2008 ADOPTED BUDGET IN THE AMOUNT OF \$7,010,882

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 29, 2007, the Board of Supervisors adopted the Fauquier County FY 2008 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, at its meeting on October 11, 2007, the Finance Committee recommended for FY 2008 budget adjustments of \$7,010,882 for the purposes set forth below; and

WHEREAS, on November 8, 2007, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That the FY 2008 Budget be, and is hereby, amended in the amount of \$7,010,882 as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
FY 2008					
FY 2007 Carryover	3-100-419000-0010	\$9,052	Commonwealth's Attorney	4-100-022100-9999	\$9,052
FY 2007 Carryover	3-100-419000-0010	\$211,974	Water Resource Management	4-100-012111-3160	\$211,974
FY 2007 Carryover	3-100-419000-0010	\$5,177	Sheriff's Office	4-100-031200-3160 4-100-031200-6050	\$1,200 \$3,977
FY 2007 Carryover	3-100-419000-0010	\$78,577	Parks & Recreation	4-100-071170-3160	\$78,577

FY 2007 Carryover	3-100-419000-0010	\$31,500	Parks & Recreation	4-100-071140-3160 4-100-071140-8200	\$1,500 \$30,000
FY 2007 Carryover	3-100-419000-0010	\$15,287	Parks & Recreation	4-100-071130-3160	\$15,287
FY 2007 Carryover	3-100-419000-0010	\$4,040	Parks & Recreation	4-100-071150-3160	\$4,040
FY 2007 Carryover	3-100-419000-0010	\$65,167	General Services	4-100-043414-6007	\$65,167
FY 2007 Carryover	3-100-419000-0010	\$139,490	General Services	4-100-043416-3310	\$139,490
FY 2007 Carryover	3-100-419000-0010	\$75,230	General Services	4-100-043417-3310	\$75,230
FY 2007 Carryover	3-100-419000-0010	\$28,579	Information Technology	4-100-012511-6050	\$28,579
FY 2007 Carryover	3-100-419000-0010	\$14,196	Community Development Planning Commission	4-100-081200-3160 4-100-081400-3160	\$9,200 \$4,996
FY 2007 Carryover	3-100-419000-0010	\$2,375	County Administration	4-100-012110-3160	\$2,375
FY 2007 Carryover	3-100-419000-0010	\$59,747	Fire & Emergency Services	4-100-032421-1101 4-100-032421-3160 4-100-032421-6047 4-100-032421-8105	\$6,500 \$3,832 \$37,985 \$11,430
FY 2007 F&RA Carryover	3-270-419000-0010	\$540,000	Fire & Rescue Association	4-270-032260-6009 4-270-032200-3130 4-270-032210-6047 4-270-032200-8450 4-270-032200-6050 4-270-032200-9999	\$51,000 \$100,000 \$65,000 \$50,000 \$25,000 249,000
FY 2007 F&RA Carryover	3-270-419000-0010	\$38,793	Fire & Rescue Association	4-270-032301-5699	\$38,793
FY 2007 F&RA Carryover	3-270-419000-0010	\$328,850 \$180,351 \$75,090	Fire & Rescue Association	4-270-032307-5647 4-270-032310-5647 4-270-032302-5647	\$328,850 \$180,351 \$75,090
FY 2007 CESD Carryover	3-240-419000-0010	\$2,228,651	Conservation Easement Service District (CESD) (PDR)	4-240-081800-6099	\$2,228,651
FY 2007 Carryover	3-100-419000-0010	\$6,651	F&ES	4-100-032421-8105	\$6,651
FY 2007 Environmental Services Carryover	3-513-419000-0020	\$554,577	Environmental Services	4-513-042714-8250	\$554,577
FY 2007 F&RA Carryover	3-270-419000-0010	\$103,479	F&RA	4-270-093100-9302	\$103,479
FY 2007 F&RA Carryover	3-270-419000-0010	\$915,000	F&RA	4-270-032301-5647 4-270-032302-5647	\$415,000 \$500,000
Private Donation	3-302-191604-0001	\$10,121	School Division	4-302-66600-8703	\$10,121
Concession Revenue	3-100-161302-0013	\$15,869	P&R	4-100-071150-1302 4-100-071150-2100 4-100-071150-3320 4-100-071150-3840 4-100-071150-6001	\$10,733 \$821 \$438 \$40 \$260

				4-100-071150-6015	\$3,577
Capital Fund	4-302-091400-0100	\$176,589	General Services	4-100-043416-3310	\$176,589
Contingency Reserve (Transfer)	4-100-091400-9999	\$19,411	Community Services Board	4-100-052500-5620	\$19,411
Contingency Reserve (Transfer)	4-100-091400-9999	\$26,448	County Administration	4-100-012112-1101	\$20,509
				4-100-012112-2100	\$1,569
				4-100-012112-2210	\$2,439
				4-100-012112-2310	\$1,726
				4-100-012112-2400	\$205
General Fund (Transfer)	4-100-031200-1101	\$66,125	Sheriff's Office	4-100-091400-9601	\$66,125
Contingency Reserve (Transfer)	4-100-091400-9999	\$1,565	Fauquier County Fair	4-100-081800-5664	\$1,565
F&RA CIP (Transfer)	4-270-093100-9302	\$982,921	F&RA	4-270-032302-5647	\$982,921
TOTAL		\$7,010,882			\$7,010,882

MARSHALL BUSINESS AND RESIDENTS ASSOCIATION GRANT APPLICATION

A public hearing was held to consider authorizing an application by the Marshall Business and Residents Association with the Commonwealth Transportation Board for grant funding from Transportation Enhancement Funds to establish a project for the engineering of street improvements to Virginia Route 55 (Main Street) in the unincorporated Town of Marshall, Fauquier County, Virginia. Peter Schwartz, Marshall District, representing the Marshall Business and Residents Association, provided an overview of the project. Jack Whiting, Marshall District, spoke in favor of the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION AUTHORIZING AN APPLICATION BY THE MARSHALL BUSINESS AND RESIDENTS ASSOCIATION WITH THE COMMONWEALTH TRANSPORTATION BOARD FOR GRANT FUNDING FROM TRANSPORTATION ENHANCEMENT FUNDS TO ESTABLISH A PROJECT FOR THE ENGINEERING OF STREET IMPROVEMENTS TO VIRGINIA ROUTE 55 (MAIN STREET) IN THE UNINCORPORATED TOWN OF MARSHALL, FAUQUIER COUNTY, VIRGINIA

WHEREAS, the Marshall Business and Residents Association wishes to apply for a Transportation Enhancement Grant in the amount of up to \$350,000 to provide funds for the

engineering of improvements to Route 55 (Main Street) in the unincorporated Town of Marshall, Virginia; and

WHEREAS, the grant funds if received would be expended for the engineering of the reconstruction of sidewalks, construction of pedestrian amenities, the planting of street trees, the undergrounding of electric lines and the installation of a storm water collection system with retention ponds; and

WHEREAS, the Marshall Business and Residents Association is asking that Fauquier County agree to act as the grant sponsor; and

WHEREAS, in accordance with Commonwealth Transportation Board allocation procedures, it is necessary that a request by resolution be received from the local government or State agency in order for the Virginia Department of Transportation to program a transportation enhancement project in the County of Fauquier; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That the Board of Supervisors does hereby endorse and authorize the application of the Marshall Business and Residents Association requesting that the Commonwealth Transportation Board establish a project for the engineering of street improvements to Route 55 (Main Street) in the unincorporated Town of Marshall, Fauquier County, Virginia; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, authorized to sign documents related to this grant application on behalf of Fauquier County as the Sponsor of the Grant Application.

AMENDMENT TO SUBSECTION 3 OF SECTION 204.2 OF THE DESIGN STANDARDS MANUAL

A public hearing was held to consider an amendment to the Design Standards Manual to clarify its application to point source stormwater runoff. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. Bruce Reese, an engineer, suggested that Paragraph #3 of Section 204.2 (3) of the Design Standards Manual be eliminated completely due to redundancy. Brian Cohn and Wes Kennedy, representing Brookside Development, spoke opposition to the amendment, citing that the paragraph is duplicative. Todd Benson, representing Piedmont Environmental Council, suggested that the Board delay action on the amendment to allow additional evaluation. No one else spoke. The public hearing was closed. Mr. Downey moved to postpone a decision on this matter until the next regular meeting on December 13, 2007. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

PROPOSED TEXT AMENDMENT TO ZONING ORDINANCE SECTION 3-400

A public hearing was held to consider a text amendment to Section 3-400 of the Zoning Ordinance to clarify lot requirements for clusters. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following ordinance. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 3-400 TO CLARIFY AND AMEND LOT REQUIREMENTS FOR CLUSTER SUBDIVISIONS

WHEREAS, on August 30, 2007, the Planning Commission initiated this text amendment; and

WHEREAS, on September 27, 2007, the Planning Commission held a public hearing on the proposed text amendment and forwarded the proposed text amendment to the Board of Supervisors recommending approval; and

WHEREAS, on November 8, 2007, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Section 3-400 supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of November 2007, That Section 3-400 be, and is hereby, amended as follows:

	USE LIMITATIONS	RC^{2,9}	RA^{2,9}	RR-2	V	R-1	R-2	R-3	R-4¹⁵
3-401	Maximum Density (DU/A) ¹	*	*	0.5	1.4	0.9	2	3	4
3-402	Minimum Lot Size (acres or thousand sq. ft.)								
	1. Conventional ²	2a.	2a.	2a.	30	40	20	10.5	10
	2. Cluster	30	30	30	10	25	10	8.5	1.8 townhouse 5 single-family
3-403	Minimum Lot Width (Ft.)								

	Conventional	400	300	200	90	135	90	80	70
	Cluster	200 90	200 90	90	70	90 70	70 70	50 50	50 50
3-404	Minimum Front Yard (Ft.) ^{4,10,11,12,17}								
	Conventional								
	1. Local Collector	75	75	75	50	60	50	50	50
	2. Major Collector	90	90	90	65	75	65	65	65
	3. Major Thoroughfare	105	105	105	80	90	80	80	80
	<u>4. On Arterial, Freeway or Route 215 within Service Districts</u>	<u>150</u>	<u>150</u>	<u>150</u>		<u>150</u>	<u>150</u>	<u>150</u>	<u>150</u>
	<u>Cluster</u>								
	<u>1. Local Collector</u>	<u>75</u> 50	<u>75</u> 50	<u>75</u> 50	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>
	<u>2. Major Collector</u>	<u>90</u> 65	<u>90</u> 65	<u>90</u> 65	<u>65</u>	<u>65</u>	<u>65</u>	<u>65</u>	<u>65</u>
	<u>3. Major Thoroughfare</u>	<u>105</u> 80	<u>105</u> 80	<u>105</u> 80	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>
	<u>4. On Arterial, Freeway or Route 215 within Service Districts</u>	<u>150</u>	<u>150</u>	<u>150</u>		<u>150</u>	<u>150</u>	<u>150</u>	<u>150</u>
3-405	Minimum Side and Rear Yard (Ft.) ⁴								
	1. Residential Districts:								
	Conventional	50	25	25	15	25	15	15	10
	Cluster	25 15	25 15	25 15	10	15 10	10 10	<u>12 total, minimum 5 per side</u>	<u>12 total, minimum 5 per side</u>

FOOTNOTES:

2. ~~Minimum lot width and yard requirements for cluster development shall be the same as those for the least dense Residential or Rural Zoning District in which the cluster development would be allowed (with respect to lot size), as a conventional development.~~ In the RA and RC districts, any development providing 85% non-common open space shall be considered a cluster development. See Section 2-414 for corner lots.

12. NOTE: Front yards shall be measured from the centerline of street, or centerline of nearest pair of lanes in the case of a street with more than two lanes. ~~The minimum front yard shall be 150 feet for residential uses on properties zoned residential in a service district and in rural zoning districts if those properties front on a road classified as an arterial or freeway in the Comprehensive Plan or on Route 215. This requirement would not apply to the Village, Commercial or Industrial Zoning Districts.~~

15. ~~Deleted~~
~~In the R-4 Zoning District for Single Family detached cluster development, the minimum lot size shall be 5,000 square feet, the minimum lot width shall be 50 feet, and the side~~

~~yards shall total twelve (12) feet with a minimum side yard of five (5) feet. Please note that the minimum lot size for single family attached cluster remains as 1,800 square feet.~~

PROPOSED TEXT AMENDMENT TO ZONING ORDINANCE SECTION 9-1007

A public hearing was held to consider a text amendment to Section 9-1007 of the Zoning Ordinance to address lighting standards for greenhouses. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following ordinance. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 9-1006 AND 9-1007 TO ADDRESS LIGHTING STANDARDS FOR GREENHOUSES

WHEREAS, on August 30, 2007, the Planning Commission initiated this text amendment; and

WHEREAS, on September 27, 2007, the Planning Commission held a public hearing on the proposed text amendment and forwarded the proposed text amendment to the Board of Supervisors recommending approval; and

WHEREAS, on November 8, 2007, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Sections 9-1006 and 9-1007 supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of November 2007, That Sections 9-1006 and 9-1007 be, and are hereby, amended as follows:

9-1006

General Requirements for all Uses

8. No growing lights shall be utilized in a greenhouse during non-daylight hours unless the light is completely screened so that no uplighting occurs and the light is not visible beyond property lines. Any interior or exterior lighting that is upgraded after approval of this regulation shall be brought into compliance with this requirement in conjunction with the upgrade.

9-1007

Exemptions

9. Lighting associated with agricultural use structures, such as a barn, paddock area. Greenhouses, Residential buildings and parking associated with a farm or other agricultural uses are not exempted from the lighting requirements contained herein.

PROPOSED TEXT AMENDMENT TO ZONING ORDINANCE SECTIONS 8-1301.3 and 8-1620.C

A public hearing was held to consider a text amendment to Zoning Ordinance Sections 8-1301.3 and 8-1620.C regarding notice after removal of signs in the right-of-way. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. Todd Benson, representing Piedmont Environmental Council; and Mimi Moore, Marshall District, spoke in favor of the amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following ordinance. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE AMENDING ZONING ORDINANCE SECTIONS 8-1301.3 AND 8-1620.C RELATED TO REMOVAL OF SIGNS IN THE RIGHT-OF-WAY

WHEREAS, on August 30, 2007, the Planning Commission initiated this text amendment; and

WHEREAS, on September 27, 2007, the Planning Commission held a public hearing on the proposed text amendment and forwarded the proposed text amendment to the Board of Supervisors recommending approval; and

WHEREAS, on November 8, 2007, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Sections 8-1301 and 8-1620 supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of November 2007, That Sections 8-1301 and 8-1620 of the Zoning Ordinance be, and are hereby, amended as follows:

8-1301

3. The Zoning Administrator or his authorized representative shall **may** remove **and discard** any sign erected in a public right-of-way in violation of any provision of this Article. ~~impound the sign, and give written notice to the owner of the sign if ownership is readily determinable from the sign. The owner may secure release of the sign upon payment of the cost incurred by the County removing the sign, plus one dollar (\$1.00) per day for each day of storage. Signs not redeemed within a period of thirty (30) days after the placing of such notice in the mail shall become the property of Fauquier County at the option of Fauquier County.~~

8-1620

- C. The Zoning Administrator or his authorized representative shall **may** remove **and discard** any sign erected in a public right-of-way in violation of any provision of this Article. ~~impound the sign, and give written notice to the owner of the sign if ownership is readily determinable from the sign. The owner may secure release of the sign upon payment of the cost incurred by the County removing the sign, plus one dollar (\$1.00) per day for each day of storage. Signs not redeemed within a period of thirty (30) days after the placing of such notice in the mail shall become the property of Fauquier County at the option of Fauquier County.~~

PROPOSED TEXT AMENDMENT TO ZONING ORDINANCE SECTION 5-607

A public hearing was held to consider a text amendment to Zoning Ordinance Section 5-607 regarding the standards for transitional housing. Kimberley Johnson, Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following ordinance. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 5-607 RELATED TO STANDARDS FOR TRANSITIONAL HOUSING

WHEREAS, on August 30, 2007, the Planning Commission initiated this text amendment; and

WHEREAS, on September 27, 2007, the Planning Commission held a public hearing on the proposed text amendment and forwarded the proposed text amendment to the Board of Supervisors recommending approval; and

WHEREAS, on November 8, 2007, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Section 5-607 supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of November 2007, That Section 5-607 be, and is hereby, amended as follows:

5-607

Additional Standards for Transitional Family Housing

1. This use shall only be permitted: a) when located on the same site as a building used as a place of worship and as an accessory use to the main sanctuary; or b) when located on the same site as an office for ~~operated by a~~ qualified §501-c non-profit organization that provides transitional housing services, and operated by such non-profit.
2. Minimum site area shall be 20 acres; multiple lots may be utilized to meet this requirement only if they are adjacent to each other and under the same ownership.
3. No more than 20 ~~45~~-rooms and no more than 40 ~~20~~ people shall be housed at the facility at any one time.
4. Residents of the facility shall be primarily families, shall be limited to no more than an eighteen month stay, and shall be required to participate in a structured program or classes designed to facilitate independent living.
5. Facilities shall be located within service districts or must have approval for adequate septic and well requirements by the Health Department.
6. ~~At least one parking space shall be provided per family, and such parking shall be screened from view from adjoining properties.~~ The amount of parking required shall be determined based on the particular characteristics of the proposed site and use as part of the Special Exception process. Where possible, the parking spaces for the sanctuary shall be utilized to meet this requirement in order to avoid additional paving at the site.
7. Usable outdoor play space shall be provided for residents and screened from adjoining properties. The amount and location of the necessary open space shall be determined in conjunction with the permit approval.

8. The building containing transitional housing shall be set back a minimum of 100' from the side and rear property lines.

SPECIAL EXCEPTION #SPEX08-MA-002 – 17/66, LLC, OWNER AND COLLINS ENGINEERING, APPLICANT – MILLS PROPERTY

A public hearing was held to consider an application to obtain a Category 13 Special Exception to allow a drive-through facility for a financial institution. The property is located at the intersection of Winchester Road (Route 17) and Route 622, in Marshall District, further described as PIN 6969-87-8431-000. Frederick P.D. Carr, Director of the Department of Community Development, summarized the application. John Foote, Esquire, spoke on behalf of the applicant to request favorable consideration. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX08-MA-002:
17/66, LLC (MILLS PROPERTY)

WHEREAS, 17/66, LLC, owner, is seeking Category 13 Special Permit approval to allow for a drive-through facility; and

WHEREAS, the property was rezoned by the Fauquier County Board of Supervisors on June 14, 2007, subject to approved proffers; and

WHEREAS, the approved Concept Development Plan approved as part of the rezoning included the three-lane drive-through subject of this application; and

WHEREAS, on September 27, 2007, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception; and

WHEREAS, on September 27, 2007, the Fauquier County Planning Commission recommended approval of the application, subject to conditions included below; and

WHEREAS, on November 8, 2007, the Fauquier County Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, on November 8, 2007, the Fauquier County Board of Supervisors concurred with the Planning Commission and determined that the application satisfies the standards of Zoning Ordinance Articles 5-006; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That SPEX08-MA-002 be, and is hereby, approved, subject to the following conditions:

1. This Special Exception is granted for and runs with the land indicated in this application as PIN 6969-87-8431-000.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the "Mills Property Special Exception Plat - Revisions" dated August 6, 2007, and received in the Planning Office on August 21, 2007, as approved with this application, as qualified by these development conditions.
3. The plan shall comply with Article 5-006 General Standards for all Special Exceptions.
4. The plan shall comply with the provisions in Article 12 of the Fauquier County Zoning Ordinance. Such provisions shall be reviewed with the Major Site Plan application.
5. Article 7-604.i.2 of the Fauquier County Zoning Ordinance requires a 30-foot dense evergreen tree screen be provided when adjacent to residential zoning districts. The property to the East, South and West are zoned R4. Additional screening shall be required during the site plan process to meet the 30-foot regulation.
6. Sidewalks are required to provide pedestrian access to and from the site and to adjacent sites. Additional sidewalks will be required along Rt. 622 Extended Access Road.
7. The proposed interparcel access easement shall be lined up consistent with existing travel ways and proposed entrance to provide an even connectivity between parcels. In addition, parking shall be located in a manner to not obscure such travel.

SPECIAL EXCEPTION AMENDMENT #SEAM08-CR-001 – DOMINION TRANSMISSION, INC., OWNER AND APPLICANT – QUANTICO COMPRESSOR STATION UPGRADE

A public hearing to consider an application to amend a previously approved Special Exception (SPEX04-CR-012) to allow for upgrades to the Compressor Station. The property is located on the north side of Laws Ford Road (Route 640), east of its intersection with Elk Run Road (Route 806), in Cedar Run District, further described as PIN 7941-22-5371-000. Frederick P.D. Carr, Director of the Department of Community Development, summarized the application. Garland Heddings, Cedar Run District, questioned the impact of future increases in gas line piping. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None

Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE SEAM08-CR-001: DOMINION TRANSMISSION, INC. COMPRESSOR STATION SPECIAL EXCEPTION AMENDMENT

WHEREAS, Dominion Transmission, Inc., Owner, is seeking to amend a previously approved Category 20 Special Exception; and

WHEREAS, on March 15, 2004, the Fauquier County Board of Supervisors approved a Category 20 Special Exception and Comprehensive Plan Conformance Determination in accordance with the Code of Virginia, Section 15.2-2232 to allow for the construction of a Gas Compressor Station; and

WHEREAS, to meet demand, the applicant is now seeking expansions on two existing buildings to allow for an additional turbine and auxiliary storage; and

WHEREAS, on September 27, 2007, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception; and

WHEREAS, on September 27, 2007, the Fauquier County Planning Commission recommended approval of the application, subject to conditions included below; and

WHEREAS, on November 8, 2007, the Fauquier County Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, on November 8, 2007, the Fauquier County Board of Supervisors concurred with the Planning Commission and determined that the application satisfies the standards of Zoning Ordinance Articles 5-006, 5-2001 and 5-2002; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of November 2007, That SPEX08-CR-001 be, and is hereby, approved, subject to the following conditions:

1. This Amended Special Exception (SPEX08-CR-001) is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Amended Special Exception is granted only for the purpose(s), structure(s), and/or uses indicated on the Amended Special Exception Plat titled "Amended Special Exception Plat" prepared by Dewberry & Davis, LLC, dated September 26, 2003 and revised August 16, 2007 approved with the application, as qualified by these development conditions.
3. A Site Plan Amendment shall be required.
4. All applicable federal and state permit approvals shall be required prior to approval of the Site Plan Amendment.

5. In accord with Section 5-2002.2. of the Zoning Ordinance no land or building shall be used for storage of materials other than those associated with this use.
6. All culverts shall be sized for the 10-year storm with 12" of freeboard, but shall be no less than 15" in diameter.
7. Verification from VEPCO that the proposed construction will be allowed in their right-of-way shall be required prior to Site Plan approval.
8. Lighting and noise levels shall meet applicable County performance standards and requirements contained in Article 9 of the Zoning Ordinance.
9. The entrance shall be paved for at least 25 feet into the property and be 30 feet wide.
10. A VDOT entrance permit has been obtained and modification to the permit shall not be necessarily associated with this Special Exception Amendment.
11. The entire facility, including the Measuring and Regulating Facility, shall be completely fenced and screened with a mix of evergreen trees and shrubs (recommend that the plant choices include deer tolerant plants). This fencing and screening shall remain in place and be maintained by the applicant.
12. The area of disturbance associated with the Site Plan Amendment shall be less than 10,000 square feet and limited to the originally developed 4.5 acres.
13. The remainder of the property, approximately 26.13 acres (of the 30.63 acres boundary line adjusted), shall be made available to the Benders or others for farming as long as the parcel remains in the Southern Fauquier Agricultural and Forestal District.
14. The applicant shall have one (1) year from the approval of the Site Plan to commence construction of the use.
15. The Facility shall be permitted as a natural gas compressor facility in accordance with Virginia Department of Environmental Quality (DEQ) regulations, but in no case shall annual emissions for nitrogen oxide (NO₂) exceed 24 tons per year without a Special Exception Amendment. The Applicant will not seek from the DEQ any future permit modifications that will allow the Facility to emit more than 24 tons of NO₂ emissions.

Any increase in the operating conditions or facility expansions which (i) are beyond what is depicted on the Special Exception Amendment plat and contained within the application materials, and (ii) require modification of the DEQ permitted annual emissions for the facility, as depicted on the Special Exception plat, shall require an amendment to the Special Exception. However, changes in regulations promulgated by DEQ or the Environmental Protection Agency requiring compliance with stricter environmental standards, even if they require modifications to the facility, shall be permitted without amendment to this Special Exception.

16. The number of employees shall be limited to two.
17. Any new areas in the parking lot shall be constructed with a pervious surface, including the area on the Amended Special Exception labeled “paved area.” (For this project, gravel is considered pervious.)

SPECIAL EXCEPTION AMENDMENTS #SEAM07-LE-004 AND #SEAM07-LE-007 AND SPECIAL PERMIT #SPPT07-LE-015 – AGT, LLC, OWNER AND THREE FLAGS ASSOCIATES, APPLICANT – ASHLEY GLEN DAY CARE CENTER (EDGEWOOD EAST SECTION D)

A public hearing was held to consider an application to amend a previously approved Category 1 Special Exception to create an additional 0.98 acre lot for a proposed pre-school/daycare facility; amend a previously approved Category 23 Special Exception to allow for fill in the FEMA 100-year floodplain; and request a Category 5 Special Permit to allow for the proposed use. The property is located on Whipkey Drive at the intersection of Catlett Road (Route 28), in Lee District, further described as PIN 6889-50-5884-000. Melissa Dargis, Assistant Chief of Planning, summarized the application. Ben Tissue, Esquire, spoke on behalf of the applicant to request that action be deferred on this matter. Mari Skender-Lockhart, Lee District, spoke in opposition to the application. No one else spoke. Mr. Stribling moved to continue the public hearing and postpone a decision on this matter until the next regular meeting on December 13, 2007. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling

Nays: None

Absent During Vote: None

Abstention: None

REZONING #REZN07-SC-001 AND SPECIAL EXCEPTIONS #SPEX07-SC-006 AND #SPEX07-SC-007 – JEAN-LUOP & MARY COMBEMALE; MARY JO DIXON, TRUSTEE; DAVID & JACQUELINE BROWN; GEORGIA & H.E. ARCAMUZI, TRUSTEE, OWNERS AND BROOKFIELD WASHINGTON, LLC, APPLICANTS – GOODLAND EAST

No action was taken, due to this application being withdrawn by the applicant.

REZONING #REZN07-SC-002 AND SPECIAL EXCEPTION #SPEX07-SC-008 – ROBERT H. & ANGIE S. ROGERS; FORD O. & SHANNON ROGERS; ROBERT H. ROGERS, III; LARRY R. & VICTORIA LOUGHBOROUGH, OWNERS AND MORELAND, LLC, APPLICANTS – LONE STAR FARM

A public hearing was held to consider an application to rezone approximately 98.12 acres from Residential-1 (R-1) to Residential-4 (R-4) with proffers, for a proposed 149-lot subdivision.

The applicant also wishes to obtain a Category 20 Special Exception to allow for an above-ground sewage pumping facility. The property is located on Broad Run Church Road (Route 600), west of Riley Road (Route 676), in Scott District, further described as PINs 7906-81-7310-000, 7906-91-6062-000, 7906-90-4594-000, 7906-91-7338-000, and 7916-90-0728-000. Merle Fallon, Esquire, spoke on behalf of the applicant to ask that this matter be deferred for six months. Mr. Downey moved to postpone this matter at the request of the applicant for six months. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

With no further business, the meeting was adjourned at 9:16 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on November 8, 2007.

Paul S. McCulla
Clerk to the Board of Supervisors