



**AGENDA**  
**REGULAR MEETING FREDERICK COUNTY BOARD OF SUPERVISORS**  
**WEDNESDAY, APRIL 11, 2018**  
**7:00 P.M.**  
**BOARD ROOM, COUNTY ADMINISTRATION BUILDING**  
**107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**Call to Order**

**Invocation**

**Pledge of Allegiance**

**Adoption of Agenda**

**Consent Agenda**

**Attachment**

Minutes----- A

Budget Work Session of March 28, 2018  
Regular Meeting of March 28, 2018  
Budget Work Session of April 4, 2018

Committee Reports

Transportation Committee ----- B

Resolution Recognizing Employee of the Month Jonathan D. Beckley ----- C

Resolution of Opposition to Expanded Medicaid in Virginia ----- D

**Citizen Comments – Agenda Items that are not the subject of a Public Hearing**

**Board of Supervisors Comments**

**County Officials**

Committee Appointments----- E

Social Services Board

Red Bud District Representative -

One unexpired 4-year term ending 06/30/20

Board of Building Appeals

One unexpired 5-year term ending 11/10/2018

Presentation of Employee of the Month Award to Jonathan D. Beckley

*(See Tab C for additional information)*

Requests from the Commissioner of the Revenue for Refunds----- F

Shenandoah Refrigeration, Inc. - \$3,283.76

Duncan H. Pollitt - \$3,946.74

Adoption of Fiscal Year 2017-2018 Budget, Fiscal Year 2018-19 ----- G  
and Appropriations and Setting of 2018 Tax Rates

**Committee Business** - None

**Public Hearings (Non Planning Issues)** - None

**Planning Commission Business**

**Public Hearings**

Conditional Use Permit #03-18 for Trumpet Vine Farm, LLC ----- H

*Submitted for Establishment of a Special Event Facility in the RA (Rural Areas) Zoning District. The Property is Located at 266 Vaucluse Road, Stephens City, Virginia and is Identified with Property Identification Number 85-A-6C in the Back Creek Magisterial District.*

## Public Hearings (Continued)

### South Frederick Agricultural and Forestal District

1. **McDonald, Roy and Loretta, Six parcels located at 364 Carson Lane----- I**  
*To Consider Adding Additional Parcels into the South Frederick Agricultural and Forestal District identified with Property Identification Numbers 84-A-47B, 84-A-49B, 84-A-49G, 84-A-48A, 84-A-48 and 85-A-3A in the Back Creek Magisterial District.*
2. **McDonald, Jason and Jennifer, Five parcels located at 388 Vaucluse Road ----- J**  
*To Consider Adding Additional Parcels into the South Frederick Agricultural and Forestal District identified with Property Identification Numbers 84-A-6D, 84-A-49E, 84-A-53C, 84-A-53D and 84-A-53E in the Back Creek Magisterial District.*

### Other Planning Business

**Master Development Plan #01-18 ----- K**  
*The Applicant intends to develop 107.21 acres of land zoned M1 (Light Industrial) and is seeking a waiver of §144-24(C) of the Subdivision Ordinance to allow for the future division of lots with access provide by private streets extending from Renaissance Drive.*

**Ordinance Amendment – Solar (Photovoltaic) Energy Facility ----- L**  
*This is a proposed amendment to Chapter 165 – Zoning Ordinance to add solar (photovoltaic) power generating facilities (i.e. solar farms) to the conditional use list for the RA (Rural Areas) Zoning District. The intent of this modification is to provide additional opportunities for uses in the County’s Rural Areas that preserve the rural and agricultural integrity of these areas and are consistent with the goals and strategies outlined in the 2035 Comprehensive Policy Plan.*

### Board Liaison Reports

### Citizen Comments

### Board of Supervisors Comments

### Adjourn

A

**MINUTES**  
**Frederick County Board of Supervisors – Frederick County School Board**  
**Joint Work Session**  
**Wednesday, March 28, 2018**  
**5:30 p.m.**  
**Board Room, 107 North Kent Street, Winchester, VA**

**ATTENDEES**

**Board of Supervisors:** Chairman Charles S. DeHaven, Jr.; Vice Chairman Gary A. Lofton; Blaine P. Dunn; Judith McCann-Slaughter; J. Douglas McCarthy; Robert W. Wells and Shannon G. Trout were present. Staff present: Kris C. Tierney, County Administrator; Jay E. Tibbs, Deputy County Administrator; Cheryl B. Shiffler, Finance Director; Jennifer Place, Budget Analyst; Sharon Kibler, Assistant Finance Director; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

**School Board:** Dr. John Lamanna; Michael Lake; Seth Thatcher; Jay Foreman; and Shontya' Washington were present. Kali Klubertanz and Frank Wright were absent. Staff present: Dr. David Sovine, Superintendent; Dr. Al Orndorff, Assistant Superintendent; Steve Edwards, Coordinator of Policy and Communications; Dr. James Angelo, Assistant Superintendent for Instruction; Patty Camery, Executive Director of Finance; Kristen Anderson, FCPS Budget Supervisor; Tim Crisman, Director of Facilities Services; Kevin Kenney, Clerk of the Works.

**CALL TO ORDER**

Chairman DeHaven called the meeting to order at 5:30 p.m.

**APPROVAL OF AGENDA**

Upon motion of Vice Chairman Lofton, seconded by Supervisor Slaughter, the agenda was approved.

**PRESENTATION**

Dr. Sovine reviewed the planning process for determining the necessity to replace rather than renovate the Aylor Middle School building. Mr. Kevin Kenney, Clerk of the Works, reviewed the challenges of renovating while students occupy the building. He noted the logistics of the project will be very difficult on the site around the building and concluded that not all of the building's problems could be addressed through renovation. Mr. Tim Crisman, Director of

Facilities Services, reviewed the logistical challenges within the building should the students occupy the building during renovation.

## **DISCUSSION**

Supervisor Dunn questioned whether the School Board's numbers were being used to achieve the objective rather than simply being provided as data that could be reviewed to solve a problem. He said the contingency fees seem high.

Supervisor McCarthy expressed concern that the renovation cost changed from \$33 million to \$49 million in two months and asked for an explanation.

Dr. Sovine said the \$33 million estimate was not for a complete renovation, and that details had been provided to the Board of Supervisors in previous meetings.

Dr. Orndorff noted that the original estimate was for a 140,000 square foot building, but the newer estimate for a Tier 3 renovation includes 160,000 square feet to align it with the other County middle schools. He said the School Board will have to work with whatever is appropriated by the Board of Supervisors.

In reference to confusion about Tier 2 and Tier 3 renovations versus a full building replacement, Supervisor McCarthy stated that it is important for the Board of Supervisors to receive good information in order to make good decisions.

Supervisor Dunn inquired about the process for finding land to build a new building. Dr. Orndorff estimated a cost between \$1.2 million and \$1.6 million for a new site. Dr. Sovine said that demolition costs to raze the existing building are estimated at \$2 million. Supervisor Dunn suggested that the School Board make the old Aylor building available for resale if the decision is to build a new Aylor building.

Vice Chairman Lofton referenced the January joint work session at which one School Board presentation slide described a renovation resulting in a 140,000 square foot building costing \$33 million. He asked about the planned program capacity. Dr. Sovine said the capacity would be 900. Supervisor Slaughter asked about the capacity of the 160,000 square foot building. Vice Chairman Lofton asked for clarification since both the 140,000 and 160,000 square foot buildings would have a capacity of 900. Dr. Orndorff explained that the building standards have changed

and there is a need to increase classroom sizes and include collaborative spaces. Dr. Angelo added that the existing science labs are too small.

Supervisor Trout asked whether renovation would address the ventilation and light issues. Dr. Orndorff said that adding light tubes is the only option for improved lighting if the renovation is done.

Supervisor Trout said the larger square footage mirroring the other middle schools is the best option, adding that the renovation process would be miserable for the students and staff. She said more money should not be dumped into a building that has many problems, so she is leaning toward replacement.

Dr. Angelo said he was principal at James Wood Middle School during the renovation and highlighted the issues caused by occupying the building during the renovation process.

Supervisor Wells said he had visited Aylor with two local contractors and has some thoughts. He offered to discuss the topic with all those interested.

Chairman DeHaven thanked the members of both Boards for attending.

## **ADJOURN**

Upon motion of Vice Chairman Lofton, seconded by Supervisor McCarthy, the meeting was adjourned at 6:48 p.m.

**MINUTES  
REGULAR MEETING  
FREDERICK COUNTY BOARD OF SUPERVISORS  
WEDNESDAY, MARCH 28, 2018  
7:00 P.M.  
BOARD ROOM, COUNTY ADMINISTRATION BUILDING  
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**ATTENDEES**

**Board of Supervisors:** Charles S. DeHaven, Jr., Chairman; Gary A. Lofton, Vice Chairman; Blaine P. Dunn; J. Douglas McCarthy; Judith McCann-Slaughter; Shannon G. Trout; and Robert W. Wells were present.

**Staff present:** Kris C. Tierney, County Administrator; Jay E. Tibbs, Deputy County Administrator; Roderick B. Williams, County Attorney; Karen Vacchio, Public Information Officer; Michael T. Ruddy, Director of Planning and Development; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors

**CALL TO ORDER**

Chairman DeHaven called the meeting to order at 7:00 p.m.

**INVOCATION**

Supervisor Wells delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Vice Chairman Lofton led the Pledge of Allegiance.

**ADOPTION OF AGENDA - APPROVED**

Upon motion of Vice Chairman Lofton, seconded by Supervisor Slaughter, the agenda was adopted on a voice vote.

**ADOPTION OF CONSENT AGENDA – APPROVED**

Vice Chairman Lofton moved that the Consent Agenda be approved. Supervisor Wells seconded the motion. Chairman DeHaven and Supervisor Slaughter said they would abstain on the second item on the consent agenda, the Resolution Requesting VHDA Funding for Hiatt Run Apartments, because of prior or ongoing contractual relationships with the requester. The Consent Agenda was approved on a roll call vote as follows:

<b>Blaine P. Dunn</b>	<b>No</b>	<b>Shannon G. Trout</b>	<b>Aye</b>
<b>Gary A. Lofton</b>	<b>Aye</b>	<b>Robert W. Wells</b>	<b>Aye</b>
<b>J. Douglas McCarthy</b>	<b>Aye</b>	<b>Charles S. DeHaven, Jr.</b>	<b>Aye</b>
<b>Judith McCann-Slaughter</b>	<b>Aye</b>		

**-Minutes: Budget Work Session of March 14, 2018 -CONSENT AGENDA APPROVAL**

**-Minutes: Closed Session & Regular Meeting of March 14, 2018 -CONSENT AGENDA APPROVAL**



**-Hiatt Run Apartments – Resolution Requesting VHDA Funding-CONSENT AGENDA APPROVAL**

**RESOLUTION IN SUPPORT OF HIATT RUN APARTMENTS REQUEST FOR VHDA FINANCING.  
HIATT RUN APARTMENTS ARE LOCATED ON MARTINSBURG PIKE IN THE STONEWALL  
MAGISTERIAL DISTRICT**

**WHEREAS**, the Board of Supervisors of the County of Frederick, Virginia, desire to make the determination required by Section 36-55.30:2.B of the Code of Virginia of 1950, as amended, in order for the Virginia Housing Development Authority to finance the economically mixed project (the “Project”) described on Exhibit A attached hereto;

**NOW, THEREFORE, BE IT HEREBY DETERMINED** as follows:

(1) the ability to provide residential housing and supporting facilities that serve persons or families of lower or moderate income will be enhanced if a portion of the units in the Project are occupied or held available for occupancy by persons and families who are not of low and moderate income; and

(2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the surrounding area of the Project and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

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**-Resolution of Appreciation for Judy Lynn Hesse -CONSENT AGENDA APPROVAL**

**FREDERICK COUNTY RESOLUTION OF APPRECIATION  
JUDY LYNN HESSE**

**WHEREAS**, Judy Lynn Hesse served Frederick County, Virginia, for approximately 29 years as a dedicated employee; and

**WHEREAS**, Judy began her career as a Clerk Typist I in 1989 and received promotions to Secretary III in 1999, Administrative Assistant in 2000, and finally to Resource Management Specialist serving from 2013 until her retirement; and

**WHEREAS**, during her tenure, Judy progressively took on additional responsibilities and extra assignments and was noted for the quality and quantity of her work as well as her superior communication skills; and

**WHEREAS**, Judy was a successful multi-tasker who did exceptional work in keeping fire and rescue personnel outfitted with appropriate uniforms and personal protective equipment and excelled in building positive cooperative relationships with various County departments and volunteer firefighter leadership members,

**NOW, THEREFORE BE IT RESOLVED**, that the Frederick County Board of Supervisors extends its sincerest thanks to Judy Lynn Hesse for her dedication and dependability and wishes her all of the best in her future endeavors.

**BE IT FURTHER RESOLVED**, that this resolution be spread across the minutes of the Frederick County Board of Supervisors for all citizens to reflect upon the accomplishments of this public servant.

**ADOPTED** this 28<sup>th</sup> day of March 2018.

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**CITIZEN COMMENTS**

William Meyer, Red Bud District, said the one cent tax increase is not enough and that next year the County will be slammed with a larger necessary increase. He said the community and schools are growing and money is needed to provide services. He said the Board members are cutting themselves short with the small tax increase.

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**BOARD OF SUPERVISORS COMMENTS**

Supervisor Dunn noted the speakers at recent meetings who addressed the Aylor Middle School building condition. He said the Board of Supervisors is the funding body. He noted that the School Board handles maintenance and has unspent funds each year that could have been used for building maintenance.

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**COUNTY OFFICIALS:**

**COMMITTEE APPOINTMENTS**

**APPOINTMENT OF AMY GRAY TO THE HANDLEY REGIONAL LIBRARY BOARD – APPROVED**

Upon motion of Supervisor Dunn, seconded by Supervisor Slaughter, Amy Gray was appointed on a voice vote to the Handley Regional Library Board to fill an unexpired four-year term ending November 20, 2021.

**APPOINTMENT OF HEATHER MCKAY TO THE FREDERICK COUNTY ECONOMIC DEVELOPMENT AUTHORITY - APPROVED**

Upon motion of Vice Chairman Lofton, seconded by Supervisor Wells, Heather McKay was appointed on a voice vote to the Frederick County Economic Development Authority to fill an unexpired four-year term ending September 10, 2018. Vice Chairman Lofton noted there had been three applicants, and Ms. McKay’s background in agribusiness and agritourism will be an asset to the Authority.

**RE-APPOINTMENT OF CHRISTOPHER FORDNEY TO THE FREDERICK COUNTY PARKS AND RECREATION COMMISSION - APPROVED**

Upon motion of Supervisor Dunn, seconded by Supervisor McCarthy, Christopher Fordney was re-appointed on a voice vote to the Frederick County Parks & Recreation Commission for a four-year term ending April 28, 2022.

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**REQUESTS FROM THE COMMISSIONER OF THE REVENUE FOR REFUNDS**

Mr. Tierney explained there were four requests for refunds that have been reviewed by the County Attorney.

Supervisor Slaughter moved for approval of and a corresponding supplemental appropriation for the refund request by Federal Express Corp. for \$2,832.03. Supervisor Trout seconded the motion which carried as on a roll call vote as follows:

|                                |            |                                |            |
|--------------------------------|------------|--------------------------------|------------|
| <b>Blaine P. Dunn</b>          | <b>Aye</b> | <b>Shannon G. Trout</b>        | <b>Aye</b> |
| <b>Gary A. Lofton</b>          | <b>Aye</b> | <b>Robert W. Wells</b>         | <b>Aye</b> |
| <b>J. Douglas McCarthy</b>     | <b>Aye</b> | <b>Charles S. DeHaven, Jr.</b> | <b>Aye</b> |
| <b>Judith McCann-Slaughter</b> | <b>Aye</b> |                                |            |

Supervisor Slaughter moved for approval of and a corresponding supplemental appropriation for the refund request by Merrimak Capital Company LLC for \$3,934. Supervisor McCarthy seconded the motion which carried as on a roll call vote as follows:

|                                |            |                                |            |
|--------------------------------|------------|--------------------------------|------------|
| <b>Blaine P. Dunn</b>          | <b>Aye</b> | <b>Shannon G. Trout</b>        | <b>Aye</b> |
| <b>Gary A. Lofton</b>          | <b>Aye</b> | <b>Robert W. Wells</b>         | <b>Aye</b> |
| <b>J. Douglas McCarthy</b>     | <b>Aye</b> | <b>Charles S. DeHaven, Jr.</b> | <b>Aye</b> |
| <b>Judith McCann-Slaughter</b> | <b>Aye</b> |                                |            |

Supervisor Slaughter moved for approval of and a corresponding supplemental appropriation for the refund request by D L Peterson Trust for \$7,517.92. Supervisor Dunn seconded the motion which carried as on a roll call vote as follows:

|                                |            |                                |            |
|--------------------------------|------------|--------------------------------|------------|
| <b>Blaine P. Dunn</b>          | <b>Aye</b> | <b>Shannon G. Trout</b>        | <b>Aye</b> |
| <b>Gary A. Lofton</b>          | <b>Aye</b> | <b>Robert W. Wells</b>         | <b>Aye</b> |
| <b>J. Douglas McCarthy</b>     | <b>Aye</b> | <b>Charles S. DeHaven, Jr.</b> | <b>Aye</b> |
| <b>Judith McCann-Slaughter</b> | <b>Aye</b> |                                |            |

Supervisor Dunn moved for approval of and a corresponding supplemental appropriation for the refund request by Judy Excavating & Landscaping for \$7,693.04. Supervisor Slaughter seconded the motion which carried as on a roll call vote as follows:

|                                |            |                                |            |
|--------------------------------|------------|--------------------------------|------------|
| <b>Blaine P. Dunn</b>          | <b>Aye</b> | <b>Shannon G. Trout</b>        | <b>Aye</b> |
| <b>Gary A. Lofton</b>          | <b>Aye</b> | <b>Robert W. Wells</b>         | <b>Aye</b> |
| <b>J. Douglas McCarthy</b>     | <b>Aye</b> | <b>Charles S. DeHaven, Jr.</b> | <b>Aye</b> |
| <b>Judith McCann-Slaughter</b> | <b>Aye</b> |                                |            |

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**COMMITTEE BUSINESS – None**

**PUBLIC HEARINGS (Non Planning Issues)**

**A. OUTDOOR FESTIVAL PERMIT REQUEST OF WAVELAND FARM, LLC (Cyndie Layman) – Ferguson Wedding. - APPROVED**

*Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held on Saturday, April 21, 2018, from 10:00 A.M. to 10:00 P.M. on the Grounds of 1211 Marlboro Road, Stephens City, Virginia, Back Creek Magisterial District. Property Owned by Waveland Farm, LLC.*

Mr. Tierney said the request was for a wedding event. The applicant, Cyndie Layman, Back Creek District, said the use of her farm as a wedding venue promotes agribusiness and agritourism and will help preserve and maintain the farm.

Chairman DeHaven opened the public hearing. There were no speakers. Chairman DeHaven closed the public hearing. Vice Chairman Lofton moved for approval and Supervisor Dunn seconded the motion. Vice Chairman Lofton said he met with the applicant several months ago and was concerned about the entrance to the farm. He said the applicant has now purchased land and added a much safer entrance. The motion carried on a roll call vote as follows:

|                                |            |                                |            |
|--------------------------------|------------|--------------------------------|------------|
| <b>Blaine P. Dunn</b>          | <b>Aye</b> | <b>Shannon G. Trout</b>        | <b>Aye</b> |
| <b>Gary A. Lofton</b>          | <b>Aye</b> | <b>Robert W. Wells</b>         | <b>Aye</b> |
| <b>J. Douglas McCarthy</b>     | <b>Aye</b> | <b>Charles S. DeHaven, Jr.</b> | <b>Aye</b> |
| <b>Judith McCann-Slaughter</b> | <b>Aye</b> |                                |            |

**B. FISCAL YEAR 2018-2019 BUDGET**

*The Board of Supervisors of Frederick County invites comments on the Proposed Budget for the fiscal year ending June 30, 2019.*

Mr. Tierney presented the draft FY 2018-2019 budget using a PowerPoint presentation. He summarized the budget and noted that the increase in general fund requests is \$15,482,806 with the proposed budget funding only \$3,760,000 of the total requested amount.

Chairman DeHaven opened the public hearing.

Kitty Hockman-Nicholas, Back Creek District, said she represented the Lord Fairfax Soil and Water Conservation District. She said help is needed to correct the problems of pesticides, erosion and pollution that affect the local area, adding that the County's waterways are part of the Chesapeake Bay watershed area. She asked the Board to restore \$3,000 in funding that has been cut from the requested \$10,000.

Marietta Walls, elected member of the Lord Fairfax Soil and Water Conservation District Board, said that Frederick County has reduced funding to the Soil and Water Conservation District through the years. Ms. Walls said the District employees give back to the community and help bring money through grants to help the County's waterways. She asked that the Board restore the funding to the \$10,000 level that was given in 2009 saying more help is needed.

Steve Cluss, Stonewall District, said he represented the Northern Shenandoah Valley Substance Abuse Coalition. He thanked the Board for funding the Coalition noting that the Drug Court has been successful. He said that drug testing kits are being made available to families and peer to peer counseling is being accomplished with funds from a United Way Campaign grant.

Jeri Swogger, Gainesboro District, urged the Board to fully fund the requests of the School Board. She said the Board has welcomed new businesses to the County, but not the children who have come along with the County's growth, adding that the schools need funds to do a good job and provide opportunities for students.

John Wright, Red Bud District, representing the Frederick County Professional Firefighter Association thanked the Board and the County Administration for support in adding staffing. He said the additional staff members have greatly added to the ability to respond to calls at the busiest fire stations. Mr. Wright said the requests in this year's budget will help add staff at the stations with fewer staff members. He encouraged the Board to approve the requested funding for staffing.

Shelly Andrews, Red Bud District, implored the Board to be forward thinking. She said the one cent tax increase pushes the decision down the road. She said a three cent tax increase would be manageable and would assist the deputies, schools and firefighters that need additional funding, adding that it would be doing the right thing in the long run.

Dr. John Lamanna, Stonewall District, asked the Board to fully fund the schools' request as presented. He said the request represented only the highest priority needs, adding that the request had been cut before being presented to the Board of Supervisors. Dr. Lamanna said that the \$2.7 million that the School Board assumes the Board of Supervisors is planning not to fund is for critical needs. He said that 12 of the 18 County schools are over capacity. He referenced the comments about unobligated surplus funds saying those funds cannot come close to addressing the maintenance needs in the schools. Dr. Lamanna concluded saying the buzz-in

systems being installed are costly and that other needs will not be met in order for the systems to be installed for safety.

Joy Kirk, Back Creek District and president of the Frederick County Education Association, she said that the one cent tax increase will not be difficult for homeowners and encouraged the Board to vote in favor of the increase.

Carrie Ann Kite, Shawnee District, spoke in favor of the tax increase but said she believes it is not enough adding that the budget does not address needs since the growth of the County is outpacing the infrastructure. Ms. Kite said that some County Departments are budgeted with larger percentage increases than the schools and asked why the schools are being vilified. She said the schools are a larger part of the budget because they are serving more community members and are the largest employer in the area. Ms. Kite asked that the schools' request be funded.

Jason Tresedder, Shawnee District, said he supports the one cent tax increase which is a good place to start and the tax rate should be higher. He referenced the earlier budget presentation which depicted the County's tax rates as being lower than most surrounding localities and said that may be the reason the County is having trouble keeping up with the needs. Mr. Tresedder noted the earlier comment that maintenance is the school's responsibility saying that if the Board of Supervisors does not fund the requests, the Schools cannot do the maintenance. He suggested that raising the tax to the median rate in the area will slow growth because the low rate is actually increasing the growth of the County.

William Meyer, Red Bud District, said he is employed at Spring Arbor assisted living community which has frequent need of emergency medical services. He said the Round Hill Fire Station crews are responsive but need additional staffing. He asked the Board to fund the requested staffing for the Round Hill station.

Shawn Graber, Back Creek District, said the County is in the top tenth percentile for funding per the State Board of Education web site. He said the one cent tax increase may seem like it is not much, but his taxes have gone up 40%. He asked the Board not to raise taxes.

Dr. David Sovine, Superintendent of Frederick County Schools, noted that with the County growing and changing, demands on the schools are increasing. He said the funding requested by the Schools represented only the highest priority needs. Dr. Sovine said a perfect storm is brewing with the older school buildings and other needs such as emergency services, adding that the Board should commit to serving the residents of the County.

Carrie Carmichael, Shawnee District, said she looked at the proposed budget. She said the County is severely underfunding the schools. She asked how the Board justified not funding capital needs like HVAC systems, roof replacements, safety project on Rt. 522, and fire alarm replacement. She said the one cent increase may not be enough but encouraged the Board to support it as a start.

Joy Kirk, Back Creek District, and representing the Frederick County Education Association. She read Frederick County student proficiency statistics from the State Board of Education web site adding that she was proud to be a Frederick County school teacher.

Chairman DeHaven closed the public hearing.

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**PLANNING COMMISSION BUSINESS** – None

**BOARD LIAISON REPORTS**

Supervisor Trout provided an update on the last Frederick Water meeting.

**BOARD OF SUPERVISORS COMMENTS**

Supervisor Dunn noted there is an increase in the school budget from last year. He noted that the County is growing, and he projects that taxes will have to increase significantly to meet the capital requests. He outlined proposals for revenue generation other than the currently collected taxes.

Supervisor Trout thanked the speakers. She said of 13 speakers, all but one was in favor of the tax increase. She said this mirrors the comments she is receiving in her district. She said she will support the increase but does not think it is adequate to cover the needs of the growing County.

Supervisor Wells said it is clear that many of the schools are in need of the types of repairs that if ignored will result in the buildings being uninhabitable. He said the repairs cannot be ignored by the Board of Supervisors or the School Board. He said the Board needs to begin to appropriate the funding for the critical school needs and he wants the School Board to make sure the funds are spent on those needs. Supervisor Wells said Aylor needs to be addressed and not ignored any longer.

Supervisor Wells said the public safety issue also should be addressed. He said he is against raising taxes when there is no need and when the funds are being mishandled, but he is not against raising taxes if the needs are real and the funds are well handled. He also sked that the parking issues at Clear Brook be reviewed by the Board.

Vice Chairman Lofton said he has heard calls for the need to spend money, but he is in favor of more in-depth discussion and discovery about the wants and needs in the County. He said there are those calling for tax increases but there is another contingent of tax payers who are on fixed incomes and not in favor of the any tax increase.

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**CITIZEN COMMENTS**

Dr. David Sovine, Superintendent of Frederick Schools, thanked the Board for the joint meeting on Aylor Middle School held earlier in the evening. He noted that the per pupil spending on Frederick County is below the state average and Frederick County has built seven schools since 2000. He noted that Frederick County’s real estate tax rate of 60 cents is 10% below the state median.

Amber Wallin, Opequon District, referred to the Schools Building and Grounds Committee minutes which discuss population growth. She said if the growth is not accounted for the County will be in the same overcrowding situation in the future. Ms. Wallin said the Aylor

building is failing and the property has other downsides such as the location and drainage issues.

Carrie Takarsh said she is employed at Aylor Middle School. She said teaching in the 21<sup>st</sup> century requires a different floor plan than in older school buildings. She noted her classroom does not have enough electrical outlets, the tables are bolted to the floors which contain asbestos tile, and the narrow spacing between the bolted furniture presents safety concerns. She said communities need to invest in human capital and urged the Board to appropriate the funds to build a new Aylor school.

Jerry Putt, Stonewall District, said he is the principal of Frederick County Middle School. He asked the Board to make an informed decision by coming to visit Frederick County Middle School when the students and teachers are present, adding that this will make the Board's decision easier.

Jason Tressedder, Shawnee District, noted the Board has a difficult decision with speakers on all sides of the issues. He asked the Board to listen to what the majority of speakers are saying. He added that the citizens are asking for help to keep the community safe and thanked the Board for the hard work in considering the requests for funding.

Sophia Guntang and Jessica Shostek, Back Creek District, said they represent the Aylor Middle School Student Council Association. They said the school needs to be replaced not renovated because of the condition of the existing building. They noted the distraction of the CO2 monitors and played a recording to demonstrate the noise.

Emma Hunter, Back Creek District, said she is a student at Aylor Middle School. She said that the teachers have been asking for renovations for 10 years, but nothing has been done while they are told the whole school will be renovated soon. She said the CO2 monitors that beep all day are very disruptive to classes and asked the Board to help the situation by replacing the building.

Carrie Ann Kite, Shawnee District, spoke about community. She said after moving here in 2007, she began to be involved in the community. She said she has started a group for residents to encourage involvement in the community. Ms. Kite said the community is experiencing growing pains and needs to find other solutions while addressing the urgent needs now.

Avery Lundy, Opequon District, praised the teachers at Aylor and said she is being educated in a substandard building. She asked the Board to do something about the Aylor building.

Bill Pitt, Back Creek District, said he has lived in the County for four years and noted that public education is an important issue. He said he did not check the tax rate before moving to the County but rather chose the County because the commitment to the schools and services is good.

Adeline Wall said she is a student at Aylor Middle School. She said the lockers are small, the hallways are narrow, the science lab is small, and she hopes the Board will rebuild Aylor school.

Kate Guntang, Back Creek District said she is a rising sixth grader at Aylor Middle School. She noted the CO2 levels, beeping monitors, narrow hallways, and the doors that do not

have locks. She asked the Board to please rebuild Aylor Middle School.

Walter Ouzts, Shawnee District, said he has heard the School Board's proposal to rebuild Aylor described as a sales job. He agreed that it is a sales job in that the Board of Supervisors holds the money adding that the question is whether the School Board is similar to used car salesmen or honest brokers. Mr. Ouzts said the School Board is akin to an honest broker adding that spending less than the \$52 million is not proactive or forward thinking on the part of the Board of Supervisors. He asked the Board to appropriate the necessary funds and said that higher taxes may be necessary. Mr. Ouzts said there are other tax options and special school construction grants that may be an option. He noted that crowdfunding for capital needs has been effective in other areas and should be explored as an option. Mr. Ouzts asked that the Board to approve the Aylor replacement funding.

Don Hier, Back Creek District, said he is a tenth grader at Sherando who attended Aylor Middle School. He said that the Aylor building is in really bad shape and asked the Board to help by rebuilding Aylor Middle School.

**BOARD OF SUPERVISORS COMMENTS** - None

**ADJOURN**

On motion of Vice Chairman Lofton, seconded by Supervisor Trout the meeting was adjourned at 8:55 P.M.



**MINUTES**  
**Frederick County Board of Supervisors**  
**Budget Work Session**  
**Wednesday, April 4, 2018**  
**5:30 p.m.**  
**Board Meeting Room, 107 North Kent Street, Winchester, VA**

**ATTENDEES**

**Board of Supervisors:** Chairman Charles S. DeHaven, Jr.; Vice-Chairman Gary A. Lofton; Blaine P. Dunn; Judith McCann-Slaughter; J. Douglas McCarthy; Shannon G. Trout; and Robert W. Wells were present. Staff present: Kris C. Tierney, County Administrator; Ellen Murphy, Commissioner of the Revenue; C. William Orndoff, Jr., Treasurer; Jay E. Tibbs, Deputy County Administrator; Roderick B. Williams, County Attorney; Cheryl B. Shiffler, Finance Director; Jennifer Place, Budget Analyst; Sharon Kibler, Assistant Finance Director; Becky Merriner, Human Resources Director; Scott Varner, IT Director; Tamara Green, Director of Social Services; Amy Swift, Assistant Director of Social Services; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

**Finance Committee Members** present: Jeffrey Boppe

**CALL TO ORDER**

Chairman DeHaven called the meeting to order at 5:30 p.m. Mr. Tierney said a primary goal of the meeting is to decide how the budget resolution including the tax increase should be worded prior to next week's Board of Supervisors meeting.

**DISCUSSION**

Medicaid Expansion

Mr. Tierney explained that it is unknown whether the state will move to expand the Medicaid program. He said the current case load per Social Services case worker is approximately 500, and with the anticipated expansion there will be between 2500 and 3000 new cases requiring an additional eight employees. Mr. Tierney suggested the Board may need to meet again once the state legislature has decided on Medicaid expansion.

Supervisor Slaughter suggested the Board draft a resolution in opposition to the expansion to be forwarded to the County's state representatives prior to their meeting on April 11. By consensus and in the interest of time, the Board directed staff to draft a letter of opposition for

signature by Board members followed by a resolution to be adopted at the April 11, 2018, Board meeting.

#### Budget Resolution

The Board and staff discussed the options for the budget resolution.

The Board and staff discussed the issue of the airplane tax. By consensus, the Board agreed to setting the personal property tax rate for aircraft at \$0.50 per \$100 of assessed value.

The Board and staff discussed the advertised one cent real estate tax rate.

The Board and staff discussed the issue of school maintenance and school capital versus operating expenses and the possibility of allocating funding by category.

No consensus was reached on the one cent tax increase or the wording of the budget resolution wording.

Mr. Tierney urged the Board to move forward with adopting the budget and the tax rate saying that the budget could be further refined at a later date. The Board agreed to meet again at a date to be determined for a work session to discuss the budget.

#### Other

Supervisor Dunn asked for thoughts on his previous request for establishment of a budget line item for Board Member Town Hall meetings. There was no support for this request.

#### **ADJOURN**

There being no further business, the meeting was adjourned at 6:48 p.m.

B



**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** John A. Bishop, AICP, Assistant Director - Transportation *JB*  
**RE:** Transportation Committee Report for Meeting of March 26, 2018  
**DATE:** March 27, 2018

The Transportation Committee met on Monday, March 26, 2018 at 8:30 a.m.

Members Present

Gary Lofton Chairman (voting)  
Judith McCann-Slaughter (voting)  
James Racey (voting)  
Gary Oates (liaison PC/voting)  
Lewis Boyer (liaison Stephens City)

Members Absent

Mark Davis (liaison Middletown)  
Barry Schnoor (voting)

**\*\*\*Items Not Requiring Board Action\*\*\***

**1. Ruebuck Lane Petition:**

Staff received a petition from several residents who reside on Macbeth Lane (private lane) requesting the paving of Ruebuck Lane (state road).

The Committee discussed the improvements of Ruebuck Lane to be added to the next Secondary Road Improvement Plan stopping at Macbeth Lane to increase the score for rustic paving treatment that is used to pave unpaved roads in the Secondary Road Improvement Plan. Staff will review the right-of-way.

Upon motion by Ms. Judith McCann-Slaughter, seconded by Mr. Gary Oates, the Committee recommended that Staff included Ruebuck Lane in the next update of the Secondary Road Improvement Plan.

**2. MPO Work Program:**

Staff provided a brief overview and provided clarity of the Winchester Frederick Metropolitan Planning Organization (MPO) work programs for the coming year.

The Committee discussed the potential studies or plans in long-range planning work programs. It was recommended that Staff present to the MPO Technical Advisory Committee as follows in prioritized order:

1. Route 7
2. Route 11 North
3. Lenoir Drive
4. Exit 313-Route 50/Route 522
5. Hopewell Road/Cedar Hill Road *split interchange*

### 3. County Project Updates

#### **Tevis Street Extension/Airport Road/I-81 Bridge:**

VDOT has authorized Staff to proceed with a roundabout design with some clarifications to the 60% design. A meeting was held with the Department of Historic Resources (DHR), VDOT and the Shenandoah Valley Battlefield Foundation to clarify and dispose of comments received as part of the state environmental review process. The Board of Supervisors approved the draft agreement for the Northern Y which was discussed at the last Transportation Committee meeting and has been forwarded for execution.

#### **Renaissance Drive:**

Survey work on the site is complete and discussions are ongoing with FirstEnergy regarding powerline adjustments needed to accommodate the bridge. More details on the timelines and commitments required by FirstEnergy are expected this week. Boring locations for the Geotech study are being staked and the Geotech study is expected to be completed in early April. Upon completion of the Geotech, design begins in earnest and 30% bridge designer has provided some preliminary options. Staff is awaiting a response from CSX regarding the design review agreement.

#### **Coverstone Drive:**

No activity currently.

#### **Jubal Early Drive Extension and Interchange with Route 37:**

No activity currently.

### 4. Upcoming Agenda Items:

#### **April**

MPO Route 11 South Stars Study update

**May**

Begin Interstate, Primary, and Secondary Road Plan updates (dependent on VDOT projections becoming available)

**TBD**

Oakdale Crossing Traffic Calming Study

**5. Other Business:**

Upcoming CTB hearing

JAB/ks

C

# Employee of the Month Resolution

*Awarded to:*

## Jonathan D. Beckley

WHEREAS, the Frederick County Board of Supervisors recognizes that the County's employees are a most important resource; and,

WHEREAS, on September 9, 1992, the Board of Supervisors approved a resolution which established the Employee of the Month award and candidates for the award may be nominated by any County employee; and,

WHEREAS, the Board of Supervisors upon recommendation by the Human Resources Committee selects one employee from those nominated; and,

WHEREAS, Jonathan D. Beckley who serves as a Correctional Officer II with the Northwestern Regional Adult Detention Center was nominated for Employee of the Month; and,

WHEREAS, On January 20, 2018, Officer Beckley was supervising a Nurse Sick Call with an inmate. During the sick call, the Nurse removed the inmate's sock and discovered a plastic baggie containing a white rock looking substance. Officer Beckley immediately called the on-duty Watch Commander and went to where the inmate was housed to assist in searching the inmate's living space to ensure there were no other drugs or items the inmates are not permitted to have in their possession. While searching the inmate's bed area, Officer Beckley discovered papers containing the same drug found previously during the sick call. Officer Beckley immediately confiscated the papers and maintained custody of them until he could pass them to be secured in the evidence safe. Officer Beckley's dedication, perseverance, and follow-through helped ensure the safety and security of the facility and ensured that the illegal drugs stemming from this incident were removed from the facility; and,

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 11<sup>th</sup> day of April 2018, that Jonathan D. Beckley is hereby recognized as the Frederick County Employee of the Month for April 2018; and,

BE IT FURTHER RESOLVED that the Board of Supervisors extends gratitude to Jonathan D. Beckley for his outstanding performance and dedicated service and wishes him continued success in future endeavors; and,

BE IT FURTHER RESOLVED, that Jonathan D. Beckley is hereby entitled to all of the rights and privileges associated with his award.

County of Frederick, VA Board of Supervisors

---

Charles S. DeHaven, Jr., Chairman



D



# RESOLUTION

## Frederick County Board of Supervisors

### RESOLUTION IN OPPOSITION TO MEDICAID EXPANSION IN THE COMMONWEALTH OF VIRGINIA

WHEREAS, the Board of Supervisors of the County of Frederick, Virginia, is gravely concerned about the proposed expansion of Medicaid, specifically the financial implications at the local level and

WHEREAS, the best available estimates project an increase in Medicaid cases in Frederick County to be somewhere between 2,500 and 3,000 new cases, and

WHEREAS, based on those projections, Frederick County would be forced to substantially increase staffing within the Department of Social Services with the anticipated annual cost for this new staffing being in excess of \$390,000, exclusive of the expenses to establish office space to house this additional staffing, and

WHEREAS this additional staffing is needed to make caseloads more manageable because it is anticipated that the number of Medicaid cases per case worker will increase by over 200 cases for current staff members and

WHEREAS, our concerns and frustrations are further magnified by the fact that Frederick County is attempting to finalize the annual County budget, but the General Assembly has failed to resolve this issue which significantly impacts our local budget, and

WHEREAS, without any financial assistance or cost sharing from the State, this program will be yet another unfunded mandate thrust upon local governments with our citizens left to pay the bill,

NOW, THEREFORE, BE IT RESOLVED THAT the County of Frederick is opposed to the expansion of the Medicaid Program in the Commonwealth of Virginia, and

BE IT FURTHER RESOLVED THAT as the General Assembly prepares to vote on this important issue, we, the Frederick County Board of Supervisors, urge you to consider the significant local impact of Medicaid expansion and

BE IT FINALLY RESOLVED THAT ultimately, should the decision be made to expand Medicaid, it is imperative that the Commonwealth include funding to assist the localities that will be forced to administer the program.

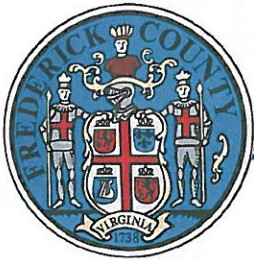
Passed this 11th day of April 2018 by the following recorded vote:

|                                   |       |                         |       |
|-----------------------------------|-------|-------------------------|-------|
| Charles S. DeHaven, Jr., Chairman | _____ | Gary A. Lofton          | _____ |
| J. Douglas McCarthy               | _____ | Judith McCann-Slaughter | _____ |
| Shannon G. Trout                  | _____ | Blaine P. Dunn          | _____ |
| Robert W. Wells                   | _____ |                         |       |

**A COPY ATTEST**

\_\_\_\_\_  
Kris C. Tierney  
Frederick County Administrator

E




Kris C. Tierney  
County Administrator

540/665-6382

Fax: 540/667-0370

E-mail: ktierney@fcva.us

**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** Kris C. Tierney, County Administrator   
**DATE:** April 5, 2018  
**RE:** Committee Appointments

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Listed below are the vacancies/appointments due through May, 2018. As a reminder, in order for everyone to have ample time to review applications, and so they can be included in the agenda, please remember to submit applications prior to Friday agenda preparation. Your assistance is greatly appreciated.

**VACANCIES/OTHER**

Social Services Board

Maximillion J. Press – Red Bud District Representative  
117 Monticello Square  
Winchester, VA 22602  
Phone: (540)303-9404  
Term Expires: 06/30/20  
Four year term

*(Staff has been notified that Mr. Press will be moving from the Red Bud District in February 2018.)*

Board of Building Appeals

David W. Ganse – Frederick County Representative  
231 Soldiers Rest Lane  
Winchester, VA 22602  
Term Expires: 11/10/18  
Five year term.

*(Vacancy Due to the Passing of Mr. Ganse.) (FYI - There are seven members on the Board of Building Appeals. One member serves as an alternate. Members serve a five year term. **Members should, to the extent possible, represent different***

***occupational or professional fields of the building industry. At least one member should be an experienced builder and one other member should be a licensed professional engineer or architect).***

**APRIL 2018**

No remaining appointments due.

**MAY 2018**

Historic Resources Advisory Board (HRAB)

Carl Rush - Shawnee District Representative  
2757 Millwood Pike  
Winchester, VA 22602  
Home: (540)877-5983  
Term Expires: 05/22/18  
Four year term

*(Mr. Rush was appointed at the January 10, 2018 Board meeting to fill a vacated seat.)*

KCT/tjp

F



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

540/722-8383  
Fax 540/667-0370  
E-mail [rwillia@fcva.us](mailto:rwillia@fcva.us)

**MEMORANDUM**

TO: Frederick County Board of Supervisors  
CC: Kris Tierney, County Administrator  
FROM: Roderick B. Williams, County Attorney  
DATE: March 29, 2018  
RE: Commissioner of Revenue Refund Requests

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Attached, for the Board's review, are requests to authorize the Treasurer to credit the following entities:

1. Shenandoah Refrigeration, Inc. – \$3,283.76
2. Duncan H. Pollitt – \$3,946.74

A handwritten signature in black ink, appearing to be "R. Williams", written over a horizontal line.

Roderick B. Williams  
County Attorney

Attachments



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

540/722-8383  
Fax 540/667-0370  
E-mail [rwillia@fcva.us](mailto:rwillia@fcva.us)

**MEMORANDUM**

TO: Ellen E. Murphy, Commissioner of the Revenue  
Frederick County Board of Supervisors

CC: Kris Tiemey, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: March 22, 2018

RE: Exoneration – Shenandoah Refrigeration, Inc.

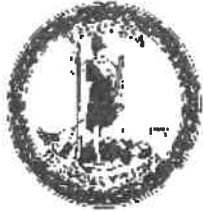
I am in receipt of the Commissioner's request, dated March 19, 2018, to authorize the Treasurer to refund Shenandoah Refrigeration, Inc. the amount of \$3,283.76, for exoneration of business license taxes for 2017. This refund resulted from business license fees incorrectly calculated on the classification of their activities as reported by the company. This error was discovered by the staff upon the filing of the 2018 business license.

The Commissioner verified that documentation and details for this refund meet all requirements. Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request for approval of a supplemental appropriation, as indicated in the Commissioner's memorandum.

Roderick B. Williams  
County Attorney

Attachment





*Frederick County, Virginia*  
**Ellen E. Murphy**  
**Commissioner of the Revenue**  
107 North Kent Street  
Winchester, VA 22601  
Phone 540-665-5681 Fax 540-667-6487  
**email: [emurphy@co.frederick.va.us](mailto:emurphy@co.frederick.va.us)**



March 19, 2018

TO: Rod Williams, County Attorney  
Cheryl Shiffler, Finance Director  
Frederick County Board of Supervisors  
Kris Tierney, County Administrator

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – Shenandoah Refrigeration, Inc.

A handwritten signature in cursive script, appearing to read "E. Murphy".

Please approve a refund of \$3,283.76 for exoneration of business personal license taxes for 2017 in the name of Shenandoah Refrigeration, Inc.. This refund is for business license fees incorrectly calculated on the classification of their activities as reported by the company. Error was discovered by staff upon the filing of the 2018 license.

To comply with requirements for the Treasurer to apply this refund board action is required.

The Commissioner's staff has verified all required data and the paperwork is in the care of the Commissioner of the Revenue.

Please also approve a supplemental appropriation for the Finance Director on this request.

Exoneration is \$3,283.76.

Date: 3/15/18

Cash Register: COUNTY OF FREDERICK

Time: 13:31:20

Customer Name: SHENANDOAH REFRIGERATION INC

Total Transactions: 70  
Customer Transactions: 4

Options: 2=Edit 4=Delete 5=View

| Opt | Dept   | Trans | Ticket No.  | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| -   | BL2017 | 1     | 00021200001 | \$820.94-  | \$ .00      | \$820.94-   |
| -   | BL2017 | 2     | 00021200002 | \$820.94-  | \$ .00      | \$820.94-   |
| -   | BL2017 | 3     | 00021200003 | \$820.94-  | \$ .00      | \$820.94-   |
| -   | BL2017 | 4     | 00021200004 | \$820.94-  | \$ .00      | \$820.94-   |

F3=Exit    F14=Show Map#    Total Paid :    \$3,283.76

F15=Show Balance    F18=Sort-Entered    F21=CmdLine

F20=Attach

*Needs Board Approval*



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

540/722-8383  
Fax 540/667-0370  
E-mail [rwillia@fcva.us](mailto:rwillia@fcva.us)

**MEMORANDUM**

TO: Ellen E. Murphy, Commissioner of the Revenue  
Frederick County Board of Supervisors

CC: Kris Tierney, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: March 29, 2018

RE: Refund – Duncan H. Pollitt

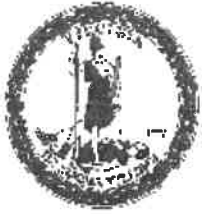
I am in receipt of the Commissioner's request, dated March 22, 2018, to authorize the Treasurer to refund Duncan H. Pollitt the amount of \$3,946.74, for exoneration of real estate taxes from 2015 through 2017. This refund resulted from a reduced real estate assessment due to a fire on the property which did not include the principal residence. Damage has been verified and adjustment certified by the real estate division.

The Commissioner verified that documentation and details for this refund meet all requirements. Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request for approval of a supplemental appropriation, as indicated in the Commissioner's memorandum.

A handwritten signature in black ink, appearing to be "R. Williams", is written over a horizontal line.

Roderick B. Williams  
County Attorney

Attachment



*Frederick County, Virginia*  
**Ellen E. Murphy**  
**Commissioner of the Revenue**  
107 North Kent Street  
Winchester, VA 22601  
Phone 540-665-5681 Fax 540-667-6487  
email: [emurphy@co.frederick.va.us](mailto:emurphy@co.frederick.va.us)



March 22, 2018

TO: Rod Williams, County Attorney  
Cheryl Shiffler, Finance Director  
Frederick County Board of Supervisors  
Kris Tierney, County Administrator

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration – Duncan H Pollitt

Please approve a refund of \$3,946.74 for exoneration of real estate taxes for 2015 - 2017 in the name of Duncan H. Pollitt. This refund is for reduction in real estate due to a fire on a property not the principal residence. Damage has been verified and adjustment certified by the real estate division.

To comply with requirements for the Treasurer to apply this refund board action is required.

The Commissioner's staff has verified all required data and the paperwork is in the care of the Commissioner of the Revenue.

Please also approve a supplemental appropriation for the Finance Director on this request.

Exoneration is \$3,946.74.

Date: 3/12/18

Cash Register: COUNTY OF FREDERICK

Time: 16:38:17

Customer Name: POLLITT DUNCAN H

Total Transactions: 67  
Customer Transactions: 6

Options: 2=Edit 4=Delete 5=View

| Opt | Dept   | Trans | Ticket No.  | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| -   | RE2015 | 1     | 00311480001 | \$608.72-  | \$ .00      | \$608.72-   |
| -   | RE2015 | 2     | 00311480002 | \$608.72-  | \$ .00      | \$608.72-   |
| -   | RE2016 | 3     | 00308210001 | \$652.70-  | \$ .00      | \$652.70-   |
| -   | RE2016 | 4     | 00308210002 | \$652.20-  | \$ .00      | \$652.20-   |
| -   | RE2017 | 5     | 00310900001 | \$712.20-  | \$ .00      | \$712.20-   |
| -   | RE2017 | 6     | 00310900002 | \$712.20-  | \$ .00      | \$712.20-   |

F3=Exit      F14=Show Map#      Total Paid :      \$3,946.74

F15=Show Balance      F18=Sort-Entered      F21=CmdLine

F20=Attach

*Needs Board Approval*

G

## ***FY 2018-2019 BUDGET RESOLUTION***

WHEREAS a notice of public hearing and budget synopsis has been published and a public hearing held on March 28, 2018, in accordance with Title 15.2, Chapter 25, Section 15.2-2506, of the Code of Virginia, 1950 as amended.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Frederick, Virginia, that the budget for the 2018-2019 Fiscal Year as advertised in The Winchester Star on March 19, 2018, be hereby approved in the amount of \$424,099,578/~~\$423,099,578~~.

BE IT FURTHER RESOLVED that the County of Frederick budget for the 2018-2019 fiscal year be adopted and the funds appropriated as follows:

|                                     |               |                          |
|-------------------------------------|---------------|--------------------------|
| General Operating Fund              | \$180,603,228 | <del>\$179,603,228</del> |
| Regional Jail Fund                  | 22,789,176    | 22,789,176               |
| Landfill Fund                       | 7,502,138     | 7,502,138                |
| Division of Court Services Fund     | 562,348       | 562,348                  |
| Shawneeland Sanitary District Fund  | 1,085,091     | 1,085,091                |
| Airport Operating Fund              | 1,646,442     | 1,646,442                |
| Lake Holiday Sanitary District Fund | 779,998       | 779,998                  |
| EMS Revenue Recovery Fund           | 1,522,400     | 1,522,400                |
| Economic Development Authority Fund | 603,483       | 603,483                  |
| School Operating Fund               | 169,320,680   | 169,320,680              |
| School Debt Service Fund            | 14,966,405    | 14,966,405               |
| School Capital Projects Fund        | 1,000,000     | 1,000,000                |
| School Nutrition Services Fund      | 8,000,493     | 8,000,493                |

|  |           |           |
|--|-----------|-----------|
| School Textbook Fund                   | 4,261,037 | 4,261,037 |
| NREP Operating Fund                    | 5,491,659 | 5,491,659 |
| NREP Textbook Fund                     | 65,000    | 65,000    |
| Consolidated Services/Maintenance Fund | 3,600,000 | 3,600,000 |
| School Private Purpose Funds           | 300,000   | 300,000   |

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Frederick, Virginia, does herein adopt the tax rates for the 2018 assessment year as follows:

Property Taxes – Rates per \$100 of assessed value

|          |                   |  |
|----------|-------------------|--|
| \$0.61   | <del>\$0.60</del> | Applied to real estate, including mobile homes   |
| \$4.86   | \$4.86            | Applied to personal property including business equipment  |
| \$2.25   | \$2.25            | Applied to personal property on one vehicle to volunteer firefighters that are approved and registered with the Frederick County Fire and Rescue Department                                |
| \$0.50   | \$0.50            | Applied to airplanes   |
| Zero tax | Zero tax          | Applied to antique vehicles and mopeds   |
| \$2.00   | \$2.00            | On declining values to be applied to machinery and tools. The declining values are 60% for year one, 50% for year two, 40% for year three, and 30% for year four and all subsequent years. |
| \$2.00   | \$2.00            | On apportioned percentage of book values to be applied to Contract Classified Vehicles and equipment   |

Business and Professional Occupational License Rates

|             |                                    |                                    |
|-------------|------------------------------------|------------------------------------|
| Contractors | \$0.16 per \$100 of gross receipts | \$0.16 per \$100 of gross receipts |
|-------------|------------------------------------|------------------------------------|



|  |                                    |                                    |
|--|------------------------------------|------------------------------------|
| Retail   | \$0.20 per \$100 of gross receipts | \$0.20 per \$100 of gross receipts |
| Financial, Real Estate, and Professional Services  | \$0.58 per \$100 of gross receipts | \$0.58 per \$100 of gross receipts |
| Repair, personal and business services and all other businesses and occupations not specifically listed or exempted in the County Code | \$0.36 per \$100 of gross receipts | \$0.36 per \$100 of gross receipts |
| Wholesale  | \$0.05 per \$100 of purchases      | \$0.05 per \$100 of purchases      |

The tax rates for other businesses and occupations specifically listed in the County Code are also unchanged.

#### Other General Taxes

|                         |  |  |
|-------------------------|--|--|
| Meals tax               | 4% of gross receipts                     | 4% of gross receipts                     |
| Transient Occupancy tax | 2.5% of gross receipts                   | 2.5% of gross receipts                   |
| Vehicle License Taxes   | \$25 per vehicle and \$10 per motorcycle | \$25 per vehicle and \$10 per motorcycle |

#### Sanitary Landfill Fees

|      |      |  |
|------|------|--|
| \$50 | \$50 | Per ton for commercial/industrial          |
| \$45 | \$45 | Per ton for construction demolition debris |
| \$20 | \$20 | Per ton for municipal waste                |
| \$38 | \$38 | Per ton for municipal sludge               |
| \$15 | \$15 | Per ton for Miscellaneous Rubble Debris    |

#### Shawneeland Sanitary District Taxes

|       |       |                 |
|-------|-------|-----------------|
| \$190 | \$190 | Unimproved Lots |
| \$560 | \$560 | Improved Lots   |

Lake Holiday Sanitary District Taxes

\$678                      \$678                      Buildable Lots

\$264                      \$264                      Unbuildable Lots

Lots owned by Lake Holiday Country Club, Inc.

\$0                              \$0                              Buildable Lots and Unbuildable Lots

Star Fort Subdivision Taxes/Fees

\$60 Per Lot/\$60 Per Lot

Street Light Fees

Oakdale Crossing and Fredericktowne \$45 annually/\$45 annually

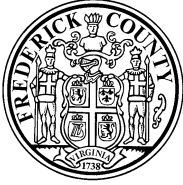
Green Acres \$25 annually/\$25 annually

BE IT FURTHER RESOLVED that appropriations are hereby authorized for the central stores fund, special welfare fund, comprehensive services fund, county health insurance fund, school health insurance fund, length of service fund, special grant awards fund, employee benefits fund, maintenance insurance fund, development project fund, sales tax fund, commonwealth sales tax fund, unemployment compensation fund, Forfeited Assets Program, and Four-For-Life, Fire Programs and Economic Incentive funds equal to the total cash balance on hand at July 1, 2018, plus the total amount of receipts for the fiscal year 2018-2019. The Fire Company Capital appropriation will include the current year appropriation plus any unused funds at the end of the fiscal year 2018.

BE IT FURTHER RESOLVED that funding for all outstanding encumbrances at June 30, 2018, are re-appropriated to the 2018-2019 fiscal year to the same department and account for which they are encumbered in the 2017-2018 fiscal year.

BE IT FURTHER RESOLVED that the construction fund projects are appropriated as a carryforward in the amount that equals the approved original project cost, less expenditures and encumbrances through June 30, 2018.

H



**CONDITIONAL USE PERMIT #03-18**  
**Trumpet Vine Farms - Special Event Facility**  
**Staff Report for the Board of Supervisors**  
**Prepared: April 5, 2018**  
Staff Contact: M. Tyler Klein, AICP, Planner

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*This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this request. It may also be useful to others interested in this zoning matter.*

|                              | <u>Reviewed</u> | <u>Action</u>        |
|------------------------------|-----------------|----------------------|
| <b>Planning Commission:</b>  | 04/04/18        | Recommended Approval |
| <b>Board of Supervisors:</b> | 04/11/18        | Pending              |

**EXECUTIVE SUMMARY & CONCLUSION FOR THE 04/11/18 BOARD OF SUPERVISORS MEETING:**

This is a request for a Conditional Use Permit (CUP) for a special event facility in the RA (Rural Areas) Zoning District. Should the Board of Supervisors find this application for a special event facility to be appropriate, the Planning Commission recommends that the following conditions be attached to the CUP:

1. All review agency comments shall be complied with at all times.
2. An illustrative sketch plan, in accordance with the requirements of Article VIII of the Fredrick County Zoning Ordinance, shall be submitted to and approved by Frederick County prior to the establishment of the use.
3. A commercial entrance, including recordation of a sight distance easement, should be permitted and complete within one (1) year approval of this CUP.
4. Events shall start no earlier than 10 a.m. and all events and related activities shall conclude by midnight.
5. Events may accommodate up to and not to exceed 450 persons.
6. One (1) monument style sign with a maximum sign area not to exceed 50 square feet (SF) and not to exceed 10 feet (FT) in height is permitted.
7. Any expansion or modification of this use will require the approval of a new CUP.

***Following this public hearing, a decision regarding this Conditional Use Permit application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.***

**LOCATION:** The subject property is generally located south of the Town of Stephens City, about 2 miles south of Route 11, on Vaocluse Road (Route 638).

**MAGISTERIAL DISTRICT:** Back Creek

**PROPERTY ID NUMBER:** 85-A-6C

**PROPERTY ZONING & PRESENT USE:** Zoned: RA (Rural Areas)  
Land Use: Residential

**ADJOINING PROPERTY ZONING & PRESENT USE:**

|                         |                               |
|-------------------------|-------------------------------|
| North: RA (Rural Areas) | Use: Vacant/Agricultural      |
| South: RA (Rural Areas) | Use: Residential/Agricultural |
| East: RA (Rural Areas)  | Use: Vacant/Agricultural      |
| West: RA (Rural Areas)  | Use: Residential/Agricultural |

**PROPOSED USE:**

This is a request for a Conditional Use Permit (CUP) to enable the establishment of a special event center for weddings and other similar type events in the RA (Rural Areas) Zoning District to accommodate up to 450 persons.

**REVIEW EVALUATIONS:**

**Virginia Department of Transportation:** We have reviewed the above subject application received February 16, 2018 for impacts to the transportation system. Our comments are as follows:

The existing Private Entrance on Vaocluse Road (Route 638) does not provide adequate sight distance to be used as a safe access for the Special Events. It appears that safe sight distance could be obtained at the existing entrance location if existing trees and vegetation are removed along the road frontage to the right and left of the entrance. The tree/vegetation removal to the left of the entrance would require permission from the adjacent property owner. A sight distance easement should be secured in order to maintain the necessary safe sight distance across the adjacent property.

Other physical improvements would be required to upgrade the Private Entrance to meet minimum Commercial Entrance Standards prior to the site being used for Special Events. An engineered Commercial Entrance site plan would need to be submitted to VDOT for review and approval detailing necessary upgrades.

Page 3  
CUP #03-18, Trumpet Vine – Special Event Facility  
April 5, 2018

A VDOT Land Use Permit shall be obtained prior to any work on upgrading the entrance or removing trees/vegetation on VDOT Right-of-Way. The permit is issued by this office and will require an application fee and surety coverage.

*See comment email dated March 6, 2018.*

**Frederick County Inspections:** Building shall comply with The Virginia Uniform Statewide Building Code, and Section 303-A, Assembly Use Group of the Virginia Building Code/2012. Other Code that applies are the International Energy Code, ICC/ANSI A117.1-09 Accessible and Usable Building and Facilities.

A Building permit is required to change the use of existing storage building to dressing room. Building shall comply with Virginia Building Code. Building shall be accessible and be located on an accessible route.

Accessible Parking provided with adjacent parking at pavilion.

Future construction of restrooms requires a building permit and a plumbing permit. Fixture quantities shall comply with T2901 for use and occupant load.

Health Department approval for the sanitation system is required.

Please note the requirements in Chapter 17 of IBC for special inspection requirements on the type of structure. (Soils, concrete etc..).

*See comment letter dated March 6, 2018.*

**Winchester-Frederick County Health Department:** This Health Department has reviewed the request for comments for the Conditional Use Permit for a Special Event/Venue to take place every weekend from April to the end of October at Trumpet Vine Farm, LLC, located at 266 Vaucleuse Road, Stephens City, VA 22655; Tax Map #85-A-6C. This Health Department has no objections to the issuance of the Conditional Use Permit. However, the Applicant states that the facility will be equipped with a permanent bathroom facility. In order for this Health Department to issue a Permit for a permanent On-site Sewage Disposal System, Applicant must submit an application to install such a system to this office, along with appropriate fees. As this is a commercial proposal, Applicant must engage a private OSE (On-site Soil Evaluator) and/or a PE (professional engineer) to design the system that is required to accommodate the maximum number of guest estimated to attend the venue, along with an approved water source. Please address questions about any part of this correspondence to the Health Department (540) 722-3480 for additional information.

*See comment letter dated February 22, 2018.*

**Frederick County Fire Marshall:** Approve

*See comment letter dated February 16, 2018.*

**Planning and Zoning:** This application for a Conditional Use Permit (CUP) to permit the establishment of a special event facility for private events such as weddings or other similar type events. A special event facility is a permitted use in the RA (Rural Areas) Zoning District with an approved CUP. The Zoning Ordinance defines “special event facility” as *a facility or site utilized for events that are typically conducted on a single day but which may be conducted for up to three consecutive days, for which attendance is permitted only by invitation or reservation; special events include, but are not limited to, meetings, conferences, banquets, dinners, weddings and private parties.*

The Applicant, Trumpet Vine Farm, has been operating a special event facility for weddings and other events since 2012 under the County’s annual Festival Permit process. The Applicant currently has an approved Festival Permit (approved by the Board of Supervisors on March 14, 2018), which will be superseded by this CUP application.

The proposed use will take place on an existing 68-acre property, which includes a single-family detached residence, open outdoor pavilion with retractable sides, and a storage building. The subject property also includes a gravel parking area to accommodate guests/visitors. The special event center will be access via a private driveway from Vaucluse Road (Route 638). In the short term the Applicant intends to utilize the existing outdoor pavilion and allow the use of temporary tents (inspected by the Fire Marshall’s office). Portable restroom facilities will also be provided for special events. In the future, the Applicant plans may also construct permanent restroom facilities and a larger enclosed space for indoor events.

The property is surrounded by RA (Rural Areas) zoned property, which includes open space, agricultural uses, and single-family detached residences. The 2035 Comprehensive Policy Plan of Frederick County (Comprehensive Plan) identifies this area of the County as “rural” and is to remain agricultural in nature and is not part of any land use study. The Board of Supervisors added “special event facilities” to the conditional use list for the County’s Rural Areas Zoning District in May 2017 to support additional opportunities for agribusiness and agritourism. The proposed use is consistent with the goals and strategies expressed in the 2035 Comprehensive Plan and the surrounding properties.

**STAFF CONCLUSIONS FOR THE 04/04/18 PLANNING COMMISSION MEETING:**

This is a request for a Conditional Use Permit (CUP) for a special event facility in the RA (Rural Areas) Zoning District. Should the Planning Commission find this application for a special event facility to be appropriate, Staff recommends that the following conditions be attached to the CUP:

1. All review agency comments shall be complied with at all times.
2. An illustrative sketch plan, in accordance with the requirements of Article VIII of the Fredrick County Zoning Ordinance, shall be submitted to and approved by Frederick County prior to the establishment of the use.
3. A commercial entrance, including recordation of a sight distance easement, should be permitted and complete within one (1) year approval of this CUP.
4. Events shall start no earlier than 10 a.m. and all events and related activities shall conclude by midnight.
5. Events may accommodate up to and not to exceed 450 persons.
6. One (1) monument style sign with a maximum sign area not to exceed 50 square feet (SF) and not to exceed 10 feet (FT) in height is permitted.
7. Any expansion or modification of this use will require the approval of a new CUP.

**PLANNING COMMISSION SUMMARY AND ACTION FOR THE 04/04/18 MEETING:**

The Planning Commission held a public hearing on the proposed CUP on April 4, 2018. Planning Staff provided an overview of the proposed use, noting the Applicant had satisfied all of the County requirements. Staff added that the Applicant has been operating this special event facility under the County's Festival Permit process since 2012 and has an approved festival permit for the 2018 season. The Planning Commission asked Staff to clarify comments made from VDOT regarding the need for a commercial entrance, and comments from the Health Department of the need for a drainfield. Staff noted the comment from VDOT was to apply for a commercial entrance permit and improve the sight distance in either direction from the driveway. Staff continued that the Applicant has already removed some of the vegetation to improve visibility left and right and had already reached out to VDOT Staff about what would need to be done for his entrance, and/or if there was another standard that could be applied given his driveway was gravel as is Vaocluse Road.

Staff further clarified that for the Health Department comments, the Applicant intended to continue to use portable restroom facilities, which would be screened from view satisfying the supplemental use regulations outlined in the Zoning Ordinance. Staff stated that in the future if the Applicant wanted to construct permanent restroom facilities, he would need to comply with the Health Department standards.

The Applicant, DeMarchi Spears, also spoke reaffirming his request for a special event facility



and that he intended to comply with the VDOT requirement for a commercial entrance to whatever standard would satisfy their comments within the one (1) year time frame stipulated in the Conditions of Approval.

No members of the public spoke during the public hearing portion of the meeting. The Planning Commission voted 11-0-2 (Commissioners Thomas & Triplett absent) to forward the item to the Board of Supervisors with a recommendation of approval.

**CONCLUSION FOR THE 04/11/18 BOARD OF SUPERVISORS MEETING:**

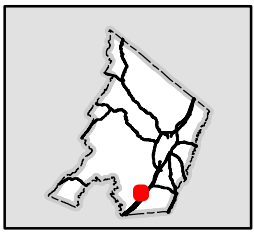
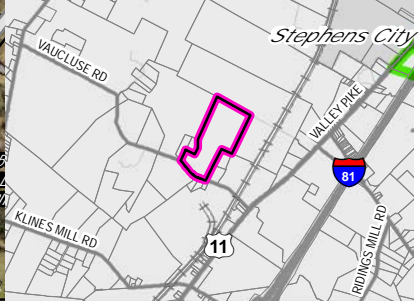
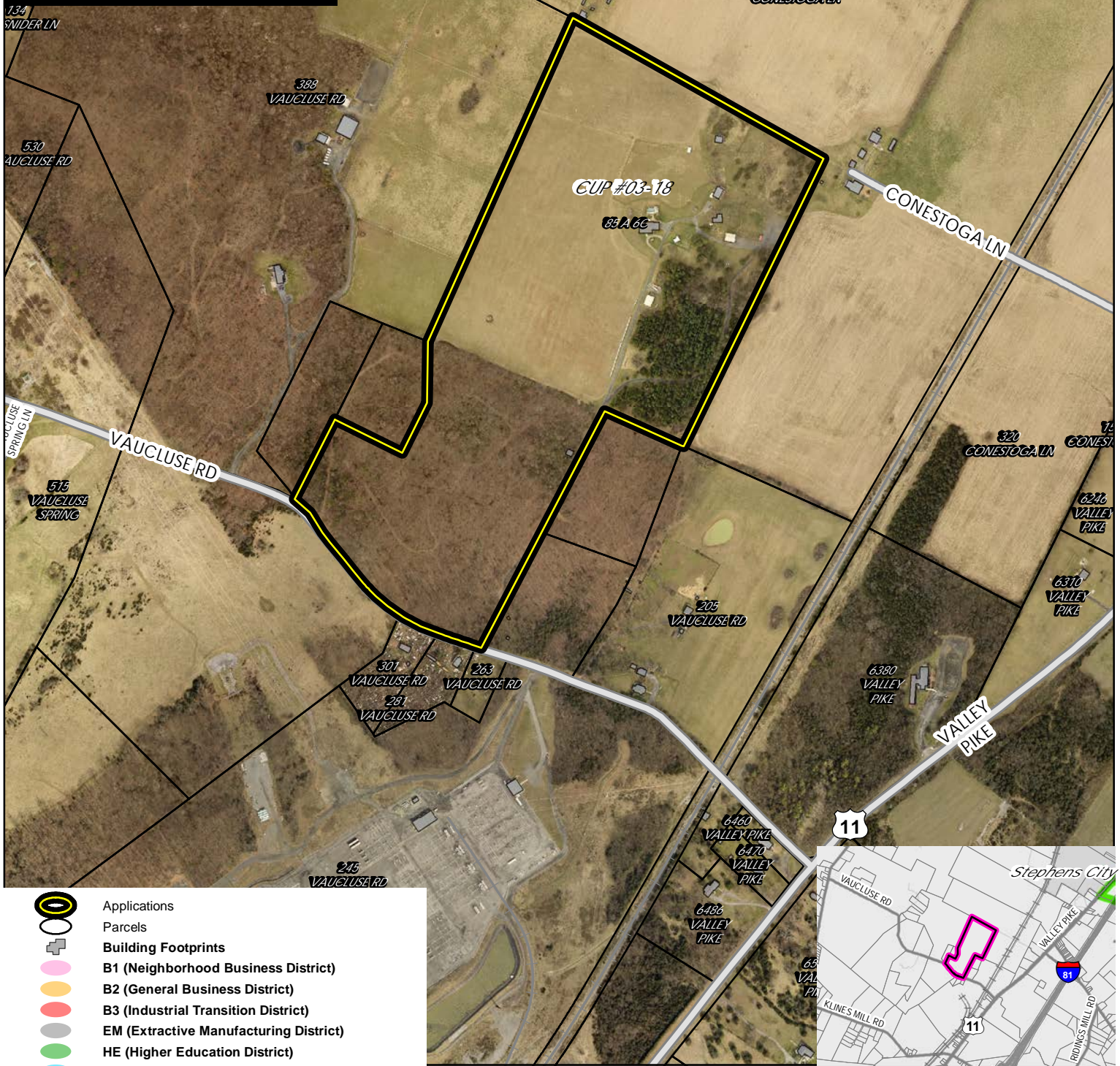
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6. One (1) monument style sign with a maximum sign area not to exceed 50 square feet (SF) and not to exceed 10 feet (FT) in height is permitted.
7. Any expansion or modification of this use will require the approval of a new CUP.

***Following this public hearing, a decision regarding this Conditional Use Permit application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.***

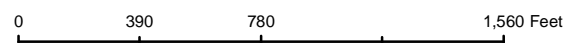
# CUP # 03 - 18 Trumpet Vine Farm

PIN:  
85 - A - 6C  
Special Event Facility  
Zoning Map



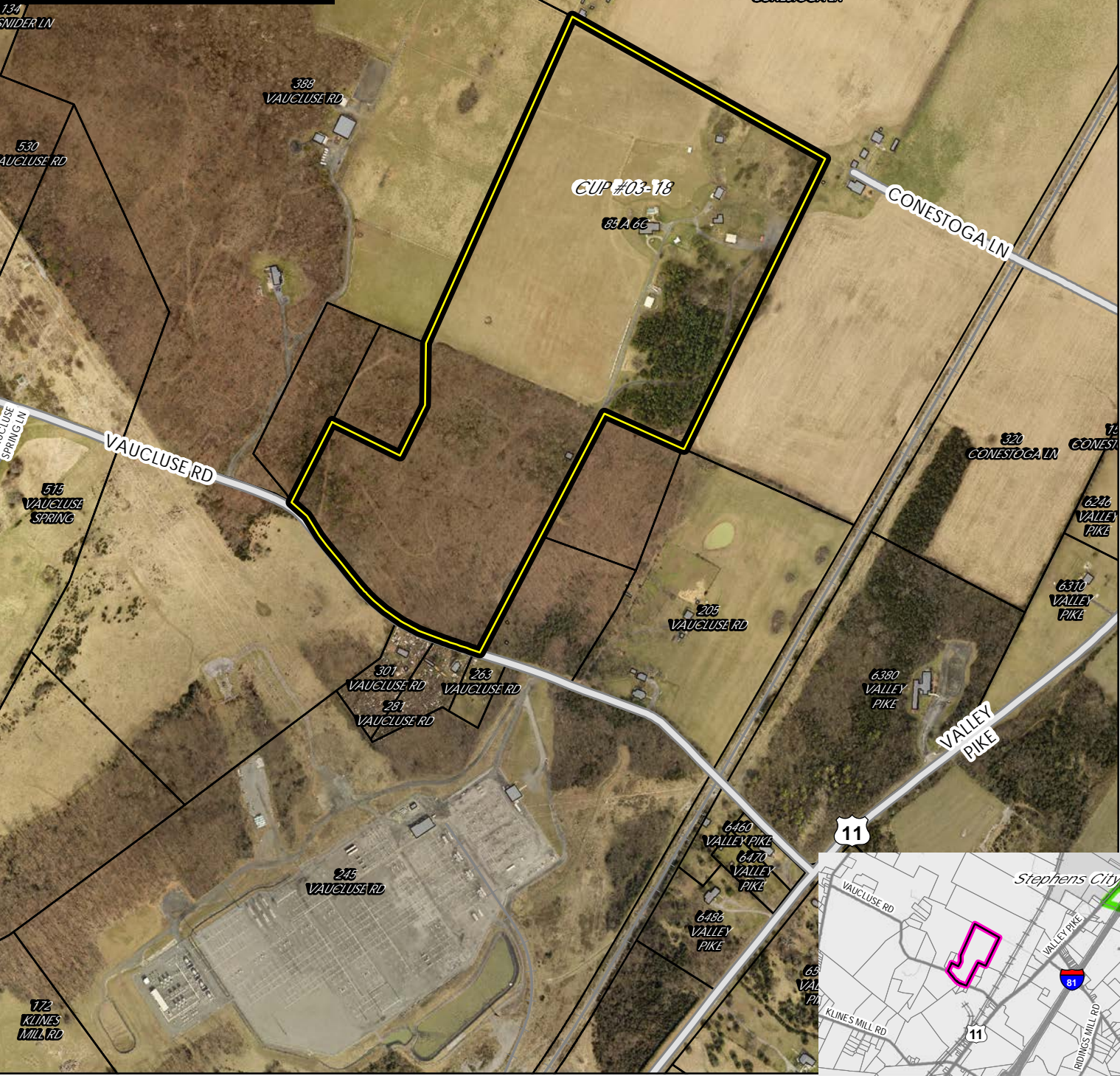
CUP # 03 - 18  
Trumpet Vine Farm  
PIN:  
85 - A - 6C  
Special Event Facility  
Zoning Map




Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: March 9, 2018  
Staff: tklein

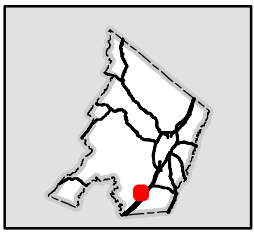


-  Applications
-  Parcels
-  Building Footprints
-  B1 (Neighborhood Business District)
-  B2 (General Business District)
-  B3 (Industrial Transition District)
-  EM (Extractive Manufacturing District)
-  HE (Higher Education District)
-  M1 (Light Industrial District)
-  M2 (Industrial General District)
-  MH1 (Mobile Home Community District)
-  MS (Medical Support District)
-  OM (Office - Manufacturing Park)
-  R4 (Residential Planned Community District)
-  R5 (Residential Recreational Community District)
-  RA (Rural Areas District)
-  RP (Residential Performance District)

**CUP # 03 - 18**  
**Trumpet Vine Farm**  
 PIN:  
 85 - A - 6C  
 Special Event Facility  
 Location Map

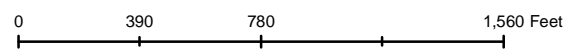


-  Applications
-  Parcels
-  Building Footprints



**CUP # 03 - 18**  
**Trumpet Vine Farm**  
 PIN:  
 85 - A - 6C  
 Special Event Facility  
 Location Map

Note:  
 Frederick County Dept of  
 Planning & Development  
 107 N Kent St  
 Suite 202  
 Winchester, VA 22601  
 540 - 665 - 5651  
 Map Created: March 9, 2018  
 Staff: tklein





|                    |         |
|--------------------|---------|
| Submittal Deadline | 3/7/18  |
| P/C Meeting        | 4/4/18  |
| BOS Meeting        | 4/11/18 |

**APPLICATION FOR CONDITIONAL USE PERMIT  
FREDERICK COUNTY, VIRGINIA**

1. Applicant (check one): Property Owner  Other

NAME: DeMarchi Spears

ADDRESS: 266 Vaucluse Rd

TELEPHONE: Home 540-868-1413 Cell 540-664-8079

2. Please list all owners, occupants, or parties in interest of the property:

DeMarchi Spears

3. The property is located at: (please give exact directions and include the route number of your road or street)

South of Stephens City, Va about 2 miles south on US Rt. 11 turn right on Vaucluse Road (Rt. 638) proceed about 3/10's of a mile on the right. Box 266 there is a sign that says Trumpet Vine Farm.

4. The property has a road frontage of \_\_\_\_\_ feet and a depth of \_\_\_\_\_ feet and consists of 68 acres. (Please be exact)

5. The property is owned by DeMarchi Spears as evidenced by deed from Betty Chumley (previous owner) recorded in deed book no. 958 on page 805, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) Tax Map 85-A-6C  
Magisterial District Back Creek  
Current Zoning AgriculturalF

7. Adjoining Property:

|       | <u>USE</u> | <u>ZONING</u> |
|-------|------------|---------------|
| North | Farmland   | Agriculture   |
| East  | Farmland   | Agriculture   |
| South | Scrap yard |               |
| West  | Farmland   | Agriculture   |

8. The type of use proposed is (consult with the Planning Dept. before completing):  
 Special Event Facility / Venue

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9. It is proposed that the following buildings will be constructed:

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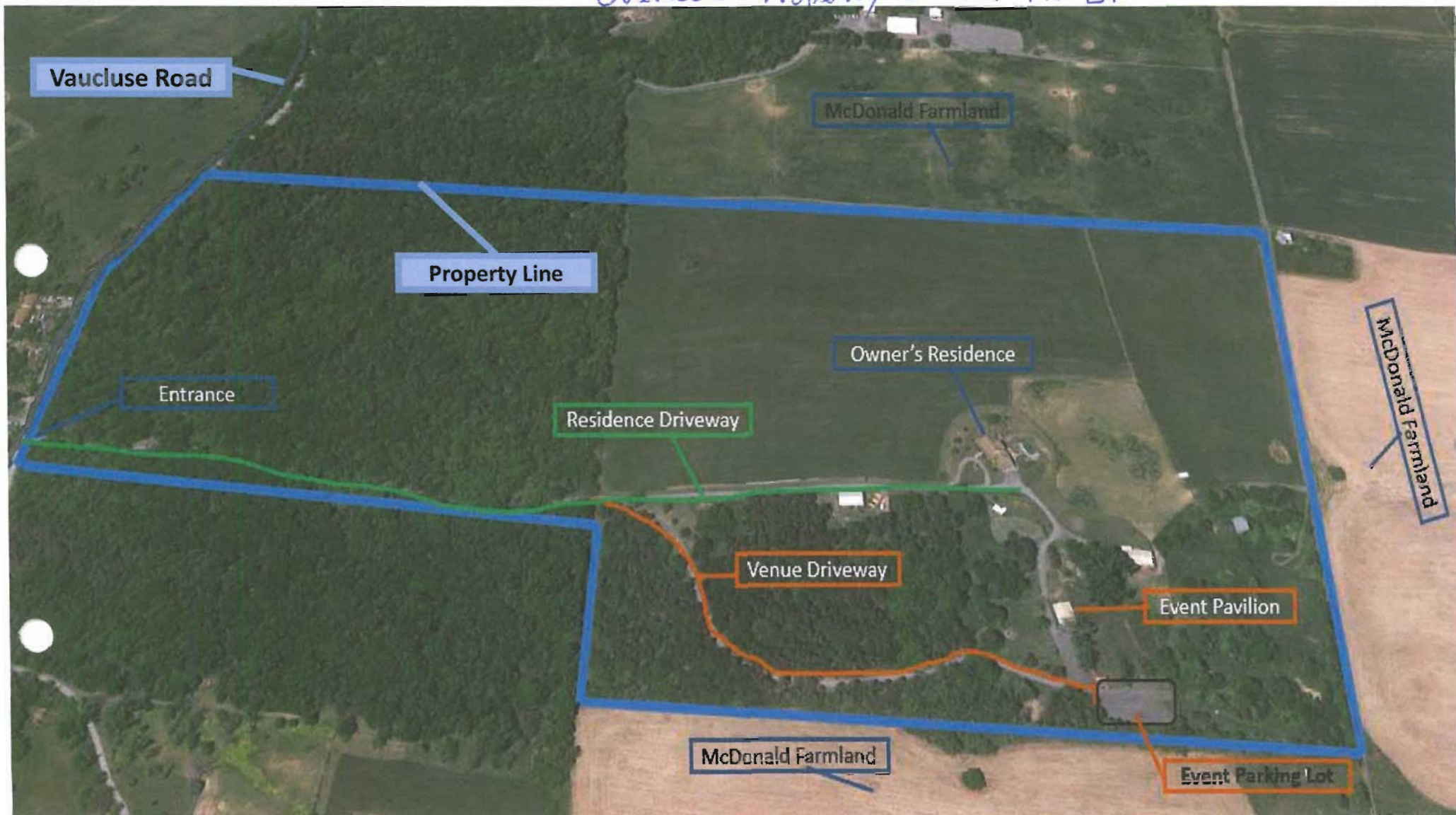
10. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear and in front of (across street from) the property where the requested use will be conducted. (Continue on back if necessary.)  
 These people will be notified by mail of this application:

| Name and Property Identification Number | Address                  |
|---|--------------------------|
| Name Jason and Jenny McDonaid           | 388 Vaucluse Rd          |
| Property # 84-A-6D / 85-A-3 / 84-A-53D  | Stephens City, Va 22655  |
| Name Richard E. Hockman                 | 205 Vaucluse Rd.         |
| Property # 85-A-6B                      | Stephens City, Va 22655  |
| Name Donald E. Shanahan                 | 301 Vaucluse Rd.         |
| Property # 84-A-54 / 84-A-54B           | Stephens City, VA. 22655 |
| Name Roger Smith                        | 1753 Quicksburg Rd       |
| Property # 85-A-6F & 85-A-6E            | Quicksburg, VA 22847     |
| Name Joshua Dale Root                   | 2212 Harrison St         |
| Property # 85-A-6 G                     | Winchester, VA 22601     |
| Name                                    |                          |
| Property #                              |                          |
| Name                                    |                          |
| Property #                              |                          |

11. Please use this page for your sketch of the property. Show proposed and/or existing structures on the property, including measurements to all property lines.

Please see 2 satellite pictures. Attached

overall Property owned in Blue



*Close look at Venue Layout*





12. Additional comments, if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

Signature of Applicant     *D. March Jones*    

Signature of Owner     *D. March Jones*    

Owners' Mailing Address     *266 Vanclute Rd Stephens City Va 22655*    

Owners' Telephone No.     *540-868-1413 Cell 540-664-8079*    

|  |
|--|
| <p><b>TO BE COMPLETED BY THE ZONING ADMINISTRATOR:</b></p> <p><b>USE CODE:</b> _____</p> <p><b>RENEWAL DATE:</b> _____</p> |
|--|

# Trumpet Vine Farm LLC

266 Vaucluse Road, Stephens City VA.

## Conditional Use Permit General Overview

Trumpet Vine Farm has been hosting Weddings and Events since 2012. We have applied for outdoor festival permits every year per the counties request, meeting the criteria set before us without any incidents or problems within the community. The events have been very successful in helping to continue to improve and keep the family farm operating.

As outlined in our contract we offer Friday evening for decorating and if the family chooses to do the rehearsal and rehearsal dinner. The main event takes place on Saturday and if the family elects to, they can come back on Sunday morning to finish cleaning up. So for now, there is only one event per weekend. The goal is to continue this practice, however we might need to reserve the ability to do more than one event a weekend if necessary. I have also donated this area for nonprofit and fundraiser events which are generally smaller events.

We have an open pavilion that has retractable sides enabling our guest to be protected from inclement weather. The pavilion along with the dressing room have been approved and inspected by Frederick County inspections department. We also have a large gravel parking area, and two satellite parking areas if needed.

We are discussing plans for a permanent bathroom facility, as well as another barn or barnlike structure to enable us the ability to have more events indoors as well as adjusting for inclement weather.

To date our events start in middle to late April and we usually finish our season the end of October.

We do utilize outside local vendors for our restrooms, catering, and rentals as well as shuttle services for our guest to and from the hotels. This helps with keeping guests safe and minimizing on traffic on the roads. We recommend and promote the local hotels and restaurants while talking with our guest as well as with our website.

In many cases we do utilize large tents for our larger weddings and events. We always have the proper inspections from the county and the Fire Marshal's office. We have a very large area that can accommodate tents of various sizes. Since we have to adjust with the size of the event, we align the proper size tent as well as the bathroom rentals. We also require event insurance as stated in our contract to our customers.

\* Max Events up to 450 people

## Tyler Klein

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**From:** Smith, Matthew, P.E. (VDOT) <Matthew.Smith@vdot.virginia.gov>  
**Sent:** Tuesday, March 06, 2018 2:20 PM  
**To:** Tyler Klein  
**Cc:** Funkhouser, Rhonda (VDOT); Rhodes, Timothy (VDOT); Siver, Sara M. (VDOT)  
**Subject:** Conditional Use Permit for Trumpet Vine Farm Special Event Facility /Venue, 266 Vaucluse Road, Route 638 Frederick County

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

We have reviewed the above subject application received February 16, 2018 for impacts to the transportation system. Our comments are as follows:

- The existing Private Entrance on Vaucluse Road (Route 638) does not provide adequate sight distance to be used as a safe access for the Special Events. It appears that safe sight distance could be obtained at the existing entrance location if existing trees and vegetation are removed along the road frontage to the right and left of the entrance. The tree/vegetation removal to the left of the entrance would require permission from the adjacent property owner. A sight distance easement should be secured in order maintain the necessary safe sight distance across the adjacent property.
- Other physical improvements would be required to upgrade the Private Entrance to meet minimum Commercial Entrance Standards prior to the site being used for Special Events. A engineered Commercial Entrance site plan would need to be submitted to VDOT for review and approval detailing necessary upgrades.
- A VDOT Land Use Permit shall be obtained prior to any work on upgrading the entrance or removing trees/vegetation on VDOT Right-of-Way. The permit is issued by this office and will require an application fee and surety coverage.

We appreciate the opportunity to provide comments on this Conditional Use Permit Application. If you have any questions, please do not hesitate to give me a call.

Thank you,

**Matthew B. Smith, P.E.**  
*Area Land Use Engineer*

*VDOT - Land Development  
Clarke, Frederick, Shenandoah & Warren Counties  
14031 Old Valley Pike  
Edinburg, VA. 22824  
Phone # (540) 984-5615  
Fax # (540) 984-5607*

File  
3/6/18 - 4m @ 2:00 pm



**REQUEST FOR CONDITIONAL USE PERMIT COMMENTS**

**Frederick County Inspections Department**

**Mail to:**

Frederick County Inspections Department  
107 North Kent Street, 2<sup>nd</sup> Floor  
Winchester, Virginia 22601  
(540) 665-5650

**Hand deliver to:**

Frederick County Inspections Department  
Attn: Building Official  
107 North Kent Street, 2<sup>nd</sup> Floor  
Winchester, Virginia

**Applicant:** It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: DeMarchi Spears

Telephone: 540-868-1413 / 540-664-8079

Mailing Address: 266 Vaucluse Rd  
Stephens City, VA 22655

RECEIVED

FEB 15 2018

Frederick County  
Public Works & Inspections

Name of development and/or description of the request:

Trumpet Vine Farm  
Special Event / Venue

Location of Property:

Approximately 2 miles South of Stephens City, Va. on route 11, right onto Vaucluse Rd (Rt.638). Go about 3/10ths of a mile on right. Box 266 Look for sign Trumpet Vine Farm

**Building Official's Comments:**

Comments are on the back of this form

Building Official's Signature & Date: Mark Met A 3/6/18

**Notice to Inspections Department - Please Return This Form to the Applicant**

Buildings shall comply with The Virginia Uniform Statewide Building Code, and Section 303 - A, Assembly Use Group of the Virginia Building Code/2012. Other Code that applies are the International Energy Code, ICC/ANSI A117.1-09 Accessible and Usable Buildings and Facilities.

A Building permit is required to change the use of existing storage building to dressing room. Building shall comply with Virginia Building Code. Building shall be accessible and be located on an accessible route.

Accessible Parking provided with adjacent parking at pavilion

Future construction of restrooms requires a building permit and a plumbing permit. Fixture quantities shall comply with T2901 for use and occupant load.

Health Department approval for the sanitation system is required

Please note the requirements in Chapter 17 of IBC for special inspection requirements on the type of structure. (Soils, concrete etc..).



# Lord Fairfax Health District

Frederick / Winchester Environmental Health  
107 North Kent Street - Suite # 201  
Winchester, Virginia 22601  
Tel. (540) 722-3480 ~ Fax (540) 722-3479  
[www.vdh.virginia.gov](http://www.vdh.virginia.gov)



February 22, 2018

Agency Comments:

This Health Department has reviewed the request for comments for the Conditional Use Permit for a Special Event/Venue to take place every weekend from April to the end of October at Trumpet Vine Farm, LLC, located at 266 Vaucluse Rd., Stephens City, VA 22655; Tax Map #: 85-A-6C. This Health Department has no objections to the issuance of the Conditional Use Permit. However, the applicant states that the facility will be equipped with a permanent bathroom facility. In order for this Health Department to issue a Permit for a permanent On-site Sewage Disposal System, applicant must submit an application to install such a system to this office, along with appropriate fees. As this is a commercial proposal, applicant must engage a private OSE (On-site Soil Evaluator) and/or a PE (professional engineer) to design the system that is required to accommodate the maximum number of guests estimated to attend the venue, along with an approved water source. Please address questions about any part of this correspondence to this Health Department (540) 722-3480 for additional information.

Agency Signature: Heidi Cornier Date: 2/22/18

Title: Environmental Health Supervisor

NOTICE TO AGENCY—PLEASE RETURN THIS FORM TO THE APPLICANT)

**REQUEST FOR CONDITIONAL USE PERMIT COMMENTS**



**Frederick County Fire Marshal**

**Mail to:**

Frederick County Fire Marshal  
1800 Coverstone Drive  
Winchester, Virginia 22602  
(540) 665-6350

**Hand deliver to:**

Frederick County Fire & Rescue Dept.  
Attn: Fire Marshal  
Public Safety Building  
1800 Coverstone Drive  
Winchester, Virginia

**Applicant:** It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Also, please attach two (2) copies of your application form, location map and all other pertinent information.

Applicant's Name: DeMarchi Spears

Telephone: 540-868-1413 / 540-664-8079

Mailing Address: 266 Vaucluse Rd  
Stephens City, VA 22655

Name of development and/or description of the request:

Trumpet Vine Farm  
Special Event / Venue

Location of Property:

Approximately 2 miles South of Stephens City, Va. on route 11, right onto Vaucluse Rd (Rt.638). Go about 3/10ths of a mile on right. Box 266 Look for sign Trumpet Vine Farm

**Fire Marshal's Comments:**

See Attachments

Fire Marshal's Signature & Date: *K. Sula* 2/16/18

**Notice to Fire Marshal - Please Return This Form to the Applicant**



**Frederick County**  
**Department of Fire and Rescue**  
**Office of the Fire Marshal**

1080 Coverstone Drive Winchester, VA 22602

(540) 665-6350 Fax: (540) 678-4739 Email: fmo@fcva.us

## Plan Review & Comments

Date Received  
**2/15/2018**

Date Reviewed  
**2/16/2018**

Plan/Permit Type **Conditional Use Permit 02-15-18**

Name **Trumpet Vine Farm**

Address **266 Vaucluse RD Stephens City VA 22655**

Project Name **Special Event Venue**

Applicant Name & Number **DeMarchi Spears 540-868-1413**

RE#

Permit Number

Emergency Vehicle Access: Adequate Inadequate N/A

Hydrant Location: Adequate Inadequate N/A

Siamese Location: Adequate Inadequate N/A

Fire Lanes Required: Yes No N/A

Plan Approval Status **Approve**

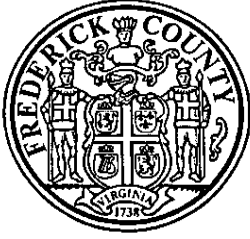
Comments

Signature: \_\_\_\_\_

Reviewed By: **Kenneth Scott, Jr.**

Title: \_\_\_\_\_





# ORDINANCE

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**Action:**

PLANNING COMMISSION: April 4, 2018 Public Hearing Held, Recommended Approval

BOARD OF SUPERVISORS: April 11, 2018

---

## ORDINANCE

### **CONDITIONAL USE PERMIT #03-18 TRUMPT VINE FARMS SPECIAL EVENT FACILITY**

**WHEREAS, Conditional Use Permit #03-18 for a Special Event Facility**, submitted by Trumpet Vine Farms was considered. The subject property is generally located south of the Town of Stephens City, about 2 miles south of Route 11, on Vacluse Road (Route 638) and is further identified with Property Identification Number 85-A-6C, in the Back Creek Magisterial District; and

**WHEREAS**, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on April 4, 2018 and recommended approval of the Conditional Use Permit with conditions; and,

**WHEREAS**, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on April 11, 2018; and,

**WHEREAS**, the Frederick County Board of Supervisors finds the approval of this Conditional Use Permit to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Policy Plan;

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit Application #03-18 for a Special Event Facility on the parcel identified by Property Identification Number 85-A-6C with the following conditions:

1. All review agency comments shall be complied with at all times.
2. An illustrative sketch plan, in accordance with the requirements of Article VIII of the Fredrick County Zoning Ordinance, shall be submitted to and approved by Frederick County prior to the establishment of the use.

3. A commercial entrance, including recordation of a sight distance easement, should be permitted and complete within one (1) year approval of this CUP.
4. Events shall start no earlier than 10 a.m. and all events and related activities shall conclude by midnight.
5. Events may accommodate up to and not to exceed 450 persons.
6. One (1) monument style sign with a maximum sign area not to exceed 50 square feet (SF) and not to exceed 10 feet (FT) in height is permitted.
7. Any expansion or modification of this use will require the approval of a new CUP.

Passed this 11th day of April 2018 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Judith McCann-Slaughter

Shannon G. Trout

Blaine P. Dunn

Robert W. Wells

**A COPY ATTEST**

---

Kris C. Tierney  
Frederick County Administrator

**I**



## MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Mark R. Cheran, Zoning Administrator *MRC*

RE: PUBLIC HEARING-Request to add Parcels 84-A-47B, 84-A-49B, 84-A-49G, 84-A-48A, 84-A-48 and 85-A-3A, owned by Roy McDonald and Loretta McDonald to the South Frederick Agricultural and Forestal District.

DATE: March 29, 2018

Please find attached a form from Roy McDonald and Loretta McDonald, dated December 8, 2017. The McDonald's have requested to add six parcels to the South Frederick Agricultural and Forestal District. The South Frederick Agricultural and Forestal District was established in 1980. The most recent renewal of this District occurred in October 2017 for a period of five years. Currently, 6,248.71+/- acres are contained in this District.

Mr. and Mrs. McDonald desire to add six parcels totaling 351.8+/- acres to the South Frederick Agricultural and Forestal District. Section 15.2-4314 of the Code of Virginia, 1950, as amended, provides property owners with the ability to request to add land to the Agricultural and Forestal District through a public process via the local governing body.

The Agricultural District Advisory Committee (ADAC) considered this request during their meeting on January 23, 2018. The ADAC unanimously recommended that the six parcels totaling 351.8+/- acres to be added to the South Frederick Agricultural and Forestal District. The addition of the 351.8+/- acres will increase the South Frederick Agricultural and Forestal District to 6,600.51+/- acres. The Planning Commission considered this request during their meeting on March 7, 2018. The Planning Commission unanimously recommended that the six parcels totaling 351.8+/- acres to be added to the South Frederick Agricultural and Forestal District. The addition of the 351.8+/- acres will increase the South Frederick Agricultural and Forestal District to 6,600.51+/- acres.

Mapping is included in the agenda which delineates the location of this acreage and its proximity to other land within the South Frederick Agricultural and Forestal District. Following the public hearing, Staff is seeking a decision on the addition of the land into the South Frederick Agricultural and Forestal District.

Should both requests be approved by the Board of Supervisors, the South Frederick Agricultural and Forestal District would total 6,776.32+/- acres.

Attachment: Resolution

MRC/pd

## **Addition to the South Frederick Agricultural and Forestal District**

This is a request to the Frederick County Agricultural District Advisory Committee (ADAC) to update the South Frederick Agricultural and Forestal District. Chapter 43, Section 15.2-4300 of the Code of Virginia, 1950, as amended, requires that Agricultural and Forestal Districts be reviewed by the local government every five years after establishment. The South Frederick Agricultural and Forestal District (District) was established in 1980. This is a request to the South Frederick Agricultural and Forestal District to increase the District, by adding six (6) parcels of 351.8+/- acres.

### **LOCATION AND SIZE**

This District is located in the Back Creek Magisterial District and currently contains 6,248.71+/- acres. This proposed addition of six (6) parcels (tax map numbers 84-A-47B, 84-A-49B, 84-A-49G, 84-A-48, 84-A-48A, and 85-A-3A) totaling 351.8+/- acres have requested to be included in the South Frederick Agricultural and Forestal District. The addition of these six (6) parcels will bring the acreage of the District to 6,600.51+/- acres. Please see attached map.

### **AGRICULTURAL & FORESTAL SIGNIFICANCE**

The predominantly agricultural operations in the new District are 90 percent agriculture (orchard, and crop harvesting) and 10 percent open-space/woodlands. The area within the District is rural in nature.

### **LAND USE**

All parcels within the proposed District are in agricultural or residential use.

### **COMPREHENSIVE PLAN**

The 2035 Comprehensive Policy Plan of Frederick County (Comp Plan) provides guidance when considering land use actions. The addition of these parcels within the District are outside the Urban Development Area (UDA) and Sewer and Water Service Area (SWSA), and are not part of any land use plan or study by the County. The current land use should remain in its present land use of pristine condition with orchards, agricultural, and residential.

### **LAKES/PONDS/STREAMS**

The proposed District lies primarily within the Opequon Creek and Stephens Run drainage area. The establishment of this District will further assist with managing the quality of the County's water resources.

### **SOILS**

The general relief of the District varies from rolling hills to ridges to the north, west, south and east. This District lies within the Opequon Creek watershed and water is available from ponds, wells and springs.

### **PRIME AGRICULTURE SOIL**

The largest amount of prime agricultural soils located within the District is Frederick-Poplimento.

### **STAFF COMMENTS**

Based on this information, Staff feels that the additions to this District are agriculturally significant as outlined in the Agricultural and Forestal Districts Act and the 2035 Comprehensive Policy Plan (Comp Plan), which labels the area as rural. The intent of the Rural Areas is to maintain agriculture as a significant portion of the County's economy and to maintain the rural character of areas outside of the UDA. The Comprehensive Plan can accomplish this by promoting the inclusion of additional land in Agricultural and Forestal Districts. The Comprehensive Plan supports additions to and renewal of the District, for it provides an opportunity for the agribusiness community to conduct long range planning efforts for the management of their operations while providing a reserve of agricultural land through the year 2020.

### **AGRICULTURAL DISTRICT ADVISORY COMMITTEE FOR THE 01/23/18 MEETING:**

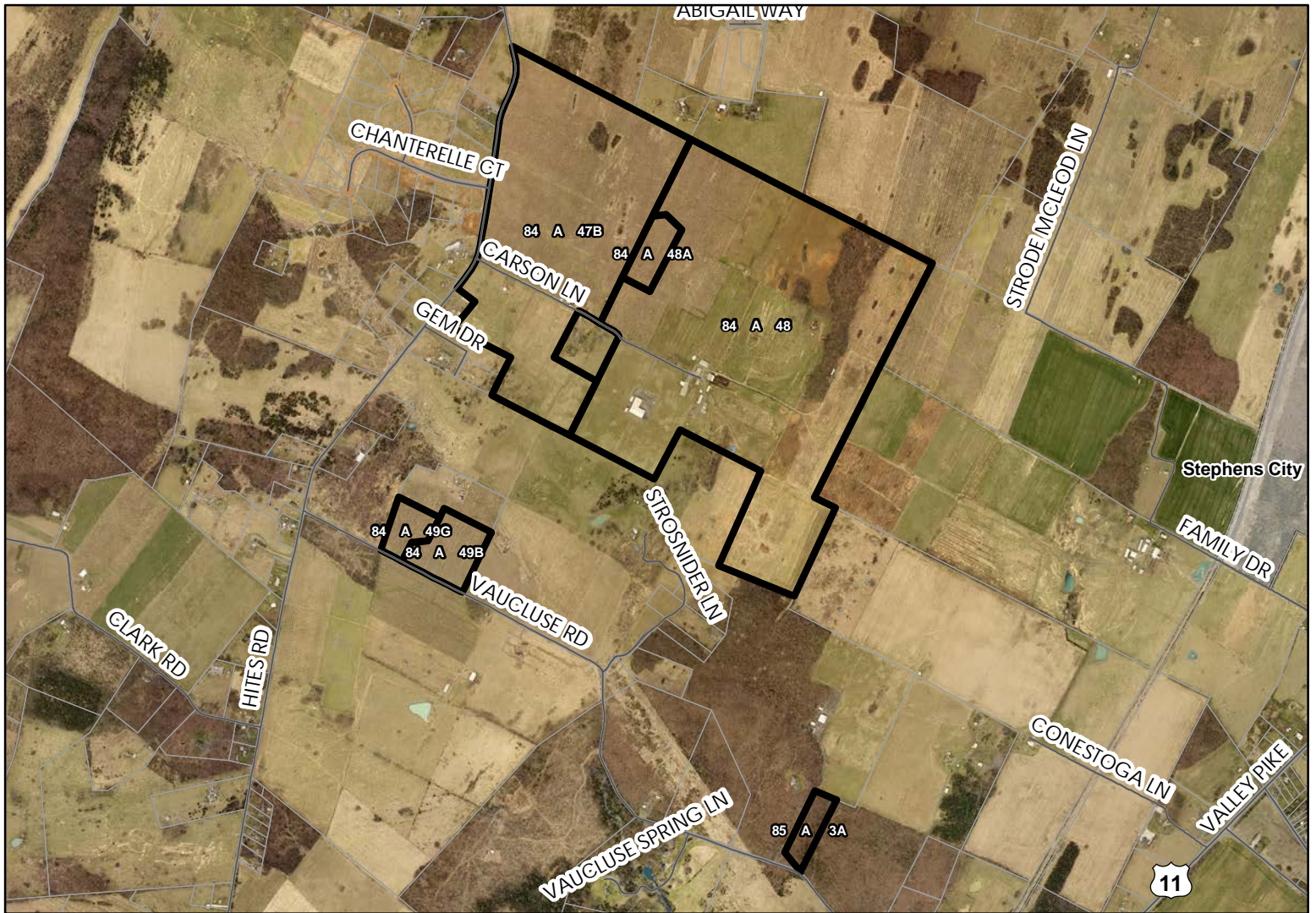
The Agricultural District Advisory Committee (ADAC) unanimously recommended approval to add six (6) parcels totaling 351.8+/- acres to the South Frederick Agricultural and Forestal District which would increase the South Frederick Agricultural and Forestal District to 6,600.51+/- acres.



### **PLANNING COMMISSION SUMMARY & ACTION OF THE 03/07/18 MEETING:**

Staff reported this is a request to add six (6) parcels totaling 351.8+/- acres to the South Frederick Agricultural and Forestal District, a location map of the property was provided. Staff noted the most recent renewal of this District occurred in October 2017 for a period of five (5) years. It was noted, the South Frederick Agricultural and Forestal District currently contains 6,248.71+/- acres and the addition of this request will increase the South Frederick Agricultural and Forestal District to 6,600.51+/- acres. A motion was made, seconded, and unanimously passed to recommend approval.

(Note: Commissioner Marston was absent from the meeting)

# 2015-2020 South Frederick Addition Agricultural & Forestal District

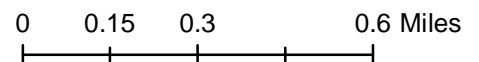


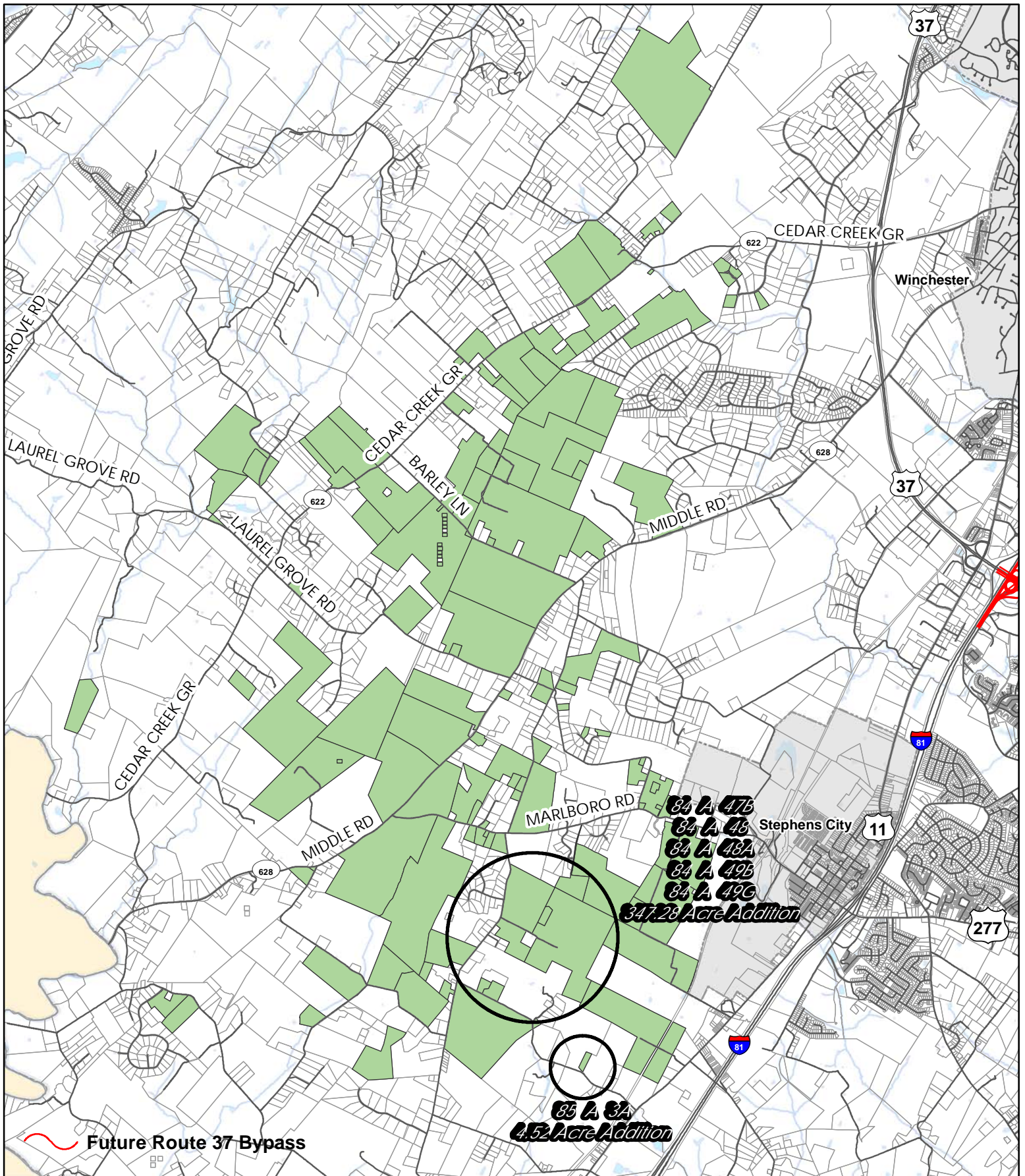
-  Addition
-  Parcels

| PIN      | Owner                                | Acres  |
|----------|--------------------------------------|--------|
| 84 A 47B | MCDONALD, ROY E & LORETTA G, TRUSTEE | 121.85 |
| 84 A 48  | MCDONALD, ROY E & LORETTA G, TRUSTEE | 204.09 |
| 84 A 48A | MCDONALD, ROY E & LORETTA G, TRUSTEE | 6.34   |
| 84 A 49B | MCDONALD, ROY E & LORETTA G, TRUSTEE | 10.00  |
| 84 A 49G | MCDONALD, ROY E & LORETTA G, TRUSTEE | 5.00   |
| 85 A 3A  | MCDONALD, ROY E & LORETTA G, TRUSTEE | 4.52   |



Note:  
 Frederick County Dept of Planning & Development  
 107 N Kent St. Suite 202, Winchester, VA 22601  
 540 - 665 - 5651  
 Map Created: December 19, 2017





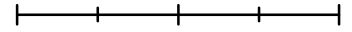
District Acreage: 6,600.51 Ac.

## 2015-2020 South Frederick Addition Agricultural & Forestal District



Note:  
Frederick County Dept of Planning & Development  
107 N Kent St. Suite 202, Winchester, VA 22601  
540 - 665 - 5651  
Map Created: December 19, 2017

0 0.425 0.85 1.7 Miles





APPLICATION FOR ADDITION TO THE SOUTH FREDERICK  
AGRICULTURAL & FORESTAL DISTRICT  
FREDERICK COUNTY, VIRGINIA

Name: Roy E + Loretta McDonald Trustees

Address: 364 Carson Lane  
Stephens City VA 22655

I would like to have the following tracts added to the South Frederick Agricultural and Forestal District:

| Tax Map #: | Acreage:                             |
|------------|--------------------------------------|
| 84-A-47B   | 121.85                               |
| 84-A-49B   | 10.00                                |
| 84-A-49C   | 5.00                                 |
| 84-A-48    | 204.09                               |
| 84-A-48A   | <del>6.43</del> <sup>more</sup> 6.34 |
| 85-A-3A    | 4.52                                 |

Loretta G McDonald  
Signature

12-7-2017  
Date

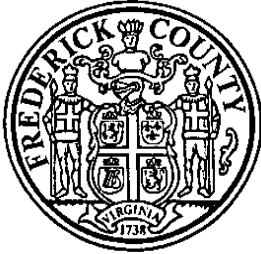
Roy E McDonald by  
Signature Loretta G McDonald POA

12-7-2017  
Date

364 Carson Lane  
Address

540-869-1570  
Phone Number

Stephens City VA 22655  
City, State, Zip



## ORDINANCE

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**Action:**

PLANNING COMMISSION: March 7, 2018 - Recommended Approval

BOARD OF SUPERVISORS: April 11, 2018

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### **ADDITION TO THE SOUTH FREDERICK AGRICULTURAL & FORESTAL DISTRICT**

**WHEREAS**, an addition to the 2015-2020 South Frederick Agricultural & Forestal District was considered. Roy and Loretta McDonald desire to add six (6) parcels identified by Property Identification Numbers 84-A-47B, 84-A-48, 84-A-48A, 84-A-49B, 84-A-49G and 85-A-3A to the South Frederick Agricultural & Forestal District located in the Back Creek Magisterial District. This request was reviewed by the Agricultural District Advisory Committee (ADAC), and the Planning Commission during their regularly scheduled meetings; and

**WHEREAS**, The Agricultural District Advisory Committee (ADAC) recommended approval of this addition on January 23, 2018; and

**WHEREAS**, the Planning Commission held a public hearing on this addition to the 2015-2020 South Frederick Agricultural & Forestal District on March 7, 2018 and recommended approval of this addition; and

**WHEREAS**, the Board of Supervisors held a public hearing on this addition to the 2015-2020 South Frederick Agricultural & Forestal District on April 11, 2018; and

**WHEREAS**, the Frederick County Board of Supervisors finds the addition to the 2015-2020 South Frederick Agricultural & Forestal District contributes to the conservation and preservation of agricultural and forestal land in Frederick County;

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors as follows:

The Frederick County Board of Supervisors hereby adopts the addition to the 2015-2020 South Frederick Agricultural & Forestal District of 351.89± acres in the Back Creek Magisterial District, with an expiration date of May 27, 2020. This Agricultural & Forestal District is as described on the attached map dated 12/19/17 and the attached property owners table dated 12/19/17.

This ordinance shall be in effect on the day of adoption.

Passed this 11th day of April 2018 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Robert W. Wells

Shannon G. Trout

Judith McCann-Slaughter

Blaine P. Dunn

**A COPY ATTEST**

---

Kris C. Tierney  
Frederick County Administrator

J



## MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Mark R. Cheran, Zoning Administrator *MRC*

RE: PUBLIC HEARING-Request to add Parcels 84-A-6D, 84-A-49E, 84-A-53C, 84-A-53D, and 84-A-53E, owned by Jason McDonald and Jennifer McDonald to the South Frederick Agricultural and Forestal District.

DATE: March 29, 2018

Please find attached a form from Jason McDonald and Jennifer McDonald, dated December 8, 2017. The McDonald's have requested to add five parcels to the South Frederick Agricultural and Forestal District. The South Frederick Agricultural and Forestal District was established in 1980. The most recent renewal of this District occurred in October 2017 for a period of five years. Currently, 6,248.71+/- acres are contained in this District.

Mr. and Mrs. McDonald desire to add five parcels totaling 175.81+/- acres to the South Frederick Agricultural and Forestal District. Section 15.2-4314 of the Code of Virginia, 1950, as amended, provides property owners with the ability to request to add land to the Agricultural and Forestal District through a public process via the local governing body.

The Agricultural District Advisory Committee (ADAC) considered this request during their meeting on January 23, 2018. The ADAC unanimously recommended that the five parcels totaling 175.81+/- acres to be added to the South Frederick Agricultural and Forestal District. The addition of the 175.81+/- acres will increase the South Frederick Agricultural and Forestal District to 6,424.52+/- acres. The Planning Commission considered this request during their meeting on March 7, 2018. The Planning Commission unanimously recommended that the five parcels totaling 175.81+/- acres to be added to the South Frederick Agricultural and Forestal District. The addition of the 175.81+/- acres will increase the South Frederick Agricultural and Forestal District to 6,424.52+/- acres.

Mapping is included in the agenda which delineates the location of this acreage and its proximity to other land within the South Frederick Agricultural and Forestal District. Following a public hearing, Staff is seeking a decision on the addition of the land into the South Frederick Agricultural and Forestal District.

Should both requests be approved by the Board of Supervisors, the South Frederick Agricultural and Forestal District would total 6,776.32+/- acres.

Attachment: Resolution

MRC/pd

## **Addition to the South Frederick Agricultural and Forestal District**

This is a request to the Frederick County Agricultural District Advisory Committee (ADAC) to update the South Frederick Agricultural and Forestal District. Chapter 43, Section 15.2-4300 of the Code of Virginia, 1950, as amended, requires that Agricultural and Forestal Districts be reviewed by the local government every five years after establishment. The South Frederick Agricultural and Forestal District (District) was established in 1980. This is a request to the South Frederick Agricultural and Forestal District to increase the District, to add five parcels of 175.81+/- acres.

### **LOCATION AND SIZE**

This District is located in the Back Creek Magisterial District and currently contains 6,248+/- acres. The proposed addition of five parcels (tax map numbers: (84-A-6D, 84-A-49E, 84-A-53C, 84-A-53D, and 84-A-53E) will bring the acreage of the District to 6,423.81+/- acres. Five parcels (tax map numbers 84,-A-6D, 84-A-49E, 84-A-53C, 84-A-53D, and 84-A-53E) totaling 175.81+/- acres have requested to be included in the South Frederick Agricultural and Forestal District. Please see attached map.

### **AGRICULTURAL & FORESTAL SIGNIFICANCE**

The predominantly agricultural operations in the new District are 90 percent agriculture (orchard, and crop harvesting) and 10 percent open-space/woodlands. The area within the District is rural in nature.

### **LAND USE**

All parcels within the proposed District are in agricultural or residential use.

### **COMPREHENSIVE PLAN**

The 2035 Comprehensive Policy Plan of Frederick County (Comp Plan) provides guidance when considering land use actions. The addition of these parcels within the District are outside the Urban Development Area (UDA) and Sewer and Water Service Area (SWSA), and are not part of any land use plan or study by the County. The current land use should remain in its present land use of pristine condition with orchards, agricultural, and residential.

### **LAKES/PONDS/STREAMS**

The proposed District lies primarily within the Opequon Creek and Stephens Run drainage area. The establishment of this District will further assist with managing the quality of the County's water resources.

### **SOILS**

The general relief of the District varies from rolling hills to ridges to the north, west, south and east. This District lies within the Opequon Creek watershed and water is available from ponds, wells and springs.

### **PRIME AGRICULTURE SOIL**

The largest amount of prime agricultural soils located within the District is Frederick-Poplimento.

### **STAFF COMMENTS**

Based on this information, Staff feels that the additions to this District are agriculturally significant as outlined in the Agricultural and Forestal Districts Act and the 2035 Comprehensive Policy Plan (Comp Plan), which labels the area as rural. The intent of the Rural Areas is to maintain agriculture as a significant portion of the County's economy and to maintain the rural character of areas outside of the UDA. The Comprehensive Plan can accomplish this by promoting the inclusion of additional land in Agricultural and Forestal Districts. The Comprehensive Plan supports additions to and renewal of the District, for it provides an opportunity for the agribusiness community to conduct long range planning efforts for the management of their operations while providing a reserve of agricultural land through the year 2020.

### **AGRICULTURAL DISTRICT ADVISORY COMMITTEE FOR THE 01/23/18 MEETING:**

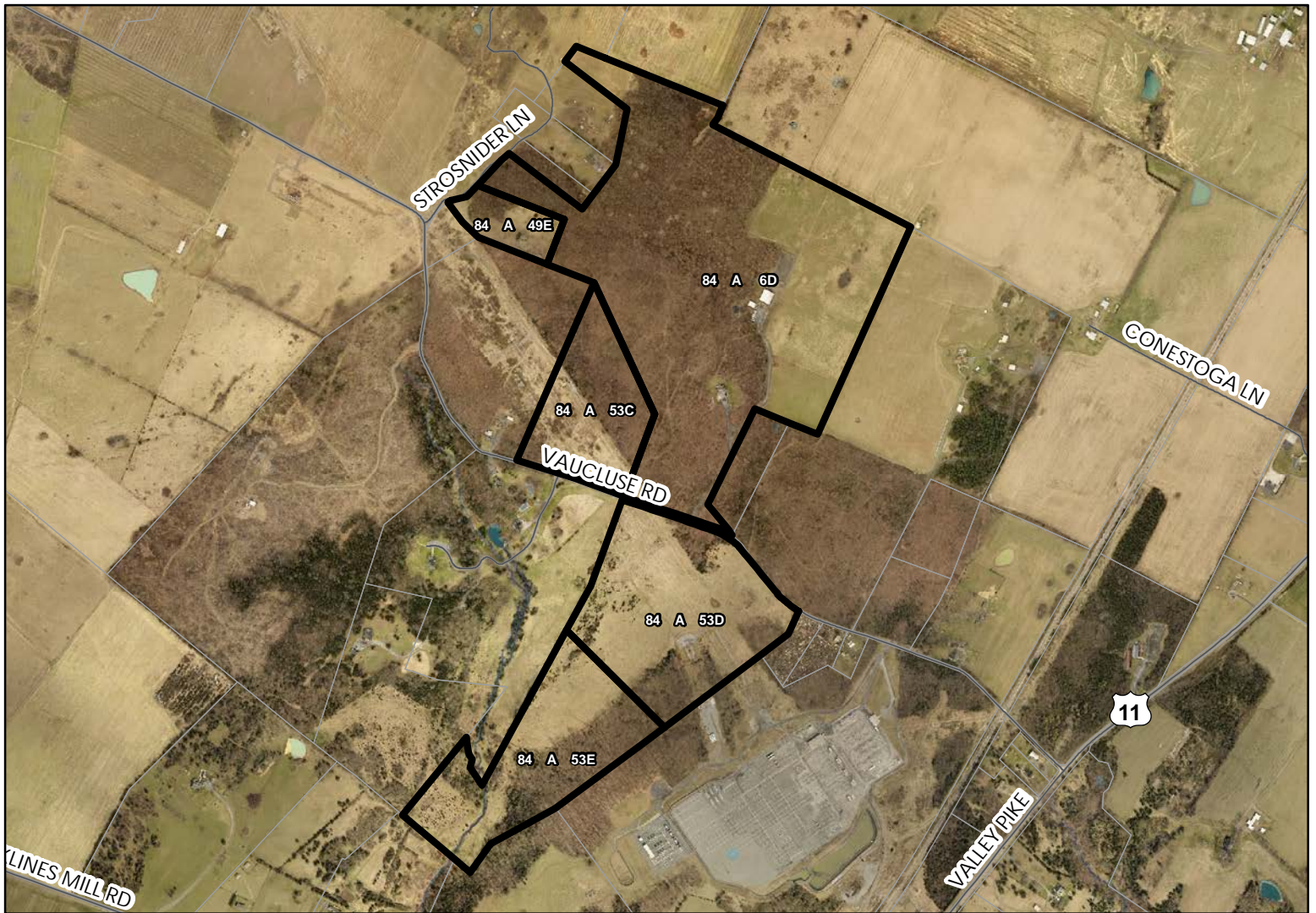
The Agricultural District Advisory Committee (ADAC) unanimously recommended approval to add five (5) parcels totaling 175.81+/- acres to the South Frederick Agricultural and Forestal District which would increase the South Frederick to 6,424.52+/- acres.



### **PLANNING COMMISSION SUMMARY & ACTION OF THE 03/07/18 MEETING:**

Staff reported this is a request to add five (5) parcels totaling 175.81+/- acres to the South Frederick Agricultural and Forestal District, a location map of the property was provided. Staff continued the most recent renewal of this District occurred in October 2017 for a period of five (5) years. It was noted, the South Frederick Agricultural and Forestal District currently contains 6,248.71+/- acres and the addition of this request will increase the South Frederick Agricultural and Forestal District to 6,424.52+/- acres. A motion was made, seconded, and unanimously passed to recommend of approval.

(Note: Commissioner Marston was absent from the meeting)

# 2015-2020 South Frederick Addition Agricultural & Forestal District

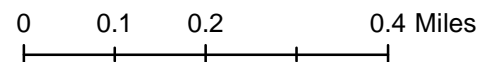


-  Addition
-  Parcels

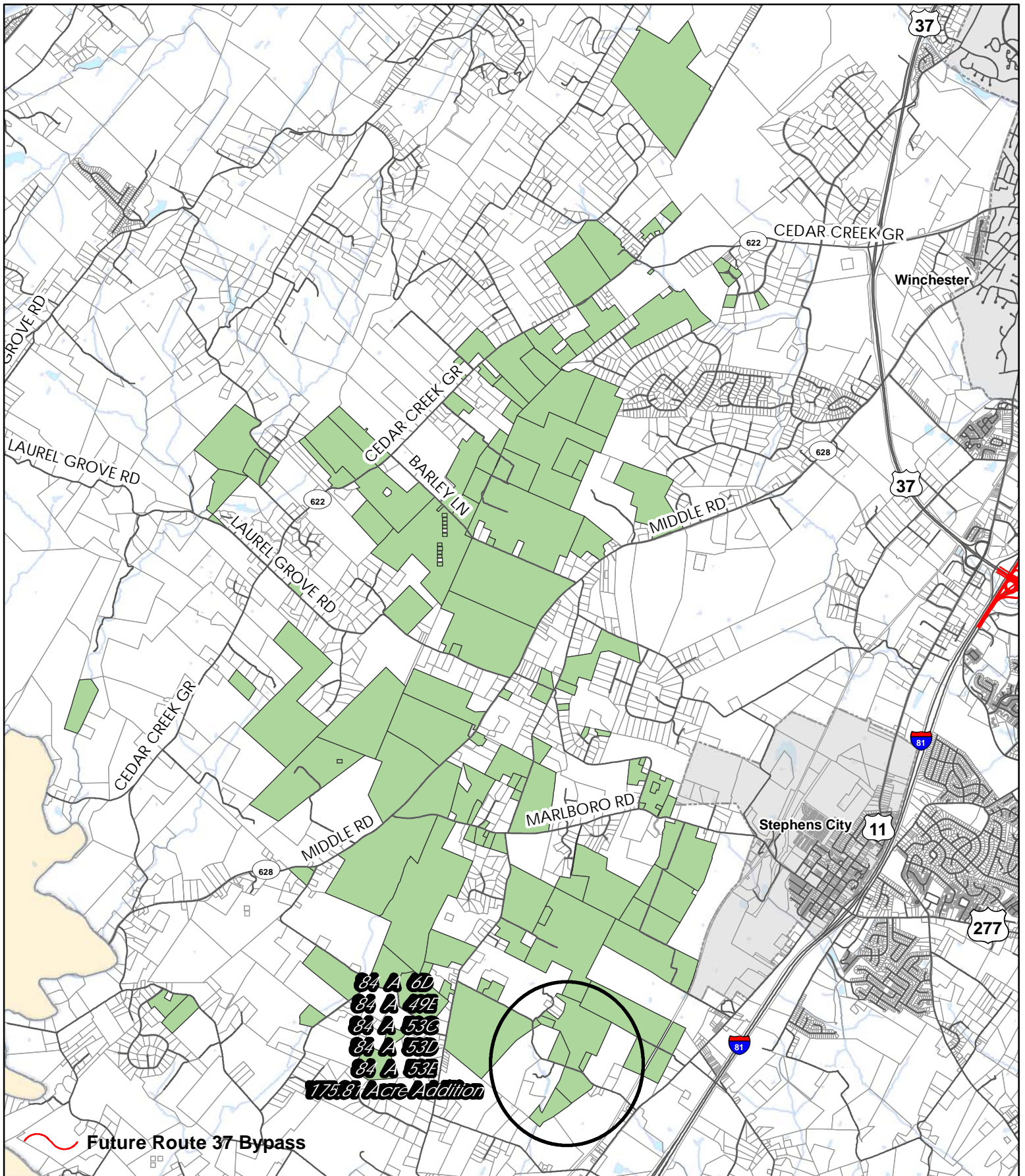
| PIN      | Owner                          | Acres |
|----------|--------------------------------|-------|
| 84 A 6D  | MCDONALD, JASON S & JENNIFER A | 95.98 |
| 84 A 49E | MCDONALD, JASON S & JENNIFER A | 5.40  |
| 84 A 53C | MCDONALD, JASON S & JENNIFER A | 16.51 |
| 84 A 53D | MCDONALD, JASON S & JENNIFER A | 31.84 |
| 84 A 53E | MCDONALD, JASON S & JENNIFER A | 26.08 |



Note:  
 Frederick County Dept of Planning & Development  
 107 N Kent St. Suite 202, Winchester, VA 22601  
 540 - 665 - 5651  
 Map Created: December 19, 2017







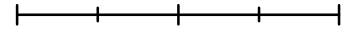
District Acreage: 6,776.32 Ac.

## 2015-2020 South Frederick Addition Agricultural & Forestal District



Note:  
 Frederick County Dept of Planning & Development  
 107 N Kent St. Suite 202, Winchester, VA 22601  
 540 - 665 - 5651  
 Map Created: December 19, 2017

0 0.425 0.85 1.7 Miles



APPLICATION FOR ADDITION TO THE SOUTH FREDERICK  
AGRICULTURAL & FORESTAL DISTRICT  
FREDERICK COUNTY, VIRGINIA

Name: Jason and Jennifer McDonald

Address: 388 Vacluse Rd  
Stephens City, Va. 22655

I would like to have the following tracts added to the South Frederick Agricultural and Forestal District:

| Tax Map #: | Acreage: |
|------------|----------|
| 84 A 6D    | 95.98    |
| 84 A 49E   | 5.40     |
| 84 A 53C   | 16.51    |
| 84 A 53D   | 31.84    |
| 84 A 53E   | 26.08    |

Jason McDonald  
Signature

12/7/2017  
Date

Jennifer McDonald  
Signature

12/7/2017  
Date

388 Vacluse Rd  
Address

540-819-7770  
Phone Number

Stephens City, Va. 22655  
City, State, Zip



## ORDINANCE

---

**Action:**

PLANNING COMMISSION: March 7, 2018 - Recommended Approval

BOARD OF SUPERVISORS: April 11, 2018

---

### **ADDITION TO THE SOUTH FREDERICK AGRICULTURAL & FORESTAL DISTRICT**

**WHEREAS**, an addition to the 2015-2020 South Frederick Agricultural & Forestal District was considered. Jason and Jennifer McDonald desire to add five (5) parcels identified by Property Identification Numbers 84-A-6D, 84-A-49E, 84-A-53C, 84-A-53D, and 84-A-53E to the South Frederick Agricultural & Forestal District located in the Back Creek Magisterial District. This request was reviewed by the Agricultural District Advisory Committee (ADAC), and the Planning Commission during their regularly scheduled meetings; and

**WHEREAS**, The Agricultural District Advisory Committee (ADAC) recommended approval of this addition on January 23, 2018; and

**WHEREAS**, the Planning Commission held a public hearing on this addition to the 2015-2020 South Frederick Agricultural & Forestal District on March 7, 2018 and recommended approval of this addition; and

**WHEREAS**, the Board of Supervisors held a public hearing on this addition to the 2015-2020 South Frederick Agricultural & Forestal District on April 11, 2018; and

**WHEREAS**, the Frederick County Board of Supervisors finds the addition to the 2015-2020 South Frederick Agricultural & Forestal District contributes to the conservation and preservation of agricultural and forestal land in Frederick County;

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors as follows:

The Frederick County Board of Supervisors hereby adopts the addition to the 2015-2020 South Frederick Agricultural & Forestal District of 175.81± acres in the Back Creek Magisterial District, with an expiration date of May 27, 2020. This Agricultural & Forestal District is as described on the attached map dated 12/19/17 and the attached property owners table dated 12/19/17.

This ordinance shall be in effect on the day of adoption.

Passed this 11th day of April 2018 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Robert W. Wells

Shannon G. Trout

Judith McCann-Slaughter

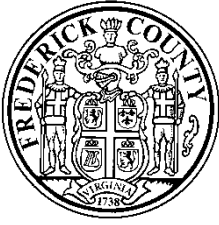
Blaine P. Dunn

**A COPY ATTEST**

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Kris C. Tierney  
Frederick County Administrator

К



**MASTER DEVELOPMENT PLAN #01-18  
Carbaugh Business Center  
Staff Report for the Board of Supervisors  
Prepared: April 2, 2018**

Staff Contact: M. Tyler Klein, AICP, Planner

---

*This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist in the review of this application. It may also be useful to others interested in this zoning matter.*

|                              | <u>Reviewed</u> | <u>Action</u> |
|------------------------------|-----------------|---------------|
| <b>Planning Commission:</b>  | 03/07/18        | Reviewed      |
| <b>Board of Supervisors:</b> | 04/11/18        | Pending       |

**PROPOSAL:** The Applicant seeks to develop 107.21 acres of land zoned M1 (Light Industrial) for the purposes of developing light industrial and warehousing uses. This Master Development Plan (MDP) also includes dedication of 60 feet (FT) of right-of-way (ROW) along Shady Elm Road (Route 651), 20 FT of ROW along future Renaissance Drive (extended), a maximum of two (2) commercial entrances along Renaissance Drive and buffering and screening.

The Applicant is also seeking a waiver of §144-24(C) of the Subdivision Ordinance to allow for the future division of lots with access provide by private streets extending from Renaissance Drive.

**MAGISTERIAL DISTRICT:** Back Creek

**PROPERTY ID NUMBERS:** 74-A-68 & 74-A-69

**LOCATION:** The properties are located immediately south of Shady Elm Road (Route 651) and immediately north of the CSX Railroad (see attached vicinity map).

**PROPERTY ZONING & PRESENT USE:**

Zoned: M1 (Light Industrial)                      Use: Residential/Agricultural

**ZONING & PRESENT USE OF ADJOINING PROPERTIES:**

|                              |                        |
|------------------------------|------------------------|
| North: M1 (Light Industrial) | Use: Vacant/Unimproved |
| South: RA (Rural Areas)      | Use: Residential       |
| East: RA (Rural Areas)       | Use: Vacant            |
| West: RA (Rural Areas)       | Use: Residential       |

**STAFF CONCLUSIONS FOR THE 04/11/18 BOARD OF SUPERVISORS MEETING:**

The Master Development Plan for Carbaugh Business Center appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Frederick County Zoning Ordinance, and this MDP is in a form that is administratively approvable. The MDP is also in conformance with the proffers for the approved Rezoning #04-17. All the issues brought forth by the Board of Supervisors should be appropriately addressed by the Applicant.

The Applicant is also seeking a waiver of §144-24(C) of the Subdivision Ordinance to allow for the future division of lots with access provide by private streets extending from Renaissance Drive.

The Planning Commission recommended approval of the waiver request. **The Board of Supervisors would need to grant the waiver as part of their consideration of the MDP.**

*It appears that the application meets all requirements. Following presentation of the application to the Planning Commission and the Board of Supervisors, and the incorporation of your comments, staff is prepared to proceed to approval of the application.*

#### **REVIEW EVALUATIONS:**

**Virginia Department of Transportation:** The draft master development plan for this property appears to have a measurable impact on Route 651, the initial VDOT facility that would provide access to the property. The application as presented appears acceptable. Before development, this office will require a complete set of construction plans detailing entrance design, drainage features and traffic flow data.

*Please see attached letter dated January 24, 2018.*

**Frederick County Fire Marshal:** MDP approved.

*Please see attached letter dated December 27, 2017.*

**Frederick County Public Works:** Upon review of the master development plan (MDP), we offer the following comments:

The plan shows a wastewater force main running north along the existing CSX Railroad. The development of this force main will need to be coordinated with the construction of the future Renaissance Drive. Also, the overhead power line running through this area (triple-3 phase line owned by Rappahannock Electric Cooperative (REC)) will have to be buried underground so it will not conflict with the construction of the bridge for the subject road. The force main will need to be place so it will not conflict with the underground power lines.

Due to existing karst geology, an extensive geotechnical engineering evaluation will be need at the time of site plan development.

*Please see attached letter dated February 12, 2018.*

**Virginia Department of Health:** *Please see attached letters dated December 21, 2017 and July 18, 2017 from Herbert Cormier, Environmental Health Supervisor.*

**Frederick Water:** *Please see attached letter dated January 24, 2018 from Eric R. Lawrence, Executive Director.*

**Planning & Zoning:**

A) **Master Development Plan Requirement**

A Master Development Plan is required prior to development of this property. Before a MDP can be approved, it must be reviewed by the Planning Commission, Board of Supervisors and all relevant review agencies. Approval may only be granted if the MDP conforms to all requirements of the Frederick County Zoning and Subdivision Ordinances. The purpose of the MDP is to promote orderly and planned development of the property within Frederick County that suits the characteristics of the land, is harmonious with adjoining property and is in the best interest of the general public.

B) **Site History**

On December 13, 2017, the Board of Supervisors approved Rezoning Application (REZ) #04-16 which rezoned approximately 107.21-acres from the RA (Rural Areas) Zoning District to the M1 (Light Industrial) Zoning District to enable to construction of light industrial and warehouse-type uses with proffered improvements, including dedication of right-of-way for future transportation enhancements and buffering and screening.

C) **Site Suitability & Project Scope**

***Comprehensive Plan:***

The 2035 Comprehensive Policy Plan is an official public document that serves as the Community's guide for making decisions regarding development, preservation, public facilities and other key components of community life. The primary goal of this Plan is to protect and improve the living environment within Frederick County. It is in essence a composition of policies used to plan for the future physical development of Frederick County.

***Land Use Compatibility:***

The subject properties are located within the limits of the Sewer and Water Service Area (SWSA) and are within the limits of the *Kernstown Area Plan* of the 2035 Comprehensive Plan. The Kernstown Area Plan identifies these properties with an industrial land use designation as outlined in the Shady Elm Economic Development Area, which is generally consistent with the requested M1 zoning designation.

The Shady Elm Economic Development Area is designed to be a significant area of industrial and commercial opportunity that is fully supportive of the County Economic Development Authority's targeted goals and strategies. The intent of the industrial designation is to further enhance the County's commercial and industrial areas and to provide focus to the County's future regional employment centers.

***Site Access and Transportation:***

The *Eastern Road Plan* of the 2035 Comprehensive Plan and the *Kernstown Area Plan* both call for the extension of a new major collector roadway through the subject parcel (74-A-68), which is adjacent to the Artillery Business Center Development which was rezoned in 2007 and revised in 2015. This new major collector roadway, Renaissance Drive, has been constructed from Valley Pike (Route 11) to the limits of the CXS Railroad. The 2035 Comprehensive Plan calls for this roadway to be extended to Shady Elm Road. The plan also calls for Shady Elm Road to be



improved four lane divided collector roadway. Site access to the subject property will be to two (2) entrances from Renaissance Drive; access to the site is prohibited from Shady Elm Road.

Future subdivision of lots within Carbaugh Business Center may require construction of internal roads and drives. Under the Subdivision Ordinance, §144-24(C), all lots shall abut and have direct access to a public street or right-of-way dedicated for maintenance by the Virginia Department of Transportation (VDOT). As part of this MDP application, the owner is requesting a waiver of the above requirement, to allow for the future subdivision of lots with access provided by private streets. The Applicant states a private road would provide flexibility in the design and construction of the street as opposed to a public roadway, and would provide flexibility in the arrangement of lots.

#### **STAFF CONCLUSIONS FOR THE 03/07/18 PLANNING COMMISSION MEETING:**

The Master Development Plan for Carbaugh Business Center appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Frederick County Zoning Ordinance, and this MDP is in a form that is administratively approvable. The MDP is also in conformance with the proffers for the approved Rezoning #04-17. All the issues brought forth by the Planning Commission should be appropriately addressed by the Applicant.

Further, staff finds the request for a waiver request to allow for the subdivision of lots with access provided by public streets extending from Renaissance Drive to be appropriate.

#### **PLANNING COMMISSION SUMMARY FOR 03/07/18 MEETING:**

Staff provided a general overview of the proposed Master Development Plan (MDP), noting it was for information purposes only. Staff explained it was in general conformance with the requirements of the Frederick County Zoning Ordinance and the approved rezoning application. Staff highlighted proffered improvements including frontage improvements along Shady Elm Road and future Renaissance Drive, buffering and screening along the roadway frontage and the potential location of entrances from Renaissance Drive. Staff noted that a waiver of §144-24(C) of the Subdivision Ordinance was also being requested as part of the MDP to allow for the future division of lots with access provided from private versus public streets extending from Renaissance Drive.

There were not comments from the Applicant. The Planning Commission recommended approval of the waiver request.

#### **STAFF CONCLUSIONS FOR THE 04/11/18 BOARD OF SUPERVISORS MEETING:**

The Master Development Plan for Carbaugh Business Center appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Frederick County Zoning Ordinance, and this MDP is in a form that is administratively approvable. The MDP is also in conformance with the proffers for the approved Rezoning #04-17. All the issues brought forth by the Board of Supervisors should be appropriately addressed by the Applicant.

The Applicant is also seeking a waiver of §144-24(C) of the Subdivision Ordinance to allow for the future division of lots with access provide by private streets extending from Renaissance Drive.

MDP #01-18, Carbaugh Business Center

April 2, 2018

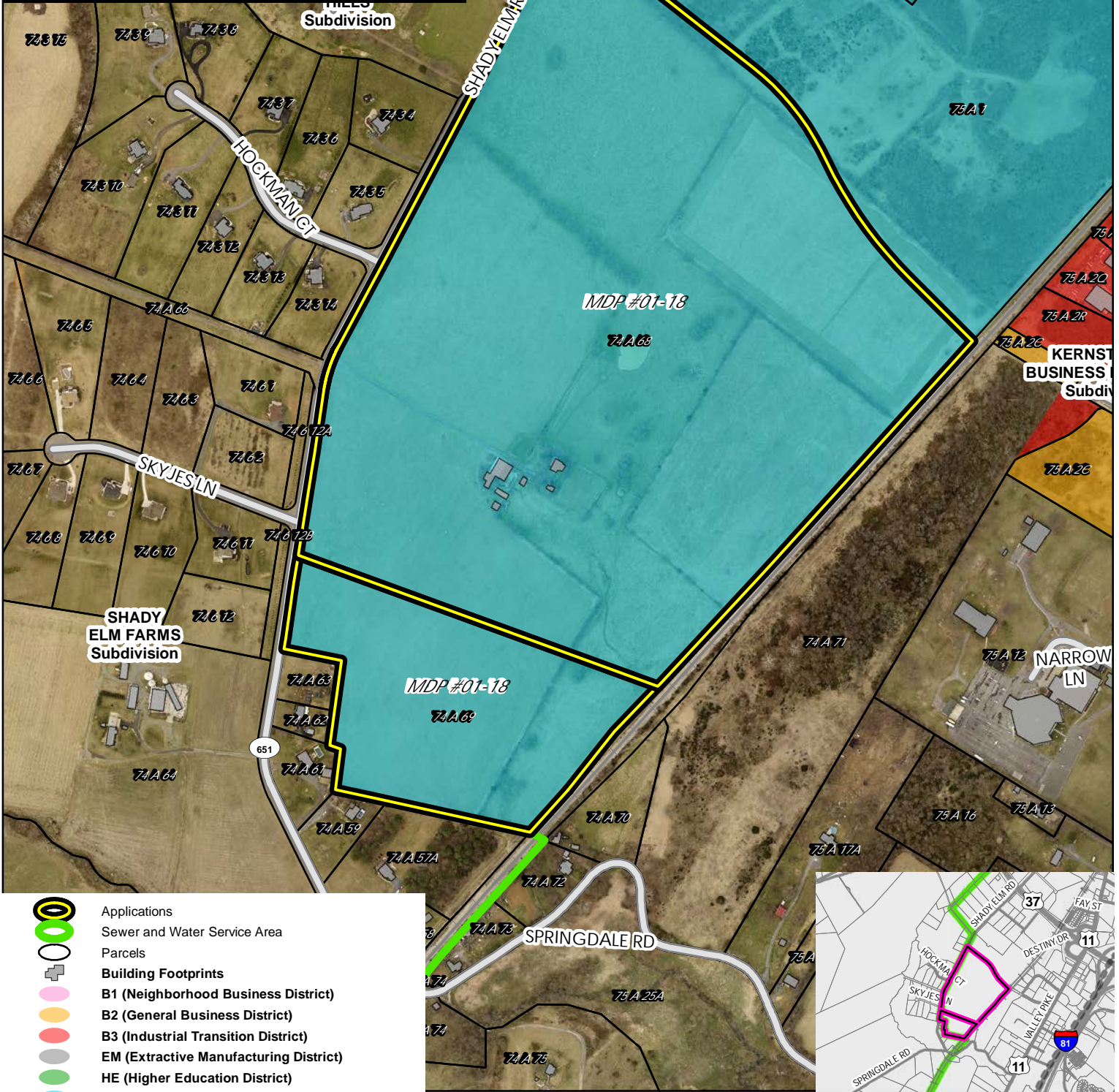
Page 5


The Planning Commission did not have any comments on the MDP and recommended approval of the waiver request. **The Board of Supervisors would need to grant the waiver as part of their consideration of the MDP.**

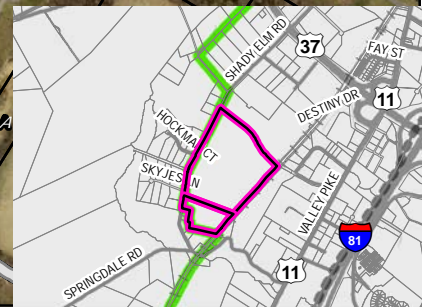
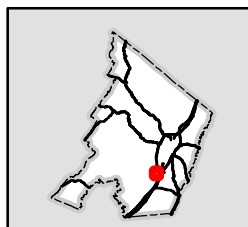
*It appears that the application meets all requirements. Following presentation of the application to the Planning Commission and the Board of Supervisors, and the incorporation of your comments, staff is prepared to proceed to approval of the application.*

# MDP # 01 - 18 Carbaugh Business Center

PINs:  
74 - A - 68, 74 - A - 69  
Zoning Map

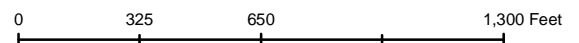


-  Applications
-  Sewer and Water Service Area
-  Parcels
-  Building Footprints
-  B1 (Neighborhood Business District)
-  B2 (General Business District)
-  B3 (Industrial Transition District)
-  EM (Extractive Manufacturing District)
-  HE (Higher Education District)
-  M1 (Light Industrial District)
-  M2 (Industrial General District)
-  MH1 (Mobile Home Community District)
-  MS (Medical Support District)
-  OM (Office - Manufacturing Park)
-  R4 (Residential Planned Community District)
-  R5 (Residential Recreational Community District)
-  RA (Rural Areas District)
-  RP (Residential Performance District)



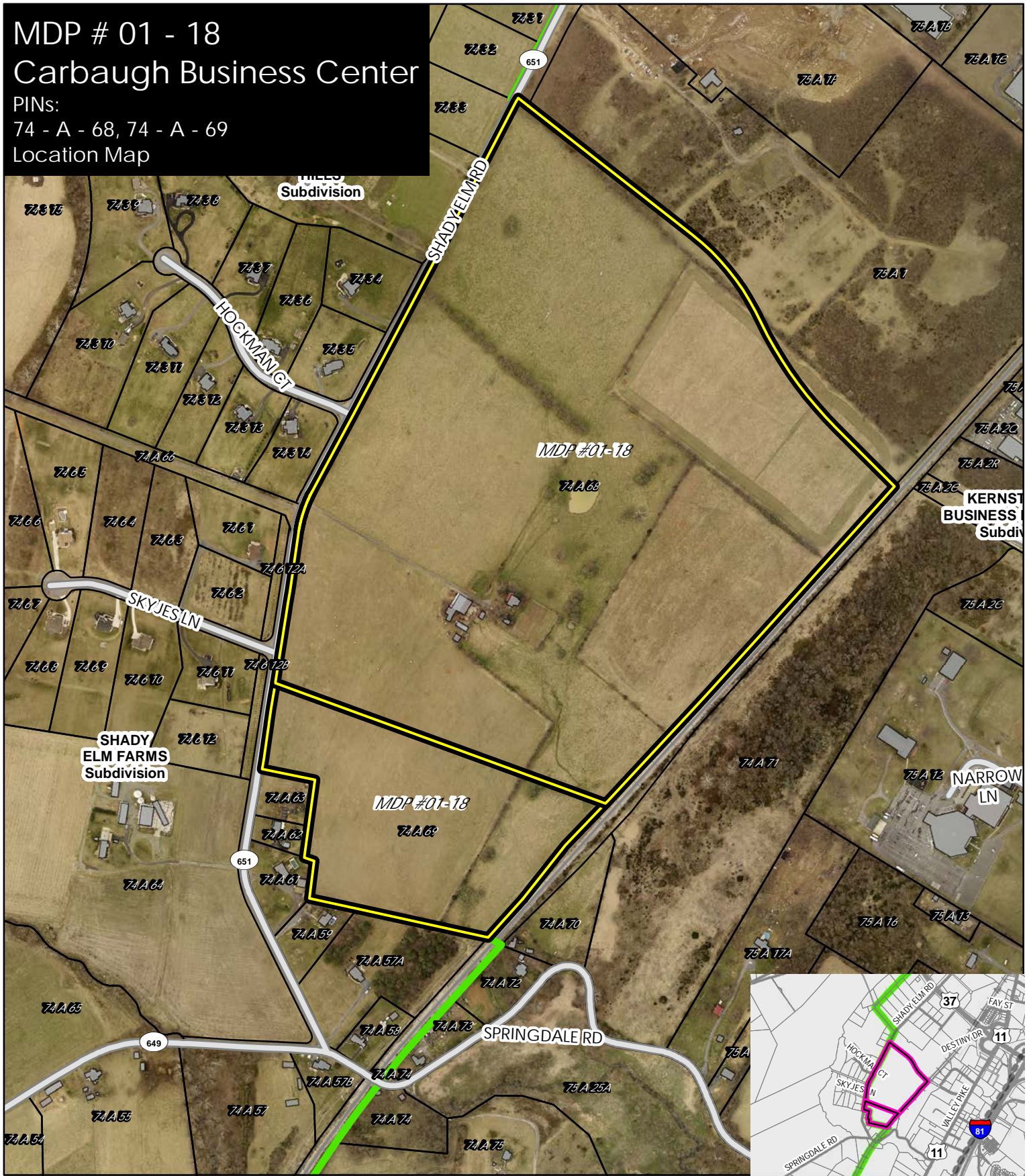
MDP # 01 - 18  
Carbaugh Business Center  
PINs:  
74 - A - 68, 74 - A - 69  
Zoning Map

Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: February 13, 2018  
Staff: tklein

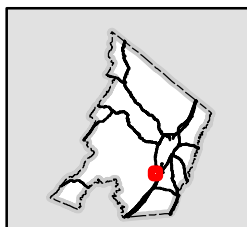


# MDP # 01 - 18 Carbaugh Business Center

PINs:  
74 - A - 68, 74 - A - 69  
Location Map

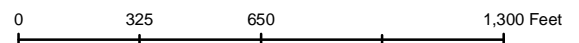


- Applications
- Sewer and Water Service Area
- Parcels
- Building Footprints



MDP # 01 - 18  
Carbaugh Business Center  
PINs:  
74 - A - 68, 74 - A - 69  
Location Map

Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: February 13, 2018  
Staff: tklein



MASTER DEVELOPMENT PLAN  
APPLICATION FORM

CEIV

- Department of Planning & Development Use Only -

FEB 12 2018

Application # 01-18 Date Application Received: 2/12/18  
PC Meeting Date 3/7/18 BOS Meeting Date 4/11/18  
Fee Amount Paid \$13,721<sup>00</sup> Initials: TS Receipt # 121465

SPOTTSWOOD COUNTY  
DEVELOPMENT

1. Project Title: Carbaugh Business Center

2. Applicant:

Name: Tim Stowe, Stowe Engineering Telephone: 540.686.7373

Address: timstowe@stowecompanies.com

103 Heath Court, Winchester VA 22602

3. Property Owner (if different than above):

Name: Graystone Corp. of Virginia Telephone: 540.662.2688

Address: Bank of Clarke Co, Trustee

1057 Martinsburg Pike, Winchester, VA 22603

4. Design Company:

Name: Tim Stowe, Stowe Engineering Telephone: 540.686.7373

Address: timstowe@stowecompanies.com

Email: 103 Heath Court, Winchester, VA 22602

5. Please list names of all owners, principals, and/or majority stockholders:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Magisterial District: Back Creek

7. **Property Location:** 831 Shady Elm Road (Route 651)

(Give State Route # and name, distance and direction from intersection)

8. **Is this an original or amended Master Development Plan?**

Original  Amended , Previous MDP# \_\_\_\_\_

9. **Property Information:**

a) Property Identification Number (PIN): 74 A 68, 74 A 69  
b) Total Acreage: 107.21 +/-  
c) Current Zoning: M1  
d) Present Use: agriculture/vacant  
e) Proposed Uses: light industrial/warehousing

10. **If residential uses are proposed, provide the following:**

a) Density: \_\_\_\_\_  
b) Number of Units: \_\_\_\_\_  
c) Housing Types: \_\_\_\_\_

11. **Adjoining Property use and zoning:**

|       | <u>USE</u>                    | <u>ZONING</u>        |
|-------|-------------------------------|----------------------|
| North | <u>vacant</u>                 | <u>M1</u>            |
| East  | <u>vacant</u>                 | <u>RA beyond CSX</u> |
| South | <u>residential, large lot</u> | <u>RA</u>            |
| West  | <u>residential, large lot</u> | <u>RA</u>            |

I have read the material included in this package and understand what is required by the Frederick County Department of Planning and Development. I also understand that the master development plan shall include all contiguous land under single or common ownership. All required material will be complete prior to the submission of my master development plan application.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): [Signature] Date: 2/12/18

Date: \_\_\_\_\_

Owner(s): [Signature] Date: 2/12/18

Date: \_\_\_\_\_

### Adjoining Property Owners

| #  | PIN     | Owner   | Address                                   | Zoning | Use             |
|----|---------|---|---|--------|-----------------|
| 1  | 75 A 1  | Venture I of Winchester LLC                   | 54 Merriman's Lane, Winchester, VA 22601  | M1     | Vacant          |
| 2  | 74 A 71 | Stephen D. Brim, ETALS                        | 254 Queen Street, Strasburg, VA 22657     | RA     | Vacant          |
| 3  | 74 A 70 | Elizabeth Ann Haymaker                        | 316 Springdale Road, Winchester, VA 22602 | RA     | Vacant          |
| 4  | 74 A 72 | Elizabeth Ann Haymaker                        | 316 Springdale Road, Winchester, VA 22602 | RA     | Residential     |
| 5  | 74 A 57 | Vernon E., II and Lisa M. Heavner             | 1043 Shady Elm Road, Winchester, VA 22602 | RA     | Residential     |
| 6  | 74 A 59 | Robert J. and Donna L. Diaz                   | 1006 Shady Elm Road, Winchester, VA 22602 | RA     | Residential     |
| 7  | 74 A 61 | Robert D. Patton and Anita K. Rukavina-Patton | 983 Shady Elm Road, Winchester, VA 22602  | RA     | Residential     |
| 8  | 74 A 62 | David H. Carbaugh                             | 957 Shady Elm Road, Winchester, VA 22602  | RA     | Residential     |
| 9  | 74 A 63 | David H. Carbaugh                             | 957 Shady Elm Road, Winchester, VA 22602  | RA     | Outdoor Storage |
| 10 | 74 A 64 | Ronald L. Brown                               | 970 Shady Elm Road, Winchester, VA 22602  | RA     | Agriculture     |
| 11 | 74 6 12 | 300N LLC                                      | P. O. Box 179, Moorefield, WV 26836       | RA     | Vacant          |
| 12 | 74 6 11 | Daniel J. and Sandra M. Lyons                 | 121 Skyjes Lane, Winchester, VA 22602     | RA     | Residential     |
| 13 | 74 6 2  | 300N LLC                                      | P. O. Box 179, Moorefield, WV 26836       | RA     | Vacant          |
| 14 | 74 6 1  | Matthew and Mary Ann Kremer                   | 138 Skyjes Lane, Winchester, VA 22602     | RA     | Residential     |
| 15 | 74 3 14 | Kevin and Tina Anderson                       | 113 Hockman Ct., Winchester, VA 22602     | RA     | Residential     |
| 16 | 74 3 5  | Gregory R. and Johanna A. Brown               | 114 Hockman Ct., Winchester, VA 22602     | RA     | Residential     |
| 17 | 74 3 4  | Jacob T., III and Heather R. Rudolph          | 750 Shady Elm Road, Winchester, VA 22602  | RA     | Residential     |
| 18 | 74 A 67 | Kitty Hockman Nicholas                        | 690 Shady Elm Road, Winchester, VA 22602  | RA     | Agriculture     |
| 19 | 74 3 3  | Kitty Hockman Nicholas and Robin H. Eddy      | 690 Shady Elm Road, Winchester, VA 22602  | RA     | Vacant          |
| 20 | 74 3 2  | Kitty Hockman Nicholas and Robin H. Eddy      | 690 Shady Elm Road, Winchester, VA 22602  | RA     | Vacant          |



**Special Limited Power of Attorney**  
**County of Frederick, Virginia**  
 Frederick Planning Website: [www.fcva.us](http://www.fcva.us)

**Department of Planning & Development, County of Frederick, Virginia**  
**107 North Kent Street, Winchester, Virginia 22601**  
**Phone (540) 665-5651 Facsimile (540) 665-6395**

Know All Men By These Presents: That I (We)

(Name) Graystone Corporation of Virginia (Phone) 540-667-7700

(Address) P.O. Box 2530, Winchester VA 22604 the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. See Exhibit "A" on Page \_\_\_\_\_, and is described as

Parcel: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Section: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
 do hereby make, constitute and appoint:

(Name) Timothy Stowe (Phone) 540-336-0656

(Address) 103 Heath Court, Winchester VA 22602

To act as my true and lawful attorney-in-fact for and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- Rezoning (including proffers)
- Conditional Use Permit
- Master Development Plan (Preliminary and Final)
- Subdivision
- Site Plan
- Variance or Appeal

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:  
 Only modifications to the MDP are allowed.

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.  
 In witness thereof, I (we) have hereto set my (our) hand and seal this 12<sup>th</sup> day of February, 2018.

Signature(s) \_\_\_\_\_

State of Virginia, City/County of Frederick, To-wit:

I, Debra C Pope, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 12<sup>th</sup> day of Feb, 2018.

Debra C Pope My Commission Expires: Nov. 30, 2018  
 Notary Public

DEBRA C. POPE  
 NOTARY PUBLIC  
 Commonwealth of Virginia  
 Reg. #7069256  
 My Commission Expires Nov. 30, 2018



**REZONING REQUEST PROFFER**  
 Property Identification Number  
 74-1040-68 and 74-1040-69  
 Back Creek Magisterial District  
 Carbaugh Business Center

Record Owner: The Henry J. Carbaugh Trust  
 Applicant: Timothy Stowe  
 Original Date of Proffer: 10/6/17  
 Revisions Date of Proffer: 10/15/17

**Preliminary Matters**

Pursuant to Section 15.2-2296 of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned owner hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application # REZ #04-17 for the rezoning of Tax Map Parcel 74-A-68, a 89.8719-acre parcel, and Tax Map Parcel 74-A-69, a 17.3391-acre parcel, to establish 107.21 +/- acres of Light Industrial (M-1) Zoning District, development of the 107.21 +/- acre Light Industrial (M-1) Zoning District, hereinafter referred to as the "Property", shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the owner and such be approved by the Frederick County Board of Supervisors in accordance with Virginia Law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and of no effect whatsoever. These proffers shall be binding upon the owner and their legal successors or assigns.

**Site Improvements**

- The owner agrees to participate in the cost of transportation improvements in the nearby area. The owner will contribute to Frederick County, Virginia, a maximum of one million and eighty thousand dollars (\$1,080,000.00). Such payment shall be made either within 30 calendar days after the start of construction on the extension of Renaissance Drive that will connect with Shady Elm Road or prior to the issuance of the certificate of occupancy permit for the first building structure developed on the Property, whichever event occurs first. Such funds can be used by the Board of Supervisors in its discretion for transportation improvements related to the extension of Renaissance Drive, an East-West Collector Road, to Shady Elm Road and can be used as local match funding for County Revenue Sharing Program projects related to the aforementioned extension.

Proffer Statement Page 1 of 4

Certificate of Occupancy Permit for the first structure constructed on the light industrial (M-1) Zoning District portion of the parcel, the sum of thirty thousand dollars (\$30,000.00), for use by the Board in its discretion for fire and rescue purposes.  
 Additionally, the owner shall contribute five thousand dollars (\$5,000.00) to the Newtown Battlefield Association prior to the issuance of the Certificate of Occupancy Permit for the first structure constructed on the property.

**Utilities**

In the event the monetary contributions set forth in the Proffer Statement are paid to Frederick County within eighteen (18) months of the approval of this rezoning, as applied for by the owner, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in this Proffer Statement which are paid to the County after eighteen (18) months following the approval of this rezoning shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, such that at the time contributions are paid they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the approval of this rezoning to the most recently available CPI-U to the date the contributions are paid, subject to a cap of 4 percent (4%) per year, non-compounded.

Respectfully Submitted,

The Henry J. Carbaugh Trust

OWNER: Henry J. Carbaugh Trust under Agreement dated December 16, 2004 by Bank of Clarke County, Successor Trustee  
 By: *[Signature]*  
 Date: November 29, 2017

STATE OF VIRGINIA, AT LARGE  
 FREDERICK COUNTY, To-Wit:

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of November, 2017, by *[Signature]*

My Commission expires 11/30/2019

Notary Public *[Signature]*

Proffer Statement Page 2 of 4



of the certificate of occupancy permit for the first building structure developed on the Property, whichever event occurs first. Such funds can be used by the Board of Supervisors in its discretion for transportation improvements related to the extension of Renaissance Drive, an East-West Collector Road, to Shady Elm Road and can be used as local match funding for County Revenue Sharing Program projects related to the aforementioned extension.

- The owner agrees to dedicate 60' (sixty feet) of right-of-way along Shady Elm Road to Frederick County as depicted on the Generalized Development Plan (GDP), which is attached and incorporated as part of the Proffer Statement. 30' (thirty feet) of the easement will be determined during the design phase of the extension of the East-West Collector Road. The length shall not exceed the distance from the CSX rail line to the start of the bridge ramp. This grant is to be made within 90 (ninety) days of a written request by Frederick County.

- The owner agrees to dedicate 20' (twenty feet) of right-of-way along its northeast boundary to Frederick County for the extension of the East-West Collector Road (Renaissance Drive) from Valley Pike (Rt. 11) to Shady Elm Road. This right-of-way is depicted on the GDP. This dedication is to be made within 90 (ninety) days of a written request by Frederick County.

- The owner agrees to grant to Frederick County an 80' (80 feet) grading/easement for the construction and maintenance of a bridge over the CSX rail line that will be part of the extension of the East-West Collector Road (Renaissance Drive) from Valley Pike (Rt. 11) to Shady Elm Road if needed. The total length of the easement will be determined during the design phase of the extension of the East-West Collector Road. The length shall not exceed the distance from the CSX rail line to the start of the bridge ramp. This grant is to be made within 90 (ninety) days of a written request by Frederick County.

- The owner agrees to limit the number of commercial entrances for the Property to be renewed to a maximum of two (2) entrances along the new collector road to be constructed as an extension of Renaissance Drive and intersecting with Shady Elm Road.

- In the event the property is developed prior to the completion of Renaissance Drive collector road extension, the owner may build a portion of Renaissance Drive collector road extension from Shady Elm Road to the first entrance to the site to enable use of the site. The portion of the collector road to be built in this event will meet with both VDOT and Frederick County approval.
- In the event that Frederick County requests that the owner not build a portion of the Renaissance Drive collector road extension, the owner may build a temporary entrance onto Shady Elm Road for commercial use. The temporary entrance on Shady Elm Road will be permanently closed.

Proffer Statement Page 3 of 4

Immediately after the Renaissance Drive collector road extension is available for use by the owner.

- The owner hereby proffers to provide for inter-parcel connections for all new lots to provide access to the two new access points on Renaissance Drive

**Building Restrictions**

The development of the subject Property shall include the following building restrictions:

- All loading docks shall be screened from view from all adjacent properties in the Rural Area (RA) Zoning Districts that are located west of Shady Elm Road. The Owner will utilize a Class C - Full Screen (As defined by Frederick County at the date of this rezoning) 100' (one hundred feet) buffer adjacent to Rural Area (RA) Zoning Districts west of Shady Elm Road.
- Individual business signs will be prohibited along Shady Elm Road.
- The owner will perform an intensive level survey on the historic structure located on-site (Henry Carbaugh House - #34-1040) prior to its demolition.

**Landscape Design Features**

The development of the subject Property, and the submission of any Master Development Plan, shall include the following landscape design features:

- The owner shall provide street trees planted 50 (fifty) feet on center adjacent to the Renaissance Drive collector road extension. The trees are to be planted within 120 (one hundred and twenty) days of written request by Frederick County.

**Monetary Contributions to Offset Impact of Development**

The owner, hereby voluntarily proffers that if the Board of Supervisors for the County of Frederick, Virginia approves the rezoning for the 107.21 +/- acre property to the Light Industrial (M-1) Zoning District, the undersigned will pay Frederick County, prior to the issuance of the

Proffer Statement Page 4 of 4

**DEVELOPMENT NOTES**

**UTILITIES**

- WATER AND SANITARY SEWER AVAILABLE PER FCSA.
- THERE ARE NO PRE-TREATMENT OR POST-TREATMENT WASTEWATER SYSTEMS EXISTING OR PLANNED.
- THERE ARE NO PRIVATE WASTEWATER TREATMENT FACILITIES PLANNED.
- UTILITY SERVICE LINES ARE TO BE CONSTRUCTED UNDERGROUND FROM THE UTILITY DISTRIBUTION LINES.

**TRANSPORTATION**

- ALL ON-SITE ROAD WILL BE PRIVATE ROADS AND WILL BE DESIGNED USING URBAN DESIGN STANDARDS.
- WHERE PRACTICAL INTER-PARCEL CONNECTIONS WILL BE UTILIZED WITHIN EASEMENTS.
- A TRAFFIC IMPACT ANALYSIS IS NOT BEING PROVIDED.
- PERMANENT CONNECTIONS TO THE STATE HIGHWAY SYSTEM WILL OCCUR AT TWO PROPOSED COMMERCIAL ENTRANCES ONTO RENAISSANCE DRIVE.

**STORM WATER**

- STORM WATER MANAGEMENT SHALL COMPLY WITH THE GUIDELINES INCLUDED IN CHAPTER 143 OF THE FREDERICK COUNTY ORDINANCE.
- TO THE EXTENT POSSIBLE, STORM WATER MANAGEMENT BASINS USED TO MANAGE THE QUANTITY OF POST-DEVELOPMENT STORM WATER DISCHARGED FROM THE SITE WILL BE DESIGNED TO SERVE MORE THAN ONE PARCEL.
- TO THE EXTENT POSSIBLE, STORM WATER MANAGEMENT FACILITIES USED TO MANAGE THE QUALITY OF STORM WATER BEING DISCHARGED FROM THE SITE WILL BE DESIGNED TO SERVE ONE OR MORE PARCELS.

**DEVELOPMENT**

- APPROVED REZONING REFERENCE FOR THE PROPERTY IS REZ #04-17.
- THE PROJECT WILL BE DEVELOPED IN A SINGLE PHASE.
- THERE HAVE BEEN NO PRIOR MASTER DEVELOPMENT PLANS FOR THIS PROPERTY.
- THERE HAVE BEEN NO RECENT LAND DIVISIONS IN RELATION TO THESE TRACTS.
- THE HENRY CARBAUGH HOUSE IS A STANDING HISTORIC STRUCTURES ON THE SITE. AN INTENSIVE ARCHITECTURAL SURVEY WILL BE PERFORMED ON THE HOUSE PRIOR TO ITS REMOVAL. BUILDING RESTRICTIONS PROFFER 3.

**PROJECT SUMMARY**

TOTAL AREA: 107.211 ACRES  
 EXISTING ZONING: M1  
 EXISTING USE: UNDEVELOPED/VACANT  
 PROPOSED USE: WAREHOUSING AND LIGHT INDUSTRIAL  
 MAGISTERIAL DISTRICT: BACK CREEK  
 PINS: 74-A-68, 74-A-69

**BUSINESS AND INDUSTRIAL ZONING DISTRICT  
 DIMENSIONAL AND INTENSITY REQUIREMENTS FOR M-1**

|   |                 |
|---|-----------------|
| Front yard setback on primary or arterial highways (ft) | 75              |
| Front yard setback on minor streets (ft)                | 75              |
| Side yard setbacks (ft)                                 | 25              |
| Rear yard setbacks (ft)                                 | 25              |
| Floor Area to lot Ratio (FAR)                           | 1.0             |
| Minimum landscaped area (% of lot area)                 | 25              |
| Maximum height (ft)                                     | 60 <sup>1</sup> |

<sup>1</sup> Height exceptions shall comply with sections 201 and 601 of the Frederick County Zoning Ordinance.

| ENVIRONMENTAL FEATURES SUMMARY TABLE |                  |                   |                     |
|--------------------------------------|------------------|-------------------|---------------------|
| FEATURE                              | EXISTING ACREAGE | DISTURBED ACREAGE | APPROX. % DISTURBED |
| FLOODPLAINS                          | 0.0              | 0.0               | 0.0%                |
| LAKES & PONDS <sup>1,3</sup>         | 0.40             | 0.3               | 64.0%               |
| WETLANDS <sup>2,3</sup>              | 0.00             | 0.00              | 0.0%                |
| NATURAL DETENTION                    | 0.0              | 0.0               | 0.0%                |
| SINKHOLES <sup>3</sup>               | 0.020            | 0.020             | 100.0%              |
| STEEP SLOPES (50%+)                  | 0.0              | 0.0               | 0.0%                |

<sup>1</sup> ALL POND DISTURBANCES ASSOCIATED WITH FUTURE SITE DEVELOPMENT SHALL BE APPROVED BY FREDERICK COUNTY PUBLIC WORKS DEPT. AND THE US ARMY CORPS OF ENGINEERS.

<sup>2</sup> ALL WETLAND DISTURBANCES ASSOCIATED WITH FUTURE SITE DEVELOPMENT ARE TO BE PERMITTED BY THE ARMY CORPS OF ENGINEERS AND/OR THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY, AS REQUIRED.

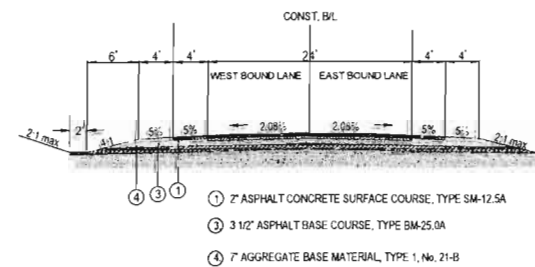
<sup>3</sup> THE ACTUAL DISTURBED AREAS WILL BE SHOWN ON THE SITE PLANS UPON COMPLETION OF THE DETAILED SITE ENGINEERING AND FINAL DESIGN OF THE PRIVATE ROADS.



SCALE: 1" = 1000'

**WAIVER REQUEST**

THE APPLICANT IS REQUESTING A WAIVER OF SECTION 144-24C OF THE COUNTY CODE TO ALLOW FOR THE SUBDIVISION OF LOTS WITH ACCESS PROVIDED BY PRIVATE STREETS EXTENDING FROM RENAISSANCE DRIVE.



**EXAMPLE PRIVATE ROAD SECTION**

INDIVIDUAL DETAILED ROADWAY SECTIONS WILL BE DEVELOPED WITH INDIVIDUAL SITE PLANS FOR EACH LOT AND MAY VARY DEPENDING ON THE INDUSTRY NEEDS AND TRAFFIC.

OWNER AND DEVELOPER, Parcels 74-A-68 & 74-A-69  
 GRAYSTONE CORPORATION OF VIRGINIA  
 C/O STOWE ENGINEERING, PLC  
 103 HEATH COURT  
 WINCHESTER, VA 22602  
 PHONE (540) 686-7373

DATE

APPROVED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT

DATE

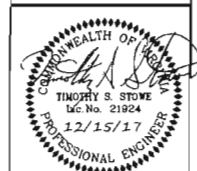
APPROVED BY THE COUNTY ADMINISTRATOR

DATE

**STOWE ENGINEERING, PLC**  
 103 Heath Court  
 Winchester, VA 22602  
 (540) 686-7373  
 fax (540) 301-1100

| NO | DATE    | DESCRIPTION   | BY |
|----|---------|---------------|----|
| 1  | 1/31/18 | agency review | TS |

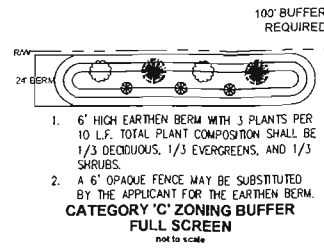
**DRAFT**  
 MASTER DEVELOPMENT PLAN  
 CARBAUGH BUSINESS CENTER  
 BACK CREEK MAGISTERIAL DISTRICT  
 FREDERICK COUNTY, VIRGINIA



DATE: DEC 15, 2017  
 SCALE: AS SHOWN  
 DESIGNED BY: TS  
 DRAWN BY: TS  
 CHECKED BY: TS  
 PROJECT #: 1137.1  
 SHEET 1 OF 2

ADJOINING PROPERTY OWNERS

| #  | PIN     | Owner   | Zoning | Use             |
|----|---------|---|--------|-----------------|
| 1  | 75 A 1  | Venture I of Winchester LLC                   | M1     | Vacant          |
| 2  | 74 A 71 | Stephen D. Brim, ETALS                        | RA     | Vacant          |
| 3  | 74 A 70 | Elizabeth Ann Haymaker                        | RA     | Vacant          |
| 4  | 74 A 72 | Elizabeth Ann Haymaker                        | RA     | Residential     |
| 5  | 74 A 57 | Vernon E., II and Lisa M. Heavner             | RA     | Residential     |
| 6  | 74 A 59 | Robert J. and Donna L. Diaz                   | RA     | Residential     |
| 7  | 74 A 61 | Robert D. Patton and Anita K. Rukavina-Patton | RA     | Residential     |
| 8  | 74 A 62 | David H. Carbaugh                             | RA     | Residential     |
| 9  | 74 A 63 | David H. Carbaugh                             | RA     | Outdoor Storage |
| 10 | 74 A 64 | Ronald L. Brown                               | RA     | Agriculture     |
| 11 | 74 6 12 | 300N LLC                                      | RA     | Vacant          |
| 12 | 74 6 11 | Daniel J. and Sandra M. Lyons                 | RA     | Residential     |
| 13 | 74 6 2  | 300N LLC                                      | RA     | Vacant          |
| 14 | 74 6 1  | Matthew and Mary Ann Kremer                   | RA     | Residential     |
| 15 | 74 3 14 | Kevin and Tina Anderson                       | RA     | Residential     |
| 16 | 74 3 5  | Gregory R. and Johanna A. Brown               | RA     | Residential     |
| 17 | 74 3 4  | Jacob T., III and Heather R. Rudolph          | RA     | Residential     |
| 18 | 74 A 67 | Kitty Hockman Nicholas                        | RA     | Agriculture     |
| 19 | 74 3 3  | Kitty Hockman Nicholas and Robin H. Eddy      | RA     | Vacant          |
| 20 | 74 3 2  | Kitty Hockman Nicholas and Robin H. Eddy      | RA     | Vacant          |

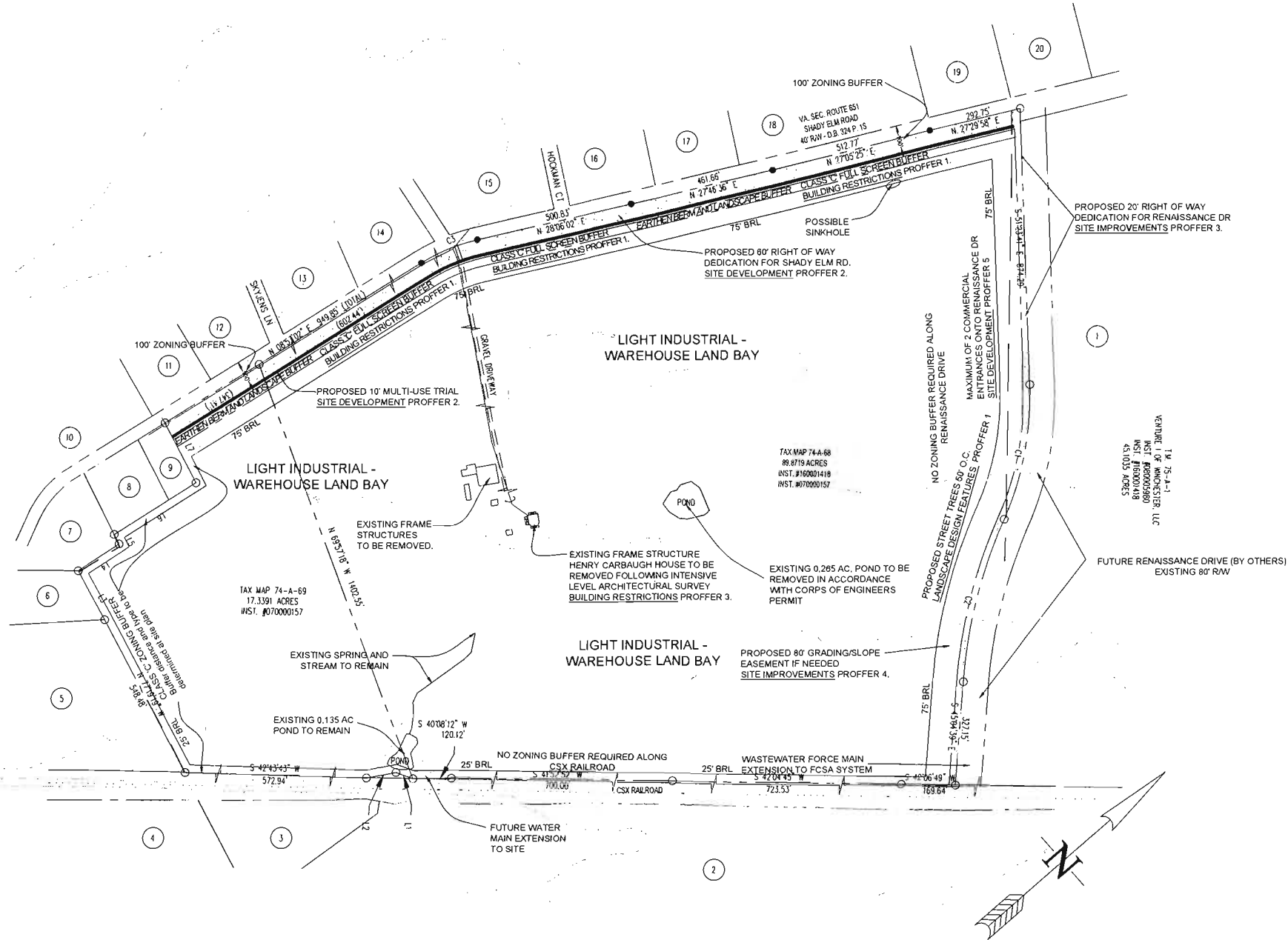


DRY UTILITIES

- ELECTRIC SERVICE TO BE PROVIDED BY SHENANDOAH VALLEY ELECTRIC COOP. UNDERGROUND SERVICE CONNECTION WILL EXTEND FROM THE DISTRIBUTION LINES TO THE STRUCTURE BEING SERVED.
- NATURAL GAS WILL BE PROVIDED BY WASHINGTON GAS FROM THEIR EXISTING FACILITIES.

ROAD LOCATIONS

- THE LOCATIONS OF THE PRIVATE INTERNAL ROADWAYS WILL BE DETERMINED AT THE SITE PLAN STAGE.
- CONNECTIONS TO THE STATE ROADWAY SYSTEM WILL BE THROUGH THE PROPOSED COMMERCIAL ENTRANCES ONTO RENAISSANCE DRIVE.

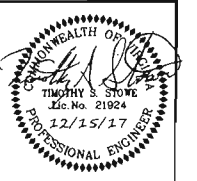


| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 61°28'43" W | 52.20    |
| L2   | S 30°29'58" W | 34.93    |
| L3   | N 77°26'19" W | 176.80   |
| L4   | N 07°24'56" E | 153.22   |
| L5   | N 75°27'24" W | 34.09    |
| L6   | N 08°35'35" E | 304.45   |
| L7   | N 76°47'58" W | 214.35   |

| CURVE | RADIUS  | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|
| C1    | 869.00  | 436.53     | 432.77       | S 38°22'06" E | 23.0312°    |
| C2    | 1540.00 | 530.46     | 527.84       | S 35°12'34" E | 19°44'09"   |
| C3    | 1370.40 | 191.31     | 190.41       | N 18°29'32" E | 19°13'00"   |

| NO. | DATE    | DESCRIPTION   | BY |
|-----|---------|---------------|----|
| 1   | 1/31/18 | agency review | TS |

**DRAFT**  
**MASTER DEVELOPMENT PLAN**  
**CARBAUGH BUSINESS CENTER**  
 BACK CREEK MAGISTERIAL DISTRICT  
 FREDERICK COUNTY, VIRGINIA



DATE: DEC 15, 2017  
 SCALE: AS SHOWN  
 DESIGNED BY: TS  
 DRAWN BY: TS  
 CHECKED BY: TS  
 PROJECT #: 1137.1  
 SHEET 2 OF 2

**STOWE ENGINEERING, PLLC**

103 Heath Court  
 Winchester, VA 22602  
 (540) 686-7373  
 fax (540) 301-1100

**REQUEST FOR MASTER DEVELOPMENT PLAN COMMENTS**



**Virginia Department of Transportation**

**Mail to:**

Virginia Department of Transportation  
Attn: Resident Engineer  
14031 Old Valley Pike  
Edinburg, Virginia 22824  
Phone: (540) 984-5600

**Hand deliver to:**

Virginia Department of Transportation  
Attn: Resident Engineer  
2275 Northwestern Pike  
Winchester, Virginia 22603

**Applicant:** It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Please attach three (3) copies of the Master Development Plan with this sheet.

Applicant's Name: Tim Stowe, Stowe Engineering, PLC

Telephone: 540.686.7373

Mailing Address: timstowe@stowecompanies.com  
103 Heath Court  
Winchester, VA 22602

Name of development and/or description of the request:  
Carbaugh Business Center, request for Master Development Plan comments

Location of Property:  
631 Shady Elm Road, Winchester, VA 22602 ( Rte 631), Frederick Co.

Virginia Department of Transportation Comments:  
See attached e-mail from VDOT to Stowe, Companies dated 1.24.18

**-VDOT USE ONLY-**

Date Received \_\_\_\_\_

Review Number 1 2 3 4 5 (circle one)

Date Reviewed \_\_\_\_\_

Revision Required \_\_\_\_\_

Date Approved \_\_\_\_\_

VDOT Signature & Date: [Signature] 1.24.2018

**\*\* Please Return Form to Applicant\*\***

**Tim Stowe**

---

**From:** Funkhouser, Rhonda (VDOT) <Rhonda.Funkhouser@VDOT.Virginia.gov>  
**Sent:** Wednesday, January 24, 2018 4:48 PM  
**To:** Tim Stowe  
**Cc:** Ingram, Lloyd (VDOT); Smith, Matthew, P.E. (VDOT); 'John Bishop'  
**Subject:** Carbaugh Business Center - VDOT Comments to MDP  
**Attachments:** Scanned from EDNXerox.pdf

## COMMONWEALTH of VIRGINIA

**DEPARTMENT OF TRANSPORTATION**  
Staunton/Edinburg Land Development  
14031 Old Valley Pike  
Edinburg, VA 22824

The DRAFT Master Development plan for this property appears to have a measurable impact on Route 651, the initial VDOT facility that would provide access to the property. The application as presented appears acceptable. Before development, this office will require a complete set of construction plans detailing entrance design, drainage features and traffic flow data.

Thank you for allowing us the opportunity to comment.

Lloyd A. Ingram | Land Development Engineer  
Virginia Department of Transportation  
Clarke, Frederick, Shenandoah & Warren Counties  
14031 Old Valley Pike  
Edinburg, VA 22824  
voice: 540/984-5611  
fax: 540/984-5607  
e-mail: [Lloyd.Ingram@vdot.virginia.gov](mailto:Lloyd.Ingram@vdot.virginia.gov)

**REQUEST FOR MASTER DEVELOPMENT PLAN COMMENTS**



**Frederick County Fire Marshal Comment**

**Mail to:**

Frederick County Fire Marshal  
Attn: Fire Marshal  
1080 Coverstone Drive  
Winchester, Virginia 22602

**Hand deliver to:**

Public Safety Building  
1080 Coverstone Drive  
Winchester, Virginia 22602  
Phone: (540) 665-6350

**Applicant:** It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Please attach two (2) copies of the Master Development Plan with this sheet.

Applicant's Name: Tim Stowe, Stowe Engineering, PLC Telephone: 540.686.7373

Mailing Address: timstowe@stowecompanies.com  
103 Heath Court  
Winchester, VA 22602

Name of development and/or description of the request:  
Carbaugh Business Center, request for Master Development Plan comments

Location of Property:  
831 Shady Elm Road, Winchester, VA 22602 (Rte 631), Frederick Co.

Fire Marshal Comments:  
See Attachment

**-FREDERICK COUNTY FIRE MARSHAL USE ONLY-**

Date Received 12/15 Review Number 3 2 3 4 5 (circle one)  
Date Reviewed 12/27/17  
Revision Required No Date Approved 12/27/17  
Signature & Date: [Signature] 12/27/17

**\*\* Please Return Form to Applicant\*\***



*Frederick County*  
*Department of Fire and Rescue*  
*Office of the Fire Marshal*  
1080 Coverstone Drive Winchester, VA 22602

(540) 665-6350 Fax: (540) 678-4739 Email: fmo@fcva.us

## Plan Review & Comments

Date Received  
12/15/2017

Date Reviewed  
1/5/2018

Plan/Permit Type

Master Development Plan 12-15-17

Name

Carbaugh Business Center

Address

831 Shady Elm RD

Winchester

VA

22602

Project Name

Master Development Plan 12-15-17

Applicant Name & Number

Stowe Engineering 540-686-7373

RE#

Permit Number

Emergency Vehicle Access:

Adequate

Inadequate

N/A

Hydrant Location:

Adequate

Inadequate

N/A

Siamese Location:

Adequate

Inadequate

N/A

Fire Lanes Required:

Yes

No

N/A

Plan Approval Status

**Approve**

Comments

Signature: \_\_\_\_\_

Reviewed By: **Kenneth Scott, Jr.**

Title: \_\_\_\_\_

*Inspector*



February 12, 2018

Mr. Tim Stowe, PE, LS  
Stowe Engineering, PLC  
103 Heath Court  
Winchester, Virginia 22602

RE: Master Development Plan Comments: Carbaugh Business Center

Dear Mr. Stowe:

Upon review of the master development plan (MDP), we offer the following comments:

1. The plan shows a wastewater force main running north along the existing CSX Railroad. The development of this force main will need to be coordinated with the construction of the future Renaissance Drive. Also, the overhead power line running through this area (triple-3 phase line owned by Rappahannock Electric Cooperative (REC)) will have to be buried underground so it will not conflict with the construction of the bridge for the subject road. The force main will need to be placed so it will not conflict with underground power lines.
2. Due to existing karst geology, an extensive geotechnical engineering evaluation will be needed at the time of site plan development.

We offer no other comments at this time.

Sincerely,

Joe C. Wilder  
Director of Public Works

JCW/kco

cc: Planning and Development  
file



# Lord Fairfax Health District

Frederick / Winchester Environmental Health  
107 North Kent Street - Suite # 201  
Winchester, Virginia 22601  
Tel. (540) 722-3480 ~ Fax (540) 722-3479  
[www.vdh.virginia.gov](http://www.vdh.virginia.gov)



December 21, 2017

Agency Comments:

This Health Department has reviewed the request for comments for the Master Development Plan for the Carbaugh Business Center, located at 831 Shady Elm Rd., Winchester, VA 22602; Tax Map #: 74-A-68 & 69. Based upon information provided by the applicant, the sewage disposal and water supply needs of the property will be provided by the Frederick County Sanitary Authority. This Health Department has no objections to the Master Development Plan as presented. Applicant is urged to review comments issued July 18, 2017 by this Health Department per proper abandonment guidelines of existing on-site sewage disposal systems and wells.(See attached.)

Agency Signature: Harriet Benin Date: 12-21-17

Title: EH Supervisor

NOTICE TO AGENCY—PLEASE RETURN THIS FORM TO THE APPLICANT)





# Lord Fairfax Health District

Frederick / Winchester Environmental Health

107 North Kent Street - Suite # 201

Winchester, Virginia 22601

Tel. (540) 722-3480 ~ Fax (540) 722-3479

[www.vdh.virginia.gov](http://www.vdh.virginia.gov)



July 18, 2017

Agency Comments:

This Health Department has reviewed the request for comments for the Rezoning of property located at 831 Shady Elm Rd in the Back Creek Magisterial District, Tax Map #74-A-68 & 74-A-69, from RA to M1. Based upon information provided by the applicant, this Health Department has no objections to the rezoning of the subject property. However, it is the recommendation of this Health Department that any known or discovered sewage disposal systems or private water wells on the property be properly abandoned, per Health Department Regulations or best practice policies. In the event that it is determined that there are sewage disposal systems or private water wells on the property, please notify this Health Department immediately for proper abandonment procedures.

Agency Signature: Harriet Quinn Date: 7/18/17

Title: EH Supervisor

(NOTICE TO AGENCY—PLEASE RETURN THIS FORM TO THE APPLICANT)



315 Tasker Road  
Stephens City, Virginia 22655

PH (540) 868-1051  
Fax (540) 868-1429  
[www.FrederickWater.com](http://www.FrederickWater.com)

Eric R. Lawrence  
Executive Director

---

January 24, 2018

Tim Stowe  
Stowe Engineering, PLC  
103 Heath Court  
Winchester, Virginia 22602

**RE: Master Development Plan Application Comment  
Carbaugh Business Center MDP Application  
Tax Map Number: 74-A-68 and 74-A-69  
107.21 acres**

Dear Mr. Stowe:

Thank you for the opportunity to offer review comments on the Carbaugh MDP application package. Frederick Water offers comments limited to the anticipated impact/effect upon Frederick Water's public water and sanitary sewer system and the demands thereon.

The project parcels were recently added to the sewer and water service area (SWSA) and secured M1 zoning from the County. The parcels are in an area not presently served by Frederick Water. The SWSA enables access to public water and sewer service by county policy. Location within the SWSA does not guarantee that sanitary sewer and water capacities are available to serve the property.

The MDP is silent on the potential use, square footage, and water and sewer demands. The MDP is also silent of how water and sewer would be brought to the property, and distributed amongst its development.

From previous discussions with the applicant, Frederick Water understands the applicant's intent is to construct a water line which will tap into an existing 20-inch water main along Route 11, and traverse westward within to be established easements. Sanitary sewer would be addressed through the applicant's construction of a new sanitary sewer pump station located along the CSX railroad tracks, and a sanitary sewer force main northward following the CSX railroad tracks to a point at which the force main would discharge into the Hoge Run

Interceptor. The interceptor would then convey flows to Parkins Mill Wastewater Treatment Plant. An optional sanitary sewer route would be the construction of the Opequon Interceptor which will facilitate flows directly from the subject properties to the Parkins Mill Wastewater Treatment Plant. A third option would be to construct a sewer force main that would follow Shady Elm Road to intercept an existing gravity sewer line. Regardless of the route for water and sanitary sewer conveyance, the construction of the infrastructure will be the responsibility of the applicant and be dependent upon sewer demands and available capacity.

*It is suggested that the applicant work with the County to include conduit under the planned Renaissance Drive improvement so as to enable a future sewer force main parallel to the CSX railroad tracks without disturbance of the completed roadway.*

Future plans for Frederick Water's primary water main distribution system would include a 20-inch water main (within 20-foot easement) following Shady Elm Road south from Route 37, and then head east across the Carbaugh property towards a connection with the existing water main on Route 11. *Provisions for this 20-inch water main improvement should be accommodated on the Carbaugh property.*

The ultimate decision regarding the ability to serve the property with adequate water and sanitary sewer will be determined at the time the site's use is determined, conveyance facilities are constructed, and water and sewer connection fees are paid to Frederick Water. Sanitary sewer system capacity is not reserved until the sewer connection fee is paid to Frederick Water, and physical connection to the system is made.

Water and sanitary sewers are to be constructed in accordance with the FCSA standards specifications. Dedicated easements may be require and based on the layout vehicular access will need to be incorporated in the final design.

Please be aware that Frederick Water is offering these review comments without benefit of knowledge of the specifics use of the site.

Thank you for the opportunity to offer review comments on this preliminary master development plan.

Sincerely,



Eric R. Lawrence, AICP  
Executive Director

Cc: Michael Ruddy, County Planning Department

L



**MEMORANDUM**

**TO:** Frederick County Board of Supervisors  
**FROM:** M. Tyler Klein, AICP, Planner <sup>SK</sup> *MTK*  
**SUBJECT:** Ordinance Amendment – Solar (Photovoltaic) Energy Facility – Discussion  
**DATE:** April 2, 2018

---

This is a proposed amendment to Chapter 165 – Zoning Ordinance to add solar (photovoltaic) power generating facilities (i.e. solar farms) to the conditional use list for the RA (Rural Areas) Zoning District. Currently, public utility generating facilities are allowed by-right in the RA Zoning District. Solar generating energy facilities are typically privately-owned and thus do not fall under the definition of a “public utility.” Staff has drafted a revision to the Zoning Ordinance to include a definition for a “solar (photovoltaic) energy facility,” provided supplementary use regulations, and revised the conditional uses use list for the RA Zoning District to allow solar energy facilities with an approved Conditional Use Permit (CUP). The intent of this modification is to provide additional opportunities for uses in the County’s Rural Areas, that preserve the rural and agricultural integrity of these areas and are consistent with the goals and strategies outlined in the 2035 Comprehensive Policy Plan.

This item was proposed through a request from a private developer and discussed by the Development Review and Regulations Committee (DRRC) at their July 27, 2017, August 24, 2017 and September 28, 2017 regular meetings. The DRRC recommended solar energy facilities be included in the RA Zoning District as a by-right use. The Planning Commission discussed this item on November 15, 2017 and agreed with the proposed text amendment from the DRRC.

The Board of Supervisors discussed this item on January 10 and February 14, 2018. Following the Board of Supervisors discussion in February, Staff was directed to amend the text amendment to specify solar energy facilities may be allowed in the RA District with an approved Conditional Use Permit. The reason for this change as discussed by the Board is to allow adjacent property owners and the general public to provide comment on the consideration of a potential solar power generating facility.

The attached document shows the existing ordinance with the proposed changes. **Staff is seeking direction from the Board of Supervisors on this Zoning Ordinance text amendment.** Attached is a resolution directing the item to a public hearing should the Board of Supervisors deem it to be appropriate.

---

**Attachments:** 1. Revised ordinance with additions shown in bold underlined italics.  
2. Resolution

MTK/pd

ARTICLE I  
GENERAL PROVISIONS; AMENDMENTS; AND CONDITIONAL USE PERMITS

Part 101 – General Provisions

§ 165-101.02 Definitions and word usage.

**Solar (Photovoltaic) Energy Facility**

**An energy conversion system consisting of photovoltaic panels, support structures, and associated, control, conversion, and transmission hardware for the primary purpose of generating electrical power to be sold to a public utility or in the electricity market. Such a facility may also be termed a “solar farm.” Photovoltaic panels, support structures, and associated, control, conversion, and wiring and hardware primarily designed to offset personal energy consumption by the owner of the facility does not constitute a solar (photovoltaic) energy facility.**

ARTICLE II  
SUPPLEMENTARY USE REGULATIONS, PARKING, BUFFERS, AND REGULATIONS FOR SPECIFIC USES

Part 204 – Additional Regulations for Specific Uses

§ 165-204.32. **Solar (Photovoltaic) Energy Facility**

**Solar (Photovoltaic) Energy Facilities in the RA (Rural Areas) District shall be subject to the following requirements:**

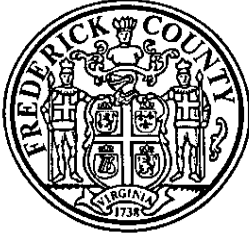
- A. **An engineered site plan, in accordance with the requirements of Article VIII, shall be submitted to and approved by Frederick County.**
- B. **The facility shall be located on a property consisting of six (6) or more acres.**
- C. **The facility shall, at a minimum, meet the setback requirement for primary structures in the RA District.**
- D. **Buffers and screening (including distance, opaque elements, and landscaping) shall be determined by the Zoning Administrator at time of site plan.**
- E. **All wiring not on the solar arrays shall be underground except where necessary to connect to the electricity transmission grid.**
- F. **Within 30 days of abandonment, the owner of the property shall notify the Zoning Administrator of cessation of use. Within two (2) years of the date of letter notifying the Zoning Administrator of abandonment, the owner of the property shall physically remove all components of the facility. If not removed within the allotted time, the County may have it removed at the expense of the owner of the property.**

ARTICLE IV  
AGRICULTURAL AND RESIDENTIAL DISTRICTS

Part 401 – RA Rural Areas District

§ 165-401.03 **Conditional Uses.** Structures and land shall be used for one of the following uses:

**TT. Solar (Photovoltaic) Energy Facility**



# RESOLUTION

---

**Action:**

BOARD OF SUPERVISORS: April 11, 2018    APPROVED    DENIED

---

## RESOLUTION

**DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING  
REGARDING CHAPTER 165, ZONING**

**ARTICLE I  
GENERAL PROVISIONS; AMENDMENTS; AND CONDITIONAL USE PERMITS  
PART 101 – GENERAL PROVISIONS  
§165-101.02 DEFINITIONS AND WORD USAGE**

**ARTICLE II  
SUPPLEMENTARY USE REGULATIONS; PARKING; BUFFERS; AND  
REGULATIONS FOR SPECIFIC USES  
PART 204 – ADDITIONAL REGULATIONS FOR SPECIFIC USES  
§165-204.32. SOLAR (PHOTOVOLTAIC) ENERGY FACILITY**

**ARTICLE IV  
AGRICULTURAL AND RESIDENTIAL DISTRICTS  
PART 401 – RA RURAL AREAS DISTRICT  
§165-401.03 CONDITIONAL USES**

**WHEREAS**, an ordinance to amend Chapter 165, Zoning to allow Solar Energy Facilities in the RA (Rural Areas) Zoning District was considered; and

**WHEREAS**, The Development Review and Regulations Committee (DRRC) reviewed the change at their July 27, August 24 and September 28, 2017, regular meetings to allow Solar Energy Facilities in the RA (Rural Areas) Zoning District; and

**WHEREAS**, the Planning Commission discussed the proposed change at their regularly scheduled meeting on November 15, 2017 and agreed with the proposed change; and

**WHEREAS**, the Board of Supervisors discussed the proposed change at their regularly scheduled meetings on January 10, 2018, and February 14, 2018 and directed Staff to amend the text amendment to specify solar energy facilities may be allowed in the RA District with an approved Conditional Use Permit; and

**WHEREAS**, the Board of Supervisors discussed the changes they had directed Staff to make at their regularly scheduled meeting on April 11, 2018; and

**WHEREAS**, the Frederick County Board of Supervisors finds that in the public necessity, convenience, general welfare, and good zoning practice, directs the Frederick County Planning Commission hold a public hearing regarding an amendment to Chapter 165; and

**NOW, THEREFORE, BE IT REQUESTED** by the Frederick County Board of Supervisors that the Frederick County Planning Commission shall hold a public hearing to allow Solar Energy Facilities in the RA (Rural Areas) Zoning District with an approved Conditional Use Permit.

Passed this 11th day of March 2018 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Blaine P. Dunn

Shannon G. Trout

Robert W. Wells

Judith McCann-Slaughter

**A COPY ATTEST**

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Kris C. Tiereny  
Frederick County Administrator