



**AGENDA
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, MARCH 12, 2014
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:

Pursuant to established procedures, the Board should adopt the Agenda for the meeting.

Consent Agenda:

(Tentative Agenda Items for Consent are Tabs: C, F, and G)

Citizen Comments (Agenda Items Only, That Are Not Subject to Public Hearing.)

Board of Supervisors Comments

Minutes: (See Attached)----- A

1. Regular Meeting, February 12, 2014.
2. Budget Work Session, February 19, 2014.
3. Budget Work Session, February 26, 2014.
4. Regular Meeting, February 26, 2014.

County Officials:

1. Committee Appointments. **(See Attached)**----- B

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2. Proclamation Declaring April 13-19, 2014 as National Telecommunicator's Week. **(See Attached)** ----- C
3. Request from Commissioner of the Revenue for Refund. **(See Attached)** ----- D
4. Information Re: Proposed Round Hill Fire and Rescue Station Site Plan. **(See Attached)** ----- E

Committee Reports:

1. Joint Finance Committee. **(See Attached)** ----- F
2. Transportation Committee. **(See Attached)**----- G

Public Hearing:

1. Outdoor Festival Permit Request of Cindy Fahnstock Schafer and Wayne Schafer - "Hogging Up BBQ Festival". 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 Friday thru Sunday, June 27-29, 2014, from 4:00 P.M. to 9:30 P.M. on Friday, June 27; 10:00 A.M. to 10:00 P.M. on Saturday, June 28; and 10:00 A.M. to 5:00 P.M. on Sunday, June 29, 2014 on the Grounds of the Frederick County Fairgrounds, 167 Fair Ground Road, (Route 11 North), Clearbrook, Virginia. Property Owned by Frederick County Fair. **(See Attached)**----- H

Planning Commission Business:

Public Hearing:

1. 2014-2015 Capital Improvement Plan (CIP). The CIP is a Prioritized List of Capital Projects Requested by Various County Departments and Agencies. The Plan is Created as an Informational Component of the 2030 Comprehensive Plan. **(See Attached)** ----- I

Other Planning Items:

1. Resolution Re: Rail Access Grant for Carmeuse Lime and Stone, Inc. **(See Attached)** ----- J

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2. Discussion – Floodplain Districts. **(See Attached)** ----- **K**

Board Liaison Reports (If Any)

Citizen Comments

Board of Supervisors Comments

Adjourn

A

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

REGULAR MEETING

February 12, 2014

A Regular Meeting of the Frederick County Board of Supervisors was held on Wednesday, February 12, 2014 at 7:00 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

PRESENT

Chairman Richard C. Shickle; Charles S. DeHaven, Jr.; Christopher E. Collins; Gene E. Fisher; Robert A. Hess; Gary A. Lofton; and Robert W. Wells

CALL TO ORDER

Chairman Shickle called the meeting to order.

INVOCATION

Supervisor Collins delivered the invocation.

PLEDGE OF ALLEGIANCE

Vice-Chairman DeHaven led the Pledge of Allegiance.

ADOPTION OF AGENDA – APPROVED AS AMENDED

Administrator Riley advised he had one change to the agenda. He added a resolution declaring a local emergency as item number four under County Officials.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the amended agenda by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

CONSENT AGENDA - APPROVED

Administrator Riley offered the following items for the Board's consideration under the consent agenda:

- Public Safety Committee Report – **Tab E**; and
- Setback Waiver Request – Telecommunications Tower – Verizon Wireless/Bertha McIlwee Trust.

Upon a motion by Supervisor Lofton, seconded by Supervisor Wells, the Board approved the consent agenda by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

CITIZEN COMMENTS

There were no citizen comments.

BOARD OF SUPERVISORS COMMENTS

There were no Board of Supervisors comments.

MINUTES - APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Collins, the minutes from the January 20, 2014 Budget Work Session were approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

Upon a motion by Supervisor Fisher, seconded by Supervisor Wells, the minutes from the January 22, 2014 work session with the Frederick County School Board were approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board approved the minutes from the January 22, 2014 regular meeting by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

COUNTY OFFICIALS

HISTORIC PLAQUE PRESENTATION – IRESON SPRINGS FARM

Senior Planner Candice Perkins appeared before the Board on behalf of this item. She advised the Historic Resources Advisory Board unanimously approved the Historic Property Designation application for Ireson Springs Farm, located at 4750 Cedar Creek Grade.

Chairman Shickle presented the historic plaque to the property owners on behalf of the Board.

COMMITTEE APPOINTMENTS

LORIN SUTTON APPOINTED TO THE TECHNOLOGY COMMITTEE

Chairman Shickle advised the Board that he had appointed Lorin Sutton as a citizen representative to the Technology Committee.

APPOINTMENT OF ROBERT MOLDEN AS OPEQUON DISTRICT REPRESENTATIVE TO THE PLANNING COMMISSION - APPROVED

Upon a motion of Supervisor Wells, seconded by Vice-Chairman DeHaven, the Board appointed Robert Molden as Opequon District representative to the Planning Commission to fill the unexpired term of Brian Madagan. Term expires April 7, 2017.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

REAPPOINTMENT OF BEVERLEY B. SHOEMAKER TO THE ECONOMIC DEVELOPMENT AUTHORITY (FORMERLY INDUSTRIAL DEVELOPMENT AUTHORITY) - APPROVED

Upon a motion by Supervisor Wells, seconded by Supervisor Fisher, the Board reappointed Beverley B. Shoemaker as the Opequon District representative to the Economic Development Authority. Her term will expire July 1, 2014.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

REQUEST FROM THE COMMISSIONER OF THE REVENUE FOR REFUNDS - APPROVED

Administrator Riley presented the following requests from the Commissioner of the Revenue for a supplemental appropriation and to authorize the Treasurer to credit the following entities:

1. Stuart M. Perry Incorporated in the amount of \$18,741.60 for personal property taxes for 2011, 2012, and 2013. As owner of property at Rock Harbor Golf Course, this portion of personal property is assessed as daily rental and should not be charged personal property taxes. The Commissioner has verified that the items are being taxed as daily rental. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board approved the supplemental appropriation and refund request.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

2. Wheel 2 Wheel Promotions VA LLC in the amount of \$4,383.37 for adjustments to business license filing for 2011 and 2012. This refund resulted from misclassification of receipts and not as a return of revenue. Furthermore, no money will be refunded to Wheel 2 Wheel Promotions VA LLC because additional business license for 2011 and 2012 in excess of this refund is being assessed - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the supplemental appropriation and refund request.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

3. Disabled Veteran's Relief in the amount of \$5,744.85 for 2011, 2012, and 2013 real estate taxes, based on proper filing of proof of 100% permanent and total disability directly due to military service, as required under the Virginia Code change as a result of the Constitutional amendment that took effect for 2011. Taxpayer's name cannot be made public because of applicable legal requirements as to privacy, but is known to the Commissioner, the Treasurer, and the County Attorney on a confidential basis.
- APPROVED

Upon a motion by Supervisor Lofton, seconded by Supervisor Fisher, the Board approved the supplemental appropriation and refund request.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

DECLARING A LOCAL EMERGENCY IN FREDERICK COUNTY, VIRGINIA - APPROVED

Upon a motion by Supervisor Wells, seconded by Supervisor Collins, the Board approved the resolution declaring a local emergency in Frederick County, Virginia.

WHEREAS, the Board of Supervisors of the County of Frederick does hereby find that:

1. Due to severe weather that is forecasted for Frederick County and directly related to pending winter storm with the expectation of wide spread and numerous and perhaps long term power outages;
2. Due to the severe weather associated with the pending winter storm and the expectation of impaired travel and access;
3. Due to severe weather associated with the pending winter storm, a condition of extreme peril of life and property necessitates the proclamation of the existence of an emergency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED by the Board of Supervisors of the county of Frederick, Virginia that an emergency exists throughout the county, and

IT IS FURTHER PROCLAIMED AND ORDERED that due to the above stated circumstances, and after consultation with the Coordinator and Deputy Coordinator(s) of

Emergency Management, the Deputy Director of Emergency Management on behalf of the Director of Emergency Management declared a local emergency pursuant to Section 44.146.21 of the Code of Virginia on February 12, 2014. This local emergency declaration remained in effect until February 18, 2014 during which time the powers, functions, and duties of the Deputy Director of Emergency Management and the Emergency Services Organizations of the County of Frederick shall be those prescribed by state law and the ordinances, resolutions, and approved plan of the County of Frederick in order to mitigate the effects of said emergency.

ADOPTED this 12th day of February 2014.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

COMMITTEE REPORTS

PUBLIC SAFETY COMMITTEE – APPROVED UNDER CONSENT AGENDA

A meeting of the Public Safety Committee was held on Tuesday January 14, 2014 at 8:30 a.m. at the Frederick County Public Safety Building, 1080 Coverstone Drive, Winchester, VA. Committee members present were: Committee Chairman Gary Lofton, Ron Wilkins, Chuck Torpy, and Gene Fisher. Members Chris Collins and Michael Lindsay were absent. Also in attendance were County Administrator John R. Riley, Jr., Fire & Rescue Chief Denny Linaburg, Deputy Fire Chief Larry Oliver, Communications Director LeeAnna Pyles, Human Resources Director Paula Nofsinger, Sheriff Robert Williamson, Deputy Fire Chief Bill Bowmaster, and Deputy Fire Chief Jay Bauserman. The following items were discussed:

*****Information Only*****

1. Proposed FY 15 budgets for Public Safety Departments (See Attached):

The three Public Safety Departments presented their proposed FY15 budgets. Each department highlighted needs for increased funding of key line items.

Communications Director Pyles highlighted five line items in need of increases due to the rising cost of supplies, additional contracts, services, and upgrades to the 911 center. These are necessary to keep the center current and up to date. The additional funding would greatly decrease the number of transfers to cover costs of these services. The 911 center's call volume is approximately 700-800 calls per day. At this time the center is not fully staffed. Director Pyles stated that the center is staffed with at least three dispatchers at a time except from 3am-5am

with only two dispatchers on duty. Peak times fluctuate on a daily basis with 2pm-9pm being the heavier times due to County departments, such as the sanitation authority, DDS, courts, etc. being closed and dispatch answering those inquires.

Sheriff Williamson began by citing the increase in calls for service, which have risen 8.3% along with increases in five other performance areas. With these types of increases yearly, the need to have equipment updated, deputies trained/certified, and staffing coverage at its peak must be addressed. Over the past few years the department has not been able to update or purchase equipment paramount to the department's function. An example was the need to obtain Tasers at a cost of \$200,000. It was also noted the grants previously used to help fund computer forensics equipment; school resource officers, drug task force supplies, etc. are beginning to run out. Sheriff Williamson noted career development has been funded for the current fiscal year; however, the Sheriff's Department is requesting a 40% increase in career development for the FY15 budget which would allow deputies the opportunity to receive the proper training, which would allow them to advance in their particular specialty area. Academy fees, printing/binding, and telephone appropriations need to increase as fees rise. The additional \$27,000 for mobile data computers is needed, as well as, an increase in the vehicle equipment line item as the department is seeking 25 additional cars. The old fleet needs to be replaced due to high mileage. Funding is also being sought for the DARE program, as the donations from the public have dissipated for this essential public education program. The department continues to seek grants to have a full complement of school resource officers present, as the schools do not participate in funding. The proposed budget for FY15 reflects an increase of 1.67% from the current year with the Comp Board payments of approximately \$2 million remaining unchanged.

Chief Linaburg discussed the challenges within his department. A few of these challenges are retention/turnover in staff, overtime, and start up costs for new hires, which include \$5,845 to outfit, the aging fleet and equipment, and maintenance costs. The aforementioned challenges along with available adequate water supplies drive our Insurance Service Office (ISO) ratings for insurance rates for home and business owners. The higher the rating is (e.g. 9) the greater the insurance premium. Fire & Rescue's budget proposal is reflective of increases and items needed for the department to function safely and to continue to provide excellent service to our citizens.

Mr. Riley mentioned that the Fire & Rescue Association is asking the County to pick up the following costs: \$125,000 for casualty insurance, \$186,000 for fuel costs, special requests from four departments at \$40,000/per department, and an increase in length of service program which is an incentive program to keep volunteers active and involved in the companies. The program is currently funded at \$86,000, but they are asking for an additional \$6,000. These requests will need to be addressed further to determine if funding is available.

Mr. Riley also mentioned the salary survey is underway and information should be available next month. This survey is looking at 90 Frederick County positions within Frederick County compared to other jurisdictions and the surrounding area. Sheriff Williamson stated the starting salary for a Frederick County deputy is the lowest in the northern valley right now.

Next Meeting:

Adjourn:

The meeting was adjourned at 9:45 a.m.

LAKE HOLIDAY DAM WORKING GROUP - APPROVED

The LHSD Dam Working Committee met in the Public Works Department Conference Room located on the 2nd Floor of the 107 North Kent Street complex on Tuesday, January 28, 2014 at 10:00 a.m.

Members present: David Burleson, Barbara Magill, Robert Hess, Ed Strawsnyder, and Kris Tierney.

- 1) Staff provided the Committee with a general update on the status of the spillway project. The construction was completed in May of 2013 with the final contingency payment to the contractor being made in November. The project was completed \$415,000 under budget for a final cost of \$8,417,796.14. The remaining funds will be held in the LHSD Rate Stabilization Fund.

Item Requiring Board Action

- 2) Setting Assessment Rate for 2014 - **APPROVED**

Staff briefed the Committee on the status of collections and debt service. Collections continue to exceed the minimum required to meet annual expenses by approximately \$180,000/year. The Committee was asked to make a recommendation on the rates in order to have them incorporated into the County’s budget adoption process. **Although no formal motion was made, it was the consensus of those present that the current rates of \$678 for buildable lots and \$264 for membership lots should be left in place.**

Upon a motion by Supervisor Hess, seconded by Supervisor Collins, the Board approved the Lake Holiday Special Assessment Rates for 2014 at \$678 for buildable lots and \$264 for membership lots.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

PUBLIC HEARING

TWELVE MONTH OUTDOOR FESTIVAL PERMIT REQUEST OF GROVE'S WINCHESTER HARLEY-DAVIDSON. PURSUANT TO THE FREDERICK COUNTY CODE, CHAPTER 86, FESTIVALS; SECTION 86-3, PERMIT REQUIRED; APPLICATION; ISSUANCE OR DENIAL; FEE; PARAGRAPH D; TWELVE MONTH PERMITS. ALL EVENTS TO BE HELD ON THE GROUNDS OF GROVE'S WINCHESTER HARLEY-DAVIDSON, 140 INDEPENDENCE DRIVE, WINCHESTER, VIRGINIA. PROPERTY OWNED BY JOBALIE, LLC. - APPROVED

Administrator Riley advised this was a request for a 12 month outdoor festival permit for Grove's Winchester Harley-Davidson. All events to be held on the grounds of Grove's Winchester, 140 Independence Drive, Winchester, Virginia. The property is owned by Jobalie, LLC.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Fisher, seconded by Supervisor Lofton, the Board approved the twelve month outdoor festival permit for Grove's Winchester Harley-Davidson.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

AN ORDINANCE TO AMEND THE FREDERICK COUNTY CODE, CHAPTER 155, TAXATION, ARTICLE VII RETAIL SALES TAX. SECTIONS 155-32 ADMINISTRATION AND COLLECTION; ARTICLE VIII TAX ON PURCHASERS OF UTILITY SERVICE, SECTION 155-35 LOCAL USER FEE; ARTICLE XVI BUSINESS LICENSE PROVISIONS, SECTION 155-96 LICENSE FEE AND TAX, SECTION 155-100 ITINERANT AND DISTRESSED

MERCHANDISE VENDORS; AND TO ENACT A NEW SECTION 155-113 CONTRACTOR TO PROVIDE LIST OF SUBCONTRACTORS AS PART OF ARTICLE XVI AND TO REPEAL ARTICLE XII, HOME HEATING OIL LOCAL OPTION SALES AND USE TAX, SECTION 155-47 TAX IMPOSED. THE PURPOSE OF THESE PROPOSED AMENDMENTS IS TO CONFORM THE COUNTY CODE TO SUBSEQUENT CHANGES IN THE VIRGINIA CODE, TO INCLUDE A CORRESPONDING PROVISION FOR BUSINESS LICENSE TAX APPLICABLE TO WINE WHOLESALERS, TO ELIMINATE THE VENDOR BUSINESS LICENSE REQUIREMENT FOR VENDORS WITH BUSINESS LICENSES ISSUED BY THE TOWN OF MIDDLETOWN OR THE TOWN OF STEPHENS CITY, AND TO ADD A PROVISION FOR THE COMMISSIONER OF THE REVENUE TO REQUIRE THE SUBMISSION OF SUBCONTRACTOR LISTS BY CONTRACTORS. - APPROVED

Administrator Riley advised the purpose of these proposed amendments was to conform the County Code to subsequent changes in the Virginia Code, to include corresponding provision for business license tax applicable to wine wholesalers, to eliminate the vendor business license requirement for vendors with business licenses issued by the Towns of Middletown and Stephens City, and to add a provision for the Commissioner of the Revenue to require the submission to subcontractor lists by contractors.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Supervisor Lofton noted the specific reference to Verizon Telephone Company in section 155-35 Local User Fee. He asked if there should be reference to the other phone companies that serve the county.

County Attorney Williams responded the wording could be changed to read "...local user fee for each local exchange carrier..." to address that concern.

Upon a motion by Supervisor Lofton, seconded by Supervisor Collins, the Board approved the ordinance to amend the Frederick County Code Chapter 155, with the edit provided by the county attorney.

The Board of Supervisors of Frederick County, Virginia hereby ordains that Sections 155-32, 155-35, 155-96 and 155-100 of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby are, amended by enacting amended Sections 155-32, 155-35, 155-96 and 155-100 of Chapter 155 (Taxation) of the Code of Frederick County, Virginia, as follows and to take effect immediately, that a new Section 155-113 of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby is, enacted as part of Article XVI of Chapter 155, as follows and to take effect immediately, and that Section 155-47 of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby is, repealed effective immediately (deletions are shown in ~~bold strikethrough~~ and additions are shown in **bold underline**):

CHAPTER 155 TAXATION

Article VII Retail Sales Tax

§ 155-32 Administration and collection.

Pursuant to Title 58.1, Chapter 6, § 58.1-605 of the Code of Virginia, the local general retail sales tax levied pursuant to this article shall be administered and collected by the State Tax Commissioner of the commonwealth in the same manner, subject to the same penalties provided for the state sales tax, ~~with the adjustments required by § 58.1-628.~~

Article VIII Tax on Purchasers of Utility Service

§ 155-35 Local user fee.

- A. An E-911 local user fee to each ~~Verizon Telephone Company~~ **local exchange carrier** user is hereby adopted. The purpose of this fee is to allow for the implementation of the Enhanced 911 Emergency Telephone System. The fee shall be as prescribed by ordinance of the Board of Supervisors.
- B. The local user fee for Star Tannery area residents served by the Shenandoah Telephone Company shall be as established by the Shenandoah County E-911 Emergency Telephone System Ordinance, as prescribed in a joint agreement pursuant to Code of Virginia, § ~~58.1-3813A~~ **58.1-3813.1**.

~~**Article XII Home Heating Oil Local Option Sales and Use Tax**~~

~~§ 155-47 Tax imposed.~~

~~Effective upon adoption and pursuant to § 58.1-609 of the Code of Virginia 1950, as amended, purchases of home heating oil by an individual purchaser for domestic consumption shall be subject to the one-percent local option sales and use tax.~~

Article XVI Business License Provisions

§ 155-96 License fee and tax.

[Subsections A and B remain unchanged.]

- C. Instead of the license fees specified in Subsections A and B above and except as provided in Subsection C(9)(f), every other such person or business subject to licensure under this article shall be assessed and required to pay a license tax as set forth below for the class of enterprise listed:

[Paragraphs 1 through 8 remain unchanged.]

(9) For sale of alcoholic beverages:

(a) Every person who shall engage in the business of manufacturing, bottling, wholesaling or retailing alcoholic beverages shall obtain a license therefor and shall pay therefor the license tax hereinafter provided.

[1] Distiller's license. For each distiller's license, the license tax shall be \$500 per annum, provided that no license shall be required of any distiller manufacturing not more than 5,000 gallons of alcohol or spirits, or both, during such license year.

[2] Winery license. For every winery license, the license tax shall be ~~\$500~~ \$50 per annum, provided that no license shall be required of any winery manufacturing not more than 5,000 gallons of wine during such license year.

[3] Brewery license. For each brewery license, the license tax shall be \$500 per annum.

[4] Bottler's license. For each bottler's license, the license tax shall be \$150 per annum.

[5] Wholesale beer and wine license. For each wholesale beer license, the license tax shall be ~~\$200~~ \$75 per annum. For each wholesale wine license, the license

tax shall be \$50 per annum.

[6] Retail on-premises wine and beer license. For each retail on-premises wine and beer license, the license tax shall be \$20 per annum.

[7] Retail off-premises wine and beer license. For each retail off-premises wine and beer license, the license tax shall be \$20 per annum.

(b) For each mixed beverage license for restaurants, including restaurants located on premises of and operated by hotels and motels, the license tax shall be:

[1] One hundred dollars per annum for each restaurant with a seating capacity at tables for 50 to 100 persons.

[2] One hundred fifty dollars per annum for each restaurant with a seating capacity at tables for more than 100 but not more than 150 persons.

[3] Two hundred dollars per annum for each restaurant with a seating capacity at tables for more than 150 persons.

[4] Two hundred dollars per annum for each private, nonprofit club operating a restaurant on the premises of such club.

(c) The aforesaid license shall be as respectively defined by the Act of the General Assembly, known as the "Alcoholic Beverage Control Act," and the terms "alcoholic beverages," "alcohol," "spirits" and "wine," wherever used in this article, shall reflect the meanings respectively ascribed to them by such Act.

(d) No license shall be issued under this section to any person unless such person shall hold or secure simultaneously therewith the proper state license required by the Alcoholic Beverage Control Act, which state license shall be exhibited to the Commissioner of the Revenue, and all dining rooms, restaurants, lunchrooms and clubrooms wherein the beverages herein defined are sold for consumption on the premises shall at all times be open to inspection by the State Police and the police or Sheriff's authorities of this County; provided, further, that all storerooms or other buildings from which deliveries are made, either at wholesale or retail, whether they are bottlers, wholesalers or retailers, shall at all times be open to inspection by State Police and police or Sheriff's authorities of the County. Any violation of the terms of this provision shall be sufficient grounds for the revocation of the license issued in accordance with this section.

(e) No alcoholic beverage license shall be prorated or transferable.

(f) This tax shall be in addition to applicable license taxes based on gross receipts or gross purchases. In imposing retail merchant license taxes measured by gross

receipts, the term "gross receipts" shall be construed to include receipts from the sale of alcoholic beverage by persons licensed under this section. In computing gross receipts, alcoholic beverages shall be included in the base for measuring such license taxes the same as if the alcoholic beverages were nonalcoholic. No alcoholic beverage license levied under this section shall be construed as exempting any license from any merchant license tax, and such merchant license tax shall be in addition to the alcoholic beverage taxes levied under this section.

§ 155-100 Itinerant and distressed merchandise vendors.

- A. Each person who shall engage in or transact any temporary or transient business in this County for the sale of goods, wares and merchandise and who, for the purpose of carrying on such business, shall hire, lease, use or occupy any building or structure, motor vehicle, tent, car or public room or any part thereof, including rooms in hotels, lodging houses or houses of private entertainment, or in any street, alley or other public place for a period of less than a year for the exhibition or sale of such goods, wares or merchandise shall pay for such privilege a license tax of \$500 per year, which license shall not be prorated or transferable.
- B. Each person who or which has not been licensed for at least one year to sell or to offer for sale goods, wares or merchandise before the adoption of this section and who shall hereafter apply for a license to sell or offer for sale, goods, wares or merchandise within the County shall file with such application a statement from the owner of the building, structure, etc., to be used by such applicant, indicating consent to use the premises for such sales, or no license shall be issued unless and until such statement is attached to the application.
- C. On each transient vendor for the sale of bankrupt, assignee, trustee, fire-wreck stock or salvage stock, a license tax shall be paid of \$500 per year, which license shall not be prorated or transferable.
- D. No persons shall be exempt from the payment of the license tax imposed by this section by reason of associating temporarily with any local merchant, dealer or trader or by reason of conducting such business in the name of any local merchant, dealer, trader or auctioneer.
- E. No license tax shall be required under this section for any itinerant merchant participating in an event, not to exceed ten consecutive days in length, conducted by a nonprofit organization, when the purpose of such event is in furtherance of the nonprofit nature of such organization, and the sale of any goods, wares or merchandise is merely ancillary to such event and not the primary purpose therefor, and any such itinerant merchant shall

have registered with and been approved by such nonprofit organization. The provisions of this subsection E do not create any exemption from the provisions of this Code regarding the meals tax or from the provisions of the Code of Virginia regarding the sales and use tax.

- F. Notwithstanding subsections A through D of this section, each person who shall engage in or transact any business in this County for the sale of goods, wares and merchandise at a festival, as that term is defined in Section 86-2 of this Code, or at any other pre-arranged event at a single location, whether indoors or outdoors, of more than 100 individuals, shall pay for such privilege a license tax of \$30 per festival or event, which license shall not be prorated or transferable, and any such person shall have registered with and been approved by the person conducting the festival or event. No license shall be required under this subsection for (i) vendors at flea markets under Section 155-112 of this Code, who are to be licensed under that section; or (ii) vendors who have otherwise obtained or are otherwise required to obtain a license pursuant to Section 155-73 of this Code **or pursuant to the laws or ordinances of any incorporated town located in Frederick County**. The provisions of this subsection F do not create any exemption from the provisions of this Code regarding the meals tax or from the provisions of the Code of Virginia regarding the sales and use tax.
- G. "Conducting" shall, for purposes of this section, mean organizing, sponsoring, promoting, hosting, or otherwise being responsible for a festival or event under this section.

§ 155-113 Contractor to provide list of subcontractors.

The commissioner, in performing the duties of such office, shall have authority to require any person doing business in the county to furnish, as to each subcontractor to whom any part of a contract is sublet, a list of, among other things, the names and addresses of each subcontractor and the amount of each subcontract performed in the county.

Enacted this 12th day of February, 2014.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

AN ORDINANCE TO AMEND THE FREDERICK COUNTY CODE, TO REPEAL CHAPTER 112, MASSAGE PARLORS AND HEALTH CLUBS, IN ITS ENTIRETY. THE PURPOSE OF THIS PROPOSED AMENDMENT IS TO ELIMINATE AN ORDINANCE RENDERED UNNECESSARY BY SUBSEQUENT CHANGES TO THE VIRGINIA CODE AND REGULATION UNDERTAKEN AT THE STATE LEVEL. - APPROVED

Administrator Riley advised this was a proposed ordinance to amend the Frederick County Code to repeal, in its entirety, Chapter 112, Massage Parlors and Health Clubs. The current ordinance is rendered unnecessary by subsequent changes to the Virginia Code and regulations undertaken at the State level.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board approved the ordinance to repeal Frederick County Code Chapter 112, Massage Parlors and Health Clubs.

The Board of Supervisors of Frederick County, Virginia, hereby ordains that Chapter 112 (Massage Parlors and Health Clubs) of the Code of Frederick County, Virginia be, and the same hereby is, repealed in its entirety, effective immediately.

Enacted this 12th day of February, 2014.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

AN ORDINANCE TO AMEND THE FREDERICK COUNTY CODE, CHAPTER 155, TAXATION, ARTICLE XXV EXEMPTION FOR NONPROFIT ORGANIZATIONS, SECTION 155-153 PROPERTY EXEMPTED FROM TAXATION BY DESIGNATION. THE PURPOSE OF THIS PROPOSED

AMENDMENT IS TO CONFORM THE COUNTY CODE TO CORRESPONDING VIRGINIA CODE PROVISIONS IN CONNECTION WITH THE 2003 GENERAL ASSEMBLY DELEGATION OF TAXEMPTION DESIGNATIONS TO LOCALITIES AND TO DELETE REFERENCES TO SPECIFIC EXEMPTIONS, AS THE LIST IS NOT COMPLETE AND NEED NOT BE SET OUT IN THE COUNTY CODE. - APPROVED

Administrator Riley advised this was a proposed amendment to the Frederick County Code, Chapter 155, Taxation regarding tax exempt organizations. He noted the proposed amendments would fully reflect the 2003 state law amendments, in which the General Assembly gave authority to localities to grant new tax exemptions. In the County Code, this includes a proposed new triennial application procedure whereby all tax exempt non-profit organizations in the County would be required to make such application. Based on the responses received, the Board of Supervisors could elect to revoke one or more Board-granted exemptions, and, as well, request the General Assembly repeal any pre-2003 General Assembly exemption.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Collins, seconded by Supervisor Hess, the Board approved the ordinance to amend Frederick County Code, Chapter 155, Taxation, Article XXV Exemption for Nonprofit Organizations.

The Board of Supervisors of Frederick County, Virginia hereby ordains that:

1. Section 155-153 of Article XXV (Exemption of Nonprofit Organizations) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be and the same hereby is, amended by enacting an amended Section 155-153 of Article XXV (Exemption for Nonprofit Organizations) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia, and by repealing Section 155-154 of Article XXV (Exemption of Nonprofit Organizations) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia, as follows (deletions are shown in **~~bold strikethrough~~** and additions are shown in **bold underline**):

CHAPTER 155 TAXATION

Article XXV Exemption for Nonprofit Organizations

§155-153 Property exempted from taxation by designation.

- A. The real property of an organization designated by the Board of Supervisors ~~a section within this article~~ and used by such organization exclusively for ~~a religious, charitable, patriotic, historical, benevolent, cultural or public park and playground~~ one or more of the purposes as set forth in Article X, Section 6(a), of the Constitution of Virginia, ~~the particular purpose of which such organization is classified being specifically set forth within each section~~, shall be exempt from taxation so long as such organization is operated not for profit and the property so exempted is used in accordance with the purpose(s) for which the organization is classified. ~~In addition, such exemption may be revoked in accordance with the provisions of §58.1-3605, Code of Virginia.~~
- B. Each organization which owns real property exempt from taxation pursuant to the designation of the Board of Supervisors or pursuant to designation of the General Assembly shall file triennially, commencing on November 15, 2014, an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. The Commissioner of the Revenue shall send notice of this requirement to each such organization by not later than September 15 preceding the November 15 on which such application is due. Such application shall show the ownership and usage of such property, and such other information as the entity deems desirable, for the property for which retention of such exemption is sought.
- ~~B.C.~~ Exemption of property from taxation under this article shall be strictly constructed in accordance with the provisions of Article X, Section (6)(f) of the Constitution of Virginia.

2. Section 155-154 of Article XXV (Exemption for Nonprofit Organizations) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby is, repealed (deletions are shown in ~~bold strikethrough~~):

~~§ 155-154 Organizations granted exemption.~~

- ~~A. Fort Collier Civil War Center, Inc. (Property Identification Number 54-A-81G).~~
- ~~B. Young Life—Northern Shenandoah Valley.~~
- ~~C. Fort Colvin—The Association for the Preservation of Virginia Antiquities (Property Identification Number 62-A-51-A).~~
- ~~D. The Nature Conservancy (Property Identification Numbers 83-2-1; 83-2-2; 83-2-3; 83-2-4; 83-2-5; 83-A-61; 83-A-61C; 83-A-61D; 83-A-61E; 83-A-61F; and 83-A-61G.)~~

~~E. Blue Ridge Hospice.~~

3. The repeal herein of Section 155-154 of the Code of Frederick County, Virginia shall not affect the tax exemption of any organization as such tax exemption was in existence immediately prior to the adoption of this ordinance, but all such organizations are otherwise subject to the provisions of Section 155-153 of the Code of Frederick County, Virginia, as amended herein, and each such organization must comply with such provisions following the adoption of the ordinance in order to maintain its respective tax exemption(s).
4. The provisions of this ordinance shall take effect immediately.

Enacted this 12th day of February, 2014.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

PLANNING COMMISSION BUSINESS

OTHER PLANNING ITEMS

**SETBACK WAIVER REQUEST – TELECOMMUNICATIONS TOWER –
VERIZON WIRELESS/BERTHA MCILWEE TRUST. – APPROVED UNDER
CONSENT AGENDA**

Verizon Wireless, Donohue & Stearns, PLC requested a setback waiver for a telecommunication tower approved with Conditional Use Permit #03-13. The property is located at 2250 Back Mountain Road (Route 600), in the Back Creek Magisterial District.

This item was approved under the consent agenda.

**MASTER DEVELOPMENT PLAN #01-14 – SNOWDEN BRIDGE. – APPROVED
WAIVER REQUEST**

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised this was a revised master development plan pertaining to housing types and the road

network for the Snowden Bridge development. The applicant requested a waiver from the Board regarding the required residential separation buffer. She concluded by saying staff was seeking Board action on this waiver request.

Evan Wyatt, Greenway Engineering, appeared before the Board on behalf of the applicant. He advised the applicant had reached out to the affected property owners and advised if they would make easements available the applicant would put the landscaping in place. He went on to say the applicant would even put the plantings higher on the property, if the owners desired. He concluded by saying the offer of the landscaping would stand throughout the development of that section of the project.

Upon a motion by Supervisor DeHaven, seconded by Supervisor Hess, the Board approved the waiver of the residential buffer.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

**MASTER DEVELOPMENT PLAN #02-14 – DOONBEG SUBDIVISION. –
INFORMATION ONLY**

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised this was a revision to the original master development plan to construct 25 single family small lot homes on 4.78 acres. The revision includes the addition of one residential lot and the elimination of the residential separation buffers. The property is located on Apple Valley Road in the Back Creek Magisterial District. She concluded by saying the plan was being presented as information and no board action was required.

DISCUSSION – 2014-2015 CAPITAL IMPROVEMENT PLAN (CIP). – SENT FORWARD FOR PUBLIC HEARING

Deputy Planning Director Michael Ruddy appeared before the Board regarding this item. He advised the proposed 2014-2015 Capital Improvements Plan contains 92 projects and conforms to the 2030 Comprehensive Plan. He noted some of the projects that were coming off of the list included all day kindergarten and the new Gainesboro convenience center. New projects being added included the new county office building to house Frederick County government and school administrative offices, Parks and Recreation projects prioritized per their public survey effort, and transportation projects, which have been reorganized into funded and unfunded priorities. He concluded by saying staff was seeking Board direction regarding sending this item forward for public hearing.

Upon a motion by Supervisor Lofton, seconded by Supervisor Collins, the Board approved sending the 2014-2015 Capital Improvements Plan forward for public hearing.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

DISCUSSION – PUBLIC FACILITIES AND THE 2030 COMPREHENSIVE PLAN AMENDMENT. – REFERRED BACK TO STAFF

Deputy Planning Director Michael Ruddy appeared before the Board regarding this item. He advised this was a proposed amendment to the 2030 Comprehensive Plan regarding public facilities. He noted the language in this proposed amendment mirrors the Comprehensive Plan as it exists today.

Chairman Shickle stated he was concerned the proposed language was too specific and not general enough regarding the location of these facilities.

Supervisor Lofton noted the judicial component was listed in the text, but was not included under Policies/Implementation.

Deputy Director Ruddy stated the language should perhaps be broadened to account for possible satellite offices.

Administrator Riley suggested staff re-word the proposed amendment and bring it back to the Board at their next meeting.

The Board agreed with that suggestion.

BOARD LIAISON REPORTS

There were no Board liaison reports.

CITIZEN COMMENTS

There were no citizen comments.

BOARD OF SUPERVISORS COMMENTS

Chairman Shickle advised that Supervisor Wells received a letter from an attorney regarding private streets. He felt the Transportation Committee was the best place to deal with this request and he asked the Board to support him and Supervisor Wells by referring this item to the Transportation Committee.

Upon a motion by Supervisor Lofton, seconded by Supervisor Wells, the Board voted to send the private street request to the Transportation Committee for evaluation.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |

| | |
|-----------------|-----|
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

ADJOURN

UPON A MOTION BY VICE-CHAIRMAN DEHAVEN, SECONDED BY SUPERVISOR FISHER, THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS BOARD, THIS MEETING IS HEREBY ADJOURNED. (7:50 P.M.)

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

BUDGET WORK SESSION

February 19, 2014

A Budget Work Session of the Frederick County Board of Supervisors and Finance Committee was held on Wednesday, February 19, 2014 at 9:30 A.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

PRESENT

Chairman Richard C. Shickle; Vice-Chairman Charles S. DeHaven, Jr.; Gene E. Fisher; Gary A. Lofton; Robert A. Hess; and Robert W. Wells.

ABSENT

Christopher E. Collins

OTHERS PRESENT

Finance Committee members Angela Rudolph, Judith McCann-Slaughter, and Ron Hottle; John R. Riley, Jr., County Administrator; Kris C. Tierney, Assistant County Administrator; Jay E. Tibbs, Deputy County Administrator; Commissioner of the Revenue Ellen Murphy; Treasurer C. William Orndoff, Jr.; Finance Director Cheryl B. Shiffler; Assistant Finance Director Sharon Kibler; Budget Analyst Jennifer Place; Human Resources Director Paula Nofsinger; Parks and Recreation Director Jason Robertson; Public Works Director Ed Strawsnyder; Deputy Director of Public Works Joe Wilder; Director of Planning & Development Eric Lawrence; County Attorney Rod Williams; Building Official John Trenary; and Executive Director of Finance for Frederick County Public Schools Lisa Frye.

CALL TO ORDER

Chairman Shickle called the work session to order.

CLEAN, INC. FY 2015 BUDGET REQUEST INFORMATION

Administrator Riley advised information had been provided regarding CLEAN, Inc.'s FY 2015 budget request.

FEE STRUCTURES FROM VARIOUS DEPARTMENTS

Supervisor Lofton appreciated getting this information, but he would like to see where the fees ought to be today since they have not been adjusted for some time.

Administrator Riley stated that issue would be easier to deal with outside of the budget process, given the amount of time it would take to complete that exercise. He suggested this summer might be better.

Chairman Shickle expressed his doubts that the project could be completed as part of the budget process.

Supervisor Lofton stated he would like to see the fees reviewed.

Vice-Chairman DeHaven agreed.

Chairman Shickle asked staff to let the Board know how that process would work at a later date.

SCENARIOS FOR FY2015 BUDGET DIRECTIVE

Administrator Riley reviewed the proposed budget scenarios. He advised that scenario A included no tax increases and \$7.5 million in budget cuts. He noted no salary increases were proposed under scenario A. He went on to say if any scenario other than A were selected then the amount of cuts would decrease.

Chairman Shickle polled the Board regarding scenario preferences.

Supervisor Fisher stated he would have liked to have seen a tax decrease, but the economy had not improved to a point to allow that. He stated that right now he was at scenario A. He went on to say he would like to see the results of the salary study.

Administrator Riley reminded the Board that they needed to recognize Frederick County Public Schools' salary request also.

Vice-Chairman DeHaven stated he did not see scenario A as possible. He noted there were some cuts that would absolutely cripple some department. He went on to say some decisions would have to be made. He concluded by saying that he was somewhere other than scenario A.

Supervisor Hess supported Vice-Chairman DeHaven's comments.

Supervisor Wells agreed with Supervisor Hess. He went on to say we need to look at something other than A.

Supervisor Lofton stated he would like to see what each scenario represents in the way of cuts.

Chairman Shickle asked the members of the Finance Committee for their thoughts on possible scenarios.

Mr. Hottle agreed with looking at scenario B and, possibly, scenario C.

Mrs. McCann-Slaughter concurred with Supervisor Hess.

Chairman Shickle stated he was still supportive of scenario A.

After some discussion, it was suggested the Board provide their thoughts to staff regarding possible cuts by 5:00 p.m., Friday, February 21, 2014.

There being no further business, the work session adjourned at 10:00 a.m.

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

BUDGET WORK SESSION

February 26, 2014

A Budget Work Session of the Frederick County Board of Supervisors and Finance Committee was held on Wednesday, February 26, 2014 at 5:15 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

PRESENT

Chairman Richard C. Shickle; Vice-Chairman Charles S. DeHaven, Jr.; Christopher E. Collins; Gene E. Fisher; Gary A. Lofton; Robert A. Hess; and Robert W. Wells.

OTHERS PRESENT

Finance Committee members Angela Rudolph and Judith McCann-Slaughter; John R. Riley, Jr., County Administrator; Kris C. Tierney, Assistant County Administrator; Jay E. Tibbs, Deputy County Administrator; Commissioner of the Revenue Ellen Murphy; Treasurer C. William Orndoff, Jr.; Finance Director Cheryl B. Shiffler; Assistant Finance Director Sharon Kibler; Budget Analyst Jennifer Place; Human Resources Director Paula Nofsinger; County Attorney Rod Williams; Director of Planning and Development Eric Lawrence; and Executive Director of Finance for Frederick County Public Schools Lisa Frye.

CALL TO ORDER

Chairman Shickle called the work session to order. He then turned the presentation over to Administrator Riley.

Administrator Riley began by noting the following information:

- The estimated right-sizing is not reflected in any budget amount.
- The salary survey information is not yet available.
- The scenarios reflect an estimated equivalent salary increase for county employees, based on that proposed by the school system.
- The additional General Fund Revenue presented reflects increases from prior scenarios. The increases in property and local taxes are in agreement with projections by the Commissioner of the Revenue.

- Any unbudgeted windfall amount will close to fund balance at June 30, 2014.

He stated he would review the four proposed funding scenarios. He noted all scenarios would fund the schools' \$4.3 million for VRS and full-day kindergarten. Administrator Riley then reviewed the four proposed scenarios:

- Scenario A – Level tax rate. Under this scenario, the County faces proposed cuts in the amount of \$7.1 million with no salary increases. The schools would have no cut list and there would be an allowance of \$300,000 for salary increases.
- Scenario B – Real estate tax increase of 3 cents. Under this scenario, the County would see the cuts submitted for Scenario A and \$967,500 available for proposed salary increases. The schools would have no cut list and there would be \$1.6 million for salary increases. There would be a windfall from the real estate tax increase of \$1,125,000.
- Scenario C – Real estate tax increase of 6 cents. Under this scenario, the County would see the proposed cuts in Scenario A reduced by \$375,000 and \$1.2 million available for a proposed salary increase. The schools would have no cut list and \$2.9 million for salary increases. There would be a windfall from the real estate tax increase of \$2,250,000.
- Scenario D – Real estate tax increase of 9 cents. Under this scenario, the County would see the proposed cuts in Scenario A reduced by \$1,702,500 and \$1.2 million for a proposed salary increase. The schools would have no cut list and \$4.2 million for salary increases. There would be a windfall from the real estate tax increase of \$3,375,000.

Supervisor Fisher asked if the Fire and Rescue issues had been addressed.

Administrator Riley responded the issue had been funded and addressed. He went on to say staff would attempt to work with Frederick County Public Schools regarding parity and equality of salaries. He went on to say it appears staff could craft a budget without any resolution to the budget deliberations in Richmond, but if something major happened then we would have to come back and reopen the process.

Vice-Chairman DeHaven stated he appreciated the work staff did on this.

There being no further discussion, the work session was adjourned at 5:26 p.m.

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

REGULAR MEETING

February 26, 2014

A Regular Meeting of the Frederick County Board of Supervisors was held on Wednesday, February 26, 2014 at 6:15 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

PRESENT

Chairman Richard C. Shickle; Charles S. DeHaven, Jr.; Christopher E. Collins; Gene E. Fisher; Robert A. Hess; Gary A. Lofton; and Robert W. Wells

CALL TO ORDER

Chairman Shickle called the meeting to order.

BOARD RETIRED INTO CLOSED SESSION

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Frederick County Board of Supervisors convened in closed session pursuant to Virginia Code Section 2.2-3711(A)(7), for consultation with legal counsel regarding specific legal matters concerning the Russell 150 Community Development Authority assessments, related charges, fees, and costs, and the Memorandum of Understanding, dated May 1, 2007, setting forth various understanding with respect to the Russell 150 Community Development Authority, said consultation requiring the provision of legal advice by such counsel.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Christopher E. Collins | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

BOARD RECONVENED INTO REGULAR SESSION

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board came out of closed session and reconvened in Regular Session.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Christopher E. Collins | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board certified that to the best of each board member's knowledge the Board discussed only matters involving consultation with legal counsel, specifically, legal matters concerning the Russell 150 Community Development Authority assessments, related charges, fees, and costs, and the Memorandum of Understanding, dated May 1, 2007, setting forth various understanding with respect to the Russell 150 Community Development Authority, said consultation requiring the provision of legal advice by such counsel, pursuant to Virginia Code Section 2.2.-3711 A (7).

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Christopher E. Collins | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

INVOCATION

Supervisor Hess delivered the invocation.

PLEDGE OF ALLEGIANCE

Vice-Chairman DeHaven led the Pledge of Allegiance.

ADOPTION OF AGENDA – APPROVED

Administrator Riley advised he had no changes to the agenda.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the agenda by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

CONSENT AGENDA - APPROVED

Administrator Riley offered the following items for the Board’s consideration under the consent agenda:

- Parks and Recreation Commission – **Tab F**;
- Human Resources Committee – **Tab G**; and
- Public Works Committee – **Tab H**.

Upon a motion by Supervisor Wells, seconded by Supervisor Collins, the Board approved the consent agenda by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

CITIZEN COMMENTS

There were no citizen comments.

BOARD OF SUPERVISORS COMMENTS

There were no Board of Supervisors comments.

MINUTES - APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the minutes from the February 4, 2014 Budget Work Session were approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

COUNTY OFFICIALS

EMPLOYEE OF THE MONTH AWARD FOR FEBRUARY, 2014 – SHANNON M. FULTZ APPROVED

Upon a motion by Supervisor Lofton, seconded by Supervisor Fisher, the Board approved Shannon M. Fultz as employee of the month for February 2014.

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 selects one employee from those nominated, based on the merits of outstanding performance and productivity, positive job attitude and other noteworthy contributions to their department and to the County; and

WHEREAS, Shannon M. Fultz who serves the Frederick County Public Safety Communications Department was nominated for Employee of the Month; and

WHEREAS, Shannon M. Fultz is being awarded for her achievement in being 100% compliant in Emergency Medical Dispatch. Shannon is recognized for being the only communications officer to ever do so; her compliance and dedication truly make a difference when handling emergency calls. Shannon is commended for her professionalism and dedication to her career in Dispatch.

NOW, THEREFORE, BE IT RESOLVED by the Frederick County Board of Supervisors this 26th day of February, 2014 that Shannon M. Fultz is hereby recognized as the Frederick County Employee of the Month for February 2014; and

BE IT FURTHER RESOLVED that the Board of Supervisors extends its gratitude to the Shannon M. Fultz for her outstanding performance and dedicated service and wishes her continued success in future endeavors; and

BE IT FURTHER RESOLVED that Shannon M. Fultz is hereby entitled to all of the rights and privileges associated with this award.

Adopted February 26, 2014.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

COMMITTEE APPOINTMENTS

APPOINTMENT OF THOMAS P. REED AS FREDERICK COUNTY REPRESENTATIVE TO THE MPO CITIZENS ADVISORY COMMITTEE (CAC) - APPROVED

Upon a motion by Supervisor Collins, seconded by Supervisor Hess, the Board appointed Thomas P. Reed as Frederick County representative to the MPO Citizens Advisory Committee.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

REQUEST FROM FREDERICK COUNTY SCHOOLS TO SCHEDULE PUBLIC HEARING DATE TO PARTICIPATE IN THE SPRING 2014 VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA) BOND SALE – APPROVED PUBLIC HEARING

Administrator Riley advised this was a request from the school board for a public hearing to allow the school board to participate in the Virginia Public School Authority Spring 2014 bond sale. The proceeds from the sale will satisfy projected cash needs until the next bond sale in the fall. Funds are for the replacement middle school project (\$3.1 million) and for architectural and engineering for the fourth high school (\$.16 million). The total amount of the bond application is \$4,700,000.

Upon a motion by Supervisor Collins, seconded by Supervisor Fisher, the Board authorized the VPSA bond sale public hearing for the April 9, 2014 meeting.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

RESOLUTION RE: PERFORMANCE AGREEMENT FOR PACTIV, LLC - APPROVED

Administrator Riley advised this was a resolution and performance agreement for PACTIV, LLC. The company will be adding additional equipment to capitalize on the growth of the extruded polystyrene products market. The company plans a capital investment of \$5 million over three years and the addition of 25 jobs. The resolution authorizes signature of the performance agreement and appropriates a local economic development incentive grant of \$50,000 from the County's general fund.

Upon a motion by Supervisor Hess, seconded by Supervisor Collins, the Board approved the resolution regarding the performance agreement for PACTIV, LLC.

WHEREAS, PACTIV LLC has made known its intent to expand its operation by making new taxable personal property investments and retain and create jobs; and

WHEREAS, the company meets the policy guidelines of the Frederick County Economic Development Incentives Policy as established by the Winchester-Frederick County Economic Development Commission in 1995;

BE IT RESOLVED, that the Board of Supervisors for the County of Frederick, Virginia, does hereby approve and appropriate the payment of \$50,000.00 as stated in the executed Performance Agreement to the Economic Development Authority of Frederick County, Virginia from Frederick County's Fund Balance to assist in expanding the operation for PACTIV LLC in Frederick County, Virginia.

BE IT RESOLVED, that said funds are subject to an executed Performance Agreement outlining the required performance criteria.

BE IT FURTHER RESOLVED, that the Board of Supervisors for the County of Frederick, Virginia, does authorize the County Administrator to execute the Performance Agreement on its behalf.

ADOPTED, this 26th day of February 2014.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

COMMITTEE REPORTS

PARKS AND RECREATION COMMISSION – APPROVED UNDER CONSENT AGENDA

The Parks and Recreation Commission met on February 11, 2014. Members present were: Greg Brondos, Jr., Christopher Collins, Gary Longerbeam, Ronald Madagan, and Charles Sandy, Jr. Members absent were: Kevin Anderson, Patrick Anderson, Randy Carter, and Marty Cybulski.

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Building and Grounds Committee – Frederick County American Little League Request – The Buildings and Grounds Committee recommended to deny Frederick County American Little League’s request to hand 3’ x 5’ banners around the ballfield fences and the exterior of the concession building at Clearbrook Park, second by Mr. Longerbeam, motion carried unanimously (4-0).

HUMAN RESOURCES COMMITTEE – APPROVED UNDER CONSENT
AGENDA

The HR Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, February 7, 2014 at 8:00 a.m. Committee members present were: Supervisor Robert Hess, Supervisor Robert Wells, and Supervisor Chris Collins. Citizen member Dorrie Green and citizen member Beth Lewin. Also present were: County Attorney Rod Williams, NRADC Superintendent Jim Whitley, and DSS Representative Delsie Butts.

*****Items Requiring Action*****

1. **Approval of the Employee of the Month Award.**

The Committee recommends approval of Shannon Fultz as the Employee of the Month for February 2014.

*****Items Not Requiring Action*****

1. **Presentation by the County Attorney, Rod Williams.**

At the request of the Committee, Mr. Williams presented an overview of the objectives and responsibilities of the County Attorney’s Office. The presentation also provided the Committee an understanding of his department history, comparisons to other jurisdictions, and topics of importance within his department.

There being no further business, the meeting was adjourned.

The next HR Committee meeting is scheduled for Friday, March 7, 2014.

PUBLIC WORKS COMMITTEE – APPROVED UNDER CONSENT AGENDA

The Public Works Committee met on Tuesday, February 18, 2014, at 8:00 a.m. All members were present. The following items were discussed.

*****Items Not Requiring Action*****

1. **Proposed Fiscal Year 2014/2015 Budget**

The director of public works presented a brief overview of the department's proposed budgets for Fiscal Year 2014/2015. A tabulated summary of the proposed budgets is attached. **(Attachment 1)**

2. Site Plan for the New Round Hill Fire and Rescue Station and Associated Event Center

The director of public works presented the completed site plan for the new Round Hill Fire and Rescue Station and associated Event Center. In addition, County Administrator, Mr. John R. Riley, Jr., presented a proposed financing scheme for the project. The proposed financing will be obtained from bonds processed through the VRA. The financing proposal will be presented to the finance committee for their comments prior to the next scheduled board of supervisors meeting on February 26, 2014. **(Attachment 2)**

3. Miscellaneous Reports

- a) Tonnage Report
(Attachment 3)
- b) Recycling Report
(Attachment 4)
- c) Animal Shelter Dog Report
(Attachment 5)
- d) Animal Shelter Cat Report
(Attachment 6)

FINANCE COMMITTEE - APPROVED

The Finance Committee met in the First Floor Conference Room at 107 North Kent Street on Wednesday, February 19, 2014 at 8:00 a.m. All members were present. Items 2, 4, and 6 were approved under consent agenda. Immediately following, a Budget Work Session was held in the Board of Supervisors' meeting room.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board approved the consent agenda by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

1. The Fire & Rescue Chief requests a General Fund supplemental appropriation in the amount of \$85,352. This amount represents Fire Program funds received and will be

disbursed to the eleven volunteer fire and rescue stations. No local funds required. See attached memo, p. 4-6. The committee recommends approval. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Wells, the Board

approved the above request by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

2. The Fire & Rescue Chief requests a General Fund supplemental appropriation in the amount of \$10,000. This amount represents Fire School Programs revenue collected in excess of budgeted. No local funds required. See attached memo, p. 7-8. – **APPROVED UNDER CONSENT AGENDA**
3. The NRADC Superintendent requests a NRADC Fund supplemental appropriation in the amount of \$221,000 to cover overtime costs. See attached memo, p. 9. The committee recommends approval. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board

approved the above request by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

4. The NRADC Superintendent requests a NRADC Fund supplemental appropriation in the amount of \$11,680. This amount represents an insurance reimbursement for weather damages to cooling and heating units. No local funds required. See attached memo, p. 10. – **APPROVED UNDER CONSENT AGENDA**
5. The Deputy Planning Director requests a Development Projects Fund supplemental appropriation in the amount of \$45,300. This amount represents proffer funds needed for Valley Mill Road. See attached information, p. 11-46. The committee recommends approval. – **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board

approved the above request by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

6. The Sheriff requests a General Fund supplemental appropriation in the amount of \$5,535. This amount represents reimbursement for an automobile insurance claim. No local funds required. See attached memo, p. 47. – **APPROVED UNDER CONSENT AGENDA**
7. The County Administrator requests discussion on the New Round Hill Fire Station. The committee recommends to proceed with the site plan with further consideration on the subdivision of the property in to two parcels. See attached information, p. 48-66. – **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board

approved the above recommendation by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

INFORMATION ONLY

1. The Finance Director provides a Fund 10 Transfer Report for FY 2014. See attached, p 67.
2. The Finance Director provides FY 2014 financial statements for the period ending January 31, 2014. See attached, p. 68-78.
3. The Finance Director provides the FY 2014 Fund Balance Report for the period ending January 31, 2014. See attached, p. 79.

4. The Assistant County Administrator provides a report on the Lake Holiday Sanitary District assessment rates for 2014. See attached, p. 80-83.

PLANNING COMMISSION BUSINESS

PUBLIC HEARING

CONDITIONAL USE PERMIT #01-14 OF WESLEY W. RUDOLPH, FOR A PUBLIC GARAGE WITHOUT BODY REPAIR. THE PROPERTY IS LOCATED AT 2360 S. PIFER ROAD AND IS IDENTIFIED WITH PROPERTY IDENTIFICATION NUMBER 81-A-50 IN THE BACK CREEK MAGISTERIAL DISTRICT. – APPROVED WITH AMENDED CONDITIONS

Planning Director Eric Lawrence appeared before the Board regarding this item. He advised this was a request for a conditional use permit by Wesley W. Rudolph for a public garage without body repair. The property is located at 2360 S. Pifer Road in Star Tannery, in the Back Creek Magisterial District. The Planning Commission recommended approval with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. Any proposed business sign shall conform to Cottage Occupation sign requirements and shall not exceed four (4) square feet in size and five (5) feet in height.
3. One (1) employee allowed other than the applicant.
4. All repair activities shall occur entirely within the enclosed structure.
5. Hours of operation shall be from 8:00 a.m. to 6:00 p.m., no repair activities will take place on Sunday.
6. Any expansion or change of use shall require a new Conditional Use Permit.

Chairman Shickle asked where the Sunday limitation came from.

Director Lawrence responded he did not know, it was a condition that was standard in most conditional use permits, but he did not know the catalyst.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board approved Conditional Use Permit #01-14 with changes to condition number to remove the Sunday restriction and to extend the hours of operation from 8:00 a.m. to 9:00 p.m. and to add condition number 7 “the applicant will be limited to storing no more than five (5) vehicles awaiting repair may be stored outside of an enclosed structure”.

Chairman Shickle stated he did not know why the Board would have a limitation on a business unless the business activity affected the neighbors.

Supervisor Fisher moved to amend the original motion to remove condition number 5 in its entirety. The motion was seconded by Vice-Chairman DeHaven.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

The amended motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

OTHER PLANNING ITEMS

DISCUSSION – PUBLIC FACILITIES AND THE 2030 COMPREHENSIVE PLAN AMENDMENT. (BROUGHT BACK TO BOARD FROM FEBRUARY 12, 2014 BOARD MEETING.) – SENT FORWARD FOR PUBLIC HEARING

Deputy Planning Director Michael Ruddy appeared before the Board regarding this item. He advised this was a proposed amendment to the 2030 Comprehensive Plan, which was being returned to the Board for further discussion. He advised staff previously presented this item to the Board for discussion. Concern was expressed that the proposed language might be too restrictive in guiding placement of future administrative facilities. The potential solution was to add the Sewer and Water Service Area (SWSA) tag to the draft language and to be able to accommodate all sites where the zoning ordinance would permit an administrative building that is connected to public water and sewer.

Chairman Shickle advised he was more than satisfied with the proposed amendment.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Collins, the Board sent the proposed amendment forward for public hearing.

The above motion was approved by the following recorded vote:

| | |
|-------------------------|-----|
| Richard C. Shickle | Aye |
| Christopher E. Collins | Aye |
| Charles S. DeHaven, Jr. | Aye |
| Gene E. Fisher | Aye |
| Robert A. Hess | Aye |
| Gary A. Lofton | Aye |
| Robert W. Wells | Aye |

BOARD LIAISON REPORTS

Supervisor Lofton advised the EDC created a signage subcommittee to review the recommendation sent forward from the Business Friendly Committee. The subcommittee forwarded its recommendation to the newly named Economic Development Authority for their review and input. The EDA established its own subcommittee to review this recommendation and possibly take it in a different direction. This subcommittee will report back to the EDA with its recommendation.

Chairman Shickle stated he would like the Board to revisit discussions about the board make-up for the Economic Development Authority.

CITIZEN COMMENTS

Joy Kirk, Frederick County Education Association and resident of the Back Creek District, requested the Board consider the advantages of a tax increase. She went on to say it would be beneficial to the citizens to see the different options being considered. She concluded by asking the Board to consider, at least, the six cents tax increase.

Keith Lichliter, Opequon District, asked “why not entertain a tax increase?” He stated that advertising a higher rate does not mean the maximum rate would be approved. He went on to say this would allow all sides to present and enable the Board to make an informed decision. He concluded by saying he hoped the Board would advertise an increased tax rate.

Alan Morrison, Gainesboro District, stated the county has managed its finances better than the state and federal governments, but we have grown into a society where everyone has their hand out for free money. He noted that household income levels have not increased and we need to make sure the use of funds are the most efficient possible. He did not favor a higher tax rate.

Melinda Russell, Frederick County Education Association member and resident of Back Creek District, asked the Board to support a tax increase to better fund police, fire and rescue, and schools.

Dody Stottlemyer, Shawnee District, stated the website did not appear to be working to allow citizens to send their comments in regarding the proposed tax increase. She went on to say the Board was talking about cutting the budget, but was planning to build a new building. She noted the current building would be paid for in December of this year. She concluded by saying

the money needed to make the payments on the new building could be spent elsewhere to fund public safety and education.

BOARD OF SUPERVISORS COMMENTS

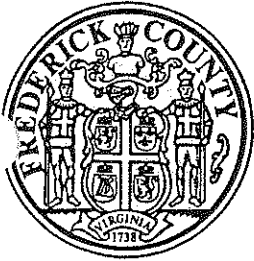
Supervisor Hess noted he had received all of the e-mails referenced. He went on to say there had been some website issues earlier, but they appeared to have been corrected.

Chairman Shickle clarified there was not a request in the upcoming budget for a new building, nor was there any appropriation in the current budget regarding construction of a new building. He noted the debt service for the existing building was in the budget, but there was not outstanding budget request for a new building.

ADJOURN

UPON A MOTION BY VICE-CHAIRMAN DEHAVEN, SECONDED BY SUPERVISOR FISHER, THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS BOARD, THIS MEETING IS HEREBY ADJOURNED. (7:40 P.M.)

B



John R. Riley, Jr.
County Administrator

540/665-5666

Fax 540/667-0370

E-mail:

jriley@co.frederick.va.us

MEMORANDUM

TO: Board of Supervisors
FROM: John R. Riley, Jr., County Administrator
DATE: March 6, 2014
RE: Committee Appointments

Listed below are the vacancies/appointments due through April, 2014. 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

Sanitation Authority

Richard A. Ruckman – County Representative
481 Stonymeade Drive
Winchester, VA 22602
Home: (540)667-2697
Term Expires: 04/15/16
Four year appointment

(Staff has been advised that Mr. Ruckman has resigned. The Sanitation Authority is composed of five members as stated in their Articles of Incorporation.)

Community Policy and Management Team (CPMT)

Greta Cherry - Parent Representative
112 Corral Drive
Stephens City, VA 22655
Term Expires: 06/30/14
Two year term

(Ms. Greta Cherry has resigned. CSA Coordinator Jackie Jury and CPMT staff is attempting to get recommendation(s) for appointment and upon receipt, will forward same to the Board of Supervisors at a future meeting.)

FEBRUARY 2014

Historic Resources Advisory Board

Claus Bader – Red Bud District Representative
102 Whipp Drive
Winchester, VA 22602
Home: (540)722-6578
Term Expires: 02/22/14
Four year term

MARCH 2014

No appointments due.

APRIL 2014

Parks and Recreation Commission

Martin J. Cybulski – Red Bud District Representative
134 Likens Way
Winchester, VA 22602
Home: (540)667-6035
Term Expires: 04/28/14
Four year term

Sanitation Authority

Robert P. Mowery – County Representative
1160 Salem Church Road
Stephens City, VA 22655
Home: (540)869-5752
Term Expires: 04/15/14
Four year term

(The Sanitation Authority is composed of five members as stated in their Articles of Incorporation.)

JRR/tjp

C



BOARD OF SUPERVISORS

PROCLAMATION NATIONAL TELECOMMUNICATOR'S WEEK FREDERICK COUNTY, VIRGINIA APRIL 13-19, 2014

WHEREAS, emergencies can occur at anytime that require police, fire or emergency medical services; and

WHEREAS, when an emergency occurs, the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Frederick County Department of Public Safety Communications Center; and

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

WHEREAS, Public Safety Dispatchers are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and

WHEREAS, Public Safety Dispatchers of Frederick County, Virginia have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

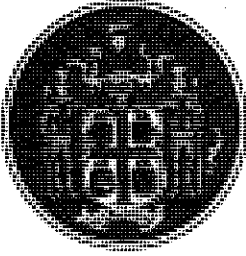
WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

NOW THEREOFRE BE IT RESOLVED, that the Board of Supervisors of Frederick County, Virginia does hereby proclaim the week of April 13-19, 2014 to be National Telecommunicator's Week in Frederick County, in honor of the men and women whose diligence and professionalism keep our county and citizens safe.

ADOPTED this 26th day of March, 2014.

Richard C. Shickle, Chairman

D



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383
Fax 540/667-0370
E-mail:
rwillia@fcva.us

MEMORANDUM

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

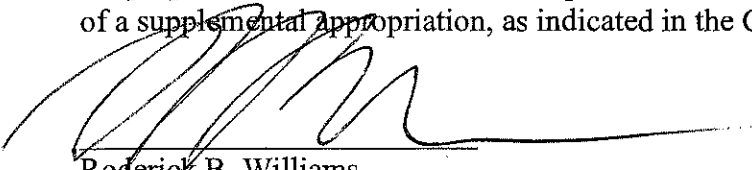
CC: John R. Riley, Jr., County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: March 5, 2014

RE: Refund – DBI Services, LLC

I am in receipt of the Commissioner's request, dated March 4, 2014, to authorize the Treasurer to refund DBI Services, LLC the amount of \$9,630.09, for adjustment to personal property taxes filing for half of 2012 and all of 2013 and registration fees for 2013. This refund was a result of three trucks moving to another locality. The Commissioner has verified with the receiving locality that the vehicles are being taxed in the other locality. 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.

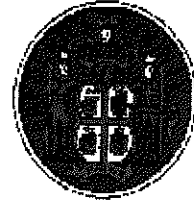


Roderick B. Williams
County Attorney

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



March 4, 2014

TO: Rod Williams, County Attorney
Cheryl Shiffler, Finance Director
Frederick County Board of Supervisors
Jay Tibbs, Secretary to the Board

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration DBI Services, Inc.

Please approve a refund of \$9,630.09 for personal property taxes for ½ of 2012 and all of 2013 and registration fees for 2013 in the name of DBI Services LLC for three big trucks moved to another locality. This proration refund has been verified with the receiving locality for the big trucks involved. Company has other property in Frederick County. We have verified that the vehicles are being taxed in the other locality. Please also approve a supplemental appropriation for the Finance Director on this request.

Documentation for this refund has been reviewed by the Commissioner's staff and meets all requirements. It is retained in the Commissioner of the Revenue office and contains secure data.

Exoneration is \$9,630.09.

Date: 2/24/14

Cash Register: COUNTY OF FREDERICK

Time: 16:49:58

Customer Name: DBI SERVICES LLC

Total Transactions: 775
Customer Transactions: 12

Options: 2=Edit 4=Delete 5=View

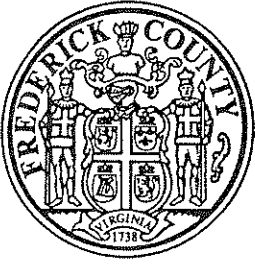
| Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|--------|-------|-------------|-------------|-------------|-------------|
| PP2012 | 1 | 00127500006 | \$1,006.53- | \$.00 | \$1,006.53- |
| PP2012 | 2 | 00127500008 | \$1,006.53- | \$.00 | \$1,006.53- |
| PP2012 | 3 | 00127500010 | \$1,006.53- | \$.00 | \$1,006.53- |
| PP2013 | 4 | 00129140005 | \$1,089.25- | \$.00 | \$1,089.25- |
| PP2013 | 5 | 00129140006 | \$1,089.25- | \$.00 | \$1,089.25- |
| PP2013 | 6 | 00129140007 | \$1,089.25- | \$.00 | \$1,089.25- |
| PP2013 | 7 | 00129140008 | \$1,089.25- | \$.00 | \$1,089.25- |
| PP2013 | 8 | 00129140009 | \$1,089.25- | \$.00 | \$1,089.25- |
| PP2013 | 9 | 00129140010 | \$1,089.25- | \$.00 | \$1,089.25- |
| VL2013 | 10 | 00179840001 | \$25.00- | \$.00 | \$25.00- |
| VL2013 | 11 | 00179850001 | \$25.00- | \$.00 | \$25.00- |
| VL2013 | 12 | 00179860001 | \$25.00- | \$.00 | \$25.00- |

Total Paid : \$9,630.09

F3=Exit F14=Show Map# F15=Show Balance F18=Sort-Entered F21=CmdLine

Needs Board Approval

E



COUNTY of FREDERICK

John R. Riley, Jr.
County Administrator

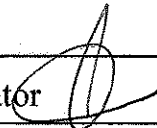
540/665-5666

Fax 540/667-0370

E-mail:

jriley@co.frederick.va.us

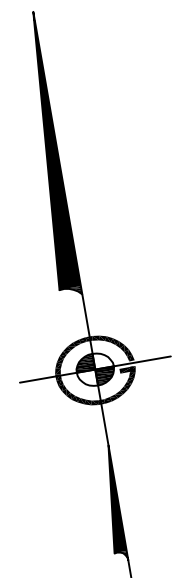
MEMORANDUM

| | |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------|
| TO: | Board of Supervisors |
| FROM: | John R. Riley, Jr., County Administrator  |
| SUBJECT: | Site Plan Submission – Replacement Round Hill Fire Station |
| DATE: | March 7, 2014 |

Attached please find a site plan for the proposed replacement Round Hill Fire Station. This item is being presented to the Board for information and staff is seeking approval to submit the site plan to the Planning Department for final approval. As you might recall, an approved site plan is required before the Board can collect the proffers associated with this project.

If you have any questions, please do not hesitate to contact me.

JRR/jet

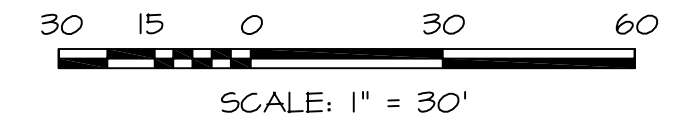
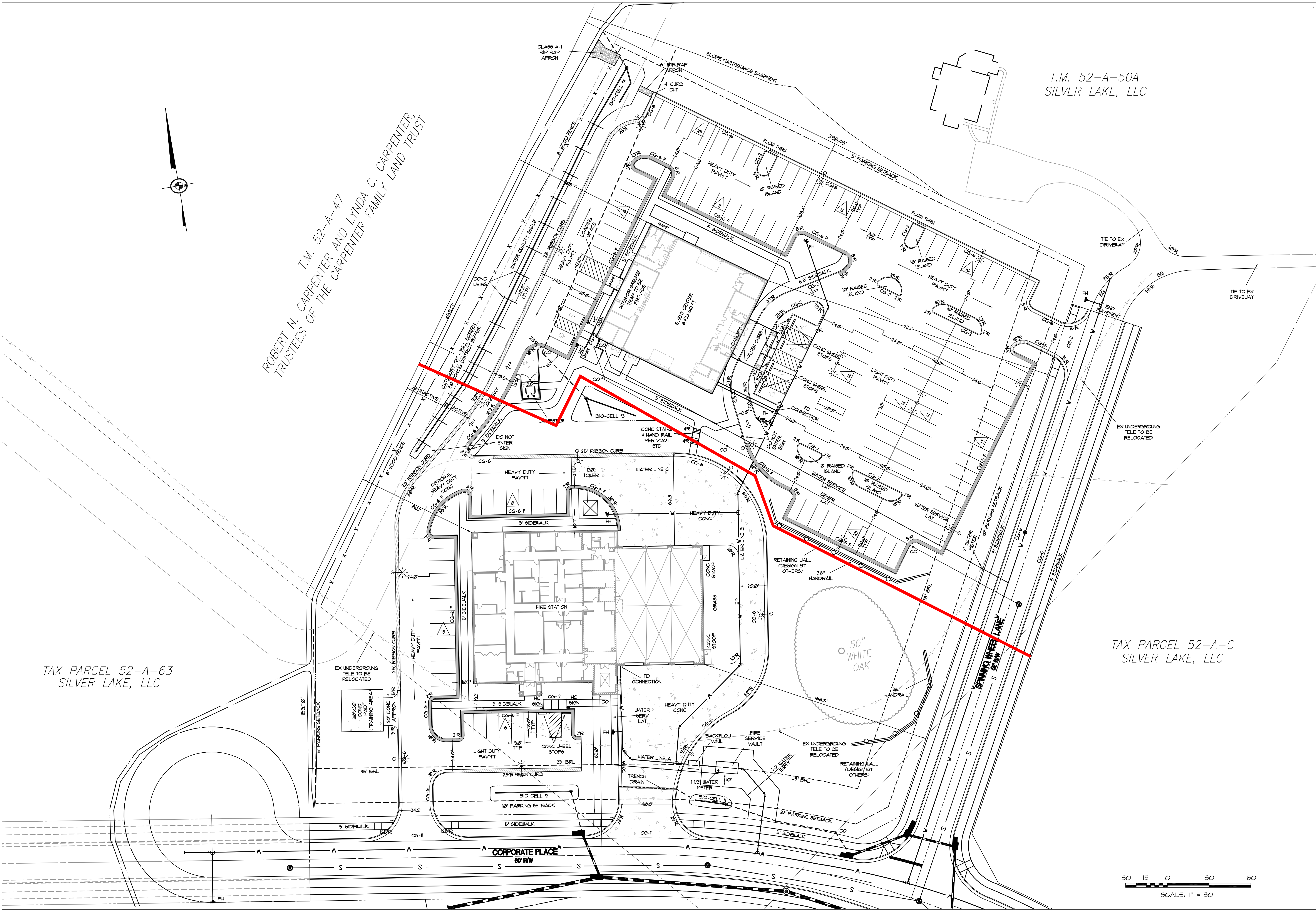


T.M. 52-A-47
 ROBERT N. CARPENTER AND LYNDY C. CARPENTER
 TRUSTEES OF THE CARPENTER FAMILY LAND TRUST

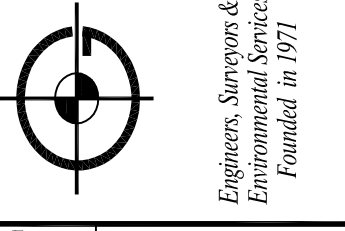
T.M. 52-A-50A
 SILVER LAKE, LLC

TAX PARCEL 52-A-63
 SILVER LAKE, LLC

TAX PARCEL 52-A-C
 SILVER LAKE, LLC



GREENWAY ENGINEERING, INC.
 151 Windy Hill Lane
 Winchester, Virginia 22602
 Telephone: (540) 662-4185
 Fax: (540) 722-9528
 www.greenwayeng.com



| Rev. No. | Date |
|----------|---------|
| 1 | 2/17/14 |



SITE PLAN
ROUND HILL FIRE STATION
 GAINESBORO MAGISTERIAL DISTRICT
 FREDERICK COUNTY, VIRGINIA

DATE: 1/23/2014

SCALE: 1" = 30'

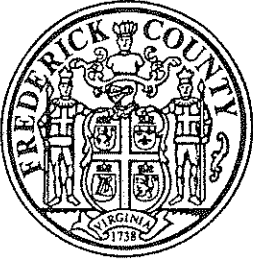
DESIGNED BY: KDP

FILE NO. 4928F

SHEET 11 OF 23

14-01

F



COUNTY of FREDERICK

John R. Riley, Jr.
County Administrator

540/665-5666

Fax 540/667-0370

E-mail:

jriley@co.frederick.va.us

TO: Board of Supervisors

FROM: John R. Riley, Jr., County Administrator

DATE: February 24, 2014

RE: Joint Finance Committee Meeting

The Joint Finance Committee met on Tuesday, February 18, 2014 at 9:30 A.M., in the First Floor Conference Room, County Administration Building, 107 North Kent Street, Winchester, Virginia. Present were Chairman Richard Shickle and Charles S. DeHaven, Jr., Frederick County representatives; and John Willingham, and Milt McInturff, City of Winchester representatives. Others present: John R. Riley, Jr., County Administrator; Jay E. Tibbs, Deputy County Administrator; Roderick B. Williams, County Attorney; Cheryl Shiffler, Finance Director, Frederick County; Dale Iman, City Manager; Anthony Williams, City Attorney; Mary Blowe, Finance Director City of Winchester; Doug Hewett, Assistant City Manager; Jim Deskins, Executive Director of the Winchester Economic Development Authority; Perry Eisenach, Winchester Public Services Director; Brenda L. Vance, Clerk of the Winchester-Frederick County General District Court; Ann Lloyd, Winchester-Frederick County Juvenile & Domestic Relations Court; and Matt Armstrong, *The Winchester Star*.

Mr. Shickle called the meeting to order.

*****For Information Only*****

**GENERAL DISTRICT AND JUVENILE & DOMESTIC RELATIONS COURTS
EMPLOYEE SUBSIDY REQUEST**

Mr. Riley advised the clerks had asked for this item to be placed on the agenda for consideration by both localities. He noted the request totaled approximately \$44,000, which equated to \$22,000 per locality.

Mrs. Vance reviewed the personnel responsibilities for the positions to be covered. She stated 92% of those employees are paid below the state average for the same positions. In addition, those employees must pay the 5% VRS contribution and are facing increased health insurance costs. She went on to say she was having trouble retaining personnel. She concluded by saying this supplement would help with employee retention and they were requesting help from both localities with this issue.

Mr. Riley noted the County had a funding request for consideration in next year's budget.

Mr. Willingham advised he could bring this discussion to the council level, but he could not make a recommendation without all of the information regarding the funding request.

Mr. Iman noted there were a number of employees at the city who would want the same treatment, if this request were approved. He suggested allowing those employees to ask for dual insurance coverage, which was permissible under the Affordable Care Act. He also noted the City does not pay the 5% VRS contribution for employees.

Mr. Shickle stated it would appear the request would be justified on a parity issue based on the way the County treats other offices, but he would like to hear from the City.

No action was taken.

UPDATE ON THE CONCEPTUAL DESIGN OF PROPOSED IMPROVEMENTS AT THE JOINT JUDICIAL CENTER

Perry Eisenach, Public Services Director, provided an update on the conceptual design of the proposed improvements at the Joint Judicial Center. He advised that Moseley Architects are working on the project. They are developing a conceptual plan with specifics to be available in about one month.

Mr. Iman stated it was important for the City to get some direction regarding this project for budget purposes. He went on to say the City obtained financing through a bond issuance and they need to determine when and how to move forward.

OUTSIDE AGENCY FUNDING STATUS/UPDATE

The committee reviewed each locality's funding of outside agency requests.

Mr. Riley advised the Board of Supervisors discussed elimination of some or all funding for Blue Ridge Legal Services, Northern Virginia 4-H Center, Discovery Museum, and Our Health.

Mr. Willingham advised the City had not yet discussed outside agency requests.

Mr. Riley noted the joint projects remain a work in progress and once a revenue strategy is established the Board would deal with them. He noted there would be no cuts below present level, but he was not sure about any funding increases.

Mr. Iman advised the Lord Fairfax Small Business Development Center submitted a request to the City for \$20,000.

UPDATE/STATUS OF EDC MEMORANDUM OF UNDERSTANDING

Mr. Riley advised this was a housekeeping matter to dissolve the current Economic Development Commission, given the City has its own EDA and Frederick County now has its own EDA as well. He concluded by saying he would defer to the two attorneys regarding the particulars.

Mr. Iman stated the City would like to get an accounting of the City's funding for the EDC.

The city attorney and county attorney advised they would work together to craft a final document that would also address the disposition of any real or personal property owned by the EDC.


Upon a motion by Mr. McInturff, seconded by Mr. DeHaven, the Joint Finance Committee endorsed the joint resolution to dissolve the Winchester-Frederick County Economic Development Commission with the attorneys to work out the disposition of joint assets. Mr. Willingham voted against the motion.

There being no further business, the meeting was adjourned at 9:55 a.m.

G



MEMORANDUM

TO: Board of Supervisors
FROM: John A. Bishop, AICP, Deputy Director - Transportation 
RE: Transportation Committee Report for Meeting of February 24, 2014
DATE: March 5, 2014

The Transportation Committee met on February 24, 2014 at 8:30 a.m.

Members Present

Chuck DeHaven (voting)
James Racey (voting)
Gene Fisher (voting)
Christopher Collins (voting)
Lewis Boyer (liaison Stephens City)
Gary Oates (liaison PC)

Members Absent

Mark Davis (liaison Middletown)

*****Items Requiring Action*****

None

*****Items Not Requiring Action*****

1. Shenandoah Private Streets

Staff provided an updated request from the Shenandoah Development regarding the use of private streets in the non age-restricted portion of the development. The committee has requested that the item return with feedback from the Development Review and Regulation Committee as well as a more complete description of how the development would provide financial security for the ongoing maintenance of the private streets.

2. Cougill Road Paving

Staff reviewed a citizen's request to advance Cougill Road for paving ahead of roadways that have scored higher on the County's unpaved road ranking system. Key reasons given by the resident were significant tourism traffic, particularly with the upcoming anniversary of the Battle of Cedar Creek as well as the general conditions of the roadway. The committee determined that not enough information was forthcoming to justify over ruling the adopted ranking system.

3. Getting Private Roadways Adopted for State Maintenance

VDOT staff gave a brief overview of the process involved in adopting a private roadway into the state system. Key points include providing an unencumbered right of way and bringing the roadway up to current state standards. Specific examples of expected costs were given for Arklow Road, for which recent inquiries have been received.

4. Devolution

VDOT staff was on hand to give an overview of their devolution program. This is the program by which localities take over ownership and maintenance responsibility of their roadways with funding from the State. Since the advent of the devolution program several communities have investigated it extensively, most notably Fairfax, and found that the financial benefit is not present. They actually found that it would cost them more to do the job than it does VDOT and that state funding would not cover the obligation. Also worth noting is that since the advent of the devolution program, no localities have entered the program. To date, the only Counties that maintain their own roadways are Arlington and Henrico, both of whom did not surrender their roadways when the Byrd act was passed.

5. Other

JB/pd

H



APPLICATION FOR OUTDOOR FESTIVAL PERMIT
COUNTY OF FREDERICK, VIRGINIA



attach ment
38 pg
plan.

APPLICANT INFORMATION

Name of Applicant: Wayne Schaefer d/b/a Bigfoot Daddys Hogging Up BBQ Festival
t/a Three Wittle Piggies + Cindy Farnestock Schaefer
Telephone Number(s): 410 908 9241 home office cell 717 793 2124 home office cell
Address: 300 Shady lane Manchester PA 17345

FESTIVAL EVENT ORGANIZATIONAL INFORMATION

Festival Event Name of Festival: Hogging Up BBQ Festival

Cost of Admission to Festival: \$5 Fri-Sat \$8 Sun \$0 Business License Obtained: Yes No mailing enclosed

| Date(s) | Start Time | End Time | Maximum No. of Tickets Offered For Sale Per Day | Estimated No. of Attendees Per Day |
|---------|------------|----------|-------------------------------------------------|------------------------------------|
| 6/27/14 | 4 | 9:30 | | 300* |
| 6/28/14 | 10 | 10 | <u>admission at gate</u> | 600* |
| 6/29/14 | 10 | 5 | | 100* |

Location Address: Fred Co Fairgrounds 155 Fairgrounds Rd Clear Brook 22624

Owner of Property Name(s): Frederick Co. Fairgrounds
Address: same

(*NOTE: Applicant may be required to provide a statement or other documentation indicating consent by the owner(s) for use of the property and related parking for the festival.)

Promoter Name(s): Cindy & Wayne Schaefer
Address: 2920 Pinewood Ave Belts MD 21214

(*NOTE: For festivals other than not-for-profit, promoter may need to check with the Frederick County Commissioner of Revenue to determine compliance with County business license requirements; in addition, promoters who have repeat or ongoing business in Virginia may be required to register with the VA State Corporation Commission for legal authority to conduct business in Virginia.)

Financial Backer Name(s): same
Address: _____

Performer Name of Person(s) or Group(s): En Michael Palmer Sat Casette Cabot, Burnt Orange Band & possibly Rule G. Sunday volunteers & no-names. list is

(*NOTE: Applicant may need to update information as performers are booked for festival event.)

available on our website and subject to change.

FESTIVAL EVENT LOGISTICS INFORMATION AND DOCUMENTATION

coupon clipping

1. Attach a copy of the printed ticket or badge of admission to the festival, containing the date(s) and time(s) of such festival (may be marked as "sample"). copy attached OR copy to be provided as soon as available

2. Provide a plan for adequate sanitation facilities as well as garbage, trash, and sewage disposal for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).

see attached

3. Provide a plan for providing food, water, and lodging for the persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).

see attached

Working w/ Jenny Jeffries Dept of Health

4. Provide a plan for adequate medical facilities for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.

Last year we had an EMS onsite but fear of them having to leave during a call means we will have a first aid tent w/ basic supplies and staff. first call is 9-1-1 anyway.

5. Provide a plan for adequate fire protection. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the County Fire Chief or Fire Marshal and the local fire and rescue company.

see attached fire plan/dialogue

6. Provide a plan for adequate parking facilities and traffic control in and around the festival area. (A diagram may be submitted.)

see attached

7. State whether any outdoor lights or lighting will be utilized: YES NO

If yes, provide a plan or submit a diagram showing the location of such lights and the proximity relative to the property boundaries and neighboring properties. In addition, show the location of shielding devices or other equipment to be used to prevent unreasonable glow beyond the property on which the festival is located.

vendors lights only. close early this year (other than what fairgrounds has)

8. State whether alcoholic beverages will be served: YES NO
If yes, provide details on how it will be controlled.

see plan

(NOTE: Evidence of any applicable VA ABC permit must also be provided and posted at the festival as required. Applicant may need to confirm with the VA ABC that a license is not required from that agency in order for festival attendees to bring their own alcoholic beverages to any event that is open to the general public upon payment of the applicable admission fee.)

FESTIVAL PROVISIONS

Applicant makes the following statements:

- A. Music shall not be rendered nor entertainment provided for more than eight (8) hours in any twenty-four (24) hour period, such twenty-four (24) hour period to be measured from the beginning of the first performance at the festival. ✓
- B. Music shall not be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom exceeds 73 decibels at the property on which the festival is located. ✓
- C. No person under the age of eighteen (18) years of age shall be admitted to any festival unless accompanied by a parent or guardian, the parent or guardian to remain with such person at all times. (NOTE: It may be necessary to post signs to this effect.) *de*
- D. The Board, its lawful agents, and/or duly constituted law enforcement officers shall have permission to go upon the property where the festival is being held at any time for the purpose of determining compliance with the provisions of the County ordinance. ✓

CERTIFICATION

I, the undersigned Applicant, hereby certify that all information, statements, and documents provided in connection with this Application are true and correct to the best of my knowledge. In addition, Applicant agrees that the festival event and its attendees shall comply with the provisions of the Frederick County ordinance pertaining to festivals as well as the festival provisions contained herein.


Signature of Applicant

Date: 1.17.14



THE BOARD SHALL HAVE THE RIGHT TO REVOKE ANY PERMIT ISSUED UNDER THIS ORDINANCE UPON NON-COMPLIANCE WITH ANY OF ITS PROVISIONS AND CONDITIONS.

HOGGING UP BBQ FESTIVAL

JUNE 27-29TH 2014



3 DAYS OF MUSIC, BREW & BBQ
VENDORS & ACTIVITIES



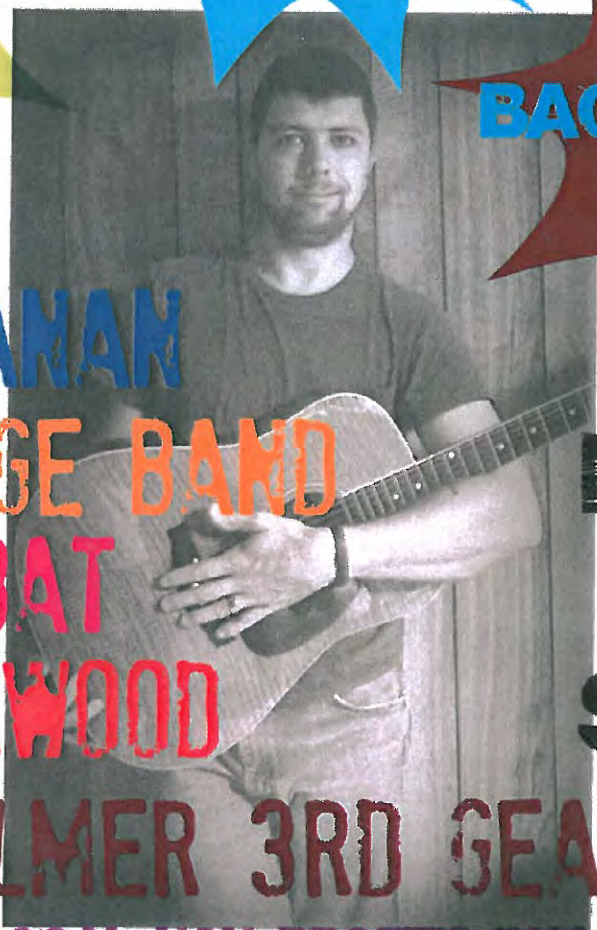
SAMPLES OF
COMPETITION
BBQ FOR SALE
SAT 11-2:30

BBQ TOUR
FRI - SAT
HEAR THE
SECRETS!



BACKYARDERS
SUNDAY

RULE - 6
BRIAN BUCHANAN
BURNT ORANGE BAND
COSETTE GOBAT
GARY SMALLWOOD
MICHAEL PALMER 3RD GEAR



FOLLOW
THE
SMOKE



SUPPORTING LOCAL NON PROFITS INCLUDING:



SPCA WINCHESTER
FREDERICK
CLARKE

BLAZE YOUTH MINISTRIES

WWW.HOGGINGUP.COM

FREDERICK CO. FAIRGROUNDS CLEAR BROOK, VA

BIG FAT DADDY'S 2ND ANNUAL

Hogging Up BBQ Festival



Scan to view our Website!

BBQ TOUR
COMPETITIONS
BEER, FOOD
VENDORS
FUN

WE ARE HELPING
NON PROFITS IN YOUR
AREA LIKE THE SPCA!



**\$1.00 OFF
ADMISSION**
WITH THIS COUPON

JUNE 27-29TH, 2014
FREDERICK CO. FAIRGROUNDS

CHECK WEBSITE
FOR SCHEDULE
WWW.HOGGINGUP.COM



**BIG FAT DADDY'S
HOGGING UP!
VIP PASS**

JUNE 27-29TH, 2014

THIS YEAR WE ARE HELPING THE SPCA!



WE'RE BAAACKKK!



Scan to view our Website!



**\$2.00 OFF
ADMISSION**

WITH THIS CARD!
IT'S OK IF YOU WANT
TO GIVE IT AWAY
TO A FRIEND!

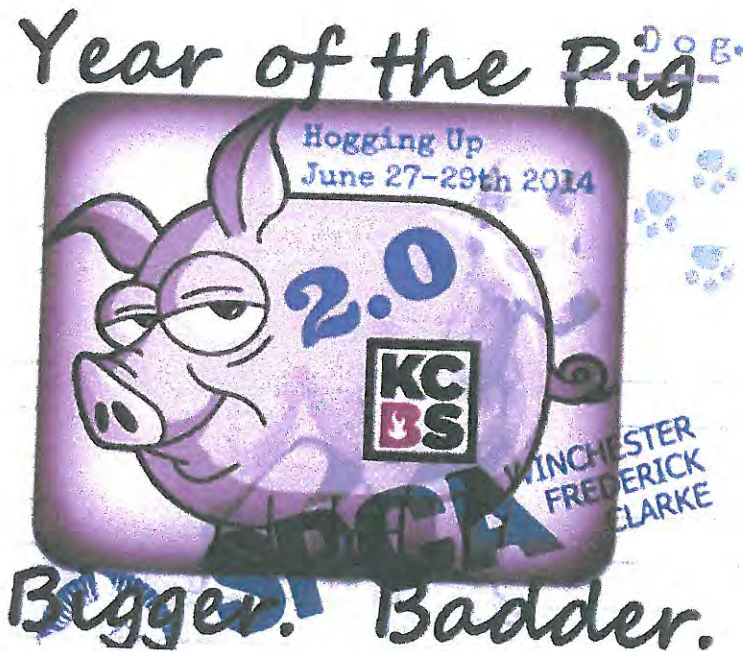
CHECK OUT WEBSITE
FOR SCHEDULE
WWW.HOGGINGUP.COM

2ND ANNUAL

Hogging Up BBQ Festival

JUNE 27-29TH, 2014 FREDERICK CO. FAIRGROUNDS

WE ARE HELPING NONPROFITS IN YOUR AREA, LIKE THE SPCA!



2nd Annual Hogging Up BBQ & Music Festival

June 27-29th 2014

Safety Plan & Additional Information

in Accordance with **Virginia Festival Code 86**

Location: Frederick County Fairgrounds, Clear Brook VA

Please contact Cindy Fahnestock-Schafer cell 410-908-9241 or work 717-793-2124 for any missing information.

I am available to meet with the board if you deem it appropriate or be available for any discussions.

Please note terminology is not exact.

2014 Goals:

- To have another successful event!
- To Raise Money for Local Non Profits
 - To Bring an Event to the Fred.Co.Fairgrounds
- To Bring Revenue and Attention to Clear Brook , Frederick County, and surrounding businesses

About:

This festival is sanctioned Kansas City Barbeque Competition which is the largest non profit organization dedicated to the art of hardwood smoking and grilling - which has received the blessing from Governor Bob O'Donnell for this festival, at the Frederick County Fairgrounds to be considered a State Championship Event. This will help support the local economy because judges from 12 states will be making hotel reservations and visiting local businesses in the area. Patrons from the MD, DC, WV, PA, and VA areas will be attracted to the town for this event. Local Business Vendors have the opportunity to advertise their products to the festival-goers. We will have local bands periodically staggered over a three day period. There will be art/craft vendors, and food. This year, a paid sample tent and five stop barbecue tour should raise more interest.

The first year we raised thousands of dollars for charity.



CERTIFICATE of RECOGNITION

By virtue of the authority vested by the Constitution in the Governor of the Commonwealth of Virginia, there is hereby officially recognized:

HOGGING UP BBQ FESTIVAL

WHEREAS, the Hogging Up BBQ Festival will be an annual event in Frederick County, Virginia; and

WHEREAS, the promoter, Big Fat Daddy's, is dedicated to raising awareness for Cancer Research; and

WHEREAS, the Kansas City Barbecue Society, is a non-profit organization open to all, and dedicated to furthering the art of Hardwood Smoking through public education; and

WHEREAS, the Hogging UP BBQ Festival is a sanctioned event of the Kansas City Barbecue Society, and as such will draw such contestants from all over Virginia, as well as several other states each year to participate in the event; and

WHEREAS, the Grand Champion of the Hogging Up BBQ Festival will receive an invitation to the American Royal Barbecue Cook-off, (and/or be eligible for other prestigious invitations);

NOW, THEREFORE, I, Robert F. McDonnell, do hereby recognize the **HOGGING UP BBQ FESTIVAL** in our **COMMONWEALTH OF VIRGINIA**, and I call this observance to the attention of our citizens; and

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Lesser Seal of the Commonwealth of Virginia this fifth day of December, two thousand twelve and in the two hundred thirty-seventh year of the Commonwealth of Virginia.



Robert F. McDonnell

Janet Vestal Kelly

Enclosed Information:

Exhibit A: Financial Backers / Partners or Affiliations

Exhibit B: Fire Safety Pertaining to the Festival

- **Exhibit B1/B2 :** Food Vendor Fire Safety
- **Exhibit B3:** Fire Safety Rules For KCBS Competitors
- **Exhibit B4:** Fire Safety Rules for Backyard

Exhibit C: Safety & Crowd Control Plan (Diagrams)

- **Exhibit C1-C2 :** Crowd Control Certificates

Exhibit D: Parking Safety Plan (Diagrams)

Exhibit E: Food Safety Plan/ Vendors/PC/WinnersDinner

- **Exhibit E1-C2:** Crowd Control Certificates *serv-safe*
- **Exhibit E2** Big Fat Daddy's HACCP
- **Exhibit E3** Sample Tent HACCP

Exhibit F: Music Plan

- **Exhibit F1** Statement of Music Sound

Exhibit G: Alcohol Plan

- **Exhibit G1** Preventative Agreement w/Non Profit

Exhibit H: Outdoor Lighting Statement

Exhibit I: Additional Information

Exhibit A : Financial Backers/Partners/Affiliates/Etc

Financial backers (to date the only financial backers is ourselves and our family.)

- Cindy Fahnstock-Schafer PARTNER/BACKER
- Wayne M Schafer, Sr. d/b/a Big Fat Daddy's d/b/a Three Wittle Piggies ie PARTNER/BACKER
- Brian Schafer, Barbara Schafer, Daniel J. McLain, the Vecchios, which are all immediate family who help donate time and effort, but not money.

Affiliated Parties (Partners?):

These could be considered "partners", but are more like volunteers and the affiliated parties we are working for. Therefore, the liability does not fall on them, should something go wrong, we have insurance riders to protect them.

- Kansas City Barbeque Society – Non profit sanctioning our event present on Fri and Saturday.
- Clear Brook Assembly of God – Non profit contributing time and effort all three days of our event. Contact is Pastor Stephanie Fox.
- SPCA of Winchester – Non profit contributing time and effort all three days of our event. Contact is Bunny Jackson, aka Sylvia from the Sherriff's office.
- TBD – Alcohol Sales – Last year we used the Winchester Exchange Group for selling all alcoholic beverages which in this case is beer & wine only.

Although they agreed to participate again, they have to date not returned the contract therefore we will furnish the information once the group is finalized. We do not profit from these sales, they are 100% in the pockets of the alcohol group and therefore they are responsible for all applicable permits and fees regarding alcohol sales.

Sponsors: *Sponsors is a broad term we use to indicate any type of products, discounts, or prizes that have been donated. For instance, products may be donated that go into goodie bags for competitors, or prizes that go right to the winners o the KCBS competition, therefore this is a prize donation and we call them a sponsor giving them placement on our website and kudos, advertising, etc. Last year we had no "major monetary sponsors" other than donated products and discounts, etc which include meat donations, hotel discounts, etc.

A FULL LIST OF SPONSORS IS ALWAYS ON OUR WEBSITE

Exhibit B: Fire Safety Pertaining to the Festival

- The Frederick County Fairgrounds is equipped currently with proper Fire Safety water hookups and adequate open spaces for entry and exit.
- We will notify the Clear Brook Volunteer Fire Department. They were onsite last year for an EMS Station, but we found out this is not the best solution. If they get calls they need to abandon post and we don't want that happening. The fair office has a first aid kit. This year, A First Aid tent with basic supplies will be set up and staffed, and first call is to 911.
- Our food vendors, including us Big Fat Daddy's has a Fire Safety Plan (attached) and will have all flame retardant tents, quick disconnect valves, K grease extinguishers, and proper training in Fire Safety. (Has been selling food at the Frederick County Fair every year for past 20-plan attached and never been in violation with the Fire Marshall.)
- The KCBS Competition is kept away from the food and stage areas.
- Special charcoal disposal barrels clearly marked to be set up for KCBS competition.
- Hoses will be ran to the KCBS competitors and "water buffalos" onsite.
- All KCBS Competitors are required to practice fire safety and provide their own Fire Extinguishers as outlined in their agreements they sign.
- All exits will be clearly marked. All of this works hand in hand with exhibit C....

- Sunday, the KCBS competitors will be switched out with backyard BBQ competitors.

NOTE: NEW BACKYARD FOR SUNDAY 2014 These are adults and children who can compete, the children must have adults present and must not be allowed to start their own fire. This is charcoal only, no electrical devices will be used. They are given huge spaces and must move their cars away from their cook area.

Be a Star!

To Enter, Go to:
www.HoggingUp.com
Click on "EVENT FORMS"
Grab "BACKYARD APP"

**Win Prizes
and Title of
Pitmaster!**
June 29, 2014
7am to 2pm
Apply Early!

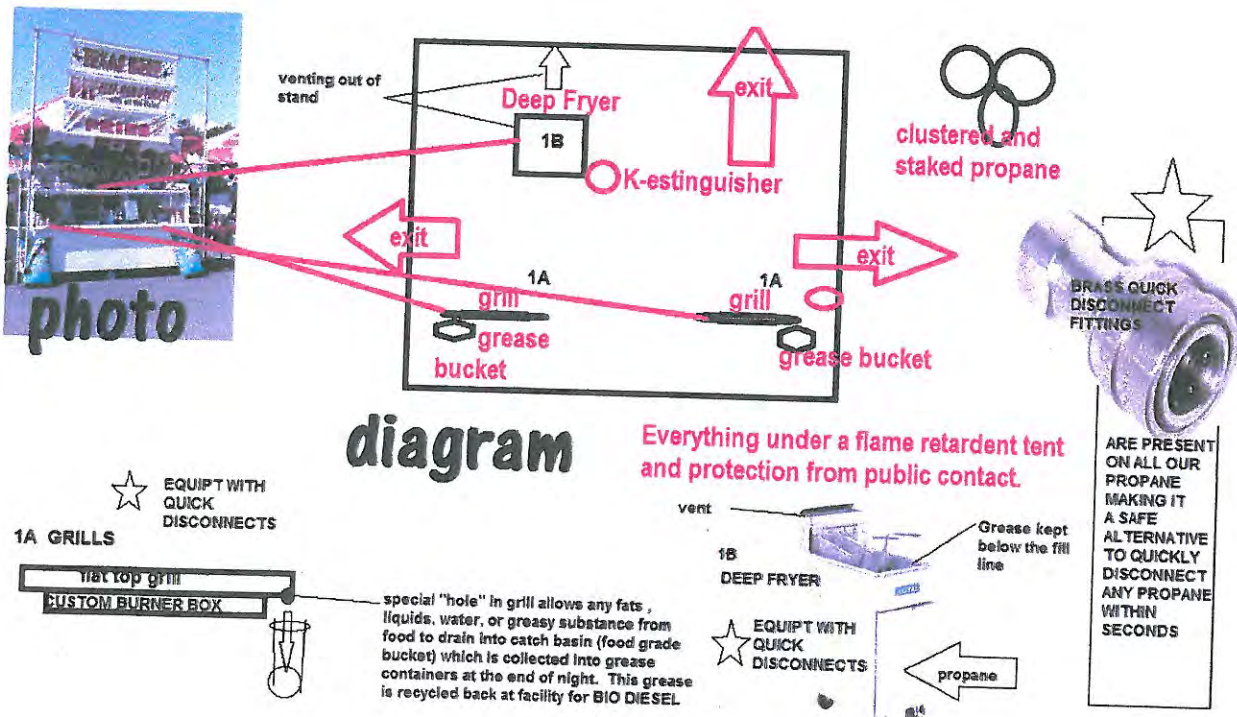
**Backyard Amateur
and Kids Q Comp!
BBQ Competition**

EXHIBIT B1/B2:

Big Fat Daddy's as Food Vendor

Precautionary Fire Safety Guidelines

& FULL BLOWN FIRE PRECAUTIONS



INSERT FIRE CONTROL PLAN NEXT...



Fire Prevention Plan Temporary Events

PREPARED FOR : SPECIAL EVENT ONLY

LOCATION: HOGGING UP

BJ

SECTION A - PROPANE USE AND PREVENTION PLAN/DIAGRAM

1. USE OF OPEN FLAMES FOR PROPANE, in regards to FLAT TOP PROPANE GRILLS (1A) & DEEP FAT FRYER UNDER FLAME RETARDANT TENT (1B): (DIAGRAM A)

Open flames regarding this equipment are limited to the burners inside the deep fat fryer, and the burners under the flat top propane grills. (Propane burners). Equipment is maintained and will be in use and housed in a stand under a flame retardant tent. ****ANSEL SYSTEM IS NOT USED****

METHODS OF FIRE PREVENTION:

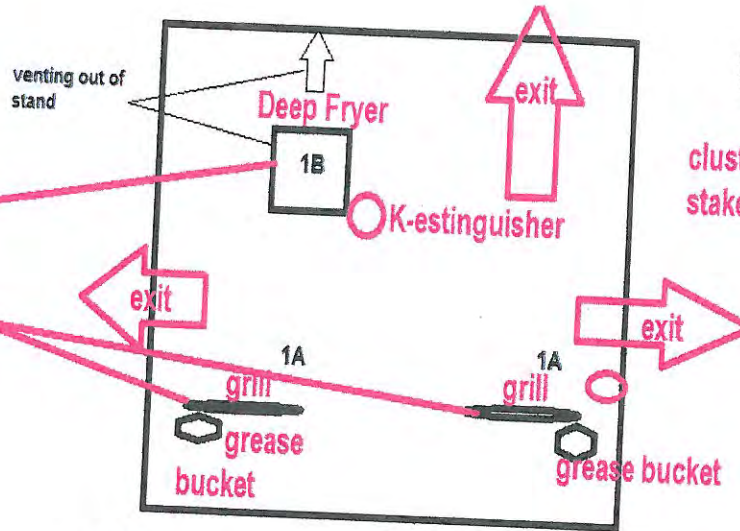
- Tenting has flame retardant sewn in certificate, and is clean from grease or debris. Applicable certificates can also be onsite if needed.
- Propane Cylinders have current stamped inspection tags in accordance with federal guidelines. Propane is clustered and properly staked behind the tent (8-10' behind) and not attached to the corner of tents or frames. *They are regulated and equip with special BRASS QUICK DISCONNECT COUPLINGS.
- Flat top grills (1A) do not omit smoke or vapors and do not have an ansel system due to the fact that most food is smoked on smokers first (see section B) special "hole" in lower left of grills for grease drainage. All grease is collected into a bucket and vetted into containers to be recycled for Bio-Diesel Projects.
- Special K-rated extinguisher with yearly certification is provided. In addition, regular fire extinguishers are present. WATER is available onsite and in booth.
- Protection such as glass and building barrier to prevent public from heat, or flames. Exits available within tent.
- Trained Family Member trained in Fire Prevention & OSHA guidelines, and stands approved by the State of New Jersey
- DEEP FAT FRYER (1B) is in use in back of stand. This is a propane burner deep fryer. The key here is it is in use under a Flame Retardant tent, venting out of the tent, and with a K-extinguisher present.
- ALL PROPANE IS FIXED WITH QUICK DISCONNECT HOSES in the event of any fire emergency, the propane can be disconnected within seconds from the unit in question.



Big Fat Daddy's



photo



diagram

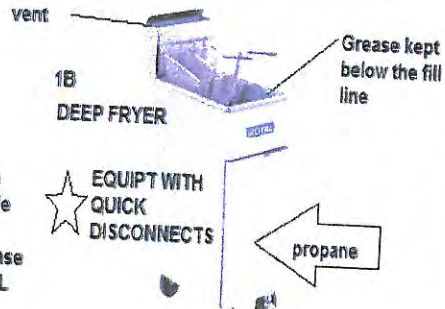
Everything under a flame retardent tent and protection from public contact.

★ EQUIPT WITH QUICK DISCONNECTS

1A - GRILLS



special "hole" in grill allows any fats, liquids, water, or greasy substance from food to drain into catch basin (food grade bucket) which is collected into grease containers at the end of night. This grease is recycled back at facility for BIO DIESEL



ARE PRESENT ON ALL OUR PROPANE MAKING IT A SAFE ALTERNATIVE TO QUICKLY DISCONNECT ANY PROPANE WITHIN SECONDS

Please view more photographs of stands on www.bigfatdaddys.com



NEED PERMIT APPLICATION FOR 60-100# CYLINDERS, USE OF PROPANE ON FRYER AND GRILLS. NO ANSEL SYSTEM IS PRESENT.



6

SECTION B - CHARCOAL / NATURAL MATERIAL SMOKER USE

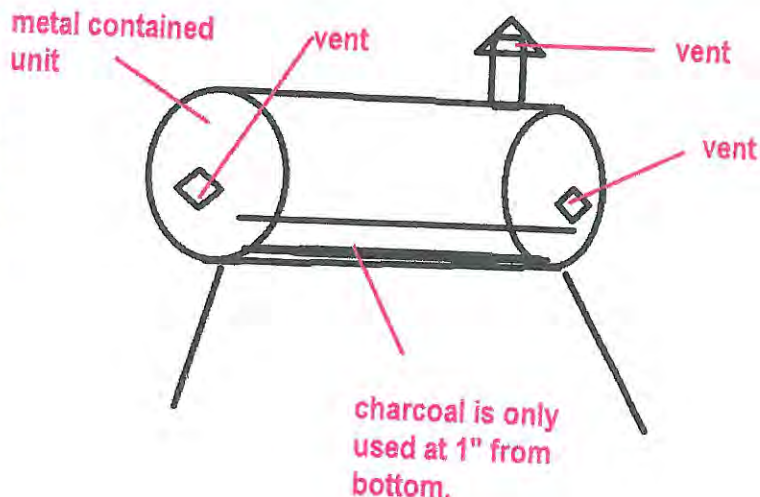
1. USE OF CHARCOAL OR SMALL HICKORY WOOD BRICKETTS IN TWO SMOKER PIT SYSTEMS. (DIAGRAM B, C)

Open flames regarding this equipment are limited to the "bottom bellies" or large charcoal or pit smokers. There are two as outlined below. ****ANSEL SYSTEM IS NOT USED****

METHODS OF FIRE PREVENTION:

- **SMOKER A** is enclosed, barrel style, and only gets charcoal fed in the bottom 1" of the unit. The goal is to "smoke" the food at a high temperature but not to "FLAME BROIL" the food. Venting is on top the unit, and on sides. Smoker is made so that any internal fire, vents can be immediately closed cutting off the oxygen to put out the fire. Vent on top releases smoke at small levels into the atmosphere.
- **SMOKER B** is a deep square open top unit. It is approximately 2 feet deep, by 3 feet wide, and made of metal. Only the bottom 1" gets fed with charcoal or hickory wood allowing for lack of "flare up" or "flamage." Although this pit is open, it is housed under a Flame Retardant Tent, due to health department regulations. The tent top is custom made out of flame retardant materials and certificate stating such is on hand.
- **FENCING BARRIER** to prevent public from coming within 3 feet of smokers.
- Special K-rated extinguisher with yearly certification is provided. In addition, regular fire extinguishers are present.
- **WATER** is available ONSITE and will be available in booth.
- **DISPOSAL** of charcoal, after disintegrated by water disposed of in metal bucket or ash can if provided by festival.
- **Trained Family Member** present trained in Fire Prevention and OSHA guidelines

SMOKER A SPECS:



Big Fat Daddy's

11



Big Fat Daddy's

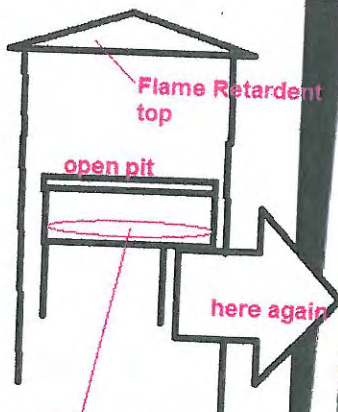


32

SMOKER B SPECS:



see it here



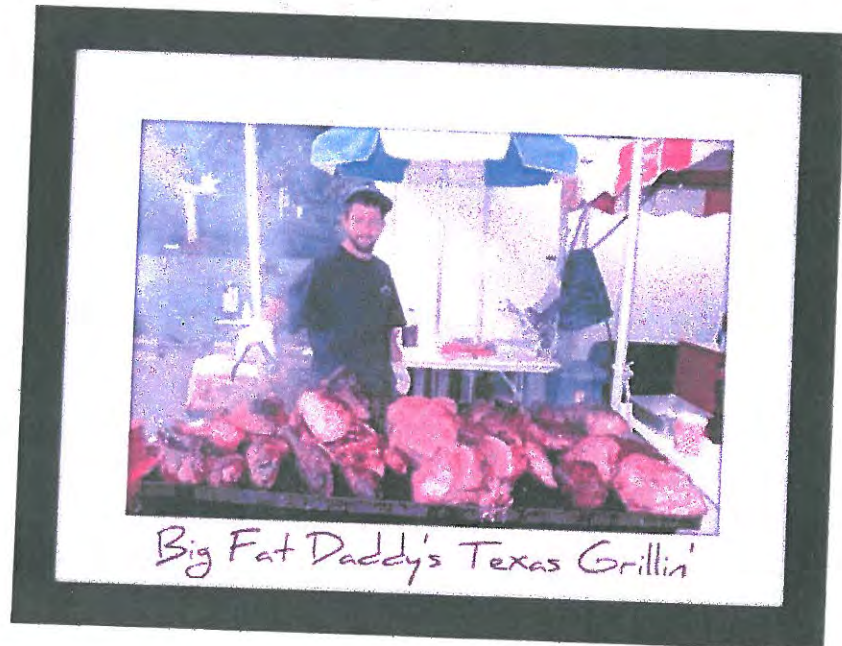
charcoal is only used in bottom 1" of unit, unit is several feet deep and wide.



Small Set-Up
Big Fat Daddy's

PROTECTIVE FENCING BARRIER USED TO PROTECT FROM PUBLIC

SMOKER B OPEN PIT SHOW SMOKER



Big Fat Daddy's Texas Grillin'

FELLS POINT USING PIT SMOKER B

12

EXHIBIT B³:

KCBS Competitor Information About Fire Safety

**Reiterated: In their Rules
They Must Sign their forms that they
read them.**

They are shown where the ash disposal cans are by us upon set up.

**We make water available to them via hose and if not, they have potable water
station nearby via Water Buffalo.**

They are inspected for CURRENT working Fire Extinguishers by us as they set up.

***Some may have actual ansel systems and full cook kitchens in their
professional trailers which is an added plus.**

Rules are Available Online under Professional Competitor Invitation

Refer to Dialogue in Exhibit B.

EXHIBIT ^{B4}B3:

**Backyard BBQ Information About Fire
Safety**

**Reiterated: In their Rules
They Must Sign their forms that they
read them.**

They are shown where the ash disposal cans are by us upon set up.

**We make water available to them via hose and if not, they have potable water
station nearby via Water Buffalo.**

They are inspected for CURRENT working Fire Extinguishers by us as they set up.

Rules are Available Online under Professional Competitor Invitation

Refer to Dialogue in Exhibit B.

Exhibit C: Safety & Crowd Control Plan (Diagrams)

CROWD SAFETY / CROWD CONTROL

- **Open floor plan layout will prevent crowding (attached not to scale and is in pending status, things may be flip flopped due to lack of electricity in some parts of fairgrounds)**
- **Security onsite.**
- **Police Drive By's since event happening aka "high alert" .**
- **Parking Control Plan – as set up by the Frederick Co. Fairgrounds, we will have handicapped spots, and volunteers from Clear Brook handling the parking as they accommodate the County Fair each year without issue and did perfect last year at our event.**
- **Traffic (except EMS vehicles) not permitted around patrons during festival hours.**
- **Separate entrance and exit for BBQ Competitors and Band to prevent crowd issues.**
- **Volunteers from SPCA to monitor gates.**
- **Alcohol Vendor Must Furnish A Safety Plan (See Exhibit G)**
- **Wayne and Cindy Schafer are trained in Emergency Crowd Control and certified by the Fire Marshall of Baltimore, MD (Certificates Attached)**

Layout of a sample open floor plan. Please note this is not definitive but a sample only.

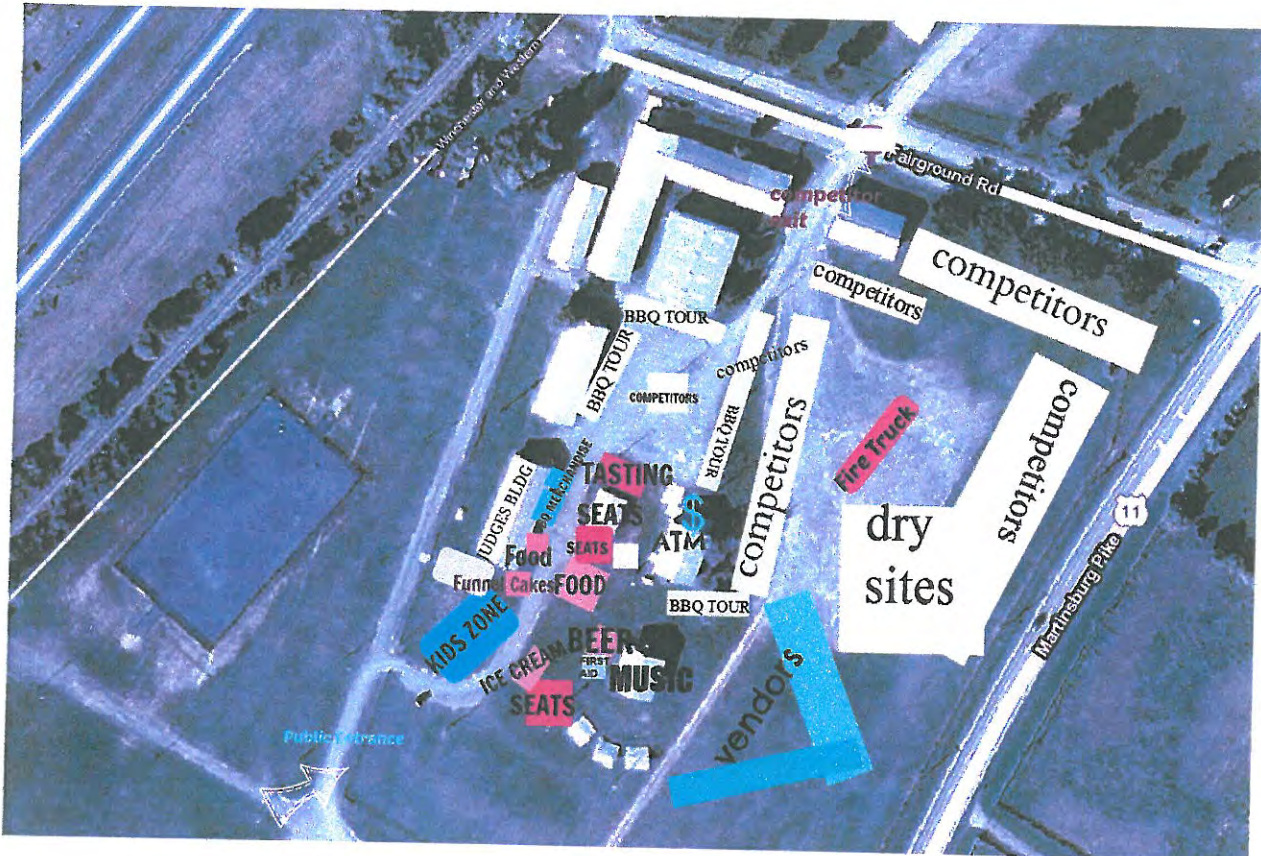


EXHIBIT C1-C2

CROWD CONTROL CERTIFICATIONS INSERT HERE.



Certificate of Completion

This certifies that

Cindy Fahnestock-Schafer
successfully completed the Crowd Manager Workshop
2/28/2012
offered by the office of the Maryland State Fire Marshal

Certificate # 40967.4514467593

Note: This certificate is good for three years from the date listed above.

Handwritten initials



Certificate of Completion

This certifies that

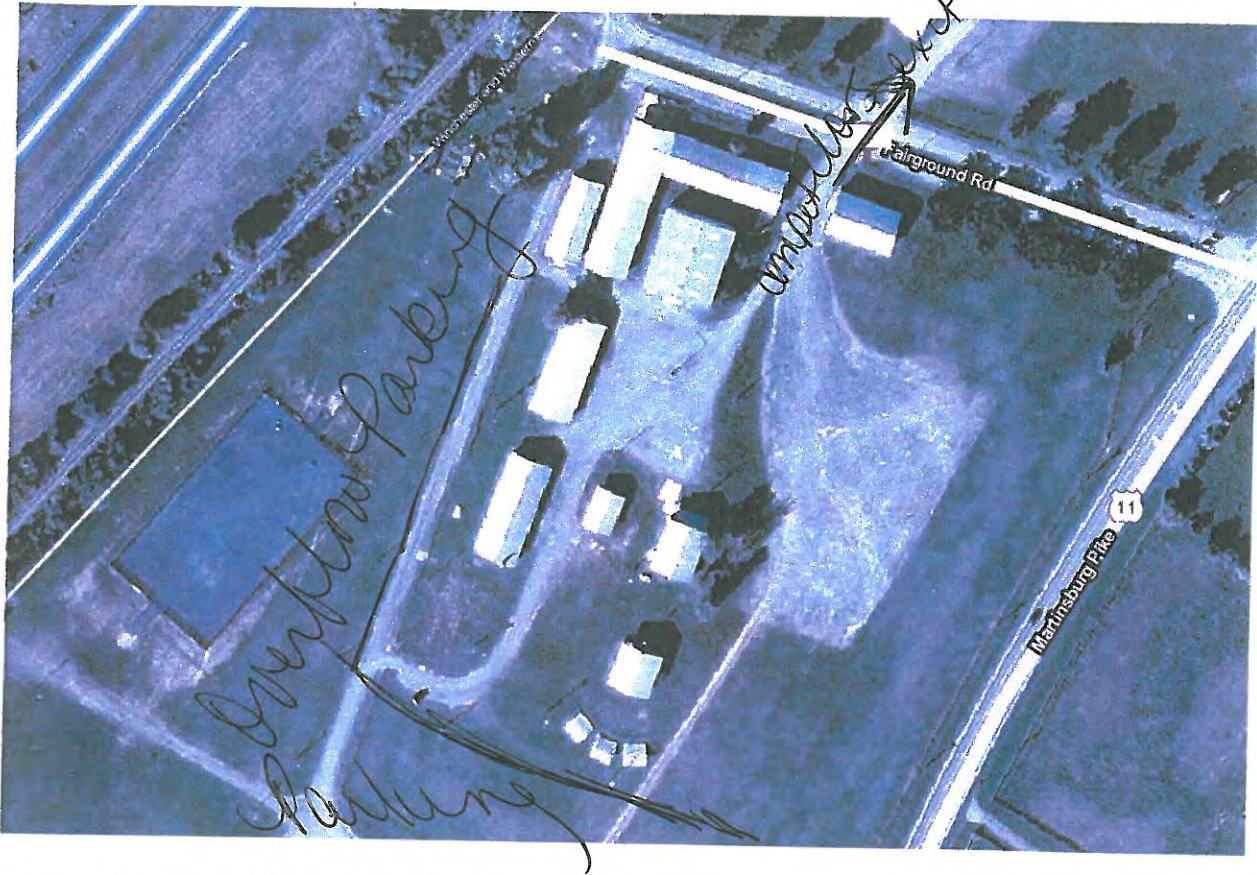
Wayne Schafer
successfully completed the Crowd Manager Workshop
2/28/2012
offered by the office of the Maryland State Fire Marshal

Certificate # 40967.4520949074

Note: This certificate is good for three years from the date listed above.

Handwritten initials

Exhibit D: Parking Safety Plan (Diagrams)



Note the parking lot is outside our event area.

Parking control done by the Clear Brook Assembly of God who has been doing Frederick County Fairground's parking for 20+ years with no issues and did ours last year.

We are not busy enough to traffic issues on Route 11. We wish we were.

Back entrance is special exit for competitors and manned by a staff volunteer in case of emergency, they can exit and enter.

Floor plan allows lane for Fire Truck at all times.

E. PUBLIC HEALTH SAFETY / SANITATION

First you should know we met with Jenny Jeffries aka Virginia Jeffries after our festival last year to ensure all bases were covered for this year, as we have added People's Choice Tasting Tent and Winners' Dinner.

- **Certified Food Manager onsite. Credentials Attached as it pertains to festival and to Big Fat Daddy's or "Three Wittle Piggies" alias food stands.**
- **Food vendors stand/s will be inspected by Virginia Department of Health**
- **Teams participating in People's Choice or Winners Dinner, see below, will be inspected and permitted.**
- **Outside food vendors must complete a contact with the Coordinators that specifies they are responsible for their own health inspections and fees. If they fail to comply they may be shut down.**
- **No Competitor is to sell to the public (A set number of teams will be inspected for People's Choice and Winners Dinner).**
- **New- 2014-PEOPLE'S CHOICE SAMPLE TENT** Cindy has met with Jenny Jeffries (Virginia Jeffries) to be clear on the needs for this as the public was pissed they could not taste barbecue last year from competitors. All competitors are busy competing and all are not in agreement to give out

samples, some not wanting to deal with inspections while they are trying to compete. We have worked out with the Virginia Health Department that we will have ten professional teams entered, permitted with paperwork and health inspections. They all will in contact with Virginia (Jenny) Jeffries and submit health apps (at our expense) and undergo inspection by the VA health department. They will then turn in pork (at our expense) that will be sold out of a designated sample tent (to regroup our expense and raise money for the winner's prize pot). This tent is also inspected by the Dept of Health making a fool proof HAACP plan in accordance with Jenny Jeffries. The jest of this tent is only to allow the public to purchase samples via ticket, let them vote blindly on a number and award a People's Choice. The public's complaint was not being able to taste award the bbq of all the competitors, so this is the best we could do. We tried to get the Virginia Health Department to blanket us, as we are the promoter and it's done under our supervision, and we were accepting all RESPONSIBILITY AND DAMGES ARISING but we could not reach this agreement. The purpose of the tent is for appeasement of the public only, extra monies raised would go direct to our non profits. This is only available from 11:00ish until supplies run out and limited quantities are available. Tickets will be sold for

samples so that no money is being handled by our volunteers therefore no cross contamination is taking place for those volunteers who may not be fully used to working in a food stand so to speak. All they have to do is hold on the grill and serve. We don't want any issues with the sample tent and this coordination is a huge pain in the butt. This is a trial run this year.

- **One of these 10 teams will donate their time and a Winners Dinner for 2 couples on Saturday night to our Grand Prize drawing winner, however, only one who has been inspected and permitted and we will be present to make sure full Serv-Safe guidelines are followed as this of course falls back on us as liable parties.**
- **First Aid tent on site, 911 is first call.**
- **No exotic animals allowed! NEW FOR 2014 we have lifted our "no pet" ban since this is an SPCA event we cannot discourage a dog being leashed and walked in by it's owner this year. They will be told at the gate they must clean up after them and we have volunteers from the SPCA with pooper scoopers. Because handwashing facilities are onsite this should not be an issue.**
- **Frederick County Fairgrounds Bathrooms onsite with cleaning volunteers to maintain sanitary conditions.**
- **Backyarders may not sell or sample any entries to the public.**

- Additional rental from Jonny Blue will have handicapped and regular portapotties. Will be cleaned in accordance with bilaws.
- We have grey water tanks & grease collection from Johnny Blue to collect grease, and grey water from cooking sites.
- Trash cans provided all over as they are at the fairground and additional dumpsters brought in for this event .
- Sanitation volunteers will be constantly collecting trash and making sure grounds are sanitized. = Clear Brook Church.
- Food Vendor will dump "grey water" into bins and dispose of properly or take back to facility. No dumping of water on grounds.

Fairgrounds is equipped with proper sanitation disposal methods.

EXHIBIT E1 : Serv Safe



EXAM FORM NO. 4563
CERTIFICATE NO. 7338656

ServSafe® Certification

to **CINDY M FAHNESTOCKSCHAER**

for successfully completing the standards set forth for the ServSafe® Food Protection Manager Certification Examination, which is accredited by the American National Standards Institute (ANSI)-Conformance for Food Protection (CFP).

9/27/2010

DATE OF EXAMINATION

9/27/2015

DATE OF EXPIRATION

Local laws apply. Check with your local regulatory agency for recertification requirements.



Paul Hansen

Paul Hansen
Executive Director, National Restaurant Association Solutions



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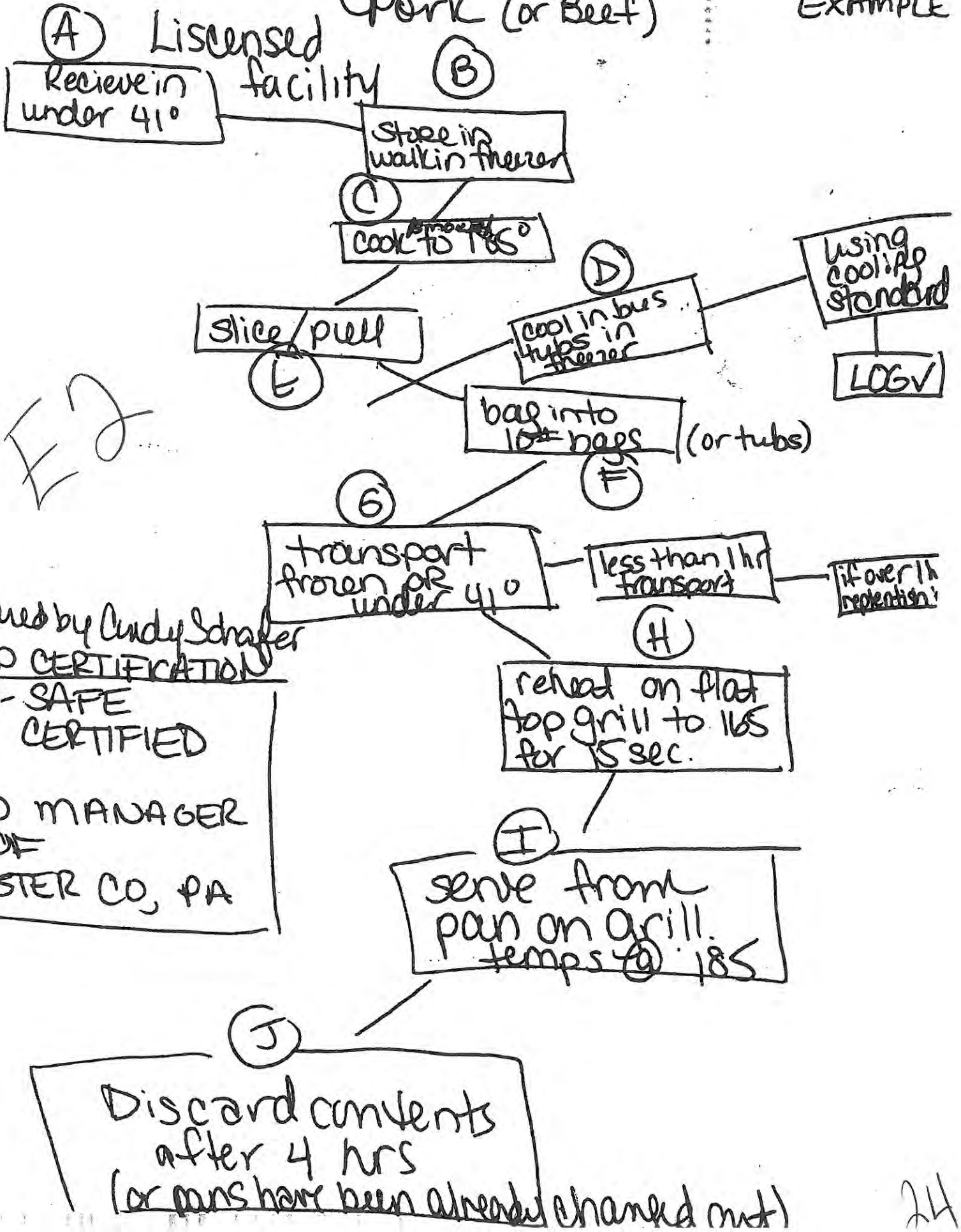
EXHIBIT E2: INSERT Haacp Plan, Big Fat Daddy's

Exhibit E3, Insert Haacp Plan for Sample Tent and Winner's Dinner

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BIG FAT DADDY'S
HACCP
EXAMPLE

Sample
Pork (or Beef)



ED

pared by Cindy Schaefer
NO CERTIFICATION
V-SAFE
CERTIFIED
NO MANAGER
OF
ESTER CO, PA

E3

HACCP Plan for People's Choice Contest

Big Fat Daddy's to secure a pork sponsor or donate the pork to teams to cook. The pork will be transported via sponsor, foodservice or us to the fairgrounds.

Proper Transport Procedures, below 41 degrees in refrigerated truck to Fairgrounds, or is received at Fairgrounds directly from Feezer Foods Inc.

Distributed to Cook Teams for cook and return to Big Fat Daddy's Sample Tent which is run by a non profit volunteer group.

teams are inspected and permitted by VA DEPT OF health per JJEFFRIES

Proper Storage Under 41 degrees

teams are inspected and permitted by VA DEPT OF HEALTH per JJEFFRIES

Teams are KCBS professional cook teams with cook kitchens and professional equipment.

Collection by Big Fat Daddy's to put cooked pork on 200 degree flat top grills for service in Sample tent

Serv-Safe manager will make sure pork is panned at 185 degrees and held to kill any bacteria

Pork is now on flat top propane grills, with 4 - 200,000 btu burners being fried at 225 degrees

We are technically killing everything at this point

peoples choice

Pork is panned and numbers are assigned to pans. Each 1-3 oz cup has a corresponding number. The public purchases these cups as samples. They vote on the number on their way out of the sample tent. The team with the most votes recorded wins the people's choice.

Must have sample tickets to avoid cross contamination. NO-CASH SALES

winners dinner
One cook team will donate a winner's dinner on Saturday night for Grand Prize drawing. However, this team must be permitted and inspected, and Cindy from BFD will be supervising this.

FACT: A minimum of ten other contests in Virginia do People's Choice contests, and Bluemont is a prime example where the competitors MUST do this or they can pay to opt out for \$150.00. There have been no foodbourne outbreaks.

FACT: The sponsor is taking full liability and has insurance to cover foodservice at the event. They are inspected and are permitted. According to Jenny Jeffries, no blanket permit can be issued Each team will do inspection/Fees

FACT: The sample tent is using community volunteers who represent a local non profit so this non profit get a portion of the sales from the samples to help put money back into the community. Since the meat has been donated from the sponsor, the remaining profits help offset the costs of

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Exhibit F: Music Plan & Safety

- **There will be no stages brought in.**
- **We will make use of the current outdoor “covered deck” stage at the Frederick County Fairgrounds with current seating arrangements. Fixed seating provided by Fairgrounds which is currently Bleachers onsite may accommodate 300 patrons.**
- **Open space on sides of stage area for tables, chairs, and rental tents (not to exceed 20’x30’ size tents) and people to bring their own chairs or blankets to have open seating to watch musical performers.**
- **A sound man is in charge of providing sound on the stage which will include staggered performances of bands and announcements, (stage lighting) and sometimes CD music playing, during the hours of:**

FRI Open to Public 4-9:30 (closing announcements 9)

SAT Open to Public 10-10

SUN Open to Public 10-6

- **Signed Statement enclosed that no music shall be played to exceed 73 decibels.**
- **No continual music for more than 2 hours. No music to last over 8 hours in any day.**
- **Promoter has BMI/ASCAP permits.**

- **Stage is also used for BBQ Tour, and announcements**

Friday Schedule 6/27

BBQ Tour 2 Stops, Michael Palmer Performs, BBQ Meeting, (Radio or PreRecorded)

Saturday Schedule 6/28

BBQ Tour 3 Stops, Cosette Gobat, Burnt Orange Band, BBQ Awards and Rule G* Perform, (Radio or PreRecorded)

Sunday Schedule 6/29

Volunteer Performances* , (Radio or PreRecorded), & Competitor Awards Ceremony

***Volunteers TBD. These are unknowns or bands who donate time, who come and sing.**

- **Exhibit F1 Statement of Music Sound**

I, **Wayne M. Schafer, Sr,** and **Cindy Fahnestock-Schafer,** organizers and promoters of Hogging Up BBQ Festival hereby do agree that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom shall exceed 73 decibels at any property line of the Frederick County Fairground in reference to the Hogging Up BBQ Festival, June 27-29th 2014.

Additionally, no music shall be played for more than 8 hours in any 24 hour period.

Furthermore, we will have written contract with our contracted sound company to also further stipulate this requirements.

Cindy Fahnestock-Schafer

Wayne M. Schafer, Sr.

Exhibit G: Alcohol Plan

The festival organizers have little to do with this, except for to allow a local organization to sell beer & wine at our event and reap the profits.

Last year we used the the local Winchester Exchange Group who had acquired all the trainings and permits required to operate, and carry insurance naming us as Additional Insured.

We are available to meet with any representative for the Winchester ABC board and point of contact for permitting the Alcohol though it is not something we want to have any hand in.

The chosen organization must have a contract with us, that they shall abide by rules of the Festival and display their sell times.

THEIR PERMIT ONCE APPROVED IS TO BE PROVIDED TO US AND YOU and ONSITE DISPLAY TO THE PUBLIC FOR SUCH AN EVENT

It is our understanding that one a permit is in place, a winery may be invited for tasting , provided that winery

obtains proper permits for on-site tasting in accordance with the permit of the non-profit.

Hogging Up BBQ Festival will be working closely with the non profit to ensure that all safety measures as it pertains to alcohol be followed. We have instituted our own rules as follows in our Alcohol Preventative Plan.

Please see this plan attached.

Hogging Up Alcohol Preventative Plan / Rules

It is in our best interest to be on the same page as the non profit who will be providing the beer/alcohol sales. Therefore, a Representative of the Hogging Up Festival must attend all meetings and trainings as required by the ABC Department and work closely with the non profit to ensure proper permits are obtained and proper safety measures are in place. At any given time the Hogging Up Festival requires the right to shut down the alcohol sales if proper measures are not being followed.

- A written agreement will be held between the non profit and the Hogging Up Festival to ensure ethical practices are followed.
- Hogging Up Festival will be requesting to be added as ***additional insured from the non profit as an added safety measure so no issues arise.***
- Hogging Up Festival will be providing a designated area for the beer tent and/or wine tasting area .
- Hogging Up Festival will be providing security at the festival if alcohol is provided.
- All alcohol sales must be carded to ensure patrons are of proper age.
- All alcohol sales at Hogging Up must be stopped 1 hour or more prior to festival close or in according to state and county laws. Hogging Up may send in "spotters" to ensure that the non profit is operating in accordance to state and county guidelines. If the non profit is not operating in

25

accordance with these terms Hogging Up reserves the right to stop alcohol sales without notice. Anyone showing clear intoxication shall not be served.

• **Exhibit G1 Preventative Agreement w/Non Profit
Sample Agreement with Non-Profit (Demonstration
Only):**

Dear Barbara Greer c/o Baltimore Sons of Italy:

We take safety and security at the Hogging Up Music Festival seriously. Therefore, we are stipulating the following:

- You must obtain and furnish to us prior to the festival your ABC event permit to sell beer at this event.
- We will provide a designated area for the beer tent with added security in place.
- We require you to operate in a safe and effective manner as required by the ABC office, carding all individuals each and every time they ask to drink to ensure they are of legal age. No card=no drink. As well anyone clearly showing or exhibiting signs of clear intoxication should not be served.
- All alcohol sales at Hogging Up must be stopped 1 hour or more prior to festival close or in accordance to state and county laws. You must display signage of this.
- Hogging Up may send in "spotters" to ensure that the non profit is operating in accordance to state and county guidelines. If the non profit is not operating in accordance with these terms Hogging Up reserves the right to stop alcohol sales without notice.

Please sign and enclosed agreement to indicate you have read these rules and will abide by them:

Signed: _____

President of the Sons of Italy

Exhibit H: Outdoor Lighting Statement

I, Wayne M. Schafer, Sr, and Cindy Fahnestock-Schafer are not bringing in special lighting—we are using the lighting that is provided by the Frederick County Fairgrounds, with the Frederick County Fairgrounds electrician's approval, and with the Fair Manger Richard Leight.

Note: This festival is in the summer so therefore lighting should not be an issue as the fairgrounds has adequate lighting throughout!

- *Food Vendor (Big Fat Daddy's) provide their own clear lighting in their booths to illuminate their stands in accordance with state health laws – Teflon covered food safety bulbs and shielded fluorescents and in accordance to the Fairgrounds rules.*
- *Beer tent will also have Teflon covered safety bulbs or shielded fluorescents in accordance to the Fairgrounds rules.*
- *Exhibitors who are outdoors may illuminate their booth by the lighting provided by the fair, or shut down at dark. Some exhibitors will be in the exhibitor building thereby utilizing the indoor lighting provided by the fairgrounds and may remain open.*
- *Stage lighting is already in place by the Frederick County Fairgrounds, and minimal stage lighting (also known as strobe lighting) may be provided by the Sound Man in accordance to Fairground Rules.*

NO ADDITIONAL COMMERCIAL LIGHTING IS TO BE CONTRACTED, BROUGHT IN, or USED OTHER THAN NORMAL FAIRGROUND AND EXHIBITOR LIGHTING as you would normally see at this Fairground.

Signed:

Cindy Fahnestock Schafer _____ **Wayne M. Schafer** _____

I: ADDITIONAL INFORMATION

SPECIAL REQUEST: WE START OUR CATERING SEASON IN APRIL CAN WE PLEASE GET ON YOUR AGENDA SCHEDULE FOR VOTE BY THE BOARD FEB OR MARCH AS IT IS DIFFICULT FOR US BOTH TO GET THERE IN APRIL OR MAY.

We had no incidents last year.

We have assisted on other fair committees and volunteered at events.

We do have admission at the gate but give away free passes, and coupons around town to encourage people to show. 1/3 of our patrons last year were from Free Passes. This year we will be dropping more, and have 24 VIP passes this year which some are for guest judging. Our admission prices are advertised at the gate and online. We may change Sunday to a free day we haven't decided yet.

We helped raise much money for the local community and consider this a give back event.

Last year Ken Cuccinelli attended and commended us on a good job and well run festival.

Some of the Board were guest and VIP judges last year so they observed how smoothly things were running.

We are doing an event in West Virginia in October 2014, "Hogging Up WV" to do the same thing.

We are holding this on our anniversary weekend, so that goes to show how dedicated we are for doing good for the community, and we appreciate you helping us spread the word.

Facebook: HoggingUpBBQFestival


Website: HoggingUp.com

I



MEMORANDUM

TO: Board of Supervisors

FROM: Michael T. Ruddy, AICP, Deputy Director 

DATE: March 6, 2014

RE: **Public Hearing: 2014-2015 Capital Improvements Plan (CIP)**

At their March 5, 2014 meeting, the Planning Commission endorsed the 2014-2015 CIP and affirmed that the 2014-2015 CIP is in conformance with the 2030 Comprehensive Plan. Following the scheduled public hearing, it is the role of the Board of Supervisors to endorse the 2014-2015 Capital Improvements Plan. Staff is seeking endorsement of the 2014-2015 Capital Improvements Plan by the Board of Supervisors.

On November 20, 2013, the Comprehensive Plans and Programs Committee (CPPC) met with County Department and Agency representatives to discuss their individual capital improvement project requests, including new projects and modifications to previous requests, associated with the 2014-2015 Capital Improvements Plan (CIP). Following the CPPC discussion, the CPPC endorsed the 2014-2015 CIP and endorsed its conformance with the County's Comprehensive Policy Plan. The CPPC forwarded this recommendation to the Planning Commission for discussion.

Both the Planning Commission and Board of Supervisors considered the proposed 2014-2015 Capital Improvements Plan as a discussion item prior to the CIP's advertisement for public hearing. The discussion of both bodies expressed general support of the 2014-2015 CIP.

Please find attached with this agenda item the Draft 2014-2015 CIP which includes: a summary of the proposed 2014-2015 CIP in table form, and a draft copy of the proposed 2014-2015 CIP maps illustrating the known locations of the CIP requests. More detailed information regarding the individual department requests is available digitally and may be forwarded to you directly if requested.

Board of Supervisors
Public Hearing: 2014-2015 CIP
March 6, 2014
Page 2

If adopted, the CIP and included maps will ultimately become a component of the Comprehensive Policy Plan, which would satisfy the review requirement of Section 15.2-2232 of the Code of Virginia, which states that no public facility shall be constructed unless said facility is a "feature shown" within a jurisdiction's comprehensive plan.

Please contact the Planning Department should you have any questions regarding this information.

MTR/rsa
Attachments

FREDERICK COUNTY VIRGINIA

CAPITAL IMPROVEMENTS PLAN



**2014-2015
Fiscal Year**

Adopted by the
Frederick County
Board of Supervisors
tbd, 2014

Recommended by the
Frederick County
Planning Commission
March 5, 2014

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CAPITAL IMPROVEMENTS PLAN FREDERICK COUNTY 2014-2015

INTRODUCTION

Section 15.2-2239 of the Code of Virginia assigns the responsibility for preparation of plans for capital outlays to the local Planning Commissions. The Capital Improvements Plan (CIP) consists of a schedule for major capital expenditures for the county for the ensuing five years.

The CIP is updated annually. Projects are removed from the plans as they are completed or as priorities change. The plan is intended to assist the Board of Supervisors in preparation of the county budget. In addition to determining priorities for capital expenditures, the county must also ensure that projects contained within the CIP conform to the Comprehensive Policy Plan. Specifically, the projects are reviewed with considerations regarding health, safety, and the general welfare of the public, and the policies of the Comprehensive Plan. When the CIP is adopted, it becomes a component of the Comprehensive Plan. Frederick County approved the 2030 Comprehensive Plan on July 3, 2011.

The CIP is strictly advisory; it is intended for use as a capital facilities planning document, not for requesting funding allocations. Once adopted, project priorities may change throughout the year based on changing circumstances. It is also possible that particular projects may not be funded during the year that is indicated in the CIP. The status of any project becomes increasingly uncertain the further in the future it is projected.

Transportation projects are included in the CIP. The inclusion of transportation projects to the CIP is in no way an indication that Frederick County will be independently undertaking these projects. Funding projects will continue to come from a combination of state and federal funds, developer contributions, and revenue sharing.

The 2014-2015 CIP continues to emphasize the connection between the CIP, Comprehensive Plan, and potential proffered contributions made with future rezoning projects. This effort continues to be reinforced through the effort of the Parks and Recreation Department and their identification of their comprehensively planned parks including community, neighborhood, and district parks.

PROJECT RECOMMENDATIONS

Frederick County Public Schools

Frederick County Public Schools continue to commence and complete capital projects that have been priorities from previous years. The James Wood Middle School parking lot safety enhancements, a project done in conjunction with the City of Winchester to address several traffic safety concerns identified in the vicinity of James Wood Middle School over the years, has recently been completed and has therefore been removed from this year's CIP. Previously removed, is the new transportation facility located adjacent to Armel Elementary School. The facility houses administration, driver training areas, driver and staff meeting areas, mechanical service and repair bays, inspection bay, wash bay, and fueling bays.

The school renovations proposed to prepare school facilities for an all day Kindergarten program have moved off the CIP as they have been programmed to be funded and initiated. The CIP has been reflected accordingly. It should be recognized that the all day kindergarten program had been delayed for several years in light of the recent fiscal climate so it is very positive to see the all day kindergarten program progress through the joint efforts of Frederick County Public Schools and the Board of Supervisors.

The Replacement of Frederick County Middle School is the School's top Capital improvement priority with improvements to Aylor Middle School the second highest priority. The construction of the County's fourth High School is the third priority. The new high school and both a replacement and new middle school have been requested in anticipation of the future demand of a growing student population.

A new project, an addition and renovations to Indian Hollow Elementary School, is proposed. Indian Hollow Elementary School opened in 1988 and is the County's smallest elementary school building with a program capacity of 492 students. Renovations to the existing portion of the building will address several major issues, including classroom storage, ADA compliance, energy conservation, security, and upgrades of fire alarm, electrical, plumbing, and mechanical systems. A building addition will be needed to maintain program capacity. This year's CIP continues to include a request to renovate and expand the current administration building on Amherst Street.

In an effort to maintain educational facilities that will handle the growing student population, the construction of two new elementary schools is recommended within the UDA (Urban Development Area). However, the timeframe for these facilities has been extended out several years. Elementary School number 12 has been advanced.

Parks & Recreation

Baseball field lighting at both Clearbrook and Sherando Parks is the number one capital improvement priority for Parks and Recreation.

This year's CIP is reflective of the ongoing effort to seek community input into the parks and recreation programs and facilities. The recently completed survey has been taken into consideration when prioritizing parks and recreation capital projects.

Swimming improvements continue to be a focus for Parks and Recreation. The upgrade of pool amenities at the swimming pools at both parks will include the addition of water slides and a spray ground. This project is expected to increase pool attendance by 30 percent while providing recreational opportunities for both the Sherando and Clearbrook Park service areas. The indoor aquatic facility continues to be proposed as a high priority of the Parks and Recreation Department, with modifications to the scope of the project aimed at providing flexibility in its design.

The Parks and Recreation Department has proposed to acquire land in both the eastern and western portions of the county for the development of future regional park system. Both land acquisitions call for 150-200 acres of land to accommodate the recreational needs of the growing population.

The effort of the Parks and Recreation Department and their identification of their comprehensively planned parks including community, neighborhood, and district parks, further emphasizes the connection between the CIP, Comprehensive Plan, and potential proffered contributions made with rezoning projects.

The majority of the recommended projects are planned for the county's two regional parks (Sherando & Clearbrook). Projects planned for Sherando Park include: upgrade of baseball lighting, upgrade pool amenities, a softball complex, a soccer complex, maintenance compound and office, skateboard park, parking and multi-purpose fields with trail development, picnic area with a shelter, and an access road with parking and trails. The projects planned for the Clearbrook Park include, upgrade of baseball lighting, upgrading pool amenities, a new open play area, a tennis/basketball complex, and shelter with an area for stage seating.

A project that has moved up in priority for Parks and Recreation is the Abrams Creek Greenway Trail. This capital project was first recognized in last year's CIP. This facility would provide recreational opportunities for residents of this corridor along with the surrounding communities and was emphasized in the Senseny/Eastern Frederick Urban Areas Plan completed during 2012. This project will provide trails with bicycle, walking and joggings opportunities, which ranks #1 in the 2007 Virginia Outdoors Plan survey for all outdoor recreational activities.

Handley Regional Library

The Handley Regional Library continues to recommend four projects, consistent with their 2013-2014 requests. The library's top priority is a parking lot sidewalk extension promoting sidewalk access at the Bowman Library as phase 2 of the parking lot expansion project. The parking lot expansion component of the project was completed during 2011. The library wishes to extend the sidewalks to serve residents traveling from the east to Lakeside Drive.

The three remaining projects request that funding be provided for new library branches throughout the county which include the areas of Gainesboro, Senseny/Greenwood Road, and Route 522 South, with the latter two being located within the UDA (Urban Development Area).

Transportation Committee

The Transportation Committee continues to provide project requests for the CIP. Virginia State Code allows for transportation projects to be included within a locality's CIP. Funding for transportation project requests will likely come from developers and revenue sharing. Implementation of transportation projects does not take away funding for generalized road improvements.

The Transportation Committee has requested funding for sixteen projects. The sixteen requests include projects that entail widening of major roads; key extensions of roads that help provide better networks, bicycle and pedestrian improvements, and the addition of turn lanes at current unsafe intersections. The Senseny Road bicycle and pedestrian improvement project has been removed from the plan. The inclusion of the Eastern Road Plan Improvements item once again emphasizes the connection between the CIP and potential proffered contributions made with rezoning projects which are aimed at mitigating potential transportation impacts identified in the Comprehensive Plan.

The major change to the transportation project list in this year's CIP is the classification of the projects into funded and unfunded priorities.

Winchester Regional Airport

Funding for airport projects is derived through a complex formula where the federal and state governments contribute a majority of the funding, with Frederick County and the other jurisdictions providing the remaining funding.

The Airport has recently completed a major improvement of their runway. With this project moving from the CIP, The Airport Authority is now focusing their CIP efforts on Taxi way improvements and Property acquisition in support of airport development to meet Federal Aviation requirements for general aviation facilities. The vast majority of the funding for these improvements came from the FAA and VDA.

The number one priority for the Airport is the acquisition of property to support airport operations. The construction of a new general aviation terminal to support future airport operations and associated parking improvements is a project that has been elevated in this year's CIP and remains in this year's. A new project for the airport is the Fuel Storage Facility.

The number of projects that are included in this CIP has been consolidated over last year as the Airport Authority is further aligning the County's CIP with the one provided to the Virginia Department of Aviation.

County Administration

With the Gainesboro citizen convenience center project moving forward, the number one priority is a new facility proposed as a replacement for the Albin Convenience site. The other request is for the expansion/relocation of the Gore Refuse Site to allow for a trash compactor, which will reduce operational costs, by compacting trash before it reaches the landfill.

The joint County Administration and School Administration Building that was included in last year's amended CIP remains in this year's project list.

Previously, an item was added to enhance the connection between the CIP and proffered contributions made to mitigate the impacts of development projects is an item that addresses general government capital expenditures that may fall below the established \$100,000 departmental threshold. This is similar to the approach previously taken for Fire and Rescue Capital Equipment. The structure of the County Administration section of the CIP has been modified and no longer includes Fire and Rescue. Fire and Rescue has its own section which is as follows.

Fire and Rescue

The top project for the Fire and Rescue component remains the creation of Fire & Rescue Station #22 in the vicinity of Route 277, with the ability to provide an annex facility for other county related offices. The collaboration of this project with other community users and a land use planning effort was a key element of the Route 277 Land Use Plan. Fire and Rescue has also included a project which provides for the capital apparatus needs of this facility.

Fire & Rescue has once again requested the relocation of two current fire stations in order to operate more efficiently; Round Hill and Clearbrook. Three newer projects for Fire and Rescue are the creation of Station #23, a new facility located in the vicinity of Crosspointe, the creation of Station #24 in the vicinity of Cross Junction/Lake Holiday, and a Fire & Rescue Regional Training Center. Such a Regional Public Safety Training Center potentially consisting of an administrative building, multi-story burn building,

multi-story training tower, vehicle driving range, shooting range, and numerous other training props. This project will incorporate emergency medical services, fire, hazardous materials, rescue, law enforcement, industrial, and educational institutions located within the region.

Fire and Rescue Volunteer Company Capital Equipment Requests

Previously, a project consisting of a revolving fund in the amount of \$1,000,000 for the benefit of Fire and Rescue Services was established. It is the intention of this capital expenditure fund to be for the purpose of purchasing additional and replacement capital equipment fire and rescue vehicles and equipment that may fall below the guidelines established by the Finance Committee. It was determined that the inclusion of such a project would be beneficial in ensuring that this significant capital expense is identified in the County's capital planning and budget process. This project is primarily for the benefit of the individual Volunteer Fire and Rescue Companies.

The individual Fire and Rescue Companies have identified their own Capital Requests which have been added to the CIP in no particular order. Most of the Capital requests meet the \$100,000 guideline established by the Finance Committee. Those requests that do not meet this guideline have been noted and therefore relate to the Fire & Rescue Capital Equipment project category.

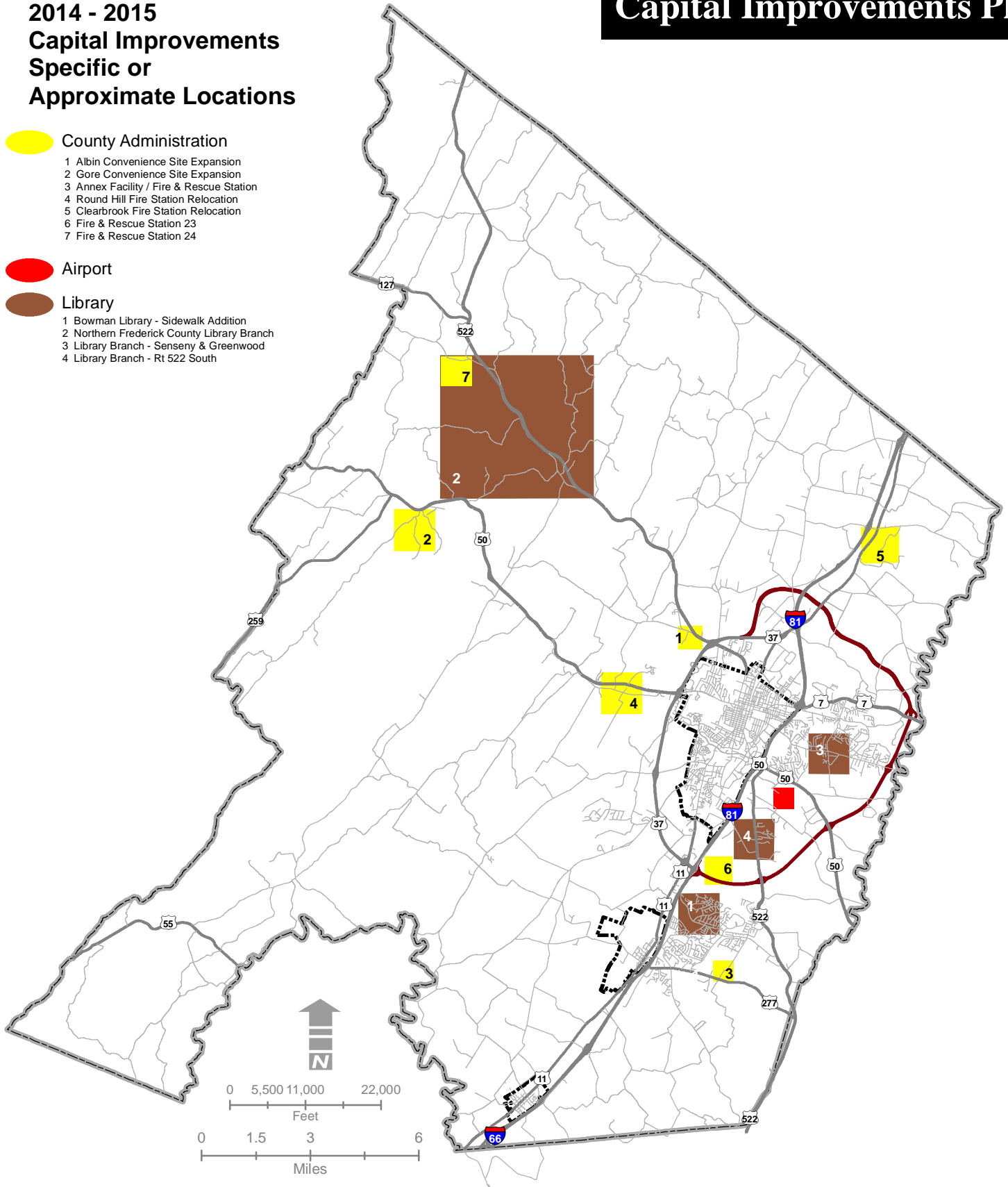
2014 - 2015 Frederick County Capital Improvements Plan

2014 - 2015 Capital Improvements Specific or Approximate Locations

- County Administration**
 - 1 Albin Convenience Site Expansion
 - 2 Gore Convenience Site Expansion
 - 3 Annex Facility / Fire & Rescue Station
 - 4 Round Hill Fire Station Relocation
 - 5 Clearbrook Fire Station Relocation
 - 6 Fire & Rescue Station 23
 - 7 Fire & Rescue Station 24

- Airport**

- Library**
 - 1 Bowman Library - Sidewalk Addition
 - 2 Northern Frederick County Library Branch
 - 3 Library Branch - Senseny & Greenwood
 - 4 Library Branch - Rt 522 South



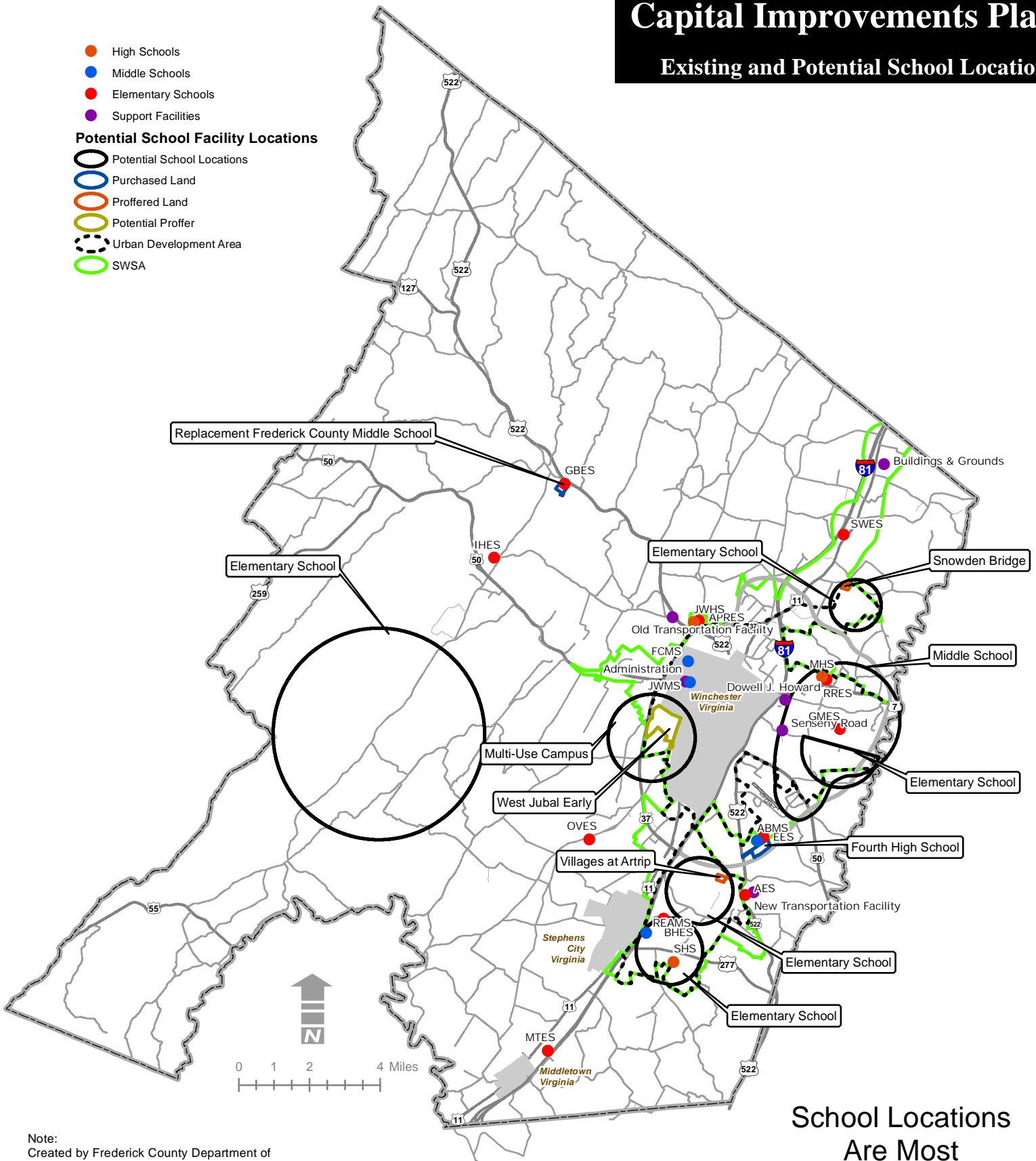
2014 - 2015 Frederick County Capital Improvements Plan

Existing and Potential School Locations

- High Schools
- Middle Schools
- Elementary Schools
- Support Facilities

Potential School Facility Locations

- Potential School Locations
- Purchased Land
- Proffered Land
- Potential Proffer
- Urban Development Area
- SWSA





Note:
Created by Frederick County Department of
Planning & Development

Map represents the Capital Improvement Requests
submitted by Frederick County School Board
11/18/13

School Locations
Are Most
Appropriate
Within the UDA

2014 - 2015 Frederick County Capital Improvements Plan New Parks/Rec Locations

Existing County Parks

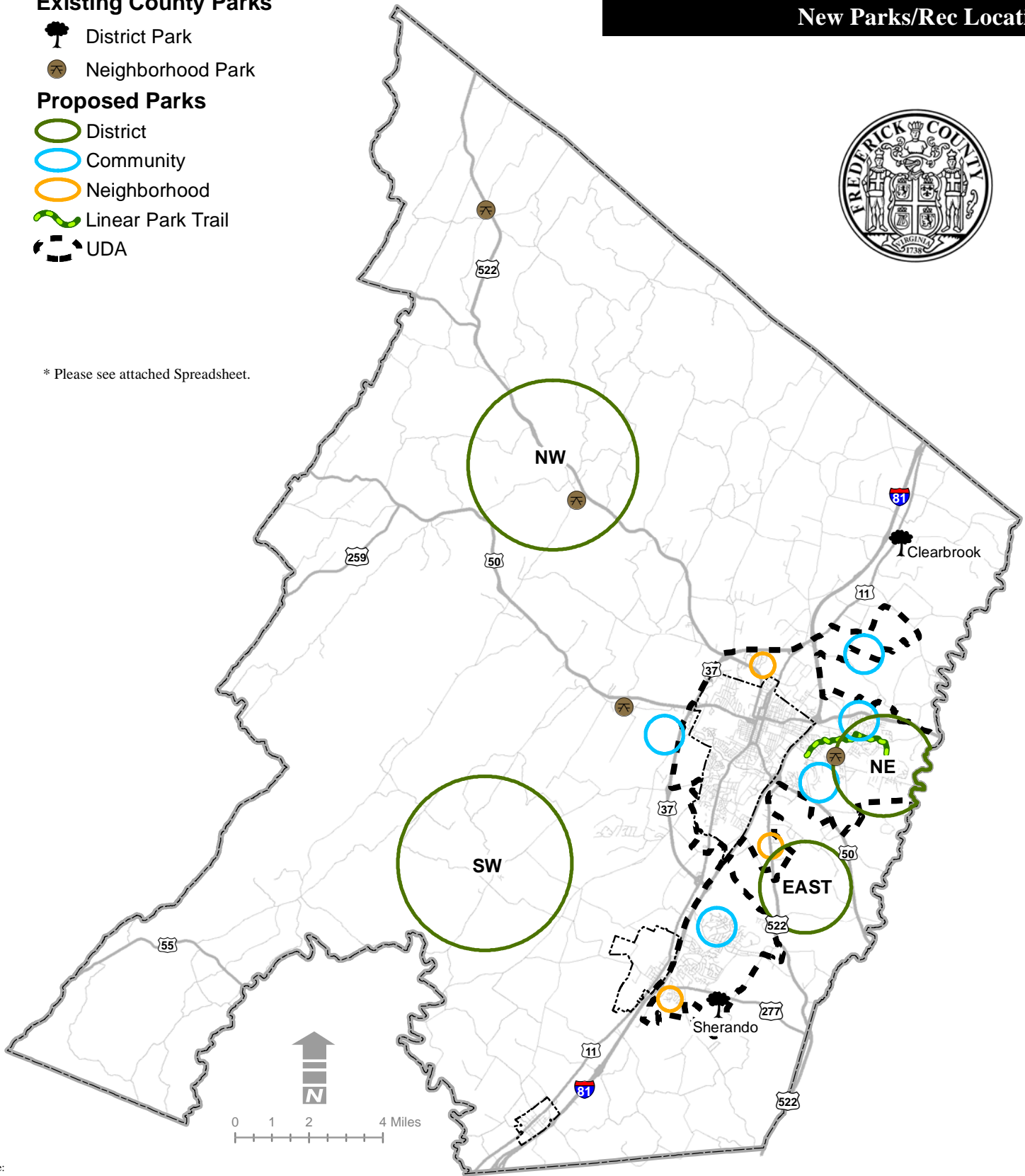
-  District Park
-  Neighborhood Park

Proposed Parks

-  District
-  Community
-  Neighborhood
-  Linear Park Trail
-  UDA



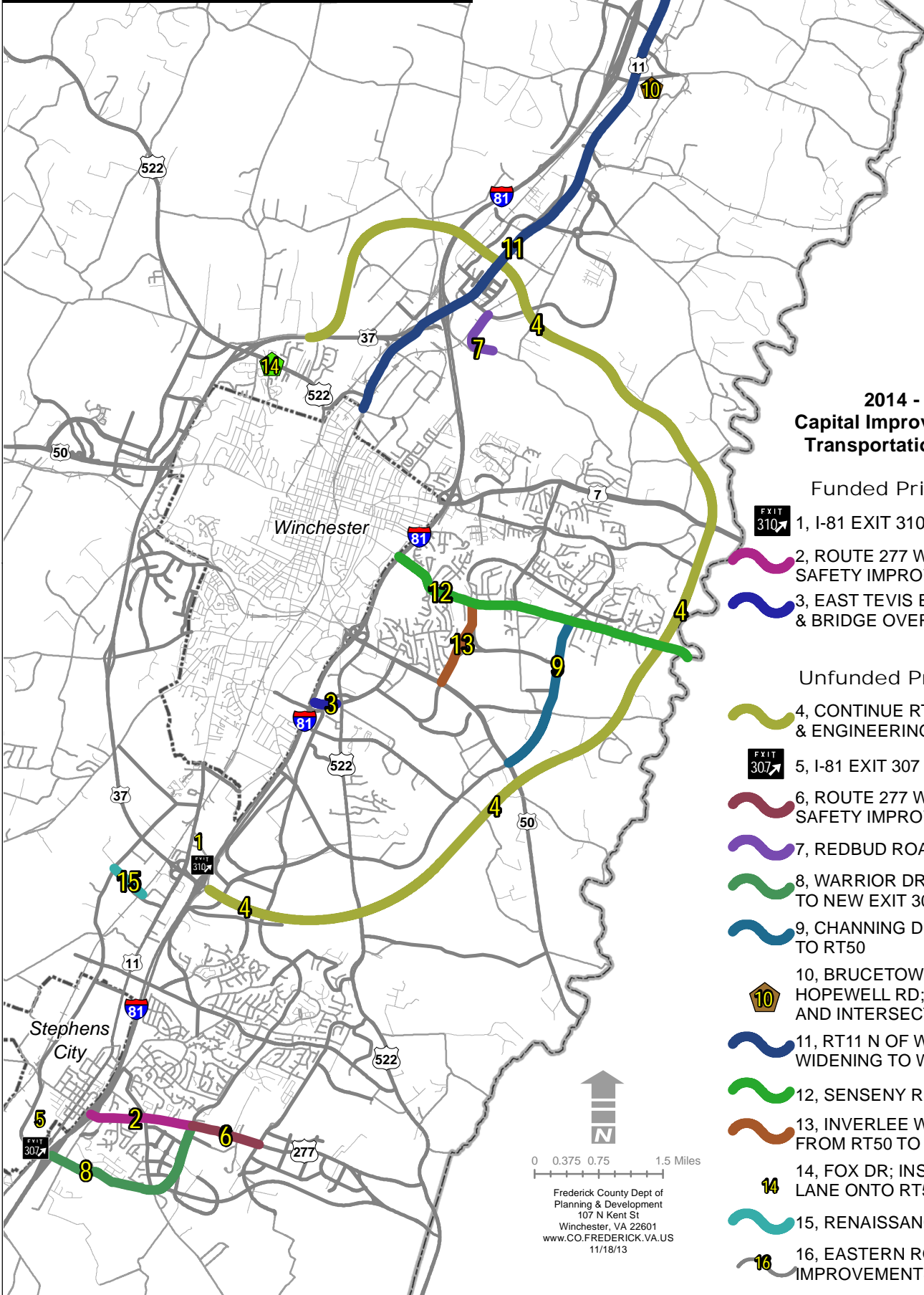
* Please see attached Spreadsheet.



Note:
Created by Frederick County Department of
Planning & Development




Map represents the Capital Improvement Requests
submitted by The Dept of Parks & Recreation
11/18/2012

2014 - 2015 Frederick County Capital Improvement Plan Transportation Projects



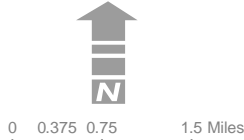
2014 - 2015 Capital Improvement Plan Transportation Projects

Funded Priorities

-  1, I-81 EXIT 310 IMPROVEMENTS
-  2, ROUTE 277 WIDENING & SAFETY IMPROVEMENTS (PH 1)
-  3, EAST TEVIS EXTENSION & BRIDGE OVER I81

Unfunded Priorities

-  4, CONTINUE RT37 PLANNING & ENGINEERING WORK
-  5, I-81 EXIT 307 RELOCATION
-  6, ROUTE 277 WIDENING & SAFETY IMPROVEMENTS (PH 2)
-  7, REDBUD ROAD REALIGNMENT
-  8, WARRIOR DR EXTENSION TO NEW EXIT 307
-  9, CHANNING DR EXTENSION TO RT50
-  10, BRUCETOWN RD/ HOPEWELL RD; ALIGNMENT AND INTERSECTION
-  11, RT11 N OF WINC WIDENING TO WV LINE
-  12, SENSENY RD WIDENING
-  13, INVERLEE WAY; CONNECTION FROM RT50 TO SENSENY RD
-  14, FOX DR; INSTALL RT TURN LANE ONTO RT522
-  15, RENAISSANCE DR
-  16, EASTERN ROAD PLAN IMPROVEMENTS



Frederick County Dept of
Planning & Development
107 N Kent St
Winchester, VA 22601
www.CO.FREDERICK.VA.US
11/18/13

| Department Priority | Projects | County Contribution Per Fiscal Year | | | | | | County Contributions | Notes | Total Project Costs |
|-------------------------------|----------------------------------------------------------------|-------------------------------------|--------------|-------------|-------------|-----------|----------------|----------------------|-------|---------------------|
| | | 2014-2015 | 2015-2016 | 2016-2017 | 2017-2018 | 2018-2019 | 2019+ | | | |
| | | Ensuing Fiscal Year | Year 2 | Year 3 | Year 4 | Year 5 | Beyond Year 6+ | | | |
| Public Schools | | | | | | | | | | |
| | Replacement Frederick County Middle School | | | | | | | \$49,500,000 | | \$49,500,000 |
| | Robert E. Aylor Middle School Addition and Renovation | | | | | | | \$25,000,000 | | \$25,000,000 |
| | Fourth High School | | | | | | | \$70,000,000 | | \$70,000,000 |
| | Sherando High School Parking Lot & Softball Field Improvements | | | | | | | \$5,000,000 | | \$5,000,000 |
| | James Wood High School Renov. | | | | | | | \$10,000,000 | | \$10,000,000 |
| | Elementary School #12 | | | | | | | TBD | | TBD |
| | Armel Elementary School Addition | | | | | | | TBD | | TBD |
| | Apple Pie Ridge Elementary Phase 2 Renovation | | | | | | | TBD | | TBD |
| | County/School Board Administration Building | | | | | | | TBD | E | TBD |
| | Bass Hoover Elementary Phase 2 Renovation | | | | | | | TBD | | TBD |
| | Indian Hollow Elementary Addition and Renovation | | | | | | | TBD | | TBD |
| | Fifth Middle School | | | | | | | TBD | | TBD |
| | Elementary School #13 | | | | | | | TBD | | TBD |
| | | \$0 | | | | | | | | \$159,500,000 |
| Parks & Recreation | | | | | | | | | | |
| Clearbrook & Sherando | Baseball Field Lighting Upgrade | \$1,300,000 | | | | | | \$1,300,000 | | \$1,300,000 |
| Clearbrook & Sherando | Water Slide/Spray Ground | \$1,251,000 | | | | | | \$1,251,000 | | \$1,251,208 |
| Sherando | Access Road w/Parking/Trails | \$1,540,000 | | | | | | \$1,540,000 | | \$1,540,626 |
| | Abrams Creek Greenway Trail | | \$1,253,000 | | | | | \$1,253,000 | | \$1,252,558 |
| Sherando | Lake/Trails/Parking- 2 Fields | | \$1,361,000 | | | | | \$1,361,000 | | \$1,360,610 |
| | Community Parks (5) | | \$10,320,000 | | | | | \$10,320,000 | | \$2,694,306 |
| | Neighborhood Parks (3) | | \$1,986,000 | | | | | \$1,986,000 | | \$447,928 |
| | Indoor Aquatic Facility | | \$15,163,000 | | | | | \$15,163,000 | | \$15,163,000 |
| | Park Land Eastern Fred. Co. | | | \$4,491,000 | | | | \$4,491,000 | | \$4,490,510 |
| | Park Land Western Fred. Co. | | | \$3,368,000 | | | | \$3,368,000 | | \$3,367,728 |
| | District Parks (Northeast and Southwest) | | | \$7,858,000 | | | | \$7,858,000 | | \$7,858,238 |
| Sherando | Picnic Areas | | | \$804,000 | | | | \$804,000 | | \$804,243 |
| | Indoor Ice Rink | | | \$6,000,000 | | | | \$6,000,000 | | \$6,000,000 |
| | Community Center | | | \$8,803,000 | | | | \$8,803,000 | | |
| Clearbrook | Open Play Areas | | | | \$479,000 | | | \$479,000 | | \$478,565 |
| Sherando | Soccer/Multi Use Fields | | | | \$1,122,000 | | | \$1,122,000 | | \$1,121,998 |
| Sherando | Softball Complex | | | | \$671,000 | | | \$671,000 | | \$671,062 |
| Clearbrook | Tennis/Basketball Complex | | | | \$526,000 | | | \$526,000 | | \$526,355 |
| Sherando | Skateboard Park | | | | \$513,000 | | | \$513,000 | | \$513,089 |
| Clearbrook | Shelter Stage | | | | | \$508,000 | | \$508,000 | | \$508,402 |
| | Fleet Trip Vehicles | | | | | \$290,000 | | \$290,000 | | \$290,000 |

| Department Priority | Projects | County Contribution Per Fiscal Year | | | | | County Contributions | Notes | Total Project Costs |
|----------------------------|------------------------------------------------------------------|-------------------------------------|-------------|-------------|-------------|--------------|----------------------|-------------|---------------------|
| | | 2014-2015 | 2015-2016 | 2016-2017 | 2017-2018 | 2018-2019 | 2019+ | | |
| Sherando | Maintenance Compound | | | | | \$374,000 | | \$374,000 | \$8,802,605 |
| | | \$4,091,000 | | | | | | | 60,443,031 |
| Regional Library | | | | | | | | | |
| | Bowman Library Sidewalk | \$42,880 | | | | | | \$42,880 | \$42,880 |
| | Gainesboro Library | | \$210,617 | \$1,812,158 | \$256,500 | | | \$2,279,575 | \$2,279,575 |
| | Senseny/Greenwood Library | | | | | | | TBD | TBD |
| | Route 522 South LibraryBranch | | | | | | | TBD | TBD |
| Transportation | | \$42,880 | | | | | | | \$2,322,455 |
| Funded Priorities | | | | | | | | | |
| | I-81 Exit 310 Improvements | | | | | \$48,000,000 | \$48,000,000 | E | \$48,000,000 |
| | Route 277, Fairfax Pike, Widening and Safety Improvements (ph 1) | | | | | \$40,000,000 | \$40,000,000 | E | \$40,000,000 |
| | East Tevis Street Extension and Bridge over 81 | | | | | \$6,000,000 | \$6,000,000 | E | \$6,000,000 |
| Unfunded Priorities | | | | | | | | | |
| | Route 37 Engineering & Construction | \$300,000,000 | | | | | \$300,000,000 | E | \$300,000,000 |
| | I-81 Exit 307 Relocation | | | | | \$60,000,000 | \$60,000,000 | E | \$60,000,000 |
| | Route 277, Fairfax Pike, Widening and Safety Improvements (ph 2) | | | | | \$15,000,000 | \$15,000,000 | E | \$15,000,000 |
| | Redbud Road Realignment | | | | | \$2,500,000 | \$2,500,000 | E | \$2,500,000 |
| | Warrior Drive Extension | | | | | \$23,200,000 | \$23,200,000 | E | \$23,200,000 |
| | Channing Drive Extension | | | | | \$20,600,000 | \$20,600,000 | E | \$20,600,000 |
| | Brucetown/Hopewell Realign. | | | | | \$3,000,000 | \$3,000,000 | E | \$3,000,000 |
| | Widening of Route 11 North | | | | | \$47,800,000 | \$47,800,000 | E | \$47,800,000 |
| | Senseny Road Widening | | | | | \$22,800,000 | \$22,800,000 | E | \$22,800,000 |
| | Inverlee Way | | | | | \$10,200,000 | \$10,200,000 | E | \$10,200,000 |
| | Fox Drive | | | | | \$250,000 | \$250,000 | E | \$250,000 |
| | Renaissance Drive | | | | | \$2,000,000 | \$2,000,000 | E | \$2,000,000 |
| | Eastern Road Plan Improvements | | | | | TBD | TBD | | TBD |
| Winchester Airport | | \$300,000,000 | | | | | | | \$507,350,000 |
| | Land Parcel 64-A-69 | | \$235,000 | | | | | A,B | \$235,000 |
| | Land Parcel 64-A-70, 64-A-71 | \$525,000 | | | | | | A,B | \$525,000 |
| | Land Parcel 64B-A-40 | \$175,000 | | | | | | A,B | \$175,000 |
| | Land Parcel 64B-A-51 | \$235,000 | | | | | | A,B | \$235,000 |
| | New General Aviation Terminal | \$50,000 | | \$380,000 | \$2,600,000 | | | A,B | \$3,030,000 |
| | Northside Connector | \$300,000 | \$1,250,000 | | | | | A,B | \$1,550,000 |
| | New Terminal Parking Lot | | | | \$650,000 | | | A,B | \$650,000 |
| | Land Parcel 64-A-66 | | \$275,000 | | | | | A,B | \$275,000 |
| | Land Parcel 64-A-67 | | \$275,000 | | | | | A,B | \$275,000 |
| | Land Parcel 64B-A-33A | | \$175,000 | | | | | A,B | \$175,000 |
| | Land Parcel 64-A-60 | | \$275,000 | | | | | A,B | \$275,000 |
| | Land Parcel 64-A-63 | | | \$275,000 | | | | A,B | \$275,000 |
| | Land Parcel 64-A-64 | | | \$275,000 | | | | A,B | \$275,000 |
| | Fuel Storage Facility | | | \$1,000,000 | | | | A,B | \$1,000,000 |

| Department Priority | Projects | County Contribution Per Fiscal Year | | | | | | County | Notes | Total Project |
|----------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------|-------------|-------------|--------------|--------------|-------------|---------------|-------|---------------|
| | | 2014-2015 | 2015-2016 | 2016-2017 | 2017-2018 | 2018-2019 | 2019+ | Contributions | | Costs |
| | Land Parcel 64B-A-47 | | | | | \$300,000 | | | A,B | \$300,000 |
| | Land Parcel 64-A-49 | | | | | \$300,000 | | | A,B | \$300,000 |
| | Land Parcel 64-A-50 | | | | | \$300,000 | | | A,B | \$300,000 |
| | Land Parcel 64B-A-52 | | | | | \$300,000 | | | A,B | \$300,000 |
| | Land Parcel 64-A-59 | | | | | \$300,000 | | | A,B | \$300,000 |
| | North Side Svc Road | | | | | \$400,000 | | | A,B | \$400,000 |
| | Taxiway "A" Relocation | | | | | \$200,000 | \$9,450,000 | | A,B | \$9,650,000 |
| | | \$0 | | | | | | | | \$20,500,000 |
| County Administration | | | | | | | | | | |
| | Albin Citizens Center | \$16,000 | \$362,850 | | | | | \$378,850 | | \$378,850 |
| | Relocation/Expansion Gore Site | | \$16,000 | \$225,550 | | | | \$225,550 | | \$241,550 |
| | General Government Capital Expen | \$200,000 | \$200,000 | \$200,000 | \$200,000 | \$200,000 | \$1,000,000 | \$1,000,000 | E | \$1,000,000 |
| | County/School Board Administration Building | TBD | | | | | | TBD | E | TBD |
| Fire & Rescue | | \$216,000 | | | | | | | | \$1,620,400 |
| | Fire & Rescue Station #22 (277) | \$400,000 | \$1,500,000 | \$1,500,000 | | | | \$3,400,000 | | \$3,400,000 |
| | Fire & Rescue Station #22 (277) Apparatus | | \$100,000 | \$805,000 | | | | \$905,000 | | \$905,000 |
| | Fire & Rescue Station #23 | | \$550,000 | \$2,150,000 | \$1,000,000 | | | \$3,700,000 | | \$3,700,000 |
| | Regional Training Center | \$75,000 | \$100,000 | \$1,250,000 | \$10,000,000 | \$19,750,000 | | \$31,175,000 | | \$31,175,000 |
| | Fire & Rescue Station #24 (Gainesboro) | | \$250,000 | \$3,500,000 | | | | \$3,750,000 | | \$3,750,000 |
| | Station #15 (Round Hill) Relocation | \$494,000 | \$3,787,696 | | | | | \$4,281,696 | E | \$4,281,696 |
| | Station #13 (Clearbrook) Relocation | \$33,000 | \$88,000 | \$4,275,000 | | | | \$4,396,000 | E | \$4,396,000 |
| | | \$1,002,000 | | | | | | | | \$51,607,696 |
| Fire & Rescue Company Capital Requests | | | | | | | | | | |
| | Fire & Rescue Capital Equipment | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | \$1,000,000 | \$1,000,000 | E | \$1,000,000 |
| | * See Fire & Rescue Company Requests (<\$100K) | | | | | | | | | |
| | Apparatus Ventilation System for Greenwood Vol. Fire & Rescue Co. | | | | | | \$550,000 | \$550,000 | C | \$550,000 |
| | Office and Living Quarters for Greenwood Vol. Fire & Rescue Co. | | | | | | \$550,000 | \$550,000 | C | \$550,000 |
| | Life Pack x3 for Middletown Vol. Fire & Rescue Co. | | | | | | \$100,000 | \$100,000 | C | \$100,000 |
| | Rescue Engine Replacement for Middletown Vol. Fire & Rescue Co. | | | | | | \$790,000 | \$790,000 | C | \$790,000 |
| | North Mountain Fire & Rescue Co. Building Expansion | | | | | | \$314,766 | \$314,766 | C | \$314,766 |
| | | | | | | | \$2,304,766 | \$2,304,766 | | \$3,304,766 |
| Total | | 307,656,646 | | | | | | | | \$806,648,348 |
| * Fire & Rescue Company Capital Equipment Requests (<\$100K) | | | | | | | | | | |
| | None | | | | | | | | | |

\$0

A= Partial funding from VA Dept. of Aviation
 B= Partial funding from FAA
 C= Partial funding from private donations
 D= Funding goes beyond displayed 5 years
 E= Partial funding anticipated through development & revenue sources
 F= Funding initiated prior to displayed 5 years

N/A= Not Available
 TBD= To be Determined

THE CIP TABLE

CONTENT DESCRIPTIONS

The Capital Improvements Plan table, on the previous pages, contains a list of the capital improvement projects proposed for the ensuing five years. A description of the information in this table is explained below.

Department Priority- The priority rating assigned by each agency or department for their requested projects.

Project Description- The name of the capital improvement projects.

County Contribution- The estimated dollar value that will be contributed for each project. This value is listed by individual fiscal years and by total contributions over the five-year period. The total contribution column, located to the right of the fiscal year columns, does not include debt service projections.

Notes- Indicates the footnotes that apply to additional funding sources for particular projects.

Total Project Costs- The cost for each project, including county allocations and other funding sources.

PROJECT FUNDING

The projects included in the 2014-2015 Capital Improvements Plan have a total project cost to the county of \$806,648,348. While the CIP is primarily used to cover the next five years, much of the project costs have been identified beyond the next five years.

- School projects are funded through a combination of loans from the Virginia Public School Authority and the Virginia Literary Fund.
- Funding for Parks and Recreation Department projects will come from the unreserved fund balance of the County. The Parks and Recreation Commission will actively seek grants and private sources of funding for projects not funded by the county.
- Airport projects will be funded by contributions from the federal, state, and local governments. The local portion may include contributions from Frederick, Clarke, Shenandoah, and Warren Counties, and the City of Winchester.
- The inclusion of transportation projects to the CIP is in no way an indication that Frederick County will be independently undertaking these projects. Funding projects will continue to come from a combination of state and federal funds, developer contributions, and revenue sharing.

Frederick County Public Schools Project Priority List

PRIORITY 1

Replacement of Frederick County Middle School

Description: Frederick County Middle School opened in 1965. The school contains 96,701 square feet and has a program capacity of 730 students. Currently, the building serves grades 6-8. The building is in passable condition; however, there are several major areas of concern. The replacement Frederick County Middle School (FCMS) project will have a program capacity of 850 students and will serve grades 6-8. It will have a floor area of approximately 166,000 square feet and have land acreage of approximately 35 acres. This project could be located in the western part of Frederick County between Route 50 west and Route 522 north or in the eastern part of Frederick County between Snowden Bridge and Route 50.

Capital Cost: \$49,500,000

Justification: The replacement FCMS is listed as a priority project due to the near-term need to renovate the current FCMS, including major infrastructure and items dealing with ADA compliance. Further, replacement is the best option because of concern for the best building configuration for the delivery of instruction and the location of the facility.

Construction Schedule: Construction will take 48 months.

PRIORITY 2

Robert E. Aylor Middle School Renovation

Description: Robert E. Aylor Middle School opened in 1969 and has served as a middle school since that time. The school contains 113,643 square feet and has a program capacity of 850 students. Currently, the building serves grades 6-8. The building is in good condition; however, several major areas need to be addressed in a renovation. Major areas of this renovation project include the following: additional classroom and storage space, complete replacement of fire alarm and communication systems, roof replacement, upgrade of electrical and plumbing, and complete replacement of mechanical systems. Other areas to be addressed are security, repaving of asphalted areas, and the installation of an emergency system.

Capital Cost: \$25,000,000

Justification: Robert E. Aylor Middle School is soon to be 37 years of age and renovations are needed to a number of different areas to ensure economic and efficient operation of the school for years to come.

Construction Schedule: 48 Months

PRIORITY 3

Fourth High School

Description: The fourth high school project will have a program capacity of 1,250 students and serve grades 9-12. The location of this project has been added to the Comprehensive Plan's Capital Project Map for the east side of Frederick County, centered on Route 522. The facility will have a floor area of approximately 254,000 square feet and be located on approximately 80 acres of land.

Capital Cost: \$70,000,000

Justification: This project will address expected growth in high school student enrollment in the school division over the next several years. We project that enrollment in the high schools by the fall of 2016 will be 4,252. Based on this projection, it is necessary to construct the fourth high school in Frederick County to open in that time frame. The location of this project is shown on the Comprehensive Policy Plan's Potential New School Locations Map.

Construction Schedule: Construction will take 54 months

PRIORITY 4

Sherando High School Parking Lot and Softball Field Improvements

Description: This project is being undertaken to address several traffic safety concerns identified at Sherando High School over the years and equity issues (there is no softball field at SHS). Traffic safety concerns have reached a level that we have completed two studies of the site. Concerns exist for pedestrians, school buses, student drivers, parents, and staff. Rearrangement of the site and the flow of traffic on the site is necessary to address these needs.

Capital Cost: \$5,000,000

Justification: This is a two-part project. For transportation safety, concerns exist on the school site at Sherando High School during arrival and dismissal. The students, many of their parents, and the staff necessary to serve them are exposed to these safety concerns on a daily basis. The flow of traffic at arrival is so slow that at times vehicles back up past Double Church Road. For the softball field, SHS does not have a softball field onsite, instead using a softball field in neighboring Sherando Park. This represents an equity issue between boys and girls sports. FCPS strives to attain equity between boys and girls sports. Additionally, this is a Title IX issue.

Construction Schedule: 30 Months

PRIORITY 5

James Wood High School Renovation

Description: James Wood High School opened in 1980 and has served as a high school since that time. The school contains 234,095 square feet and has a program capacity of

1400 students. Currently, the building serves grades 9-12. The building is in good condition; however, several major areas need to be addressed in a renovation. Major areas to be included in this renovation project are increased electrical service and distribution to support technology, technology cabling, hardware and its installation, upgrade of plumbing and mechanical systems, and modification of instructional areas to support instructional delivery.

Capital Cost: \$10,000,000

Justification: Updating the facility will assist the school division in meeting the community needs for the citizens and high school student in the James Wood High School attendance zone.

Construction Schedule: 36 Months

PRIORITY 6

Elementary School #12

Description: This is a single-story elementary school with a floor area of approximately 100,000 square feet located on 15 acres. The facility will be designed to accommodate a student membership of 850.

Capital Cost: \$TBD

Justification: This project will address anticipated growth in student enrollment in the school division over the next several years. It is anticipated that student enrollment will increase at all levels. A projection using cohort migration shows enrollment in the elementary schools by the fall of 2020 to be 6,452. Based on this projection, implementation of full-day kindergarten, and renovations at Apple Pie Ridge and Bass-Hoover Elementary Schools, it will be necessary to construct the 12th elementary school in Frederick County to open in that time frame. This school will be located in an area to relieve overcrowding and to accommodate expected new housing development. Locations for this project are on the Comprehensive Plan's Potential New School Locations Map and could be placed on one of the two currently proffered pieces of property (Villages of Artrip or Snowden Bridge).

Construction Schedule: Construction will take 42 months.

PRIORITY 7

Armel Elementary School Addition

Description: Armel Elementary School opened in 1991 and currently has a program capacity of 662 students. Currently, the building serves grades K-5. The building is in good condition; however, several major areas need to be addressed. Renovations to the existing portion of the building will address several major issues, including classroom storage, ADA compliance, energy conservation, security, and upgrades of fire alarm, electrical, plumbing, and mechanical systems. A building addition will be needed to maintain program capacity.

Capital Cost: \$TBD

Justification: Armel Elementary School is ?? years old and nearing design life of much of the infrastructure. Renovation to a number of areas and an addition are needed to ensure the effective, economical, and efficient delivery of modern instruction at this school.

Construction Schedule: 30 Months

PRIORITY 8

Apple Pie Ridge Elementary School Phase 2 Renovations

Description: Currently, the building serves grades K-5. The building is in good condition; however, several major areas need to be addressed. These items will be addressed in two phases. The first phase, kindergarten renovation, was completed this summer. In the second phase, a renovation of the remaining facility will be completed. Several of the major issues to be addressed in this renovation include open classroom space, ADA compliance, energy conservation, security, and upgrades of fire alarm, electrical, plumbing, and mechanical systems.

Capital Cost: \$TBD

Justification: Apple Pie Ridge Elementary School is over 30 years old and renovation is needed to a number of areas to ensure the economical and efficient operations of the school for years to come.

Construction Schedule: 36 Months

PRIORITY 9

County/School Board Administration Building

Description: This new project consists of a County/School Board Administration Building, to be located generally in the County's Urban Development Area.

Capital Cost: TBD

Justification: The inclusion of this capital facility will allow for improvements to general governmental facilities and services for the benefit of the residents of Frederick County and will meet the increasing need for office space, meeting space, and government services in an accessible location.

Construction Schedule: TBD

PRIORITY 10

Bass Hoover Elementary School Phase 2 Renovations

Description: Currently, Bass-Hoover serves grades K-5. The building is in good condition, but several major issues need to be addressed. Renovation of the remaining facility will be completed. Several of the major issues to be addressed in this renovation include open classroom space, ADA compliance, energy conservation, security, and

upgrades of fire alarm, electrical, plumbing, and mechanical systems. A building addition will be needed to maintain program capacity.

Capital Cost: \$TBD

Justification: These renovations are needed to a number of areas to insure economic and efficient operation of the schools for years to come and to accommodate a full day kindergarten program.

Construction Schedule: 30 Months

PRIORITY 11

Indian Hollow Elementary School Addition and Renovation

Description: Indian Hollow Elementary School opened in 1988. The school contains 59,065 square feet and has a program capacity of 492 students. Indian Hollow is our smallest elementary school building. Currently, the building serves grades K-5. The building is in good condition; however, several major areas need to be addressed. Renovations to the existing portion of the building will address several major issues, including classroom storage, ADA compliance, energy conservation, security, and upgrades of fire alarm, electrical, plumbing, and mechanical systems. A building addition will be needed to maintain program capacity.

Capital Cost: \$TBD

Justification: Indian Hollow Elementary School is 24 years old and nearing design life of much of the infrastructure. The school was built without classroom storage. Renovation to a number of areas and an addition are needed to ensure the effective, economical, and efficient delivery of modern instruction at this school.

Construction Schedule: 30 Months

PRIORITY 12

Fifth Middle School

Description: The new fifth middle school project will have a program capacity of 850 students and serve grades 6-8. This project has been located on the Comprehensive Policy Plan's Potential New School Locations Map. The facility will have a floor area of approximately 166,000 square feet and be located on approximately 35 acres of land.

Capital Cost: \$TBD

Justification: This project will address growth in student enrollment in the school division over the next several years. It is anticipated that student enrollment will increase at all levels. A projection using cohort migration shows enrollment in the middle schools by the fall of 2021 to be 3,284. Middle school program capacity is 3,280. The replacement FCMS will increase capacity by 120. We anticipate that student population growth will necessitate construction of the fifth middle school in Frederick County by the fall of 2025. As shown on the Comprehensive Plan's Potential New School Locations Map, the location of this project previously has been in the eastern part of Frederick County between Route 7 and Route 50 east. With reconsideration of the location of the

replacement FCMS, the fifth middle school potentially could be located between Route 522 north and Route 50 west.

Construction Schedule: Construction will take 48 months.

PRIORITY 13

Elementary School #13

Description: This is a single-story elementary school with a floor area of approximately 100,000 square feet located on 15 acres. The facility will be designed to accommodate a student membership of 750. The outdoor facilities will include three pods of grade-level appropriate playground equipment, one asphalt play area, one softball field, and a physical education field. This facility will meet or exceed all Virginia Department of Education new construction requirements for K-5 elementary schools.

Capital Cost: \$TBD

Justification: Significant residential growth in Frederick County is expected to resume once the economy recovers, with the result that school enrollment is expected to exceed program capacity in FY 2019-20.

Construction Schedule: Construction will take 42 months.

Parks & Recreation Department Project Priority List

PRIORITY 1

Baseball Field Lighting Upgrade

Description: Upgrade the ballfield lighting at both Clearbrook and Sherando Parks Baseball facilities. The upgrade would involve the removal of the 30/20 FC (footcandle) level fixtures, lamps, and wood poles and replace with 50/30 FC (footcandle) level fixtures, lamps and steel poles on (4) four fields at Clearbrook Park and (4) four fields at Sherando Park. This upgrade is required by Little League International on all little league fields.

Capital Cost: \$1,300,000

Justification: This project will provide recreational opportunities for the Clearbrook Park and Sherando Park service area which includes all county residents. Park visitation at the two district parks exceeds 425,000 annually and is growing. The field lighting fixtures are over 25 years old and the majority of the poles are over 35 years old. With the decrease in the quality of lighting with the age of the system, with most of the poles being warped and decayed and in need of replacement and to achieve the recommended 50/30 FC (footcandle) level on the playing surface, the Commission is recommending these facilities be upgraded.

Construction Schedule: Completion in FY 14-15

PRIORITY 2

Swimming Pool Improvements – Sherando/Clearbrook

Description: Upgrade the outdoor swimming pools at both Clearbrook and Sherando Parks. Upgrade would involve the removal of the diving boards and the installation of one 50' water slide and one 75' water slide at each pool. The upgrade would also include the addition of a spray ground with 10-12 features at each pool.

Capital Cost: \$1,251,000

Justification: This project is expected to increase pool attendance by 30 percent while providing recreational opportunities for both the Sherando and Clearbrook Park service areas.

Construction Schedule: Completion in FY 14-15.

PRIORITY 3

Access Road with Parking and Trails- Sherando Park

Description: This project involves the development of an entrance and 1,800 linear feet of access roadway from Warrior Drive; a 100 space parking area; and 2.8 miles of trails.

Capital Cost: \$1,540,000

Justification: This facility will provide recreational opportunities for the Sherando Park service area and the entire Frederick County community. The development of this facility will reduce the needs gap between the number of existing passive recreational

areas and the number required to meet the minimum standards established for the service area.

Construction Schedule: Completion in FY 14-15.

PRIORITY 4

Abrams Creek Greenway Trail

Description: 10' wide asphalt multi-use bicycle/pedestrian trail along Abrams Creek from Senseny Road to Channing Drive. It is estimated that the trail will have (3) three bridges (stream crossings) and will be approximately 2.6 miles in length.

Capital Cost: \$1,252,558

Justification: This facility would provide recreational opportunities for residents of this corridor along with the surrounding communities. This project will provide trails with bicycle, walking and joggings opportunities, which ranks #1 in the 2007 Virginia Outdoors Plan survey for all outdoor recreational activities.

Construction Schedule: FY 14-15.

PRIORITY 5

Lake, Parking, and Trail Development with two Multi-purpose Fields

Description: This project involves the development of a 12 acre lake; 1.5 mile trail system around the lake; 800 linear feet of access roadway; lighted parking lot with 125 spaces; and development of two irrigated 70x120 yard multi-purpose fields.

Capital Cost: \$1,360,610

Justification: This facility will provide recreational opportunities for the Sherando Park service area and the entire Frederick County community. The development of this facility will reduce the needs gap between the number of existing passive recreational areas and the number required to meet the minimum standards established for the service area.

Construction Schedule: Completion in FY 15-16.

PRIORITY 6

Community Parks (5)

Description: Acquisition of Parkland; 60 acres

Capital Cost: \$2,694,306

Justification: To reduce the gap between the amount of existing parkland and the amount of parkland needed to meet the minimum standard for our service area, as recommended by the Virginia Outdoors Plan. The project meets policy recommendations for the development of parks and recreation facilities, insuring that adequate and appropriate open space and recreational facilities are provided.

Construction Schedule: FY 17-18.

PRIORITY 7

Neighborhood Parks (3)

Description: Acquisition of Parkland; 20 acres

Capital Cost: \$447,928

Justification: To reduce the gap between the amount of existing parkland and the amount of parkland needed to meet the minimum standard for our service area, as recommended by the Virginia Outdoors Plan. The project meets policy recommendations for the development of parks and recreation facilities, insuring that adequate and appropriate open space and recreational facilities are provided.

Construction Schedule: FY 17-18.

PRIORITY 8

Indoor Aquatic Facility – Competitive/Training/Leisure Pool

Description: This facility would house competitive, instructional, and leisure pools with an office, adequate storage and locker rooms and would need approximately 10 acres to construct. This facility should be located on property owned or proffered to the County. The above pools may be constructed in one facility, separated into multiple facilities, or collocated with other compatible uses should opportunities arise, reducing the acreage demand.

Capital Cost: \$15,163,000

Justification: There are no public indoor public pools in Frederick County. By constructing the indoor pool, it would permit the department to meet competition needs, instructional needs, citizen programming and leisure demands as well as provide a nucleus to attract new businesses to the community. This facility would be available to all area residents. The construction of this project will provide a facility to offer competitive scholastic programs and year round recreational programming for the residents of Frederick County. The Indoor Pool facility should be located in an area convenient to the major transportation corridors of the county. However, as an alternative, one of the two county regional parks could be used to house the facility, since these locations are already identified as centers for recreation programs and activities.

Construction Schedule: Completion in FY 14-15.

PRIORITY 9

Park Land - Eastern Frederick County

Description: Parkland acquisition in the eastern portion of the county.

Capital Cost: \$4,490,510

Justification: A new 150-200 acre regional park would be utilized by the entire county population. The park would be located in the primary growth center of Frederick County, within the existing urban development area and the approved Southern Frederick Land Use Plan, which consists of 1,200 acres of new residences. This project would reduce the gap between the amount of existing parkland and the amount of parkland needed to meet the minimum standard for the Frederick County service area, as recommended by the Virginia Outdoors Plan.

Construction Schedule: Completion in FY 14-15.

PRIORITY 10

Park Land – Western Frederick County

Description: Parkland acquisition in the western portion of the county.

Capital Cost: \$3,367,728

Justification: A new 150-200 acre regional park would be utilized by the entire county population. This project would reduce the gap between the amount of existing parkland and the amount of parkland needed to meet the minimum standard for the Frederick County service area, as recommended by the Virginia Outdoors Plan. The location of this project would provide parkland to create more accessible recreational facilities to residents in western Frederick County.

Construction Schedule: Completion in FY 14-15

PRIORITY 11

District Parks (Northeast and Southwest)

Description: Acquisition of Parkland; 200 acres

Capital Cost: \$7,858,238

Justification: To reduce the gap between the amount of existing parkland and the amount of parkland needed to meet the minimum standard for our service area, as recommended by the Virginia Outdoors Plan. The project meets policy recommendations for the development of parks and recreation facilities, insuring that adequate and appropriate open space and recreational facilities are provided.

Construction Schedule: FY 17-18.

PRIORITY 12

Picnic Area- Sherando Park

Description: This project includes a restroom/concession area; four picnic shelters; playground area; access paths; parking; and landscaping.

Capital Cost: \$804,243

Justification: These facilities would be used by the residents of Sherando Park service area. This area of the county is growing and is deficient in passive recreational opportunities. This development is needed to reduce the gap between the number of existing facilities and the minimum standards for the Sherando Park service area and southeastern Frederick County.

Construction Schedule: Completion in FY 16-17.

PRIORITY 13

Indoor Ice Rink

Description: The Ice Rink project would be approximately 40,000 square feet and include an indoor area large enough to accommodate a single 200' x 85' ice rink, locker rooms, party/meeting rooms, and concession area and would need approximately 10 acres to construct. This facility should be located on property owned or proffered to the County. The ice rink may be collocated with other compatible uses should opportunities arise, reducing the acreage demand.

Capital Cost: \$6,000,000

Justification: There are no public indoor ice rinks in Frederick County and county residents currently must travel over one hour to use an indoor ice facility. By constructing the indoor ice rink, it would permit the department to meet competition needs, instructional needs, citizen programming and leisure demands as well as provide a nucleus to attract new businesses to the community. This facility would be available to all area residents. The construction of this project will provide a facility to offer year round recreational programming for the residents of Frederick County. This project is intended to meet the needs of the community as identified in the 2012 Frederick County Parks and Recreation Community Survey.

Construction Schedule: FY 16-17.

PRIORITY 14

Multi-Generational Community Center

Description: The project involves building a 44,000 square foot facility that would contain an indoor track and at least two basketball courts. The court area would be designed to be used by indoor soccer, baseball, softball, wrestling, volleyball, tennis and badminton. The area could also be used for special events. Additionally, the project would house a fitness center, multi-purpose rooms, office, storage, and locker rooms.

Capital Cost: \$8,802,605

Justification: This facility would give the Parks and Recreation Department the ability to offer year round recreational programming to the residents of Frederick County. The department can no longer meet the programming and facility needs of the County residents.

Construction Schedule: FY 16-17.

PRIORITY 15

Open Play Area – Clearbrook

Description: This project includes development of a picnic shelter; six horseshoe pits; a volleyball court; croquet turf; shuffleboard; parking; refurbishing the existing concession stand; landscaping (14 shade trees); peripheral work; and renovations to existing shelters, restrooms, access paths, and parking areas on the south side of the lake.

Capital Cost: \$478,565

Justification: These facilities will provide recreational opportunities for the Clearbrook Park Service Area which will lessen the disparity between the number of passive recreational areas needed to meet the minimum standards for this service area. Clearbrook Park offers the best location for this development.

Construction Schedule: Completion in FY 15-16.

PRIORITY 16

Soccer Complex- Sherando Park

Description: Soccer field - 210' x 360' artificial grass surface with goals. Access paths - 1500 LF; 10' wide; asphalt paved. Restroom/concession - 820 SF; masonry with concrete roof deck; full concession hookup. Plaza - 22,000 SF; 50% paved/50% planted; kiosk. Picnic shelters (1) - 24' x 24': 6 picnic tables each; concrete pad; wood frame structure; asphalt shingles. 12 sets of bleachers. Landscaping - 90 shade trees. Lighting - 1 field (210' x 360')

Capital Cost: \$1,121,998

Justification: This facility would be used by the entire Frederick County area. In addition to its use as a recreational facility, the soccer complex will also be used by the Frederick County school system. To reduce the gap between the number of existing soccer fields and the number of fields which are needed to meet the minimum standard for our service area. Sherando Park, currently owned by Frederick County, represents the very best location for soccer field development. The fact that the county will not have to acquire property for this facility means that the most costly aspect of this development has already been completed. Sherando Park also provides a location that is situated in the fastest growing area of the county and is adjacent to the new county high school. With joint use of facilities between the park and school system, the construction of additional soccer fields will benefit both agencies.

Construction Schedule: Completion in FY 15-16.

PRIORITY 17

Softball Complex- Sherando Park

Description: Softball fields (2) - 300' radius, fully fenced, backstop, four 50 person bleachers per field, lighted concrete poles 30/20 FC, concrete deck. Access Road - 500 LF. Parking - 153 spaces, asphalt paved with curbed islands and drop off; line markings and 6 security lights. Landscaping - 100 shade trees; pine screen. Peripheral Work - General seeding - 1 acre; miscellaneous signage.

Capital Cost: \$671,062

Justification: This facility would provide recreational opportunities for the entire county population, as well as the Frederick County School System. Presently, there are ten softball and baseball fields within the county's regional park system. Eight of the existing fields must serve a dual purpose of facilitating youth baseball, as well as adult softball programs. With the increased usage of these fields, it has become increasingly difficult to facilitate these programs. This project is needed in order for the Parks and Recreation Department to accommodate the existing demand for youth baseball and adult softball programs.

Construction Schedule: Completion in FY 14-15.

PRIORITY 18

Tennis/Basketball Complex- Clearbrook Park

Description: This project includes the development of four tennis courts; two basketball courts; a shelter; access paths; parking; and landscaping.

Capital Cost: \$526,355

Justification: These facilities will be available to all county residents. Currently, there are no tennis courts or basketball courts in the Clearbrook Park Service Area. Clearbrook Park is utilized by over 180,000 visitors annually; therefore, these facilities are needed.

Construction Schedule: Completion in FY 16-17.

PRIORITY 19

Skateboard Park - Sherando Park

Description: This project recommends the development of a skateboard bowl; a half pipe; an open skate area; vehicle parking; an access road; fencing; and landscaping.

Capital Cost: \$513,089

Justification: This facility will enable the County to provide a recreational facility that has been identified in the County Comprehensive Plan for recreational facility development.

Construction Schedule: Completion in FY 15-16.

PRIORITY 20

Shelter/Stage Seating- Clearbrook Park

Description: This project includes the development of a shelter with a performance stage; refurbishing existing restrooms and access paths; and renovations to the lake.

Capital Cost: \$508,402

Justification: This facility would be used by the entire county population. Presently, there are no facilities to accommodate cultural programs within the county's park system. This project is needed to provide a facility for cultural activities.

Construction Schedule: Completion in FY 16-17.

PRIORITY 21

Fleet Trip Vehicles

Description: The Parks and Recreation Department needs to upgrade the current vehicle fleet to offer a comprehensive package of trips for Frederick County citizen's recreation needs. The addition of the below vehicles would replace the current 1994 bus and 1999 van. These are necessary to adequately offer trip packages and provide reliable transportation for program participants. Bus #1 – 40-50 Passenger Bus, Bus #2 – 30-40 Passenger Bus, Van #1 – 12 Passenger Van

Capital Cost: \$290,000

Justification: To offer a comprehensive package of trips where the population of Frederick County could begin to rely on the Parks and Recreation Department to meet their trip needs.

Construction Schedule: Completion in FY 13-14

PRIORITY 22

Maintenance Compound and Office – Sherando Park

Description: This project involves the construction of a 1,200 square-foot office and a 3,200 square-foot storage shed for operation at Sherando Park.

Capital Cost: \$374,310

Justification: This facility will enable the county to maintain its equipment and facilities in a more responsible and effective manner. Also, with the additional responsibility of maintaining all outdoor facilities at Sherando High School, Armel Elementary School, Orchard View Elementary School, Bass-Hoover Elementary School, Middletown Elementary School, R. E. Aylor Middle School, Admiral Byrd Middle School, Evendale Elementary School, and the Public Safety Facility there is a need for more storage, maintenance and office space. Sherando Park, currently owned by Frederick County, will provide the best location for the development of this maintenance facility. Since the maintenance equipment, staff and facility is needed to serve as a maintenance function for Sherando Park's grounds and facilities, this project should be located at Sherando Park.

Construction Schedule: Completion in FY 15-16.

Handley Regional Library Project Priority List

PRIORITY 1

Bowman Library Parking Lot and Sidewalk Extension

Description: The parking lot addition is completed. Phase 2, a sidewalk at Bowman Library, has been revised to reflect Frederick County's emphasis on complete streets. A 10-foot-wide, 640-linear-foot shared use path will provide a safe means for people to reach Bowman Library by foot or bicycle from Lakeside Drive.

Capital Cost: \$42,880

Justification: In 2010/2011, 135,532 individuals entered the Bowman Library. The Library serves all age groups from very young children to senior citizens and provides recreational and education materials for them. The library is a favorite location for families to visit together and serves many children and adults when they are working on school assignments or self-improvement. The library supplies computer access for word processing and other office applications and for Internet usage. The Bowman Library has proved very popular with children and families. Children from the Lakeside Drive side of the Library often bicycle or walk to the library. If they bicycle, they ride on Tasker Road where the traffic often goes faster than the 45 mph speed limit. If they walk, they can walk across the field between the library and Lakeside Drive, and many children jump the drainage ditch, rather than walk to the corner where it is easy to get across. Mothers, who want to walk, complain they have to walk on Tasker Road, where there is no sidewalk, when they have children in strollers. There is a bicycle rack near the entrance to the library.

Construction Schedule: Completion in FY14-15 (3-6 Months)

PRIORITY 2

Northern Frederick County – Gainesboro Library Branch

Description: Construction of a 7,000 to 10,000 sq.ft. branch library. Either as a standalone facility or co-located with a planned Frederick County Facility (e.g. the new middle school). Initial parking should be for at least 50 vehicles. The proposed location would be on Rt. 522 in the Gainesboro district, but this could change depending on patterns of library use and on whether donated land could be located or if co-located with a Frederick County project already in the early planning stage.

Capital Cost: \$2,279,575

Justification: This branch would serve citizens living in this growing area. In 2010-2011 Frederick County citizens of all ages checked out 481,244 items. 38,321 Frederick County residents have library cards and averaged 63.1% of all materials checked out of the regional system. 2,743 Frederick County residents, adults and children, registered for library cards for the first time in 2000-2011. Of Frederick County residents over five years of age (when you can get a library card), approximately 52% of the total have library cards. This population group is not close to a library in the regional system. The Library will provide materials and programming for patrons from toddlers to senior

citizens. It will provide recreational and educational materials. It will be a prime source for homework help since it will be open nights and on weekends when school libraries are closed. The library will supply computer access for word processing and other office applications and for Internet usage. There will be a meeting room of 425 square feet in which area groups can meet.

Construction Schedule: Completion in FY 15-16

PRIORITY 3

Frederick County Library Branch – Senseny/Greenwood

Description: Construction of a 10,000 sq.ft. branch library with expansion possible to 15,000 square feet. Initial parking should be for a minimum of 35 vehicles. The proposed location is yet to be determined and is dependent on future development. The first step of the project would be the acquisition of the land of 5 to 8 acres.

Capital Cost: TBD

Justification: This branch would serve citizens living in this growing area. In 2010-2011 Frederick County citizens of all ages checked out 481,244 items. 38,321 Frederick County residents have library cards and averaged 63.1% of all materials checked out of the regional system. 2,743 Frederick County residents, adults and children, registered for library cards for the first time in 2000-2011. Of Frederick County residents over five years of age (when you can get a library card), approximately 52% of the total have library cards. This population group is not close to a library in the regional system. This area also lacks a community center that a library with meeting room could help fill this need. The Library will provide materials and programming for patrons from toddlers to senior citizens. It will provide recreational and educational materials. It will be a prime source for homework help since it will be open nights and on weekends when school libraries are closed. The library will supply computer access for word processing and other office applications and for Internet usage. There will be a meeting room of 425 square feet in which area groups can meet.

Construction Schedule: TBD

PRIORITY 4

Frederick County Library Branch- Route 522 South

Description: Construction of a 7,000 sq.ft. branch library with expansion possible to 10,000 square feet. Initial parking should be for a minimum of 35 vehicles. The proposed location is yet to be determined and is dependent on future development. The first step of the project would be the acquisition of the land of 3 to 4 acres.

Capital Cost: TBD

Justification: This population group is not close to a library in the regional system. This area also lacks a community center that a library with meeting room could help fill this need. The Library will provide materials and programming for patrons from toddlers to senior citizens. It will provide recreational and educational materials. It will be a prime source for homework help since it will be open nights and on weekends when school libraries are closed. The library will supply computer access for word processing and

other office applications and for Internet usage. There will be a meeting room of 425 square feet in which area groups can meet.

Construction Schedule: TBD

Transportation Committee Project Priority List

Funded Priorities

PRIORITY 1

Interstate 81, Exit 310 Improvements

Description: Construct improvements to Exit 310 interchange.

Capital Cost: \$48,000,000

Justification: This is a regional transportation improvement that will address congestion in many areas of the County and address coming development to the surrounding areas.

Construction Schedule: TBD

PRIORITY 2

Route 277 Widening and Safety Improvements (Ph 1)

Description: Construct a 4-lane divided roadway beginning at I-81 and continuing to Sherando Park. Project would include realignment of Aylor Road to align with Stickleby Drive.

Capital Cost: \$40,000,000

Justification: This is a regional transportation improvement that will address congestion in the Southern Frederick area and address development to the surrounding areas.

Construction Schedule: 2013-2017

PRIORITY 3

East Tevis Street Extension and Bridge over I-81

Description: Construct a 4-lane divided roadway beginning at Route 522 and going west approximately 0.2 miles to connect to the road network being constructed by the Russell 150 development. Project includes bridge over Interstate 81.

Capital Cost: \$6,000,000

Justification: This is a regional transportation improvement that will address congestion in many areas of the County and address development to the surrounding area. The location is as identified by joint planning efforts between the county, VDOT, and the developer.

Construction Schedule: TBD

Unfunded Priorities

PRIORITY 4

Planning, Engineering, Right of Way and Construction Work for Route 37

Description: This project would be to continue work on the Eastern Route 37 extension. More specifically, to update the Environmental Impact Statement to the point of a new Record of Decision and to update the 1992 design plans to address the current alignment, engineering guidelines, and possible interchange improvements. In addition, this allows for advanced engineering, right of way purchase and construction.

Capital Cost: \$300,000,000 +

Justification: This project moves the County closer to completion of a transportation improvement that would benefit the entire county and surrounding localities.

Construction Schedule: TBD

PRIORITY 5

Interstate 81, Exit 307 Relocation

Description: Construct a relocated Exit 307 interchange.

Capital Cost: \$60,000,000

Justification: This is a regional transportation improvement that will address congestion in many areas of the County and address coming development to the surrounding areas.

Construction Schedule: TBD

PRIORITY 6

Route 277 Widening and Safety Improvements (Ph 2)

Description: Construct a 4-lane divided roadway beginning at I-81 and continuing to Sherando Park. Project would include realignment of Aylor Road to align with Stickleby Drive.

Capital Cost: \$15,000,000

Justification: This is a regional transportation improvement that will address congestion in the Southern Frederick area and address development to the surrounding areas.

Construction Schedule: 2013-2017

PRIORITY 7

Redbud Road Realignment

Description: Realign Redbud Road from its current location through development land in the vicinity of Route 11 north and Snowden Bridge Boulevard.

Capital Cost: \$2,500,000

Justification: This is a transportation improvement that will have significant impact on Eastern Frederick County. This project is identified in the adopted Eastern Road Plan.

Construction Schedule: TBD

PRIORITY 8

Warrior Drive Extension

Description: Construct a 4-lane divided roadway beginning at Route 277 where Warrior Drive intersects from the north and continuing that roadway south and west to intersect with I-81 at the location of the relocated Exit 307 interchange.

Capital Cost: \$23,200,000

Justification: This is a regional transportation improvement that will address congestion in the Southern Frederick area and address development to the surrounding areas.

Construction Schedule: TBD

PRIORITY 9

Channing Drive Extension

Description: Construct a 4-lane divided roadway beginning at Senseny Road where Channing Drive intersects from the north and continuing that roadway south to intersect with Route 50 East at Independence Drive.

Capital Cost: \$20,600,000

Justification: This project has been identified in the Eastern Road Plan, and will address congestion in Eastern Frederick County and address development to the surrounding areas.

Construction Schedule: TBD

PRIORITY 10

Brucetown Road/Hopewell Road Alignment and Intersection Improvements

Description: Realign Brucetown Road to meet Hopewell Road at Route 11. Improvements to this intersection will address comprehensive planned development's traffic generation in the area.

Capital Cost: \$3,000,000

Justification: This is a transportation improvement that will have significant impact on the Route 11 corridor. The location is identified by joint planning efforts between the county and VDOT.

Construction Schedule: TBD

PRIORITY 11

Widening of Route 11 North to the West Virginia State Line

Description: Improve Route 11 to a divided 4 and 6-lane facility as detailed in the Eastern Road Plan.

Capital Cost: \$47,800,000

Justification: This is a regional transportation improvement that will address congestion over a large area of the County and address development to the surrounding area. This project improves the safety for the traveling public by reducing congestion and improving the flow of traffic.

Construction Schedule: TBD

PRIORITY 12

Senseny Road Widening

Description: Widen Senseny Road to a 4-lane divided roadway. This project is not dependent upon, but is being coordinated with the implementation of Route 37, Channing Drive, and development in the area.

Capital Cost: \$22,800,000

Justification: This is a transportation improvement that will have significant impact on Eastern Frederick County. This project is identified in the adopted Eastern Road Plan.

Construction Schedule: TBD

PRIORITY 13

Inverlee Way

Description: Construct a 4-lane divided roadway beginning at Senseny Road and going south to Route 50 East. This project is being planned in conjunction with improvements to Senseny Road and surrounding development.

Capital Cost: \$10,200,000

Justification: This is a regional transportation improvement that will address congestion and provide an additional needed link between Senseny Road and Route 50 East.

Construction Schedule: TBD

PRIORITY 14

Fox Drive

Description: Add additional turning lane(s) to Fox Drive where it intersects with Route 522 North.

Capital Cost: \$250,000

Justification: This is a transportation improvement that will address congestion at this intersection.

Construction Schedule: TBD

PRIORITY 15

Renaissance Drive, Phase 2

Description: Construct a connector road between Route 11 and Shady Elm Drive.

Capital Cost: \$2,000,000

Justification: This is a transportation improvement that will address congestion at key points along Route 11 and Apple Valley Dr. This project is identified in Secondary Road Improvements Plan.

Construction Schedule: Phase I construction was recently completed.

PRIORITY 16

Frederick County Eastern Road Plan

Description: This project is intended to address all of the planned transportation improvements in the County Comprehensive Plan, Eastern Road Plan that are not noted individually above.

Capital Cost: \$TBD

Justification: This project prepares the county for future development by addressing the projects needed to support that development in a manner consistent with the Comprehensive Plan.

Construction Schedule: N/A

Winchester Regional Airport Project Priority List

PRIORITY 1

Land Acquisition – Bufflick Road – Parcels 64 A 69

Description: The Winchester Regional Airport Authority proposes to acquire parcel 64 A 69 on Bufflick Road. This parcel is critical to airport development because a portion is located within or near the airport primary surfaces.

Capital Cost: \$235,000

Justification: Under the FAA part 77 Surface Requirements and the Code of Virginia 15.2, the airport is required to own fee simple property located within the primary surfaces. There are currently more than 120 based aircraft at the Winchester Regional Airport. The owners and passengers of these aircraft will have the benefit of increased safety on the airport once the parcels are acquired and vertical obstructions are minimized.

Construction Schedule: Completion in FY 14-15

PRIORITY 2

Land Acquisition – Bufflick Road – Parcels 64 A 70, 64 A 71

Description: The Winchester Regional Airport Authority proposes to acquire parcel 64 A 70 and 71 on Bufflick Road. These parcels are critical to airport development because a portion is located within or near the airport primary surfaces.

Capital Cost: \$525,000

Justification: Under the FAA part 77 Surface Requirements and the Code of Virginia 15.2, the airport is required to own fee simple property located within the primary surfaces. There are currently more than 120 based aircraft at the Winchester Regional Airport. The owners and passengers of these aircraft will have the benefit of increased safety on the airport once the parcels are acquired and vertical obstructions are minimized.

Construction Schedule: Completion in FY 14-15

PRIORITY 3

Land Acquisition – Bufflick Road – Parcels 64B A 40

Description: The Winchester Regional Airport Authority proposes to acquire parcel 64B A 40 on Bufflick Road. This parcel is critical to airport development because a portion is located within or near the airport primary surfaces.

Capital Cost: \$175,000

Justification: Under the FAA part 77 Surface Requirements and the Code of Virginia 15.2, the airport is required to own fee simple property located within the primary

surfaces. There are currently more than 120 based aircraft at the Winchester Regional Airport. The owners and passengers of these aircraft will have the benefit of increased safety on the airport once the parcels are acquired and vertical obstructions are minimized.

Construction Schedule: Completion in FY 14-15

PRIORITY 4

Land Acquisition – Bufflick Road – Parcels 64B-A-51

Description: The Winchester Regional Airport Authority proposes to acquire parcel 64 A 49 on Bufflick Road. This parcel is critical to airport development because a portion is located within or near the airport primary surfaces.

Capital Cost: \$235,000

Justification: Under the FAA part 77 Surface Requirements and the Code of Virginia 15.2, the airport is required to own fee simple property located within the primary surfaces. There are currently more than 120 based aircraft at the Winchester Regional Airport. The owners and passengers of these aircraft will have the benefit of increased safety on the airport once the parcels are acquired and vertical obstructions are minimized.

Construction Schedule: Completion in FY 17+

PRIORITY 5

New General Aviation Terminal Construction

Description: The Winchester Regional Airport proposes to construct a new general aviation terminal building. The new facility will be constructed in a new location slightly east of the existing terminal building.

Capital Cost: \$3,030,000

Justification: Since its opening in the early 1990s, the general aviation terminal building for the Winchester Regional Airport has had only limited interior work completed. Interior repairs are necessary due to extensive usage and some damage from water leaking from the roof prior to its replacement in the Spring of 2006 by necessity. The heating and cooling systems are approaching 25 years in age and are nearing the end of their useful life. The exterior of the terminal building is made from Drivet that has failed in many areas and is generally in fair to poor condition. In addition, the windows are not energy efficient and several of the window seals have failed. In 2008, a study was completed to examine needs and costs to renovate the existing terminal building. After review of the study, the WRAA determined it would be more economical to build a new energy efficient building slightly east of the existing terminal. The proposed location of the project will allow enough room to build out a new transient apron during the taxiway relocation project.

Construction Schedule: Completion in FY 17-18

PRIORITY 6

Northside Connector

Description: This project proposed to construct a new taxiway connector and a short partial parallel taxiway on the northwest side of the airfield. The connector would access the runway at the end of Runway 14 and the parallel taxiway would connect to the proposed apron and hangar development area on the northside of the airfield.

Capital Cost: \$1,550,000

Justification: The Winchester Regional Airport has and continues to experience a growth in business usage. Over the past several years, businesses have been operating increasingly larger aircraft. The based aircraft accommodations on the south side of the airport were developed over 20 years ago, before these larger aircraft were even available to businesses. Therefore the south side was not developed to accommodate these larger aircraft. In addition, the airport has effectively "built-out" the available space for any aircraft hangars on the southside, requiring opening up land on the northside. These taxiways are the first step in opening up the area.

Construction Schedule: Completion in FY 15-16

PRIORITY 7

New Terminal Parking lot

Description: Expand and rehabilitate the existing auto parking at the terminal building.

Capital Cost: \$650,000

Justification: Portions of the existing parking lot will be removed as part of the demolishing of the terminal building.

Construction Schedule: Completion in FY 17-18

PRIORITY 8

Land Acquisition – Bufflick Road – Parcels 64 A 66

Description: The Winchester Regional Airport Authority proposes to acquire parcel 64 A 66 on Bufflick Road. This parcel is critical to airport development because a portion is located within or near the airport primary surfaces.

Capital Cost: \$275,000

Justification: Under the FAA part 77 Surface Requirements and the Code of Virginia 15.2, the airport is required to own fee simple property located within the primary surfaces. There are currently more than 120 based aircraft at the Winchester Regional Airport. The owners and passengers of these aircraft will have the benefit of increased safety on the airport once the parcels are acquired and vertical obstructions are minimized.

Construction Schedule: Completion in FY 15-16

PRIORITY 9

Land Acquisition – Bufflick Road – Parcels 64 A 67

Description: The Winchester Regional Airport Authority proposes to acquire parcel 64 A 67 on Bufflick Road. This parcel is critical to airport development because a portion is located within or near the airport primary surfaces.

Capital Cost: \$275,000

Justification: Under the FAA part 77 Surface Requirements and the Code of Virginia 15.2, the airport is required to own fee simple property located within the primary surfaces. There are currently more than 120 based aircraft at the Winchester Regional Airport. The owners and passengers of these aircraft will have the benefit of increased safety on the airport once the parcels are acquired and vertical obstructions are minimized.

Construction Schedule: Completion in FY 15-16

PRIORITY 10

Land Acquisition – Bufflick Road – Parcels 64B A 33A

Description: The Winchester Regional Airport Authority proposes to acquire parcel 64B A 33A on Bufflick Road. This parcel is critical to airport development because a portion is located within or near the airport primary surfaces.

Capital Cost: \$175,000

Justification: Under the FAA part 77 Surface Requirements and the Code of Virginia 15.2, the airport is required to own fee simple property located within the primary surfaces. There are currently more than 120 based aircraft at the Winchester Regional Airport. The owners and passengers of these aircraft will have the benefit of increased safety on the airport once the parcels are acquired and vertical obstructions are minimized.

Construction Schedule: Completion in FY 15-16

PRIORITY 11

Land Acquisition – Bufflick Road – Parcels 64 A 60

Description: The Winchester Regional Airport Authority proposes to acquire parcel 64 A 60 on Bufflick Road. This parcel is critical to airport development because a portion is located within or near the airport primary surfaces.

Capital Cost: \$275,000

Justification: Under the FAA part 77 Surface Requirements and the Code of Virginia 15.2, the airport is required to own fee simple property located within the primary surfaces. There are currently more than 120 based aircraft at the Winchester Regional Airport. The owners and passengers of these aircraft will have the benefit of increased

safety on the airport once the parcels are acquired and vertical obstructions are minimized.

Construction Schedule: Completion in FY 15-16

PRIORITY 12

Land Acquisition – Bufflick Road – Parcels 64 A 63

Description: The Winchester Regional Airport Authority proposes to acquire parcel 64 A 63 on Bufflick Road. This parcel is critical to airport development because a portion is located within or near the airport primary surfaces.

Capital Cost: \$275,000

Justification: Under the FAA part 77 Surface Requirements and the Code of Virginia 15.2, the airport is required to own fee simple property located within the primary surfaces. There are currently more than 120 based aircraft at the Winchester Regional Airport. The owners and passengers of these aircraft will have the benefit of increased safety on the airport once the parcels are acquired and vertical obstructions are minimized.

Construction Schedule: Completion in FY 16-17

PRIORITY 13

Land Acquisition – Bufflick Road – Parcels 64 A 64

Description: The Winchester Regional Airport Authority proposes to acquire parcel 64 A 64 on Bufflick Road. This parcel is critical to airport development because a portion is located within or near the airport primary surfaces.

Capital Cost: \$275,000

Justification: Under the FAA part 77 Surface Requirements and the Code of Virginia 15.2, the airport is required to own fee simple property located within the primary surfaces. There are currently more than 120 based aircraft at the Winchester Regional Airport. The owners and passengers of these aircraft will have the benefit of increased safety on the airport once the parcels are acquired and vertical obstructions are minimized.

Construction Schedule: Completion in FY 16-17

PRIORITY 14

Fuel Storage Facility

Description: Construction of a maintenance equipment and storage facility.

Capital Cost: \$1,000,000

Justification: This project is necessary to improve the conditions and the lead time required to access the equipment in case of an emergency.

Construction Schedule: Completion in FY 16-17

PRIORITY 15

Land Acquisition – Bufflick Road – Parcels 64 A 47

Description: The Winchester Regional Airport Authority proposes to acquire parcel 64 A 47 on Bufflick Road. This parcel is critical to airport development because a portion is located within or near the airport primary surfaces.

Capital Cost: \$300,000

Justification: Under the FAA part 77 Surface Requirements and the Code of Virginia 15.2, the airport is required to own fee simple property located within the primary surfaces. There are currently more than 120 based aircraft at the Winchester Regional Airport. The owners and passengers of these aircraft will have the benefit of increased safety on the airport once the parcels are acquired and vertical obstructions are minimized.

Construction Schedule: Completion in FY 18-19

PRIORITY 16

Land Acquisition – Bufflick Road – Parcels 64 A 49

Description: The Winchester Regional Airport Authority proposes to acquire parcel 64 A 49 on Bufflick Road. This parcel is critical to airport development because a portion is located within or near the airport primary surfaces.

Capital Cost: \$300,000

Justification: Under the FAA part 77 Surface Requirements and the Code of Virginia 15.2, the airport is required to own fee simple property located within the primary surfaces. There are currently more than 120 based aircraft at the Winchester Regional Airport. The owners and passengers of these aircraft will have the benefit of increased safety on the airport once the parcels are acquired and vertical obstructions are minimized.

Construction Schedule: Completion in FY 18-19

PRIORITY 17

Land Acquisition – Bufflick Road – Parcels 64 A 50

Description: The Winchester Regional Airport Authority proposes to acquire parcel 64 A 50 on Bufflick Road. This parcel is critical to airport development because a portion is located within or near the airport primary surfaces.

Capital Cost: \$300,000

Justification: Under the FAA part 77 Surface Requirements and the Code of Virginia 15.2, the airport is required to own fee simple property located within the primary

surfaces. There are currently more than 120 based aircraft at the Winchester Regional Airport. The owners and passengers of these aircraft will have the benefit of increased safety on the airport once the parcels are acquired and vertical obstructions are minimized.

Construction Schedule: Completion in FY 17+

PRIORITY 18

Land Acquisition – Bufflick Road – Parcels 64 A 52

Description: The Winchester Regional Airport Authority proposes to acquire parcel 64 A 52 on Bufflick Road. This parcel is critical to airport development because a portion is located within or near the airport primary surfaces.

Capital Cost: \$300,000

Justification: Under the FAA part 77 Surface Requirements and the Code of Virginia 15.2, the airport is required to own fee simple property located within the primary surfaces. There are currently more than 120 based aircraft at the Winchester Regional Airport. The owners and passengers of these aircraft will have the benefit of increased safety on the airport once the parcels are acquired and vertical obstructions are minimized.

Construction Schedule: Completion in FY 18-19

PRIORITY 19

Land Acquisition – Bufflick Road – Parcels 64 A 59

Description: The Winchester Regional Airport Authority proposes to acquire parcel 64 A 59 on Bufflick Road. This parcel is critical to airport development because a portion is located within or near the airport primary surfaces.

Capital Cost: \$300,000

Justification: Under the FAA part 77 Surface Requirements and the Code of Virginia 15.2, the airport is required to own fee simple property located within the primary surfaces. There are currently more than 120 based aircraft at the Winchester Regional Airport. The owners and passengers of these aircraft will have the benefit of increased safety on the airport once the parcels are acquired and vertical obstructions are minimized.

Construction Schedule: Completion in FY 18-19

PRIORITY 20

Northside Service Road

Description: This project proposes to construction a two lane service road around the end of Runway 14. The road will be approximately 1/2 to 3/4 miles in length so that vehicles stay clear of navigational aid critical areas. It is proposed that the road will be 2 lanes

Capital Cost: \$400,000

Justification: The approved airport layout plan shows new development occurring on the northside of the runway. By having aircraft ground operations and storage on both sides of the airfield (north and south), ground vehicle traffic requiring access to both sides of the airfield will be generated. The traffic will include fueling truck operations and personnel activities for general maintenance. The FAA encourages the construction of service roads around aircraft activity areas, especially the runways, to prevent unauthorized ground vehicle access to aircraft movement areas and to promote a safer operating environment. The service road, located on the west side of the airport (Runway 14 end) will accomplish these goals.

Construction Schedule: Completion in FY 18-19

PRIORITY 21

Taxiway (A) Relocation

Description: The relocation of Taxiway (1) is part of the overall Airport upgrade to meet safety design standards for a Group III airport. This relocation will improve the serviceability and safety of the Airport in regards to ground operations for larger aircraft.

Capital Cost: \$9,650,000

Justification: The relocation of Taxiway (1) is necessary to increase the Airport's ability to accommodate larger aircraft. This project also will improve the serviceability of the Airport in regards to ground traffic.

Construction Schedule: Completion in FY 19+

County Administration Project Priority List

PRIORITY 1

Albin Convenience Site Relocation

Description: The relocation of the Albin citizens' convenience site to property located within the Sunnyside/Albin community is planned for the FY 14/15. Design work will be completed in FY 13/14. A fenced, two-acre site will be constructed along North Frederick Pike on county-owned property in close proximity to the existing site located on Indian Hollow Road, ideally on a portion of the current FCPS bus garage property. This project will require several months to complete and include fencing, earthwork, retaining wall, electric, equipment, lighting, paving and landscaping.

Capital Cost: \$374,850

Justification: During August of 2011 a total of 13,343 residents visited the Albin facility, according to a site survey. The refuse site serves a geographic area extending from Sunnyside and the Cedar Creek Grade westward to Gainesboro. The total number of vehicles using the site, an average of 513 a day, increased by 11 percent between 2008 and 2010. The latest figure represents another 24 percent increase over the previous year. Weekends are the busiest at Albin when up to 550 residents use the facility on Saturdays. As trash disposal and the resulting traffic continue to increase at the facility, the present infrastructure will be unable to safely handle the burden. During the holidays, the site requires two site attendants in order to move traffic as quickly as possible. However, lines still back out onto Indian Hollow Road, a hazard noted several times by the Sheriff's Office. For residents living between Cedar Creek Grade and Apple Pie Ridge, curbside pickup is expensive, prompting heavy utilization of the convenience center which attracts a mix of users from the suburbs and rural community. It is also becoming obviously that residents in the Gainesboro area are foregoing that facility in favor of the Albin location. Transient university students from the townhouse community also utilize the recycling facilities.

Construction Schedule: Start in FY 14-15

PRIORITY 2

Gore Refuse Site Relocation/Expansion

Description: The project will expand refuse collection capacity in the Gore community by installing a surplus trash compactor. With the relocation of the Gainesboro and Albin sites and purchase of new equipment, there will be an available compactor. Installation of a compactor at Gore will drive down collection costs at the site where trash is now collected in 10 8-yard boxes. In order to accomplish this, and account for improved traffic flow and the construction of necessary concrete walls, the site will be expanded onto an adjoining parcel owned by the county.

Capital Cost: \$225,350

Justification: This project would also provide much-needed capacity during heavy flow times such as weekends and holidays. All 10 containers now on site fill to capacity during Saturday afternoons and during the Sunday shift when up to 189 vehicles visit the

facility. A 40-yard roll-off is placed at the site during the Christmas holidays to provide for increased trash generation. An upgraded site would meet the future solid waste demands of a growing community.

Construction Schedule: Start in FY 15-16

PRIORITY 3

General Government Capital Expenditures

Description: This new project consists of a revolving fund in the amount of \$1,000,000 for the benefit of General Governmental Capital Expenditures. It is the intention of this capital expenditure fund to be for the purpose of purchasing capital equipment for governmental agencies and to allow for improvements to general governmental facilities. Such expenditures may be less than the established \$100,000 departmental threshold. It was determined that the inclusion of such a project would be beneficial in ensuring that this significant capital expense is identified in the County's capital planning and budget process. This project is for the benefit of the County Governmental Entities participating in the CIP but does not include individual Volunteer Fire and Rescue Companies.

Capital Cost: \$1,000,000

Justification: The inclusion of this capital expenditure fund for the purpose of purchasing capital equipment for governmental agencies and to allow for improvements to general governmental facilities will enable the County to meet the requirements of the Code of Virginia with regards to the collection and disbursement of cash proffers accepted on behalf of the governmental entities.

Construction Schedule: N/A

PRIORITY 4

County/School Board Administration Building

Description: This new project consists of a County/School Board Administration Building, to be located generally in the County's Urban Development Area.

Capital Cost: TBD

Justification: The inclusion of this capital facility will allow for improvements to general governmental facilities and services for the benefit of the residents of Frederick County and will meet the increasing need for office space, meeting space, and government services in an accessible location.

Construction Schedule: TBD

Fire & Rescue Project Priority List

PRIORITY 1

Fire & Rescue Station #22 / Annex Facilities (Route 277)

Description: Construct a two bay Fire and Rescue Station with satellite Sheriff's office and County office space for treasure, commissioner of the revenue, and BOS office with meeting room. The station will be located in the area of Fairfax Pike, White Oak Road, and Tasker Road to provide service for the heavy growth area east of Stephens City. An approximate three-acre site will be needed to accommodate this facility. The fire station will be approximately a 10,000 sq ft facility to house an engine and ambulance. Those who would occupy the facility will determine the size of the satellite offices. This facility is specifically identified in the Route 277 Triangle and Urban Center Land Use Plan approved in 2008.

Capital Cost: \$3,400,000

Justification: The development of satellite offices along major transportation networks and in areas of dense population will provide ease of access for citizens and will improve services to the county. This facility would facilitate the implement the Route 277 Triangle and Urban Center Land Use Plan approved in 2008. Nearby development is scheduled to be an active adult resort gated community with age restrictions on 80% of the homes above 55 and the other 20% above 45. The developer's master plan will allow for 2130 individual dwelling units using a mix of housing types.

Construction Schedule: Completion in FY 14-15

PRIORITY 2

Fire & Rescue Station #22 / Apparatus (Route 277)

Description: Purchase one (1) custom pumper equipped and one (1) custom Type I Advanced Life Support (A.L.S.) capable ambulance equipped to be assigned to Fire and Rescue Station 22.

Capital Cost: \$905,000

Justification: This fire and rescue apparatus will be assigned to Fire and Rescue Station 22 located on Fairfax Pike East in the Stephens City area of Frederick County. The pumper will be built to N.F.P.A. 1901 specifications and equipped with all of the required and necessary equipment to function as a Class A Pumper. The ambulance will be built to the Federal KKK-A-1822E specifications and equipped with all of the required and necessary equipment to function as an Advanced Life Support ambulance. This fire and rescue apparatus is needed due to the fact that the Fire and Rescue Department currently owns one (1) pumper and one (1) ladder truck that are twenty (20) plus years of age and already assigned to other functions. The currently owned fire and rescue apparatus would not endure the demands placed on it while being assigned to a high call volume.

Construction Schedule: Completion in FY 14-15

PRIORITY 3

Fire & Rescue Station #23 / New Facility (Crosspointe)

Description: This project consists of a 10,000 square foot fire station to accommodate 4 pieces of emergency equipment, and to house living and sleeping areas for staff. This project could also include satellite offices for the Frederick County Sheriff's Office, Treasurers Office, and Commissioner of Revenue as well as a meeting room for County Supervisor meetings with their constituents with an additional 2000 square feet of building area. A two and ½ acre parcel should be sufficient for building, parking and amenities for approximately 20 to 30 persons. The project is located at Crosspointe Center at the end of current Rt.37 South, an area of proposed high density residential development, and commercial development.

Capital Cost: \$3,700,000

Justification: The proposed location at the South end of Route 37 provides for quick and easy access to Interstate 81 North and South at the 310 Exit. Access and response on Rt. 37 will be greatly enhanced from I81 to Route 50 West in the Northbound Lane. Currently Stephens City and Round Hill Volunteer Fire and Rescue Company's serve the area. This location also provides easy access to Rt.11 and the Kernstown area along with access to Middle Road and Subdivisions of Brookneil, Stonebrook, and Jacksons Woods. These subdivisions have large single family homes in an area of Frederick County outside of the UDA. Water supplies are scarce in these areas and a rapid response from this proposed facility will likely reduce property damage from fire and response times for Medical Emergencies. Major collector roads such as Tasker Road and Warrior Drive along with the proposed extension of Rt. 37 and new roadways in the development will provide quick access to additional homes and businesses in areas including Front Royal Pike, Papermill Road. These roadway construction efforts will provide for an increased level of quality emergency service to the citizens in this entire area.

Construction Schedule: To be determined.

PRIORITY 4

Fire & Rescue Regional Training Center

Description: Construct a Regional Public Safety Training Center potentially consisting of an administrative building, multi-story burn building, multi-story training tower, vehicle driving range, shooting range, and numerous other training props. This project will incorporate emergency medical services, fire, hazardous materials, rescue, law enforcement, industrial, and educational institutions located in Clarke County, Frederick County, Shenandoah County, Warren County, Winchester City, State Agencies, Federal Agencies, and potentially jurisdictions within the State of West Virginia.

Capital Cost: \$31,175,000

Justification: This project will facilitate realistic training in today's modern environment for emergency services and industrial personnel located throughout the Northern Shenandoah Valley and expanding into the State of West Virginia. This project will reinforce existing training programs in those respective agencies and jurisdictions as well as facilitate training that is currently not available within the Northern Shenandoah

Valley which causes students and instructors to travel into the Washington Metropolitan region. The number of potential personnel being trained at this Training Center is potentially in the thousands based upon training statistics provided in July 2007 by the participating agencies.

Construction Schedule: Completion in FY 17-18

PRIORITY 5

Fire and Rescue Station (#24) Relocation

Description: Construct a three (3) bay fire and rescue station with satellite County Offices. This station is intended to be located on or near Redland Road in the area of Lake Holiday either at a site provided by Lake Holiday or other tract in the vicinity. An approximate three to four acre site is necessary for a 10,000 square foot facility, to house a fire engine, and ambulance and rescue boat.

Capital Cost: \$3,750,000

Justification: The Lake Holiday Development is scheduled to have a final build-out of 2800 single family homes.

Construction Schedule: To be determined

PRIORITY 6

Round Hill Fire and Rescue Station (#15) Relocation

Description: The new station RHCFCRC plans to build will be a 17,801 sf, fully NFPA-compliant, single-story, pre-engineered structure with 4 double drive-thru bays and 14' clearances. The bays will take up 5,340 sf and include a turnout gear alcove for 50 lockers, laundry room, tool shop and store rooms. The bays will be able to accommodate modern-sized apparatus, including a ladder truck, and will give the company ample room for future expansion. The drive-thru design will reduce the possibility of backing accidents, as well as ease the flow of apparatus into and out of the station. The bays will be equipped with spot drains for each vehicle to minimize slip-and-fall accidents. In 2006, a site inventory by Stewart Cooper Newell Architects identified more than 10 features of RHCFCRC's station not in compliance with NFPA standards. Perhaps the most serious is the lack of proper separation between sleeping and vehicles spaces. The men's bunkroom door opens directly into the bays. Combined with inadequate hazardous exhaust controls, this creates serious safety concerns for those sleeping inside. This facility will also be able to accommodate living and sleeping quarters. A community center is also planned with this project and will be approximately 10,000 sq. ft. accommodating 400 persons for holding fundraising events. The entire project will be relocated to an area of 3 to 5 acres.

Capital Cost: \$4,281,696

Justification: The operational section of RHCFCRC's present station is a brick-and-block structure of approximately 2,277 square feet built in 1954. A wing of pre-engineered and block construction was added in 1981 to increase office and public space. Today, the station is no longer adequate to house the company's 30 firefighters and 8 vehicles in a safe and efficient manner. The operating space is unsafe and cramped, and limits the

services that can be provided to a growing community. First due population for the 2000 censuses was 8,089. The continued growth in the area has brought additional commercial development (Walmart, hotels, and planned development by the hospital, shopping and restaurants). The area includes a high school and elementary school.

Construction Schedule: To be determined

PRIORITY 7

Clear Brook Fire and Rescue Station (#13) Relocation

Description: A new facility is proposed to be built on our current property, take down the current building and extend our parking. The building is to be six (6) drive through bays, administration, eating and sleeping facilities along with a dining hall. The estimated size of the structure is to be approximately 28,000 square feet.

Capital Cost: \$4,396,000

Justification: At the current time we have outgrown our facility and with the equipment that we have to provide the service to our community for property and health protection and with the staffing needs and fund raising operations our current facility is in need of upgrading /updating.

Construction Schedule: To be determined

Fire & Rescue Company Capital Project Requests

Capital Equipment Fire & Rescue – Vehicles & Equipment

Description: This new project consists of a revolving fund in the amount of \$1,000,000 for the benefit of Fire and Rescue Services. It is the intention of this capital expenditure fund to be for the purpose of purchasing additional and replacement capital equipment fire and rescue vehicles and equipment. It was determined that the inclusion of such a project would be beneficial in ensuring that this significant capital expense is identified in the County's capital planning and budget process. This project is primarily for the benefit of the individual Volunteer Fire and Rescue Companies.

Capital Cost: \$1,000,000

Justification: The inclusion of this capital expenditure fund for the purpose of purchasing additional and replacement capital equipment fire and rescue vehicles and equipment will enable the County to meet the requirements of the Code of Virginia with regards to the collection and disbursement of cash proffers accepted on behalf of the fire and rescue companies.

Construction Schedule: N/A

The following requests have been added to the CIP in no particular order:

Individual Fire & Rescue Company Capital Equipment Requests.

Greenwood Vol. Fire & Rescue Company

Office and Living Quarters Project

Project Cost: \$550,000

Greenwood Vol. Fire & Rescue Company

Apparatus ventilation system project

Project Cost: \$550,000

Middletown Vol. Fire & Rescue Company

Life Pack x3

Project Cost: \$100,000

Middletown Vol. Fire & Rescue Company

Rescue Engine Replacement

Project Cost: \$790,000

North Mountain Vol. Fire & Rescue Company

Building Expansion

Project Cost: \$314,766



RESOLUTION

Action:

PLANNING COMMISSION: March 5, 2014 - Recommended Approval

BOARD OF SUPERVISORS: March 12, 2014 APPROVED DENIED

RESOLUTION

2014-2015 CAPITAL IMPROVEMENTS PLAN (CIP)

WHEREAS, the Frederick County Planning Commission held a public hearing on the proposed 2014-2015 Capital Improvements Plan (CIP) for Frederick County on March 5, 2014; and,

WHEREAS, the Frederick County Planning Commission recommended approval of this plan at their regular meeting on March 5, 2014 and determined that the projects contained in the Capital Improvements Plan (CIP) conform to the Frederick County Comprehensive Policy Plan; and,

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this plan during their regular meeting on March 12, 2014; and,

WHEREAS, the Frederick County Board of Supervisors supports the priorities for capital expenditures contained in the Capital Improvements Plan (CIP) and has affirmed the determination of the Planning Commission that the projects contained in the Capital Improvements Plan (CIP) conform to the Frederick County Comprehensive Policy Plan;

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

The Frederick County Board of Supervisors hereby approves the 2014-2015 Capital Improvements Plan (CIP) for Frederick County, Virginia as an element of the Comprehensive Policy Plan.

Passed this 12th day of March, 2014 by the following recorded vote:

| | | | |
|------------------------------|-------|-------------------------|-------|
| Richard C. Shickle, Chairman | _____ | Gary A. Lofton | _____ |
| Robert A. Hess | _____ | Charles S. DeHaven, Jr. | _____ |
| Gene E. Fisher | _____ | Christopher E. Collins | _____ |
| Robert W. Wells | _____ | | |

A COPY ATTEST


John R. Riley, Jr.
Frederick County Administrator

J



MEMORANDUM

TO: Board of Supervisors

FROM: John A. Bishop, AICP, Deputy Director - Transportation 

RE: Rail Access Grant Support for Carmeuse Lime and Stone, Inc.

DATE: March 6, 2014

Attached please find the request from Carmeuse Lime and Stone, Inc. for the County's support of their Rail Access Grant Application.

As noted in the materials, this rail improvement will have significant positive impact to the local transportation network and Staff would recommend support via the attached resolution.

JAB/dlw

LAWSON AND SILEK, P.L.C.

120 EXETER DRIVE, SUITE 200
POST OFFICE BOX 2740
WINCHESTER, VA 22604
TELEPHONE: (540) 665-0050
FACSIMILE: (540) 722-4051

THOMAS MOORE LAWSON • TLOWSON@LSPLC.COM

February 25, 2014

Mr. John R. Riley, Jr.
Frederick County Administrator
107 North Kent Street
Winchester, VA 22601

Re: Carmeuse Clear Brook Rail Grant
Our File No. 462.026

VIA HAND-DELIVERY

Dear John:

Enclosed please find a rail grant application which Carmeuse proposes to submit to the Virginia Department of Rail and Public Transportation. The application requests \$1,050,000.00 in funds from the industrial access budget which is the maximum amount that can be awarded to any one municipality in a fiscal year. This grant will allow Carmeuse to begin construction and installation of railroads from its Clear Brook facility to the Winchester and Western Railroad and CSXT. Upon completion, it is projected that the use of railcars from Carmeuse's Clear Brook facility could remove as many as 42,000 truckloads per year from VDOT roads in and around the plant.

I have also enclosed a Resolution in support of the rail grant application for the Board of Supervisors' consideration. The signed Resolution will need to be included with the application package Carmeuse forwards to the Commonwealth. I ask that you please present this to the Board at its next meeting.

Thank you for your assistance and cooperation. If you have any questions, please do not hesitate to give me a call.

Very truly yours,



Thomas Moore Lawson

TML:jk
Enclosures
cc: Carmeuse Lime & Stone, Inc.

February 25, 2014

Ms. Jennifer Mitchell
Director
Virginia Department of Rail and Public Transportation
600 East Main Street
Richmond, VA 23219

Dear Ms. Mitchell,

Enclosed is our application for a Rail Industrial Access Grant. Our company, Carmeuse Lime & Stone, Inc. intends to embark on a very large expansion at our Winchester operation which is located in Clear Brook, VA. Our company is the largest lime and chemical limestone company in North America. These products are used in a number of industries, such as flue gas desulfurization, metallurgical manufacturing, water and waste water treatment, construction (including road construction), chemical, paper manufacturing, and many others. In order to maintain our market presence, we must plan for and invest in operations, equipment, and technology that will allow us to expand and stay competitive in price, quality, and reliability. We plan to invest in excess of \$80 million dollars to bring modern and environmentally superior lime production and processing facilities to Winchester.

In order to provide the necessary customer support, rail facilities in the plant will be expanded, increased, and improved so that we can ship more product, both lime and limestone, efficiently and safely. The purpose of installing this rail expansion for the loadout of unit trains is to allow for the sale of aggregate and lime to customers in other states. This is a new way of transporting and selling aggregate and lime.

Historically aggregate was mined, processed and delivered in relatively close distances to the quarry from which it came. There are areas in the mid-Atlantic that are in need of aggregate that do not have nearby quarry operations. Historically those areas were serviced by trucks hauling stone from long distances. Under this new program and with the installation of the unit train at Carmeuse's Winchester facility, large quantities of stone will be transported via the railroad to areas in the mid-Atlantic where the stone will be unloaded into stock piles. From there, the stone will be delivered locally as needed for construction projects and other development. This new system provides an economic opportunity for Carmeuse and its Virginia operations that did not previously exist. Increased rail capacity will also reduce the number of trucks serving the plant for long hauled stone and plying Virginia's highways in the years to come. Within five (5) years, we expect to be shipping about 8,000 railcars to and from Winchester on an annual basis. This would replace about 42,000 truckloads per year on Virginia highways.

Historically Lime has been processed and delivered in regional distances to the quarry. The mode of delivery has predominantly been trucks with some single car rail service. The rail expansion will allow for unit trains of lime to be loaded and delivered to areas in the mid-Atlantic where it will be unloaded into silos. From there the lime will be used in treatment of flue gas at a major power utility plant. This new system provides an economic opportunity for Carmeuse and its Virginia operations that

did not previously exist. The loading of lime into unit trains does not currently exist in the United States. We expect to be shipping 250,000 tons lime per year using this system which will remove approximately 10,000 truckloads per year from Virginia highways.

Expansion and enhancement of the Winchester Operation also provides employment stability to the workers and their families. The Winchester facility has been a significant employer and industrial presence in Frederick County for decades. Carmeuse has already invested significant sums of money into the permitting and approval of new kilns at its Winchester facility. The purpose of these kilns is to process the high calcium lime which is located at that property. In order to mine the high calcium lime, however, significant amounts of aggregate limestone are also produced as a byproduct. If Carmeuse is incentivized to invest in an aggregate operation it will allow for employment opportunities and will also make the lime operation more economically viable. Conversely, if Carmeuse is not able to find a ready market for its aggregate this will add a significant amount of cost to the planned operations and will make it less economically viable. Carmeuse has significant operations in its quarries in the Commonwealth of Virginia. The reason for the investment in Virginia is that it is geologically blessed with a seam of high calcium limestone. This stone has been mined in Virginia for centuries. Carmeuse has committed significant resources to the Commonwealth of Virginia and intends to do more in the future by expanding its operations. Therefore, our commitment to Virginia in terms of investment and employment is very significant.

In accordance with Code of Virginia §33.1-221.1:1(E), we request your consideration of our application for up to 50% of the FY14 appropriation. We understand that the rail industrial access grant program is funded up to \$3,000,000 per year. Since only 50% of those funds can be awarded to any one city or county in any one year, we request grant funding of \$1,050,000 for FY14. The attached application provides additional detail.

We would be happy to discuss this project in greater detail and can meet with you and your staff if you feel it would be helpful. We appreciate your consideration.

Sincerely,

James E. Bottom, Area Operations Manager

James E. Bottom

Carmeuse Lime & Stone, Inc.

**Department of Rail and Public Transportation
Industrial Access Railroad Tracks Program Application**

Application Date: 02/25/2014

Applicant: Carmeuse Lime & Stone, Inc.

Description of Applicant's Organization (City, County, Economic Development Authority, Etc.):

Quicklime, processed limestone, and aggregate mining and production facility

Industry/Business to be served by the proposed Industrial Access Track: Lime for the Power Generation industry and Limestone aggregate supply for the construction industry.

Contact Person

Name: Bob Carter

Title: Traffic Analyst

Phone Number: (412) 995-5588

Email Address: bob.carter@carmeusena.com

Address: 11 Stanwix Street

20th Floor

Pittsburgh, PA 15222

Proposed or Existing Location:

Track installation at Carmeuse Lime & Stone's Winchester Operation, Clear Brook, VA

Project Description:

The proposed installation is a loop track with new access to CSXT and Winchester and Western Railroad. The system is capable of loading 45 car unit trains of lime. The system is also capable of loading 90 car unit trains of limestone aggregate, as well as the entire aggregate processing, stockpiling, and loading operation. This is the equivalent of 180 truckloads of lime per unit train and 360 truckloads of aggregate per unit train which will be taken off of VDOT roads. Upon completion of the project, lime shipments are planned for 2,500 rail cars per year. Within five years of commencement of the project aggregate shipments will be at 8,000 cars per year. The total additional cars are 10,500 which is the equivalent of 42,000 truckloads. The rail loading system will include required switches and lead tracks which will allow connection to the Winchester and Western Railroad and CSXT.

Length of proposed Track: 29,000 feet

Estimated Cost: \$8,100,000

Requested amount of Industrial Rail Access Funds: \$1,050,000

The approximate capital outlay to construct and equip the proposed new facility

N/A

- OR -

The approximate capital outlay to construct and equip the proposed expansion:

\$81,400,000, of which \$11,400,000 will be allocated just for new track installation for the lime and limestone unit train loading systems

Estimated annual number of carloads already handled on existing tracks:

375

Estimated annual number of carloads to be handled on the proposed new track:

10,500 (replacing 42,000 trucks per year)

If a new industry, the estimated number of people to be employed: N/A

If an existing industry, the number of people currently employed: 157

And the estimated additional employment to be created by the expansion: 26 total full time employees. 4 to 6 full time employees associated with the rail loading. 100 full time construction employees for a minimum of 18 months for the primary construction schedule.

Railroad that will serve the business/industry: CSXT and Winchester and Western

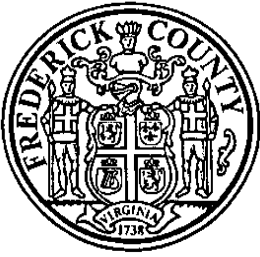
Planning, Design, and Engineering Completion:

Construction Start Date: May 15, 2014

Construction Completion Date: January 31, 2017

=====
The following documentation is to be included with the application:

1. Resolution from the Local Governing Body supporting the project and requesting the Rail Industrial Access Funds.
2. Location sketch showing the location of the site on an area map.
3. Drawing of the proposed track project showing the clear point(s).
4. Signed applicant/industry certification.
5. A company W-9 with federal ID number/EIN.
6. Documentation that the railroad owning the main line to which the proposed access track will connect has agreed to:
 - A. Serve the industry or business;
 - B. Approve and/or participate in the construction of the proposed access track;
 - C. Making the facilities available for use by all common carriers using the railway system to which the industrial access track connects;
7. Background information about the business



**RESOLUTION OF SUPPORT
BY THE
FREDERICK COUNTY BOARD OF SUPERVISORS
OF THE UTILIZATION OF INDUSTRIAL ACCESS
RAILROAD TRACK FUNDS**

The Board of Supervisors of Frederick County, in regular meeting on the 12th day of March 2014, adopted the following:

WHEREAS, Carmeuse Lime and Stone, Inc. has expressed its intent and desire to the Board of Supervisors to improve its industrial operation in Clear Brook, Frederick County, Virginia; and,

WHEREAS, Carmeuse Lime and Stone, Inc. and its operation will require rail access; and,

WHEREAS, construction of rail access to Carmeuse Lime and Stone, Inc.'s Clear Brook, Frederick County, Virginia facility is projected to remove the equivalent of 42,000 truckloads per year from Virginia highways by converting to the use of railcars; and,

WHEREAS, the Officials Carmeuse Lime and Stone, Inc. have reported to Frederick County their intent to apply for Industrial Access Railroad Track Funds from the Commonwealth of Virginia's Department of Rail and Public Transportation in the amount of \$1,050,000.00, which is the maximum grant allowed pursuant to Code of Virginia §33.1-221.1:1(E); and,

WHEREAS, Carmeuse Lime and Stone, Inc. has requested that the Board of Supervisors provide a Resolution supporting its application for said funds which are administered by the Virginia Department of Rail and Public Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Frederick County, Virginia, hereby endorses and supports the application of Carmeuse Lime and Stone, Inc. for \$1,050,000.00 in Industrial Access Railroad Track Funds pursuant to Code of Virginia §33.1-221.1:1(E); and,

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby makes known its desire and intent to assist the Commonwealth Transportation Board in providing the maximum financial assistance to Carmeuse Lime and Stone, Inc., for the purpose of installing rail access to its Clear Brook, Virginia facility.

ADOPTED this 12th day of March, 2014.

This resolution was approved by the following recorded vote:

| | | | |
|------------------------------|-------|-------------------------|-------|
| Richard C. Shickle, Chairman | _____ | Gary A. Lofton | _____ |
| Robert A. Hess | _____ | Robert W. Wells | _____ |
| Gene E. Fisher | _____ | Charles S. DeHaven, Jr. | _____ |
| Christopher E. Collins | _____ | | |

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator

К



MEMORANDUM

To: Frederick County Board of Supervisors

From: Candice E. Perkins, AICP, Senior Planner *CEP*

Subject: Discussion– Floodplain Districts

Date: March 6, 2014

Staff has prepared revisions to Part 702 of the Frederick County Zoning Ordinance, Floodplain Districts. This is the portion of the zoning ordinance that lays out the various floodplain districts and the uses and disturbance permitted within the various districts. The current floodplain ordinance was revised in 2009 as directed by the Department of Conservation and Recreation's (DCR). DCR has since modified the floodplain ordinance and therefore revisions are necessary to Frederick County's floodplain overlay district to meet the minimum regulatory standards required in a fully compliant floodplain ordinance.

As a participating community in the National Flood Insurance Program (NFIP), Frederick County is responsible for making sure that its floodplain management regulations meet or exceed the minimum requirements of the NFIP and the Commonwealth of Virginia. If Frederick County's floodplain ordinance does not meet the minimum requirements, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) cannot offer flood insurance. In Virginia the Department of Conservation and Recreation's (DCR) is the manager of the floodplain program and designated coordinating agency of the National Flood Insurance Program. DCR has reviewed the current floodplain ordinance and identified a number of areas that need to be updated.

The primary revisions to the Floodplain Districts are as follows:

- New text regarding designation and duties of the Floodplain Administrator.
- New Sections for Jurisdictional Boundary Changes and Submitting Technical Data.
- Relocation and revisions to the "Description of Special Flood Hazard Districts" sections
- Revised "Factors to be considered in granting variances"
- Revised "Elevation and Construction Standards".
- New and revised definitions

The item was presented to the Development Review and Regulations Committee (DRRC) at their meeting on January 23, 2014. The DRRC endorsed the changes and recommended it be sent to the Planning Commission for discussion.

The Planning Commission discussed this item on March 5, 2014; the Commission had no change and sent the item forward to the Board of Supervisors for Discussion. One citizen commented during the meeting and expressed concerns about whether the new regulations would impact assessment values on existing properties within the floodplain district. He explained that a property he currently owns is over-valued, despite his attempt to reconcile through the appeals process. He said the floodplain map indicates the parcel is only partially within the floodplain; however, he has photographic evidence the parcel is over 90% within a floodplain.

Although members of the Commission understood the amendments being discussed involved tightening procedural details and the 2009 floodplain maps remained unchanged, Commissioners commented that the 2009 maps are not accurate and a discrepancy exists between the topography and floodplains indicated on the maps. They commented about the considerable expense involved for citizens who may need to have a floodplain study done to determine the extent of a possible floodplain on their property. A Commissioner noted the Board may want to consider having Frederick County's maps made more accurate for its citizens and until more accurate maps are available, to take this into consideration when assessing properties.

The Planning Commission had no changes to the draft changes presented and sent the item forward to the Board of Supervisors for discussion. (Note: Commissioners Thomas, Triplett, Mohn, and Crockett were absent from the meeting.)

The attached documents show the existing ordinances with the proposed changes supported by the DRRC and the Planning Commission. **This item is presented for discussion. Staff is seeking direction from the Board of Supervisors on these Zoning Ordinance text amendments;** attached is a resolution directing the item to public hearing should the Board deem it appropriate.

-
- Attachments:**
- 1. Revised ordinance with additions shown in bold underlined italics and deletions are shown with a strikethrough.**
 - 2. Correspondence from FEMA**
 - 3. Resolution**

CEP/rsa

DRAFT CHANGES TO THE FP FLOODPLAIN DISTRICT

ARTICLE VII OVERLAY DISTRICTS

Part 702 - FP Floodplain Districts

§ 165-702.01. —~~Purpose.~~ Statutory Authorization and Purpose.

This ordinance is adopted pursuant to the authority granted to localities by Va. Code §15.2-2280.

The purpose of these provisions are to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- D. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

§ 165-702.02. Applicability.

These provisions shall apply to all ~~lands within the jurisdiction of Frederick County and identified as being in the 100-year floodplain by the Federal Insurance Administration.~~ **Privately and publicly owned lands within the jurisdiction of Frederick County and identified as areas of special flood hazard according to the flood insurance rate map (FIRM) that is provided to Frederick County by FEMA.**

§ 165-702.03. Compliance and Liability.

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable regulations which apply to uses within the jurisdiction of this chapter.
- B. The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that districts outside the floodplain district, or that land uses permitted within such district, will be

DRAFT CHANGES TO THE FP FLOODPLAIN DISTRICT

free from flooding or flood damages.

- C. Records of actions associated with administering this chapter shall be kept on file and maintained by the Frederick County Zoning Administrator.
- D. This chapter shall not create liability on the part of Frederick County or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 165-702.04. Abrogation and Greater Restrictions.

This chapter supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this chapter.

§ 165-702.05. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this chapter. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this chapter are hereby declared to be severable.

§ 165-702.06. Administration.

A. Designation of the Floodplain Administrator. The Zoning Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

(1) Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Frederick County Planning Director.

(2) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.

(3) Enter into a written agreement or written contract with another locality or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the County of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

B. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

(1) Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).

DRAFT CHANGES TO THE FP FLOODPLAIN DISTRICT

- (2) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- (3) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- (4) Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- (5) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, US Army Corps of Engineers) and have submitted copies of such notifications to FEMA.
- (6) Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
- (7) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- (8) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- (9) Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- (10) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for Frederick County, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- (11) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
- (a) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and

DRAFT CHANGES TO THE FP FLOODPLAIN DISTRICT

- (b) Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.**
- (12) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.**
- (13) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.**
- (14) Administer the requirements related to proposed work on existing buildings:**
- (a) Make determinations as to whether buildings and structures that are located in special flood hazard areas and that are damaged by any cause have been substantially damaged.**
- (b) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.**
- (15) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.**
- (16) Notify the Federal Emergency Management Agency when the boundaries of Frederick County have been modified and:**
- (a) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and**
- (b) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.**
- (17) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA,**

DRAFT CHANGES TO THE FP FLOODPLAIN DISTRICT

number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

(18) It is the duty of the Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the County, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

C. Use and Interpretation of FIRMs. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

(1) Where field surveyed topography indicates that adjacent ground elevations:

(a) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on the FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;

(b) Are above the base flood elevation, the area shall be regulated as special flood hazard area, if so indicated on the FIRM, unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.

(2) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.

(3) Base flood elevations and designated floodway boundaries on FIRMs and in Flood Insurance Studies shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.

(4) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in Flood Insurance Studies.

(5) If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:

(a) Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.

(b) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to § 165-702.06 and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.

DRAFT CHANGES TO THE FP FLOODPLAIN DISTRICT

(3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

§ 165-702.07. Jurisdictional Boundary Changes.

In accordance with the Code of Federal Regulations, Title 44, Part 59, Subpart B, Section 59.22 (a) (9) (v), all NFIP participating communities must notify the Federal Insurance Administration Emergency Management Agency and optionally the State Coordinating Office Virginia Department of Conservation and Recreation - Division of Dam Safety and Floodplain Management in writing whenever the boundaries of the County have been modified by annexation or the County has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the County's boundaries, a copy of a map of the County suitable for reproduction, clearly delineating the new corporate limits or new area for which the County has assumed or relinquished floodplain management regulatory authority must be included with the notification.

§ 165-702.08. Submitting Technical Data.

The County's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the County shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

§ 165-702-0609. Description of Special Flood Hazard Districts.

A. Basis of districts. The various **flood hazard** floodplain districts shall include areas subject to inundation by waters of the one-hundred-year flood **the Special Flood Hazard Areas**. The basis for the delineation of these districts shall be **the Flood Insurance Study and** the Flood Insurance Rate Maps (FIRM) for Frederick County prepared by the Federal Emergency Management Agency, Insurance Administration, dated September 2, 2009, as amended. **The boundaries of the Special Flood Hazard Areas are established as shown on the FIRM which is declared to be a part of this article and which shall be kept on file at the Frederick County Department of Planning and Development.**

- (1) The Floodway District is **in an AE Zone** delineated for purposes of this article using the criteria that certain areas within the floodplain must be capable of carrying the waters of the **one percent annual chance flood** one-hundred (100)-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 2 of the above-

DRAFT CHANGES TO THE FP FLOODPLAIN DISTRICT

referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Maps.

- (2) ~~The Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100) year flood elevations have been provided. The basis for the outermost boundary of this district shall be the one hundred-year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Maps.~~
- (3) ~~The Approximated Floodplain District shall be those areas identified as an A Zone on the maps accompanying the Flood Insurance Studies. In these zones, no detailed flood profiles or elevations are provided, but the one hundred (100)-year floodplain boundary has been approximated.~~

(i) The following provisions shall apply within the Floodway District of an AE zone:

a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the County during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with Frederick County’s endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If §165-702.09 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of § 165-702.13 through 165- 702.17.

b. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

- (2) *The AE, or AH Zones on the FIRM accompanying the FIS shall be those areas for which*

DRAFT CHANGES TO THE FP FLOODPLAIN DISTRICT

one-percent annual chance flood elevations have been provided and the floodway has not been delineated. The following provisions shall apply within an AE or AH zone:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within Frederick County.

Development activities in Zones A1-30 and AE or AH, on the Frederick County FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with Frederick County’s endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

- (3) The A Zone on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted non-detailed technical concepts, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level no lower than one (1) foot above the base flood elevation.

During the permitting process, the Floodplain Administrator shall obtain:

DRAFT CHANGES TO THE FP FLOODPLAIN DISTRICT

- 1) The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
- 2) if the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

- (4) The AO Zone on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply:
 - a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
 - b. All new construction and substantial improvements of non-residential structures shall:
 - 1) Have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,
 - 2) Together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

B. Overlay concept.

- (1) The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Maps, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

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- (2) Where there happens to be any conflict between the provisions or requirements of any of the Floodplain Districts and those of any underlying district, those pertaining to the floodplain districts shall apply.
- (3) In the event that any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

§ 165-702.07 ~~10~~. Flood Insurance Rate Map.

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map, which are by reference made a part of this chapter and which shall be kept on file at the Frederick County offices.

§ 165-702.08 ~~11~~. District boundary changes.

The delineation of any of the floodplain districts may be revised by Frederick County where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the United States Army Corps of Engineers or other qualified agency or individual documenting the necessity for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration Emergency Management Agency.

§ 165-702.09 ~~12~~. Interpretation of District Boundaries.

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

§ 165-702.10 ~~13~~. Permit and Application Requirements.

A. Permit Requirement. All development and/or construction activities occurring within any floodplain district shall be undertaken only upon the issuance of a permit. Such development and/or construction activities shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and regulations, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC), the Frederick County Zoning and Subdivision Ordinances and the Erosion and Sediment Control Ordinance. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, development and/or construction activities adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

1. In circumstances where a permit is not required, all development and/or construction activities occurring within any floodplain district shall be undertaken only upon approval by the Zoning Administrator.

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- ~~B. Alteration or Relocation of a Watercourse. Prior to any proposed alteration or relocation of any channel or of any watercourse within this jurisdiction, a permit shall be obtained from the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any one of these organizations). Further notification of the proposal shall be given to all adjacent jurisdictions, the Division of Dam Safety and Floodplain Management (Department of Conservation and Recreation), and the Federal Insurance Administration.~~
- C. **B.** Site Plans and Permit Applications. All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:
1. The elevation of the Base Flood at the site.
 2. The elevation of the lowest floor (including basement).
 3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
 4. The elevation of the one-hundred-year flood.
 5. Topographic information showing existing and proposed ground elevations.

~~§ 165-702.11-14. General Standards for all Special Flood Hazard Areas.~~

~~In all special flood hazard areas~~ The following provisions shall apply **to all permits**:

- A. New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

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- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:

- ~~I. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this chapter shall meet the requirements of “new construction” as contained in this chapter.~~
- J. **I.** Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this chapter, shall be undertaken only if said non-conformity is not furthered, extended, or replaced **subject to the substantial improvement provision in 165-702.19C.**
- K. **J.** Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction, a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission. Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration **Emergency Management Agency.**
- L. **K.** The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

§ 165-702.12 – 15. Specific Elevation and Construction Standards.

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated **by a certified professional** according to §165-702.13A **06**, the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation.

B. Non-Residential Construction

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New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the base flood elevation. Buildings located in all A, and AE zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

C. ~~Elevated Buildings~~ ***Space Below the Lowest Floor***

~~Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:~~ ***In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:***

1. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include, ~~in Zones A, AO, and AE,~~ measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

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- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
- D. Standards for Manufactured Homes and Recreational Vehicles
- 1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in § 165-702.14A through B, and § 165-702.15A.
 - 2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has not incurred substantial damage as the result of a flood shall be elevated so that either
 - a. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation; or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade
 - c. And be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - 3. All recreational vehicles placed on sites must either:
 - a. be on the site for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,
 - c. Meet all the requirements for manufactured homes in § 165-702.12D.

~~§ 165-702.13. Standards for the Floodway District.~~

~~The following provisions shall apply within the Floodway District:~~

- ~~A. Encroachments, including fill, new construction, substantial improvements or other development, shall be prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood.~~

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- ~~1. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the developer first applies, with the Frederick County's endorsement, for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency. The following uses shall also be permitted in the Floodway District:~~
- ~~i. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.~~
 - ~~ii. Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and natural preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.~~
 - ~~iii. Accessory residential uses, such as yard areas, gardens, play areas and pervious loading areas.~~
- ~~B. If Section §165-702.15A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.~~
- ~~C. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.~~
- ~~D. In the Floodway District, a conditional use permit shall be required for accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas, airport landing strips and other similar uses and activities, provided that they cause no increase in flood heights and/or velocities. All uses, activities and structural developments shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and regulations.~~

~~§ 165-702.14. Standards for the Special Floodplain District.~~

~~The following provisions shall apply within the Special Floodplain District:~~

~~Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A and AE on the Flood Insurance Rate Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within Frederick County.~~

~~Development activities in Zones A and AE, on the Frederick County Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies, with Frederick County's endorsement, for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.~~

~~§ 165-702.15. Standards for Approximated Floodplain District.~~

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The following provisions shall apply with the Approximate Floodplain District:

- ~~A. The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100) year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one hundred (100) year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Frederick County Engineer.~~
- ~~B. When such base flood elevation data is utilized, the lowest floor shall be one (1) foot above the base flood elevation. During the permitting process, the developer or applicant shall obtain:~~
- ~~3) The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,~~
 - ~~4) If the structure has been flood-proofed in accordance with the requirements of this article, the elevation to which the structure has been flood-proofed.~~

§ 165-702.16 . Standards for Subdivision Proposals.

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. ***In A Zones, Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.***

§ 165-702.17. Design criteria for utilities and facilities.

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- A. New sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) are prohibited in the Special Flood Hazard Areas and Floodplain Districts.
- B. Replacement sanitary sewer facilities and private package sewer treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
- C. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the systems and be located and constructed to minimize or eliminate flood damages.
- D. All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from building and on-site waste disposal sites. The Board of Supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- E. All utilities, such as gaslines, electrical and telephone systems, being placed in flood-prone areas should be elevated (where possible) and constructed to minimize the change of impairment during a flooding occurrence.

§ 165-702.18. Factors to be considered in granting variances.

- A. Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.
- B. While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.
- C. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by

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methods that minimize flood damages during the base flood and create no additional threats to public safety.

- D. In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of this chapter and consider the following additional factors:
- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within any Floodway District that will cause any increase in the one-hundred-year flood elevation.
 - (2) The danger that materials may be swept on to other lands or downstream to the injury of others.
 - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - (5) The importance of the services provided by the proposed facility to the County.
 - (6) The requirements of the facility for a waterfront location.
 - (7) The availability of alternative locations not subject to flooding for the proposed use.
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (9) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
 - (10) The safety of access by ordinary and emergency vehicles to the property in time of flood.
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
 - (12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (13) Such other factors which are relevant to the purposes of this article.
- E. The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to the County Engineer for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.
- F. Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety or extraordinary public expense; and will not create nuisances, cause fraud or victimization of the public or conflict with local laws or ordinances.
- G. Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

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- H. The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one-hundred-year flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.
- I. A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

§ 165-702.19. Existing Structures in Floodplain Areas.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this chapter and shall require the entire structure to conform to the VA USBC.

§ 165-702.20. Penalties for Violations.

- A. Any person who fails to comply with any of the requirements or provisions of this article or directions of the Zoning Administrator or any authorized employee of Frederick County shall be guilty of a misdemeanor and subject to the penalties outlined in §165-101.08 of this Chapter. **The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115.**
- B. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by Frederick County to be a public nuisance and abated as such. Flood insurance may be withheld from structures constructed in violation of this article.

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ARTICLE I GENERAL PROVISIONS, AMENDMENTS, AND CONDITIONAL USE PERMITS

Part 101 – General Provisions

§165-101.02. Definitions and word usage.

BASE FLOOD - The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) – ~~The Federal Emergency Management Agency designated one hundred year surface water elevation.~~ **The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the County's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.**

BASEMENT - Any area of the building having its floor sub-grade (below ground level) on all sides.

BOARD OF ZONING APPEALS - A Board whose members are appointed by the Circuit Court for the express purpose of considering and acting on variances and zoning appeals.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

ENCROACHMENT - With respect to a floodplain an encroachment shall be the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING CONSTRUCTION - structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the County.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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FLOOD OR FLOODING

1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland or tidal waters; or,
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
 - c. **mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.**
2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
3. ~~Mudflows which are proximately caused by flooding as defined in paragraph 1 and 2 of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.~~

FLOOD INSURANCE RATE MAP (FIRM) – An official map of the **County** on which the **Floodplain** Administrator has delineated both the special hazard areas and the risk premium zones applicable to the **County**.

FLOOD INSURANCE STUDY (FIS) – An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

FLOODPLAIN OR FLOOD-PRONE AREA - Any land area susceptible to being inundated by water from any source.

FLOODPROOFING – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FREEBOARD - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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HISTORIC STRUCTURE - Any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. by an approved state program as determined by the Secretary of the Interior; or,
 - b. directly by the Secretary of the Interior in states without approved programs.

Hydrologic and Hydraulic Engineering Analysis – Analyses performed by a *licensed* professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the *base flood*, other frequency floods, *flood elevations*, *floodway* information and boundaries, and *flood profiles*.

LETTERS OF MAP CHANGE (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- **LETTER OF MAP AMENDMENT (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a Land as defined by meets and bounds or structure is not located in a special flood hazard area.**
- **LETTER OF MAP REVISION (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the County's floodplain management regulations.**
- **CONDITIONAL LETTER OF MAP REVISION (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.**

DRAFT CHANGES TO THE FP FLOODPLAIN DISTRICT

LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

MOBILE OR MANUFACTURED HOME – A structure, transportable in one or more sections, which in travel mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built in a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

MOBILE OR MANUFACTURED HOME PARK OR SUBDIVISION - A parcel (or contiguous parcels) of land or a subdivision divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION - For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by the County and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the County.

RECREATIONAL VEHICLE - A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

Repetitive Loss Structure – A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each flood event.

Shallow flooding area – A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

SPECIAL FLOOD HAZARD AREA - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in § 165-702.10.

DRAFT CHANGES TO THE FP FLOODPLAIN DISTRICT

START OF CONSTRUCTION - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE – For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance rating purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either ~~any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or any alteration of an historic structure, provided that the alteration will not preclude the structures continued designation as an historic structure.~~

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum

DRAFT CHANGES TO THE FP FLOODPLAIN DISTRICT

necessary to preserve the historic character and design of the structure.

VIOLATION - For floodplain management purposes, violation includes the failure of a structure or other development to be fully compliant with the **County's** flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

WATERCOURSE - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

DRAFT

Douglas W. Domenech
Secretary of Natural Resources



David A. Johnson
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

600 East Main Street
Richmond, Virginia 23219
(804) 786-1712

September 4, 2013

Mark Cheran
Frederick County Zoning Administrator
Department of Planning & Development
107 North Kent Street
Winchester, VA 22601

Dear Mr. Cheran:

Thank you for taking the time to meet with staff from the Virginia Department of Conservation and Recreation (DCR) on July 22, 2013. The meeting was held for the purpose of conducting a National Flood Insurance Program (NFIP) Community Assistance Visit (CAV) to help the County identify the steps necessary for maintaining compliance with NFIP requirements. Compliance is essential for remaining in good standing in the NFIP.

DCR reviewed the Frederick County floodplain regulations (*Chapter 165. Zoning, Article VII, Overlay Districts, Part 702, FP Floodplain Districts*) as well as information provided by the County during the CAV meeting. Based on the FEMA-approved Floodplain Ordinance Checklist (FPO Checklist) we find that the County's current floodplain ordinance is generally consistent with the Virginia Model Floodplain Management Ordinance (Model Ordinance) with a few exceptions. For your convenience, I have enclosed the completed FPO checklist. A copy of the Model Ordinance was provided to you at the CAV meeting. DCR recommends that the County review and address the following:

- Reference to the Flood Insurance Administrator (FIA) throughout Part 702 (165-702.02, 165-702.06, 165-702.08, 165-702.10.B, 165-702.11.K) should be replaced with reference to the Federal Emergency Management Agency (FEMA.)
- Include a statement about Statutory Authority; or if such statement is present elsewhere in the zoning code, consider providing a cross reference to it. See Section 1.1 of the Model Ordinance.
- Consider formally designating a Floodplain Administrator (FPA) and specifying the FPA's responsibilities. If the Zoning Administrator is effectively fulfilling the role of FPA, consider stating so. See Section 2.1 of the Model Ordinance.

Ltr. to M. Cheran
September 4, 2013
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- Include language about the FPA's responsibilities, including permit review to assure that sites are reasonably safe from flooding. See Section 2.2(C) of the Model Ordinance.
- Under 44CFR65.3, the NFIP community is required to submit to FEMA new technical data resulting from physical changes that may affect flooding conditions within six months of the data availability. Please add this provision. See Section 2.7 of the Model Ordinance.
- 165-702.06.A (1) refers to the "above-referenced" Flood Insurance Study (FIS), but the FIS is not mentioned prior to this reference. Only the FIRM is mentioned. Please include a mention of the FIS, including effective date, as amended.

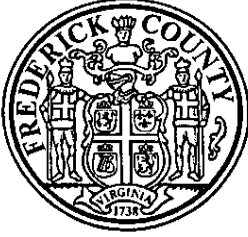
Please revise the regulations to address the above comments and provide a final draft of the revisions within 90 days of this letter to DCR. After the revised ordinance is adopted, please send a copy of the signed and dated ordinance to DCR, and we will forward it to FEMA with a favorable recommendation.

Please let me know if you have any questions.

Sincerely,



Nabil Ghalayini, P.E., CFM, D.WRE
Floodplain Program Specialist



Action:

BOARD OF SUPERVISORS: March 12, 2014 APPROVED DENIED

RESOLUTION

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

**PART 702 FP FLOODPLAIN DISTRICTS
ARTICLE VII – OVERLAY DISTRICTS**

**ARTICLE I GENERAL PROVISIONS, AMENDMENTS, AND CONDITIONAL
USE PERMITS**

**PART 101 GENERAL PROVISIONS
§ 165-101.02 DEFINITIONS & WORD USAGE.**

WHEREAS, the Frederick County Department of Planning and Development was directed by the Virginia Department of Conservation and Recreation (DCR) to prepare changes to Chapter 165 Zoning pertaining to the Floodplain Districts, to meet the minimum regulatory standards required in a fully compliant floodplain ordinance.

WHEREAS, The Development Review and Regulations Committee (DRRC) recommended this item be forwarded to the Planning Commission and Board of Supervisors; and

WHEREAS, the Planning Commission discussed the proposed changes at their regularly scheduled meeting on March 5, 2014; and

WHEREAS, the Board of Supervisors discussed the proposed changes at their regularly scheduled meeting on March 12, 2014; 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 to meet the minimum regulatory standards required in a fully compliant floodplain ordinance.

NOW, THEREFORE, BE IT REQUESTED by the Frederick County Board of Supervisors that the Frederick County Planning Commission shall hold a public hearing to meet the minimum regulatory standards required in a fully compliant floodplain ordinance.

Passed this 12th day of March, 2014 by the following recorded vote:

This resolution was approved by the following recorded vote:

| | | | |
|------------------------------|-------|-------------------------|-------|
| Richard C. Shickle, Chairman | _____ | Gary A. Lofton | _____ |
| Robert A. Hess | _____ | Charles S. DeHaven, Jr. | _____ |
| Gene E. Fisher | _____ | Christopher E. Collins | _____ |
| Robert W. Wells | _____ | | |

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator