



AGENDA

FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, MARCH 13, 2019
5:00 P.M. – BUDGET WORK SESSION
7:00 P.M. - REGULAR MEETING
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

5:00 P.M. – Budget Work Session Call to Order (See Budget Work Session Agenda)

Adjourn

7:00 P.M. - Regular Meeting Call to Order

Invocation

Pledge of Allegiance

Adoption of Agenda

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

Consent Agenda (Note: Roll call vote required)

Attachment

1. Minutes
 - a. Budget Work Session & Closed Session of February 26, 2019 ----- A
 - b. Joint Budget Work Session with School Board of February 27, 2019 ----- B
 - c. Regular Meeting of February 27, 2019 ----- C
2. Committee Reports
 - a. Finance Committee Report of 2/26/19 ----- D
 - b. Public Safety Committee Report of 2/21/19 ----- E

Consent Agenda - Continued

3. Request from the Commissioner of the Revenue for Refund and Corresponding Supplemental Appropriation ----- F
Physiotherapy Associates, Inc. - \$2868.87
4. Resolution of Support for Exit 313 Capacity Improvements Funding ----- G

Board of Supervisors Comments

County Officials

- A. Committee Appointments----- H
 1. Handley Regional Library Board
Unexpired 4-year term ending 11/30/19
 2. Extension Leadership Council
Back Creek District -- Unexpired 4-year term ending 1/14/20
 3. Board of Equalization
3-year term ending 12/31/18 (Seeking applications)

Committee Business

A. Finance Committee (See Tab D for additional information)

Items 1 – 4 and 6 were approved under Committee's consent agenda.

1. The Public Works Director requests a General Fund supplemental appropriation in the amount of \$50,000. This amount represents donated funds for the completion of design specifications for a training facility building at the animal shelter. This request has been approved by the Public Works Committee. No local funds required. *Approved on Committee consent agenda.*
2. The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of \$33,300. This amount represents donated funds for the installation of sand volleyball courts at Clearbrook Park. No local funds required. *Approved on Committee consent agenda.*
3. The Parks & Recreation Director request a General Fund supplemental appropriation in the amount of \$925. This amount represents donated funds for a park bench and dog waste stations. No local funds required. *Approved on Committee consent agenda.*
4. The Sheriff requests a General Fund supplemental appropriation in the amount of \$29,378. This amount represents (2) Byrne/JAG grant awards to be used for deputy go bags, a throw phone, a camera, and items for Project Lifesaver. No local funds required. *Approved on Committee consent agenda.*

A. Finance Committee - Continued

5. The Sheriff requests a General Fund supplemental appropriation in the amount of \$6,692. This amount represents proceeds from the sale of a K9 cruiser, and the funds will be used for equipment for the command center. No local funds required. *The Committee recommends approval.*
6. The Sheriff requests a General Fund supplemental appropriation in the amount of \$350. This amount represents restitution for a damaged cruiser, and the funds will be used for vehicle maintenance. No local funds required. *Approved on Committee consent agenda.*

B. Public Safety Committee (See Tab E for additional information)

1. Proposed Emergency Response Performance Guide - Deputy Chief Larry Oliver presented an Emergency Response Performance Guide to monitor the fire, emergency medical, and special operations systems and establish response time goals for emergency incidents within Frederick County. Currently, there is no such policy in place. This prospective guide will be discussed at the Chiefs workgroup. *The Committee recommends adoption of the Guide.*

Public Hearings (Non Planning Issues) –

A. The County of Frederick proposes to increase property tax levies. ----- I

1. *Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 5.78 percent.*
2. *Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.577 per \$100 of assessed value. This rate will be known as the "lowered tax rate".*
3. *Effective Rate Increase: The County of Frederick proposes to adopt a tax rate of \$ 0.61 per \$100 of assessed value. This difference between the lowered tax rate and the proposed rate would be \$0.033 per \$100, or 5.78 percent. This difference will be known as the "effective tax rate increase". Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.*
4. *Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of the County of Frederick will exceed last year's by 5.8 percent.*

A. Extension of Cable Franchise Agreement with Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC. ----- J

The proposed agreement would extend the nonexclusive franchise agreement between Comcast and the County until June 30, 2019.

Planning Commission Business

Public Hearings

A. 2019-2024 Capital Improvement Plan (CIP) ----- K

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 2035 Comprehensive Plan.

Other Planning Business

A. Rezoning #03-18 for Carpers Valley Industrial Park ----- L

Public Hearing Held January 23, 2019 and Consideration Was Postponed.

Submitted by Pennoni Associates, Inc., to Rezone 122.18+/- Acres from the R4 (Residential Planned Community) District to the M1 (Light Industrial) District with Proffers. The Properties are Located Approximately One Mile East of I-81 on the South Side of Millwood Pike (Route 50), East of Prince Frederick Drive (Route 781) and Coverstone Drive and are Identified by Property Identification Numbers 64-A-86 and 64-A-87 in the Shawnee Magisterial District.

B. Brucetown Road Area Amendment (CPPA #02-18 – Carter) ----- M

This is a draft amendment to the Northeast Land Use Plan of the 2035 Comprehensive Plan. This amendment proposes to add 109 acres into the Sewer and Water Service Area (SWSA) and remove 109 acres from the SWSA. This amendment also seeks to designate the 109 acres for industrial land uses. Staff is seeking direction from the Board of Supervisors as to whether this item is ready to be sent to public hearing.

Board Liaison Reports

Citizen Comments

Board of Supervisors Comments

Adjourn

A

MINUTES
Frederick County Board of Supervisors
Budget Work Session and Closed Session
Tuesday, February 26, 2019
4:00 p.m.
Board Meeting Room, 107 North Kent Street, Winchester, VA

ATTENDEES

Board of Supervisors: Chairman Charles S. DeHaven, Jr.; Vice Chairman Gary A. Lofton; Blaine P. Dunn; Judith McCann-Slaughter; J. Douglas McCarthy; Shannon G. Trout; and Robert W. Wells were present. Staff present: Kris C. Tierney, County Administrator; C. William Orndoff, Jr., Treasurer; Ellen Murphy, Commissioner of the Revenue; Jay E. Tibbs, Deputy County Administrator; Roderick B. Williams, County Attorney; Cheryl B. Shiffler, Finance Director; Jennifer Place, Budget Analyst; Sharon Kibler, Assistant Finance Director; Michael Marciano, Human Resources Director; Scott Varner, IT Director; Mike Ruddy, Planning Department Director; Karen Vacchio, Public Information Officer; Lenny Millholland, Sheriff; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

Finance Committee Members present: Jeffrey Boppe and Angela Rudolph

CALL TO ORDER

Chairman DeHaven called the meeting to order at 4:00 p.m.

AIRPORT BUDGET DISCUSSION

Nick Sabo, Executive Director of the Winchester Regional Airport Authority, provided information on tax rate options and requested that the Board reduce the tax rate on aircraft weighing under 20,000 pounds from \$0.50 per \$100 of assessed value to \$0.01 per \$100 of assessed value. He and Winchester Regional Airport Authority Chairman Gene Fisher said the lower tax rate would unburden the airport and assist in on-going marketing efforts, adding that the Authority's goal is to be financially self-supporting. The Board and Mr. Sabo discussed the proposal, and Mr. Sabo offered to provide the Board with a recent economic study and funding models for similar Virginia airports that are self-sufficient.

TOURISM BUDGET DISCUSSION

Justin Kerns, Executive Director of the Winchester-Frederick County Visitors Center/Tourism Office, provided information on current marketing efforts at the Visitors Center. He requested the Board consider revising the current Memorandum of Understanding with the City of Winchester to change the funding mechanism for the Visitors Center. He proposed a 1% increase in the transient occupancy tax rate to assist with marketing efforts. He noted it would generate enough funding that no General Fund monies would be needed to fund the Visitors Center/Tourism Office.

SCENARIO DISCUSSION AND BUDGET CALENDAR REVIEW

Mr. Tierney discussed three budget scenarios noting that all incorporated the use of the reassessment windfall. He noted that he had prioritized the requested new employee positions, adding that all of the requests were reasonable and necessary. He reviewed the upcoming budget meetings.

By consensus, the Board directed staff to continue preparing budget scenarios keeping the real estate tax rate at the current \$0.61 per \$100 of assessed value.

The Board discussed the airplane tax question raised by Mr. Sabo. There was general consensus from the Board that the rate could be reduced while also approaching the state legislature about revising the aircraft categories to allow more equitable taxing. The Board requested information on the expected loss of revenue should the airplane tax be lowered.

CLOSED SESSION

At 5:25 p.m., Vice Chairman Lofton moved that the Board of Supervisors convene in closed session pursuant to Section 2.2-3711 A (1) for discussion regarding the performance of a specific public employee. Supervisor Trout seconded the motion which carried on a voice vote.

At 6:32 p.m., the Board members being assembled within the designated meeting place in the presence of members of the public and the media desiring to attend, the meeting was reconvened on motion of Vice Chairman Lofton, seconded by Supervisor Wells. Vice Chairman Lofton moved that the Board of Supervisors of Frederick County certify that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board. Supervisor Dunn seconded the motion which carried as follows on a roll call vote:

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

ADJOURN

There being no further business, the meeting was adjourned at 6:34 p.m.

B

MINUTES
FREDERICK COUNTY BOARD OF SUPERVISORS
JOINT SCHOOL BOARD-BOARD OF SUPERVISORS BUDGET WORK SESSION
WEDNESDAY, FEBRUARY 27, 2019
5:30 P.M.
BOARD MEETING ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VA

ATTENDEES

Board of Supervisors: Chairman Charles S. DeHaven, Jr.; Vice Chairman Gary A. Lofton; Blaine P. Dunn; Judith McCann-Slaughter; J. Douglas McCarthy; Shannon G. Trout; and Robert W. Wells were present. Staff present: Kris C. Tierney, County Administrator; Ellen Murphy, Commissioner of the Revenue; C. William Orndoff, Jr., Treasurer; Jay E. Tibbs, Deputy County Administrator; Roderick B. Williams, County Attorney; Cheryl B. Shiffler, Finance Director; Jennifer Place, Budget Analyst; Sharon Kibler, Assistant Finance Director; Michael Marciano, Human Resources Director; Scott Varner, IT Director; Mike Ruddy, Planning Department Director; Karen Vacchio, Public Information Officer; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

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

CALL TO ORDER

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

DISCUSSION – School Board FY2020 Budget Proposal

Dr. Lamanna and Dr. Sovine provided an overview of the School Board's budget proposal citing four priorities as: Improved Student Achievement, Competitive Compensation, Asset Preservation, and Professional Development.

Supervisor McCarthy asked for clarification of new classroom teacher positions being requested, salaries of teachers versus principals, duties of a parent liaison, necessity for bus aides, the salary for an athletic trainer, the need for extending registration and scheduling services, asset preservation versus routine maintenance, plans for scheduled routine maintenance, the current status of Head Start, and plans to expand the Preschool Initiative.

Vice Chairman Lofton asked for clarification on the duties of a parent liaison compared to those of a guidance counselor, the duties of an athletic trainer, plans for asset preservation, and whether bus routes had been added because of the pre-school program. He noted his opposition to the pre-school grant saying that the federal funds have now ended leaving a shortfall.

Mr. Crisman provided background on the Capital Asset Preservation Plan.

Supervisor Trout suggested improving the timing of the budget process. She noted that it is late in the process for the Board of Supervisors to be receiving definite numbers from the School Board. Mr. Tierney and Dr. Sovine explained the factors guiding each board's budget calendar.

Supervisor Dunn commented he supported the pharmacy technician instructor position. He proposed the Board modify the current revenue split of 57%/43% and fund an account to be used for the most urgent need from either budget. He said all parties need to work toward impact fees for new development as well as revisions to the proffer law.

Dr. Sovine said with the current revenue split, the School Board has made significant cuts in its budget requests and changing the split to reduce the school's portion would cause greater hardship.

Supervisor Trout suggested using fund balance to fund capital projects. Mr. Tierney said the proposed capital fund of \$7 million could be used to address such needs. Supervisor Slaughter agreed there were funds available while keeping the rainy-day fund at 20% of operating expenses.

Supervisor McCarthy said he would like to see SROs in all schools and hopes the School Board will adjust their budget using funds budgeted for SSOs to offset the additional cost for SROs.

Vice Chairman Lofton said he did not like the comparison to Loudoun County because only certain aspects are compared rather than all.

Dr. Lamanna noted the salary disparity between Frederick County teachers and those in surrounding jurisdictions.

ADJOURN

There being no further business, on motion of Vice Chairman Lofton, seconded by Supervisor McCarthy, the meeting was adjourned at 6:54 p.m.

C

MINUTES
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, FEBRUARY 27, 2019
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES

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

Staff present: Kris C. Tierney, County Administrator; Jay E. Tibbs, Deputy County Administrator; Roderick B. Williams, County Attorney; Karen Vacchio, Public Information Officer; Mark Marciano, Human Resources Director; Larry Oliver, Fire and Rescue Department Deputy Chief; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

CALL TO ORDER

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

INVOCATION

Supervisor Wells delivered the invocation.

PLEDGE OF ALLEGIANCE

Vice Chairman Lofton led the Pledge of Allegiance.

ADOPTION OF AGENDA - APPROVED

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

CITIZENS COMMENTS

There were no citizens wishing to speak.

ADOPTION OF CONSENT AGENDA – APPROVED

Upon motion of Supervisor Slaughter Lofton, seconded by Supervisor Dunn, the consent agenda was adopted on a roll call vote as follows:

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

- Minutes: Closed Session of February 13, 2019 - CONSENT AGENDA APPROVAL

- Minutes: Regular Meeting of February 13, 2019 - CONSENT AGENDA APPROVAL

- Minutes: Budget Work Session of February 13, 2019 - CONSENT AGENDA APPROVAL

- Code and Ordinance Committee Report of 2/11/19 - CONSENT AGENDA APPROVAL, Appendix 1

- Human Resources Committee Report of 2/8/19 - CONSENT AGENDA APPROVAL, Appendix 2

- Request from the Commissioner of the Revenue for Refunds and Corresponding Supplemental Appropriations for Handy Mart LLC - \$12,320.79; James Plummer – \$2,876.44 and Toyota Lease Trust - \$3,024.75- CONSENT AGENDA APPROVAL

+ + + + +

BOARD OF SUPERVISORS COMMENTS – None

COUNTY OFFICIALS:

COMMITTEE APPOINTMENTS

JEFF STEVENS AND JIMMY SMITH APPOINTED TO THE SHAWNEELAND SANITARY DISTRICT ADVISORY COMMITTEE - APPROVED

Upon motion of Vice Chairman Lofton, seconded by Supervisor McCarthy, Jeff Stevens was re-appointed, and Jimmy Smith was appointed to the Shawneeland Sanitary District Advisory Committee on a voice vote. Mr. Stevens' term will expire November 9, 2020, and Mr. Smith's term will end February 27, 2021.

GARY OATES RE-APPOINTED TO THE FREDERICK WATER BOARD OF DIRECTORS - APPROVED

Upon motion of Supervisor Slaughter, seconded by Supervisor McCarthy, Gary Oates was re-appointed to the Frederick Water Board of Directors for a four-year term ending April 15, 2023. The motion carried on a voice vote.

COMMITTEE BUSINESS:

HUMAN RESOURCES COMMITTEE

PURCHASING MANAGER POSITION - APPROVED

Supervisor Dunn moved that a new Purchasing Manager position at grade 10 be created. Supervisor McCarthy seconded the motion which carried on a voice vote.

FIRE AND RESCUE DEPARTMENT CAREER DEVELOPMENT PROGRAM CHANGES - APPROVED

Supervisor Dunn moved for approval of changes in the Fire and Rescue Department's Career Development Program. Supervisor Slaughter seconded the motion which carried on a voice vote.

RECLASSIFICATION OF SALARY RANGES FOR A BATTALION CHIEF (FROM RANGE 9 TO RANGE 10) AND A DEPUTY CHIEF (FROM RANGE 10 TO 11) - APPROVED

Supervisor Dunn moved for approval of the reclassification of the salary ranges for a Battalion Chief (from Range 9 to Range 10) and a Deputy Chief (from Range 10 to 11). Supervisor McCarthy seconded the motion. Vice Chairman Lofton asked for clarification on the justification for the changes. Mr. Marciano and Deputy Chief Oliver provided background and explanation for the changes related to updating the Career Development Program. The motion carried on a voice vote.

FIRE AND RESCUE DEPARTMENT ASSISTANT CHIEF POSITION – APPROVED

Supervisor Dunn moved that a new Fire and Rescue Department Assistant Chief position at grade 12 be created. Supervisor Slaughter seconded the motion.

Vice Chairman Lofton and Deputy Chief Oliver discussed the job descriptions and workloads for the Battalion Chief and Deputy Chief positions. Vice Chairman Lofton questioned whether administrative assistants could handle some of the additional work. Mr. Tierney said that there is a need for someone with the knowledge and the authority to address things when the Chief cannot. Chairman DeHaven noted the need to unload some of the Chief's duties to allow him to do what the Board has requested him to do. The motion for approval of the Assistant Chief position carried on a voice vote.

FINANCE COMMITTEE

AUTHORIZATION FOR THE SHERIFF TO APPLY FOR A SCHOOL RESOURCE OFFICER (SRO) GRANT THROUGH DCJS - APPROVED

Supervisor Slaughter moved for approval to allow the Sheriff to complete a grant application for an SRO in FY 2020. She said if the grant is awarded, a new FY 20 appropriation would be required in the amount of \$122,930, of which \$80,216 would be local funds. Supervisor McCarthy seconded the motion. Vice Chairman Lofton said this is an example of a grant that will not be continued, and he is working on a better way to provide this service. Supervisor McCarthy said it was worth the extra cost to have trained Sheriff's deputies serving as School Resource Officers. The motion for approval to apply for the grant carried on a roll call vote as follows:

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

REQUEST TO SET A PUBLIC HEARING FOR AMENDMENT FREDERICK COUNTY CODE, CHAPTER 155 (TAXATION), ARTICLE III (SENIOR CITIZENS AND DISABLED PERSONS EXEMPTION AND DEFERRAL), TO ADJUST AMOUNTS TO ACCOUNT FOR INFLATION SINCE THE AMOUNTS WERE LAST ESTABLISHED - DENIED

Supervisor Slaughter moved for approval of setting a public hearing on amendment of Frederick County Code, Chapter 155 (Taxation), Article III (Senior Citizens and Disabled Persons Exemption and Deferral), to adjust amounts to account for inflation since the amounts were last established. She said the request had been approved and forwarded from the Code & Ordinance Committee, and the Finance Committee has recommended approval. Supervisor Dunn seconded the motion.

Supervisor Slaughter said that in 2017, the Finance Committee spent several months considering the question with information provided by the Commissioner of the Revenue and the Treasurer. She said she is not in favor of changing the current brackets since the Committee had thoroughly reviewed the matter. Supervisor Dunn said his concern is the brackets have not changed since 2003, and that he had not been aware of the deferral option. The motion failed on a roll call vote as follows:

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

+ + + + + + + + + + + + + + + +

BOARD LIAISON REPORTS

Supervisor Trout provided a brief report on Frederick Water matters.

CITIZEN COMMENTS – None

BOARD OF SUPERVISORS COMMENTS

Supervisor McCarthy noted his appreciation for the service of the Fire and Rescue Department during the recent ice storm.

ADJOURN

On motion of Vice Chairman Lofton, seconded by Supervisor Trout, the meeting was adjourned at 7:50 p.m.

D

FINANCE COMMITTEE REPORT to the BOARD OF SUPERVISORS
Tuesday, February 26, 2019
3:00 p.m.
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

A Finance Committee meeting was held in the Board of Supervisors Meeting Room at 107 North Kent Street on Wednesday, February 26, 2019 at 3:00 p.m.

ATTENDEES:

Committee Members Present: Judith McCann-Slaughter, Chairman; Charles DeHaven; Gary Lofton; Jeffrey Boppe; and Angela Rudolph. Non-voting liaison: Ellen Murphy, Commissioner of the Revenue.

Committee Members Absent: William Orndoff, Treasurer (non-voting liaison)

Staff present: Cheryl Shiffler, Finance Director; Sharon Kibler, Assistant Finance Director; Kris Tierney, County Administrator; Jay Tibbs, Assistant County Administrator; Rod Williams, County Attorney; Lenny Millholland, Sheriff; Jason Robertson, Parks & Recreation Director; and Joe Wilder, Public Works Director.

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS

Items 1 – 4 and 6 were approved under consent agenda.

1. The Public Works Director requests a General Fund supplemental appropriation in the amount of \$50,000. This amount represents donated funds for the completion of design specifications for a training facility building at the animal shelter. This request has been approved by the Public Works Committee. No local funds required. See attached memo, p. 3 – 4.
2. The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of \$33,300. This amount represents donated funds for the installation of sand volleyball courts at Clearbrook Park. No local funds required. See attached memo, p. 5.
3. The Parks & Recreation Director request a General Fund supplemental appropriation in the amount of \$925. This amount represents donated funds for a park bench and dog waste stations. No local funds required. See attached memo, p. 5.
4. The Sheriff requests a General Fund supplemental appropriation in the amount of \$29,378. This amount represents (2) Byrne/JAG grant awards to be used for deputy go bags, a throw phone, a camera, and items for Project Lifesaver. No local funds required. See attached memos, p. 6 – 10.
5. The Sheriff requests a General Fund supplemental appropriation in the amount of \$6,692. This amount represents proceeds from the sale of a K9 cruiser, and the funds will be used for equipment for the command center. No local funds required. See attached memo, p. 11 – 12. The committee recommends approval.
6. The Sheriff requests a General Fund supplemental appropriation in the amount of \$350. This amount represents restitution for a damaged cruiser, and the funds will be used for vehicle maintenance. No local funds required. See attached memo, p. 13 – 14.

NO ACTION REQUIRED

1. The Sheriff requests authorization to apply for a School Resource Officer (SRO) Grant through DCJS. The grant application is for an SRO in FY 2020 and is due March 8, 2019. If the grant is awarded, a new FY 20 appropriation would be required in the amount of \$122,930, of which \$80,216 would be local funds. See the attached information, p. 15 – 18. The committee recommended amending the February 27, 2019 Board of Supervisors agenda to add this item.
2. Amendment Frederick County Code, Chapter 155 (Taxation), Article III (Senior Citizens and Disabled Persons Exemption and Deferral), to adjust amounts to account for inflation since the amounts were last established. This item has been approved and forwarded from the Code & Ordinance Committee. A public hearing would be required. See attached, p. 19 – 41. The committee recommends forwarding item to the Board of Supervisors at the February 27, 2019 to schedule a public hearing.
3. Amendment to Frederick County Code, Chapter 155 (Taxation), to add an Article III-A (Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty). This item has been approved and forwarded from the Code & Ordinance Committee. A public hearing would be required. See attached, p. 19 – 20, 42 – 58. The committee recommends postponing the item awaiting further information from the County Attorney.

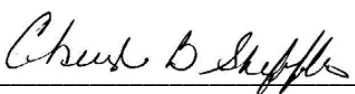
INFORMATION ONLY

1. The Finance Director provides a Fund 10 Transfer Report for January 2019. See attached, p. 59.
2. The Finance Director provides financial statements ending January 31, 2019. See attached, p. 60 – 70.
3. The Finance Director provides an FY 2019 Fund Balance Report ending February 15, 2019. See attached, p. 71.
4. The Finance Director provides summary information on the 2017 Fire & Rescue Companies audits. See attached, p. 72 – 74.

Respectfully submitted,

FINANCE COMMITTEE

Judith McCann-Slaughter, Chairman
Charles DeHaven
Gary Lofton
Jeffrey Boppe
Angela Rudolph

By 

Cheryl B. Shiffler, Finance Director



MEMORANDUM

TO: Cheryl Shiffler, Director of Finance

FROM: Joe C. Wilder, Director of Public Works *JCW*

SUBJECT: Supplemental Appropriation Request
Frederick County Esther Boyd Animal Shelter

DATE: February 5, 2019

In a regularly scheduled meeting held on January 29, 2019, the Public Works Committee endorsed the following supplemental appropriation request:

- a. Request for \$50,000.00 for the Frederick County Esther Boyd Animal Shelter

Please include the above supplemental appropriation request on the next Finance Committee agenda. Justification for the above request is included as attachment 1. No local funds are required for this request.

JCW/kco

Attachments: as stated

cc: file

10-240-2501
bal \$1,216,179



MEMORANDUM

TO: Public Works Committee

FROM: Joe C. Wilder, Director of Public Works *JCW*

SUBJECT: Supplemental Appropriation Request
Animal Shelter Reserve Fund – Building Addition – Professional Services

DATE: January 24, 2019

Over the past year, a design was performed for a training facility building at the Frederick County Esther Boyd Animal Shelter. The funds for the design and building are to be from donated funds. Currently, the design of the building is complete, but we must complete the design specifications, develop a bid package and the provide professional services during construction. In order to complete the bid package a supplemental appropriation request for funding from the Animal Shelter reserve is required. We are requesting an additional \$50,000 be appropriated from the reserve fund 10-240-2501 and placed in the professional services design/engineering line item 10-4305-3002-02.

Our plan is to advertise the bid package during March and April 2019. Once we receive bids, staff will come back to the Board of Supervisors for a funding request for the building.

JCW/kco



MEMO

To: Finance Department
From: Jason Robertson, Director
Subject: Fund Transfer
Date: February 13, 2019

Please transfer \$33,300 from Donation Line 1033-1899-0003 to Expenditure Line 4-010-071090-5412-000-000 which represents a donation from the Blue Ridge Volleyball Association for the installation of three sand volleyball courts at Clearbrook Park.

Please transfer \$500 from Donation Line 3-010-01899-0003 to Expenditure Line 4-010-071100-5413-000-000 which represents a donation from All Pets Cremation for a dog waste station at Sherando Park and Rose Hill Park.

Please transfer \$425 from Donation Line 3-010-01899-0003 to Expenditure Line 4-010-071090-5413-000-000 which represents a donation from Chris Fordney for a park bench at Frederick Heights Park.

3-010-18990-0003
c.s. 1/17/19 \$18,300; 8/3/18 \$15,000
c.s. 11/14/18 \$500
c.s. 11/5/18 \$425

Frederick County Sheriff's Office

Sheriff Lenny Millholland



Major Steve A. Hawkins

1080 Coverstone Drive
Winchester, Virginia 22602

Office (540) 662-6168
Fax (540) 504-6400

TO : Cheryl Shiffler
FROM : Sheriff Millholland
SUBJECT : Funds Appropriation
DATE : January 15, 2019

The Frederick County Sheriff's Office has been awarded a Byrne/Justice Assistance Grant (JAG) in the amount of \$19,062.00. We are requesting the funds be appropriated as follows:

\$19,062 to 3102-5409-000-000 for the purchase of deputy go bags, a camera and the purchase of needed items from Project Lifesaver.

Revenue code for this will be 3 010 024040 0030 - Sheriff's Office State Grants

Thank you,

A handwritten signature in black ink, appearing to be 'LWM/bjs', written over a horizontal line.

LWM/bjs



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Shannon Dion
Director

December 14, 2018

1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000

Mr. Kris Tierney
County Administrator
Frederick County
107 North Kent Street
Winchester, VA 22601-5039

Title: Byrne/JAG – Project Title: Law Enforcement Equipment and Technology

Dear Mr. Tierney:

I am pleased to advise you that grant number **19-A4670AD16** for the above-referenced grant program has been approved for a total award of \$19,062 in Federal Funds.

Enclosed you will find a Statement of Grant Award and a Statement of Grant Award Special Conditions. To indicate your acceptance of the award and conditions, please sign the award acceptance and return electronically to grantsmgmt@dcjs.virginia.gov at the Department of Criminal Justice Services (DCJS). Please review the conditions carefully; as some require action on your part before we will disburse grant funds.

Also, enclosed are the Post Award Instructions and Reporting Requirements. Please refer to and read this information carefully as it contains details on processing financial and progress reports, as well as requesting awarded funds. ***Remember all financial and progress reports, budget amendment requests and request for funds must be processed through our online Grants Management Information System (GMIS).***

We appreciate your interest in this grant program and will be happy to assist you in any way we can to assure your projects success. If you have any questions, please call Patrick Harris at (804) 786-5367.

Sincerely,

Shannon Dion

Enclosures

cc: Ms. Bonnie Shifflett, Evidence Clerk
Ms. Cheryl B. Shiffler, Finance Director
Mr. Patrick Harris, DCJS Monitor

Department of Criminal Justice Services

1100 Bank Street, 12th Floor, Richmond, VA 23219

Statement of Grant Award/Acceptance

Subgrantee: Frederick County

Date: December 14, 2018

Grant Period:

Grant Number:

From: 01/01/2019

Through: 09/30/2019

19-A4670AD16

| Project Director | Project Administrator | Finance Officer |
|--|--|--|
| Ms. Bonnie Shifflett
Evidence Clerk
Frederick Co. Sheriff's Office
1080 Coverstone Drive
Winchester, VA 22602-4369

Phone: (540) 504-6522
Email: bshifflett@fcva.us | Mr. Kris Tierney
County Administrator
Frederick County
107 North Kent Street
Winchester, VA 22601-5039

Phone: (540) 667-8278
Email: ktierney@fcva.us | Ms. Cheryl B. Shiffler
Finance Director
Frederick County
107 North Kent Street
Winchester, VA 22601-5039

Phone: (540) 665-5610
Email: cshiffle@fcva.us |

Grant Award Budget

| Budget Categories | DCJS Funds | | | Local | TOTALS |
|-------------------|-----------------|------------|------------|------------|-----------------|
| | Federal | General | Special | | |
| Travel | \$0 | \$0 | \$0 | \$0 | \$0 |
| Supplies/Other | \$1,240 | \$0 | \$0 | \$0 | \$1,240 |
| Personnel | \$0 | \$0 | \$0 | \$0 | \$0 |
| Indirect Cost | \$0 | \$0 | \$0 | \$0 | \$0 |
| Equipment | \$17,822 | \$0 | \$0 | \$0 | \$17,822 |
| Consultant | \$0 | \$0 | \$0 | \$0 | \$0 |
| Totals | \$19,062 | \$0 | \$0 | \$0 | \$19,062 |

This grant is subject to all rules, regulations, and criteria included in the grant guidelines and the special conditions attached thereto.

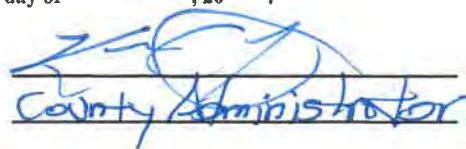


Shannon Dion, Director

The undersigned, having received the Statement of Grant Award/Acceptance and the Conditions attached thereto, does hereby accept this grant and agree to the conditions pertaining thereto, this _____ day of _____, 20_____.

Signature: _____

Title: _____


County Administrator

Frederick County Sheriff's Office

Sheriff Lenny Millholland



Major Steve A. Hawkins

1080 Coverstone Drive
Winchester, Virginia 22602

Office (540) 662-6168
Fax (540) 504-6400

TO : Cheryl Shiffler
FROM : Sheriff Millholland
SUBJECT : Funds Appropriation
DATE : January 15, 2019

The Frederick County Sheriff's Office has been awarded a Byrne/Justice Assistance Grant (JAG) in the amount of \$10,316. We are requesting the funds be appropriated as follows:

\$1470 to 3102-5409-000-000 for the purchase of deputy go bags

\$8846 to 3102-5409-000-004 for the purchase of a new Throw Phone for the Crisis Response Team

Revenue code for this will be 3 010 033010 0025 Sheriff's Office Federal Grants

Thank you,

A handwritten signature in black ink, appearing to be "LWM/bjs", written over a horizontal line.

LWM/bjs



**U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance**

Grant

PAGE 1 OF 23

| | | | |
|---|--|---|-----------------------------|
| 1. RECIPIENT NAME AND ADDRESS (Including Zip Code)
County of Frederick
107 N. Kent Street
Winchester, VA 22601-5039 | | 4. AWARD NUMBER: 2018-DJ-BX-0132 | |
| | | 5. PROJECT PERIOD: FROM 10/01/2017 TO 09/30/2019
BUDGET PERIOD: FROM 10/01/2017 TO 09/30/2019 | |
| 2a. GRANTEE IRS/VENDOR NO.
546001290 | | 6. AWARD DATE 10/01/2018 | 7. ACTION
Initial |
| 2b. GRANTEE DUNS NO.
118098222 | | 8. SUPPLEMENT NUMBER
00 | |
| 3. PROJECT TITLE
FY18 JAG Program | | 9. PREVIOUS AWARD AMOUNT \$ 0 | |
| | | 10. AMOUNT OF THIS AWARD \$ 10,316 | |
| | | 11. TOTAL AWARD \$ 10,316 | |
| 12. SPECIAL CONDITIONS
THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S). | | | |
| 13. STATUTORY AUTHORITY FOR GRANT
This project is supported under FY18(BJA - JAG State & JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101 - 10726), including subpart I of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a) | | | |
| 14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number)
16.738 - Edward Byrne Memorial Justice Assistance Grant Program | | | |
| 15. METHOD OF PAYMENT
GPRS | | | |
| AGENCY APPROVAL | | GRANTEE ACCEPTANCE | |
| 16. TYPED NAME AND TITLE OF APPROVING OFFICIAL

Matt Dummermuth
Principal Deputy Assistant Attorney General | | 18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL

Kris Tierney
County Administrator | |
| 17. SIGNATURE OF APPROVING OFFICIAL

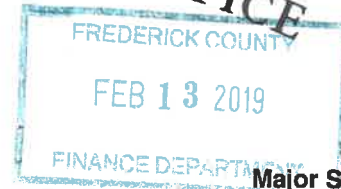
 | | 19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

 | 19A. DATE
10/2/18 |
| AGENCY USE ONLY | | | |
| 20. ACCOUNTING CLASSIFICATION CODES
FISCAL FUND BUD. DIV.
YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT
X B DJ 80 00 00 10316 | | 21. TDJUGT0394 | |

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Angela Whitacre, – Treasurer's Office
FROM : Sheriff Lenny Millholland
SUBJECT : Deposit
DATE : February 12, 2019

Attached please find a deposit in the amount of \$6,693.00. We are requesting the amounts be posted in the following line items

\$6,692.00 represents a purchase of one of our K9 cruisers that was sold.
Revenue line item 3010-015020-0007 (10AC)
Please appropriate this amount to the line item 3102-5409-000-000

c.s. 2/14/19
3-010-018990-0007
corrected with JE

\$1.00 represents a purchase of a duty weapon (Smith and Wesson MEP7730) assigned to John Heflin. Pursuant to Virginia code 59.1-1483 any full time sworn Law Enforcement Officer may purchase the duty weapon that they were assigned when retired after at least 10 years of service.
Revenue line item 3010-018990-0001 (1096)

A memo will be sent to Finance for appropriation

Thank you,

LWM/adl

per Angie 2/13/19: funds to be used for equipment for the command center.

9923

PAYMAC, INC.
P.O. BOX 530861
HENDERSON, NEVADA 89053

02/01/19

PAY TO THE
ORDER OF

Frederick County Sheriff's Office

\$ 6,692.00

Six Thousand Six Hundred Ninety-Two and 00/100*****

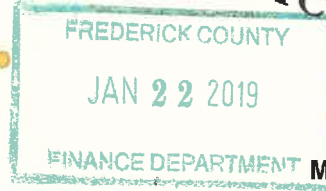
DOLLARS

Frederick County Sheriff's Office
Attn: Donald Lang
1080 Coverstone Drive
Winchester, VA 22602

[Redacted Signature]

[Redacted MICR Line]

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

TO : Cheryl Shiffler, Director of Finance
FROM : Sheriff R. Lenny Millholland
SUBJECT : Sheriff Restitution
DATE : January 22, 2019

We are requesting the following amount to be appropriated in the following line items. This amount represent as payment order by the court for restitution.

1/16/19 - \$350 – This amount represents court ordered partial restitution for damage sustained to Deputy Bradford cruiser during an arrest on 11/29/17. Please appropriate this amount to line item 3102-3004-000-002

Thank you

LWM/adl

C.S. 1/23/19

THIS CHECK IS VOID WITHOUT A COLORED BORDER AND WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

VOID NOLO VOID
FREDERICK COUNTY CIRCUIT COURT
5 NORTH KENT STREET
WINCHESTER, VA 22601
19850

PAY TO THE ORDER OF
FREDERICK COUNTY SHERIFF'S OFFICE

DATE
JANUARY 15, 2019

\$ 350.00

DOLLARS

VOID AFTER 60 DAYS

THREE HUNDRED FIFTY AND 00/100*****

MEMO

CR18000278-00



Frederick County Sheriff's Office

Sheriff Lenny Millholland



Major Steve A. Hawkins

1080 Coverstone Drive
Winchester, Virginia 22602

Office (540) 662-6168
Fax (540) 504-6400

TO: Cheryl Shiffler
FROM: Sheriff Millholland
SUBJECT: Grant Application – School Resource Officer
DATE: February 13, 2019

The Frederick County Sheriff's Office would like to apply for a grant through DCJS for a total of \$70,000 for one SRO positions at Stonewall Elementary. The total grant amount includes \$27,286.00 local match or in-kind contribution for each position. The match would be met with the additional expenses listed below.

In order to fill the position at Stonewall we would need to hire one new deputy (SRO). Initially the grant would cover \$42,714 of the costs associated with the new position. The total first year cost of one (1) new position is \$122,930, which includes salary, fringes, vehicle, uniforms, computer, radio, and police supplies. Subsequent years would only require salary and fringes until equipment needs replacing.

| | |
|---------------------|-----------|
| Salary & fringes | \$59,481 |
| Uniforms & supplies | \$4,514 |
| Radio & computer | \$5,000 |
| Vehicle & equipment | \$53,935 |
| TOTAL | \$122,930 |

According to Patrick at DCJS they are expecting to offer funding for the next 4 years for these positions, with a possibility of offering more money to cover more positions. The grants would need to be reapplied for every year.

If the grant is awarded, a new FY20 appropriation would be required in the amount of \$122,930 (\$42,714 grant and \$80,216 local).

This grant application is due to DCJS by March 8, 2019.

Thank you,

A handwritten signature in blue ink, appearing to be "LWM/bjs", written over a horizontal line.

LWM/bjs



**Commonwealth of Virginia
Virginia Department of Criminal Justice Services**

Grant Application

| | | | |
|--|---|--|--|
| Grant Program: | School Resource Officer Grant Program | Congressional District(s) | 10 th |
| Applicant: | Frederick County Sheriff's Office | Faith Based Organization? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Applicant Federal ID Number: | 54-6001290 | Best Practice? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Jurisdiction(s) Served and Zip Codes: | Frederick County VA 22624, 22602 | | |
| Program Title: | School Resource Officer Program | Certified Crime Prevention Community? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Grant Period: | July 1, 2019 thru June 30, 2020 | DUNS NUMBER: | 118098222 |
| Type of Application: | <input checked="" type="checkbox"/> New
<input type="checkbox"/> Continuation of Grant Number _____
<input type="checkbox"/> Revision of Grant Number _____ | | <input checked="" type="checkbox"/> Rural
<input type="checkbox"/> Urban
<input type="checkbox"/> Suburban |

| | Project Director | Project Administrator | Finance Officer |
|-----------------|---|---|---|
| Name: | Bonnie Shifflett | Kris Tierney | Cheryl B. Shiffler |
| Title: | Evidence Clerk | County Administrator | Finance Director |
| Address: | 1080 Coverstone Dr
Winchester, VA 22602-4369 | 107 North Kent St.
Winchester, VA 22601-5039 | 107 North Kent St.
Winchester, VA 22601-5039 |
| Phone: | 540-504-6522 | 540-667-8278 | 540-665-5610 |
| Fax: | 540-504-6400 | 540-667-0370 | 540-667-0370 |
| E-Mail: | bshifflett@fcva.us | ktierney@fcva.us | cshiffle@fcva.us |

Signature of Project Administrator:

Brief Project Description:

Provide Stonewall Elementary School with a full-time SRO.


| Project Budget | DCJS Funds | | Local Match | Total Requested |
|------------------------|-------------------|------------------|--------------------|------------------------|
| | Federal | State | | |
| Personnel | | 42,714.00 | 17,772.00 | 60,486.00 |
| Consultants | | | | |
| Travel | | | | |
| Equipment | | | 5000.00 | 5000.00 |
| Supplies/Other | | | 4514.00 | 4514.00 |
| Indirect Costs | | | | |
| Total Requested | | 42,714.00 | 27,286.00 | 70,000.00 |

Grant Application Request Form

The Grant Application & Acceptance Policy, adopted by the Board of Supervisors on March 23, 2016, outlines the policies for submitting grant applications on behalf of Frederick County and for the acceptance and appropriation of all grant awards. This policy applies to any Frederick County program, department or constitutional office preparing and submitting grant applications to agencies outside the County government for funds, materials or equipment to be received and administered by the County or by an agency for which the County acts as fiscal agent.

Please refer to the policy flow chart on the back of this form to assist in determining the appropriate course of action. The policy in its entirety can be found on the Finance intranet page.

Complete the information below and attach as the cover to all grant applications sent to the County Administrator for approval.

| | | | | | |
|--|--|-----------|--------------|--------------------------------|--------------|
| Requesting Department | Sheriff's Office | | | | |
| Name of Grant | School Resource Officer Grant Program | | | | |
| Grantor | DCJS - Department of Criminal Justice Services | | | | |
| Grant deadline for submission | 03/08/2019 | | | | |
| Total Amount of Anticipated Award | \$ 70,000.00 | | | | |
| Purpose of grant (summary) | Provide Stonewall Elementary with a full-time School Resource Officer (grant period July 1, 2019 - June 30, 2020 -- FY20) | | | | |
| Grant approved through budget process? (Yes/No) | No | | | | |
| Local Match Requirement (Yes/No) | Yes | Amount: | \$ 27,286.00 | | |
| If yes, Source(s) & amount(s) of local match (fin comm/BOS approval required if match requires a budget amendment) | It can be local match or in-kind <i>match satisfied with other associated costs listed below</i> | | | | |
| Other associated costs | \$63,450 total - vehicle, police supplies, uniforms, computer, radio | | | | |
| Continuing obligation and cost (fin comm/BOS approval required) | The grant may not be available in future years and the County would absorb the entire cost. If grant is available we would reapply with no guarantee it would be awarded. The local share and replacement equipment (when needed) would be a continuing obligation with the grant award. | | | | |
| Addition of Staff and cost (Yes/No) (fin comm/BOS approval required) | Yes | How many? | 1 | Total cost, including fringes: | \$ 59,481.00 |
| Revenue and Expenditure codes & amounts | Rev. Code 3 010 024040 0030 (Sheriff's Office State Grants)
3102-1002-000-*** (Payroll) 3102-5408-000 (vehicle equip) 3102-5409 (police supplies)
3102-200x-000 (fringes) 3102-3004-000 (vehicle equip install) 3102-5305 (vehicle insurance)
3102-3010-000 (academy) 3102-8003-000 (radio) 3102-8005 (vehicle)
3102-5410-000 (uniforms) -SEE ATTACHED FOR AMOUNTS-
3102-5413-000 (computer) | | | | |
| Department Contact (name, email, phone) | Bonnie Shifflett bshifflett@fcva.us 540-504-6522 | | | | |
| Department Head approval to apply for grant |  | | | Date | 2/15/19 |
| BOS approval date (if applicable) | | | | | |
| Finance review of grant policy compliance | | | | Date | |
| County Administrator approval to apply for grant | | | | Date | |

Notes:

[Finance-sk] requires BOS approval due to the addition of a position and continuing obligation.

2019-2020 NEW POSITION REQUEST

DEPARTMENT

DEPARTMENT CODE

PLEASE INCLUDE:

- **NEW POSITION TITLE, ASSOCIATED FRINGES, AND ALL OPERATING AND CAPITAL ASSOCIATED WITH NEW POSITION ON THIS FORM**
- **JUSTIFICATION FOR NEW POSITION ON SEPARATE SHEET - REQUIRED**
- **ONLY ONE NEW POSITION AND ASSOCIATED OPERATING AND CAPITAL PER PAGE**

****DO NOT INCLUDE NEW POSITIONS AND ASSOCIATED OPERATING AND CAPITAL IN DEPARTMENT BUDGET REQUEST - USE THIS FORM ONLY****

| | | | |
|---------------------------|---|--------|----------------|
| 4-010-031020-1001-000-043 | Deputy 1 | 39,014 | 39,014 |
| 4-010-031020-2001-000-000 | F.I.C.A | 2,985 | 2,985 |
| 4-010-031020-2002-000-000 | Retirement - V.R.S | 3,819 | 3,819 |
| 4-010-031020-2005-000-000 | Hospital/Medical Plans | 12,216 | 12,216 |
| 4-010-031020-2006-000-000 | Group Insurance | 511 | 511 |
| 4-010-031020-2011-000-000 | Workers' Compensation | 936 | 936 |
| 4-010-031020-3010-000-000 | Contractual Services - Pay dues for the academy.
Skyline Regional Academy | 468 | 468 |
| 4-010-031020-3004-000-002 | Repair/Maintenance Vehicles - installation of equipment | 950 | 950 |
| 4-010-031020-5305-000-000 | Motor Vehicle Insurance | 550 | 550 |
| 4-010-031020-5408-000-000 | Vehicle and Powered Equipment - decals, push bumper, push bumper
light channel, mobile radio, Radio antenna, GPS antenna, partition
Light bar, siren box, siren speaker, siren box mounting kit, signal surface
mount lights, mounting bracket kits, computer console, long gun locking
device. | 17,635 | 17,635 |
| 4-010-031020-5409-000-000 | Police Supplies - Drug test kits, DNA swabs and holders, evidence tags
fingerprint kits, syringe tubes, pill box, crime scene tape, shoe covers
brown bags, rifle boxes, pistol boxes, knife boxes, PBT breath tubes
rifles, flex ties, flashlights | 1,546 | 1,546 |
| 4-010-031020-5410-000-000 | Uniforms - duty pants, shirts, ties, hats, coats, hat covers, traffic vests
gun belt, belts, belt keepers, badges, leather gear, gloves, boots, patches
Vests, outer vest & pouches | 2,500 | 2,500 |
| 4-010-031020-8003-000-000 | Communications Equipment - Radio | 2,000 | 2,000 |
| 4-010-031020-8005-000-000 | Motor Vehicles - Cruiser | 34,800 | 34,800 |
| | Total cost for new position | | 119,930 |

Getac Computer \$3000

CODE & ORDINANCE COMMITTEE REPORT to the BOARD OF SUPERVISORS
Thursday, June 28, 2018
8:30 a.m.
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES:

Committee Members Present: Shannon Trout, Chair; Blaine P. Dunn; J. Douglas McCarthy; Stephen Butler, and James Drown

Committee Members Absent: Derek Aston

Staff present: Roderick B. Williams, County Attorney; Jay E. Tibbs, Deputy County Administrator; Treasurer C. William Orndoff, Jr.; and Commissioner of the Revenue Ellen Murphy.

ITEMS FOR INFORMATION ONLY:

1. Amendment Frederick County Code, Chapter 155 (Taxation), Article III (Senior Citizens and Disabled Persons Exemption and Deferral), to adjust amounts to account for inflation since the amounts were last established.

These proposed revisions would adjust the different income and asset limits for program eligibility, to account for inflation since the amounts were last established, in 2003. The revisions would also provide for the amounts to be adjusted automatically each year going forward based upon changes in the Consumer Price Index. Lastly, the revisions clarify that relief under the program is limited to the taxes on the dwelling and not more than one acre of land upon which the dwelling is situated.

The committee, Treasurer, and Commissioner discussed the proposed changes. The Treasurer raised some concerns relative to the proposal to include the use of the Consumer Price Index. The committee also discussed changes to the total combined income brackets. The high end of the income brackets to receive the 100%, 60%, and 35% exemptions were each increased by \$5,000. The proposed new brackets would be as follows:

| Total Combined Income | Percentage of Exemption |
|-----------------------|-------------------------|
| \$0 - \$25,000 | 100% |
| \$25,001 - \$30,000 | 60% |
| \$30,001 - \$35,000 | 35% |
| \$35,001 - \$50,000 | 10% |

In addition to the income changes, the committee agreed to keep the net combined financial worth cap at \$150,000 and removed the Consumer Price Index provision.

Upon a motion by Mr. Dunn, seconded by Mr. McCarthy, the Code and Ordinance Committee forwarded the proposed ordinance amendment, as modified, to the Finance Committee with a recommendation of approval. The motion was unanimously approved.

2. Amendment to Frederick County Code, Chapter 155 (Taxation), to add an Article III-A (Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty).

This proposed amendment would allow for an exemption from real property taxes for surviving spouses of certain public safety personnel killed in the line of duty.

Upon a motion by Mr. McCarthy, seconded by Mr. Drown, the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Finance Committee, with a recommendation of approval. The motion was approved by a 4-1 vote with Mr. Dunn voting no.

3. Amendment to Frederick County Code, Chapter 155 (Taxation), Article IV (Personal Property Taxes), Section 155-26 (Exemptions), to add an exemption for one motor vehicle each, owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand or who is blind or who is permanently and totally disabled.

This proposed amendment would allow for an exemption from personal property taxes for one motor vehicle each, owned by disabled veterans. The tax rate for this property would be zero, which would be accomplished by noting the property in the County Code as a separate class, exempted from taxation.

Mr. McCarthy moved that the Code and Ordinance Committee forwarded the proposed ordinance amendment to the Finance Committee with a recommendation of approval. The motion died for lack of a second.

There being no further business, the meeting was adjourned at 6:53 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jay E. Tibbs". The signature is written in a cursive, flowing style.

Deputy County Administrator

cc: Code & Ordinance Committee



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383

Fax 540/667-0370

E-mail: rwillia@fcva.us

MEMORANDUM

TO: Code & Ordinance Committee
Finance Committee

FROM: Roderick B. Williams
County Attorney

DATE: February 7, 2019

RE: Amendments to Frederick County Code, Chapter 155 (Taxation), Article III (Senior Citizens and Disabled Persons Exemption and Deferral), to adjust amounts to account for inflation since the amounts were last established.

A Board member requested consideration of revisions to the County Code provisions governing the program for exemption from/deferral of real property taxes senior citizens and disabled persons. A draft is attached. The revisions would adjust the different income and asset limits for program eligibility, to account for inflation since the amounts were last established, in 2003. The revisions would also provide for the amounts to be adjusted automatically each year going forward, based upon changes in the Consumer Price Index. Finally, the revisions clarify that relief under the program is limited to the taxes on the dwelling and not more than one acre of land upon which the dwelling is situated. A copy of the state enabling legislation for the program, Code of Virginia, Title 58.1, Chapter 32, Article 2, is also attached for reference. A recommendation to the Board from each Committee would be appropriate.

Attachments



ORDINANCE

___ __, 2019

The Board of Supervisors of Frederick County, Virginia hereby ordains that Sections 155-18 (Qualifications for Exemption), 155-20 (Calculation of amount of exemption), and 155-20.1 (Deferral) of Article III (Senior Citizens and Disabled Persons Exemption and Deferral) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby are, amended by enacting amended Sections 155-18 (Qualifications for Exemption), 155-20 (Calculation of amount of exemption), and 155-20.1 (Deferral) of Article III (Senior Citizens and Disabled Persons Exemption and Deferral) of Chapter 155 (Taxation) of the Code of Frederick County, and that Section 155-22.01 (Adjustments in amounts so that inflation will not result in disqualification from program) of Article III (Senior Citizens and Disabled Persons Exemption and Deferral) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby is, enacted, all as follows (deletions shown in ~~bold strikethrough~~ and additions shown in **bold underline**):

CHAPTER 155 TAXATION

Article III Senior Citizens and Disabled Persons Exemption and Deferral

§158-16 Definitions and word usage.

[No change proposed to § 158-16 – shown for information purposes only]

AFFIDAVIT OR WRITTEN STATEMENT

The real estate tax exemption affidavit or written statement.

DWELLING

The sole residence of the person claiming exemption; provided, however, that the fact that a person who is otherwise qualified for tax exemption by the provisions of this article is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care for an extended period of time shall not be construed to mean that the real estate for which exemption is claimed ceases to be the sole dwelling of such person during such period of other residence, so long as the real estate in question is not used by or leased to others for consideration.

EXEMPTION

The percentage exemption, allowable under the provisions of this article, from the property tax imposed by the County.

PERMANENTLY AND TOTALLY DISABLED

As applied to a person claiming an exemption under this article, a person furnishing the certification or medical affidavits required by § 155-19 of this article and who is found by the Commissioner of the Revenue to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

TAXABLE YEAR

The calendar year, from January 1 through December 31, for which such property tax exemption is claimed.

§ 155-17 Purpose.

[No change proposed to § 158-17 – shown for information purposes only]

It is hereby declared to be the purpose of this article to provide real estate tax exemptions or deferrals for qualified property owners who are not less than 65 years of age or permanently and totally disabled and who are otherwise eligible according to the terms of this article. Pursuant to the authority of § 58.1-3210 et seq. of the Code of Virginia, the County finds and declares that persons qualifying for exemption hereunder are bearing an extraordinary real estate tax burden in relation to their income and financial worth.

§ 155-18 Qualifications for exemption.

Exemptions pursuant to this article shall be granted to persons and for property complying with the following provisions:

- A. The title to the property for which exemption is claimed is held or partially held i) by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint lives, ii) in a revocable inter vivos trust over which the eligible person or the eligible person and his spouse hold the power of revocation, or iii) in an irrevocable trust under which an eligible person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. An interest held under a leasehold or term of years does not qualify for relief under the provisions of this article.
- B. The dwelling for which the exemption is claimed is occupied as the sole dwelling of such claimant or claimants.
- C. If the dwelling for which the exemption is claimed is a mobile home, the dwelling must be a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in

length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

- D. The person claiming such exemption is 65 years of age or older or permanently and totally disabled as of December 31 of the year immediately preceding the taxable year for which the exemption is claimed.
- E. Gross combined income.
- (1) The gross combined income from all sources of such claimant owner or owners of such dwelling living therein, of their relatives living in such dwelling, and of each nonrelative who is not the bona fide tenant or bona fide paid caregiver of an owner living in the dwelling, for the immediately preceding calendar year does not exceed the sum of ~~\$50,000~~ \$68,050, regardless of whether an income tax return was filed or was required to be filed, provided that the first ~~\$7,500~~ \$10,207 of any income received by any claimant owner as permanent disability compensation shall not be included in such total, and provided that the first ~~\$8,500~~ \$11,568 of income of each relative, other than the spouse of such claimant owner or owners, who is living in such dwelling, and of each nonrelative, who is living in such dwelling and who is not the bona fide tenant or bona fide paid caregiver of an owner living in the dwelling, shall not be included in such total.
- (2) Such gross combined income of the claimant owner or owners shall not include life insurance proceeds, ~~nor shall it include~~ proceeds from borrowing or other debt, or required minimum distributions from qualified retirement plans.
- F. The net combined financial worth of such claimant owner or owners, of their relatives living in such dwelling, and of each nonrelative who is not the bona fide tenant or bona fide paid caregiver of an owner living in the dwelling, as of December 31 of the year immediately preceding the taxable year for which the exemption is claimed, does not exceed ~~\$150,000~~ \$204,150. "Net combined financial worth" shall include the value of all assets, including equitable interests, exclusive of the fair market value of the dwelling for which exemption is claimed and of the land not exceeding one acre upon which it is situated. Furniture, fixtures and appliances in such exempt residence shall also be excluded from the net worth calculation, provided that they are normal and reasonable to the use and maintenance of the property as the residence of the claimant owner or owners. Net worth is computed by subtracting liabilities from assets.
- G. If an owner qualifies for an exemption, and if the owner can prove by clear and convincing evidence that his physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a person move in and provide care for the owner, and if a person does then move

in for that purpose, then none of the income of that person or of that person's spouse shall be counted towards the income limit, provided the owner of the residence has not transferred assets in excess of ~~\$10,000~~ **\$13,610** without adequate consideration within a three-year period prior to or after that person moves into such residence.

§ 155-19 Application for exemption; investigation of affidavit or written statement.

[No change proposed to § 158-19 – shown for information purposes only]

- A. Annually and not later than April 1 of each taxable year, every person claiming an exemption under this article shall file a real estate tax exemption affidavit or written statement with the Commissioner of the Revenue of the County. The date for filing such an affidavit or written statement by an applicant may be extended by the Commissioner of the Revenue to July 1 of a taxable year in a hardship case in which the Commissioner of the Revenue determines that the applicant was unable to file by April 1 of the particular taxable year because of illness of the applicant or confinement of the applicant in a nursing home, hospital or other medical facility or institution, provided that such real estate tax exemption affidavit or written statement is accompanied by a sworn affidavit of one medical doctor licensed to practice medicine in the commonwealth.
- B. The affidavit or written statement shall set forth the names of the claimant owner or owners, of their relatives living in such dwelling, and of each nonrelative who is not the bona fide tenant or bona fide paid caregiver of an owner living in the dwelling for which exemption is claimed and the total combined net worth and combined income of such persons as defined in this article. The form of such affidavit or written statement shall be determined by the Commissioner of the Revenue and shall contain such other information as may be required adequately to determine compliance with the provisions of § 155-18 of this article. The affidavit or written statement of any person less than 65 years of age who is claiming an exemption under this article shall be accompanied by a certification from the Social Security Administration, the Department of Veterans Affairs, or the Railroad Retirement Board or, if such person is not eligible for certification by any of these agencies, a sworn affidavit from two medical doctors licensed to practice medicine in the commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the applicant is permanently and totally disabled as defined in § 155-16 of this article. The affidavit of at least one of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability. In addition, the Commissioner of the Revenue may make such further inquiry of persons seeking to claim exemption requiring answers under oath and the production of certified tax returns, as may be deemed reasonably necessary, to determine eligibility for an exemption.

C. The Commissioner of the Revenue, after audit and investigation of such affidavits or written statements, shall certify a list of the persons and property qualifying for exemption and the amount thereof to the County Treasurer, who shall forthwith deduct the amounts of such exemption from the real estate tax chargeable for the taxable year to such persons and property.

§ 155-20 Calculation of amount of exemption.

The amount of the exemption granted pursuant to this article shall be a percentage of the real estate tax assessed for the applicable taxable year in accordance with the following scale:

| Total Combined Income | Percentage of Exemption |
|--|-------------------------|
| \$0 to \$20,000 <u>\$27,220.00</u> | 100% |
| \$20,001 <u>\$27,220.01</u> to \$25,000 <u>\$34,025.00</u> | 60% |
| \$25,001 <u>\$34,025.01</u> to \$30,000 <u>\$40,830.00</u> | 35% |
| \$30,001 <u>\$40,830.01</u> to \$50,000 <u>\$68,050.00</u> | 10% |

The exemption shall be calculated, as provided herein, based upon the taxes otherwise due for the dwelling and up to one acre of land upon which it is situated.

§ 155-20.1 Deferral.

A. For purposes of this section:

"Nonqualified transfer" means a transfer in ownership of the real estate by gift or otherwise not for bona fide consideration, other than (i) a transfer by the qualified owner to a spouse, including without limitation a transfer creating a tenancy for life or joint lives; (ii) a transfer by the qualified owner or the qualified owner and his spouse to a revocable inter vivos trust over which the qualified owner, or the qualified owner and his spouse, hold the power of revocation; or (iii) a transfer to an irrevocable trust under which a qualified owner alone or in conjunction with his spouse possesses a life estate or an estate for joint lives, or enjoys a continuing right of use or support.

"Qualified owner" means the owner of the real property who qualifies for a tax deferral by county, city, or town ordinance.

B. Any person who would otherwise be eligible for an exemption under this article but who, on account of his or her total combined income being in excess of ~~\$20,000~~ \$27,220 but not greater than ~~\$50,000~~ \$68,050, is only eligible for a partial exemption may request deferral of the remainder of the real estate tax

due. In the event of a deferral of real estate taxes hereunder, the accumulated amount of taxes deferred shall be paid to the County by the vendor ~~of the dwelling upon the sale of the dwelling, or from the estate of the decedent within one year after the death of the last owner thereof who qualifies for tax deferral by the provisions of this section, transferor, executor, or administrator: (i) upon the sale of the real estate; (ii) upon a nonqualified transfer of the real estate; or (iii) from the estate of the decedent within one year after the death of the last qualified owner thereof.~~ Such deferred real estate taxes shall be paid without penalty but shall accrue interest at the rate of 8% per annum on any amount so deferred, and such taxes and interest shall constitute a lien upon the said real estate as if it had been assessed without regard to the deferral permitted by this article. Any such lien shall, to the extent that it exceeds in the aggregate 10% of the price for which such real estate may be sold, be inferior to all other liens of record.

§ 155-21 Changes in status.

[No change proposed to § 158-21 – shown for information purposes only]

Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit or written statement is filed and having the effect of violating or exceeding the limitations and conditions of § 155-18 of this article shall nullify any exemption or deferral for the then current taxable year and for the taxable year immediately following, provided that a change in income shall only operate to decrease the percentage of exemption or deferral previously determined by the Commissioner of the Revenue pursuant to § 155-20 of this article to the extent that the income amount exceeds the relevant range for a percentage of exemption or deferral set out in §§ 155-20 and 155-20.1 of this article.

§ 155-22 Filing false claims.

[No change proposed to § 158-22 – shown for information purposes only]

It shall be unlawful for any person to falsely claim an exemption or deferral under this article.

§ 155-22.01 Adjustments in amounts so that inflation will not result in disqualification from program.

- A. Not later than January 1 of 2020, and of each subsequent year, the Commissioner of the Revenue shall, with respect to tax years subsequent to 2019, prescribe income and asset amounts for this article, which amounts shall apply in lieu of the amounts contained in this article.**
- B. Any adjustment prescribed by subsection A is the percentage (if any) by which (i) the most recent available Consumer Price Index for All Urban Consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, exceeds (ii) the CPI-U for December 2018.**

C. For any adjustment provided for by subsection A, such adjustment shall be rounded to the nearest whole dollar.

Enacted this _____ day of _____, 2019.

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

Kris C. Tierney
Clerk, Board of Supervisors
County of Frederick, Virginia

Article 2. Exemptions for Elderly and Handicapped

§ 58.1-3210. Exemption or deferral of taxes on property of certain elderly and handicapped persons.

A. The governing body of any county, city or town may, by ordinance, provide for the exemption from, deferral of, or a combination program of exemptions from and deferrals of taxation of real estate and manufactured homes as defined in § 36-85.3, or any portion thereof, and upon such conditions and in such amount as the ordinance may prescribe. Such real estate shall be owned by, and be occupied as the sole dwelling of anyone at least 65 years of age or if provided in the ordinance, anyone found to be permanently and totally disabled as defined in § 58.1-3217. Such ordinance may provide for the exemption from or deferral of that portion of the tax which represents the increase in tax liability since the year such taxpayer reached the age of 65 or became disabled, or the year such ordinance became effective, whichever is later. A dwelling jointly held by a husband and wife, with no other joint owners, may qualify if either spouse is 65 or over or is permanently and totally disabled, and the proration of the exemption or deferral under § 58.1-3211.1 shall not apply for such dwelling.

B. For purposes of this section, "eligible person" means a person who is at least age 65 or, if provided in the ordinance pursuant to subsection A, permanently and totally disabled. Under subsection A, real property owned and occupied as the sole dwelling of an eligible person includes real property (i) held by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the eligible person or the eligible person and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible person" does not include any interest held under a leasehold or term of years.

C. For purposes of this article, any reference to real estate shall include manufactured homes.

Code 1950, § 58-760.1; 1971, Ex. Sess., c. 169; 1972, cc. 315, 616; 1973, c. 496; 1974, c. 427; 1976, c. 543; 1977, cc. 48, 453, 456; 1978, cc. 774, 776, 777, 780, 788, 790; 1979, cc. 543, 544, 545, 563; 1980, cc. 656, 666, 673; 1981, c. 434; 1982, cc. 123, 457; 1984, cc. 267, 675; 1993, c. 911; 2007, c. 357; 2014, c. 767.

§ 58.1-3211. Repealed.

Repealed by Acts 2011, cc. 438 and 496, cl. 4, effective March 24, 2011, and applicable to tax years beginning on or after January 1, 2011.

§ 58.1-3211.1. Prorated tax exemption or deferral of tax.

A. The governing body of the county, city, or town may, by ordinance, also provide for an exemption from or deferral of (or combination program thereof) real estate taxes for dwellings jointly held by two or more individuals not all of whom are at least age 65 or (if provided in the ordinance) permanently and totally disabled, provided that the dwelling is occupied as the sole dwelling by all such joint owners.

The tax exemption or deferral for the dwelling that otherwise would have been provided under

the local ordinance shall be prorated by multiplying the amount of the exemption or deferral by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who are at least age 65 or (if provided in the ordinance) permanently and totally disabled, and as a denominator, 100%. As a condition of eligibility for such tax exemption or deferral, the joint owners of the dwelling shall be required to furnish to the relevant local officer sufficient evidence of each joint owner's ownership interest in the dwelling.

B. For purposes of this subsection, "eligible person" means a person who is at least age 65 or, if provided in the ordinance pursuant to subsection A, permanently and totally disabled. For purposes of the tax exemption pursuant to subsection A, real property that is a dwelling jointly held by two or more individuals includes real property (i) held by an eligible person in conjunction with one or more other people as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which an eligible person with one or more other people hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person in conjunction with one or more other people possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible person" does not include any interest held under a leasehold or term of years.

C. The provisions of this section shall not apply to dwellings jointly held by a husband and wife, with no other joint owners.

D. Nothing in this section shall be interpreted or construed to provide for an exemption from or deferral of tax for any dwelling jointly held by nonindividuals.

2007, c. 357;2008, cc. 298, 695;2011, cc. 438, 496;2014, c. 767.

§ 58.1-3212. Local restrictions and exemptions.

Pursuant to Article X, Section 6 (b) of the Constitution of Virginia, the General Assembly hereby authorizes the governing body of a county, city or town to establish by ordinance net financial worth or annual income limitations as a condition of eligibility for any exemption or deferral of tax allowed pursuant to this article. If the governing body establishes an annual income limitation, the computation of annual income shall be based on adding together the income received during the preceding calendar year, without regard to whether a tax return is actually filed, by (i) owners of the dwelling who use it as their principal residence, (ii) owners' relatives who live in the dwelling, except for those relatives living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not, and (iii) at the option of each locality, nonrelatives of the owner who live in the dwelling except for bona fide tenants or bona fide caregivers of the owner, whether compensated or not. If the governing body establishes a net financial worth limitation, net financial worth shall be based on adding together the net financial worth, including the present value of equitable interests, as of December 31 of the immediately preceding calendar year, of the owners, and of the spouse of any owner, of the dwelling.

Nothing in this section shall be construed or interpreted as to preclude or prohibit the governing body of a county, city or town from excluding certain sources of income, or a portion of the same, for purposes of its annual income limitation or excluding certain assets, or a portion of the same, for purposes of its net financial worth limitation.

Any county, city, or town that pursuant to this article provides for the exemption from, deferral of, or a combination program of exemptions from and deferrals of real property taxes may

exempt or defer the real property taxes of the qualifying dwelling and the land, not exceeding ten acres, upon which it is situated.

No local ordinance shall require that a citizen reside in the jurisdiction for a designated period of time as a condition for qualifying for any real estate tax exemption or deferral program established pursuant to § 58.1-3210.

Code 1950, § 58-760.1; 1971, Ex. Sess., c. 169; 1972, cc. 315, 616; 1973, c. 496; 1974, c. 427; 1976, c. 543; 1977, cc. 48, 453, 456; 1978, cc. 774, 776, 777, 780, 788, 790; 1979, cc. 543, 544, 545, 563; 1980, cc. 656, 666, 673; 1981, c. 434; 1982, cc. 123, 457; 1984, cc. 267, 675; 1989, c. 568; 2011, cc. 438, 496; 2012, c. 299; 2014, c. 767.

§ 58.1-3213. Application for exemption.

A. The person claiming such exemption shall file annually with the commissioner of the revenue of the county, city or town assessing officer or such other officer as may be designated by the governing body in which such dwelling lies, on forms to be supplied by the county, city or town concerned, an affidavit or written statement setting forth (i) the names of the related persons occupying such real estate and (ii) that the total combined net worth including equitable interests and the combined income from all sources, of the persons specified in § 58.1-3212, does not exceed the limits, if any, prescribed in the local ordinance.

B. In lieu of the annual affidavit or written statement filing requirement, a county, city or town may prescribe by ordinance for the filing of the affidavit or written statement on a three-year cycle with an annual certification by the taxpayer that no information contained on the last preceding affidavit or written statement filed has changed to violate the limitations and conditions provided herein.

C. Notwithstanding the provisions of subsections A, B, and E, any county, city or town may, by local ordinance, prescribe the content of the affidavit or written statement described in subsection A, subject to the requirements established in §§ 58.1-3210, 58.1-3211.1, and 58.1-3212, and the local ordinance; the frequency with which an affidavit, written statement or certification as described in subsection B of this section must be filed; and a procedure for late filing of affidavits or written statements.

D. If such person is under 65 years of age, such form shall have attached thereto a certification by the Social Security Administration, the Department of Veterans Affairs or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors who are either licensed to practice medicine in the Commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the person is permanently and totally disabled, as defined in § 58.1-3217; however, a certification pursuant to 42 U.S.C. § 423 (d) by the Social Security Administration so long as the person remains eligible for such social security benefits shall be deemed to satisfy such definition in § 58.1-3217. The affidavit of at least one of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability as defined in § 58.1-3217.

E. Such affidavit, written statement or certification shall be filed after January 1 of each year, but before April 1, or such later date as may be fixed by ordinance. Such ordinance may include a

procedure for late filing by first-time applicants or for hardship cases.

F. The commissioner of the revenue or town assessing officer or another officer designated by the governing body of the county, city or town shall also make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath, to determine qualifications as specified herein, including qualification as permanently and totally disabled as defined in § 58.1-3217 and qualification for the exclusion of life insurance benefits paid upon the death of an owner of a dwelling, or as specified by county, city or town ordinance. The local governing body may, in addition, require the production of certified tax returns to establish the income or financial worth of any applicant for tax relief or deferral.

Code 1950, § 58-760.1; 1971, Ex. Sess., c. 169; 1972, cc. 315, 616; 1973, c. 496; 1974, c. 427; 1976, c. 543; 1977, cc. 48, 453, 456; 1978, cc. 774, 776, 777, 780, 788, 790; 1979, cc. 543, 544, 545, 563; 1980, cc. 656, 666, 673; 1981, c. 434; 1982, cc. 123, 457; 1984, cc. 267, 675; 1986, c. 214; 1988, c. 334; 1990, c. 158; 1991, c. 286; 1996, c. 480; 1997, c. 710; 2007, c. 357; 2011, cc. 438, 496.

§ 58.1-3213.1. Notice of local real estate tax exemption or deferral program for the elderly and handicapped.

The treasurer of any county, city or town shall enclose written notice, in each real estate tax bill, of the terms and conditions of any local real estate tax exemption or deferral program established in the jurisdiction pursuant to § 58.1-3210. The treasurer shall also employ any other reasonable means necessary to notify residents of the county, city or town about the terms and conditions of the real estate tax exemption or deferral program for elderly and handicapped residents of the county, city or town.

1989, c. 568.

§ 58.1-3214. Absence from residence.

The fact that persons who are otherwise qualified for tax exemption or deferral by an ordinance promulgated pursuant to this article are residing in hospitals, nursing homes, convalescent homes or other facilities for physical or mental health care for extended periods of time shall not be construed to mean that the real estate for which tax exemption or deferral is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

Code 1950, § 58-760.1; 1971, Ex. Sess., c. 169; 1972, cc. 315, 616; 1973, c. 496; 1974, c. 427; 1976, c. 543; 1977, cc. 48, 453, 456; 1978, cc. 774, 776, 777, 780, 788, 790; 1979, cc. 543, 544, 545, 563; 1980, cc. 656, 666, 673; 1981, c. 434; 1982, cc. 123, 457; 1984, cc. 267, 675; 2012, cc. 476, 507.

§ 58.1-3215. Effective date; change in circumstances.

A. An exemption or deferral enacted pursuant to § 58.1-3210 or 58.1-3211.1 may be granted for any year following the date that the qualifying individual occupying such dwelling and owning title or partial title thereto reaches the age of 65 years or for any year following the date the disability occurred. Changes in income, financial worth, ownership of property or other factors occurring during the taxable year for which an affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided by county, city or town ordinance shall nullify any exemption or deferral for the remainder of the current taxable year and the taxable year immediately following. However, any locality may by ordinance provide a prorated exemption or deferral for the portion of the taxable year during which the taxpayer qualified for such exemption or deferral.

B. An ordinance enacted pursuant to this article may provide that a change in ownership to a spouse or a nonqualifying individual, when such change resulted solely from the death of the qualifying individual, or a sale of such property shall result in a prorated exemption or deferral for the then current taxable year. The proceeds of the sale which would result in the prorated exemption or deferral shall not be included in the computation of net worth or income as provided in subsection A. Such prorated portion shall be determined by multiplying the amount of the exemption or deferral by a fraction wherein the number of complete months of the year such property was properly eligible for such exemption or deferral is the numerator and the number 12 is the denominator.

C. An ordinance enacted pursuant to this article may provide that an individual who does not qualify for the exemption or deferral under this article based upon the previous year's income limitations and financial worth limitations, may nonetheless qualify for the current year by filing an affidavit that clearly shows a substantial change of circumstances, that was not volitional on the part of the individual to become eligible for the exemption or deferral, and will result in income and financial worth levels that are within the limitations of the ordinance. The ordinance may impose additional conditions and require other information under this subsection. The locality may prorate the exemption or deferral from the date the affidavit is submitted or any other date.

Any exemption or deferral under this subsection must be conditioned upon the individual filing another affidavit after the end of the year in which the exemption or deferral was granted, within a period of time specified by the locality, showing that the actual income and financial worth levels were within the limitations set by the ordinance. If the actual income and financial worth levels exceeded the limitations any exemption or deferral shall be nullified for the current taxable year and the taxable year immediately following.

Code 1950, § 58-760.1; 1971, Ex. Sess., c. 169; 1972, cc. 315, 616; 1973, c. 496; 1974, c. 427; 1976, c. 543; 1977, cc. 48, 453, 456; 1978, cc. 774, 776, 777, 780, 788, 790; 1979, cc. 543, 544, 545, 563; 1980, cc. 656, 666, 673; 1981, c. 434; 1982, cc. 123, 457; 1984, cc. 267, 675; 1987, cc. 525, 534; 1989, c. 40; 2007, c. 357; 2008, c. 208; 2011, cc. 438, 496.

§ 58.1-3216. Deferral programs; taxes to be lien on property.

A. For purposes of this section:

"Nonqualified transfer" means a transfer in ownership of the real estate by gift or otherwise not for bona fide consideration, other than (i) a transfer by the qualified owner to a spouse, including without limitation a transfer creating a tenancy for life or joint lives; (ii) a transfer by the qualified owner or the qualified owner and his spouse to a revocable inter vivos trust over which the qualified owner, or the qualified owner and his spouse, hold the power of revocation; or (iii) a transfer to an irrevocable trust under which a qualified owner alone or in conjunction with his spouse possesses a life estate or an estate for joint lives, or enjoys a continuing right of use or support.

"Qualified owner" means the owner of the real property who qualifies for a tax deferral by county, city, or town ordinance.

B. In the event of a deferral of real estate taxes granted by ordinance, the accumulated amount of taxes deferred shall be paid to the county, city, or town concerned by the vendor, transferor, executor, or administrator: (i) upon the sale of the real estate; (ii) upon a nonqualified transfer of

the real estate; or (iii) from the estate of the decedent within one year after the death of the last qualified owner thereof. Such deferred real estate taxes shall be paid without penalty, except that any ordinance establishing a combined program of exemptions and deferrals, or deferrals only, may provide for interest not to exceed eight percent per year on any amount so deferred, and such taxes and interest, if applicable, shall constitute a lien upon the said real estate as if it had been assessed without regard to the deferral permitted by this article. Any such lien shall, to the extent that it exceeds in the aggregate 10 percent of the price for which such real estate may be sold, be inferior to all other liens of record.

Code 1950, § 58-760.1; 1971, Ex. Sess., c. 169; 1972, cc. 315, 616; 1973, c. 496; 1974, c. 427; 1976, c. 543; 1977, cc. 48, 453, 456; 1978, cc. 774, 776, 777, 780, 788, 790; 1979, cc. 543, 544, 545, 563; 1980, cc. 656, 666, 673; 1981, c. 434; 1982, cc. 123, 457; 1984, cc. 267, 675; 2018, c. 291.

§ 58.1-3217. Permanently and totally disabled defined.

For purposes of this article, the term "permanently and totally disabled" shall mean unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

Code 1950, § 58-760.1; 1971, Ex. Sess., c. 169; 1972, cc. 315, 616; 1973, c. 496; 1974, c. 427; 1976, c. 543; 1977, cc. 48, 453, 456; 1978, cc. 774, 776, 777, 780, 788, 790; 1979, cc. 543, 544, 545, 563; 1980, cc. 656, 666, 673; 1981, c. 434; 1982, cc. 123, 457; 1984, cc. 267, 675.

§ 58.1-3218. Repealed.

Repealed by Acts 2011, cc. 438 and 496, cl. 4, effective March 24, 2011, and applicable to tax years beginning on or after January 1, 2011.



CHANGES PROPOSED BY C&O COMMITTEE SHOWN IN GREEN

ORDINANCE

___ __, 2019

The Board of Supervisors of Frederick County, Virginia hereby ordains that Sections 155-18 (Qualifications for Exemption), 155-20 (Calculation of amount of exemption), and 155-20.1 (Deferral) of Article III (Senior Citizens and Disabled Persons Exemption and Deferral) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby are, amended by enacting amended Sections 155-18 (Qualifications for Exemption), 155-20 (Calculation of amount of exemption), and 155-20.1 (Deferral) of Article III (Senior Citizens and Disabled Persons Exemption and Deferral) of Chapter 155 (Taxation) of the Code of Frederick County, and that Section 155-22.01 (Adjustments in amounts so that inflation will not result in disqualification from program) of Article III (Senior Citizens and Disabled Persons Exemption and Deferral) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby is, enacted, all as follows (deletions shown in ~~bold strikethrough~~ and additions shown in **bold underline**):

CHAPTER 155 TAXATION

Article III Senior Citizens and Disabled Persons Exemption and Deferral

§158-16 Definitions and word usage.

[No change proposed to § 158-16 – shown for information purposes only]

AFFIDAVIT OR WRITTEN STATEMENT

The real estate tax exemption affidavit or written statement.

DWELLING

The sole residence of the person claiming exemption; provided, however, that the fact that a person who is otherwise qualified for tax exemption by the provisions of this article is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care for an extended period of time shall not be construed to mean that the real estate for which exemption is claimed ceases to be the sole dwelling of such person during such period of other residence, so long as the real estate in question is not used by or leased to others for consideration.

EXEMPTION

The percentage exemption, allowable under the provisions of this article, from the property tax imposed by the County.

PERMANENTLY AND TOTALLY DISABLED

As applied to a person claiming an exemption under this article, a person furnishing the certification or medical affidavits required by § 155-19 of this article and who is found by the Commissioner of the Revenue to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

TAXABLE YEAR

The calendar year, from January 1 through December 31, for which such property tax exemption is claimed.

§ 155-17 Purpose.

[No change proposed to § 158-17 – shown for information purposes only]

It is hereby declared to be the purpose of this article to provide real estate tax exemptions or deferrals for qualified property owners who are not less than 65 years of age or permanently and totally disabled and who are otherwise eligible according to the terms of this article. Pursuant to the authority of § 58.1-3210 et seq. of the Code of Virginia, the County finds and declares that persons qualifying for exemption hereunder are bearing an extraordinary real estate tax burden in relation to their income and financial worth.

§ 155-18 Qualifications for exemption.

Exemptions pursuant to this article shall be granted to persons and for property complying with the following provisions:

- A. The title to the property for which exemption is claimed is held or partially held i) by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint lives, ii) in a revocable inter vivos trust over which the eligible person or the eligible person and his spouse hold the power of revocation, or iii) in an irrevocable trust under which an eligible person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. An interest held under a leasehold or term of years does not qualify for relief under the provisions of this article.
- B. The dwelling for which the exemption is claimed is occupied as the sole dwelling of such claimant or claimants.
- C. If the dwelling for which the exemption is claimed is a mobile home, the dwelling must be a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in

length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

- D. The person claiming such exemption is 65 years of age or older or permanently and totally disabled as of December 31 of the year immediately preceding the taxable year for which the exemption is claimed.
- E. Gross combined income.
- (1) The gross combined income from all sources of such claimant owner or owners of such dwelling living therein, of their relatives living in such dwelling, and of each nonrelative who is not the bona fide tenant or bona fide paid caregiver of an owner living in the dwelling, for the immediately preceding calendar year does not exceed the sum of ~~\$50,000~~ \$68,050 \$50,000, regardless of whether an income tax return was filed or was required to be filed, provided that the first ~~\$7,500~~ \$10,207 \$7,500 of any income received by any claimant owner as permanent disability compensation shall not be included in such total, and provided that the first ~~\$8,500~~ \$11,568 \$8,500 of income of each relative, other than the spouse of such claimant owner or owners, who is living in such dwelling, and of each nonrelative, who is living in such dwelling and who is not the bona fide tenant or bona fide paid caregiver of an owner living in the dwelling, shall not be included in such total.
- (2) Such gross combined income of the claimant owner or owners shall not include life insurance proceeds, ~~nor shall it include~~ nor shall it include proceeds from borrowing or other debt, ~~or required minimum distributions from qualified retirement plans.~~
- F. The net combined financial worth of such claimant owner or owners, of their relatives living in such dwelling, and of each nonrelative who is not the bona fide tenant or bona fide paid caregiver of an owner living in the dwelling, as of December 31 of the year immediately preceding the taxable year for which the exemption is claimed, does not exceed ~~\$150,000~~ \$204,150 \$150,000. "Net combined financial worth" shall include the value of all assets, including equitable interests, exclusive of the fair market value of the dwelling for which exemption is claimed and of the land not exceeding one acre upon which it is situated. Furniture, fixtures and appliances in such exempt residence shall also be excluded from the net worth calculation, provided that they are normal and reasonable to the use and maintenance of the property as the residence of the claimant owner or owners. Net worth is computed by subtracting liabilities from assets.
- G. If an owner qualifies for an exemption, and if the owner can prove by clear and convincing evidence that his physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a

person move in and provide care for the owner, and if a person does then move in for that purpose, then none of the income of that person or of that person's spouse shall be counted towards the income limit, provided the owner of the residence has not transferred assets in excess of ~~\$10,000~~ \$13,610 \$10,000 without adequate consideration within a three-year period prior to or after that person moves into such residence.

§ 155-19 Application for exemption; investigation of affidavit or written statement.

[No change proposed to § 158-19 – shown for information purposes only]

- A. Annually and not later than April 1 of each taxable year, every person claiming an exemption under this article shall file a real estate tax exemption affidavit or written statement with the Commissioner of the Revenue of the County. The date for filing such an affidavit or written statement by an applicant may be extended by the Commissioner of the Revenue to July 1 of a taxable year in a hardship case in which the Commissioner of the Revenue determines that the applicant was unable to file by April 1 of the particular taxable year because of illness of the applicant or confinement of the applicant in a nursing home, hospital or other medical facility or institution, provided that such real estate tax exemption affidavit or written statement is accompanied by a sworn affidavit of one medical doctor licensed to practice medicine in the commonwealth.
- B. The affidavit or written statement shall set forth the names of the claimant owner or owners, of their relatives living in such dwelling, and of each nonrelative who is not the bona fide tenant or bona fide paid caregiver of an owner living in the dwelling for which exemption is claimed and the total combined net worth and combined income of such persons as defined in this article. The form of such affidavit or written statement shall be determined by the Commissioner of the Revenue and shall contain such other information as may be required adequately to determine compliance with the provisions of § 155-18 of this article. The affidavit or written statement of any person less than 65 years of age who is claiming an exemption under this article shall be accompanied by a certification from the Social Security Administration, the Department of Veterans Affairs, or the Railroad Retirement Board or, if such person is not eligible for certification by any of these agencies, a sworn affidavit from two medical doctors licensed to practice medicine in the commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the applicant is permanently and totally disabled as defined in § 155-16 of this article. The affidavit of at least one of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability. In addition, the Commissioner of the Revenue may make such further inquiry of persons seeking to claim exemption requiring answers under oath and the production of certified tax returns, as may be deemed reasonably necessary, to determine eligibility for an exemption.

C. The Commissioner of the Revenue, after audit and investigation of such affidavits or written statements, shall certify a list of the persons and property qualifying for exemption and the amount thereof to the County Treasurer, who shall forthwith deduct the amounts of such exemption from the real estate tax chargeable for the taxable year to such persons and property.

§ 155-20 Calculation of amount of exemption.

The amount of the exemption granted pursuant to this article shall be a percentage of the real estate tax assessed for the applicable taxable year in accordance with the following scale:

| Total Combined Income | Percentage of Exemption |
|---|-------------------------|
| \$0 to \$20,000 \$27,220.00 \$25,000 | 100% |
| \$20,001 \$27,220.01 \$25,000.01 to \$25,000 \$34,025.00 \$30,000 | 60% |
| \$25,001 \$34,025.01 \$30,000.01 to \$30,000 \$40,830.00 \$35,000 | 35% |
| \$30,001 \$40,830.01 \$35,000.01 to \$50,000 \$68,050.00 \$50,000 | 10% |

The exemption shall be calculated, as provided herein, based upon the taxes otherwise due for the dwelling and up to one acre of land upon which it is situated.

§ 155-20.1 Deferral.

A. For purposes of this section:

"Nonqualified transfer" means a transfer in ownership of the real estate by gift or otherwise not for bona fide consideration, other than (i) a transfer by the qualified owner to a spouse, including without limitation a transfer creating a tenancy for life or joint lives; (ii) a transfer by the qualified owner or the qualified owner and his spouse to a revocable inter vivos trust over which the qualified owner, or the qualified owner and his spouse, hold the power of revocation; or (iii) a transfer to an irrevocable trust under which a qualified owner alone or in conjunction with his spouse possesses a life estate or an estate for joint lives, or enjoys a continuing right of use or support.

"Qualified owner" means the owner of the real property who qualifies for a tax deferral by county, city, or town ordinance.

B. Any person who would otherwise be eligible for an exemption under this article but who, on account of his or her total combined income being in excess of ~~\$20,000~~ ~~\$27,220~~ ~~\$20,000~~ but not greater than ~~\$50,000~~ ~~\$68,050~~ ~~\$50,000~~, is only eligible for a partial exemption may request deferral of the remainder of the real

estate tax due. In the event of a deferral of real estate taxes hereunder, the accumulated amount of taxes deferred shall be paid to the County by the vendor ~~of the dwelling upon the sale of the dwelling, or from the estate of the decedent within one year after the death of the last owner thereof who qualifies for tax deferral by the provisions of this section, transferor, executor, or administrator: (i) upon the sale of the real estate; (ii) upon a nonqualified transfer of the real estate; or (iii) from the estate of the decedent within one year after the death of the last qualified owner thereof.~~ Such deferred real estate taxes shall be paid without penalty but shall accrue interest at the rate of 8% per annum on any amount so deferred, and such taxes and interest shall constitute a lien upon the said real estate as if it had been assessed without regard to the deferral permitted by this article. Any such lien shall, to the extent that it exceeds in the aggregate 10% of the price for which such real estate may be sold, be inferior to all other liens of record.

§ 155-21 Changes in status.

[No change proposed to § 158-21 – shown for information purposes only]

Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit or written statement is filed and having the effect of violating or exceeding the limitations and conditions of § 155-18 of this article shall nullify any exemption or deferral for the then current taxable year and for the taxable year immediately following, provided that a change in income shall only operate to decrease the percentage of exemption or deferral previously determined by the Commissioner of the Revenue pursuant to § 155-20 of this article to the extent that the income amount exceeds the relevant range for a percentage of exemption or deferral set out in §§ 155-20 and 155-20.1 of this article.

§ 155-22 Filing false claims.

[No change proposed to § 158-22 – shown for information purposes only]

It shall be unlawful for any person to falsely claim an exemption or deferral under this article.

~~§ 155-22.01 Adjustments in amounts so that inflation will not result in disqualification from program.~~

- ~~A. Not later than January 1 of 2020, and of each subsequent year, the Commissioner of the Revenue shall, with respect to tax years subsequent to 2019, prescribe income and asset amounts for this article, which amounts shall apply in lieu of the amounts contained in this article.~~**
- ~~B. Any adjustment prescribed by subsection A is the percentage (if any) by which (i) the most recent available Consumer Price Index for All Urban Consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, exceeds (ii) the CPI-U for December 2018.~~**

C. For any adjustment provided for by subsection A, such adjustment shall be rounded to the nearest whole dollar.

Enacted this _____ day of _____, 2019.

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

Kris C. Tierney
Clerk, Board of Supervisors
County of Frederick, Virginia



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Code & Ordinance Committee
Finance Committee

FROM: Roderick B. Williams
County Attorney

DATE: February 7, 2019

RE: Amendment to Frederick County Code, Chapter 155 (Taxation), to add an Article III-A (Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty).

A Board member requested addition to the County Code of provisions allowing for an exemption from real property taxes for surviving spouses of certain public safety personnel killed in the line of duty. A draft is attached. Virginia Code Title 58.1, Chapter 32, Article 2.5 (copy attached) authorizes localities to enact such an exemption as an optional program, eligibility for the program being based upon the definitions and provisions of the Line of Duty Act, Virginia Code Title 9.1, Chapter 4 (copy attached). A recommendation to the Board from each Committee would be appropriate.

Attachments



ORDINANCE
___ , 2019

The Board of Supervisors of Frederick County, Virginia hereby ordains that Article III-A (Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby is, enacted, as follows:

CHAPTER 155 TAXATION

Article III-A Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty

§ 155-22.1 Definitions and word usage.

As used in this article, unless the context requires otherwise:

"Covered person" means any person set forth in the definition of "deceased person" in § 9.1-400 of the Code of Virginia, 1950, as amended, whose beneficiary, as defined in that section, is entitled to receive benefits under § 9.1-402 of the Code of Virginia, 1950, as amended, as determined by the Comptroller of Virginia prior to July 1, 2017, or as determined by the Virginia Retirement System on and after July 1, 2017.

§ 155-22.2 Exemption

- A. For tax years beginning on or after January 1, 2019, the real property described in subsection B, owned and occupied by the surviving spouse of any covered person as his principal place of residence is exempt from taxation. If the covered person's death occurred on or prior to January 1, 2019, and the surviving spouse has a principal residence on January 1, 2019, eligible for the exemption under this section, then the exemption for the surviving spouse shall begin on January 1, 2019. If the covered person's death occurs after January 1, 2019, and the surviving spouse has a principal residence eligible for the exemption under this section on the date that such covered person dies, then the exemption for the surviving spouse shall begin on the date that such covered person dies. If the surviving spouse acquires the property after January 1, 2019, then the exemption

shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360 of the Code of Virginia, 1950, as amended. The county shall not be liable for any interest on any refund due to the surviving spouse for taxes paid prior to the surviving spouse's filing of the affidavit or written statement required by § 155-22.3.

- B. Those dwellings with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single-family residential shall qualify for a total exemption from real property taxes under this article. If the value of a dwelling is in excess of the average assessed value as described in this subsection, then only that portion of the assessed value in excess of the average assessed value shall be subject to real property taxes, and the portion of the assessed value that is not in excess of the average assessed value shall be exempt from real property taxes. Single-family homes, condominiums, town homes, manufactured homes as defined in § 46.2-100 of the Code of Virginia, 1950, as amended, whether or not the wheels and other equipment previously used for mobility have been removed, and other types of dwellings of surviving spouses, whether or not the land on which the single-family home, condominium, town home, manufactured home, or other type of dwelling of a surviving spouse is located is owned by someone other than the surviving spouse, that (i) meet this requirement and (ii) are occupied by such persons as their principal place of residence shall qualify for the real property tax exemption. If the land on which the single-family home, condominium, town home, manufactured home, or other type of dwelling is located is not owned by the surviving spouse, then the land is not exempt. For purposes of determining whether a dwelling, or a portion of its value, is exempt from real property taxes, the average assessed value shall be such average for all dwellings located within the county that are situated on property zoned as single-family residential.
- C. The surviving spouse shall qualify for the exemption so long as the surviving spouse does not remarry and continues to occupy the real property as his principal place of residence. The exemption applies without any restriction on the spouse's moving from one principal place of residence within Frederick County to a different principal place of residence within Frederick County.
- D. The exemption shall be calculated, as provided herein, based upon the taxes otherwise due for the dwelling and up to one acre of land upon which it is situated. A real property improvement other than a dwelling, made to such one acre exempt from taxation pursuant to this subsection, shall also be exempt from taxation so long as the principal use of the improvement is (a) to house or cover motor vehicles or household goods and personal effects as classified in

subdivision A 14 of § 58.1-3503 of the Code of Virginia, 1950, as amended, and as listed in § 58.1-3504 of the Code of Virginia, 1950, as amended, and (b) for other than a business purpose.

- E. For purposes of this exemption, real property of any surviving spouse of a covered person includes real property (i) held by a surviving spouse as a tenant for life, (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. Such real property does not include any interest held under a leasehold or term of years.

- F. 1. In the event that (i) a surviving spouse is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction the numerator of which is 1 and the denominator of which equals the total number of people having an ownership interest that permits them to occupy the property.

- 2. In the event that the principal residence is jointly owned by two or more individuals including the surviving spouse, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E, then the exemption shall be prorated by multiplying the amount of the exemption by a fraction the numerator of which is the percentage of ownership interest in the dwelling held by the surviving spouse and the denominator of which is 100.

§ 155-22.3 Application for exemption

The surviving spouse claiming the exemption under this article shall file with the Commissioner of the Revenue, on forms to be supplied by the Commissioner of the Revenue, an affidavit or written statement (i) setting forth the surviving spouse's name, (ii) indicating any other joint owners of the real property, (iii) certifying that the real property is occupied as the surviving spouse's principal place of residence, and (iv) including evidence of the determination of the Comptroller or the Virginia Retirement System pursuant to section 155-22.1. The surviving spouse shall also provide documentation that he is the surviving spouse of a covered person and of the date that the covered person died. The surviving spouse shall be required to refile the information required by this section only if the surviving spouse's principal place of residence changes. The surviving spouse shall promptly notify the Commissioner of the Revenue of any remarriage.

§ 155-22.4 Absence from residence

The fact that surviving spouses who are otherwise qualified for tax exemption pursuant to this article are residing in hospitals, nursing homes, convalescent homes, or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence, so long as such real estate is not used by or leased to others for consideration.

Enacted this _____ day of _____, 2019.

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

Kris C. Tierney
Clerk, Board of Supervisors
County of Frederick, Virginia

#

Article 2.5. Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty

§ 58.1-3219.13. Definitions.

As used in this article, unless the context requires otherwise:

"Covered person" means any person set forth in the definition of "deceased person" in § 9.1-400 whose beneficiary, as defined in § 9.1-400, is entitled to receive benefits under § 9.1-402, as determined by the Comptroller prior to July 1, 2017, or as determined by the Virginia Retirement System on and after July 1, 2017.

2017, c. 248.

§ 58.1-3219.14. Exemption from taxes on property of surviving spouses of certain persons killed in the line of duty.

A. Pursuant to Article X, Section 6-B of the Constitution of Virginia, for tax years beginning on or after January 1, 2017, any county, city, or town may exempt from taxation the real property described in subsection B of the surviving spouse of any covered person who occupies the real property as his principal place of residence. If the covered person's death occurred on or prior to January 1, 2017, and the surviving spouse has a principal residence on January 1, 2017, eligible for the exemption under this section, then the exemption for the surviving spouse shall begin on January 1, 2017. If the covered person's death occurs after January 1, 2017, and the surviving spouse has a principal residence eligible for the exemption under this section on the date that such covered person dies, then the exemption for the surviving spouse shall begin on the date that such covered person dies. If the surviving spouse acquires the property after January 1, 2017, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360. No county, city, or town shall be liable for any interest on any refund due to the surviving spouse for taxes paid prior to the surviving spouse's filing of the affidavit or written statement required by § 58.1-3219.15.

B. Those dwellings, in any locality that provides the exemption pursuant to this article, with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single-family residential shall qualify for a total exemption from real property taxes under this article. If the value of a dwelling is in excess of the average assessed value as described in this subsection, then only that portion of the assessed value in excess of the average assessed value shall be subject to real property taxes, and the portion of the assessed value that is not in excess of the average assessed value shall be exempt from real property taxes. Single-family homes, condominiums, town homes, manufactured homes as defined in § 46.2-100 whether or not the wheels and other equipment previously used for mobility have been removed, and other types of dwellings of surviving spouses, whether or not the land on which the single-family home, condominium, town home, manufactured home, or other type of dwelling of a surviving spouse is located is owned by someone other than the surviving spouse, that (i) meet this requirement and (ii) are occupied by such persons as their principal place of residence shall qualify for the real property tax exemption. If the land on which the single-family home, condominium, town home,

manufactured home, or other type of dwelling is located is not owned by the surviving spouse, then the land is not exempt.

For purposes of determining whether a dwelling, or a portion of its value, is exempt from county and town real property taxes, the average assessed value shall be such average for all dwellings located within the county that are situated on property zoned as single-family residential.

C. The surviving spouse shall qualify for the exemption so long as the surviving spouse does not remarry and continues to occupy the real property as his principal place of residence. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.

D. A county, city, or town shall provide for the exemption from real property taxes of (i) the qualifying dwelling, or that portion of the value of such dwelling and land that qualifies for the exemption pursuant to subsection B, and (ii) with the exception of land not owned by the surviving spouse, the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section. A real property improvement other than a dwelling, including the land upon which such improvement is situated, made to such one acre or greater number of acres exempt from taxation pursuant to this subsection shall also be exempt from taxation so long as the principal use of the improvement is (a) to house or cover motor vehicles or household goods and personal effects as classified in subdivision A 14 of § 58.1-3503 and as listed in § 58.1-3504 and (b) for other than a business purpose.

E. For purposes of this exemption, real property of any surviving spouse of a covered person includes real property (i) held by a surviving spouse as a tenant for life, (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. Such real property does not include any interest held under a leasehold or term of years.

F. 1. In the event that (i) a surviving spouse is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction the numerator of which is 1 and the denominator of which equals the total number of people having an ownership interest that permits them to occupy the property.

2. In the event that the principal residence is jointly owned by two or more individuals including the surviving spouse, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E, then the exemption shall be prorated by multiplying the amount of the exemption by a fraction the numerator of which is the percentage of ownership interest in the dwelling held by the surviving spouse and the denominator of which is 100.

2017, c. 248.

§ 58.1-3219.15. Application for exemption.

A. The surviving spouse claiming the exemption under this article shall file with the commissioner of the revenue of the county, city, or town or such other officer as may be designated by the governing body in which the real property is located, on forms to be supplied by the county, city, or town, an affidavit or written statement (i) setting forth the surviving spouse's name, (ii) indicating any other joint owners of the real property, (iii) certifying that the real property is occupied as the surviving spouse's principal place of residence, and (iv) including evidence of the determination of the Comptroller or the Virginia Retirement System pursuant to subsection A. The surviving spouse shall also provide documentation that he is the surviving spouse of a covered person and of the date that the covered person died.

The surviving spouse shall be required to refile the information required by this section only if the surviving spouse's principal place of residence changes.

B. The surviving spouse shall promptly notify the commissioner of the revenue of any remarriage.

2017, c. 248.

§ 58.1-3219.16. Absence from residence.

The fact that surviving spouses who are otherwise qualified for tax exemption pursuant to this article are residing in hospitals, nursing homes, convalescent homes, or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence, so long as such real estate is not used by or leased to others for consideration.

2017, c. 248.

Chapter 4. Line of Duty Act.

§ 9.1-400. Title of chapter; definitions.

A. This chapter shall be known and designated as the Line of Duty Act.

B. As used in this chapter, unless the context requires a different meaning:

"Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

"Deceased person" means any individual whose death occurs on or after April 8, 1972, in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, as a law-enforcement officer of the Commonwealth or any of its political subdivisions, except employees designated pursuant to § 53.1-10 to investigate allegations of criminal behavior affecting the operations of the Department of Corrections, employees designated pursuant to § 66-3 to investigate allegations of criminal behavior affecting the operations of the Department of Juvenile Justice, and members of the investigations unit of the State Inspector General designated pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a police chaplain; a member of any fire company or department or emergency medical services agency that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town, including a person with a recognized membership status with such fire company or department who is enrolled in a Fire Service Training course offered by the Virginia Department of Fire Programs or any fire company or department training required in pursuit of qualification to become a certified firefighter; a member of any fire company providing fire protection services for facilities of the Virginia National Guard or the Virginia Air National Guard; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Authority; any regular or special conservation police officer who receives compensation from a county, city, or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional hazardous materials emergency response team

member; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

"Disabled person" means any individual who has been determined to be mentally or physically incapacitated so as to prevent the further performance of his duties at the time of his disability where such incapacity is likely to be permanent, and whose incapacity occurs in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, in any position listed in the definition of deceased person in this section. "Disabled person" does not include any individual who has been determined to be no longer disabled pursuant to subdivision A 2 of § 9.1-404. "Disabled person" includes any state employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

"Eligible dependent" for purposes of continued health insurance pursuant to § 9.1-401 means the natural or adopted child or children of a deceased person or disabled person or of a deceased or disabled person's eligible spouse, provided that any such natural child is born as the result of a pregnancy that occurred prior to the time of the employee's death or disability and that any such adopted child is (i) adopted prior to the time of the employee's death or disability or (ii) adopted after the employee's death or disability if the adoption is pursuant to a preadoptive agreement entered into prior to the death or disability. Eligibility will continue until the end of the year in which the eligible dependent reaches age 26 or when the eligible dependent ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.

"Eligible spouse" for purposes of continued health insurance pursuant to § 9.1-401 means the spouse of a deceased person or a disabled person at the time of the death or disability. Eligibility will continue until the eligible spouse dies, ceases to be married to a disabled person, or in the case of the spouse of a deceased person, dies, remarries on or after July 1, 2017, or otherwise ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.

"Employee" means any person who would be covered or whose spouse, dependents, or beneficiaries would be covered under the benefits of this chapter if the person became a disabled person or a deceased person.

"Employer" means (i) the employer of a person who is a covered employee or (ii) in the case of a volunteer who is a member of any fire company or department or rescue squad described in the definition of "deceased person," the county, city, or town that by ordinance or resolution recognized such fire company or department or rescue squad as an integral part of the official safety program of such locality.

"Fund" means the Line of Duty Death and Health Benefits Trust Fund established pursuant to § 9.1-400.1.

"Line of duty" means any action the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.

"LODA Health Benefit Plans" means the separate health benefits plans established pursuant to § 9.1-401.

"Nonparticipating employer" means any employer that is a political subdivision of the Commonwealth that elected to directly fund the cost of benefits provided under this chapter and not participate in the Fund.

"Participating employer" means any employer that is a state agency or is a political subdivision of the Commonwealth that did not make an election to become a nonparticipating employer.

"VRS" means the Virginia Retirement System.

1995, cc. 112, 156, 597, §§ 2.1-133.5, 2.1-133.6; 1996, cc. 66, 174; 1998, c. 712; 2001, cc. 678, 844; 2003, cc. 37, 41, 1005; 2004, c. 30; 2005, cc. 907, 910; 2006, c. 824; 2007, c. 87; 2011, cc. 572, 586; 2012, cc. 374, 458, 573; 2015, cc. 38, 502, 503, 730; 2016, c. 677; 2017, cc. 439, 627; 2018, c. 548.

§ 9.1-400.1. Line of Duty Death and Health Benefits Trust Fund.

A. There is hereby established a permanent and perpetual fund to be known as the Line of Duty Death and Health Benefits Trust Fund, consisting of such moneys as may be appropriated by the General Assembly, contributions or reimbursements from participating and nonparticipating employers, gifts, bequests, endowments, or grants from the United States government or its agencies or instrumentalities, net income from the investment of moneys held in the Fund, and any other available sources of funds, public and private. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest and income earned from the investment of such moneys shall remain in the Fund and be credited to it. The moneys in the Fund shall be (i) deemed separate and independent trust funds, (ii) segregated and accounted for separately from all other funds of the Commonwealth, and (iii) administered solely in the interests of the persons who are covered under the benefits provided pursuant to this chapter. Deposits to and assets of the Fund shall not be subject to the claims of creditors.

B. The Virginia Retirement System shall invest, reinvest, and manage the assets of the Fund as provided in § 51.1-124.39 and shall be reimbursed from the Fund for such activities as provided in that section.

C. The Fund shall be used to provide the benefits under this chapter related to disabled persons, deceased persons, eligible dependents, and eligible spouses on behalf of participating employers and to pay related administrative costs.

D. Each participating employer shall make annual contributions to the Fund and provide information as determined by VRS. The amount of the contribution for each participating employer shall be determined on a current disbursement basis in accordance with the provisions of this section. For purposes of establishing contribution amounts for participating employers, a member of any fire company or department or rescue squad that has been recognized by an ordinance or a resolution of the governing body of any locality of the Commonwealth as an integral part of the official safety program of such locality shall be considered part of the locality served by the company, department, or rescue squad. If a company, department, or rescue squad serves more than one locality, the affected localities shall determine the basis and apportionment of the required covered payroll and contributions for each company, department, or rescue squad.

If any participating employer fails to remit contributions or other fees or costs associated with the Fund, VRS shall inform the State Comptroller and the affected participating employer of the delinquent amount. In calculating the delinquent amount, VRS may impose an interest rate of

one percent per month of delinquency. The State Comptroller shall forthwith transfer such delinquent amount, plus interest, from any moneys otherwise distributable to such participating employer.

2016, c. 677;2017, c. 439.

§ 9.1-401. Continued health insurance coverage for disabled persons, eligible spouses, and eligible dependents.

A. Disabled persons, eligible spouses, and eligible dependents shall be afforded continued health insurance coverage as provided in this section, the cost of which shall be paid by the nonparticipating employer to the Department of Human Resource Management or from the Fund on behalf of a participating employer, as applicable. If any disabled person or eligible spouse is receiving the benefits described in this section and would otherwise qualify for the health insurance credit described in Chapter 14 (§ 51.1-1400 et seq.) of Title 51.1, the amount of such credit shall be deposited into the Line of Duty Death and Health Benefits Trust Fund or paid to the nonparticipating employer, as applicable, from the health insurance credit trust fund, in a manner prescribed by VRS.

B. 1. The continued health insurance coverage provided by this section for all disabled persons, eligible spouses, and eligible dependents shall be through separate plans, referred to as the LODA Health Benefits Plans (the Plans), administered by the Department of Human Resource Management. The Plans shall comply with all applicable federal and state laws and shall be modeled upon state employee health benefits program plans. Funding of the Plans' reserves and contingency shall be provided through a line of credit, the amount of which shall be based on an actuarially determined estimate of liabilities. The Department of Human Resource Management shall be reimbursed for health insurance premiums and all reasonable costs incurred and associated, directly and indirectly, in performing the duties pursuant to this section (i) from the Line of Duty Death and Health Benefits Trust Fund for costs related to disabled persons, deceased persons, eligible dependents, and eligible spouses on behalf of participating employers and (ii) from a nonparticipating employer for premiums and costs related to disabled persons, deceased persons, eligible dependents, and eligible spouses for which the nonparticipating employer is responsible. If any nonparticipating employer fails to remit such premiums and costs, the Department of Human Resource Management shall inform the State Comptroller and the affected nonparticipating employer of the delinquent amount. In calculating the delinquent amount, the Department of Human Resource Management may impose an interest rate of one percent per month of delinquency. The State Comptroller shall forthwith transfer such delinquent amount, plus interest, from any moneys otherwise distributable to such nonparticipating employer.

2. In the event that temporary health care insurance coverage is needed for disabled persons, eligible spouses, and eligible dependents during the period of transition into the LODA Health Benefits Plans, the Department of Human Resource Management is authorized to acquire and provide temporary transitional health insurance coverage. The type and source of the transitional health plans shall be within the sole discretion of the Department of Human Resource Management. Transitional coverage for eligible dependents shall comply with the eligibility criteria of the transitional plans until enrollment in the LODA Health Benefits Plan can be completed.

C. 1. a. Except as provided in subdivision 2 and any other law, continued health insurance

coverage in any LODA Health Benefits Plans shall not be provided to any person (i) whose coverage under the Plan is based on a deceased person's death or a disabled person's disability occurring on or after July 1, 2017 and (ii) who is eligible for Medicare due to age.

b. Coverage in the LODA Health Benefits Plans shall also cease for any person upon his death.

2. The provisions of subdivision 1 a shall not apply to any disabled person who is eligible for Medicare due to disability under Social Security Disability Insurance or a Railroad Retirement Board Disability Annuity. The Department of Human Resource Management may provide such disabled person coverage under a LODA Health Benefits Plan that is separate from the plan for other persons.

3. Continued health insurance under this section shall also terminate upon the disabled person's return to full duty in any position listed in the definition of deceased person in § 9.1-400. Such disabled person shall promptly notify the participating or nonparticipating employer, VRS, and the Department of Human Resource Management upon his return to work.

4. Such continued health insurance shall be suspended for the Plan year following a calendar year in which the disabled person whose coverage under the Plan is based on a disability occurring on or after July 1, 2017, has earned income in an amount equal to or greater than the salary of the position held by the disabled person at the time of disability, indexed annually based upon the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor. Such suspension shall cease the Plan year following a calendar year in which the disabled person has not earned such amount of income. The disabled person shall notify the participating or nonparticipating employer, VRS, and the Department of Human Resource Management no later than March 1 of the year following any year in which he earns income of such amount, and notify the participating or nonparticipating employer, VRS, and the Department of Human Resource Management when he no longer is earning such amount. Upon request, a disabled person shall provide VRS and the Department of Human Resource Management with documentation of earned income.

1998, c. 712, § 2.1-133.7:1; 2000, c. 616; 2001, c. 844; 2016, c. 677; 2017, c. 439.

§ 9.1-401.1. Supplemental short-term disability benefit for state police officers.

A state police officer who is a participating employee, as defined in § 51.1-1100, and who incurs a work-related injury in the line of duty, shall receive supplemental short-term disability coverage, pursuant to § 51.1-1121, that provides income replacement for 100 percent of the officer's creditable compensation for the first six months and, pursuant to a certification by the Superintendent of State Police, based on a medical evaluation, that the officer is likely to return to service within another six months, up to one calendar year, that the officer is disabled, without regard to the officer's number of months of state service. Except as provided in this section with regard to the rate of income replacement and the duration of supplemental short-term disability coverage, such state police officers shall be eligible for work-related, supplemental short-term disability benefits upon the same terms and conditions that apply to other participating employees pursuant to Article 4 (§ 51.1-1119 et seq.) of Chapter 11 of Title 51.1. Upon the expiration of the one-calendar-year period, such state police officers shall be eligible for supplemental long-term disability benefits as provided in § 51.1-1123.

2010, c. 654.

§ 9.1-402. Payments to beneficiaries of certain deceased law-enforcement officers, firefighters, etc., and retirees.

A. The beneficiary of a deceased person whose death occurred on or before December 31, 2005, while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the sum of \$75,000, which shall be paid by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable, in gratitude for and in recognition of his sacrifice on behalf of the people of the Commonwealth.

B. The beneficiary of a deceased person whose death occurred on or after January 1, 2006, while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the sum of \$100,000, which shall be paid by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable, in gratitude for and in recognition of his sacrifice on behalf of the people of the Commonwealth.

C. Subject to the provisions of § 27-40.1, 27-40.2, 51.1-813, or 65.2-402, if the deceased person's death (i) arose out of and in the course of his employment or (ii) was within five years from his date of retirement, his beneficiary shall be entitled to receive the sum of \$25,000, which shall be paid by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable.

1995, cc. 156, 597, § 2.1-133.7; 2000, c. 314; 2001, c. 844; 2006, c. 878; 2016, c. 677.

§ 9.1-402.1. Payments for burial expenses.

It is the intent of the General Assembly that expeditious payments for burial expenses be made for deceased persons whose death is determined to be a direct and proximate result of their performance in the line of duty as defined by the Line of Duty Act. Upon the approval of VRS, at the request of the family of a person who may be subject to the line of duty death benefits, payments shall be made to a funeral service provider for burial and transportation costs by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable. These payments would be advanced from the death benefit that would be due to the beneficiary of the deceased person if it is determined that the person qualifies for line of duty coverage. Expenses advanced under this provision shall not exceed the coverage amounts outlined in § 65.2-512. In the event a determination is made that the death is not subject to the line of duty benefits, VRS or other Virginia governmental retirement fund of which the deceased is a member will deduct from benefit payments otherwise due to be paid to the beneficiaries of the deceased payments previously paid for burial and related transportation expenses and return such funds to the nonparticipating employer or to the Fund on behalf of a participating employer, as applicable. The Virginia Retirement System shall have the right to file a claim with the Virginia Workers' Compensation Commission against any employer to recover burial and related transportation expenses advanced under this provision.

2012, cc. 90, 576; 2016, c. 677.

§ 9.1-403. Claim for payment; costs.

A. Every beneficiary, disabled person or his spouse, or dependent of a deceased or disabled person shall present his claim to the chief officer, or his designee, of the employer for which the disabled or deceased person last worked on forms to be provided by VRS. Upon receipt of a claim, the chief officer or his designee shall forward the claim to VRS within seven days. The Virginia Retirement System shall determine eligibility for benefits under this chapter. The Virginia

Retirement System may request assistance in obtaining information necessary to make an eligibility determination from the Department of State Police. The Department of State Police shall take action to conduct the investigation as expeditiously as possible. The Department of State Police shall be reimbursed from the Fund or the nonparticipating employer, as applicable, for the cost of searching for and obtaining information requested by VRS. The Virginia Retirement System shall be reimbursed for the reasonable costs incurred for making eligibility determinations by nonparticipating employers or from the Fund on behalf of participating employers, as applicable. If any nonparticipating employer fails to reimburse VRS for reasonable costs incurred in making an eligibility determination, VRS shall inform the State Comptroller and the affected nonparticipating employer of the delinquent amount. In calculating the delinquent amount, VRS may impose an interest rate of one percent per month of delinquency. The State Comptroller shall forthwith transfer such delinquent amount, plus interest, from any moneys otherwise distributable to such nonparticipating employer.

B. 1. Within 10 business days of being notified by an employee, or an employee's representative, that such employee is permanently and totally disabled due to a work-related injury suffered in the line of duty, the agency or department employing the employee shall provide him with information about the continued health insurance coverage provided under this chapter and the process for initiating a claim. The employer shall assist in filing a claim, unless such assistance is waived by the employee or the employee's representative.

2. Within 10 business days of having knowledge that a deceased person's surviving spouse, dependents, or beneficiaries may be entitled to benefits under this chapter, the employer for which the deceased person last worked shall provide the surviving spouse, dependents, or beneficiaries, as applicable, with information about the benefits provided under this chapter and the process for initiating a claim. The employer shall assist in filing a claim, unless such assistance is waived by the surviving spouse, dependents, or beneficiaries.

C. Within 30 days of receiving a claim pursuant to subsection A, an employer may submit to VRS any evidence that could assist in determining the eligibility of a claim. However, when the claim involves a presumption under § 65.2-402 or 65.2-402.1, VRS shall provide an employer additional time to submit evidence as is necessary not to exceed nine months from the date the employer received a claim pursuant to subsection A. Any such evidence submitted by the employer shall be included in the agency record for the claim.

1995, c. 156, § 2.1-133.8; 1998, c. 712; 2001, cc. 427, 844; 2007, c. 90; 2009, cc. 393, 580; 2016, c. 677.

§ 9.1-404. Order of the Virginia Retirement System.

A. 1. The Virginia Retirement System shall make an eligibility determination within 45 days of receiving all necessary information for determining eligibility for a claim filed under § 9.1-403. The Virginia Retirement System may use a medical board pursuant to § 51.1-124.23 in determining eligibility. If benefits under this chapter are due, VRS shall notify the nonparticipating employer, which shall provide the benefits within 15 days of such notice, or VRS shall pay the benefits from the Fund on behalf of the participating employer within 15 days of the determination, as applicable. The payments shall be retroactive to the first date that the disabled person was no longer eligible for health insurance coverage subsidized by his employer.

2. Two years after an individual has been determined to be a disabled person, VRS may require the disabled person to renew the determination through a process established by VRS. If a

disabled person refuses to submit to the determination renewal process described in this subdivision, then benefits under this chapter shall cease for the individual, any eligible dependents, and an eligible spouse until the individual complies. If such individual does not comply within six months from the date of the initial request for a renewed determination, then benefits under this chapter shall permanently cease for the individual, any eligible dependents, and an eligible spouse. If VRS issues a renewed determination that an individual is no longer a disabled person, then benefits under this chapter shall permanently cease for the individual, any eligible dependents, and an eligible spouse. If VRS issues a renewed determination that an individual remains a disabled person, then VRS may require the disabled person to renew the determination five years after such renewed determination through a process established by VRS. The Virginia Retirement System may require the disabled person to renew the determination at any time if VRS has information indicating that the person may no longer be disabled.

B. The Virginia Retirement System shall be reimbursed for all reasonable costs incurred and associated, directly and indirectly, in performing the duties pursuant to this chapter (i) from the Line of Duty Death and Health Benefits Trust Fund for costs related to disabled persons, deceased persons, eligible dependents, and eligible spouses on behalf of participating employers and (ii) from a nonparticipating employer for premiums and costs related to disabled persons, deceased persons, eligible dependents, and eligible spouses for which the nonparticipating employer is responsible.

C. The Virginia Retirement System may develop policies and procedures necessary to carry out the provisions of this chapter.

1995, cc. 156, 597, § 2.1-133.9; 1998, c. 712; 2001, c. 844; 2016, c. 677; 2017, c. 439.

§ 9.1-405. Appeal from decision of Virginia Retirement System.

Any beneficiary, disabled person or eligible spouse or eligible dependent of a deceased or disabled person aggrieved by the decision of VRS may appeal the decision through a process established by VRS. Any such process may utilize a medical board as described in § 51.1-124.23. An employer may submit information related to the claim and may participate in any informal fact-finding proceeding that is included in such process established by VRS. Upon completion of the appeal process, the final determination issued by VRS shall constitute a case decision as defined in § 2.2-4001. Any beneficiary, disabled person, or eligible spouse or eligible dependent of a deceased or disabled person aggrieved by, and claiming the unlawfulness of, such case decision shall have a right to seek judicial review thereof in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act. The employer shall not have a right to seek such judicial review.

1995, cc. 156, 597, § 2.1-133.10; 1998, c. 712; 2001, c. 844; 2016, c. 677.

§ 9.1-406. Repealed.

Repealed by Acts 2016, c. 677, cl. 2, effective July 1, 2017.

§ 9.1-407. Training.

Any employee entitled to benefits under this chapter shall receive training within 30 days of his employment, and again every two years thereafter, concerning the benefits available to himself or his beneficiary in case of disability or death in the line of duty. The Virginia Retirement System and the Department of Human Resource Management, in consultation with the Secretary of Public Safety and Homeland Security, shall develop training information to be distributed to

employers. The employer shall be responsible for providing the training. Such training shall not count toward in-service training requirements for law-enforcement officers pursuant to § 9.1-102 and shall include, but not be limited to, the general rules for intestate succession described in § 64.2-200 that may be applicable to the distribution of benefits provided under § 9.1-402.

2006, c. 535;2014, cc. 115, 490;2016, c. 677;2017, c. 439.

§ 9.1-408. Records of investigation confidential.

A. Evidence and documents obtained by or created by, and the report of investigation prepared by, the Department of State Police, the Virginia Retirement System, or the Department of Human Resource Management in carrying out the provisions of this chapter shall (i) be deemed confidential, (ii) be exempt from disclosure under the Freedom of Information Act (§ 2.2-3700 et seq.), and (iii) not be released in whole or in part by any person to any person except as provided in this chapter. Notwithstanding the provisions of this section, VRS may release to necessary parties such information, documents, and reports for purposes of administering appeals under this chapter.

B. Notwithstanding subsection A, the Department of State Police and the Department of Accounts shall, upon request, share with the Virginia Retirement System and the Department of Human Resource Management any information, evidence, documents, and reports of investigation related to existing and past claims for benefits provided under this Chapter. Such information, evidence, documents, and reports of investigation shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

2010, c. 568;2017, c. 439.

BUDGET TRANSFERS JANURAY 2019

| DATE | DEPARTMENT/GENERAL FUND | REASON FOR TRANSFER | FROM | TO | ACCT | CODE | AMOUNT |
|-----------|-------------------------------------|--|------|------|------|------|--------------|
| 1/8/2019 | SHERIFF | COVER EXPENSES FOR VEHICLE/POWER EQUIPMENT | 3102 | 5413 | 000 | 000 | (2,000.00) |
| | SHERIFF | | 3102 | 5408 | 000 | 000 | 2,000.00 |
| 1/8/2019 | SHERIFF | 8 PROMOTIONs | 3102 | 4003 | 000 | 002 | (5,095.49) |
| | SHERIFF | | 3102 | 1007 | 000 | 001 | 5,095.49 |
| 1/9/2019 | TRANSFERS/CONTINGENCY | BOARD ACTION 1/9/19 GIS TECHNICIAN | 9301 | 5890 | 000 | 000 | (11,251.00) |
| | INFORMATION TECHNOLOGY | | 1220 | 1001 | 000 | 022 | 11,251.00 |
| 1/9/2019 | TRANSFERS/CONTINGENCY | BOARD ACTION 1/9/19 RADIO EQUIPMENT | 9301 | 5890 | 000 | 000 | (42,000.00) |
| | SHERIFF | | 3102 | 5409 | 000 | 000 | 42,000.00 |
| 1/9/2019 | FIRE AND RESCUE | FIRE AND RESCUE LEASE YEAR NUMBER 2 | 3505 | 9001 | 000 | 000 | 11,877.87 |
| | INFORMATION TECHNOLOGY | | 1220 | 9001 | 000 | 000 | (11,877.87) |
| 1/10/2019 | COUNTY ADMINISTRATOR | PC REFRESH | 1201 | 5401 | 000 | 000 | 4,648.53 |
| | COUNTY ATTORNEY | | 1202 | 5401 | 000 | 000 | 980.35 |
| | COMMISSIONER OF THE REVENUE | | 1209 | 5401 | 000 | 000 | 2,039.68 |
| | REASSESSMENT/BOARD OF ASSESSORS | | 1210 | 5401 | 000 | 000 | 962.55 |
| | TREASURER | | 1213 | 5401 | 000 | 000 | 4,023.47 |
| | FINANCE DEPARTMENT | | 1214 | 5401 | 000 | 000 | 10,052.79 |
| | INFORMATION TECHNOLOGY | | 1220 | 5401 | 000 | 000 | 2,517.68 |
| | COMMONWEALTH ATTORNEY | | 2201 | 5401 | 000 | 000 | 4,442.78 |
| | SHERIFF | | 3102 | 5401 | 000 | 000 | 13,664.27 |
| | FIRE AND RESCUE | | 3505 | 5401 | 000 | 000 | 3,946.98 |
| | PUBLIC SAFETY COMMUNICATIONS | | 3506 | 5401 | 000 | 000 | 3,060.92 |
| | ANIMAL SHELTER | | 4305 | 5401 | 000 | 000 | 962.55 |
| | PARKS AND RECREATION ADMINISTRATION | | 7101 | 5401 | 000 | 000 | 3,776.52 |
| | PLANNING | | 8101 | 5401 | 000 | 000 | 4,812.75 |
| | INFORMATION TECHNOLOGY | | 1220 | 5401 | 000 | 000 | (59,891.82) |
| 1/11/2019 | CLEARBROOK PARK | TRAILER FOR CLEARBROOK PARK | 7109 | 5403 | 000 | 000 | (6,065.70) |
| | CLEARBROOK PARK | | 7109 | 8001 | 000 | 000 | 6,065.70 |
| 1/14/2019 | PUBLIC SAFETY COMMUNICATIONS | DRUG AND HEARING TESTS-PRICE INCREASED | 3506 | 5506 | 000 | 000 | (300.00) |
| | PUBLIC SAFETY COMMUNICATIONS | | 3506 | 3002 | 000 | 000 | 300.00 |
| 1/14/2019 | PUBLIC COMMUNICATIONS | SHIPPING AND HANDLING | 3506 | 5204 | 000 | 000 | (200.00) |
| | PUBLIC COMMUNICATIONS | | 3506 | 5407 | 000 | 000 | 200.00 |
| 1/14/2019 | PUBLIC SAFETY COMMUNICATIONS | WATER PRICE INCREASE | 3506 | 5204 | 000 | 000 | (400.00) |
| | PUBLIC SAFETY COMMUNICATIONS | | 3506 | 3010 | 000 | 000 | 400.00 |
| 1/15/2019 | ELECTORAL BOARD AND OFFICIALS | TO PAY MONTHLY COPIER LEASE | 1301 | 9001 | 000 | 000 | (270.00) |
| | REGISTRAR | | 1302 | 9001 | 000 | 000 | 270.00 |
| 1/17/2019 | CLEARBROOK PARK | PURCHASE TRAILER AT CLEARBROOK PARK | 7109 | 5403 | 000 | 000 | (180.30) |
| | CLEARBROOK PARK | | 7109 | 8001 | 000 | 000 | 180.30 |
| 1/17/2019 | CLEARBROOK PARK | RENTAL FOR WINTER WONDERLAND | 7109 | 5413 | 000 | 000 | (190.00) |
| | CLEARBROOK PARK | | 7109 | 9001 | 000 | 000 | 190.00 |
| 1/24/2019 | PARKS AND RECREATION ADMINISTRATION | FREDERICK HEIGHTS PARK | 7101 | 3002 | 000 | 000 | (1,292.00) |
| | CLEARBROOK PARK | | 7109 | 8900 | 000 | 000 | 1,292.00 |
| 1/24/2019 | SHERANDO PARK | WATER SERVICES AT SHERANDO PARK | 7110 | 5101 | 000 | 000 | (1,755.00) |
| | SHERANDO PARK | | 7110 | 5103 | 000 | 000 | 1,755.00 |
| 1/24/2019 | COMMONWEALTH'S ATTORNEY | BOOKS AND SUBSCRIPTIONS | 2201 | 3006 | 000 | 000 | (300.00) |
| | COMMONWEALTH'S ATTORNEY | | 2201 | 5411 | 000 | 000 | 300.00 |
| 1/29/2019 | SHERIFF | SHERIFF VEHICLES(24) | 3102 | 8005 | 000 | 000 | 741,237.00 |
| | TRANSFERS/CONTINGENCY | | 9301 | 5890 | 000 | 000 | (741,237.00) |
| 1/30/2019 | MAINTENANCE ADMINISTRATION | MAINTENANCE VEHICLE | 4301 | 8005 | 000 | 000 | 29,799.00 |
| | TRANSFERS/CONTINGENCY | | 9301 | 5890 | 000 | 000 | (29,799.00) |
| 1/30/2019 | REASSESSMENT/BOARD OF ASSESSORS | PROMOTIONS 1/19 | 1210 | 1001 | 000 | 043 | (2,000.00) |
| | COMMISSIONER OF THE REVENUE | | 1209 | 1001 | 000 | 031 | 2,000.00 |
| | FIRE AND RESCUE | | 3505 | 1007 | 000 | 001 | (2,220.60) |
| | FIRE AND RESCUE | | 3505 | 1001 | 000 | 054 | 2,220.60 |
| | PUBLIC SAFETY COMMUNICATION | | 3506 | 1001 | 000 | 004 | (2,706.15) |
| | PUBLIC SAFETY COMMUNICATION | | 3506 | 1001 | 000 | 006 | 2,706.15 |
| 1/31/2019 | FIRE AND RESCUE | (2) FIRE AND RESCUE VEHICLES | 3505 | 8005 | 000 | 000 | 61,901.00 |
| | TRANSFERS/CONTINGENCY | | 9301 | 5890 | 000 | 000 | (61,901.00) |
| 1/31/2019 | REASSESSMENT/BOARD OF ASSESSORS | COR VEHICLE | 1210 | 8005 | 000 | 000 | 28,493.00 |
| | TRANSFERS/CONTINGENCY | | 9301 | 5890 | 000 | 000 | (28,493.00) |
| 1/31/2019 | COUNTY OFFICE BUILDINGS/COURTHOUSE | INSTALL RED LIGHTS ON FLAGPOLE AT ROUND HILL FIRE DEPARTMENT | 4304 | 5101 | 000 | 007 | (1,100.00) |
| | COUNTY OFFICE BUILDINGS/COURTHOUSE | | 4304 | 3004 | 000 | 008 | 1,100.00 |
| 1/31/2019 | MAINTENANCE ADMINISTRATION | OVERTIME PAY FOR SNOW REMOVAL PSB,CAB,CH | 4301 | 1003 | 000 | 005 | (1,500.00) |
| | MAINTENANCE ADMINISTRATION | | 4301 | 1005 | 000 | 000 | 1,500.00 |
| 1/31/2019 | OTHER | TO COVER DEFICIT | 1224 | 5415 | 000 | 001 | (800.00) |
| | OTHER | | 1224 | 5415 | 000 | 000 | 800.00 |

County of Frederick
General Fund
JANUARY 31, 2019

| ASSETS | FY19
<u>1/31/19</u> | FY18
<u>1/31/18</u> | Increase
<u>(Decrease)</u> |
|------------------------------------|------------------------|------------------------|----------------------------------|
| Cash and Cash Equivalents | 46,259,442.32 | 46,706,419.18 | (446,976.86) *A |
| Petty Cash | 1,555.00 | 1,555.00 | 0.00 |
| Receivables: | | | |
| Taxes, Commonwealth, Reimb. P/P | 3,934,534.60 | 3,542,391.13 | 392,143.47 |
| Streetlights | 1,029.96 | 999.21 | 30.75 |
| Miscellaneous Charges | 19,230.57 | 20,458.56 | (1,227.99) |
| Due from Fred. Co. San. Auth. | 657,083.23 | 657,083.23 | 0.00 |
| Prepaid Postage | 5,149.23 | 4,214.74 | 934.49 |
| GL controls (est.rev / est. exp) | <u>(5,316,490.51)</u> | <u>(13,796,143.43)</u> | <u>8,479,652.92</u> (1) Attached |
| TOTAL ASSETS | <u>45,561,534.40</u> | <u>37,136,977.62</u> | <u>8,424,556.78</u> |
| LIABILITIES | | | |
| Retainage Payable | 47,010.53 | 0.00 | 47,010.53 |
| Performance Bonds Payable | 774,980.55 | 1,190,927.87 | (415,947.32) |
| Taxes Collected in Advance | 214,865.91 | 558,064.43 | (343,198.52) |
| Deferred Revenue | <u>3,955,094.13</u> | <u>3,561,579.41</u> | <u>393,514.72</u> *B |
| TOTAL LIABILITIES | 4,991,951.12 | 5,310,571.71 | (318,620.59) |
| EQUITY | | | |
| Fund Balance | | | |
| Reserved: | | | |
| Encumbrance General Fund | 1,591,886.29 | 3,349,904.97 | (1,758,018.68) (2) Attached |
| Conservation Easement | 4,779.85 | 4,779.85 | 0.00 |
| Peg Grant | 331,565.38 | 234,066.38 | 97,499.00 |
| Prepaid Items | 949.63 | 949.63 | 0.00 |
| Advances | 657,083.23 | 657,083.23 | 0.00 |
| Employee Benefits | 93,120.82 | 93,120.82 | 0.00 |
| Courthouse Fees | 408,676.25 | 362,751.09 | 45,925.16 |
| Historical Markers | 17,804.23 | 17,542.19 | 262.04 |
| Animal Shelter | 1,216,179.07 | 1,091,175.27 | 125,003.80 |
| Sheriff's Reserve | 1,000.00 | 1,000.00 | 0.00 |
| Proffers | 5,158,521.68 | 4,160,177.57 | 998,344.11 (3) Attached |
| Parks Reserve | 17,631.82 | 12,413.70 | 5,218.12 |
| E-Summons Funds | 163,429.73 | 78,269.19 | 85,160.54 |
| VDOT Revenue Sharing | 436,270.00 | 436,270.00 | 0.00 |
| Undesignated Adjusted Fund Balance | <u>30,470,685.30</u> | <u>21,326,902.02</u> | <u>9,143,783.28</u> (4) Attached |
| TOTAL EQUITY | <u>40,569,583.28</u> | <u>31,826,405.91</u> | <u>8,743,177.37</u> |
| TOTAL LIAB. & EQUITY | <u>45,561,534.40</u> | <u>37,136,977.62</u> | <u>8,424,556.78</u> |

NOTES:

*A Cash decrease is a result of a decrease in fund balance when impacted by budget controls.

*B Deferred revenue includes taxes receivable, street lights, misc. charges, dog tags, and motor vehicle registration fees.

BALANCE SHEET

| (1) GL Controls | FY19 | FY18 | Inc/(Decrease) |
|---------------------|---------------|---------------|----------------|
| Est.Revenue | 180,222,344 | 172,285,650 | 7,936,693 |
| Appropriations | (80,155,019) | (84,675,657) | 4,520,638 |
| Est.Tr.to Other fds | (106,975,701) | (104,756,042) | (2,219,660) |
| Encumbrances | 1,591,886 | 3,349,905 | (1,758,019) |
| | (5,316,491) | (13,796,144) | 8,479,653 |

(2) General Fund Purchase Orders 1/19

| DEPARTMENT | Amount | |
|-------------------------|---------------------|---|
| County Office Buildings | 10,220.00 | Control System Public Safety Building |
| | 3,100.00 | Water Conditioner |
| Fire and Rescue | 47,300.00 | Uniforms |
| | 4,215.00 | Emergency lighting, Siren, Console includes installation for the Ford F-250 Training Purposes |
| | 4,000.00 | Install Lighting |
| | 47,300.00 | Protective Clothing |
| | 7,524.79 | Motorola Mobile Radio with Multiband Antenna |
| | 10,235.23 | Emergency Lighting for 2019 Ford F-250 includes Installator |
| | 6,776.00 | Online Employee Scheduling and Document Management |
| Parks | 40,355.15 | Outdoor Gym & Installation Sherando |
| | 10,606.10 | Frederick Heights Park Trail |
| | 560.40 | Agricultural Supplies |
| | 527,200.00 | Sherando Park Recreation Access Project |
| | 9,512.04 | Event Shirts |
| | 5,650.00 | Sand for Volleyball Courts |
| | 3,217.50 | Youth Basketball Uniforms |
| | 6,890.00 | Clearbrook Park Volleyball Courts Project |
| | 6,246.00 | Trailer |
| Public Safety | 40,438.46 | Carousel Installation Project Management |
| | 5,000.00 | Clear Lot At North Mountain Tower |
| Registrar | 223.60 | Envelopes |
| Sheriff | 4,540.00 | One Solution Software and Installation Service |
| | 854.08 | Body Armor Vest Carriers (48) |
| | 7,141.18 | Uniforms |
| | 4,217.38 | Tactical Equipment |
| | 2,892.00 | (2) Raptor K Band Radar |
| | 3,250.00 | Intoximeters |
| | 127,600.00 | Armored Swat Van |
| | 4,107.44 | (4) Nikon Cameras |
| | 9,000.00 | (12) Simunition Guns |
| | 10,747.90 | Uniforms |
| | 8,992.35 | (15) Body Armor |
| | 5,276.64 | Combat Uniforms |
| | 578,521.37 | (18) 2019 Ford Police Responders |
| | 23,739.38 | (1) 2019 Ford Interceptor |
| Treasurer | 4,436.30 | Envelopes |
| Total | 1,591,886.29 | |

| (3) Proffer Information | SCHOOLS | PARKS | FIRE & RESCUE | Designated Other Projects | TOTAL |
|-------------------------|--------------|-----------|---------------|---------------------------|--------------|
| Balance 1/31/19 | 2,751,622.38 | 87,651.67 | 463,712.91 | 1,855,534.72 | 5,158,521.68 |

Designated Other Projects Detail

| | | | | |
|-------------------------------|---------------------|--|--|--|
| Administration | 327,492.71 | | | |
| Bridges | 14,714.00 | | | |
| Historic Preservation | 158,000.00 | 12/11/14 Board Action designated \$50,000 for final debt payment | | |
| Library | 200,857.01 | on the Huntsberry property. | | |
| Rt. 50 Trans.Imp. | 10,000.00 | | | |
| Rt. 50 Rezoning | 25,000.00 | | | |
| Rt. 656 & 657 Imp. | 25,000.00 | | | |
| RT.277 | 162,375.00 | | | |
| Sheriff | 81,706.00 | | | |
| Solid Waste | 12,000.00 | | | |
| Stop Lights | 52,445.00 | | | |
| Treasurer | 700.00 | | | |
| BPG Properties/Rt.11 Corridor | 330,000.00 | | | |
| Blackburn Rezoning | 452,745.00 | | | |
| Clearbrook Bus.Ctr.Rezoning | 2,500.00 | | | |
| Total | 1,855,534.72 | | | |

Other Proffers 1/31/19

| (4) Fund Balance Adjusted | |
|---------------------------|-----------------|
| Ending Balance 1/19 | 42,918,332.52 |
| Revenue 1/19 | 87,597,527.22 |
| Expenditures 1/19 | (45,247,368.31) |
| Transfers 1/19 | (54,797,806.13) |
| Ending Balance 1/19 | 30,470,685.30 |

County of Frederick
 Comparative Statement of Revenues, Expenditures
 and Changes in Fund Balance
 JANUARY 31, 2019

| REVENUES: | <u>Appropriated</u> | FY19
1/31/2019
<u>Actual</u> | FY18
1/31/2018
<u>Actual</u> | YTD
Actual
<u>Variance</u> |
|--|-----------------------|------------------------------------|------------------------------------|----------------------------------|
| General Property Taxes | 123,179,515.00 | 54,523,082.52 | 52,192,035.54 | 2,331,046.98 (1) |
| Other local taxes | 36,959,731.00 | 14,175,441.13 | 13,861,163.21 | 314,277.92 (2) |
| Permits & Privilege fees | 1,838,386.00 | 1,163,456.25 | 1,291,431.66 | (127,975.41) (3) |
| Revenue from use of money
and property | 531,401.55 | 708,515.58 | 374,716.89 | 333,798.69 (4) |
| Charges for Services | 3,061,899.00 | 1,708,623.14 | 1,617,708.86 | 90,914.28 |
| Miscellaneous | 534,187.57 | 379,397.09 | 409,178.78 | (29,781.69) |
| Recovered Costs | 1,650,224.00 | 1,321,284.73 | 935,178.29 | 386,106.44 (5) |
| Proffers | | 794,986.85 | 731,168.34 | 63,818.51 (5) |
| Intergovernmental: | | | | |
| Commonwealth | 12,462,499.74 | 12,720,982.08 | 12,492,394.07 | 228,588.01 (6) |
| Federal | 4,500.00 | 45,757.52 | 97,073.14 | (51,315.62) (7) |
| Insurance Recoveries | 0.00 | 3,104.33 | 0.00 | 3,104.33 |
| Transfers | 0.00 | 52,896.00 | 0.00 | 52,896.00 |
| TOTAL REVENUES | 180,222,343.86 | 87,597,527.22 | 84,002,048.78 | 3,595,478.44 |
|
 | | | | |
| EXPENDITURES: | | | | |
| General Administration | 13,008,733.29 | 8,086,384.58 | 7,815,967.22 | 270,417.36 |
| Judicial Administration | 2,928,600.52 | 1,624,905.76 | 1,478,339.91 | 146,565.85 |
| Public Safety | 39,351,751.13 | 22,721,572.01 | 22,400,509.85 | 321,062.16 |
| Public Works | 6,297,272.63 | 3,142,039.85 | 2,628,459.72 | 513,580.13 |
| Health and Welfare | 10,200,498.00 | 4,816,527.94 | 4,750,815.91 | 65,712.03 |
| Education | 81,080.00 | 40,540.00 | 38,160.00 | 2,380.00 |
| Parks, Recreation, Culture | 8,662,891.30 | 3,912,237.56 | 3,735,201.66 | 177,035.90 |
| Community Development | 2,188,820.46 | 903,160.61 | 2,792,324.10 | (1,889,163.49) |
| TOTAL EXPENDITURES | 82,719,647.33 | 45,247,368.31 | 45,639,778.37 | (392,410.06) (8) |
|
 | | | | |
| OTHER FINANCING SOURCES (USES): | | | | |
| Operating transfers from / to | 104,411,073.33 | 54,797,806.13 | 54,921,586.67 | (123,780.54) (9) |
|
Excess (deficiency)of revenues & other
sources over expenditures
& other uses |
(6,908,376.80) |
(12,447,647.22) |
(16,559,316.26) |
(4,111,669.04) |
|
Fund Balance per General Ledger | |
42,918,332.52 |
37,886,218.28 |
5,032,114.24 |
|
Fund Balance Adjusted to reflect
Income Statement 1/31/2019 | |
30,470,685.30 |
21,326,902.02 |
9,143,783.28 |

| (1)General Property Taxes | FY19 | FY18 | Increase/Decrease |
|--------------------------------------|------------|------------|-------------------|
| Real Estate Taxes | 29,632,096 | 28,098,291 | 1,533,805 |
| Public Services | 1,202,351 | 1,402,899 | (200,548) |
| Personal Property | 22,866,587 | 21,901,486 | 965,101 |
| Penalties and Interest | 649,473 | 641,366 | 8,107 |
| Credit Card Chgs./Delinq.Advertising | (32,375) | (56,688) | 24,313 |
| Adm.Fees For Liens&Distress | 204,951 | 204,682 | 269 |
| | 54,523,083 | 52,192,035 | 2,331,047 |

(2) Other Local Taxes

| | | | |
|-----------------------------|----------------------|----------------------|-------------------|
| Local Sales Tax | 6,040,946.36 | 5,802,559.42 | 238,386.94 |
| Communications Sales Tax | 486,529.84 | 521,412.31 | (34,882.47) |
| Utility Taxes | 1,755,283.45 | 1,653,673.97 | 101,609.48 |
| Business Licenses | 1,395,477.96 | 1,472,333.91 | (76,855.95) |
| Auto Rental Tax | 79,025.83 | 52,727.86 | 26,297.97 |
| Motor Vehicle Licenses Fees | 468,386.27 | 502,549.57 | (34,163.30) |
| Recordation Taxes | 1,047,712.98 | 1,027,024.78 | 20,688.20 |
| Meals Tax | 2,554,325.04 | 2,472,972.43 | 81,352.61 |
| Lodging Tax | 331,521.55 | 336,225.94 | (4,704.39) |
| Street Lights | 12,061.85 | 15,573.02 | (3,511.17) |
| Star Fort Fees | 4,170.00 | 4,110.00 | 60.00 |
| Total | 14,175,441.13 | 13,861,163.21 | 314,277.92 |

(3)Permits&Privileges

| | | | |
|-------------------------------|---------------------|---------------------|---------------------|
| Dog Licenses | 20,638.83 | 20,679.00 | (40.17) |
| Land Use Application Fees | 6,325.00 | 6,300.00 | 25.00 |
| Transfer Fees | 1,967.17 | 1,980.67 | (13.50) |
| Development Review Fees | 198,207.14 | 258,907.00 | (60,699.86) |
| Building Permits | 684,971.26 | 749,714.54 | (64,743.28) |
| 2% State Fees | 2,420.35 | 5,002.45 | (2,582.10) |
| Electrical Permits | 72,264.50 | 68,374.00 | 3,890.50 |
| Plumbing Permits | 17,646.00 | 11,448.00 | 6,198.00 |
| Mechanical Permits | 62,798.00 | 60,678.00 | 2,120.00 |
| Sign Permits | 1,225.00 | 5,425.00 | (4,200.00) |
| Permits Commerical Burning | 25.00 | 125.00 | (100.00) |
| Blasting Permits | 225.00 | 195.00 | 30.00 |
| Land Disturbance Permits | 93,043.00 | 101,903.00 | (8,860.00) |
| Commercial Pump and Haul Fee | 500.00 | - | 500.00 |
| Residential Pump and Haul Fee | 100.00 | 500.00 | (400.00) |
| Transfer Development Rights | 1,100.00 | 200.00 | 900.00 |
| Total | 1,163,456.25 | 1,291,431.66 | (127,975.41) |

(4) Revenue from use of

| | | | |
|--------------|-------------------|-------------------|-------------------|
| Money | 686,536.41 | 343,485.89 | 343,050.52 |
| Property | 21,979.17 | 31,231.00 | (9,251.83) |
| Total | 708,515.58 | 374,716.89 | 333,798.69 |

| (5) Recovered Costs | FY19 | FY18 | Increase/Decrease |
|---|--------------|--------------|-------------------|
| | 1/31/2019 | 1/31/2018 | |
| Recovered Costs Treasurer's Office | 819.00 | 32,772.00 | (31,953.00) |
| Recovered Costs Social Services | 7,883.18 | 6,490.64 | 1,392.54 |
| Purchasing Card Rebate | 205,315.50 | 156,281.56 | 49,033.94 |
| Recovered Costs-IT/GIS | 27,261.00 | 27,261.00 | - |
| Recovered Costs F&R Fee Recovery | 342,395.54 | 101,177.06 | 241,218.48 |
| Recovered Cost Fire Companies | 171,346.53 | 94,182.34 | 77,164.19 |
| Recovered Costs Sheriff | 39,750.00 | 28,250.00 | 11,500.00 |
| Reimbursement Circuit Court | 5,507.44 | 6,082.79 | (575.35) |
| Reimb.Public Works/Planning Clean Up | 2,242.47 | 1,283.68 | 958.79 |
| Clarke County Container Fees | 43,488.64 | 34,710.04 | 8,778.60 |
| City of Winchester Container Fees | 27,405.61 | 25,729.73 | 1,675.88 |
| Refuse Disposal Fees | 77,104.59 | 64,327.78 | 12,776.81 |
| Recycling Revenue | 39,574.28 | 49,140.25 | (9,565.97) |
| Sheriff Restitution | 2,775.00 | - | 2,775.00 |
| Container Fees Bowman Library | 1,115.89 | 1,081.82 | 34.07 |
| Reimb.of Expenses Gen.District Court | 17,825.61 | 17,027.97 | 797.64 |
| Reimb.Task Force | 40,085.00 | 37,673.82 | 2,411.18 |
| Reimb. Elections | 4,195.62 | - | 4,195.62 |
| Westminster Canterbury Lieu of Tax | 18,651.80 | 18,651.80 | - |
| Grounds Maint. Frederick County Schools | 153,344.57 | 142,671.65 | 10,672.92 |
| Comcast PEG Grant | 65,843.50 | 65,163.00 | 680.50 |
| Fire School Programs | 11,680.00 | 11,438.00 | 242.00 |
| Clerks Reimbursement to County | 5,154.69 | 5,626.33 | (471.64) |
| Reimb. Sheriff | 10,519.27 | 8,155.03 | 2,364.24 |
| Subtotal Recovered Costs | 1,321,284.73 | 935,178.29 | 386,106.44 |
| Proffer Sovereign Village | 43,904.76 | - | 43,904.76 |
| Proffer Lynnehaven | - | 3,378.31 | (3,378.31) |
| Proffer Redbud Run | 70,994.00 | 38,724.00 | 32,270.00 |
| Proffer Canter Estates | - | 57,231.58 | (57,231.58) |
| Proffer Southern Hills | 97,256.82 | 142,390.00 | (45,133.18) |
| Proffer Snowden Bridge | 548,664.27 | 430,872.45 | 117,791.82 |
| Proffer Cedar Meadows | 34,167.00 | 58,572.00 | (24,405.00) |
| Subtotal Proffers | 794,986.85 | 731,168.34 | 63,818.51 |
| Grand Total | 2,116,271.58 | 1,666,346.63 | 449,924.95 |

| (6) Commonwealth Revenue | FY19 | FY18 | |
|------------------------------------|---------------|---------------|-------------------|
| | 1/31/2019 | 1/31/2018 | Increase/Decrease |
| Motor Vehicle Carriers Tax | 38,825.41 | 22,886.25 | 15,939.16 |
| Mobile Home Titling Tax | 45,437.66 | 54,528.49 | (9,090.83) |
| Recordation Taxes | 353,850.45 | 302,051.73 | 51,798.72 |
| P/P State Reimbursement | 6,526,528.18 | 6,526,528.18 | - |
| Shared Expenses Comm.Atty. | 273,816.29 | 274,500.77 | (684.48) |
| Shared Expenses Sheriff | 1,263,223.53 | 1,251,464.46 | 11,759.07 |
| Shared Expenses Comm.of Rev. | 112,772.22 | 110,440.30 | 2,331.92 |
| Shared Expenses Treasurer | 83,473.57 | 68,076.11 | 15,397.46 |
| Shared Expenses Clerk | 231,211.38 | 232,400.16 | (1,188.78) |
| Public Assistance Grants | 2,742,566.58 | 2,852,951.60 | (110,385.02) |
| Litter Control Grants | 18,330.00 | 14,774.00 | 3,556.00 |
| Four-For-Life-Funds | 88,718.24 | 85,262.32 | 3,455.92 |
| Emergency Services Fire Program | 260,328.00 | 251,441.00 | 8,887.00 |
| DMV Grant Funding | 15,480.31 | 14,220.85 | 1,259.46 |
| Parks -State Grants | 24,792.12 | - | 24,792.12 |
| State Grant Emergency Services | - | 15,925.00 | (15,925.00) |
| Sheriff State Grants | 32,038.50 | 36,207.35 | (4,168.85) |
| JJC Grant Juvenile Justice | 96,269.00 | 96,269.00 | - |
| Rent/Lease Payments | 136,777.10 | 157,417.71 | (20,640.61) |
| Spay/Neuter Assistance State | 314.45 | 134.90 | 179.55 |
| Wireless 911 Grant | 129,242.88 | 34,971.85 | 94,271.03 |
| State Forfeited Asset Funds | 15,185.31 | 18,338.58 | (3,153.27) |
| VA Dept. of Health | 93,033.80 | - | 93,033.80 |
| Victim Witness-Commonwealth Office | 138,767.10 | 71,475.96 | 67,291.14 |
| F&R OEMS Reimbursement | - | 127.50 | (127.50) |
| Total | 12,720,982.08 | 12,492,394.07 | 228,588.01 |

County of Frederick

General Fund

January 31, 2019

| (7) Federal Revenue | FY19 | FY18 | Increase/Decrease |
|----------------------------------|------------------|------------------|--------------------|
| Payments In Lieu of Taxes | 352.20 | 0.00 | 352.20 |
| Federal Forfeited Assets DOJ | - | 1,549.17 | (1,549.17) |
| Federal Funds Sheriff | 45,405.32 | 6,423.36 | 38,981.96 |
| Emergency Services Grant Federal | - | 87,278.14 | (87,278.14) |
| Forfeited Assets Treasury | - | 1,822.47 | (1,822.47) |
| Total | 45,757.52 | 97,073.14 | (51,315.62) |

(8) Expenditures

Expenditures decreased \$392,410.06. **General Administration** increased \$270,417.36 and includes \$163,585.88 in IT for firewall support, switch and smartnet contract, and switch replacement core data network. **Public Safety** increased \$321,062.16. Inspections purchased (2) 2018 F-150 Ford 4x4 trucks at a cost of \$55,570.50, Fire and Rescue (2) 2019 F-250 pickup trucks for \$55,570.50 and Isimulate training that includes IPADS with stethoscopes costing \$33,120. **Public Works** increased \$513,580.13 and includes the \$296,141.64 for the Stephenson Compactor Site and an Engineering purchase for a 2018 Ford F-150 4x4 at cost of \$28,408. Additionally, \$25,406 for a heat pump that includes Installation and \$32,400 for control system. **Community Development** decreased \$1,928,454.22 and was impacted by the \$2 million transfer to the Economic Development Authority for economic incentive for the Navy Credit Union in the previous year. The transfers decreased \$123,780.54. See chart below:

| (9) Transfers Decreased \$123,780.54 | FY19 | FY18 | Increase/Decrease |
|---|----------------------|----------------------|---------------------|
| Transfer to School Operating | 41,730,199.45 | 40,951,338.87 | 778,860.58 *1 |
| Transfer to Debt Service Schools | 7,267,910.00 | 7,986,237.50 | (718,327.50) *2 |
| Transfer to Debt Service County | 1,747,270.88 | 1,682,728.18 | 64,542.70 *3 |
| Transfer School Operating Capital | 4,067,416.47 | - | 4,067,416.47 *4 |
| Operational Transfers | (14,990.67) | (22,337.88) | 7,347.21 *5 |
| Board Contingency | 0.00 | 4,323,620.00 | (4,323,620.00) *6 |
| Total | 54,797,806.13 | 54,921,586.67 | (123,780.54) |

*1 School Operating FY19 was \$542,862.45 C/F encumbrances and \$41,187,337 for half the School Operating. The FY18 total was C/F that includes School encumbrances of \$1,032,255.77, grant funds for \$285,003.55 received in FY17 for specific purposes, and \$997,264.55 represents unspent FY17 funds to be spent on buses. Additionally \$38,636,815 for half the School operating.

*2 The transfer to debt service was reduced \$718,327.50.

*3 Payments include the Bowman Library and the City of Winchester for Courtroom, Roof, and HVAC Projects, Millwood Station, Roundhill, Public Safety, and the Animal Shelter.

*4 School Operating Capital includes \$316,537.71 that represents a carry forward of unspent, restricted grant funds and \$186,878.76 carry forward of unspent funds for the purchase of a school bus and security equipment. Additionally, \$1,264,000 for security equipment upgrade and \$2.3 million budgeted.

*5 Timing of Insurance Charge Outs.

*6 Board of Supervisors Capital.

County of Frederick
 FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER
 January 31, 2019

| ASSETS | FY2019
<u>1/31/19</u> | FY2018
<u>1/31/18</u> | Increase
<u>(Decrease)</u> |
|--|----------------------------|----------------------------|-------------------------------|
| Cash | 9,363,344.56 | 9,458,856.64 | (95,512.08) *1 |
| GL controls(est.rev/est.exp) | <u>(1,464,356.98)</u> | <u>(1,003,200.50)</u> | <u>(461,156.48)</u> |
| TOTAL ASSETS | <u>7,898,987.58</u> | <u>8,455,656.14</u> | <u>(556,668.56)</u> |
|
 | | | |
| LIABILITIES | | | |
| Accrued Operating Reserve Costs | <u>2,551,494.10</u> | <u>2,507,247.00</u> | <u>44,247.10</u> |
| TOTAL LIABILITIES | <u>2,551,494.10</u> | <u>2,507,247.00</u> | <u>44,247.10</u> |
|
 | | | |
| EQUITY | | | |
| Fund Balance Reserved | | | |
| Encumbrances Undesignated Fund Balance | 77,952.94 | 15,961.60 | 61,991.34 |
| | <u>5,269,540.54</u> | <u>5,932,447.54</u> | <u>(662,907.00) *2</u> |
| TOTAL EQUITY | <u>5,347,493.48</u> | <u>5,948,409.14</u> | <u>(600,915.66)</u> |
| TOTAL LIABILITY & EQUITY | <u>7,898,987.58</u> | <u>8,455,656.14</u> | <u>(556,668.56)</u> |

NOTES:

*1 Cash decreased \$95,512.08. Refer to the following page for comparative statement of revenues and expenditures and changes in fund balance.

*2 Fund balance decreased \$662,907.00. The beginning balance was \$5,566,043.76 and includes adjusting entries, budget controls for FY19(\$1,316,409.00) and the year to date revenue less expenditures of \$1,019,905.78.

| Current Unrecorded Accounts Receivable- | <u>FY19</u> |
|--|-------------------|
| Prisoner Billing: | 30,523.65 |
| Compensation Board Reimbursement 1/31/19 | <u>468,967.37</u> |
| Total | 499,491.02 |

County of Frederick
 Comparative Statement of Revenues, Expenditures
 and Changes in Fund Balance
 January 31, 2019

FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER

| REVENUES: | <u>Appropriated</u> | FY2019
1/31/19
<u>Actual</u> | FY2018
1/31/18
<u>Actual</u> | YTD Actual
<u>Variance</u> |
|---|-----------------------|------------------------------------|------------------------------------|-------------------------------|
| Credit Card Probation | - | 296.89 | 57.12 | 239.77 |
| Interest | | 72,789.77 | 40,908.15 | 31,881.62 |
| Supervision Fees | 56,096.00 | 28,522.00 | 17,038.00 | 11,484.00 |
| Drug Testing Fees | 1,000.00 | 150.00 | 150.00 | - |
| Work Release Fees | 350,628.00 | 191,530.90 | 168,343.73 | 23,187.17 |
| Prisoner Fees from other localities | 0.00 | 237.96 | 0.00 | 237.96 |
| Federal Bureau Of Prisons | 0.00 | 165.00 | 110.00 | 55.00 |
| Local Contributions | 7,824,994.00 | 5,785,244.25 | 5,798,062.50 | (12,818.25) |
| Miscellaneous | 7,501.00 | 3,032.84 | 1,912.41 | 1,120.43 |
| Phone Commissions | 400,000.00 | 177,668.75 | 121,580.76 | 56,087.99 |
| Food & Staff Reimbursement | 80,000.00 | 36,766.13 | 37,027.57 | (261.44) |
| Elec.Monitoring Part.Fees | 97,000.00 | 77,978.21 | 42,283.00 | 35,695.21 |
| Share of Jail Cost Commonwealth | 1,350,000.00 | 316,756.00 | 635,672.60 | (318,916.60) |
| Reimb. Of Prior Year Deficit | | | 0.00 | |
| Medical & Health Reimb. | 85,000.00 | 29,296.26 | 37,039.65 | (7,743.39) |
| Shared Expenses CFW Jail | 5,400,000.00 | 2,684,083.07 | 2,565,049.35 | 119,033.72 |
| State Grants | 276,233.00 | 73,716.00 | 64,092.00 | 9,624.00 |
| D.J.C.P. Grant | 0.00 | 0.00 | 69,832.00 | (69,832.00) |
| Local Offender Probation | 277,467.00 | 67,354.00 | 0.00 | 67,354.00 |
| Bond Proceeds | 0.00 | 0.00 | 0.00 | 0.00 |
| Transfer From General Fund | 5,266,848.00 | 3,893,932.50 | 4,045,844.25 | (151,911.75) |
| TOTAL REVENUES | 21,472,767.00 | 13,439,520.53 | 13,645,003.09 | (205,482.56) |
| EXPENDITURES: | 23,015,076.92 | 12,419,614.75 | 11,316,189.32 | 1,103,425.43 |
| Excess(Deficiency)of revenues over expenditures | (1,542,309.92) | 1,019,905.78 | 2,328,813.77 | (1,308,907.99) |
| FUND BALANCE PER GENERAL LEDGER | | <u>4,249,634.76</u> | <u>3,603,633.77</u> | <u>646,000.99</u> |
| Fund Balance Adjusted To Reflect Income Statement January 31, 2019 | | 5,269,540.54 | 5,932,447.54 | (662,907.00) |

County of Frederick
Fund 12 Landfill
January 31, 2019

| ASSETS | FY2019
1/31/19 | FY2018
1/31/18 | Increase
(Decrease) |
|-----------------------------------|----------------------|----------------------|------------------------|
| Cash | 37,322,245.39 | 37,539,260.24 | (217,014.85) |
| Receivables: | | | |
| Accounts Receivable | | | |
| Fees | 746,582.36 | 543,466.56 | 203,115.80 *1 |
| Accounts Receivable Other | 1,751.07 | 0.00 | 1,751.07 |
| Allow.Uncollectible Fees | (84,000.00) | (84,000.00) | 0.00 |
| Fixed Assets | 47,529,650.90 | 47,158,186.20 | 371,464.70 |
| Accumulated Depreciation | (31,283,925.70) | (29,232,078.83) | (2,051,846.87) |
| GL controls(est.rev/est.exp) | (4,078,757.13) | (2,871,762.00) | (1,206,995.13) |
| TOTAL ASSETS | 50,153,546.89 | 53,053,072.17 | (2,899,525.28) |
| LIABILITIES | | | |
| Accounts Payable | - | - | |
| Accrued VAC.Pay and Comp TimePay | 173,153.49 | 158,608.75 | 14,544.74 |
| Accrued Remediation Costs | 13,434,744.90 | 12,807,957.65 | 626,787.25 *2 |
| Deferred Revenue Misc.Charges | 1,751.07 | 0.00 | 1,751.07 |
| TOTAL LIABILITIES | 13,609,649.46 | 12,966,566.40 | 643,083.06 |
| EQUITY | | | |
| Fund Balance | | | |
| Reserved: | | | |
| Encumbrances | 40,821.42 | 386,396.00 | (345,574.58) *3 |
| Land Acquisition | 1,048,000.00 | 1,048,000.00 | 0.00 |
| New Development Costs | 3,812,000.00 | 3,812,000.00 | 0.00 |
| Environmental Project Costs | 1,948,442.00 | 1,948,442.00 | 0.00 |
| Equipment | 3,050,000.00 | 3,050,000.00 | 0.00 |
| Undesignated | | | |
| Fund Balance | 26,644,634.01 | 29,841,667.77 | (3,197,033.76) *4 |
| TOTAL EQUITY | 36,543,897.43 | 40,086,505.77 | (3,542,608.34) |
| TOTAL LIABILITY AND EQUITY | 50,153,546.89 | 53,053,072.17 | (2,899,525.28) |

NOTES:

*1 Landfill receivables increased \$203,115.80. Landfill fees at 1/19 were \$590,386.79 compared to \$506,761.61 at 1/18 for an increase of \$83,625.18. Delinquent fees at 1/19 were \$16,687.60 compared to \$36,704.95 at 1/18 for a decrease of \$20,017.35.

*2 Remediation increased \$626,787.25 and includes \$579,854.00 for post closure and \$46,933.25 interest.

*3 The encumbrance balance at 1/31/19 was \$40,821.42 and includes \$16,753.42 for a used vacuum assist water pump and \$24,068.00 for a Toyota forklift.

*4 Fund balance decreased \$3,197,033.76. The beginning balance was \$31,691,389.40 and includes adjusting entries, budget controls for FY19(\$30,199), C/F Landfill projects(\$3,706,000), and (\$1,310,556.39) for year to date revenue less expenses.

County of Frederick
 Comparative Statement of Revenue, Expenditures
 and Changes in Fund Balance
 January 31, 2019

| FUND 12 LANDFILL
REVENUES | <u>Appropriated</u> | FY2019
1/31/2019
<u>Actual</u> | FY2018
1/31/2018
<u>Actual</u> | YTD
Actual
<u>Variance</u> |
|---|---------------------|--------------------------------------|--------------------------------------|----------------------------------|
| Credit Card Charges | 0.00 | 3,394.03 | 2,348.78 | 1,045.25 |
| Interest on Bank Deposits | 120,000.00 | 269,538.59 | 131,089.50 | 138,449.09 |
| Salvage and Surplus | 75,000.00 | 94,022.15 | 89,718.71 | 4,303.44 |
| Sanitary Landfill Fees | 6,562,000.00 | 4,082,396.44 | 3,394,394.17 | 688,002.27 |
| Charges to County | 0.00 | 349,199.40 | 305,966.39 | 43,233.01 |
| Charges to Winchester | 0.00 | 92,024.55 | 79,481.36 | 12,543.19 |
| Tire Recycling | 142,500.00 | 148,649.18 | 141,397.53 | 7,251.65 |
| Reg. Recycling Electronics | 91,200.00 | 36,000.00 | 30,161.16 | 5,838.84 |
| Greenhouse Gas Credit Sales | 0.00 | 29,680.82 | 4,918.95 | 24,761.87 |
| Miscellaneous | 0.00 | 169.00 | 255.00 | (86.00) |
| Renewable Energy Credits | 168,402.00 | 88,830.90 | 104,979.06 | (16,148.16) |
| Landfill Gas To Electricity | 312,837.00 | 174,858.25 | 227,591.05 | (52,732.80) |
| Insurance Recoveries | | 4,872.23 | 0.00 | 4,872.23 |
| Waste Oil Recycling | | 0.00 | 0.00 | 0.00 |
| TOTAL REVENUES | 7,471,939.00 | 5,373,635.54 | 4,512,301.66 | 861,333.88 |
| Operating Expenditures | 5,567,138.00 | 2,807,749.90 | 1,891,501.96 | 916,247.94 |
| Capital Expenditures | 6,024,379.55 | 3,876,442.03 | 97,214.38 | 3,779,227.65 |
| TOTAL Expenditures | 11,591,517.55 | 6,684,191.93 | 1,988,716.34 | 4,695,475.59 |
| Excess(deficiency)of revenue over
expenditures | (4,119,578.55) | (1,310,556.39) | 2,523,585.32 | (3,834,141.71) |
| Fund Balance Per General Ledger | | 27,955,190.40 | 27,318,082.45 | 637,107.95 |
| FUND BALANCE ADJUSTED | | 26,644,634.01 | 29,841,667.77 | (3,197,033.76) |

County of Frederick, VA
Report on Unreserved Fund Balance
February 15, 2019

Unreserved Fund Balance, Beginning of Year, July 1, 2018 **46,153,037**

Prior Year Funding & Carryforward Amounts

| | |
|--|-------------|
| C/F forfeited asset funds | (52,569) |
| C/F Fire Company Capital | (224,818) |
| C/F Capital impact study | (59,067) |
| C/F Sheriff auto claim reimbursement | (15,191) |
| C/F Parks projects | (324,382) |
| C/F compactor rehab | (19,500) |
| C/F Middletown convenience site | (45,000) |
| C/F Stephenson convenience site | (385,342) |
| C/F spay/neuter program | (6,521) |
| C/F design/build animal shelter addition | (6,727) |
| C/F county admin bldg maintenance projects | (31,044) |
| C/F School Operating | (503,416) |
| | (1,673,577) |

Other Funding / Adjustments

| | |
|---|-------------|
| COR refund - Ascar Leasing | (2,521) |
| COR refund - BMW Financial | (2,790) |
| COR refund - Bowman Properties | (3,283) |
| COR refund - Capital Meats | (23,136) |
| Sheriff SWAT vehicle | (130,943) |
| COR refund - Acar Leasing | (3,026) |
| COR refund - Toyota Leasing | (4,087) |
| COR refund - Toyota Leasing | (3,714) |
| COR refund - Disabled Veteran | (3,492) |
| COR refund - Disabled Veteran | (3,907) |
| COR refund - Disabled Veteran | (7,297) |
| COR refund - American Telephone | (2,712) |
| COR refund - APC PCS LLC | (40,650) |
| Return unspent FY 18 VJCCCA funds | (41,450) |
| School Safety Phase II | (1,264,000) |
| COR refund - Enterprise FM | (5,786) |
| COR refund - Disabled Veteran | (2,543) |
| COR refund - Disabled Veteran | (3,501) |
| COR refund - Disabled Veteran | (12,290) |
| correct original budget appropriation error | 28,400 |
| | (1,532,727) |

Fund Balance, February 15, 2019 **42,946,733**

Frederick County Fire & Rescue Companies

Year End December 31, 2017

per audited financial statements

| | Cash-
Year End | Total
Receipts | Vehicle/
Equipment
Maintenance/
Repairs | Fuel &
Oil | Total
Disbursements |
|--------------------------------------|-------------------|-------------------|--|---------------|------------------------|
| Stephens City | 123,158 | 1,254,044 | 64,587 | 28,090 | 1,325,589 |
| Middletown | 341,736 | 466,778 | (1) 71,981 | 10,226 | 371,629 |
| Clearbrook | 321,070 | 301,747 | 36,981 | 10,200 | 381,918 |
| Gore | 257,810 | 189,404 | 31,048 | 4,586 | 141,037 |
| Round Hill | 1,185,821 | 501,358 | 46,390 | 12,027 | 343,366 |
| Gainesboro | 114,625 | 272,969 | 74,425 | 17,125 | 249,193 |
| Star Tannery | 296,163 | 219,933 | 39,883 | | 113,153 |
| Greenwood | 1,578,596 | 656,752 | 37,981 | 15,302 | 564,300 |
| North Mountain | 98,403 | 236,186 | 46,055 | 8,229 | 256,919 |
| Reynolds Store | 269,672 | 330,689 | 166,920 | 8,950 | 341,444 |
| Millwood Station (2) | 272,401 | 416,117 | 112,097 | 12,220 | 461,330 |
| Frederick County
Volunteer Assoc. | 201,917 | 100,562 | | | 179,608 |

Notes:

- (1) Middletown F&R Supplies & Maintenance combined.
- (2) Cash- Year End: Partially restricted - \$78,711 Building Maintenance/Repair Reserve.

| Total
Receipts | Frederick
County
Funding | Town/
Other
County | Association | State | Other | \$ Raised |
|-------------------|--------------------------------|--------------------------|----------------|----------------|----------------|------------------|
| 1,254,044 | 529,261 ^ | | 15,629 | 168,216 (a) | 361,000 (b) | 179,938 |
| 466,778 | 174,965 ** | 6,500 (c) | 15,629 | | | 269,684 |
| 301,747 | 155,900 | | 15,629 | | | 130,218 |
| 189,404 | 123,921 ^^ | | 15,629 | | | 49,854 |
| 501,358 | 217,055 | | 15,629 | | 3,963 (d) | 264,711 |
| 272,969 | 139,522 | | 15,629 | | | 117,818 |
| 219,933 | 122,023 | 30,000 (e) | 15,629 | 3,664 | 3,500 (f) | 45,117 |
| 656,752 | 273,852 *** | | 15,629 | | 152,000 (g) | 215,271 |
| 236,186 | 108,184 | | 15,629 | | 64,703 (h) | 47,670 |
| 330,689 | 102,746 | | 15,629 | | 58,528 (i) | 153,786 |
| 416,117 | 209,525 | | 15,629 | 17,325 | 12,944 (j) | 160,694 |
| 100,562 | 85,262 | | | | 13,903 (k) | 1,397 |
| 4,946,539 | 2,242,216 | 36,500 | 171,919 | 189,205 | 670,541 | 1,636,158 |
| | *** | | * | | | |

Notes:

- (a) VA EMS Grant
- (b) Loan Proceeds - \$294,931; Grant - \$78,501
- (c) Warren County
- (d) Insurance Proceeds
- (e) Shenandoah County
- (f) Misc Association \$3,500
- (g) Sale of Equipment
- (h) Sale of Assets - \$1,041; Loan Proceeds - \$55,000; Misc Association - \$8,662
- (i) Grant
- (j) Sale of Assets - \$10,300; Insurance Proceeds - \$2,644
- (k) Insurance Claims

* 4-for-Life: 2016 - \$86,659; 2017 - \$85,262

** includes training reimbursements from the County, per County G/L - not reflected in County contribution in audit doc. Middletown - \$1,000; Greenwood - \$1,319. All others were reflected in audit doc.

*** see 'attachment A' for detail.

^ includes \$210,136 in proffer funds for the Ancillary Building and \$600 for Battlefield Half Marathon

^^ includes \$10,000 pumper purchased by the County from Gore

^^^ includes \$6,000 for convenience site lease

FY 17 - FREDERICK COUNTY
 1/1/2017 - 12/31/2017 - FIRE COMPANIES

| | Total Disbursements | Total County Funding (Co + Assoc) (3) | % County Funded | Per Capita County Funded (2) | Cash End of Year | Debt Service (Principal + Interest) | Total Long Term Debt |
|--------------------------------------|----------------------|---------------------------------------|-----------------|------------------------------|---------------------|-------------------------------------|----------------------|
| Stephens City | \$ 1,325,589 | \$ 544,890 (5) | 41% | \$ 6.30 | \$ 123,158 | \$ 106,770 | \$ 948,466 |
| Middletown | \$ 371,629 | \$ 190,594 | 51% | \$ 2.20 | \$ 341,736 | \$ 96,400 | \$ 372,773 |
| Clearbrook | \$ 381,918 | \$ 171,529 | 45% | \$ 1.98 | \$ 321,070 | \$ 55,477 | \$ - |
| Gore | \$ 141,037 | \$ 139,550 (6) | 99% | \$ 1.61 | \$ 257,810 | \$ 29,591 | \$ 177,756 |
| Round Hill | \$ 343,366 | \$ 232,684 | 68% | \$ 2.69 | \$ 1,185,821 | \$ 131,805 | \$ 2,393,747 |
| Gainesboro | \$ 249,193 | \$ 155,151 | 62% | \$ 1.79 | \$ 114,625 | \$ 28,966 | \$ - |
| Star Tannery | \$ 113,153 | \$ 137,652 | 122% | \$ 1.59 | \$ 296,163 | \$ - | \$ - |
| Greenwood | \$ 564,300 | \$ 289,481 (7) | 51% | \$ 3.35 | \$ 1,578,596 | \$ 380,396 | \$ 508,887 |
| North Mountain | \$ 256,919 | \$ 123,813 | 48% | \$ 1.43 | \$ 98,403 | \$ 19,846 | \$ 36,000 |
| Reynolds Store | \$ 341,444 | \$ 118,375 | 35% | \$ 1.37 | \$ 269,672 | \$ - | \$ - |
| Millwood Station | \$ 461,330 | \$ 225,154 | 49% | \$ 2.60 | \$ 272,401 (4) | \$ 113,892 | \$ 1,406,714 |
| F&R Association | \$ 179,608 | \$ 85,262 | 47% | \$ 0.99 | \$ 201,917 | \$ - | \$ - |
| Total Volunteer | \$ 4,729,486 | \$ 2,414,135 | | \$ 27.91 | \$ 5,061,372 | \$ 963,143 | \$ 5,844,343 |
| Frederick Co (1) | \$ 10,009,771 | \$ 10,009,771 | 100% | \$ 115.74 | N/A | N/A | N/A |
| Total F&R & Ambulance | \$ 14,739,257 | \$ 12,423,906 | | \$ 143.66 | \$ 5,061,372 | \$ 963,143 | \$ 5,844,343 |

Notes:

- (1) FY is 7/1/2016 - 6/30/2017 (per Exhibit 12 of CAFR)
- (2) 2017 Frederick County population 86,484 per US Census Bureau.
- (3) Does not include Length of Service funding. Does include EMS Expense Recovery distributions.
- (4) Cash- Year End: Partially restricted - \$78,711 Building Maintenance/Repair Reserve.
- (5) includes \$210,136 in proffer funds for the Ancillary Building and \$600 for Battlefield Half Marathon.
- (6) includes \$10,000 pumper purchased by the County from Gore.
- (7) includes \$6,000 for convenience site lease.

CY 2017

PAYMENTS TO FIRE COMPANIES - per County general ledger

EMS EXPENSE RECOVERY

| | RECOVERY | MILEAGE | FIRE PROGRAMS | 4-FOR-LIFE | SQUAD TRUCK /
RESPONSE UNIT
SUPPLEMENT | COUNTY
CONTRIBUTION | FIRE COMPANY
CAPITAL FUNDS | TRAINING | OTHER | TOTAL |
|----------------------|-------------------|-------------------|--------------------------------|------------------|--|------------------------|-------------------------------|------------------|-------------------|---------------------|
| STEPHENS CITY | 121,977 | 57,857 | 22,858 | | | 81,874 | 31,308 | 2,650 | 210,736 (1) | \$ 529,261 |
| MIDDLETOWN | 47,966 | 27,540 | 22,858 | | 15,950 | 59,651 | | 1,000 | | \$ 174,965 |
| CLEARBROOK | 47,542 | 18,011 | 22,858 | | | 66,698 | | 790 | | \$ 155,900 |
| GORE | 22,330 | 10,320 | 22,858 | | | 57,907 | | 506 | 10,000 (2) | \$ 123,921 |
| ROUND HILL | 68,269 | 11,048 | held for audit
paid 2/16/18 | | held for audit
paid 2/16/18 | 137,738 (5) | | | | \$ 217,055 |
| GAINESBORO | 32,004 | 15,361 | 22,858 | | 4,250 | 62,098 | | 2,950 | | \$ 139,522 |
| STAR TANNERY | 6,748 | 8,654 | held for audit
paid 2/16/18 | | | 106,620 (5) | | | | \$ 122,023 |
| GREENWOOD | 103,922 | 34,946 | 22,858 | | 4,250 | 75,557 | 25,000 | 1,319 | 6,000 (3) | \$ 273,852 |
| NORTH MOUNTAIN | 15,352 | 8,947 | 22,858 | | | 60,018 | | 1,009 | | \$ 108,184 |
| REYNOLDS STORE | 9,769 | 7,531 | 22,858 | | 5,950 | 55,015 | | 1,623 | | \$ 102,746 |
| MILLWOOD | 52,869 | 17,826 | 22,858 | | 5,950 | 61,242 | 47,500 | 1,080 | 200 (4) | \$ 209,525 |
| F.C. VOL ASSOCIATION | | | | 85,262 | | | | | | \$ 85,262 |
| TOTAL | \$ 528,749 | \$ 218,041 | \$ 205,724 | \$ 85,262 | \$ 36,350 | \$ 824,418 | \$ 103,808 | \$ 12,928 | \$ 226,936 | \$ 2,242,216 |

Notes:

(1) Battlefield Half marathon - \$600; \$210,136 proffer funds for Ancillary Bldg

(2) 1995 pumper training engine purchased by County from Gore

(3) convenience site

(4) event center rental fee for EDA event

(5) Round Hill & Star Tannery county contributions are doubled -- FY17 contributions were held for audits and not paid until Jan 2017 (CY17).

E

PUBLIC SAFETY COMMITTEE REPORT to the BOARD OF SUPERVISORS
Thursday February 21, 2019
8:30 a.m.
1080 COVERSTONE DRIVE, WINCHESTER, VIRGINIA

ATTENDEES:

Committee Members Present: Chairman Bob Wells, Walt Cunningham, Judy McCann-Slaughter, Helen Lake and Blain Dunn. Citizen member Chuck Torpy was not present.

Staff present: Director of Communications LeeAnna Pyles, Volunteer Fire & Rescue President Dan Cunningham, Deputy Chief Larry Oliver, Deputy County Administrator Jay Tibbs, Sheriff Lenny Millholland, Deputy Chief/Fire Marshal Jay Bauserman, Major Steve Hawkins, Lieutenant Warren Gosnell, County Attorney Rod Williams and Fire Marshal Kenny Scott.

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

1- Proposed Emergency Response Performance Guide (see attached):

Deputy Chief Larry Oliver presented an Emergency Response Performance Guide to monitor the fire, emergency medical, and special operations systems and establish response time goals for emergency incidents within Frederick County. Currently, there is no such policy in place. This prospective guide will be discussed at the Chiefs workgroup.

Mr. Dunn made a motion to send this report, as presented, to the Board of Supervisors. Mr. Cunningham seconded the motion. The motion was unanimously approved.

ITEMS FOR INFORMATION ONLY:

1. Traffic Control reimbursement policy updated discussion (see attached):

Sheriff Millholland updated the Public Safety Committee on the traffic control reimbursement policy that was discussed at the August 16, 2018 PSC meeting. He mentioned that from July 2018- present, the Sheriff's Office has invoiced over \$47,000 for traffic control reimbursements for services rendered for VDOT needs, events and crowd control to name a few. Jay Tibbs stated that an outline showing the criteria and to whom the Sheriff's Office provides these services for would be beneficial. Sheriff Millholland stated he would produce a more in-depth explanation of services provided.

Blaine Dunn made a motion to approve the policy request and forward it on to the Finance Committee. Ms. Lake seconded the motion. The Committee unanimously approved the motion.

2. Chapter 90 and Chapter 158 Ordinance revisions (see attached):

County Attorney Rod Williams reviewed proposed revisions to Chapter 90- Fire Prevention and Protection, General Standards. This new draft updates definitions where appropriate and makes the necessary changes to the Code as reflected in the VSFPC (Virginia Statewide Fire Prevention Code). The definitions herein pertain to fire hydrants, key boxes, fire lanes, etc.

Mr. Williams also discussed proposed revisions to Chapter 158 – parking on County

property. Section "O" of the Code pertains to parking on County property for extended periods of time and any fine associated with said action.

Mr. Dunn made a motion to approve both requested Code revisions and forward them to the Code & Ordinance Committee. Mrs. Slaughter seconded the motion. The Committee unanimously approved the motion.

3. Discussion of grant monies for 2 additional School Resource Officers:

Sheriff Millholland discussed DCJS grant funding availability for 2 additional School Resource Officers (SRO). This is a \$70,000 grant, in which the County would cover approximately \$27,286 for the cruisers, uniforms, etc. with the grant covering approximately \$42,417. The Sheriff does have this topic on the Finance Committee's agenda for an upcoming meeting, however he only requested 1 SRO which is guaranteed. It was recommended that request to the Finance Committee be amended and the Sheriff request 2 positions.

Judy McCann-Slaughter made a motion for the Sheriff to amend his request to include 2 SRO positions and move the request onto the Finance Committee for consideration. Mr. Cunningham seconded the motion. The motion was unanimously approved by the Committee.

4. Proposed expansion to the Fire Prevention Code fee schedule (see attached):

Deputy Chief/Fire Marshal Jay Bauserman started by giving a brief outline of the proposed fee schedule for commercial buildings within Frederick County. While all of the yearly inspections are critical for compliance, Deputy Chief Bauserman stated that by implementing a fee schedule for these inspections, it could offset some of the County's costs. Fire Marshal Kenneth Scott presented a PowerPoint which detailed the breakdown of the proposed fee schedule. He advised the department was seeking support from the Public Safety Committee to take the proposed fees to the Public Works Committee. The chief concern, from Ms. McCann-Slaughter and Mr. Williams was the price structure for the different building sizes

Helen Lake moved to forward the proposal to the Public Works Committee. The motion died due to the lack of a second.

Chairman Wells recommended that Committee members give suggestions and input to Deputy Chief Bauserman on a possible resolution for the fee structure. This item will be further discussed at the next Public Safety Committee meeting.

5. Other business:

Deputy Chief Oliver mentioned of the severe ice conditions Frederick County residents encountered on February 12-13, 2019. He noted that over 260 fire & rescue incidents transpired, including trees down, power lines down, and building fires.

Director LeeAnna Pyles also cited that the dispatchers answered over 800 calls for service. Director Pyles also stated that Text to 9-1-1 is now live in Frederick County and we are the first in the area with this capability.

The Public Safety Committee meeting adjourned: 10:00 a.m.

Respectfully submitted,

Public Safety Committee

Bob Wells
Judy McCann-Slaughter

Blaine Dunn
Helen Lake

Chuck Torpy
Walt Cunningham

Frederick County Sheriff's Office



1080 Coverstone Drive
Winchester, Virginia 22602

Office (540) 662-6168
Fax (540) 504-6400

AGREEMENT FOR OFF DUTY DEPUTY CONTROL SERVICES

This Overtime Sheriff Services Agreement ("Agreement") is entered into between the Frederick County sheriff's Office ("**Sheriff's Office**") and _____, ("**Requestor**" – group requesting services). Collectively, these entities are referred to as the Parties.

1. Scope. The requester agrees, in consideration for the Sheriff's Office supplying Sheriff's Deputies (Deputies) for services, to comply with the requirements of this agreement.

2. Information:

Name of organization: _____

Address: _____

Contact person: _____

Telephone number: _____

Email Address: _____

3. Requested services:

Number of Deputies requested _____

Schedule of requested services (day/time):

4. Refusal of Dates: The Sheriff's Office reserves the right to refuse dates and/or time for services should those dates create staffing or other administrative or public safety concerns.

5. Staffing requirements: The requestor agrees to request an adequate number of Deputies for security control needs. Unless modified by agreement of the parties, there shall be enough Law Enforcement Personnel to handle the event.
6. Payment Schedule/Billing/Penalties: The requester will be assessed an hourly fee for the traffic control services provided by the Sheriff's Office. That fee shall be \$_____/hr. per Deputy. The requester will bill for a minimum of one hour for services. Increments of time for billing purposes shall be rounded up to the next full hour.
The requester will be invoiced for Sheriff's Office services. Any payment not received by the Sheriff's Office within thirty (30) days of the invoice date is delinquent and may be subject to collection action.
7. Deputies are Sheriff's Office Employees: The Deputies assigned to services under this Agreement remain employees of the Sheriff's Office during the performance of duties. As a result, the Deputies are under the full managerial control of the Sheriff's Office, and not subject to the managerial control by the requester.
8. Emergency Activation: All Deputies, pursuant to this Agreement are subject to mobilization to another location by the Sheriff or his designee in the event of an emergency or pursuant to bona fide staffing needs of the Sheriff's Office. Should a Deputy be mobilized to another location by the Sheriff's Office, the requester will only be billed for the time the Deputy worked pursuant to this Agreement, rounded up to the nearest hour. The requester is not eligible for any other damages should the Deputies on site be mobilized to another location.
9. Non-Interference with Police Action or Prosecution: Should any incident occurring during an event under this Agreement require police action or prosecution, the requester will not interfere and/or attempt to influence decisions or actions made by the Deputy or Deputies. The requester will cooperate fully with the Sheriff's Office in investigation of any such incident.
10. Effective Date/Expiration: This agreement is effective when executed by both Parties and shall remain in effect for one (1) year, unless terminated earlier as provided herein.
11. Cancellation by Sheriff's Office: The Sheriff's Office may terminate this agreement when it deems that doing so is reasonably necessary or appropriate. The Sheriff's will provide the requester with _____ days' written notice of the termination of the Agreement.
12. Cancellation by the Requester: The Requester may cancel or terminate services under this Agreement, provided that the Requester provides the Sheriff's Office with _____ days' written notice of the termination.
13. Non-Assignable/Subcontract: The Requester may not assign or subcontract services under this Agreement.
14. Jurisdiction: This Agreement shall be governed, construed and interpreted by the Laws of the State of Virginia. Any action arising out of or related to this Agreement shall be brought in Frederick County, Virginia.

15. Third Party Rights: This Agreement is intended to be solely between the Parties. No part of this Agreement shall be construed to add, supplement, or amend existing rights, benefits, or privileges of any third party or parties.
16. No Waiver: The Failure of either Party to enforce any provisions of this Agreement or to require performance of the other Party of any provision(s) shall not be construed to be a waiver of such provisions, nor shall it affect the validity of this Agreement or any part thereof, or the rights of either Party to enforce any provision.
17. Complete Agreement: This Agreement constitutes the entire agreement of the parties relating to the services provided to the Requester by the Sheriff's Office. This Agreement supersedes all prior communications, contracts, or agreements between the parties with respect to the same.
18. Authorizations/Signature: The person signing this Agreement represents the Requestor and has authorization to execute this agreement on behalf of the Requestor for whom they sign. The signature executing this Agreement may be an original signature, or an original signature that has been replicated by photocopy, electronic means, or facsimile.

Frederick County Sheriff's Office

Authorized Requester

Lenny Millholland
Sheriff

Signature

Print Name

Date

Date

Lenny Millholland

From: Chris Carey <CCarey@riskprograms.com>
Sent: Monday, August 20, 2018 4:33 PM
To: Lenny Millholland
Subject: Off-duty Employment
Attachments: OFF-DUTY Approval Form.doc; OFF-DUTY Employment-Sheriff.doc

Sheriff Millholland:

It was nice speaking with you today. VACORP allows each Sheriff to determine the best manner to handle off-duty employment. There are two methods to handle this circumstance:

1. Employer Model – This is where all off duty employment is contracted and billed through the Sheriff's Office and/or County. The deputy is acting as an employee and all coverage and benefits are handled/provided through the County.
2. Contractor Model – This is where the Sheriff provides a directive of approved activities and all of it is handled externally from the Employer.

I have provided a sample guideline on the issue. Although we do not dictate to the Sheriff the manner in which this should be handled, we do always recommend the Employer model. We believe this is in the best interest of the Employer and Employee in properly managing work related injuries and possible Line of Duty Act benefits. I believe this is the manner in which Frederick County manages off-duty employment and we would not recommend any changes.

If you have any additional questions, please let me know. Thanks.

Chris J Carey
Administrator
VACoRP
1315 Franklin Rd., SW
Roanoke, VA 24016
Phone: 1888-822-6772
Fax: 540-345-5330


*****Please make a note of my new e-mail address and begin using it for future e-mail correspondence.*** This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to who they are addressed. This communication may contain material protected by the attorney-client privilege. If you are not the intended recipient or the person responsible for delivering the email to the intended recipient, be advised that you have received this email in error and that any dissemination, printing, or copying of this email is strictly prohibited.**



Frederick County Sheriff's Office

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting



| | | | | |
|---|----------------------|-----------------------------------|--------------------------------------|---|
| Series
PER | Number
203 | Effective Date
01-01-16 | Review Date
01-01-20 | Reviewing Office
Sheriff |
| Subject
Extra-Duty/Off-Duty Employment | | | | <input checked="" type="checkbox"/> New Order
<input type="checkbox"/> Amends
<input type="checkbox"/> Replaces |
| References
PER.04.01
PER.04.02 | | | | |
| 
<hr/> Sheriff | | | <hr/> 01-01-16
Date | |

I. PURPOSE

To provide policy governing extra-duty/off-duty employment for employees of the Frederick County Sheriff's Office.

II. POLICY

The Sheriff must ensure the continued efficiency and effectiveness of the Sheriff's Office while simultaneously reducing or eliminating conflicts of interest. To this end, the Sheriff shall manage according to whatever reasonable controls he deems necessary to restrict or regulate the conduct of employees. It is the policy of the Sheriff's Office, therefore, to prohibit extra-duty/off-duty employment of employees when it may impair efficiency or conflict with their duties and responsibilities.

III. DEFINITIONS

A. Employment

Any work performed or services provided for compensation, including self-employment.

B. Law Enforcement Related Employment

Employment by Sheriff's Office personnel that may require the use of their law enforcement powers, which have been granted by the Commonwealth of Virginia/Frederick County Sheriff's Office.

C. Probationary Period

That period of time measured by one calendar year beginning with the date of employment. (Within the Sheriff's Office, the probationary period is for the purpose of evaluating an employee's abilities and aptitude for the assigned work and does not imply tenure.)

D. Non Law Enforcement Related Off-Duty Employment

This employment shall not constitute a conflict of interest with the Sheriff's Office. A conflict of interest is determined by the Sheriff and shall include any activity inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of law enforcement employment.

E. Off-Duty (Secondary) Employment

Any employment for an entity where the employee formally accepts a position, (including self-employment/own business), where the employee works a weekly scheduled time period, and where the employee intends to remain in this position for an extended time period. Off-Duty employment does require the employee to submit a Request For Off-Duty Employment form to the Sheriff for approval.

F. Extra-Duty Employment

Any employment by an employee for a service that was submitted and approved through the Sheriff's Office administration requesting personnel for a short time period and a specific service, i.e. security for a specific event. Extra-Duty employment is sporadic and does not require the employee to submit a Request for Off-Duty Employment form.

IV. PROCEDURES

A. Law Enforcement Related Extra-Duty Employment

1. Law enforcement related extra-duty employment shall not exceed 16-hours per day, including on-duty time; e.g., an employee working a 10-hour work day may work six hours extra-duty employment on the same day and an employee on a day off may

work 16-hours. (This policy does not restrict the amount of time worked by an employee on-duty for the Sheriff's Office.)

- a. For the purpose of computing the allowable work time per day, court time shall constitute on-duty time.
2. Law enforcement related extra-duty temporary employment is restricted to the Frederick County/Winchester City limits. Deputies may perform law enforcement duties beyond the county's boundaries if working in conjunction with another jurisdiction's regular law enforcement agency and after having been duly sworn as a law enforcement officer in that jurisdiction.
3. The minimum salary required for deputies employed in a law enforcement related extra-duty temporary capacity must be at least equal to the over-time pay rate for a newly employed deputy.
4. Serving as an employment agent and receiving compensation for procurement of law enforcement related temporary jobs for other Sheriff's Office employees is prohibited. This does not prohibit supervisors/SROs from requesting personnel to work assignments that have been approved by the Sheriff or his designee.
5. No employee shall at anytime solicit any person or business for the purpose of gaining law enforcement related extra-duty temporary employment.
6. Except for public school security activities, which have the Sheriff's standing approval, and other temporary employment specifically authorized by the Sheriff or his designee, the following regulations apply:
 - a. The sheriff may approve or disapprove the wearing of the Sheriff's Office uniform while engaging in extra-duty employment.
 - b. The sheriff may approve or disapprove the use of county-owned vehicles, radio, or other equipment while engaging in extra-duty employment.
7. Deputies, while engaged in law enforcement related extra-duty temporary employment, will adhere to Sheriff's Office policy and be subject to the orders of the on-duty Sheriff's Office supervisor.
8. A deputy may be prohibited from working law enforcement extra-duty temporary employment for the following reasons:

- a. The deputy's on-duty performance is affected by working the extra-duty hours;
 - b. The deputy does not satisfactory perform the extra-duty assignment;
 - c. The deputy has received disciplinary action from the Sheriff's Office.
9. The Sheriff may designate a coordinator for law enforcement related extra-duty temporary employment for the Sheriff's Office. They will monitor policy compliance, maintain records, and review the process annually.

B. Non-Law Enforcement Off-Duty Employment

Section A1 above regarding hours worked during extra-duty employment, also applies to non-law enforcement off-duty employment. The following are jobs, which the Sheriff deems unacceptable, and permission to engage in secondary employment in these areas will be denied.

1. Jobs at establishments where alcoholic beverages are sold for consumption on the premises (bartenders, bouncers, etc.).
2. Deputies and employees are prohibited from employment by any firm connected with the following:
 - a. Towing or storage of vehicles;
 - b. Bill/debt collector;
 - c. Bodyguard;
 - d. Private investigator;
 - f. Process server;
 - g. Taxi cab driver.

C. Law Enforcement Off-Duty Employment

It is the policy of the Frederick County Sheriff's Office not to allow law enforcement off-duty employment with any other law enforcement agency as a sworn law enforcement officer. This policy does not prohibit Sheriff's Office employees' from being sworn in other jurisdictions for

temporary extra-duty law enforcement employment, nor does it prohibit them from being members of joint law enforcement task forces.

D. Arrests

Any arrests made, or summonses issued, while engaged in law enforcement related extra-duty employment would follow the procedures set forth in ADM-105.

E. Law Enforcement Related Extra-Duty Employment

1. Whenever a request is received for law enforcement extra-duty employment, the following information shall be obtained:
 - a. The precise nature of the work to be performed;
 - b. The hours or schedule for the task;
 - c. The equipment the employee(s) will need;
 - d. The contact persons phone number/address.
2. The Sheriff or his designee will make the final decision to approve/disapprove all requests for law enforcement related extra-duty employment.

E. Sheriff's Office Liability

1. Any approved law enforcement related extra-duty temporary employment is considered work related and all of the benefits provided to on-duty Sheriff's Office personnel would be provided to personnel working these assignments.
2. The Sheriff's Office shall not be responsible for any civil liability relating to any incident that occurred from secondary employment, nor will Sheriff's Office workman's compensation be provided to personnel injured while working any secondary employment.

F. Off-Duty employment requirements

1. Employees must submit a written (Request for Secondary Employment) request to the Sheriff through the chain of command when requesting permission to obtain secondary employment or to start their own business. The completed request shall be filed in the employee's personnel file.

2. Deputies shall submit a letter to the Sheriff advising of their resignation or termination from their secondary employment within 14 days of the resignation/termination. The letter will be attached to the original request form and filed in the employee's personnel file.
3. If a Sheriff's Office employee is terminated from his/her secondary employment, it shall be the right of the Sheriff's Office to ascertain the reason. If the reason is such as to have brought reproach upon the Sheriff's Office, then disciplinary action may also be taken by the Sheriff's Office.
4. Any action by the secondary employer or Sheriff's Office employee while employed by the secondary employee that conflicts with the Sheriff's Office rules of conduct, the law enforcement code of ethics, or this policy, will result in the revocation of the secondary employment request.
5. The Sheriff may revoke permission to work secondary employment anytime the secondary employment affects the Sheriff's Office employee's job performance, or anytime the Sheriff's Office employee receives disciplinary action.
6. Sheriff's Office employees may not be allowed secondary employment during their probationary period. This may not apply to experienced newly hired deputies.
7. The Sheriff may designate a coordinator for off-duty employment for the Sheriff's Office. They will monitor policy compliance, maintain records, and review the process annually.




COUNTY OF FREDERICK, VIRGINIA

FIRE AND RESCUE DEPARTMENT

1080 Coverstone Drive
Winchester, VA 22602

Dennis D. Linaburg
Fire Chief

TO: Frederick County Public Safety Committee

From: Dennis D. Linaburg
Fire Chief 

SUBJECT: Fire and Rescue Emergency Response Performance Guide

DATE: February 15, 2019

Developing response goals is critical to the planning process of the Department, as they impact the apparatus and system staffing needs outlined within the Fire and Rescue Study. The Department utilizes a variety of staffing and performance levels to respond to requests for service, however, baseline emergency response objectives have not been established to ensure the system is providing the most reliable service to the citizens of Frederick County.

Establishing an Emergency Response Performance Guide will allow the Department to manage and monitor the system for effective and efficient organization and deployment of fire, emergency medical and special operations to the public by the combination system to protect citizens and the occupational safety and health of all members within Frederick County Fire and Rescue.

Attached, please find a copy of the proposed Emergency Response Performance Guide for your review. At this time, we are requesting the Committee's recommendation to adopt the Emergency Response Performance Guide to allow for continued development and improved management of emergency service delivery, response capabilities and system resources.

FREDERICK COUNTY FIRE AND RESCUE DEPARTMENT STANDARD OPERATING GUIDELINE



SUBJECT: Fire and Emergency Medical Response
Performance Guide

S.O.G.:

PAGE: 1 OF 2

CATEGORY:

SUBCATEGORY:

APPROVED BY:

Dennis D. Linaburg

EFFECTIVE DATE:

CHIEF, FIRE AND RESCUE DEPARTMENT

FORMS REQUIRED:

PURPOSE

The purpose of this document is to establish response time goals for emergency incidents within Frederick County. This policy shall apply to both volunteer and career personnel and apparatus responding to emergency incidents within the County.

DEFINITIONS

Alarm Time – The time the first due company is notified of an emergency.

Dispatch Call Processing Time – The time between when the 911 call is answered and when the alert tones for responding units are activated.

Effective Response Force (ERF)- The minimum number of emergency personnel and equipment that must reach a specific emergency incident location within a maximum prescribed time.

Fire Apparatus – Any vehicle designed to be used under emergency conditions to transport personnel and equipment for the support of fire and hazardous materials suppression operations.

Response Time – The elapsed time in minutes between the alarm time and the first responding unit arriving on scene.

Rural Area – As defined by the U.S. Census Bureau, an area with fewer than 500 people per square mile.

Service Delivery – The distribution of fire and emergency resources based on community risks; allows for timely and effective emergency response.

Suburban Area – As defined by the U.S. Census Bureau, an area with between 500 and 1,000 people per square mile.

Transport Unit – Any Basic or Advanced Life Support ambulance.

Turnout Time – The elapsed time in minutes between the alarm time and the movement of the responding apparatus toward the incident.

Urban Area – As defined by the U.S. Census Bureau, an area with at least 1,000 people per square mile.

GUIDELINE

It is the intent of the Department to provide the citizens and visitors of Frederick County with services in a timely manner and to serve the community. As such, the primary performance measure is based on the first arriving fire or EMS transport unit to the scene of the emergency.

| | | |
|---|------------------------|---------------------|
| SUBJECT: Fire and Emergency Medical Response Performance Guide | EFFECTIVE DATE: | S.O.G.: |
| CATEGORY: | SUBCATEGORY: | PAGE: 2 OF 2 |

The Department hereby establishes performance measures designed to enhance the emergency services to the citizens and visitors of Frederick County by establishing a service delivery response time of 10-minutes in urban and suburban areas and 13-minutes in rural areas of Frederick County.

PROCEDURE

Frederick County Fire and Rescue has established the following emergency response performance guide:

1. Dispatch Call Processing Time
 - a. It is the goal of the Frederick County Emergency Communications Department that calls received by the Emergency Dispatch Center will be received, processed and dispatched as follows:
 - i. Medical – 2 minutes, 90% of the time
 - ii. Fire and Hazmat – 1 minute 10 seconds, 90% of the time

2. Turnout (Reaction) Time
 - a. It is the goal of Frederick County Fire and Rescue for personnel to be en-route to emergency incidents within 1 minute 30 seconds of the alarm, 90% of the time.

3. Response Time
 - a. It is the goal of Frederick County Fire and Rescue to arrive on scene with an initial suppression unit or EMS Transport Unit as follows:
 - i. Urban / Suburban Areas in less than 7 minutes, 90% of the time.
 - ii. Rural Areas in less than 10 minutes, 90% of the time.
 - b. It is the goal of Frederick County Fire and Rescue to arrive on scene with an ERF as detailed in the Frederick County Emergency Response Matrix as follows:
 - i. Urban / Suburban Areas in less than 10 minutes, 90% of the time.
 - ii. Rural Areas in less than 13 minutes, 90% of the time.
 - c. Should a response take longer, it will be reviewed for causes, and any avoidable issues should be addressed with the responding crew. Only emergency response calls will be included in the response time analysis.

4. Reports
 - a. Response time analysis reports will be generated quarterly and annually.
 - b. Reports will be utilized for monitoring, analyzing and improving emergency response times.

5. Example Emergency Response Timeframe (Medical):

| Step | Urban / Suburban | Rural |
|------------------------------------|------------------------------|------------------------------|
| 911 Call Received | Clock starts | Clock Starts |
| Emergency Processed | 2 minutes | 2 minutes |
| Company Alarm (Turnout) | 1 minute 30 seconds | 1 minute 30 seconds |
| Initial Response | 7 minutes | 10 minutes |
| Total Initial Unit Response | 10 minutes 30 seconds | 13 minutes 30 seconds |
| ERF Arrival | 3 minutes | 3 minutes |
| Total ERF Response Time | 13 minutes 30 seconds | 16 minutes 30 seconds |



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Public Safety Committee

FROM: Roderick B. Williams
County Attorney

DATE: February 14, 2019

RE: County Code Chapter 90, Article I – Fire Prevention and Protection, General Standards

The Fire & Rescue Department has prepared the attached draft revision of this Article of the County Code to reflect the most recent changes to the Virginia Statewide Fire Prevention Code (VSFPC). The draft would update the County's adoption of the VSFPC, add, delete, and update definitions as appropriate, update requirements relating to fire hydrants, and make provision for fire personnel-accessible key boxes for certain structures. If the Committee is favorably disposed to the draft, a recommendation to approve and action to forward the draft to the Code & Ordinance Committee would be appropriate.

Attachment

cc: Dennis Linaburg, Chief, Fire & Rescue Department
Jay Bauserman, Fire Marshal



ORDINANCE
_____, 2019

The Board of Supervisors of Frederick County, Virginia hereby ordains that Article I (General Standards) of Chapter 90 (Fire Prevention and Protection) of the Code of Frederick County, Virginia be, and the same hereby is, amended as follows (deletions are shown in ~~strike through~~ and additions are shown in **bold underline**):

ARTICLE I GENERAL STANDARDS

§ 90-1 Purpose; adoption of Statewide Fire Protection Code.

- A. The purpose of this chapter is to consolidate into one document the necessary requirements for the prevention or the minimizing of the loss of lives and property that may result from fire in Frederick County.
- B. The Virginia Statewide Fire Prevention Code (VSFPC), as set forth in § 27-94 et seq. of the Code of Virginia (1950, as amended), and as may be subsequently amended, shall be enforced in the County. Except as specifically modified by this chapter, all the provisions and requirements of the Statewide Fire Prevention Code are hereby adopted, mutatis mutandis, and made part of this chapter as if fully set forth and shall be known as the Frederick County Fire Prevention Code (**FCFPC**). No person within the County shall violate or fail, neglect or refuse to comply with any provision of the Frederick County Fire Prevention Code and in no event shall the penalty imposed for the violation of any provision or requirement adopted herein exceed the penalty imposed for a similar offense under such § 27-94 et seq. of the Code of Virginia (1950, as amended), and as may be subsequently amended.

§ 90-2 Administration, enforcement, and appointment of Fire Marshal; interpretation; applicability; appeals.

- A. There is hereby established in and for the County the position of Fire Marshal, who shall be responsible for the **administration and** enforcement of this chapter **and, in addition, such official shall have the powers outlined in Section 27-98.1 of the Code of Virginia.** ~~and the~~ **The** Board of Supervisors authorizes the appointment of such Fire Marshal as designated by the **Department System** Chief of the Frederick County Department of Fire and Rescue. The investigation

into the origin and cause of every fire and explosion occurring within the limits for which he/she is appointed, investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances, and fire bombs, and environmental crimes shall be the responsibility of the Fire Marshal, **and/or his/her a** designated representative, ~~the Assistant Fire Marshal, and legal counsel.~~

- B. The requirements in this chapter shall be administered and enforced by the Frederick County Fire Marshal or **his a** designated representative as referred to as the "Authority Having Jurisdiction."
- C. Subject to the provisions of Subsection E, the Fire Marshal or **his a** designated representative shall interpret this section, where necessary, and that interpretation shall be binding and final.
- D. This chapter shall apply to all matters affecting or relating to structures, processes and premises as set forth in Sections 101 and 102 of the ~~VSFPC~~ **(FCFPC)**, except that this chapter shall not apply within the boundaries of any incorporated town in the County **that has a duly appointed Fire Code Official.**
- E. Appeals concerning the administration, enforcement, interpretation, and/or application of this chapter by the Fire Marshal or **his/her a** designated representative shall first lie to the County Board of Building Code Appeals created under § 52-8 of this Code and then to the State Building Code Technical Review Board. Appeals hereunder to the County Board of Building Code Appeals shall be subject to the payment of the same fees as apply to appeals of matters involving the Virginia Uniform Statewide Building Code. Appeals from the application of the VSFPC by the State Fire Marshal shall be made directly to the State Building Code Technical Review Board as provided in § 36-108 et seq. of the Code of Virginia (1950, as amended), and as may be subsequently amended.

§ 90-3 Definitions and word usage.

- A. Definitions of words defined in this article are intended for use only with sections of this article. Definitions set forth in any document referenced by this article are intended for use only with that document only. Words not specifically defined in this article or other referenced documents shall be interpreted as being the ordinary usage of the word as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged.
- B. As used in this article, the following terms shall have the meanings indicated:

APPROVED

Acceptable to the Frederick County Fire Marshal or ~~his~~ a designated representative.

~~ASSISTANT FIRE MARSHAL~~

~~A sworn law enforcement officer to serve as the Fire Marshal's designated representative.~~

~~AUTOMATIC FIRE EXTINGUISHING SYSTEM~~

~~Any system which is designed and installed to detect a fire and subsequently discharge an extinguishing agent without human activation or direction.~~

CURB CUT

Reduced curb height to facilitate vehicle passage over or across a curb. A curb cut can be an abrupt reduction or may be a tapering reduction for the length of the curb on each side of the means of access.

DWELLING

A single unit providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

~~EXISTING CONDITION~~

~~Any situation, circumstance or physical makeup of any structure, premises or process which was ongoing or in effect prior to the original adoption of this article.~~

FIRE CODE OFFICIAL

The same as "Fire Marshal" and any of his/her designated representatives.

FIRE DEPARTMENT

The Frederick County Fire and Rescue Department, the local volunteer fire company that is the first due company in an area, and any fire company that actually responds to a call for service at a particular location.

FIRE DEPARTMENT CONNECTION (FDC)

A connection, through which the fire department can pump supplemental water into a sprinkler system, standpipe, or other system, furnishing water for fire extinguishment to supplement existing water supplies.

FIRE DOOR

~~A tested, listed or approved door and door assembly constructed and installed for the purpose of preventing the spread of fire through openings in walls, partitions or other horizontal or vertical construction.~~

FIRE HYDRANT

A valved connection on a piped water supply system, having one or more outlets and which is used to supply hose and Fire Department pumpers with water.

FIRE LANE

The road or other passageway developed to allow the passage of fire apparatus.

FIRE MARSHAL

A The sworn law enforcement official responsible for investigating the causes of fires and explosions, enforcing fire prevention laws set forth in the VSFPC, life safety inspections, the review of fire protection system plans, and fire education to the public having the responsibilities set out in Section 90-2(A) of this Code.

FIRE PROTECTION SYSTEM

~~Any fire alarm device or system or fire extinguishing device or system or their combination which is designed and installed for detecting, controlling or extinguishing a fire or otherwise alerting occupants or the Fire Department, or both, that a fire has occurred.~~

Approved devices, equipment, and/or systems used to detect a fire, activate an alarm, extinguish or control a fire, and/or control or manage smoke and products of a fire, and/or any combination thereof.

GRADE

~~The reference plane representing the average elevation of the finished ground level adjoining the building at all exterior walls.~~

KEY BOX

A secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

MEANS OF ACCESS

The method or arrangement by which entry or approach is made to a building area by Fire Department apparatus and personnel.

PRIVATE DRIVE

The same as a "private street."

PRIVATE DWELLING

The same as a "dwelling."

PRIVATE ROAD

The same as a "private street."

PRIVATE STREET

Any accessway normally intended for vehicular use in the movement between points within a building site area or between a building site and a street.

RISER

The vertical supply pipes in a sprinkler system.

ROADWAY

Any street, private street or fire lane.

SPRINKLER SYSTEM

For fire protection purposes, an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The installation includes at least one automatic water supply that supplies one or more systems. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are attached in a systematic pattern. Each system has a control valve located in the system riser or its supply piping. Each sprinkler system includes a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

STANDPIPE

A pipe and attendant hose valves and hose (if provided) used for conveying water to various parts of a building for fire-fighting purposes.

STORY

~~That portion of a building included between the upper surface of the floor and the upper surface of the floor or roof next above.~~

STREET

A public thoroughfare (street, avenue or boulevard) which has been dedicated for vehicular use by the public and can be used for access by Fire Department vehicles.

STRUCTURE

Any building, monument or other object that is constructed with the ground as its foundation or normal resting place.

~~SUPERVISED AUTOMATIC FIRE EXTINGUISHING SYSTEM~~

~~Any automatic fire extinguishing system which is constantly monitored so as to determine its operating condition at all times.~~

§ 90-4 General requirements.

The following requirements shall apply to all construction or land development activities in areas of the County to which this article applies:

A. Means of access for Fire Department apparatus.

- (1) The means of access for Fire Department apparatus and personnel shall consist of fire lanes, private streets, streets, parking lot lanes or a combination thereof.
- (2) Parking in any means of access shall not be permitted within 15 feet of a fire hydrant, ~~sprinkler or standpipe~~ **any fire department** connection, or in any other manner which will obstruct or interfere with the Fire Department's use of the hydrant or connection.
- (3) "No parking **Parking Fire Lane**" signs or another designation **approved by the Fire Marshal's Office and** indicating that parking is prohibited shall be provided at all normal and emergency access points to structures and within 15 feet of each fire hydrant, ~~sprinkler or standpipe~~ **or any fire department** connection.

B. Fire lanes.

- (1) The Fire Marshal or ~~his/her a~~ **his/her a** designated representative, ~~in concert with the local volunteer fire company,~~ may designate both public and private fire lanes as required for the efficient and effective use of fire apparatus. Said fire lanes shall be marked in a manner prescribed by the Fire Marshal or ~~his/her a~~ **his/her a** designated representative. Parking in a designated fire lane shall be controlled by Chapter 158, Vehicles and Traffic, of the Frederick County Code.
- (2) Fire lanes shall be at least 20 feet in width, with the road edge closest to the structure at least 10 feet from the structure, be constructed of a hard all-weather surface adequately designed to support any fire apparatus likely to be operated in such fire lane or be of subsurface construction designed to support the same loads as the above surfaces and be covered with no more than three inches of soil or sod, or both, and be designed with radii of

sufficient length to allow for safe turning by any fire apparatus likely to be operated on such fire lane.

(3) Fire lanes connecting to public streets, roadways or private streets shall be provided with curb cuts extending at least two feet beyond each edge of the fire lane.

(4) Chains or other barriers may be provided at the entrance to fire lanes or private streets, provided that they are installed according to the requirements of the Authority Having Jurisdiction.

C. Parking lot lanes. Parking lot lanes shall have a minimum of 15 feet clear width between rows of parked vehicles for vehicular access and movement.

D. Location of structures **shall comply with regulations set forth in the Frederick County Fire Prevention Code (FCFPC).**

~~(1) At least three perimeter walls of all industrial, commercial, public or semipublic or residential structures with three or more dwelling units per structure shall be within 200 feet of a street, fire lane, or private street.~~

~~(2) Structures exceeding 30 feet in height shall not be set back more than 50 feet from a street, fire lane or private street.~~

~~(3) When any combination of private fire protection facilities, including but not limited to fire resistive roofs, fire separation walls, space separation and automatic fire extinguishing systems, is provided, and approved by the Fire Marshal or his/her designated representative as an acceptable alternative, Subsection D(2) shall not apply.~~

~~(4) The Fire Marshal or his/her designated representative may, in concert with the local volunteer fire company, require at least two means of access for fire apparatus to all commercial and industrial structures. Those accessways shall meet the requirements of Subsection B(3).~~

~~(5) Landscaping or other obstructions shall not be placed around structures or hydrants in a manner so as to impair or impede accessibility for fire fighting and rescue operations.~~

E. Water supply.

(1) Water supply systems shall be designed so as to be capable of supplying at least 1,000 gallons per minute **at with a minimum of 20 pounds per square inch (psi) residual**. Water supplies shall be made available and operational before combustibles are on site during construction.

(2) In areas developed with single-family detached or duplex dwelling units, there shall be a fire hydrant within 400 feet of all units. In areas developed with three to five dwelling units per structure, there shall be a hydrant within 300 feet of all units. In areas developed with six or more dwelling units per structure, there shall be at least two hydrants within 300 feet of all units. In areas developed with industrial or commercial development(s), there shall be a hydrant within 300 feet of all portions of any structure. ~~Where one hydrant is dedicated to the operation of a standpipe system, there shall be at least one other hydrant meeting the distance requirements set forth above. The hydrant dedicated to the operation of the standpipe system shall not be farther than 50 feet from the standpipe. Distance measurements under this section shall be along center-line roadway surfaces or along surfaces meeting the requirements of a fire lane (designated or undesignated) where appropriate, but in all cases access to each hydrant shall be directly from a roadway and/or fire lane.~~

(a) Distance measurements in this subsection shall be along center-line roadway surfaces or along surfaces meeting the requirements of a fire lane (designated or undesignated) where appropriate, but in all cases access to each hydrant shall be directly from a roadway and/or fire lane.

(b) Commercial buildings that have a FDC shall have one hydrant dedicated to the operation of the FDC, which shall not be farther than 50 feet from the FDC and there shall be at least one other hydrant meeting the distance requirements set forth in this subsection.

(3) ~~Fire hydrants shall be marked in accordance with the Frederick County Sanitation Authority policy.~~ **Fire hydrant tops and caps shall indicate the available gallons per minute (GPM) in accordance with National Fire Protection Association (NFPA) 291.**

(4) ~~Fire hydrants located in parking areas shall be protected by barriers that will prevent physical damage from vehicles.~~ **In parking areas where curbing is not present vehicle impact protection shall be required as per FCFPC.**

(5) Fire hydrants shall be located within three feet of the curblines of fire lanes, streets or private streets when installed along such accessways.

(6) Fire hydrants shall be installed in accordance with the standards of the Frederick County Sanitation Authority **(which trades/operates as Frederick Water)**.

(7) Threads on fire hydrant outlets shall conform to Frederick County Sanitation Authority **(which trades/operates as Frederick Water)** policy.

(8) Fire hydrants shall be supplied by not less than a six-inch diameter main.
Each six-inch line shall supply no more than one hydrant.

F. **All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electronically supervised by listed fire alarm control unit. Exceptions:**

(1) **Automatic sprinkler systems protecting one- and two-family dwellings.**

(2) **Limited area systems serving fewer than 20 sprinklers.**

(3) **Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided.**

(4) **Jockey pump control valves that are sealed or locked in the open position.**

(5) **Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.**

(6) **Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.**

(7) **Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position.**

~~F.~~**G.** Fire protection during construction. Trash, debris and other combustible material shall be removed from the construction site as often as necessary to maintain a firesafe construction site.

~~G.~~**H.** Plans. ~~Complete as-built building floor plans, site plans and plans of fire-suppression systems shall be submitted to the Chief Building Official and Fire Marshal, or their respective designated representatives, prior to issuance of the final certificate of occupancy.~~ **The fire code official shall have the authority to require construction documents and calculations for all fire protection systems and to require permits be issued for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems shall be submitted for review and approval prior to system installation.**

I. **Key Boxes. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to**

require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys or other devices to gain necessary access as required by the fire code official.

§ 90-5 Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this article shall, upon conviction, be punishable by a maximum fine of \$2,500 or by imprisonment for not more than 12 months, or both such fine and imprisonment.

Enacted this _____ day of _____, 2019.

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

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Public Safety Committee

FROM: Roderick B. Williams
County Attorney

DATE: February 14, 2019

RE: Frederick County Code – Parking on County Property

County Administration has identified instances of vehicles parking in the parking lot behind the County Administration building for extended periods of time. Such parking practices take up valuable parking spots from citizens who are conducting business in the County Administration Building. New proposed subsection “O” of County Code § 158-4, reflected in the attached draft, would restrict parking on County-owned or County-controlled property to parking that is consistent with any posted signs on the property. The new subsection would further impose a fine for a violation of such parking restrictions.

The draft also would correct a typographical error in subsection N, related to enforcement of parking violations under the County Code.

If the Committee is favorably disposed to the draft, a recommendation to approve and action to forward the draft to the Code & Ordinance Committee would be appropriate.

Attachment

cc: Kris C. Tierney, County Administrator
Jay E. Tibbs, Deputy County Administrator
Lenny Millholland, Sheriff



ORDINANCE
___, 2019

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 158-4 (General Restrictions) of Article II (Stopping, Standing and Parking) of Chapter 158 (Vehicles and Traffic) of the Code of Frederick County, Virginia be, and the same hereby is, amended by enacting amended Section 158-4 (General Restrictions) of Article II (Stopping, Standing and Parking) of Chapter 158 (Vehicles and Traffic) of the Code of Frederick County, as follows (deletions shown in ~~strike through~~ and additions shown in **bold underline**):

CHAPTER 158 VEHICLES AND TRAFFIC

Article II Stopping, Standing and Parking

§158-4 General restrictions

A. Double-parking. It shall be unlawful for any person to park any vehicle on any street or highway alongside another vehicle parked at the curb or at the edge of the street or highway, it being the purpose of this subsection to prevent double-parking. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

B. Perpendicular or diagonal parking. It shall be unlawful for any person to park any vehicle on any street or highway in any manner other than parallel to the street or highway, except in a marked parking space. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

C. Parking vehicle against traffic. It shall be unlawful for any person to park any vehicle against traffic on any street or highway. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

D. Parking vehicle without a current state license or a current state inspection sticker. It shall be unlawful for any person to park any vehicle on any street or highway without the vehicle displaying a current state license or a current state inspection sticker. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

E. Parking so as to stop or obstruct traffic. It shall be unlawful for any person to park any vehicle in such a manner as to stop or obstruct traffic on any street or highway. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

F. Parking vehicle within 20 feet of a corner or intersection. It shall be unlawful for any person to park any vehicle within 20 feet of a corner or intersection on any street or highway. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

G. Parking so as to block driveway. It shall be unlawful for any person to park any vehicle in such a manner as to prevent vehicular access to any driveway or entrance to any property. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

H. Parking vehicle on sidewalk or walking trail. It shall be unlawful for any person to park any vehicle on any sidewalk that is open to public use or on any walking trail that is open to public use. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

I. Parking vehicle within 15 feet of a fire hydrant. It shall be unlawful for any person to park any vehicle within 15 feet of a fire hydrant. The penalty for violation of this restriction shall be a fine in the amount of \$40.

J. Parking vehicle in fire lane. It shall be unlawful for any person to park any vehicle in any fire lane where indicated by adequate painting, markers, or signs. The penalty for violation of this restriction shall be a fine in the amount of \$40.

K. Parking vehicle without proper permit in space reserved for persons with disabilities. It shall be unlawful for any person to park any vehicle in any parking space reserved for persons with disabilities and which parking space is so indicated by adequate painting, markers, or signs, unless such vehicle displays a proper permit to do so. It shall also be unlawful for any person to park any vehicle, regardless of whether the vehicle displays a proper permit to park in a parking space reserved for persons with disabilities, in any area adjacent to any parking space reserved for persons with disabilities, which area is reserved for access, but not parking, by persons with disabilities. The penalty for violation of this restriction shall be a fine in the amount of \$100.

L. Parking vehicle contrary to the directions of an official highway sign. It shall be unlawful for any person to park any vehicle in a manner contrary to the directions of an official highway sign. The penalty for violation of this restriction shall be a fine in the amount of \$40.

M. The terms "street" or "highway," as used herein, shall have the same meaning as the term "highway" as set forth in § 46.2-100 of the Code of Virginia.

N. In any prosecution charging a violation of this section, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 **of Title 46.2** (~~§ 46.2-600 et seq.~~) of the Code of Virginia, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

O. Parking at County-owned or County-controlled properties. It shall be unlawful for a person to park any vehicle on property owned or controlled by the County of Frederick in a manner that is contrary to any sign posted at or on the property. The penalty for a violation of this restriction shall be a fine in the amount of \$40.

Enacted this _____ day of _____, 2019.

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

Kris C. Tierney
Clerk, Board of Supervisors
County of Frederick, Virginia



OFFICE OF THE FIRE MARSHAL

John J. Bauserman
Deputy Chief/Fire Marshal
Life Safety Division

M E M O R A N D U M

1080 Coverstone Drive
Winchester, VA 22602

TO: Chairman Robert Wells, Public Safety Committee

FROM: John J. Bauserman, Deputy Chief/Fire Marshal, Life Safety Division

SUBJECT: Proposed Expansion to the Frederick County Fire Prevention Code Fee Schedule

DATE: February 14, 2019

The Fire Marshal's Office is seeking approval to expand the current fee schedule to offset the cost of conducting inspections and permitting. In accordance with Section 27-97 of the Code of Virginia, the Frederick County Board of Supervisors adopted the Statewide Fire Prevention Code as the Frederick County Fire Prevention Code (FCFPC) in June of 2012. This code allows the Frederick County Fire Marshal's Office to establish a life safety/fire prevention fee schedule.

Per the Frederick County Fire Prevention Code **Section 107.10 Local fees** ...fees may be levied by the local governing body in order to defray the cost of enforcement and appeals under the FCFPC.

The primary focus of inspections that the Fire Marshal's Office currently conducts are concentrated towards businesses that are required to have an annual fire inspection to maintain compliance with state or federal agencies. Examples would be nursing homes, daycares, and public/private schools. We also do inspections on large life hazard occupancies, to include hotels, motels, and restaurants. While all these inspections are important, there is a need to expand our inspection services to include **all** commercial businesses in Frederick County promoting the overall safety to our residents, visitors and firefighters.

Please reference the attached document for a detailed informational breakdown of the proposed process and associated fees.

Procedure & Fees

Presented by Frederick County Fire Marshal's Office



Introduction

- In 2012 Frederick County Board of Supervisor adopted the Virginia Statewide Fire Prevention Code and all future amendments in its entirety and renamed it the Frederick County Fire Prevention Code (per VA State Statute 27-97).
- With the adoption it allowed the Frederick County Fire Marshal's Office to conduct annual life safety inspections (106.3 Inspections) and issue operational permits (section 107 Permits And Fees).
- Also that adoption allows Frederick County to levy fees for those inspections (107.10 Local fees).

§ 27-97. Adoption of Fire Prevention Code. The Board of Housing and Community Development is hereby empowered to adopt and promulgate a Statewide Fire Prevention Code which shall be cooperatively developed with the Fire Services Board pursuant to procedures agreed to by the two Boards. The Fire Prevention Code shall prescribe regulations to be complied with for the protection of life and property from the hazards of fire or explosion and for the handling, storage, sale and use of fireworks, explosives or blasting agents, and shall provide for the administration and enforcement of such regulations. The Fire Prevention Code shall require manufacturers of fireworks or explosives, as defined in the Code, to register and report information concerning their manufacturing facilities and methods of operation within the Commonwealth in accordance with regulations adopted by the Board. In addition to conducting criminal background checks pursuant to § 27-97.2, the Board shall also establish regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of fireworks or explosives. In the enforcement of such regulations, the enforcing agency may issue annual permits for such activities to any state regulated public utility. Such permits shall not apply to the storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1.

The Fire Prevention Code shall prohibit any person, firm, or corporation from transporting, manufacturing, storing, selling, offering for sale, exposing for sale, or buying, using, igniting, or exploding any fireworks except for those persons, firms, or corporations that manufacture, store, market and distribute fireworks for the sole purpose of fireworks displays permitted by an enforcement agency or by any locality.

The Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local governments or other political subdivisions. Local governments are hereby empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure, including the voluntary installation of smoke alarms and regulation and inspections thereof in commercial buildings where such smoke alarms are not required under the provisions of the Code. The Fire Prevention Code shall prohibit any person not certified by the State Fire Marshal's Office as a fireworks operator or pyrotechnician to design, set up, or conduct or supervise the design, setup, or conducting of any fireworks display, either inside a building or structure or outdoors and shall require that at least one person holding a valid certification is present at the site where the fireworks display is being conducted. Certification shall not be required for the design, storage, sale, use, conduct, transportation, and set up of permissible fireworks or the supervision thereof or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification.

In formulating the Fire Prevention Code, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations including, but not limited to, standards of the International Code Council, the National Fire Protection Association, and recognized organizations issuing standards for the protection of the public from the hazards of explosives and blasting agents. Such standards shall be based on the companion document to the model building code referenced by the Uniform Statewide Building Code.

The Fire Prevention Code shall require that buildings constructed prior to 1973 be maintained in accordance with state fire and public building regulations in effect prior to March 31, 1986, and that any building which is (i) more than 75 feet or more than six stories high and (ii) used, in whole or in part, as a dormitory to house students by any public or private institution of higher education shall be required to comply with the provisions of § 36-99.3. The Fire Prevention Code shall also require annual fire drills in all buildings having floors used for human occupancy located more than 75 feet above the lowest level of fire department vehicle access. The drills shall be conducted by building staff personnel or the owner of the building in accordance with a plan approved by the appropriate fire official and shall not affect other current occupants. The Board

may modify, amend or repeal any Code provisions as the public interest requires. Any such Code changes shall be developed in cooperation with the Fire Services Board pursuant to procedures agreed to by the two Boards.

106.3 Inspections. The fire official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals in accordance with the fire official's written policy. All reports of such inspections by approved agencies or individuals shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The fire official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues in accordance with local policies.

107.10 Local fees. In accordance with § 27-98 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement and appeals under the SFPC. However, for the city of Chesapeake no fee charged for the inspection of any place of religious worship designated as Assembly Group A-3 shall exceed \$50. For purposes of this section, "defray the cost" may include the fair and reasonable costs incurred for such enforcement during normal business hours but shall not include overtime costs, unless conducted outside of the normal working hours established by the locality. A schedule of such costs shall be adopted by the local governing body in a local ordinance. A locality shall not charge an overtime rate for inspections conducted during the normal business hours established by the locality. Nothing herein shall be construed to prohibit a private entity from conducting such inspections, provided the private entity has been approved to perform such inspections in accordance with the written policy of the fire official for the locality.

Introduction (Cont.)

- The code allows Frederick County to establish a fee schedule and how we are to base those fees. The Fire Marshal has chosen to use square footage which will mirror what the Building Official's Office is currently doing (107.13 Fee Schedule).
- We have consulted with the County Attorney to address any concerns or questions that may come up as a result of implementing these fees.

107.13 Fee schedule. The local governing body may establish a fee schedule. The schedule shall incorporate unit rates, which may be based on square footage, cubic footage, estimated cost of inspection or other appropriate criteria.

The Process

- Step 1 - Notify the commercial businesses via radio, newspaper, social media, email and mass mailing.
- Step 2 - A Life Safety application will be sent out and shall be returned within 30 days of receipt.
- Step 3 - Upon return of the Life Safety application, information will be entered into Code Pal to generate an invoice to be sent out. Payment will be required within 30 days.

The Process (Cont.)

- Step 4 - A Life Safety inspection will then be scheduled and conducted on that business.
- Step 5 - If violations are noted then a re-inspection(s) will be scheduled at a later time based on the severity of the violation.
- Step 6 - After a second re-inspection, if the business still fails or refuses to make repairs then a summons will be issued to start criminal proceedings as warranted.

Life Safety Inspection Fees (107.13 fee schedule)

- \$100 - Businesses up to 12,000 sq. ft
- \$200 - Businesses 12,001 sq. ft - 100,000 sq. ft
- \$300 - Businesses 100,001 sq. ft - 250,000 sq. ft
- \$400 - Businesses 250,001 sq. ft and above

- Re-inspections fees shall be half the original assessed cost.

- Inspections being conducted on County owned buildings shall be exempt from fees.

107.13 Fee schedule. The local governing body may establish a fee schedule. The schedule shall incorporate unit rates, which may be based on square footage, cubic footage, estimated cost of inspection or other appropriate criteria.

Operational Permits and Fees

(section 108 operational permits)

- The Fire Marshal's Office currently issue Operational Permits.
- Proposed fee changes:
 - Commercial Burning - \$100 per site
 - Commercial Blasting - \$200 per site
 - Explosive Storage - \$200 per magazine
 - Fireworks Outdoor Sales - \$200
 - Fireworks Retail Sales - \$200
 - Fireworks Aerial Displays - \$200
 - (new) Mobile Food Preparation Vehicles (Food Trucks) - \$100
 - (new) Tent(s) - \$100 per tent
- Re-inspection fees shall be half the initial assessed value per re-inspection.

Current operational permit fees:

Commercial Burning - \$25 per site
Commercial Blasting - \$15 per site
Explosive Storage - \$100 per magazine
Fireworks Outdoor Sales - \$0
Fireworks Retail Sales - \$0
Fireworks Aerial Displays - \$0

Section 108

OPERATIONAL PERMITS

108.1 General. Operational permits shall be in accordance with Section 108. The fire official may require notification prior to (i) activities involving the handling, storage or use of substances, materials or devices regulated by the SFPC; (ii) conducting processes which produce conditions hazardous to life or property; or (iii) establishing a place of assembly.

108.1.1 Permits required. Operational permits may be required by the fire official in accordance with Table 107.2. The fire official shall require operational permits for the manufacturing, storage, handling, use and sale of explosives. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for

inspection by the fire official.

Exceptions:

1. Operational permits will not be required by the State Fire Marshal except for the manufacturing, storage, handling, use and sale of explosives in localities not enforcing the SFPC.
2. Operational permits will not be required for the manufacturing, storage, handling or use of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire official is made annually by the Chief Arson Investigator listing all storage locations.

Cost Recovery and Start Up

- Based on operational permits, approximately 1400 businesses and projected re-inspections, the estimated recovery will be a minimum of \$250,000 after first year.
- The majority of the up front costs associated with implementing fees will be the following:
 - Code Pal Software - Approximately \$14,000 the first year
 - Part time employee - \$12 an hour, working approximately 27 hours a week

After Approval

- Hire part-time permit technician to issue permits, schedule inspections, subsequent data entry, and invoicing.
- Purchase Code Pal software. Several meetings have taken place with Code Pal and Treasurer's Office (AS-400) to confirm that Code Pal and AS-400 can seamlessly communicate with each other.
- Treasurer's Office will work with Fire Marshal's Office to build the AS-400 to work with Code Pal to meet our needs for inspections and billing (minimum of 90 days).
- Our goal for full implementation is January 2020.

Questions???

Thank You

F



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: Kris Tierney, County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: March 5, 2019

RE: Refund –Physiotherapy Associates, Inc.

I am in receipt of the Commissioner's request, dated February 25, 2019, to authorize the Treasurer to refund Physiotherapy Associates, Inc. the amount of \$2,868.87, for business license taxes in 2018. Physiotherapy Associates, Inc. closed their Frederick County location. This refund resulted from proration of license taxes on the business.

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



Roderick B. Williams
County Attorney

Attachment




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



FEBRUARY 25, 2019

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

FROM: Ellen E. Murphy, Commissioner of the Revenue 

RE: Exoneration – PHYSIOTHERAPY ASSOCIATES INC

Please approve a refund of \$2,868.87 for adjustment of 2018 business license. Physiotherapy Associates, Inc. has closed their Frederick County location. This refund is proration of license taxes on the business as previously filed. Staff have verified the information provided.

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

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

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

Exoneration is \$2,868.87.

Date: 2/25/19

Cash Register: COUNTY OF FREDERICK

Time: 15:09:27

Cashier: XXXXXXXXXX
 Customer Name: PHYSIOTHERAPY ASSOCIATES INC
 Total Transactions: 721
 Customer Transactions: 1
 Options: 2=Edit 4=Delete 5=View

| Opt | Dept | Trans | Ticket No. | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|-------------|-------------|-------------|
| - | BL2018 | 1 | 00088910001 | \$2,868.87- | \$.00 | \$2,868.87- |

F3=Exit

F14=Show Map#

Total Paid :
F15=Show Balance

\$2,868.87
F18=Sort-Entered

F21=CmdLine
F20=Attach

* Needs Board Approval

G



MEMORANDUM

TO: Board of Supervisors

FROM: John A. Bishop AICP, Deputy Director - Transportation ^{JB}

RE: Exit 313 Capacity Improvements Resolution of Support

DATE: March 8, 2019

Staff has recently been advised by VDOT that the CTB is in discussions for how to allocate approximately \$27 million that was not allocated as part of the VDOT staff recommended scenario to the Commonwealth Transportation Board for the current round of SmartScale.

Among the most important SmartScale Round 3 applications for Frederick County was the application for capacity improvements as part of the overall Exit 313 Bridge Rehabilitation Project. This \$34,114,400 project has largely been funded through VDOT State of Good Repair funds. However, \$5,264,400 of that total was for capacity improvements and that funding was sought through SmartScale Round 3 and is not currently recommended for funding.

The attached resolution emphasizes the Board of Supervisor's support of the capacity improvements and requests that the CTB and VDOT consider it for the allocation of the \$27 million described above.

JAB/pd

Attachment



**THE BOARD OF SUPERVISORS OF THE COUNTY OF
FREDERICK, VIRGINIA**

**Resolution Supporting Exit 313 Capacity Improvements
Funding**

At a regularly scheduled meeting of the Frederick County Board of Supervisors held on March 13, 2019, the following resolution was adopted:

WHEREAS, VDOT has informed County staff that the staff recommended scenario for SmartScale Round 3 has not allocated approximately \$27 million; and,

WHEREAS, VDOT has informed County staff that The Office of Intermodal Planning and Investment, VDOT, and the Commonwealth Transportation Board are in discussions regarding how to allocate the approximately \$27 million, and

WHEREAS, Exit 313 Capacity improvements totaling \$5,264,400 were applied for but not currently recommended for funding under the staff recommended scenario for SmartScale Round 3; and,

WHEREAS, The remaining funding for the total cost of this \$34,114,400 project has already been allocated under State of Good Repair funds and design begun, and

WHEREAS, The Frederick County Board of Supervisors believes the capacity improvements that were applied for to be very important to regional transportation, and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Frederick hereby submits this resolution to request that the capacity improvements at Exit 313 totaling \$5,264,400 be reconsidered for funding under the Commonwealth Transportation Board's consideration of the currently unallocated \$27 million in SmartScale funds.

Passed this 13th day of March 2019 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

Robert W. Wells

J. Douglas McCarthy

Shannon G. Trout

Judith McCann-Slaughter

Blaine P. Dunn

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

H



Kris C. Tierney
County Administrator

540/665-6382

Fax: 540/667-0370

E-mail: ktierney@fcva.us

MEMORANDUM

TO: Board of Supervisors
FROM: Kris C. Tierney, County Administrator *KT*
DATE: March 7, 2019
RE: Committee Appointments

Listed below are the vacancies/appointments due through April 2019. 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

Handley Regional Library Board

Brian J. Hester
165 Babbs Run Lane
Winchester, VA 22603
Term Expires: 11/30/19
Four-year term

(Staff has been advised that Mr. Hester has resigned.)

Extension Leadership Council

Margaret B. Douglas – Back Creek District Representative
452 Barley Lane
Winchester, VA 22602
Term Expires: 01/14/20
Four-year term

(Vacancy Due to the Passing of Mrs. Brumback.) *(The Extension Leadership Council is comprised of ten members, one member from each magisterial district appointed by the Board of Supervisors and four members-at large recommended by the Virginia Tech Extension Service. Members serve a four-year term.)*

Board of Equalization

Timothy W. McKee – Frederick County Representative
2101 Salem Church Road
Stephens City, VA 22655
Home: (540)868-1472
Term Expires: 12/31/18
Three-year term

(Mr. McKee advised he does not wish to continue serving when his term expires. Staff has posted to County Web Site.) *(The Board of Equalization is composed of five members. Members must be free holders in the county. In October 2010, the Board of Supervisors appointed the Board of Equalization as a “permanent” board for subsequent reassessments. The original five members were appointed for the following terms: one member for a one-year term; one member for a two-year term; and three members for a three-year term. Going forward, all future appointments shall be for a three-year term. **Recommendation for appointment/reappointment are made by the Board of Supervisors and submitted to the Judge of the Frederick County Circuit Court for final appointment.**)*

Shenandoah Area Agency on Aging (SAAA)

Member-At-Large – Frederick County – SAAA Appointment

(Staff has confirmed that the Area Agency on Aging is still seeking assistance in finding a possible candidate(s) to fill the Frederick County Member-At-Large seat. This seat is their appointment. Staff has posted to County Web Site.) *(According to agency by-laws, the Area Agency on Aging Board may appoint up to six At-Large Members.)*

MARCH and APRIL 2019

No appointments due for March or April.

KCT/tjp

I

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The County of Frederick proposes to increase property tax levies.

1. **Assessment Increase:** Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 5.78 percent.
2. **Lowered Rate Necessary to Offset Increased Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.577 per \$100 of assessed value. This rate will be known as the "lowered tax rate".
3. **Effective Rate Increase:** The County of Frederick proposes to adopt a tax rate of \$ 0.61 per \$100 of assessed value. This difference between the lowered tax rate and the proposed rate would be \$0.033 per \$100, or 5.78 percent. This difference will be known as the "effective tax rate increase".

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the

total budget of the County of Frederick will exceed last year's by 5.8 percent.

A public hearing on the increase will be held on March 13, 2019 at 7:00 p.m. at County Administration Office Building, 107 North Kent Street, Winchester, Virginia.

J



COUNTY of FREDERICK

Jay E. Tibbs

Deputy County Administrator

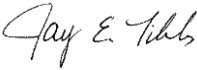
540/665-5666

Fax 540/667-0370

E-mail:

jtibbs@co.frederick.va.us

MEMORANDUM

| | |
|-----------------|---|
| TO: | Board of Supervisors |
| FROM: | Jay E. Tibbs, Deputy County Administrator  |
| SUBJECT: | Authorization for Short Term Extension of Cable Franchise Agreement with Comcast |
| DATE: | March 8, 2019 |

Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC ("Comcast") has an existing non-exclusive cable franchise within the County, which was granted by the Board for a ten-year period in 2009. This franchise and its governing agreement expire on April 1, 2019.

Staff and Comcast have been negotiating the renewal terms of the cable franchise, which would renew the agreement for an additional ten-year period. However, Comcast has recently approached Staff to request an extension of the existing agreement until June 30, 2019, in order for Comcast to draft documents that are necessary for the renewal. This extension would further allow Staff adequate time to review and comment on renewal documents, and for the parties to continue their negotiation.

Accordingly, Staff requests that the Board approve the attached resolution, which includes a specific authorization for the County Administrator to sign the attached amendment to extend term in order to effectuate the requested short-term extension of the existing cable franchise agreement.

Attachments

AMENDMENT TO EXTEND TERM

This Amendment to the Cable Franchise Agreement ("First Amendment") is dated _____, 2019, by and between the County of Frederick, Virginia ("the County") and Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC ("Comcast")(collectively "the Parties").

WHEREAS, the County and Comcast previously entered into a Franchise Agreement with an effective date of April 1, 2009. Said agreement provided for a ten-year term, and without amendment would expire on March 31, 2019.

WHEREAS the County and Comcast have been in negotiations for the renewal of the Franchise Agreement, and have mutually agreed that a short-term extension of the ten-year term is necessary to allow the Parties to finish their negotiations and to draw up necessary documents to renew the Franchise Agreement.

NOW, THEREFORE, the County and Comcast, in consideration of the mutual covenants herein contained, do hereby amend the Franchise Agreement to extend its term ninety (90) days, to expire on June 30, 2019.

The County and Comcast further agree that all other terms and conditions set forth in the Franchise Agreement that are not specifically modified by this Amendment shall remain in full force and effect.

COUNTY OF FREDERICK

Kris C. Tierney, County Administrator

Date: _____

COMCAST OF CALIFORNIA/MARYLAND/PENNSYLVANIA/VIRGINIA/WEST VIRGINIA, LLC



Date: 2/12/19

Its: DONNA KATLEY WASHINGTON, W/ GOVERNMENT & REGULATORY AFFAIRS



BOARD OF SUPERVISORS

RESOLUTION March 13, 2019

WHEREAS, Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC (“Comcast”) has an existing non-exclusive cable franchise within the County; and

WHEREAS, Said franchise is governed by a franchise agreement between Comcast and the County, and said franchise agreement is set to expire on April 1, 2019; and

WHEREAS, Comcast and the County are in the process of negotiating a long-term renewal of the existing franchise agreement, but Comcast has requested that the existing agreement be extended to June 30, 2019 to give it sufficient time to draft necessary documents, and for the County to review the same; and

WHEREAS, the Board of Supervisors has, on this date, held a public hearing on the proposed extension of the existing cable franchise agreement;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors authorizes and ratifies an extension of the existing cable franchise agreement between the County of Frederick and Comcast until June 30, 2019. The Board further authorizes the County Administrator to sign any documents deemed necessary for to effectuate such an extension.

Adopted this 13th day of March, 2019

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Robert W. Wells

Blaine P. Dunn

Shannon G. Trout

Judith McCann-Slaughter

Kris C. Tierney
Clerk, Board of Supervisors
County of Frederick, Virginia

K



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, CZA, Assistant Director *CAP*

DATE: February 25, 2019

RE: **Public Hearing: 2019-2024 Capital Improvements Plan (CIP)**

The Capital Improvements Plan (CIP) is a document that consists of a schedule of major capital expenditures for the County for the ensuing five-year period, as well as, a category for long term projects (6 + years out). The CIP 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 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.

The inclusion of projects on the CIP is in no way an indication that Frederick County will be undertaking these projects. The CIP is strictly advisory; it is intended for use as capital facilities planning document, not for requesting funding allocations. Once adopted, project priorities and cost estimates may change throughout the year based on changing circumstances. It is also possible that particular projects may not be funded during the year that it is indicated in the CIP. The status of any project becomes increasingly uncertain the further in the future it is projected. The CIP is also updated annually, and projects are removed from the plans as they are completed or as priorities change.

CIP Components

The CIP provides project recommendations from various County Agencies and tables that outline the projects and cost estimates for the projects. Within the tables, columns for each year show the funding needs that would be requested in the corresponding budget cycle. In addition, those projects that are long range projects have been placed at the end of the CIP table, outside of the five-year window. The CIP includes three separate tables; the first table shows County funded projects and the second and third tables cover Transportation projects and Airport projects which are primarily funded through other sources.

The CIP includes a total of 81 projects, including several new projects. Projects within the CIP are for: Schools, Parks and Recreation, Regional Library, County Administration, Fire and Rescue, Transportation and Winchester Regional Airport.

Background – Discussions

On December 10, 2018, the Comprehensive Plans and Programs Committee (CPPC) discussed the 2019-2024 CIP capital improvement project requests. The role of the CPPC in the CIP process was to ensure that the various departmental project requests are in conformance with the 2035 Comprehensive Plan. Following the CPPC discussion, the Committee endorsed the CIP and endorsed its conformance with the County's Comprehensive Plan. The CPPC forwarded the CIP to the Planning Commission for discussion. The Planning Commission discussed the CIP at their meeting on January 16, 2019. The Planning Commission confirmed that the CIP is in conformance with the 2035 Comprehensive Plan and recommended approval of the plan. The Board of Supervisors discussed the CIP on February 13, 2019 and sent the CIP forward for public hearing.

Conclusion

Staff is seeking a decision from the Board of Supervisors on the adoption of the 2019-2024 Capital Improvements Plan. Please find attached the draft 2019-2024 CIP with applicable text, tables and maps. If adopted, the CIP and included maps will become a component of the Comprehensive 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.

CEP/dw

Attachment

FREDERICK COUNTY, VIRGINIA 2019-2024 CAPITAL IMPROVEMENT PLAN



Adopted by the
Frederick County
Board of Supervisors
TBD

Recommended by the
Frederick County
Planning Commission
January 16, 2019

TABLE OF CONTENTS

| | |
|---|-------|
| INTRODUCTION..... | 1 |
| PROJECT RECOMMENDATIONS..... | 2 |
| Frederick County Public Schools..... | 2 |
| Frederick County Parks and Recreation | 2 |
| Handley Regional Library | 2 |
| County Administration | 2 |
| Fire & Rescue..... | 3 |
| Volunteer Fire Company Requests | 3 |
| Transportation Committee..... | 4 |
| Winchester Regional Airport..... | 4 |
| 2019-2024 CAPITAL PROJECTS MAPS | |
| 2018-2023 Capital Projects..... | 5 |
| 2018-2023 Frederick County Public Schools..... | 6 |
| 2018-2023 Parks and Recreation | 7 |
| 2018-2023 Transportation Projects..... | 8 |
| CIP TABLE EXPLANATIONS..... | 9 |
| PROJECT FUNDING..... | 9 |
| 2019-2024 CAPITAL IMPROVEMENT PROJECTS TABLES.... | 10-13 |

APPENDIX - PROJECT DESCRIPTIONS

| | |
|---|----|
| Frederick County Public Schools..... | 15 |
| Frederick County Parks and Recreation | 18 |
| Handley Regional Library..... | 27 |
| County Administration..... | 29 |
| Fire and Rescue..... | 32 |
| Volunteer Fire Company Requests | 34 |
| Sheriff's Office | 38 |
| Transportation Committee | 40 |
| Winchester Regional Airport..... | 47 |

**CAPITAL IMPROVEMENTS PLAN
FREDERICK COUNTY
FY 2019-2024**

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 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. Once the CIP is adopted, it becomes a component of the 2035 Comprehensive Plan and provides a link between the documents and potential proffered contributions made with future rezoning projects.

The inclusion of projects to the CIP is in no way an indication that Frederick County will be undertaking these projects. 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.

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 top capital improvement priority for the Schools is the construction of the New High School. The Armel Elementary School addition and renovation is the second highest priority, followed by administrative office renovation. Other schools included for renovation and addition projects include James Wood High School, Sherando High School and Apple Pie Ridge Elementary.

Parks & Recreation

The top capital improvement priority for Parks and Recreation is the Abrams Creek Greenway Trail. 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. Other top priorities include the construction of a community center, a gym addition at the Snowden Bridge Elementary School and the Indoor Aquatic Center.

Handley Regional Library

The Handley Regional Library recommends three projects. The library's top priority is a new library branch in the Gainesboro area. The two remaining projects request that funding be provided for new library branches throughout the County which include the areas of Route 522 South and Senseny/Greenwood Road; both of which are anticipated to be located within the UDA (Urban Development Area) in locations consistent with the approved area plans - the Senseny/Eastern Frederick Area Plan, and the Southern Frederick Area Plan.

County Administration

The two requests from Public Works are for the relocation of the Albin Citizen Convenience Site and the expansion of the Gore Citizen Convenience Site. The joint County Administration and School Administration Building and the future replacement of the Joint Judicial Center remain in the CIP.

General Government Capital Expenditures is also included in the CIP – this item enhances the connection between the CIP and proffered contributions made to mitigate the impacts of development projects. This item addresses those general government

capital expenditures that may fall below the established \$100,000 departmental threshold. This is similar to the approach taken for Fire and Rescue Capital Equipment (see Fire and Rescue descriptions).

Fire and Rescue

The top project for the Fire and Rescue is the construction of the Regional Public Safety Training Center. The construction of Fire & Rescue Station #22 in the vicinity of Route 277, with the ability to provide an annex facility for other County-related offices is the second project. Fire and Rescue has also included a project which provides for the capital apparatus needs of this facility. Project four includes the construction of Station #23, a new facility located in the vicinity of Crosspointe that would also provide the ability for an annex facility for other County-related offices.

Fire and Rescue Volunteer Company Capital Equipment Requests

The revolving fund in the amount of \$1,000,000 for the benefit of Fire and Rescue Services was established remains a component of the CIP. This capital expenditure fund is for 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. Individual Fire and Rescue Companies previously identified their own capital requests which have been added to the CIP in a lump sum amount. Each of the capital requests meet the \$100,000 guideline established by the Finance Committee.

Greenwood Fire Station has included a request for a renovation of the station; Clearbrook Fire station is requesting a new fire station; Middletown Station is seeking a building addition; Stephens City Station is seeking a medic unit replacement and a tower replacement.

Sheriff's Office

The Sheriff's Office has included four projects in their CIP. The top project is the construction of an eight-bay steel storage building for housing of large specialized vehicles that require coverage due to their equipment and specialized tools. Other projects include 25 new patrol vehicles, 25 Motorola 8500 mobile radios and 25 Motorola 800 portable radios.

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 22 projects. The top three requests include Route 277 improvements, Airport Road/East Tevis Street Extension and Renaissance Drive (Phase 2). 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.

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 construction of a new general aviation terminal to support future airport operations continues to be number one in the CIP, followed by the Taxiway "A" Relocation (design/construction). A number of other projects focus on land acquisition in support of airport development to meet Federal Aviation requirements for general aviation facilities. The vast majority of the funding for these improvements comes from the FAA and VDA.

**2019 - 2024
Capital Improvements
Specific or
Approximate Locations**

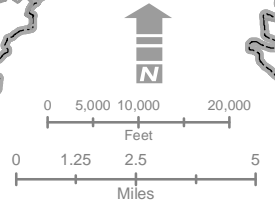
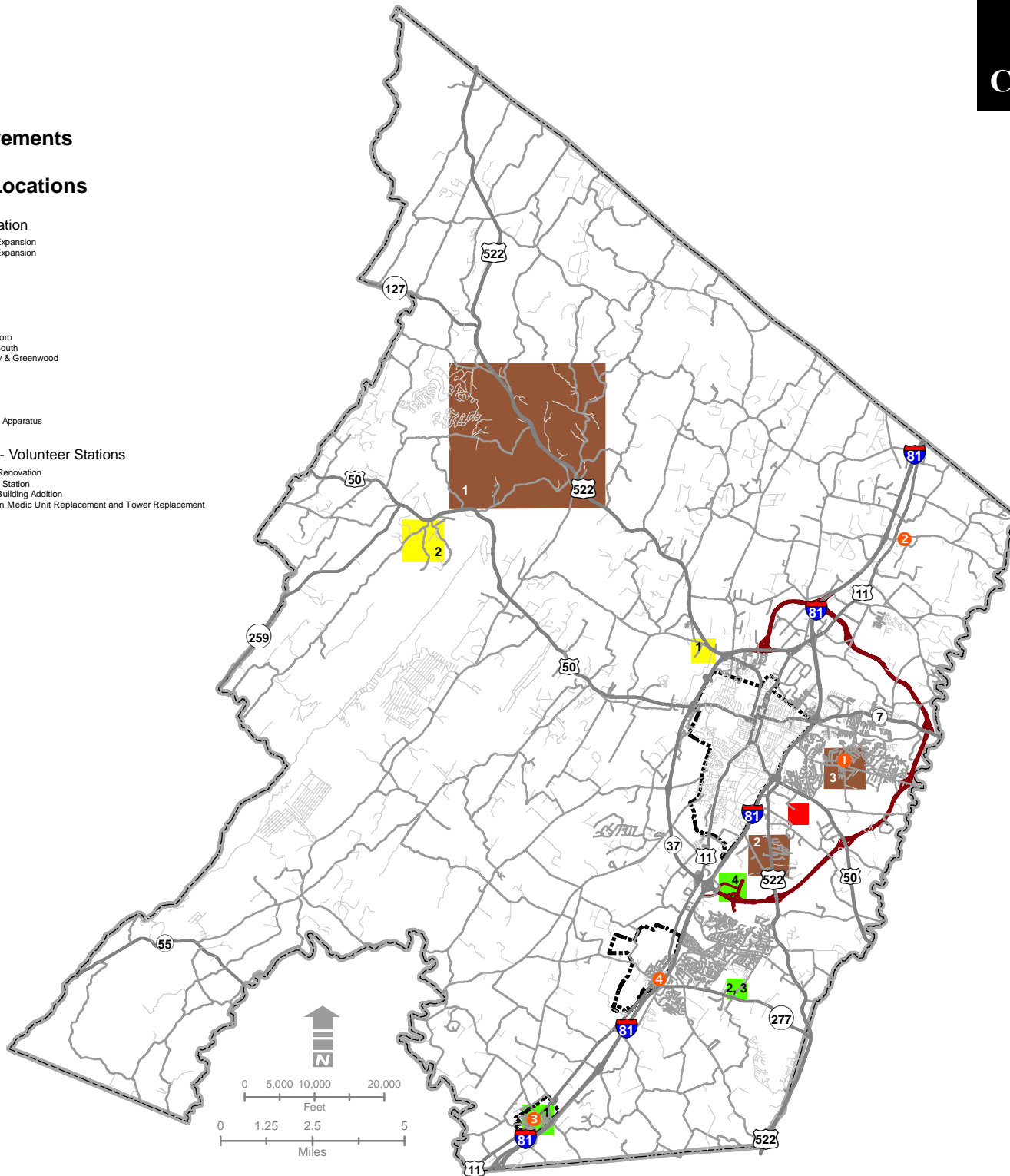
- County Administration**
 - 1 Albin Convenience Site Expansion
 - 2 Gore Convenience Site Expansion

- Airport**

- Library**
 - 1 Library Branch - Gainesboro
 - 2 Library Branch - Rt 522 South
 - 3 Library Branch - Senseny & Greenwood

- Fire & Rescue**
 - 1 Regional Training Center
 - 2 Fire & Rescue Station 22
 - 3 Fire & Rescue Station 22 Apparatus
 - 4 Fire & Rescue Station 23

- Fire & Rescue - Volunteer Stations**
 - 1 Greenwood Station Renovation
 - 2 New Clearbrook Fire Station
 - 3 Middletown Station Building Addition
 - 4 Stephens City Station Medic Unit Replacement and Tower Replacement



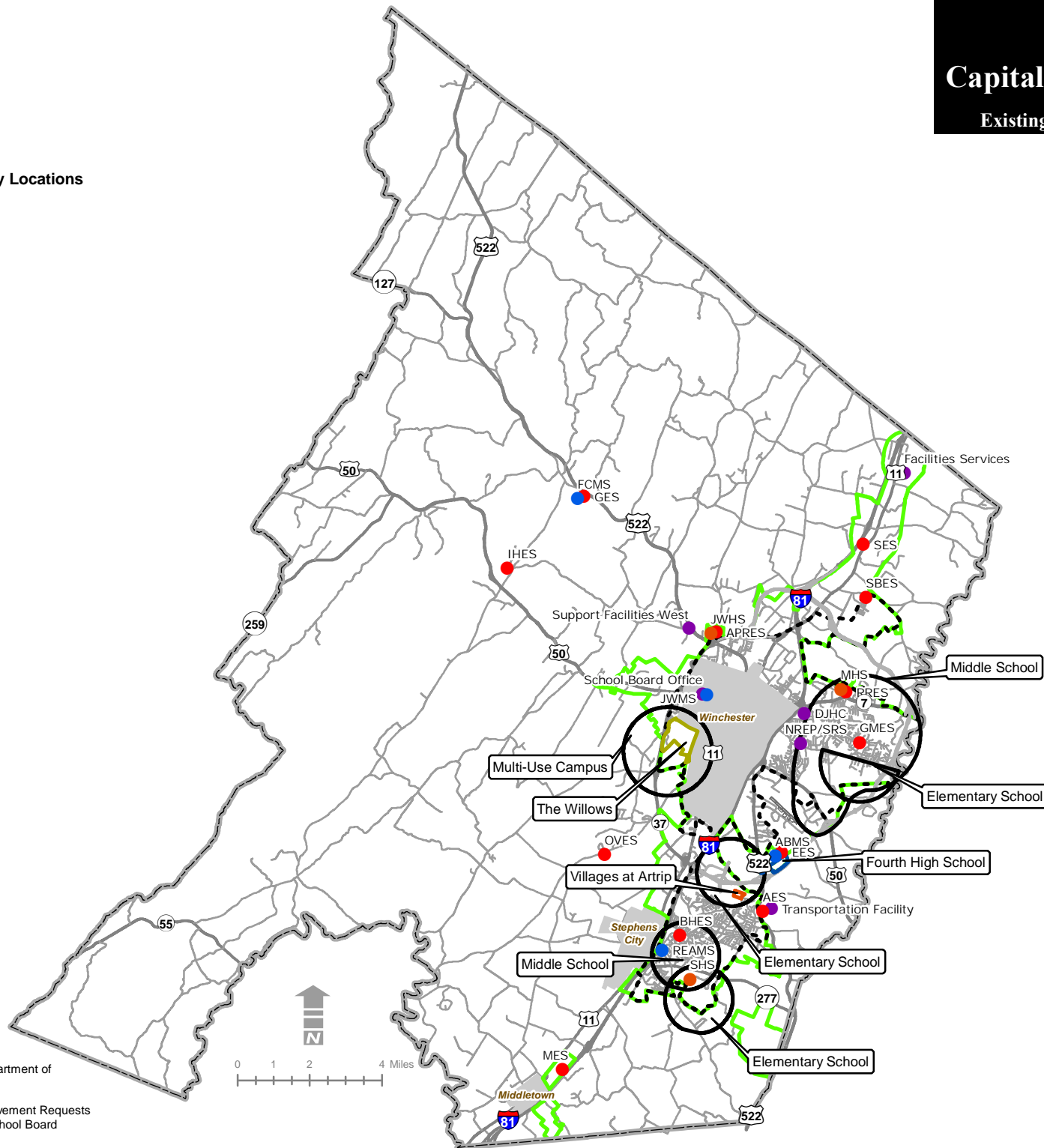
2019 - 2024 Frederick County Capital Improvements Plan

Existing and Potential School Locations

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

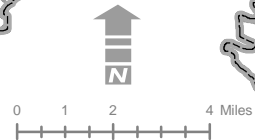
Potential School Facility Locations

- 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
11/26/18






School Locations
Are Most
Appropriate
Within the UDA

2019 - 2024 Frederick County Capital Improvements Plan New Parks/Rec Locations

Proposed Parks

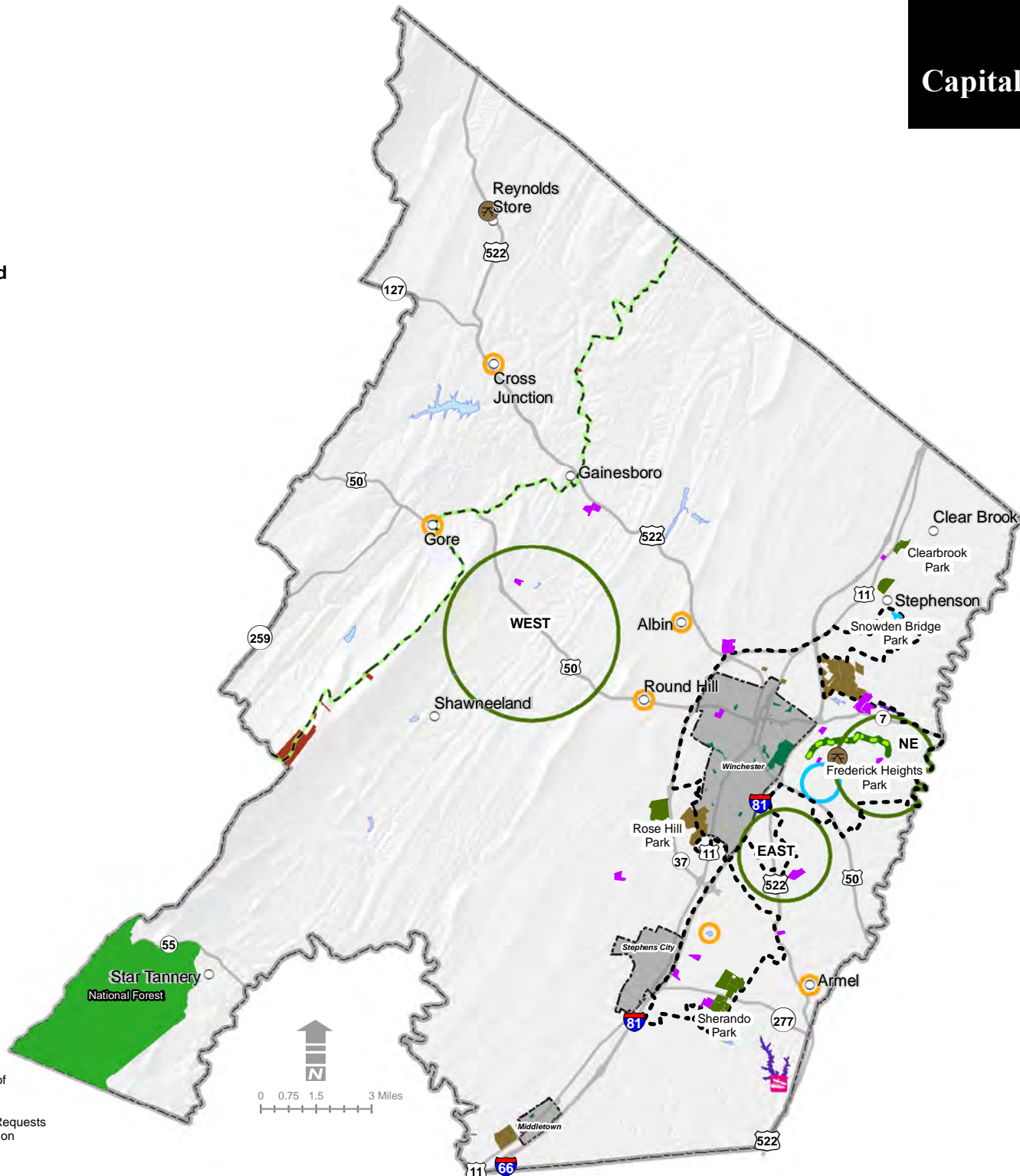
-  District
-  Community
-  Neighborhood
-  Abrams Creek Trail

Existing County Parks

-  District Park
-  Community Park
-  Neighborhood Park

Publicly Accessible Land

-  Federal
-  State
-  Battlefield
-  Non-Profit
-  Local Park
-  Tuscarora Trail
-  School
-  Public Boat Launch
-  Urban Development Area









Note:
Created by Frederick County Department of
Planning & Development

Map represents the Capital Improvement Requests
submitted by The Dept of Parks & Recreation
11/26/2018

2019 - 2024 Frederick County Capital Improvement Plan Transportation Projects

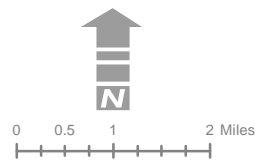
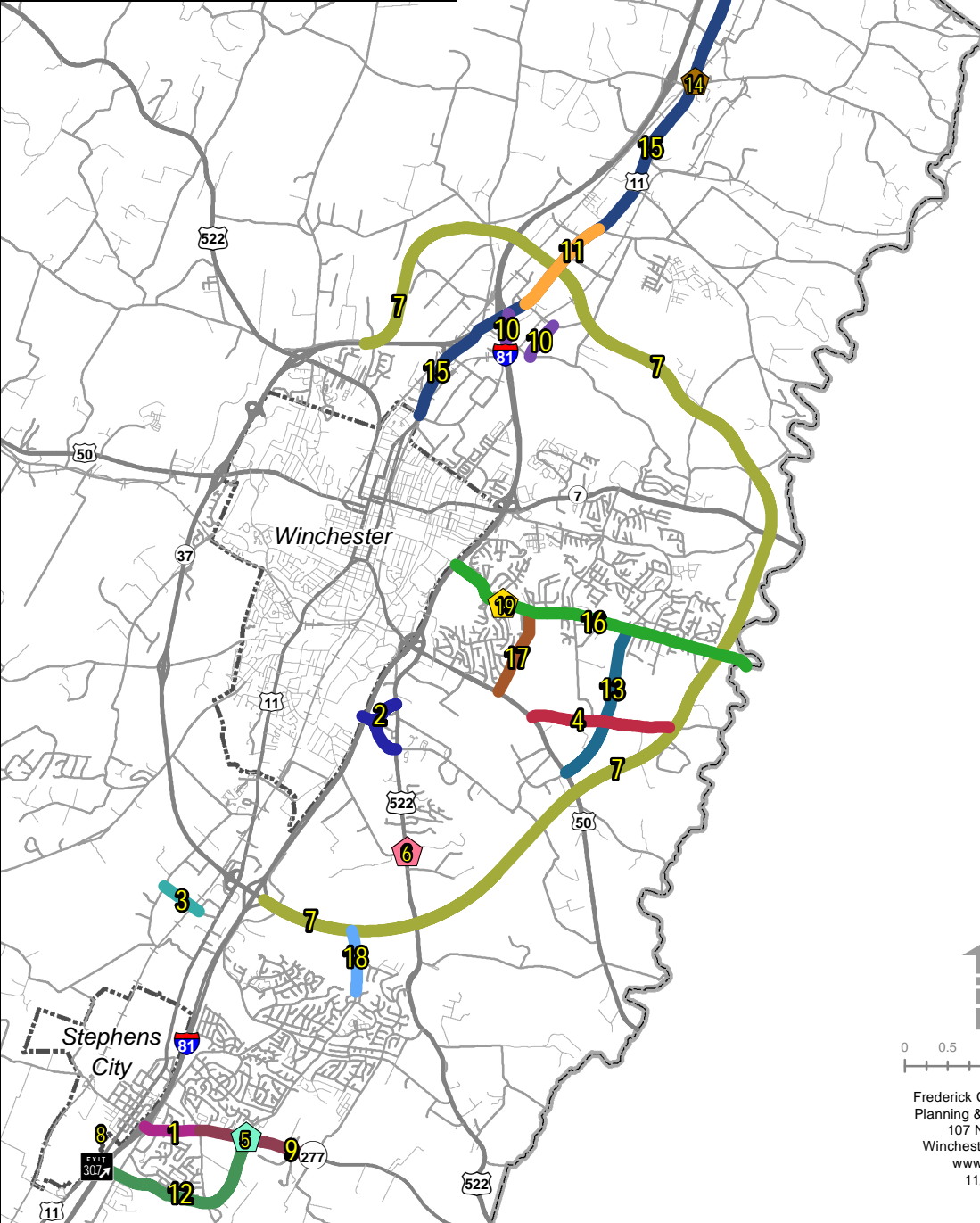
2019 - 2024 Capital Improvement Plan Transportation Projects

Funded Priorities

-  1. ROUTE 277 WIDENING & SAFETY IMPROVEMENTS (PH 1)
-  2. AIRPORT RD EXTENSION, EAST TEVIS ST EXTENSION, & BRIDGE OVER I-81
-  3. RENAISSANCE DR, PHASE 2
-  4. SULPHUR SPRINGS RD IMPROVEMENT FROM ROUTE 50 TO LANDFILL
-  5. ROUTE 277; RT TURN LANE EXTENSION AT WARRIOR DR
-  6. PAPERMILL RD; RT TURN LANE EXTENSION AT ROUTE 522

Unfunded Priorities

-  7. CONTINUE ROUTE 37 PLANNING & ENGINEERING WORK
-  8. I-81 EXIT 307 RELOCATION
-  9. ROUTE 277 WIDENING & SAFETY IMPROVEMENTS (PH 2)
-  10. REDBUD RD & EXIT 317 RAMP REALIGNMENTS
-  11. ROUTE 11 N WIDENING FROM SNOWDEN BRIDGE BLVD TO OLD CHARLESTOWN RD
-  12. WARRIOR DR EXTENSION TO NEW EXIT 307
-  13. CHANNING DR EXTENSION TO ROUTE 50
-  14. BRUCETOWN RD/ HOPEWELL RD; ALIGNMENT AND INTERSECTION
-  15. ROUTE 11 N OF WINCHESTER WIDENING TO WV LINE
-  16. SENSENY RD WIDENING
-  17. INVERLEE WAY; CONNECTION FROM SENSENY RD TO ROUTE 50
-  18. WARRIOR DR EXTENSION FROM ROUTE 37
-  19. SENSENY RD; TURN LANES AT CRESTLEIGH DR
-  22. EASTERN ROAD PLAN IMPROVEMENTS



Frederick County Dept of
Planning & Development
107 N Kent St
Winchester, VA 22601
www.fcva.us
11/20/18

THE CIP TABLES - CONTENT DESCRIPTIONS

The Capital Improvements Plan tables, on the following four 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.

Projects Ranked by Department - The priority rating assigned by each agency or department for their requested 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 the County allocations and other funding sources.

PROJECT FUNDING

The projects included in Table 1 have a total projected cost to the County of \$422,286,169 this figure excludes Airport request and transportation projects as these are primarily funded through other sources.

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 actively seeks grants and private sources of funding for projects not funded by the County.
- The inclusion of transportation projects to the CIP is in no way an indication that Frederick County will be undertaking these projects. Funding projects will continue to come from a combination of state and federal funds, developer contributions, and revenue sharing.
- Airport projects will be funded by contributions from the federal, state, and local governments. The local portion may include contributions from Frederick, Clarke, Shenandoah, Warren Counties, and the City of Winchester.

Table 1 - 2019-2024 Capital Improvement Plan Requests

| Table 1 - 2019-2024 Capital Improvement Plan Requests | | | | | | | | | | | |
|---|---|------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---|----------------------|-------|----------------------|
| | | Contribution Per Fiscal Year | | | | | | | | | |
| | Projects - Ranked by Department | 2019-2020 | 2020-2021 | 2021-2022 | 2022-2023 | 2023-2024 | 2024+ | Long Range Comprehensive Plan Projects | County Contributions | Notes | Total Project Costs |
| Department | | Ensuing Fiscal Year | Year 2 | Year 3 | Year 4 | Year 5 | Beyond Year 6+ | | | | |
| Public Schools | | | | | | | | | | | |
| | | | | | | | | <i>Please refer to the map identifying future school sites for additional school sites located throughout the County.</i> | | | |
| | New High School | \$30,000,000 | \$40,000,000 | \$40,000,000 | \$12,200,000 | | | | \$122,200,000 | | \$122,200,000 |
| | Armel Elementary School Addition/Renovation | \$2,500,000 | \$7,500,000 | \$1,800,000 | | | | | \$11,800,000 | | \$11,800,000 |
| | School Board Office Renovation/Expansion | \$1,600,000 | \$2,000,000 | | | | | | \$3,600,000 | | \$3,600,000 |
| | James Wood High School Renovation/Upgrades | | | \$1,000,000 | \$20,000,000 | \$20,000,000 | \$25,000,000 | | \$66,000,000 | | \$66,000,000 |
| | Sherando High School Renovation/Addition | | | \$1,000,000 | \$20,000,000 | \$25,000,000 | \$25,400,000 | | \$71,400,000 | | \$71,400,000 |
| | Apple Pie Ridge Elementary Renovation | | | \$3,000,000 | \$6,000,000 | \$6,000,000 | | | \$15,000,000 | | \$15,000,000 |
| | Total | \$34,100,000 | \$49,500,000 | \$46,800,000 | \$58,200,000 | \$51,000,000 | \$50,400,000 | | \$290,000,000 | | \$290,000,000 |
| Parks & Recreation | | | | | | | | | | | |
| | Abrams Creek Greenway Trail | | \$111,000 | \$599,985 | \$508,915 | | | | \$1,219,900 | | \$1,219,900 |
| | Community Center | | \$9,067,000 | | | | | | \$9,067,000 | | \$9,067,000 |
| | Gym Addition - Snowden Bridge Elementary | | \$1,260,000 | | | | | | \$1,260,000 | | \$1,260,000 |
| | Indoor Aquatic Facility | | \$480,000 | \$11,361,000 | | | | | \$11,841,000 | | \$11,841,000 |
| | <i>Sherando/Clearbrook</i> Water Slide/Spray Ground | | \$655,000 | | | | | | \$655,000 | | \$655,000 |
| | Snowden Bridge Park Development | \$210,000 | \$2,200,000 | | | | | | \$2,410,000 | | \$2,410,000 |
| | <i>Sherando</i> SH Baseball Lighting Replacement | | \$856,000 | | | | | | \$856,000 | | \$856,000 |
| | <i>Sherando</i> SH Park Area 1 Rec Access Phase 2 | | \$100,000 | \$1,190,000 | | | | | \$1,290,000 | | \$1,290,000 |
| | <i>Sherando</i> SH Softball Complex | \$176,000 | \$1,547,000 | | | | | | \$1,723,000 | | \$1,723,000 |
| | <i>Sherando</i> SH Park Area 3 Development | | \$100,000 | \$2,150,000 | | | | | \$2,250,000 | | \$2,250,000 |
| | <i>Sherando</i> Playground Replacement | | \$350,000 | \$300,000 | \$150,000 | \$250,000 | | | \$1,050,000 | | \$1,050,000 |
| | Community Park | | | \$1,040,000 | \$1,154,000 | | | | \$2,194,000 | | \$2,194,000 |
| | Neighborhood Parks | | | \$873,000 | | | \$4,363,000 | | \$5,236,000 | | \$5,236,000 |
| | District Parks | | | | \$4,131,000 | | \$8,262,000 | | \$12,393,000 | | \$12,393,000 |
| | National Guard Armory Gym Addition | | | | \$510,000 | | | | \$510,000 | | \$510,000 |
| | <i>Sherando</i> S. Sherando Park Development | | | | | \$2,137,000 | | | \$2,137,000 | | \$2,137,000 |
| | Fleet Trip Vehicles | | | | | \$322,000 | | | \$322,000 | | \$322,000 |
| | <i>Sherando</i> SH Park Area 1 and 2 Development | | | | | \$3,127,000 | | | \$3,127,000 | | \$3,127,000 |
| | Indoor Ice Rink | | | | | | \$6,489,000 | | \$6,489,000 | | \$6,489,000 |
| | Total | \$386,000 | \$16,726,000 | \$17,513,985 | \$6,453,915 | \$5,836,000 | \$19,114,000 | \$0 | \$66,029,900 | | \$66,029,900 |

| | | Contribution Per Fiscal Year | | | | | | Long Range Comprehensive Plan Projects | County Contributions | Notes | Total Project Costs | |
|---|--|------------------------------|---------------------|---------------------|---------------------|---------------------|--------------------|--|----------------------|--------------------|----------------------|---------------------|
| | Projects - Ranked by Department | 2019-2020 | 2020-2021 | 2021-2022 | 2022-2023 | 2023-2024 | 2024+ | | | | | |
| Regional Library | Gainesboro Library | | \$165,023 | \$1,475,736 | \$128,275 | | | | \$1,769,034 | | \$1,769,034 | |
| | Route 522 South Library | | | | | \$306,765 | \$2,736,470 | | \$3,043,235 | | \$3,043,235 | |
| | Senseny/Greenwood Library | | TBD | | | | | | TBD | | TBD | |
| | Total | \$0 | \$165,023 | \$1,475,736 | \$128,275 | \$306,765 | \$2,736,470 | | | \$4,812,269 | | \$4,812,269 |
| County Administration | Albin Convenience Site | \$1,224,000 | | | | | | | \$1,224,000 | E | \$1,224,000 | |
| | Gore Convenience Site Expansion | | \$35,000 | \$909,000 | | | | | \$944,000 | | \$944,000 | |
| | General Government Capital Expenditures | \$200,000 | \$200,000 | \$200,000 | \$200,000 | \$200,000 | | | \$1,000,000 | E | \$1,000,000 | |
| | County/School Board Administration Building | | | | | | TBD | | TBD | E | TBD | |
| | Joint Judicial Center New Facility | | | | | | TBD | | TBD | | TBD | |
| Total | \$1,424,000 | \$235,000 | \$1,109,000 | \$200,000 | \$200,000 | \$0 | | | \$3,168,000 | | \$3,168,000 | |
| Fire & Rescue | Regional Training Center | \$75,000 | \$100,000 | \$1,250,000 | \$10,000,000 | \$9,500,000 | | \$10,250,000 | \$31,175,000 | | \$31,175,000 | |
| | Fire Station 22 | \$400,000 | \$1,500,000 | \$1,500,000 | | | | | \$3,400,000 | | \$3,400,000 | |
| | Station 22 Apparatus | | \$250,000 | \$850,000 | | | | | \$1,100,000 | | \$1,100,000 | |
| | Fire Station 23 | \$550,000 | \$2,150,000 | \$1,000,000 | | | | | \$3,700,000 | | \$3,700,000 | |
| | Total | \$1,025,000 | \$4,000,000 | \$4,600,000 | \$10,000,000 | \$9,500,000 | \$0 | | \$10,250,000 | 39,375,000 | | \$39,375,000 |
| Fire & Rescue Company Capital Requests | Fire & Rescue Capital Equipment | \$200,000 | \$200,000 | \$200,000 | \$200,000 | \$200,000 | | | \$1,000,000 | E | \$1,000,000 | |
| | Greenwood Fire Station renovation | 700,000 | | | | | | | | | \$700,000 | |
| | New Clearbrook Fire Station | 33,000 | 88,000 | 4,575,000 | | | | | | | \$4,696,000 | |
| | Middletown Station Building Addition | 100,000 | 3,000,000 | | | | | | | | \$3,100,000 | |
| | Stephens City Station - Medic Unit Replacement | 240,000 | | | | | | | | | \$240,000 | |
| | Stephens City Station - Tower 11 Replacement | | | 130,000 | 1,170,000 | | | | | | | \$1,300,000 |
| | Total | \$1,273,000 | \$3,288,000 | \$4,905,000 | \$1,170,000 | \$200,000 | \$0 | | \$0 | 1,000,000 | | \$11,036,000 |
| Sheriffs Office | Vehicle Storage Building | 320,000 | | | | | | | \$320,000 | | \$320,000 | |
| | 25 New Patrol Cars | 870,000 | \$870,000 | \$870,000 | \$870,000 | \$870,000 | \$870,000 | | \$5,220,000 | | \$5,220,000 | |
| | 25 Motorola 8500 Radios | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | | \$1,200,000 | | \$1,200,000 | |
| | 25 Matorola 8000 Portable Radios | 187,500 | 187,500 | 187,500 | 187,500 | 187,500 | 187,500 | | \$1,125,000 | | \$1,125,000 | |
| | Total | \$1,577,500 | \$1,257,500 | \$1,257,500 | \$1,257,500 | \$1,257,500 | \$1,257,500 | \$1,257,500 | \$0 | 7,865,000 | | \$7,865,000 |
| Total | \$39,785,500 | \$75,171,523 | \$77,661,221 | \$77,409,690 | \$68,300,265 | \$73,507,970 | | \$10,250,000 | \$412,250,169 | | \$422,286,169 | |

Other Funding Sources:

E= Partial funding anticipated through development & revenue sources
TBD= To be Determined

| Table 2 - Transportation Projects - CIP Requests | | | | | | | | | | | |
|--|---|------------------------------|------------|------------|------------|------------|----------------|--|-----------------------------------|-------|------------------------|
| | | Contribution Per Fiscal Year | | | | | | | | | |
| | Projects - Ranked by Agency | 2019-2020 | 2020-2021 | 2021-2022 | 2022-2023 | 2023-2024 | 2024+ | Long Range Comprehensive Plan Projects | County/VDOT/Private Contributions | Notes | Total Project Costs |
| | | Ensuing Fiscal Year | Year 2 | Year 3 | Year 4 | Year 5 | Beyond Year 6+ | | | | |
| Funded Priorities | Route 277, Fairfax Pike, Widening and Safety Improvements (ph 1) | \$35,944,878 | | | | | | | \$35,944,878 | E | \$35,944,878 |
| | Airport Road Extension, East Tevis Street Extension and Bridge over 81 | \$24,703,788 | | | | | | | \$24,703,788 | E | \$24,703,788 |
| | Renaissance Drive, Phase 2 | \$5,791,500 | | | | | | | \$5,791,500 | E | \$5,791,500 |
| | Sulpher Springs Road Improvement project | \$11,946,091 | | | | | | | \$11,946,091 | E | \$11,946,091 |
| | Route 277 right turn extension Warrior Drive | \$476,644 | | | | | | | \$476,644 | E | \$476,644 |
| | Papermill Road right turn lane extension Route 522 | \$507,262 | | | | | | | \$507,262 | E | \$507,262 |
| Unfunded Priorities | Route 37 Engineering & Construction | | | | | | | \$750,000,000 | \$750,000,000 | E | \$750,000,000 |
| | I-81 Exit 307 Relocation with 4 In connection to Double Church and Stephens City Bypass | | | | | | | \$234,255,469 | \$234,255,469 | E | \$234,255,469 |
| | Route 277, Fairfax Pike, Widening and Safety Improvements (ph 2) | | | | | | | \$25,428,550 | \$25,428,550 | E | \$25,428,550 |
| | Redbud Road Realignment and Exit 317 Ramp realignment | | | | | | | \$11,239,132 | \$11,239,132 | E | \$11,239,132 |
| | Widening of Route 11 North (ph 1) | | | | | | | \$28,346,120 | \$28,346,120 | E | \$28,346,120 |
| | Warrior Drive Extension (south) | | | | | | | \$47,000,000 | \$47,000,000 | E | \$47,000,000 |
| | Channing Drive Extension | | | | | | | \$45,000,000 | \$45,000,000 | E | \$45,000,000 |
| | Brucetown/Hopewell Realign. | | | | | | | \$3,800,000 | \$3,800,000 | E | \$3,800,000 |
| | Widening of Route 11 North (ph2) | | | | | | | \$192,000,000 | \$192,000,000 | E | \$192,000,000 |
| | Senseny Road Widening | | | | | | | \$67,000,000 | \$67,000,000 | E | \$67,000,000 |
| | Inverlee Way | | | | | | | \$27,300,000 | \$27,300,000 | E | \$27,300,000 |
| | Warrior Drive Extension (Crosspointe south) | | | | | | | \$33,500,000 | \$33,500,000 | E | \$33,500,000 |
| | Senseny Road turn lanes/improvements Crestleigh Drive | | | | | | | \$2,548,579 | \$2,548,579 | E | \$2,548,579 |
| | Eastern Road Plan Improvements | | | | | | | TBD | TBD | E | TBD |
| Total | | \$79,370,163 | \$0 | \$0 | \$0 | \$0 | \$0 | \$1,467,417,850 | \$1,546,788,013 | | \$1,546,788,013 |

Other Funding Sources: E= Partial funding anticipated through development & revenue sources

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

| Table 3 - Winchester Reginal Airport CIP Requests | | | | | | | | | | |
|---|------------------------------|--------------------|--------------------|--------------------|--------------------|------------------|--|----------------------|-------|---------------------|
| Projects - Ranked by Agency | Contribution Per Fiscal Year | | | | | | Long Range Comprehensive Plan Projects | County Contributions | Notes | Total Project Costs |
| | 2019-2020 | 2020-2021 | 2021-2022 | 2022-2023 | 2023-2024 | 2024+ | | | | |
| | Ensuing Fiscal Year | Year 2 | Year 3 | Year 4 | Year 5 | Beyond Year 6+ | | | | |
| New General Aviation Terminal | \$1,960,000 | \$4,070,000 | \$85,400 | | | | | | A,B | \$6,115,400 |
| Taxiway "A" Relocation Design/Construction | \$300,000 | \$3,130,000 | \$3,340,000 | 6,300,000 | \$3,800,000 | | | | A,B | \$16,870,000 |
| Land Parcel 64B-A-51 (Moreland) | \$175,000 | | | | | | | | A,B | \$175,000 |
| Land Parcel 64-A-69 (Robertson) | \$160,000 | | | | | | | | A,B | \$160,000 |
| Land Parcel 64B-A-33A (Beaver) | | \$125,000 | | | | | | | | \$125,000 |
| Land Parcel 64B-A-40 (Rosenberger) | | \$175,000 | | | | | | | A,B | \$175,000 |
| Land Parcel 64-A-60 (Cooper) | | \$200,000 | | | | | | | A,B | \$200,000 |
| Land Parcel 64-A-64 (Hott) | | \$160,000 | | | | | | | A,B | \$160,000 |
| Runway 14 Approach Lights | | | | \$500,000 | | | | | A,B | \$500,000 |
| Fuel Storage Facility | | | | \$1,000,000 | | | | | A,B | \$1,000,000 |
| North Side Access Road | | | | | | 700,000 | | | A,B | \$700,000 |
| Land Parcel 64B-A-52 (Lee) | | | | | | | 175,000 | | A,B | \$175,000 |
| Land Parcel 64-A-59 (Kyle) | | | | | | | 175,000 | | A,B | \$175,000 |
| RPZ Land Services | | | | | | | 250,000 | | A,B | \$250,000 |
| Total | \$2,595,000 | \$7,860,000 | \$3,425,400 | \$7,800,000 | \$3,800,000 | \$700,000 | | | | \$26,780,400 |

A= Partial funding from VA Dept. of Aviation

B= Partial funding from FAA

*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.

APPENDIX

PROJECT DESCRIPTIONS

Frederick County Public Schools Project Priority List

PRIORITY 1 - New High School

Description: The new high school project will serve students grades 9-12, have a program capacity of 1,725 students, and will address anticipated growth in high school student enrollment in the school division. The site is located at the end of Justes Drive behind Admiral Byrd MS. This school is designed for collaborative education, similar to the new Frederick County MS, with a variety of learning spaces to meet the needs of a variety of learning styles and to impart skills necessary in today's working world.

Capital Cost: \$122,200,000

Justification: This project will address expected growth in high school student enrollment in the school division over the next several years. We propose to open the new high school in the fall of 2023. We project that enrollment in the high schools by that time will be 4,597 students. High school program capacity is currently 3,785 students.

Construction Schedule: Construction will take 48 months

PRIORITY 2 - Armel Elementary School Addition and Renovation

Description: Armel ES opened in 1991 and has served continuously as a K-5 elementary school since that time. The school contains 70,281 square feet and has a program capacity of 558 students. As of October 31, 2018, the school has 639 students. Eight classrooms will be added to Armel ES, to accommodate the additional growth at Lake Frederick. The existing facility will be updated as needed and core areas partially renovated to serve the additional students.

Capital Cost: \$11,800,000

Justification: Armel Elementary School is in good condition; however, growth in the attendance zone will need to be addressed through the addition of classrooms to the facility. An attendance rezoning was completed four years ago as part of the implementation of full-day kindergarten. Addressing the growth issue at Armel was studied as a part of this rezoning. Four areas were identified to be rezoned to another school to offset the additional growth at Lake Frederick. None of the four options provided a complete and satisfactory solution. One option would have put Armel outside of its own attendance zone. A second would have split a neighborhood and sent some of the neighborhood to a school further away. A third would have simply relocated the growth issue to another school. The fourth option was adopted, but only moved ~50 students, a temporary reprieve from growth pressures.

Construction Schedule: 30 months

PRIORITY 3 – Administrative Office Renovation

Description: Frederick County Public Schools' administration has been located at the old Kline Elementary School building since 1983. Before the building was converted to offices, it had served as a school since 1961. The facility contains 27,992 square feet, including the 5,000 square foot Annex and the 2,400 square foot Finance Addition, but not including the four modular classroom units that are used for offices and work space.

Capital Cost: \$3,600,000

Justification: The 57-year-old Administrative Offices building does not have enough office and meeting space, needs technology upgrades, and improvements to the plumbing and electrical systems to meet modern code. Meeting space is at a premium, as we only have 2 sizeable meeting rooms. There are also building security and asbestos issues. These issues will become pressing as the district (and therefore the staff) grows.

Construction Schedule: 30 months

PRIORITY 4 - James Wood High School Renovations and Additions

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 1,200 students. The building serves grades 9-12. The building is in good condition; however, several major areas need to be addressed in a renovation. Focus of the renovation will include student-centered learning modification of instructional areas to support modern instructional delivery, mechanical, electrical, plumbing, technology, finishes, and site.

Capital Cost: \$66,000,000

Justification: James Wood High School is 38 years old. Renovations and additions are needed to a number of areas to support effective, economical, and efficient operation of the school for years to come. This school will be renovated to be more like the 4th HS, the new Frederick County MS, and the Aylor MS replacement, with a variety of learning spaces to meet the needs of a variety of learning styles and to impart skills necessary in today's working world.

Construction Schedule: 36 Months

PRIORITY 5 – Sherando High School Renovations and Addition

Description: Sherando High School opened in 1993. The facility contains 239,517 square feet and has a program capacity of 1,285 students serving grades 9-12. Several major areas need to be addressed in a renovation, including reorganization and addition of classroom and storage space to better equip the building to support collaborative education. Because we want the facility to last another 30 years, facility infrastructure will be renewed and updated, and finishes will be refreshed. Other areas to be addressed are security, traffic safety, and gender equity in athletic facilities.

Capital Cost: \$71,400,000

Justification: Sherando is 25 years old and will be at least 32 years old by the time we renovate it. Renovations are needed to ensure the economical, efficient, and effective operation of the school for years to come. Modern instruction requires that a variety of learning spaces be provided, including collaborative spaces of varying sizes and project labs (similar to maker spaces). Transportation safety concerns exist on and around the school site at Sherando during arrival and dismissal. Sherando does not have a softball field on site, instead using a softball field in Sherando Park. This represents an equity issue between boys and girls' sports and is contrary to FCPS' policy of equity between boys and girls' sports.

Construction Schedule: 48 Months

PRIORITY 6 – Apple Pie Ridge Elementary School Phase 2 Renovation

Description: Apple Pie Ridge Elementary School opened in 1974 and has served continuously as an elementary school since that time. The school contains 65,120 square feet and has a program capacity of 459 students. Currently the building serves grades K-5. The building is in good condition; however, several major areas need to be addressed, including open classroom space, ADA compliance, energy conservation, security, and upgrades of fire alarms, electrical, plumbing and mechanical systems.

Capital Cost: \$15,000,000

Justification: Apple Pie Ridge Elementary School is 44 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: 48 Months

Parks & Recreation Department Project Priority List

PRIORITY 1 – Abrams Creek Trail

Description: 10' wide, asphalt, shared-use trail along Abrams Creek. From Senseny Road to Channing Drive. It is estimated the trail will have six bridge stream crossings and will be approximately 3 miles in length. As outlined below, the project is envisioned in three phases of approximately 1 mile each. Each phase will have logical beginning and ending points and be usable trail sections in themselves. Phase 1 from Senseny Road to Woodstock Lane. Phase 2 from Woodstock Lane to Woody's Place, and Phase 3 from Woody's Place to Channing Drive.

Capital Cost: \$1,219,900

Justification: This facility would provide recreational opportunities for residents and provide an alternate means of entering and exiting the City of Winchester from Eastern Frederick County. This project is intended to meet the needs of the community as identified in the 2017 Frederick County Parks and Recreation Community Survey, and the 2012 Virginia Outdoors Plan Survey.

Construction Schedule: Completion in FY 22-23.

PRIORITY 2 – Community Center

Description: The Community Center project would be approximately 44,000 square feet and include an indoor area large enough to accommodate a minimum of two basketball courts. This court area would also be designed for utilization by indoor soccer, baseball, softball, wrestling, volleyball, tennis and badminton with the installation of in-floor sleeves and drop curtains or partitions. This area could also be used for special events such as dances, proms, music festivals, garden and home, outdoor, craft, antique, quilt, or boat shows, thus providing a flexible facility for a multitude of activities to take place at one time. The facility would also house a fitness center, multi-purpose rooms, office, storage, and locker rooms.

Capital Cost: \$9,067,000

Justification: Since its inception, the Parks and Recreation Department has relied significantly on the use of the County public schools to house recreation programs. This arrangement was adequate when the department first started out, however the department currently offers over 250 sections of programs, creating a situation where the department is limited in its ability to meet the programming and facility needs of the County residents. A Community Center facility will facilitate the department to meet citizen programming demands and provide the area with a facility to attract new businesses to the community. This facility would be available to all area residents and is intended to meet the needs of the community as identified in the 2017 Frederick County Parks and Recreation Community Survey.

The Department and the community has benefited from the co-location of recreation and school facilities, however community size warrants a separate facility dedicated to recreation use. The construction of this project will provide a facility the Department will be able to offer year-round and all-day recreational programming to the residents of Frederick County. This facility could be built in conjunction with or as an attachment to the Indoor Aquatic Facility and should be centrally located.

Construction Schedule: Completion in FY 21-22.

PRIORITY 3 – Gym Addition – Snowden Bridge Elementary

Description: This project brings the Snowden Bridge Elementary School into the Cooperative Use framework for shared school and community uses. Expanding the gymnasium from elementary size to full size and adding community multi-purpose room space to the proposed school site.

Capital Cost: \$1,260,000

Justification: The model in place since Orchard View Elementary was built in 2000 added gymnasium and multipurpose space to elementary schools, as these schools are located where population growth is present. Growth in community programming, camps, and indoor sport leagues continues to create demand for more gymnasium and multi-purpose space. Adding pressure for this location is that there are no community center spaces in the Stonewall District, while population continues to increase.

Construction Schedule: Completion in FY 20-21.

PRIORITY 4 – Indoor Aquatic Facility

Description: The approximately 35,000 square foot building will likely house a 10-lane competitive pool, 6 lane warm water teaching pool, meeting rooms, shower and changing rooms, and facilities support areas. The above facility would meet the swimming needs of the community, including HS level swim teams.

Capital Cost: \$11,841,000

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 provide a nucleus to attract new businesses to the community. This project is intended to meet the needs of the community as identified in the 2017 Frederick County Parks and Recreation Community Survey.

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.

Construction Schedule: Completion in FY 20-21.

PRIORITY 5 - Water Slide and Spray Ground

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: \$655,000

Justification: To provide recreational opportunities for the Clearbrook Park and Sherando Park service area. Frederick County Parks and Recreation Department operates two outdoor swimming pools at the regional parks. These facilities are over 20 years old and were constructed with two diving boards as the main feature for each pool. Swimming pool attendance has trended decline in recent years and users are requesting different water features. The addition of two water slides and a spray ground to each pool facility will appeal to families and younger children, increasing pool attendance by an estimated 30%. With the increase in attendance and potentially fees to comparable facilities, the County would realize an increase in user fee revenue. Clearbrook and Sherando Parks, currently owned by Frederick County, offer the best site and location for the development of this facility. With the upgrade to the existing swimming pool facilities, the County would not have to incur costs for property acquisition or infrastructure development and increase the recreational opportunities at the regional parks.

Construction Schedule: Completion in FY 20-21.

PRIORITY 6 – Snowden Bridge Park Development

Description: Snowden Bridge Park, situated on land proffered by the Snowden Bridge development utilizes park and school land for the provision of an active recreation park. The above park is to include athletic fields suitable for league play. Lighting, restroom and parking are part of the park concept.

Capital Cost: \$2,410,000

Justification: The overall park design is informed by the Snowden Bridge (formerly Stephenson Village) rezoning proffer of 2003. The proffer indicates the provided land to be used for baseball and/or soccer field development in anticipation of the population increase generated by the development.

Construction Schedule: Completion in FY 20-21.

PRIORITY 7 – Sherando Ballfield Lighting Replacement

Description: Upgrade the ballfield lighting at 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 Sherando Park. This standard is required by Little League International on all little league fields. LED light fixtures are specified as HID fixtures are facing obsolescence.

Capital Cost: \$856,000

Justification: The Parks and Recreation Commission is recommending the ballfield light system be upgraded to achieve the recommended 50/30 footcandle level lighting on the playing surface. This will facilitate the provision of recreational opportunities at Sherando Park for the service areas which include all Frederick County residents. The field light fixtures are over twenty-five years old and are affixed to poles.

Construction Schedule: Completion in FY 20-21.

PRIORITY 8 - Sherando Park Area 1 Recreation Access Phase 2

Description: This project continues the development vision for the NW area of Sherando Park located north of Rt. 277 as shown in the 2016 North Sherando Park Master Plan update. Continuing Line Drive to Landgrant Lane, parking, restroom building, and dog park are elements of this phase.

Capital Cost: \$1,290,000

Justification: This facility would provide recreational opportunities for the entire Frederick County area. In addition to its use as a recreational facility, it will be used by the Frederick County school system. This project is intended to meet the needs of the community as identified in the 2017 Frederick County Parks and Recreation Community Survey.

Construction Schedule: Completion in FY 21-22.

PRIORITY 9 - Sherando Park North – Softball Complex

Description: This project completes the development vision for the SE area of Sherando Park located north of Rt 277. This vision is expressed in the 2016 North Sherando Park Master Plan update. Included are softball fields to complete the complex, a shared use trail segment, roadway and parking.

Capital Cost: \$1,723,000

Justification: This facility would provide recreational opportunities for the entire Frederick County area. In addition to its use as a recreational facility, it will be used by the Frederick County school system. Presently, there are ten softball/baseball fields within the County's regional park system. Eight of ten existing fields must serve a dual purpose of facilitating youth baseball as well as youth and adult softball programs. With the increased usage of these fields, it has become more difficult to facilitate these programs. This project is needed in order for the Parks and Recreation Department to accommodate the existing demand of youth baseball and adult softball programs. This project is intended to meet the needs of the community as identified in the 2017 Frederick County Parks and Recreation Community Survey. Sherando Park, currently owned by Frederick County, represents the very best site for softball 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 Sherando High School. Joint use of facilities between the park and school system has facilitated school activities and recreation programs.

Construction Schedule: Completion in FY 21-22.

PRIORITY 10 - Sherando Park Area 3 Development

Description: This project completes the development vision for the SW area of Sherando Park located north of Rt 277. This vision is expressed in the 2016 North Sherando Park Master Plan update. Included are rectangular play fields, a shared use trail segment, roadway and parking, playground, restroom, and maintenance building.

Capital Cost: \$2,250,000

Justification: This facility would provide recreational opportunities for the entire Frederick County area. In addition to its use as a recreational facility, it will be used by the Frederick County school system. With the development of N Sherando Softball Complex (CIP item #9) two rectangular play fields will be displaced. The development of area 3 not only addresses this direct result, but also addresses additional identified needs of the community.

Construction Schedule: Completion in FY 21-22

PRIORITY 11 – Playground Replacement

Description: This project schedules replacement for playgrounds at County Parks.

Acquisition of Parkland (35 acres)

Capital Cost: \$1,050,000

Justification: County park playgrounds are popular amenities at County owned parks. The playgrounds will need to be replaced to meet user expectations.

Construction Schedule: This project is anticipated to be ongoing, a four-year schedule is proposed. Year 1: CB main playground, Frederick Heights. Year 2: CB 2nd playground, SH 2nd playground. Year 3: SH 3rd playground. Year 4: SH Main playground.

PRIORITY 12 – Community Park

Description: The Community Park project includes the acquisition of approximately thirty-five acres. Developed amenities will ultimately be determined by the specific site, however typical development would include:

- Acquisition of Parkland; 35 acres
 - Paved & Gravel Paths
 - Playground
 - Tot lot
 - Shelters
 - Lighted Basketball & Tennis courts
 - Open Play Fields
 - Toilets
 - Parking
 - Shade Trees & Turf

Capital Cost: \$2,194,000

Justification: Potential acreage for parkland would be located close to population density, east of Winchester, Redbud / Shawnee District area. The location of this project would provide developed parkland to create more accessible recreational facilities and opportunities to the residents Frederick County.

Construction Schedule: Completion in FY 22-23.

PRIORITY 13 – Neighborhood Parks

Description: The Neighborhood project includes the acquisition of six sites of approximately ten acres and the subsequent development of these sites. Developed amenities will ultimately be determined by the specific site, however typical development would include:

- Acquisition of Parkland, 10 acres per site
 - Paved Path
 - Playground
 - Shelter
 - Hard Surface Courts
 - Open Play Fields
 - Parking

Capital Cost: \$5,236,000

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 2013 Virginia Outdoors Plan. This project is intended to meet the needs of the community as identified in the 2017 Frederick County Parks and Recreation Community Survey. Potential acreage for parkland would be located in the Urban Development Area or Rural Community Centers. The location of this project would provide parkland developed to create more accessible recreational facilities and opportunities to the residents of Frederick County.

Construction Schedule: 2021-beyond 24

PRIORITY 14 – Regional Park

Description: Acquisition of Parkland;

- Northeastern Frederick County 150-200 acres
- Western Frederick County 150-200 acres
- Eastern Frederick County 150-200 acres

Capital Cost: \$12,393,000

Justification: This project would meet the recreation needs of the Frederick County population.

Construction Schedule: 2022-beyond 24

PRIORITY 15 - National Guard Armory Gym Addition

Description: Through an agreement with the National Guard, Frederick County would convert the existing buildings assembly space to a gymnasium. The project includes flooring and air conditioning.

Capital Cost: \$510,000

Justification: The model in place since Orchard View Elementary was built in 2000 added gymnasium and multi-purpose space to elementary schools, as these schools are located where population growth is present. Growth in community programming, camps, and indoor sport leagues continues to create demand for more gymnasium and multi-purpose space.

Construction Schedule: Completion in FY 22-23.

PRIORITY 16 - S. Sherando Park Development

Description: This project completes the development vision for the area of Sherando Park located south of Rt 277. This vision is expressed in the 2002 Sherando Park Master Plan update. Included are rectangular play fields, skate park, roadway and parking, and restroom.

Capital Cost: \$2,137,000

Justification: This facility would provide recreational opportunities for the entire Frederick County area.

Construction Schedule: Long range planning objective – beyond FY24

PRIORITY 17 – Fleet Trip Vehicles

Description:

Bus #1 – 40-50 Passenger Bus

Bus #2 – 30-40 Passenger Bus

Van #1 – 12 Passenger Van

Capital Cost: \$322,000

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 23-24.

PRIORITY 18 – N Sherando Park Area 1 & 2 Development

Description: This project completes the development vision for the area of Sherando Park located north of Rt 277 and Wrights Run. This vision is expressed in the 2016 North Sherando Park Master Plan update. Included are multi-use trail, mountain bike trails, restrooms, pavilions, roadway and parking.

Capital Cost: \$3,127,000

Justification: This facility would provide recreational opportunities for the entire Frederick County area. This project is intended to meet the needs of the community as identified in the 2017 Frederick County Parks and Recreation Community Survey.

Construction Schedule: Long range planning objective – beyond FY24

PRIORITY 19 – 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 above ice rink may be collocated with other compatible uses should opportunities arise, reducing the acreage demand.

Capital Cost: \$6,489,000

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 2017 Frederick County Parks and Recreation Community Survey. The Indoor Ice Rink 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: Long range planning objective – beyond FY24

Handley Regional Library Project Priority List

PRIORITY 1 - Frederick County Library Branch - Gainesboro

Description: Construction of a 4,000 to 5,000 square foot branch library, either as a stand-alone 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. This projected branch would fit per discussions with FCPS on existing property and was outlined in a document prepared by FCPS students two years ago.

Capital Cost: \$1,749,034

Justification: This branch would serve citizens living in this growing area: In 2017-2018 Frederick County citizens of all ages checked out 463,265 items. 38000 Frederick County residents have library cards and averaged 60.3 % of all materials checked out of the regional system. 3018 Frederick County residents, adults and children, registered for library cards for the first time in 2016-2017. Of Frederick County residents over five years of age (when you can get a library card), approximately 53 % of the total have library cards. This new branch would bring the level of library usage up closer to the national average level of 58%. This population group in the Gainesboro District is not close to a library in the regional system. The Library will provide materials and programming for citizens 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 via Wi-Fi, rental tablets and hotspots, via desktop/laptop computers for word processing, as well as 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 23-24.

PRIORITY 2 - Frederick County Library Branch - South Library

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 acre or collocated with the new High School projected to be built in the same area.

Capital Cost: \$3,043,235

Justification: This branch would serve a rapidly growing area per recent Frederick County documents. In 2017-2018 Frederick County citizens of all ages checked out 463,265 items. 38000 Frederick County residents have library cards and averaged 60.3 % of all materials checked out of the regional system. 3018 Frederick County residents, adults and children, registered for library cards for the first time in 2016-2017. Of Frederick County residents over five years of age (when you can get a library card), approximately 53 % of the total have library cards. This new branch would bring the level of library usage up closer to the national average level of 58%. This population group in the Opequon District is not close to a library in the regional system. The Library will provide materials and programming for citizens 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 via Wi-Fi, rental tablets and hotspots, via desktop/laptop computers for word processing, as well as 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: Long range planning objective – beyond FY24

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 65 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 area contains a large number of single-family units that do not have easy or close access to any of our regional libraries. In 2017-2018 Frederick County citizens of all ages checked out 463,265 items. 38000 Frederick County residents have library cards and averaged 60.3 % of all materials checked out of the regional system. 3018 Frederick County residents, adults and children, registered for library cards for the first time in 2016-2017. Of Frederick County residents over five years of age (when you can get a library card), approximately 53 % of the total have library cards. This new branch would bring the level of library usage up closer to the national average level of 58%. As noted above the population group in the Redbud/Shawnee District is not close to a library in the regional system. The Library will provide materials and programming for citizens 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 via Wi-Fi, rental tablets and hotspots, via desktop/laptop computers for word processing, as well as 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: Long range planning objective – beyond FY24

County Administration Project Priority List

PRIORITY 1 - Albin Citizens Convenience Site

Description: The relocation of the Albin site to property located within the Sunnyside/Albin Community is projected for FY 19/20. A preliminary agreement has been reached with Frederick County Public Schools to co-locate a facility at the former transportation center along Indian Hollow Road. The approximately two-acre project will require entrance enhancements, a turn lane, fencing, earthwork, retaining walls, electric, equipment, lighting, paving and landscaping and take several months to complete.

Capital Cost: \$1,224,000

Justification: During August of 2017, 17,006 vehicles visited the Albin facility, making it single most used solid waste facility outside of the landfill. This represented a five percent increase in usage over 2016. In 2018, the Albin site continued to experience growth in the number of users. The site averages 699 vehicles per day. On weekends this number can climb to over 900 vehicles. As trash disposal and the resulting traffic continue to increase, the present infrastructure will be unable to safely serve the public. During holidays, the site requires two attendants in order to manage traffic. However, lines still back out onto Indian Hollow Road during holidays and some weekends, creating a hazard noted several times by the Sheriff's Office.

For residents living between Cedar Creek Grade and Apple Pie Ridge Road, curbside pickup is costly, prompting heavy utilization of the convenience site which attracts a mix of users from the suburbs and rural areas. A number of users from western Frederick also drop off their trash on their way into Winchester. Avid recyclers from Westminster-Canterbury, Shenandoah University, Shenandoah's School of Pharmacy and SU students living in nearby townhouses also frequent the facility. This project has the support of the Public Works Committee.

Construction Schedule: Completion in FY 19-20

PRIORITY 2 - Gore Citizens Convenience Site

Description: The project will expand refuse capacity in the Gore community by installing a surplus trash compactor. Converting the Gore facility from one which utilizes 10 8-yard boxes for refuse collection to one that uses a trash compactor will drive down collection costs dramatically. In order to accomplish this, and account for improved trash flow and the construction of a compactor and recycling staging area, the site will be expanded onto an adjoining parcel already owned by the County. This construction will take place over a period of months.

Capital Cost: \$944,000

Justification: A total of 3,361 vehicles utilized the facility during August 2018, an increase of 10 percent. On a typical Sunday, usage peaks at 111 vehicles. The project will pay for itself in lower refuse collection costs through compaction of solid waste prior to transport. Also, with a compactor in place, refuse will be contained in an enclosed receiver can, reducing odor, vectors and blowing litter, all of which are challenges when using open collection cans.

The project will also provide much-needed capacity during heavy flow times such as weekends and holidays. All 10 containers now fill to capacity during Saturdays and Sundays. Numerous times, the site has closed early on Sundays when capacity is reached. A 40-yard roll-off container is used during holidays to contain excess trash, an additional expense. An upgraded site will meet the current and future solid waste needs of the Gore community. The Public Works Committee supports this project.

Construction Schedule: Completion in FY 20-21

PRIORITY 3- General Government Capital Expenditures

Description: This 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 project consists of a County/School Board Administration Building, to be located generally in the County's Urban Development Area. The Joint Administrative Office Complex project is for a new 150,000 square foot office building shared with the County Schools Administration. The Schools' portion would be 50,000 square feet.

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 5 - Joint Judicial Center New Facility

Description: This new project consists of a new future Joint Judicial Center Facility to be located generally in the City of Winchester or 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. The need for this project has been established through ongoing communication with the court system and the City of Winchester.

Construction Schedule: TBD

Fire & Rescue Project Priority List

PRIORITY 1- Shenandoah Valley Regional Public Safety 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.

The Training Center will be located in the area central to the region which is the Middletown area of Frederick County. This area will facilitate necessary access by all participating agencies and jurisdictions as well as be incorporated into the existing facilities of the Lord Fairfax Community College and the Rappahannock Regional Criminal Justice Academy – Middletown Campus. The Training Center will require between eighty (80) to one hundred (100) acres to facilitate the required buildings, associated props, and other training areas.

The determination for the exact buildings, associated props, and training areas will be determined by the agencies needs assessed by the Public Safety Training Center Questionnaire that was distributed in July 2007. The proposed Training Center will be developed in a phased approach based on the strategic needs of the Northern Shenandoah Valley Region. The exact size, square footage, and capacity of the buildings, associated props, and training areas will also be determined by the agencies as well as designed the meet the specifications of the regulatory authorities within the Commonwealth of 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: Long Range Project – Beyond FY 2024.

PRIORITY 2 - Frederick County Fire & Rescue Station 22

Description: Construct a two bay Fire and Rescue Station with satellite Sheriff's office and County office space for treasurer, 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.

Capital Cost: \$3,400,000

Justification: This 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 21-22.

PRIORITY 3 - Frederick County Fire and Rescue Station 22 Apparatus

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: \$1,100,000

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 21-22

PRIORITY 4 - Fire and Rescue Station 23 / Annex Facilities

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: As commercial and residential developments continue to expand in this area of Frederick County, and with the increased traffic on Rt. 37 and I-81, the calls for emergency services increases as well. To address the needs of the growing community and to maintain efficient response times, the addition of a new fire and rescue station is needed.

Construction Schedule: Completion in FY 21-22

Fire & Rescue Company Capital Project Requests

Capital Equipment Fire & Rescue – Vehicles & Equipment

Description: This 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

Individual Fire & Rescue Company Capital and Capital Equipment Requests.

Greenwood Fire Station – Renovation

Description: Conduct a remodeling of the 2nd floor, approximately 4,600sq ft, to accommodate additional staff assigned to Greenwood.

Capital Cost: \$7000,000

Justification: With the increase in call volume the Career staff assigned to Greenwood has increased to 4 personnel 24 hour a day / 7 days a week. The current configuration is not sufficient to meet the 24 hour a day / 7 days a week staff needs, nor does it allow space for the volunteers.

Construction Schedule: Completion in FY 19/20

Clearbrook Fire Station – New Fire Station

Description: Replacement of the existing Clearbrook Fire Station.

Capital Cost: \$4,696,000

Justification: In order to accommodate the career personnel 24 hours a day, our current facility's living quarters are in critical need of upgrades. Between current staffing needs, equipment and fundraising operations, we have outgrown our facility. We have the option to swap land with the quarry on Route 11 and construct a new facility. This would give us much better access to Route 11. Or, we have the option to remain on our current property and construct a new facility on the East side. The old building would be removed, and that area would become the parking lot.

Construction Schedule: FY 21-22.

Middletown Volunteer Fire and Rescue Company– Building Addition 101

Description: Demolish original building and 1st addition to the station and rebuild new facility addition. This addition will provide larger sleeping quarters for males and females, locker rooms, bathrooms, offices, storage, physical fitness room and apparatus bays.

Capital Cost: \$3,100,000

Justification: It is essential for Middletown Volunteer Fire and Rescue Company Inc. to maintain our capabilities in emergency response and the facilities to house the apparatus, tools and equipment and provide suitable living quarters for our members and FCFRD staff. Currently we are out of space in sleeping quarters for additional staff that is already slated to come, apparatus bay doors are too small for larger apparatus and the buildings are in need of repair.

Construction Schedule: FY 20-21.

Stephens City Fire and Rescue Company– Medic Unit Replacement (type 1) UNIT 11-3

Description: Replacement of a 2001 commercial chassis medic unit with a new commercial chassis custom Type 1 Medic Unit. The unit will be built to the Federal KKK-A-1822E or NFPA 1917 specifications and equipped with all of the required and necessary

equipment to function as an Advanced Life Support transport unit. The apparatus will meet NFPA 1917/KKK-A-1822E standards and ISO requirements at the time of design, to include the required patient restrain and lift system and environmental controls needed for medicines required for EMS.

Capital Cost: \$240,000

Justification:

1. Personnel Safety - Many of the changes in the new standards deal with safety and cannot be retrofitted to existing EMS apparatus.
2. Condition of Major Components - An examination of the major components of an apparatus has been made including the drive train, transmission, engine, chassis, and patient compartment. These components are approaching the expected service life.
3. Changes in National Standards and Federal Mandates - Compliance with present Federal KKK-A-1822E, NFPA 1500, Standard on Fire Service Occupational Safety and Health Program and NFPA 1917, Standard for Automotive Ambulances.
4. Maintenance Costs and Performance - All apparatus is tested and inspected annually. Records show a substantial increase in cost and frequency of repairs. Soon it will no longer be economical to continue investing in repairs.

Construction Schedule: FY 19-20.

Stephens City Fire and Rescue Company– Tower 11 Replacement

Description: Replacement of a 1986 custom chassis ladder tower truck with a new year custom chassis ladder tower truck. The apparatus will be built to N.F.P.A. 1901 specifications and equipped with the required tools and appliances to meet ISO standards at the time of build. The apparatus will meet NFPA standards and ISO requirements at the time of design. This project will begin approximately 6 months ahead of the design date with an ad-hoc steering/design committee.

Capital Cost: \$1,300,000

Justification:

1. Personnel Safety - Many of the changes in the new standards deal with safety and cannot be retrofitted to existing fire apparatus.
2. Condition of Major Components - An examination of the major components of an apparatus has been made including the drive train, transmission, engine, ladder, platform, hydraulic systems, pump, chassis, and body. These components are approaching the expected service life or have already been replaced.
3. Availability of Replacement Parts - As apparatus get older, replacement parts may become more difficult to obtain, leading to longer periods of "down time."
4. Changes in National Standards or Federal Mandates - Compliance with present NFPA standards (1901, Engine Fire Apparatus;

NFPA 1500, Standard on Fire Service Occupational Safety and Health Program

5. Maintenance Costs and Performance - All apparatus is tested and inspected annually. Records show a substantial increase in cost and frequency of repairs. Soon it will no longer be economical to continue investing in repairs.

Construction Schedule: FY 22-23.

Sheriff's Office Project Priority List

PRIORITY 1 – Vehicle Storage Building

Description: Construct an eight-bay steel building for housing of large specialized vehicles that require coverage due to the large amount of equipment and specialized tools. This project does not require the purchase of land as it will be constructed on the property of the Frederick County Public Safety Building. The building will allow for the maintenance, storage, security of all the large specialized vehicles that are required for the specialized operations teams. This building size will be 4,256 square feet and will require 13,500 square feet to build. This will be an eight bay four garage door equipment storage building with a 35x76 foot concrete pad.

Capital Cost: \$320,000

Justification: This project will facilitate the required housing of vehicles that are used for the special purpose teams. These vehicles are required to be protected from the weather to ensure quick responses to emergencies. Protecting the vehicles will allow the longevity of the vehicle by reducing engine wear and exposure to fluctuating weather conditions. Due to these vehicles belonging to specialty teams, the vehicles house important and expensive equipment. This equipment allows personnel of each specialty team to conduct the mission at hand. Much of the equipment has to be maintained at certain temperatures in order to function at a moments notice. This project will ensure the equipment is ready at all times. Stable conditions for equipment also ensures the permanency of the equipment thus saving countless amounts of money.

Construction Schedule: Completion in FY 19-20.

PRIORITY 2 – 25 New Patrol Vehicles

Description: This project is for the projected cost of replacement vehicles to the fleet of the Frederick County Sheriff's Office over the next five years. This will ensure the replacement of end of service life vehicles to the Sheriff's Office fleet as well as the cost effectiveness for repairs to failing vehicles.

Capital Cost: \$5,220,000

Justification: This project is needed to meet the basic requirements for Law Enforcement Officers when responding to calls, patrolling of the county, community safety and safety of the Officers. This will offset the cost of purchasing vehicles that were not replaced during the 2010-2012 budget years due to budget restraints. If this project is approved it will drop the cost of purchasing 46 vehicles per year to approximately 25 per year on a rotating basis.

Construction Schedule: Completion in FY 23-24.

PRIORITY 3 – 25 Motorola 8500 Mobile Radios

Description: This project is in conjunction with the implemented vehicle replacement time-line. This project will update the mobile radio system for each replaced vehicle. The Sheriff's Office has been recycling all the old radio systems from previous vehicles for so long that the current equipment is obsolete.

Capital Cost: \$1,200,000

Justification: This project is needed for equipping all time-line replaced vehicles with current and up to date radio systems in order to communicate with the Emergency Communication Center.

Construction Schedule: Completion in FY 23-24.

PRIORITY 4 – 25 Motorola 8000 Portable Radios

Description: This project is in conjunction with the implemented mobile radio replacement time-line. This project will update the portable radio system for each replaced vehicle. The Sheriff's Office has been recycling all the old portable radio systems for so long that the current equipment is obsolete.

Capital Cost: \$1,125,000

Justification: This project is needed for equipping all time-line replaced portables with current and up to date radio systems in order to communicate with the Emergency Communication Center. This project will also be P-25 and narrow band compliant as outlined by the FCC regulations. This project is needed for all the specialty teams that operate outside of their vehicle while on call outs and rescue missions.

Construction Schedule: Completion in FY 23-24.

Transportation Committee Project Priority List

Funded Priorities

PRIORITY 1 - Route 277 Widening and Safety Improvements (Ph 1)

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

Capital Cost: \$35,944,878

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 2 -Airport Road Extension, 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. Construct Airport Road from Route 522 to a roundabout intersection with the Tevis Extension on the east side of I-81. Project includes bridge over Interstate 81.

Capital Cost: \$24,703,788

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

PRIORITY 3 - Renaissance Drive, Phase 2

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

Capital Cost: \$5,791,500

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

Construction Schedule: TBD

PRIORITY 4 - Sulphur Springs Road Intersection improvement and widening from Route 50 to the Landfill

Description: Widen Sulphur Spring Road from the intersection with Route 50 to the regional landfill, add paved shoulders for pedestrians and bicycles, improve the intersection at Route 50.

Capital Cost: \$11,956,091

Justification: This project will address capacity and safety improvements to the corridor. This project is identified in Secondary Road Improvements Plan.

Construction Schedule: Entering design and right-of-way underway.

PRIORITY 5 - Route 277 right turn lane extension at Warrior Drive

Description: Extend right turn lane for eastbound 277 at the intersection of Rt 277 and Warrior Drive. Installation of sidewalk for pedestrian safety and installation of pedestrian pedestal.

Capital Cost: \$476,644

Justification: This improvement would be a significant safety upgrade to this intersection.

Construction Schedule: TBD

PRIORITY 6- Papermill Road right turn lane extension at Route 522

Description: Extend right turn bay of Papermill Road (Route 644) where it intersects with Route 522 to alleviate turn bay spillover that is taking place.

Capital Cost: \$507,262

Justification: This improvement would be a significant safety upgrade to this intersection.

Construction Schedule: TBD

Unfunded Priorities

PRIORITY 7 - 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: \$750,000,000

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 8- Interstate 81, Exit 307 Relocation

Description: Construct a relocated Exit 307 interchange.

Capital Cost: \$234,255,469

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 9 - 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 Stickley Drive.

Capital Cost: \$25,428,550

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 10- Redbud Road Realignment and Exit 317 Ramp Realignment

Description: Realign Redbud Road from its current location through development land in the vicinity of Route 11 north and Snowden Bridge Boulevard and Relocate the I-81 Exit 317 NB ramp to the current location of the Redbud Road/Route 11 intersection.

Capital Cost: \$11,239,132

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 11 - Route 11 North Widening to 6 Lanes from Snowden Bridge Boulevard to Old Charlestown Road

Description: Route 11 North of Snowden Bridge Boulevard is currently primarily a two-lane roadway. This project would widen that facility to a 6-lane divided roadway with turn lanes where appropriate.

Capital Cost: \$28,346,120

Justification: This is a transportation improvement that will provide a significant capacity upgrade to address congestion on the Route 11 Corridor. This project is identified in the adopted Eastern Road Plan.

Construction Schedule: TBD

PRIORITY 12- 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: \$47,000,000

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: TBD

PRIORITY 13 - 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: \$45,000,000

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 14 - 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: \$3,800,000

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 15- 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: \$192,000,000

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 16 - 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: \$67,000,000

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 17 - 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: \$27,300,000

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 18 - Warrior Drive Extension from Route 37 Crosspointe south to existing terminus

Description: 4 lane roadway from the Route 37 extension in the Crosspoint Development south to the existing terminus of Warrior Drive.

Capital Cost: \$33,500,000

Justification: This improvement would be concurrent with a Route 37 extension and would provide significant congestion relief at Exit 307 as well as Tasker Road at Exit 310

Construction Schedule: TBD

PRIORITY 19 - Senseny Road Turn lanes at the intersection of Senseny Road and Crestleigh Drive

Description: Improvements to the intersection of Senseny Road (657) and Crestleigh Drive to include turn lanes and potential signalization. This project would add left and right turn lanes to Senseny Road at the intersection of Crestleigh and potentially a full signalization of the intersection.

Capital Cost: \$2,548,579

Justification: This improvement would be a significant safety upgrade to this intersection.

Construction Schedule: TBD

PRIORITY 20 - 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 - New General Aviation Terminal Building, Site Work and Parking Lot – Design and Build

Description: The Airport proposes design, bid, and construction of a new terminal building. The new facility will be constructed south of the existing building.

Capital Cost: \$6,115,400

Justification: The existing terminal building was constructed in 1989. Due to its age, numerous systems are in need of significant repair or replacement. In 2008, a preliminary study was completed to examine needs and costs to renovate the existing terminal building. After review, the Winchester Regional Airport Authority (WRAA) determined it would be more economical to build a new facility. The project will also facilitate the construction of a new aircraft parking apron during the associated taxiway relocation project.

Construction Schedule: Completion in FY 21-22

PRIORITY 2 – Taxiway “A” Relocation

Description: The relocation of Taxiway A is part of the overall goal to meet Federal Aviation Administration (FAA) design standards for Group III aircraft.

Capital Cost: \$16,870,000

Justification: This project improves the safety of airport operations and enhances our ability to accommodate large business aircraft. Due to the complexity of relocating the entire 5,500’ taxiway, the project has been broken down into phases over the next 4 years. Special consideration will be made to the timing of construction for the portion of taxiway that runs adjacent to the terminal building also proposed for replacement.

Construction Schedule: Completion in FY 23-24.

PRIORITY 3 – Land Parcel 64B-A-51 (Moreland)

Description: The airport seeks to acquire parcel 64B A 51: Moreland on Bufflick Road to meet Federal Aviation Administration (FAA) runway protection zone (RPZ) design standards for Runway 14. Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$175,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Completion in FY 19-20

PRIORITY 4 – Land Parcel 64-A-69 (Robertson)

Description: The airport seeks to acquire parcel 64B A 69: Robertson off Bufflick Road to meet Federal Aviation Administration (FAA) design standards for the taxiway object free area (TOFA) for Taxiway "A". Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$160,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Completion in FY 19-20.

PRIORITY 5 – Land Parcel 6B-A-33A (Beaver)

Description: The airport seeks to acquire parcel 64B A 33A: Beaver off Bufflick Road to meet Federal Aviation Administration (FAA) runway protection zone (RPZ) design standards for Runway 14. Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$125,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Completion in FY 20-21.

PRIORITY 6 – Land Parcel 64B-A-40 (Rosenberger)

Description: The airport seeks to acquire parcel 64B A 40: Rosenberger off Bufflick Road to meet Federal Aviation Administration (FAA) runway protection zone (RPZ) design standards for Runway 14. Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$175,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Completion in FY 20-21.

PRIORITY 7 – Land Parcel 64-A-60 (Cooper)

Description: The airport seeks to acquire parcel 64B A 60: Cooper off Bufflick Road to meet Federal Aviation Administration (FAA) design standards for the taxiway object free area (TOFA) for Taxiway "A". Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$200,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Completion in FY 20-21.

PRIORITY 8 – Land parcel 64-A-64 (Hott)

Description: The airport seeks to acquire parcel 64B A 64: Hott off Bufflick Road to meet Federal Aviation Administration (FAA) design standards for the taxiway object free area (TOFA) for Taxiway "A". Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$160,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Completion in FY 20-21.

PRIORITY 9 – Runway 14 Approach Lights

Description: The airport seeks to construct an omni-directional approach lighting system (ODALS) to service Runway 14. The lighting system will enhance pilots' ability to identify the end of the runway, especially in poor weather conditions.

Capital Cost: \$500,000

Justification: The project is depicted on the airport's approved airport layout plan (ALP), which was approved in conjunction the airport master plan. Future development adjacent to the airport has the potential to increase light pollution which can be distracting to pilots, thereby elevating the need for a lighting system to identify the runway location.

Construction Schedule: Completion in FY 22-23.

PRIORITY 10 –Fuel Storage Facility

Description: The planned relocation of Taxiway “A” will encroach on the current fuel farm site. Further, the current site does not allow for expansion or upgrades to meet future DEQ and/or EPA requirements.

Capital Cost: \$1,000,000

Justification: The project is depicted on the airport's approved airport layout plan (ALP), which was approved in conjunction the airport master plan. A more suitable location has been identified to meet future capacity needs and compliance with future regulatory requirements.

Construction Schedule: Completion in FY 22-23.

PRIORITY 11 – North Side Access Road

Description: This project proposes to construct a two-lane service road around the end of Runway 14. The road will be an appropriate length so that vehicles remain clear of navigation aid critical areas.

Capital Cost: \$700,000

Justification: The approved airport layout plan shows new development on the north side of the runway. With operations on both sides of the runway, ground vehicles will require access to both sides for fuel delivery, inspections, maintenance, and transportation of personnel. The Federal Aviation Administration (FAA) encourages the construction of service roads around aircraft activity areas, especially the runways, to prevent unauthorized access to runways and taxiways. A service road will accomplish these goals.

Construction Schedule: Completion in FY 23-24.

PRIORITY 12 – Land Parcel 64B-A-52 (Lee)

Description: The airport seeks to acquire parcel 64B A 52: Lee on Bufflick Road to ensure continued protection of sensitive airport areas. Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$175,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Long range planning objective – beyond FY24

PRIORITY 13 – Land Parcel 64-A-59 (Kyle)

Description: The airport seeks to acquire parcel 64 A 59: Kyle on Bufflick Road to ensure continued protection of sensitive airport areas. Services include appraisals, review appraisals, negotiations, and fee simple purchase of the parcel.

Capital Cost: \$175,000

Justification: The parcel encompasses areas that must be protected in accordance with 14 Code of Federal Regulations Part 77 and the Code of Virginia. This property must be controlled by the airport to ensure there are no operational impacts from obstructions or incompatible land use in this area.

Construction Schedule: Long range planning objective – beyond FY24

PRIORITY 14 – RPZ Land Services

Description: Surveys, appraisals, review appraisals, and acquisition of 4 aviation easements identified on the airport property map; PE2, PE3, PE4, and PE5.

Capital Cost: \$250,000

Justification: The parcels underlie the approach path to Runway 14. Certain land uses have the potential to cause negative impacts to airport operations. Aviation easements will help protect the airport from consequences that may result from obstructions or incompatible land uses in these areas.

Construction Schedule: Long range planning objective – beyond FY24



RESOLUTION

Action:

PLANNING COMMISSION: January 16, 2019 Recommended Approval

BOARD OF SUPERVISORS: March 13, 2019

**RESOLUTION
FOR THE
2019 - 2024 CAPITAL IMPROVEMENTS PLAN (CIP)**

WHEREAS the Frederick County Planning Commission discussed the 2019-2024 Capital Improvements Plan (CIP) at their regular meeting on January 16, 2019. The Planning Commission recommended approval of the CIP and affirmed that the projects contained within the CIP are in conformance with the 2035 Comprehensive Plan; and,

WHEREAS, the Frederick County Board of Supervisors discussed the CIP at their regular meeting on February 13, 2019 and forwarded the CIP for public hearing; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on the CIP at their regular meeting on March 13, 2019; and,

WHEREAS, the Frederick County Board of Supervisors supports the priorities shown in the 2019-2024 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 2035 Comprehensive Plan;

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

The Frederick County Board of Supervisors hereby approves the 2019-2024 Capital Improvements Plan (CIP) for Frederick County, Virginia as an element of the 2035 Comprehensive Plan.

Passed this 13th day of March 2019 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Judith McCann-Slaughter

Shannon G. Trout

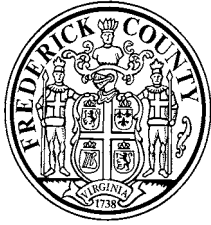
Blaine P. Dunn

Robert W. Wells

A COPY ATTEST

Kris C. Tierney,
Frederick County Administrator

L



**REZONING APPLICATION #03-18
CARPERS VALLEY INDUSTRIAL PARK
Staff Report for the Board of Supervisors
Prepared: March 4, 2019**

Staff Contact: Candice E. Perkins, AICP, CZA, Assistant Director
John Bishop, AICP, Assistant Director – Transportation

| | <u>Reviewed</u> | <u>Action</u> |
|------------------------------|-----------------|---|
| Planning Commission: | 11/07/18 | Public Hearing Held; Recommended Approval |
| Board of Supervisors; | 12/12/18 | Postponed |
| Board of Supervisors: | 01/23/19 | Public Hearing Held; Postponed Action |
| Board of Supervisors: | 03/13/19 | Action Item |

PROPOSAL: To rezone 122.18+/- acres from the R4 (Residential Planned Community) District to the M1 (Light Industrial) District with proffers.

LOCATION: The subject properties are located approximately one mile east of I-81 on the south side of Millwood Pike (Route 50), proceed right on Prince Frederick Drive (Route 781) then left on Coverstone Drive.

EXECUTIVE SUMMARY & STAFF CONCLUSION FOR THE 03/13/19 BOARD OF SUPERVISORS MEETING:

Staff Note: This rezoning application is consistent with the application postponed on December 12, 2018; no changes have been made to the application.

This is an application to rezone a total of 122.18+/- acres from the R4 (Residential Planned Community) District to the M1 (Light Industrial) District with proffers. The subject property is part of the original Carpers Valley/Governors Hill Rezoning which was approved in 2005 (revised in 2009, 2013 and 2014). Rezoning #11-05 provided for 143 acres of commercial uses and 550 residential units on six parcels of land (Land Bay 1 – Residential, Land Bay 2 – Commercial).

The site is located within the limits of the Senseny/Eastern Frederick Urban Area Plan of the 2035 Comprehensive Plan and depicts the subject properties with a commercial land use designation. This commercial land use designation is reflective of the commercial component of the approved mixed-use project approved for this site. The requested M1 (Light Industrial) District is inconsistent with the Comprehensive Plan.

Rezoning #03-18 seeks to sever two parcels (64-A-86 and 64-A-87) from the original approved proffered rezoning and rezone them to the M1 District with a separate set of proffers. The primary changes proposed with this rezoning include modifications to the overall transportation network approved with the Governors Hill Rezoning. The approved rezoning provided for the completion of Coverstone Drive from Prince Frederick Drive to its intersection with Millwood Pike (Route 50). This rezoning removes the commitment for Coverstone Drive's completion with Land Bay 2 (commercial) and places this commitment solely on Land Bay 1 (residential).

This rezoning has not provided for any coordination with the parties of Land Bay 1 and places a great deal of the road construction responsibilities on Land Bay 1. With this proposed change, it also removes the commercial square footage trigger for the completion of Coverstone Drive. Land Bay 2 consisted of the commercial area and Land Bay 1 the residential portion. The proposed change to industrial would not trigger the completion of Coverstone Drive and Land Bay 1 does not have commercial areas and would therefore also not trigger its completion.

Staff would note that the overall rezoning utilized the commercial tax revenue generated to offset the impacts of the 550 residential units within the development. The monetary proffers for the residential units are \$2,637/unit which was \$2,345 less per unit than the capital impact model in place at the time of rezoning. The Applicant has not demonstrated that the proposed industrial square footage proposed with this rezoning will adequately offset the impacts the residential units will place on the County. The approved rezoning projected up to 1,285,000 SF of commercial building area. The proposed rezoning allows up to 3,100 trips per day (TIA estimated at 1.2 million square feet of warehousing/industrial uses). The total credit utilized to offset the residential units totals \$1,289,750. It is unclear what the proposed industrial use will offset as opposed to the currently approved commercial revenue.

The Planning Commission held a public hearing for this item on November 7, 2018; the Commission ultimately recommended approval of this rezoning.

The Board of Supervisors postponed this item on December 12, 2018 and held the public hearing on January 23, 2019 and subsequently postponed the item again. Since the January 23rd meeting the applicant has added a proffer addressing buffering along Route 50 and a monetary proffer of \$360,000 to be used to pay toward the road improvements in the public right-of-way on Route 50 to create an intersection with Inverlee Way or to be used at the County's discretion, for road improvements in the Coverstone Drive area.

Staff has outlined concerns that should be considered by the Board of Supervisors in their review of this proposed rezoning. The proposed proffers associated with this proposed rezoning are as follows, Staff comments are shown in bold italic:

Proffer Statement – Dated August 8, 2018, Revised October 12, 2018, November 20, 2018, January 23, 2019, February 22, 2019:

1. LAND USE

- 1.1 The Owner intends to develop the Property with a mix of light industrial uses as allowed under the M-1 zoning district provided the maximum daily vehicle trips do not exceed the Traffic Impact Study – Revision I (as prepared by Pennoni July 2018) of 3,100 vehicle trips per day (VPD). With each Site Plan, the owner will submit for the property a trip generation estimate per the Institute of Transportation Engineers (ITE) “Trip Generation Manual”, current edition and a summary of total trips approved to date to ensure that estimates for the property do not exceed 3,100 VPD. In order to gain Site Plan approval for any development that would result in more site trips generated than a total of 3,100 VPD, the Owner shall prepare a new Traffic Impact Analysis, identifying any transportation improvements required to mitigate the

increased trip volumes, and reach an agreement with Frederick County and the Virginia Department of Transportation on improvements necessary to mitigate those impacts.

Staff Note: This proposed rezoning removes the commercial square footage trigger for the completion of Coverstone Drive. Land Bay 2 consisted of the commercial area and Land Bay 1 the residential portion. The proposed change to industrial would not trigger the completion of Coverstone Drive and Land Bay 1 does not have commercial areas and would therefore also not trigger its completion.

Staff Note: This proffer would require the County and VDOT to reach an agreement with the Owner regarding mitigation of future transportation impacts; there are no provisions for what would happen if the parties are unable to reach an agreement.

2. ARCHITECTURE AND SIGNAGE:

2.1 All buildings on the Property shall be constructed using similar architectural styles and building materials for a more uniform appearance. Site signage shall be uniform and in compliance with the Frederick County ordinances.

Staff Note: This proffer removes the approved design modification package for the overall development "Design and Development Standards for Carpers Valley". The design modification package contained an overall streetscape design standards, landscaping/screening/open space standards, architectural standards and an architectural review board, height maximums, and street design standards. This proposed rezoning would separate the proposed industrial area from the residential design standards.

2.1 The Owner agrees to install a screen buffer along the northern property line (along Route 50) to include planting of deciduous and evergreen trees. Where possible, the Owner shall retain existing vegetation and incorporate the same into the buffer in order to create a natural look. Planting and retention of existing vegetation shall be at the discretion of the Owner.

3. PEDESTRIAN TRAIL SYSTEM

3.1 The Owner shall design and build a public pedestrian-bicycle trail system to Virginia Department of Transportation standards that links to the adjoining properties adjacent Coverstone Drive. Said trails shall be in the location generally depicted on the GDP. Sidewalks shall be constructed on public streets to Virginia Department of Transportation standards. The combined pedestrian/bicycling trail shall be 10 feet wide and shall have an asphalt surface.

4. WATER & SEWER:

4.1 The Owner shall be responsible for connecting the Property to public water and sewer.

It shall further be responsible for constructing all facilities required for such connection at the Property boundary. All water and sewer infrastructure shall be constructed in accordance with the requirements of the Frederick Water.

Staff Note: This proffer is unnecessary as it is already required.

5. CULTURAL RESOURCES:

- 5.1 The Owner shall conduct or cause to be conducted a Phase I Archeological Investigation of the Property, prior to the approval of the first site or public improvement plan for the property and shall complete Phase II and III investigations thereof as may be demonstrated to be necessary by the Phase I study.

6. FIRE & RESCUE:

- 6.1 The Applicant shall contribute to the Millwood Fire and Rescue Company in the sum of \$0.10 per building square foot floor area for fire and rescue purposes, payable prior the issuance of the first occupancy permit for each building.

7. TRANSPORTATION:

- 7.1 The Owner shall dedicate, design and construct Coverstone Drive, in the general location shown on the GDP, with reasonable adjustments permitted for final engineering, as a full section with raised medians on a minimum 94' right-of-way, all in accordance with Virginia Department of Transportation specifications, according to the following phasing schedule:

PHASE 1: Phase 1 shall consist of a full four lane section including a ten-foot trail from Point A at its terminus and end of existing right-of-way to Point B the second proposed entrance as depicted on the GDP. Said roadway shall be constructed to base asphalt prior to issuance of a certificate of occupancy for any light industrial building up to 405,000 square feet or greater than 1,500 VPD on the Property.

Staff Note: The approved rezoning allowed for up to 300,000 SF of office land use prior to the completion of Coverstone Drive from point A to B which is the connection of Coverstone Drive to Route 50/Inverlee Way intersection (base asphalt section). The approved proffer also required the completion of all necessary improvements (including signalization of Route 50/Inverlee Way if warranted). The proposed revision only proposes a connection from the existing terminus of Coverstone to the limits of the first proposed industrial intersection for up to 405,000 SF. Due to the change in land use the trip generation will be lower, however there will be additional tractor trailer trips.

PHASE 2: Phase 2 shall consist of construction of a full four lane section of Coverstone Drive, including a ten-foot pedestrian/bicycling trail from Point B, the second proposed entrance, to Point C, the future intersection of Tazewell Road, and the bonding or construction of Coverstone Drive as a four-lane section from Point C to Point D as depicted on the GDP. Said roadway improvements shall be completed prior to issuance of a certificate of occupancy for any use that would cause the Property to exceed 405,000 square feet of light industrial building area or greater than 1,500 VDP. Final top courses of asphalt for Coverstone Drive from Point A to Point C shall be completed with the completion of Phase 2.

Staff Note: Phase 2 from the original rezoning completed the roadway for Coverstone Drive from the segment completed with Phase 1 (Route 50 intersection) to the completed section of Coverstone Drive (two lane section) prior to an issuance of occupancy that caused the development to exceed 400,000 SF of commercial area. This proposed rezoning removes this commitment and constructs a portion from their proposed Phase 1 (existing Coverstone to their first commercial entrance) to the Tazewell Drive intersection and then constructs or bonds the roadway from that point to the neighboring property owner's line. This proposed revision places responsibility for completion of the construction of Coverstone Drive from Millwood Pike/Inverlee to the shared property line (Point D) solely onto the residential area.

Staff Note: Phase 3 from the original rezoning completed the full four lane section of Coverstone Drive once the development exceeds 800,000 SF of commercial area. This rezoning does not account for this improvement.

Staff Note: Phase 4 from the original rezoning proffered the design of Coverstone Drive extended as a four-lane section from Prince Frederick Drive to the proposed limits of the future Route 522 Realignment. In the event that this alignment has not been determined by June 30, 2018, the Applicant is proffered to pay \$20,000 for transportation improvements. The Applicant has not paid the \$20,000 proffer and is therefore in violation of Proffer 15 from the approved rezoning, however there is now a proffer of \$20,000 added as 7.8 below.

Staff Note: Proffer 15.3 from the approved rezoning requires the completion of Coverstone Drive as a full four-lane section from Millwood Pike to Prince Frederick Drive prior to November 1, 2025. The proposed rezoning removes the commitment for the completion of Coverstone Drive and any Inverlee intersection improvements.

Staff Note: Proffer 15.6 from the approved rezoning proffered \$175,000 for signalization or other road improvements at the intersection of Costello Drive and Prince Frederick Drive within 60 days of written request by the

County and VDOT after the acceptance of Phase 2 Coverstone Improvements (15.2). This proffer has been removed and would place this requirement on the residential section (Land Bay 1).

- 7.2 The Coverstone Drive public right-of-way shall be dedicated to Frederick County as part of the Site Plan approval process, consistent with applicable Virginia law. Right-of-Way dedication shall be provided to adjacent owners in Governors Hill or another entity if the design, funding and construction Coverstone Drive occurs prior to Carpers Valley Industrial Park executing the proffered improvements above.
- 7.3 All public streets and roads shall be designed in accordance with the Virginia Department of Transportation specifications, subject to review and approval by Frederick County and Virginia Department of Transportation.
- 7.4 The design of off-site road improvements shall be in general conformance with the plan entitled "Off-Site Improvements Exhibit" Sheets 1-3, as prepared by Pennoni Associates Inc., dated October 2018. Off-site improvements shall be constructed in two (2) phases and correspond as part of Phases 1 and 2 as defined in Proffer 7.2 above;

Staff Note: The approved rezoning proffered improvements (Phase A) that included improvements at the intersection of Coverstone/Millwood/Inverlee. This improvement is not accounted for in the proposed rezoning and would be required by Land Bay 1 (residential).

Intersection 1: Road improvements as described in "Off-Site Improvements Exhibit Sheet 1 of 3 Route 522 @ Costello Drive" shall be completed in Phase 1.

Staff Note: This proffer amounts to a restriping to extend the left turn lane to accommodate conditions that already exist and does not add any actual capacity. The County has a pending SmartScale application to properly address left turn capacity issues at this intersection, however approval is not assured, and this issue should be analyzed more closely.

Intersection 2: Road improvements as described in "Off-Site Improvements Exhibit Sheet 2 of 3 Prince Frederick Drive at Costello Dr" shall be completed in Phase 1.

Intersection 3: Road improvements as described in "Off-Site Improvements Exhibit Sheet 3 of 3 Route 50 at Prince Frederick Dr" shall be completed in Phase 1.

- 7.5 Public right-of-way of Tazewell Road shall be dedicated to the property lines of the adjacent parcel with the construction and dedication of the Coverstone Drive extension Phase 2, to allow further construction of the future roadway by others.

Staff Note: While the Applicant has provided for the right-of-way to construct Tazewell Road, all other commitments for Coverstone Drive would

need to be completed by Phase 1 of the development prior to the construction of any residential units.

- 7.6 The Owner shall dedicate an area of approximately 0.6 acres, for the purposes or regional transportation improvements, all property of PIN# 64-A-87 south and west of the Coverstone Drive and Prince Frederick Drive Intersection at the request of Frederick County or the Virginia Department of Transportation.
- 7.7 The Owner shall make good faith efforts to obtain any off-site right of way needed to complete any proffered off-site transportation improvements. In the event that the Owner is not able to obtain the right of way and, further, the County and/or State of Virginia do not obtain the necessary right of way in lieu of constructing the road improvement, the Owner shall provide a monetary contribution to Frederick County that is equivalent to the estimated construction cost of those road improvements that could not be implemented. The construction cost estimate shall be subject to review and approval by Virginia Department of Transportation. These monetary contributions may be utilized by Frederick County for transportation improvements within the vicinity of the subject property.

Staff Note: While a cash proffer in lieu of construction in a scenario where right-of-way is not available could possibly be acceptable it should be noted that if right-of-way is not available this could still leave the County with an unacceptable traffic condition at the location where this occurred and no realistic way to address it. It would also be appropriate for the Applicant to analyze this issue more closely to determine where right-of-way may actually be required as this is somewhat of a speculative proffer. It should be determined now whether or not this is an issue and where it is an issue.

- 7.8 The Owner shall contribute \$20,000 toward infrastructure improvements for Coverstone Drive west of Prince Frederick Drive to connect to relocated Route 522, payable prior to the first occupancy permit.
- 7.9 The Owner shall pay \$360,000 to the County to be used to pay toward the road improvements in the public right-of-way on Route 50 to create an intersection with Inverlee Way or to be used at the County's discretion, for road improvements in the Coverstone Drive area. The Owner agrees to make said payment at the earlier of the issuance of a certificate of occupancy for a building in the second phase of development as is described herein or at the time that a road is constructed which intersects with Route 50 at the location referenced herein.

Staff Note: While it is clear that the \$360,000 is an additional proffer from previous versions of this rezoning, the Applicant should provide additional clarity regarding how the figure was arrived at.

8. AIRPORT OPERATIONS:

- 8.1 The Owner shall consult with the Executive Director of the Winchester Regional Airport with respect to the granting of a reasonable avigation easement to provide further protection for airport operations, and shall dedicate such easement, as the Airport and Owner shall mutually agree. Said avigation easement shall be dedicated prior to issuance of the 1st occupancy permit for the property.
- 8.2 The Owner shall file an Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) in accordance with the Code of Virginia, Section 15.2-2294. The OE/AAA filing shall occur a minimum of 45 days prior to the expected start of any site plan or public improvement plan construction.

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

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this zoning matter. Unresolved issues concerning this application are noted by staff where relevant throughout this staff report.

| | <u>Reviewed</u> | <u>Action</u> |
|------------------------------|-----------------|---|
| Planning Commission: | 11/07/18 | Public Hearing Held; Recommended Approval |
| Board of Supervisors: | 12/12/18 | Postponed |
| Board of Supervisors: | 01/23/19 | Public Hearing Held; Postponed Action |
| Board of Supervisors: | 03/13/19 | Action Item |

PROPOSAL: To rezone 122.18+/- acres from the R4 (Residential Planned Community) District to the M1 (Light Industrial) District with proffers.

LOCATION: The subject properties are located approximately one mile east of I-81 on the south side of Millwood Pike (Route 50), east of Prince Frederick Drive (Route 781) and Coverstone Drive.

MAGISTERIAL DISTRICT: Shawnee

PROPERTY ID NUMBERS: 64-A-86 and 64-A-87

PROPERTY ZONING: R4 (Residential Planned Community) District

PRESENT USE: Undeveloped/Vacant

ADJOINING PROPERTY ZONING & PRESENT USE:

| | | | |
|--------|--|------|-----------------------------|
| North: | RP (Residential Performance) | Use: | Single Family Residential |
| South: | RA (Rural Areas) | Use: | Regional Airport |
| East: | M1 (Light Industrial)
MH1 (Mobile Home Community) | Use: | Industrial and Residential |
| West: | RA (Rural Areas)
B2 (General Business) | Use: | Regional Airport and Office |

REVIEW EVALUATIONS:

Virginia Dept. of Transportation: *Please see summary of VDOT review comments dated July 5, 2018.*

Frederick County Department of Public Works: We will perform a comprehensive review of the site plan to ensure compliance with applicable County Codes. All Stormwater design shall comply with State and County Code. All environmental permit requirements shall be complied with prior to site plan approval.

Frederick County Fire Marshall: Plan approved.

Frederick County Attorney: *Please see Mr. Roderick B. Williams County Attorney, comment letter dated October 30, 2018.*

Frederick Water: *Please see Mr. Eric Lawrence, Executive Director, letter dated August 27, 2018.*

Winchester Regional Airport: *Please see Mr. Nick Sabo, A.A.E., Executive Director, letter dated September 7, 2018.*

Frederick-Winchester Service Authority: No comments.

Planning & Zoning:

1) Site History

The original Frederick County zoning map (U.S.G.S. Winchester Quadrangle) identifies the subject parcels as being zoned R1 (Residential Limited). The parcels were re-mapped from R1 to A2 (Agricultural General) pursuant to the County's comprehensive downzoning initiative (Zoning Amendment Petition #011-80), which was adopted on October 8, 1980. The County's agricultural zoning districts were subsequently combined to form the RA (Rural Areas) District upon adoption of an amendment to the Frederick County Zoning Ordinance on May 10, 1989. The corresponding revision of the zoning map resulted in the re-mapping of the subject property and all other A1 and A2 zoned land to the RA District. The subject properties were rezoned to the R4 (Residential Planned Community) District in 2005 (revised in 2009, 2013 and 2014). A Master Development Plan was approved for the property, the Governors Hill project, in 2009.

2) Comprehensive Plan

The 2035 Comprehensive Plan is the guide for the future growth of Frederick County.

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

plan for the future physical development of Frederick County.

The Area Plans, Appendix I of the 2035 Comprehensive Plan, are the primary implementation tool and will be instrumental to the future planning efforts of the County.

Land Use

The 2035 Comprehensive Plan and the Senseny/Eastern Frederick Urban Area Plan provide guidance on the future development of the property. The property is located within the SWSA. The 2035 Comprehensive Plan identifies these properties with a B2/B3 land use designation (commercial/transition uses). The requested M1 (Light Industrial) District is inconsistent with the Comprehensive Plan.

The subject parcels are also located within the boundaries of the Airport Support Area that surrounds the Winchester Regional Airport. This area comprises a zone of influence for airport operations wherein new residential land use is discouraged due to the prevalence of aircraft noise and the consequent potential for use incompatibilities. The development of business and industrial land uses is supported within the Airport Support Area to minimize such use conflicts and ensure the feasibility of future airport expansion.

Transportation and Site Access

The planned road network included in the Senseny/Eastern Frederick Urban Area Plan identifies a major collector road system which provides for an east-west linkage (Coverstone Drive) which connects to Route 50 East at Inverlee Drive. A portion of Coverstone Drive currently exits from Prince Frederick Drive to the property boundary of the Frederick County Public Safety Center. The connection from existing Coverstone Drive to Inverlee Drive offers an important major collector for the approved development as well as significant residential development north of Route 50. This connection offers an alternative to and relieves future congestion on Route 50 between Prince Frederick Drive and I-81.

In addition, Coverstone Drive will connect with the future relocated Route 522 South once it is connected to Prince Frederick Drive. In combination with the soon to be bid Crossover Boulevard project from Airport Road into the City of Winchester, this important network connection will allow significant traffic flow from the residential area and the approved development to Route 522 South and the City of Winchester without traveling through the Exit 313 interchange area.

3) Potential Impacts

Development Coordination:

Rezoning #03-18 seeks to sever two parcels (64-A-86 and 64-A-87) from the original approved proffer and rezone them to the M1 District with a separate set of proffers. The primary changes proposed with this rezoning include modifications to the overall transportation network approved with the Governors Hill Rezoning. The approved rezoning provided for the completion of Coverstone Drive from Prince Frederick Drive to its intersection with Millwood Pike (Route 50). This rezoning removes the commitment for Coverstone Drive's completion

with Land Bay 2 (commercial) and places this commitment solely on Land Bay 1 (residential). This rezoning has not provided for any coordination between the parties of Land Bay 1 and places a great deal of the road construction responsibilities on other parties.

With this proposed change, it also removes the commercial square footage trigger for the completion of Coverstone Drive. Land Bay 2 consisted of the commercial area and Land Bay 1 the residential portion. The proposed change to industrial would not trigger the completion of Coverstone Drive and Land Bay 1 does not have commercial areas and would therefore also not trigger its completion.

Residential Monetary Proffers:

Staff would note that the overall rezoning utilized the commercial tax revenue generated to offset the impacts of the 550 residential units within the development. The monetary proffers for the residential units are \$2,637/unit which was \$2,345 less per unit than the capital impact model in place at the time of rezoning. The Applicant has not demonstrated that the proposed industrial square footage proposed with this rezoning will adequately offset the impacts the residential units will place on the County. The approved rezoning projected up to 1,285,000 SF of commercial building area. The proposed rezoning allows up to 3,100 trips per day (TIA estimated at 1.2 million square feet of warehousing/industrial uses). The total credit utilized to offset the residential units totals \$1,289,750. It is unclear what the proposed industrial use will offset as opposed to the currently approved commercial revenue.

Transportation:

It is recognized that while the trip generation for the development is significantly reduced with the change in land use, the truck portion of that trip generation slightly increases from approximately 916 (based on 2%) to 1,010.

Of significant concern from a transportation perspective is the implementation of the comprehensive planned road network which is proffered in the approved rezoning. The approved rezoning provides a coordinated development that implements the connection to Route 50 at Inverlee Drive from Coverstone Drive. The Applicant's new proposal builds a portion of that roadway but shifts the remainder to the other land bays and there is no evidence that it is feasible for the remaining landbays to address this. The connection from Route 50 to Coverstone and eventually Route 522 (and its ultimate relocation) is important to improving the long-term traffic congestion on Route 50 from Prince Frederick Drive to I-81.

This proposal also shifts the cash proffers for future improvements or signalization at the intersection of Prince Frederick and Costello to the other land bays. In addition, the proposed improvements at Route 522 and Costello Drive do not improve level of service or add capacity.

PLANNING COMMISSION SUMMARY AND ACTION FROM THE 11/07/18 MEETING:

Staff reported this is a request to rezone a total of 122.18+/- acres from the R4 (Residential Planned Community) District to the M1 (Light Industrial) District with proffers and provided an overview of the application.

A Commission Member commented and inquired, the future Route 522 is supposed to come in at Prince Frederick Drive, how would they connect the traffic from Coverstone Drive to the new Route 522. Staff noted it would be a significant intersection or a round-about. The Commission Member inquired if a cash proffer is accepted by the County could it only be used for the purpose of those transportation improvements and if not approved would that cash go back to the developer. Staff noted without more detailed language in the proffers that would be correct. The Commission Member shared his concerns regarding tractor trailers having to make multiple turns to access major roadway and the dangers of the bad angle of turning left from Prince Frederick Drive onto Route 50. Staff noted it would be difficult to improve this intersection.

A Commission Member commented, on the original rezoning cash proffers there is one that reads; by June 30, 2018 the right-of-way and design to be secured for Coverstone Drive to the new Route 522 is supposed to be a \$20,000 cash proffer and he inquired was this proffer paid. Staff explained that it had not been paid and the relocation to Route 522 was adopted by the BOS in December 2017. The Commission Member asked if that would be considered a zoning violation with the existing rezoning. Staff explained, the responsibility for that proffer falls to all property owners associated with the original rezoning; it is an outstanding proffer therefore it is a component of the zoning ordinance specific to this property and it would need to be fulfilled before any development occurs on the property. He noted, should this rezoning move forward, this property would not be responsible for that proffered contribution, that would fall on the balance of the properties as a zoning violation and all of the other commitments that remain would be the responsibility of the remaining property owners.

Mr. Alex Westra representing Hines – Global Investment and Development presented a brief overview of the company. He noted, although a very large company, Hines remains family oriented. Mr. Westra commented the development will be a major benefit to the County.

Mr. Ron Mislowsky of Pennoni Associates spoke on behalf of the Applicant. Mr. Mislowsky gave an overview of how this application came forward and the prior rezoning. Mr. Mislowsky shared comments provided by County Agencies. Mr. Mislowsky believes the impacts associated with this rezoning have been addressed. Mr. Mislowsky noted the Applicant is agreeable to the increase to emergency services of \$0.10 per SF and also not to exceed 3,100 trips per day.

A Commissioner Member shared his concerns with the safety issues regarding truck traffic turning left from Prince Frederick Drive onto Route 50. A Commission Member inquired regarding the Airport Support District and does that encompass all of the Land Bays. Mr. Mislowsky stated that it does; Business and Industrial.

Mr. Paul Anderson the Vice-Chairman of the Regional Airport Authority spoke in support of this application and wants to make sure the proffers are left in place.

Rezoning #03-18 Carpers Valley Industrial Park
March 4, 2019
Page 14

Mr. Steve Aylor of Miller & Smith, the owners of parcels 64-A-83 and 64-A-83A requested this item be postponed or denied.

Commission Members reiterated their concerns for this application: proffers too expensive for residential; traffic safety; road development throughout.

A motion was made (Ambrogi), seconded (Dawson), and passed to recommend approval.

Yes: Mohn, Dawson, Triplett, Ambrogi, Thomas

No: Molden, Oates, Cline, Kenney

(Note: Commissioners Marston, Unger, Manuel were absent from the meeting.)

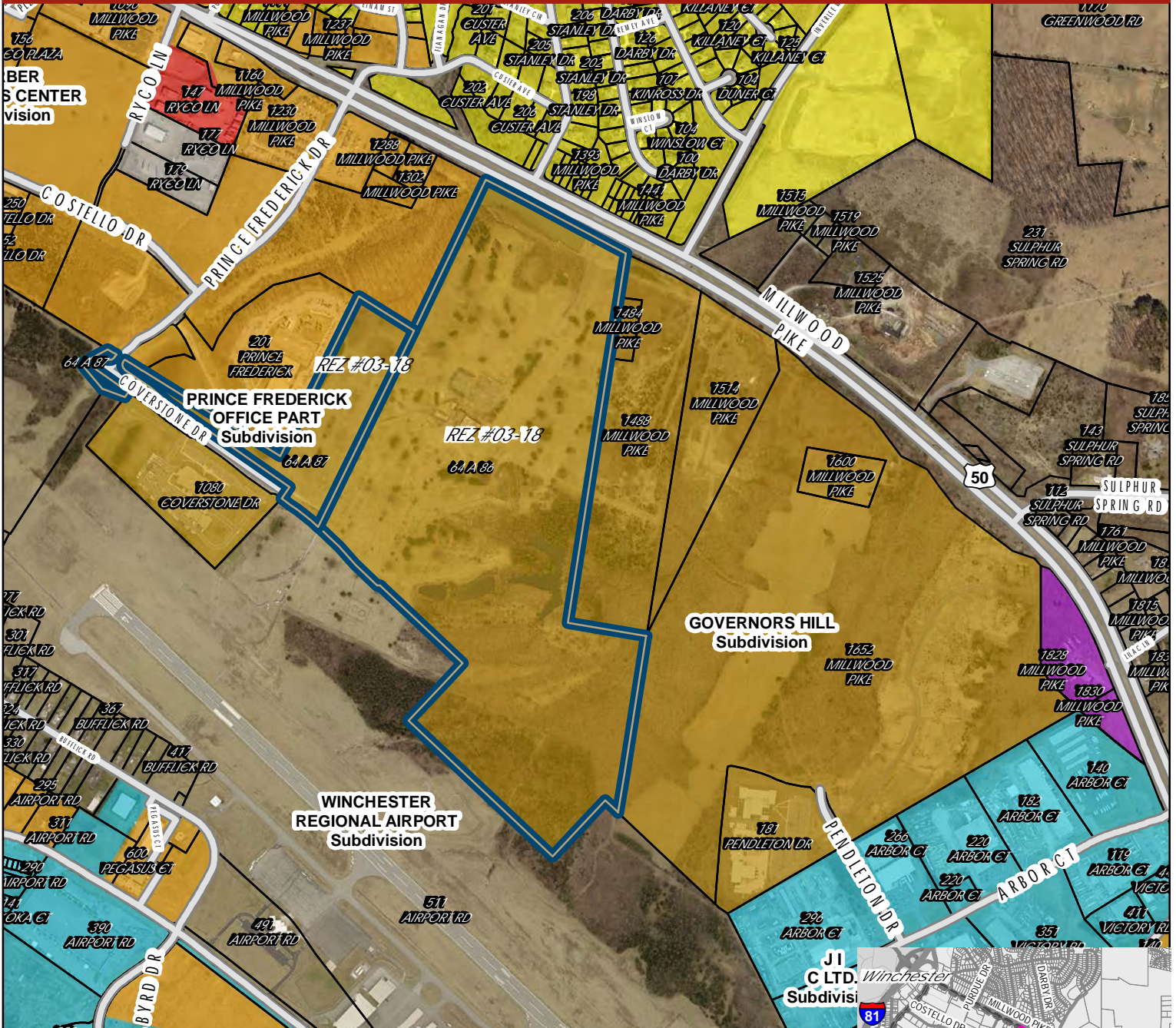
Following the required public hearing, a decision regarding this rezoning application by the Board of Supervisors would be appropriate. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

REZ # 03 - 18: Carpers Valley Industrial Park

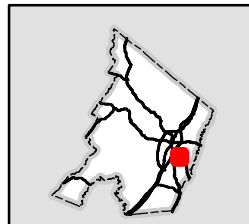
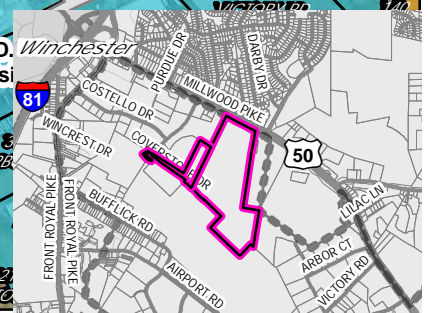
PINs: 64 - A - 86, 64 - A - 87

Rezoning from R4 to M1

Zoning Map



-  Application
-  Parcels
-  Sewer and Water Service Area
-  B2 (General Business District)
-  B3 (Industrial Transition District)
-  M1 (Light Industrial District)
-  M2 (Industrial General District)
-  MH1 (Mobile Home Community District)
-  R4 (Residential Planned Community District)
-  RP (Residential Performance District)



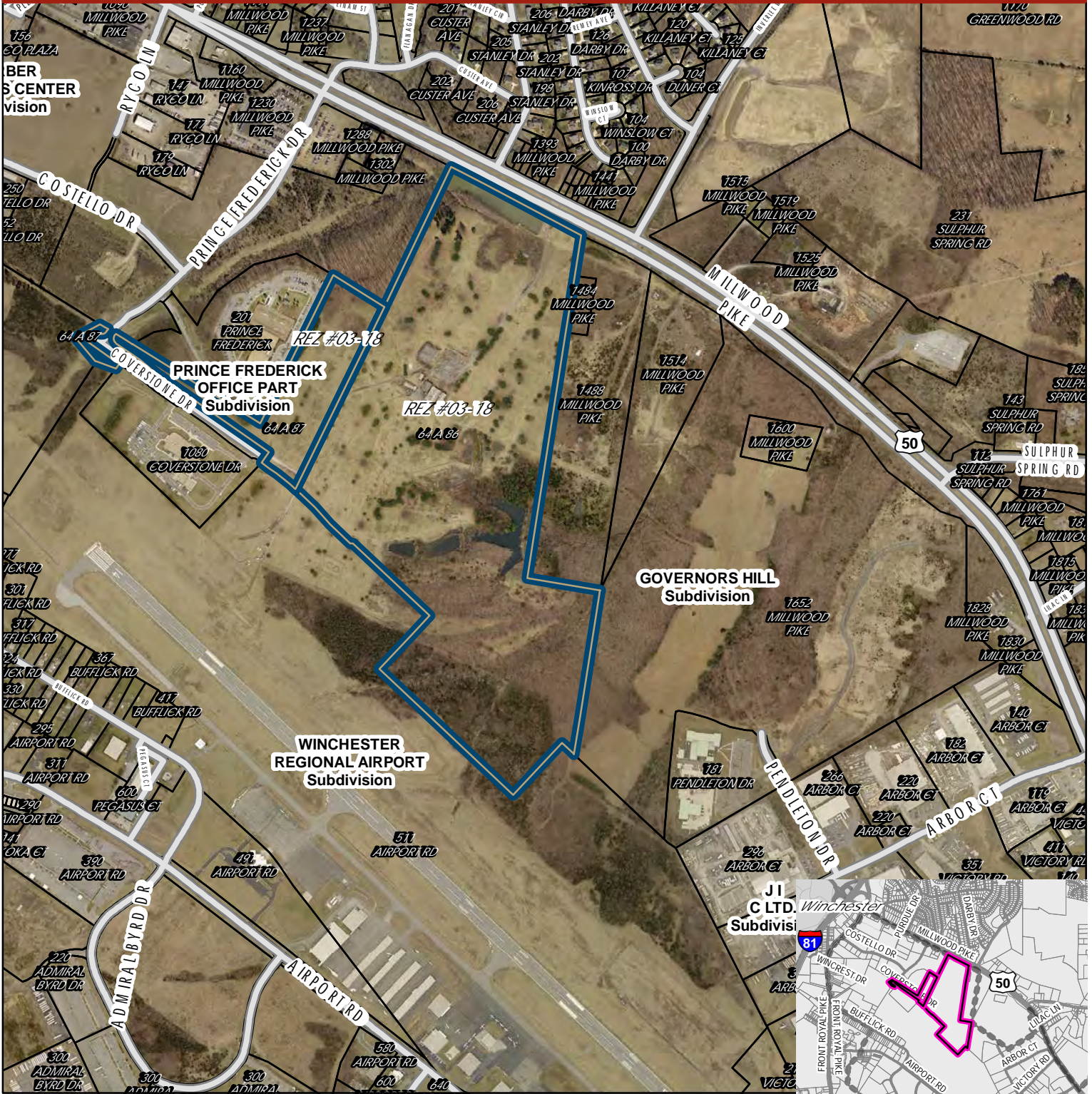
0 550 1,100 2,200 Feet




REZ # 03 - 18: Carpers Valley Industrial Park

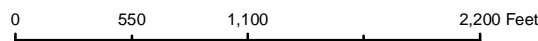
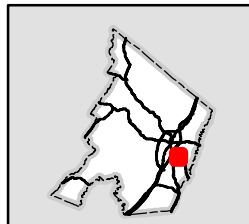
PINs: 64 - A - 86, 64 - A - 87

Rezoning from R4 to M1

Location Map



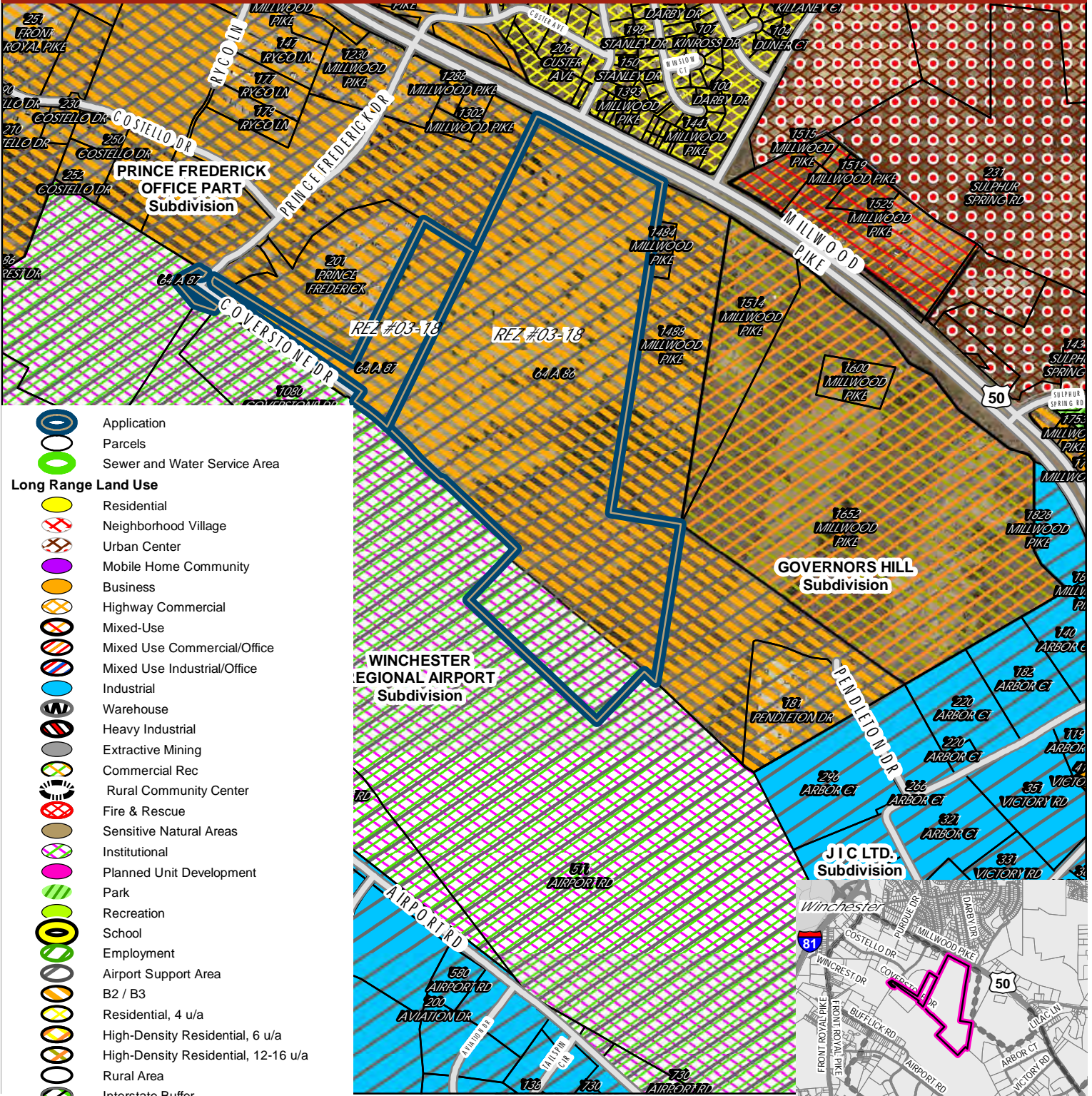
-  Application
-  Parcels
-  Sewer and Water Service Area



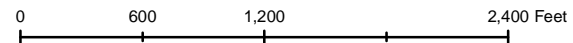
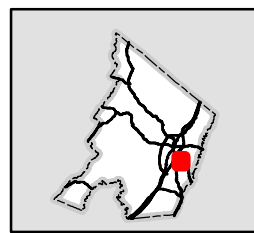
REZ # 03 - 18: Carpers Valley Industrial Park

PINs: 64 - A - 86, 64 - A - 87

Rezoning from R4 to M1
Long Range Land Use Map



- Application
- Parcels
- Sewer and Water Service Area
- Long Range Land Use**
- Residential
- Neighborhood Village
- Urban Center
- Mobile Home Community
- Business
- Highway Commercial
- Mixed-Use
- Mixed Use Commercial/Office
- Mixed Use Industrial/Office
- Industrial
- Warehouse
- Heavy Industrial
- Extractive Mining
- Commercial Rec
- Rural Community Center
- Fire & Rescue
- Sensitive Natural Areas
- Institutional
- Planned Unit Development
- Park
- Recreation
- School
- Employment
- Airport Support Area
- B2 / B3
- Residential, 4 u/a
- High-Density Residential, 6 u/a
- High-Density Residential, 12-16 u/a
- Rural Area
- Interstate Buffer
- Landfill Support Area
- Natural Resources & Recreation
- Environmental & Recreational Resources



PROFFER STATEMENT

REZONING: RZ. #03-18: R4 to M1

PROPERTY: 122.18 Acres +/-:
Tax Map & Parcels 64-A-86 and 87 (the “Property”)

RECORD OWNER: JGR THREE LLC, ELLEN, LLC, LCR, LLC, MDC THREE, LLC, SUSAN SANDERS, LLC, LIBERTY HILL, L.C., Thomas A. Dick, Timothy J. Dick and Michael E. Dick

APPLICANT: Hines Acquisitions, LLC

PROJECT NAME: Carpers Valley Industrial Park

DATES
OF
PROFFERS FOR
PREVIOUS REZONINGS: March 24, 2008 (Revised: September 2, 2008; October 31, 2008; December 8, 2008; January 9, 2009; May 1, 2013; June 17, 2013, July 23, 2013; August 15, 2013; September 6, 2013; September 26, 2013)

DATE OF PROFFERS: August 8, 2018

REVISION DATE: October 12, 2018; November 20, 2018, January 23, 2019, February 22, 2019

The undersigned owners hereby proffer that the use and development of the subject property (“Property”), as described above, shall be in conformance with the following conditions, which shall supersede all other proffers that may have been made prior hereto. In the event that the above referenced rezoning is not granted as applied for by the Owner (“Owner”), these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with “Final Rezoning” defined as that rezoning that is in effect on the day upon which the Frederick County Board of Supervisors (the “Board”) grants the rezoning.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. The term “Owner” as referenced herein shall include within its meaning all future owners, assigns, and successors in interest. When used in these proffers, the “Generalized Development Plan” shall refer to the plan entitled “Generalized Development Plan, Carpers Valley Industrial Park” prepared by Pennoni Associates, Inc., (the “GDP”) dated October 2018. The purpose of the GDP is to identify the general location of the land bays, the general location of the proffered transportation improvements and the general location of the pedestrian trail system. The Owner hereby proffers to develop the Property in substantial conformity with the proffered GDP, prepared by

Pennoni Associates, Inc. and dated October 2018. The GDP is recognized to be a conceptual plan and may be adjusted without the need of new conditional rezoning approval by the Board, provided that the adjustments do not eliminate, substantially reduce, or substantially relocate the areas indicated on the proffered GDP.

1. LAND USE

1.1 The Owner intends to develop the Property with a mix of light industrial uses as allowed under the M-1 zoning district provided the maximum daily vehicle trips do not exceed the Traffic Impact Study – Revision I (as prepared by Pennoni July 2018) of 3,100 vehicle trips per day (VPD). With each Site Plan, the owner will submit for the property a trip generation estimate per the Institute of Transportation Engineers (ITE) “Trip Generation Manual”, current edition and a summary of total trips approved to date to ensure that estimates for the property do not exceed 3,100 VPD. In order to gain Site Plan approval for any development that would result in more site trips generated than a total of 3,100 VPD, the Owner shall prepare a new Traffic Impact Analysis, identifying ant transportation improvements required to mitigate the increased trip volumes, and reach an agreement with Frederick County and the Virginia Department of Transportation on improvements necessary to mitigate those impacts.

2. ARCHITECTURE AND SIGNAGE:

2.1 All buildings on the Property shall be constructed using similar architectural styles and building materials for a more uniform appearance. Site signage shall be uniform and in compliance with the Frederick County ordinances.

2.2 The Owner agrees to install a screen buffer along the northern property line (along Route 50) to include planting of deciduous and evergreen trees. Where possible, the Owner shall retain existing vegetation and incorporate the same into the buffer in order to create a natural look. Planting and retention of existing vegetation shall be at the discretion of the Owner.

3. PEDESTRIAN TRAIL SYSTEM

3.1 The Owner shall design and build a public pedestrian-bicycle trail system to Virginia Department of Transportation standards that links to the adjoining properties adjacent Coverstone Drive. Said trails shall be in the location generally depicted on the GDP. Sidewalks shall be constructed on public streets to Virginia Department of Transportation standards. The combined pedestrian/bicycling trail shall be 10 feet wide and shall have an asphalt surface.

4. WATER & SEWER:

4.1 The Owner shall be responsible for connecting the Property to public water and sewer. It shall further be responsible for constructing all facilities required for such connection at the Property boundary. All water and sewer infrastructure shall be constructed in accordance with the requirements of the Frederick Water.

5. CULTURAL RESOURCES:

5.1 The Owner shall conduct or cause to be conducted a Phase I Archeological Investigation of the Property, prior to the approval of the first site or public improvement plan for the property and shall complete Phase II and III investigations thereof as may be demonstrated to be necessary by the Phase I study.

6. FIRE & RESCUE:

6.1 The Applicant shall contribute to the Millwood Fire and Rescue Company in the sum of \$0.10 per building square foot floor area for fire and rescue purposes, payable prior the issuance of the first occupancy permit for each building.

7. TRANSPORTATION:

7.1 The Owner shall dedicate, design and construct Coverstone Drive, in the general location shown on the GDP, with reasonable adjustments permitted for final engineering, as a full section with raised medians on a minimum 94' right-of-way, all in accordance with Virginia Department of Transportation specifications, according to the following phasing schedule:

PHASE 1: Phase 1 shall consist of a full four lane section including a ten-foot trail from Point A at its terminus and end of existing right-of-way to Point B the second proposed entrance as depicted on the GDP. Said roadway shall be constructed to base asphalt prior to issuance of a certificate of occupancy for any light industrial building up to 405,000 square feet or greater than 1,500 VPD on the Property.

PHASE 2: Phase 2 shall consist of construction of a full four lane section of Coverstone Drive, including a ten-foot pedestrian/bicycling trail from Point B, the second proposed entrance, to Point C, the future intersection of Tazewell Road, and the construction of Coverstone Drive as a four-lane section from Point C to Point D as depicted on the GDP. Said roadway improvements shall be completed prior to issuance of a certificate of occupancy for any use that would cause the Property to exceed 405,000 square feet of light industrial building area or greater than 1,500 VDP. Final top courses of asphalt for Coverstone Drive from Point A to Point C shall be completed with the completion of Phase 2.

7.2 The Coverstone Drive public right-of-way shall be dedicated to Frederick County as part of the Site Plan approval process, consistent with applicable Virginia law. Right-of-Way dedication shall be provided to adjacent owners in Governors Hill or another entity if the design, funding and construction Coverstone Drive occurs prior to Carpers Valley Industrial Park executing the proffered improvements above.

- 7.3 All public streets and roads shall be designed in accordance with the Virginia Department of Transportation specifications, subject to review and approval by Frederick County and Virginia Department of Transportation.
- 7.4 The design of off-site road improvements shall be in general conformance with the plan entitled “Off-Site Improvements Exhibit” Sheets 1-3, as prepared by Pennoni Associates Inc., dated October, 2018. Off-site improvements shall be constructed in two (2) phases and correspond as part of Phases 1 and 2 as defined in Proffer 7.2 above;
- Intersection 1: Road improvements as described in “Off-Site Improvements Exhibit Sheet 1 of 3 Route 522 @ Costello Dr” shall be completed in Phase 1.
- Intersection 2: Road improvements as described in “Off-Site Improvements Exhibit Sheet 2 of 3 Prince Frederick Drive at Costello Dr” shall be completed in Phase 1.
- Intersection 3: Road improvements as described in “Off-Site Improvements Exhibit Sheet 3 of 3 Route 50 at Prince Frederick Dr” shall be completed in Phase 1.
- 7.5 Public right-of-way of Tazewell Road shall be dedicated to the property lines of the adjacent parcel with the construction and dedication of the Coverstone Drive extension Phase 2, to allow further construction of the future roadway by others.
- 7.6 The Owner shall dedicate an area of approximately 0.6 acres, for the purposes or regional transportation improvements, all property of PIN# 64A87 south and west of the Coverstone Drive and Prince Frederick Drive Intersection at the request of Frederick County or the Virginia Department of Transportation.
- 7.7 The Owner shall make good faith efforts to obtain any off-site right of way needed to complete any proffered off-site transportation improvements. In the event that the Owner is not able to obtain the right of way and, further, the County and/or State of Virginia do not obtain the necessary right of way in lieu of constructing the road improvement, the Owner shall provide a monetary contribution to Frederick County that is equivalent to the estimated construction cost of those road improvements that could not be implemented. The construction cost estimate shall be subject to review and approval by Virginia Department of Transportation. These monetary contributions may be utilized by Frederick County for transportation improvements within the vicinity of the subject property.
- 7.8 The Owner shall contribute \$20,000 toward infrastructure improvements for Coverstone Drive west of Prince Frederick Drive to connect to relocated Route 522, payable prior to the first occupancy permit.

7.9 The Owner shall pay \$360,000 to the County to be used to pay toward the road improvements in the public right-of-way on Route 50 to create an intersection with Inverlee Way or to be used at the County's discretion, for road improvements in the Coverstone Drive area. The Owner agrees to make said payment at the earlier of the issuance of a certificate of occupancy for a building in the second phase of development as is described herein or at the time that a road is constructed which intersects with Route 50 at the location referenced herein.

8. AIRPORT OPERATIONS:

- 8.1 The Owner shall consult with the Executive Director of the Winchester Regional Airport with respect to the granting of a reasonable avigation easement to provide further protection for airport operations, and shall dedicate such easement, as the Airport and Owner shall mutually agree. Said avigation easement shall be dedicated prior to issuance of the 1st occupancy permit for the property.
- 8.2 The Owner shall file an Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) in accordance with the Code of Virginia, Section 15.2-2294. The OE/AAA filing shall occur a minimum of 45 days prior to the expected start of any site plan or public improvement plan construction.

SIGNATURES APPEAR ON THE FOLLOWING PAGES

Carpers Valley Industrial Park
Proffer Statement

~~January 23~~ February 22, 2019

JGR THREE, LLC

By:

By:

COMMONWEALTH OF VIRGINIA, AT LARGE

County/City of _____, To-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2018,
by _____ of JGR THREE, LLC.

My commission expires _____
Notary Public _____

Carpers Valley Industrial Park
Proffer Statement

~~January 23~~ February 22, 2019

ELLEN, LLC

By:

By:

COMMONWEALTH OF VIRGINIA, AT LARGE

County/City of _____, To-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2018,
by _____ of ELLEN, LLC.

My commission expires _____
Notary Public _____

Carpers Valley Industrial Park
Proffer Statement

~~January 23~~ February 22, 2019

LCR, LLC

By:
By:

COMMONWEALTH OF VIRGINIA, AT LARGE
County/City of _____, To-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2018,
by _____ of LCR, LLC.

My commission expires _____
Notary Public _____

Carpers Valley Industrial Park
Proffer Statement

~~January 23~~ February 22, 2019

MDC THREE, LLC

By:

By:

COMMONWEALTH OF VIRGINIA, AT LARGE

County/City of _____, To-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2018,
by _____ of MDC THREE, LLC.

My commission expires _____
Notary Public _____

Carpers Valley Industrial Park
Proffer Statement

~~January 23~~ February 22, 2019

SUSAN SANDERS, LLC

By:

By:

COMMONWEALTH OF VIRGINIA, AT LARGE

County/City of _____, To-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2018,
by _____ of SUSAN SANDERS, LLC.

My commission expires _____
Notary Public _____

Carpers Valley Industrial Park
Proffer Statement

~~January 23~~ February 22, 2019

LIBERTY HILL, L.C.

By:
By:

COMMONWEALTH OF VIRGINIA, AT LARGE
County/City of _____, To-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2018,
by _____ of LIBERTY HILL, L.C.

My commission expires _____
Notary Public _____

Carpers Valley Industrial Park
Proffer Statement

~~January 23~~ February 22, 2019

THOMAS A. DICK

COMMONWEALTH OF VIRGINIA, AT LARGE
County/City of _____, To-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2018,
by THOMAS A. DICK.

My commission expires _____
Notary Public _____

Carpers Valley Industrial Park
Proffer Statement

~~January 23~~ February 22, 2019

TIMOTHY J. DICK

COMMONWEALTH OF VIRGINIA, AT LARGE
County/City of _____, To-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2018,
by TIMOTHY J. DICK.

My commission expires _____
Notary Public _____

Carpers Valley Industrial Park
Proffer Statement

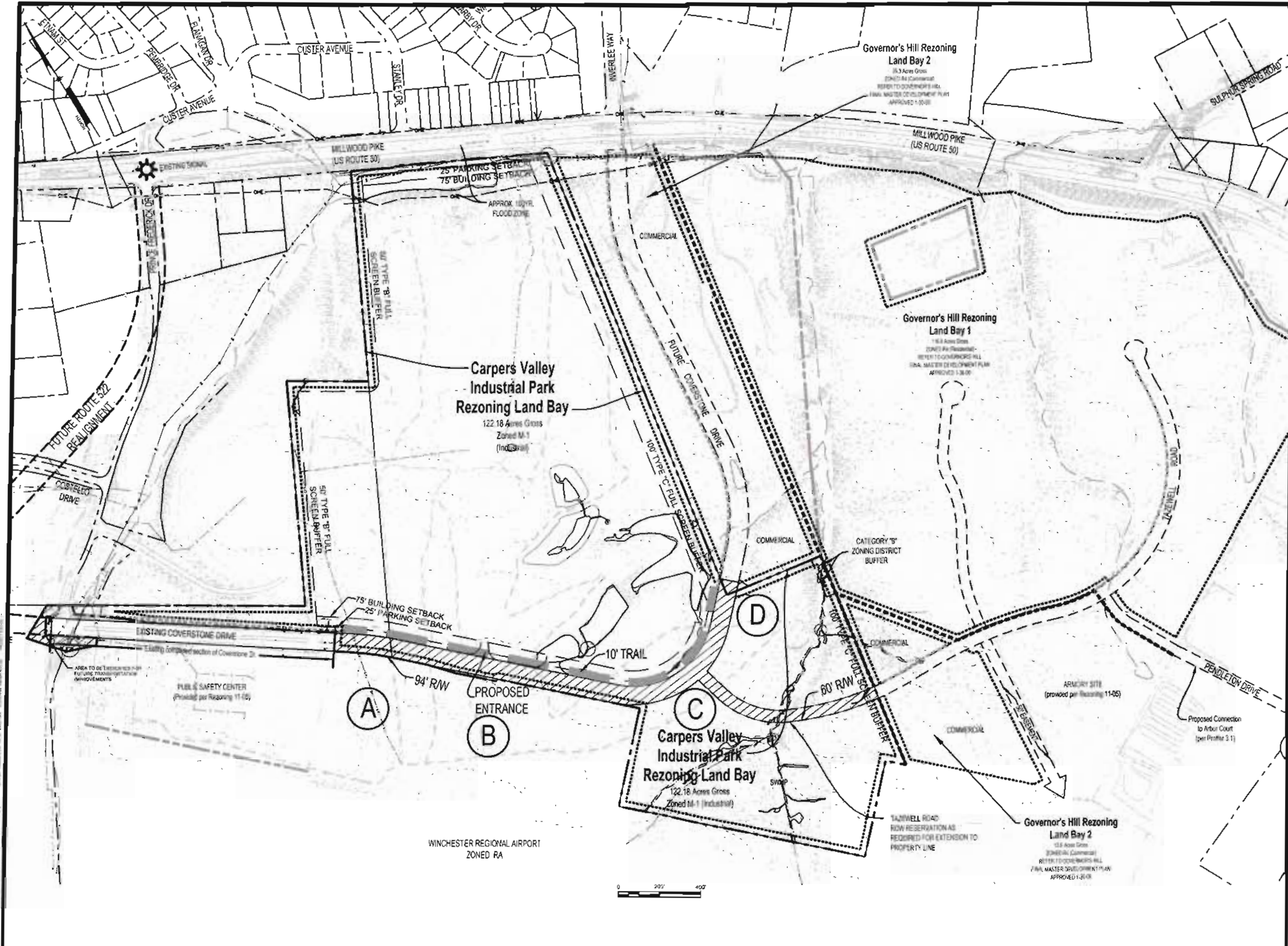
~~January 23~~ February 22, 2019

MICHAEL E. DICK

COMMONWEALTH OF VIRGINIA, AT LARGE
County/City of _____, To-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2018,
by MICHAEL E. DICK.

My commission expires _____
Notary Public _____





PENNONI ASSOCIATES INC.
 117 East Piccadilly Street
 Winchester, VA 22601
 T. 540.667.2108 F. 540.665.0493

CARPERS VALLEY INDUSTRIAL PARK
FREDERICK COUNTY, VIRGINIA

GENERALIZED DEVELOPMENT PLAN

HINES ACQUISITIONS, LLC
 TWO CITY CENTER - 809 10TH STREET, NW, SUITE 600
 WASHINGTON, D.C. 20001

| NO. | DATE | BY | REVISIONS | BY |
|-----|------|----|-----------|----|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK.

DATE: 11/15/10
 DRAWN BY: KLM
 CHECKED BY: DLF

CS101

SHEET 1 OF 1



FRONT ROYAL PIKE (US RTE 522) /COSTELLO DR INTERSECTION

OVERALL LOS AT LOS "B" AM AND LOS "C" PM PEAK WITH SITE FOR 2020 AND 2024

COSTELLO DR STORAGE SUFFICIENT FOR "2020 AND 2024 W/ SITE" QUEUES




PENNONI ASSOCIATES INC.
 13880 Dulles Corner Lane, Suite 100
 Herndon, VA 20171
 T 703.449.6700 F 703.449.6713

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

Carpers Valley Industrial Park
 Frederick County, Virginia

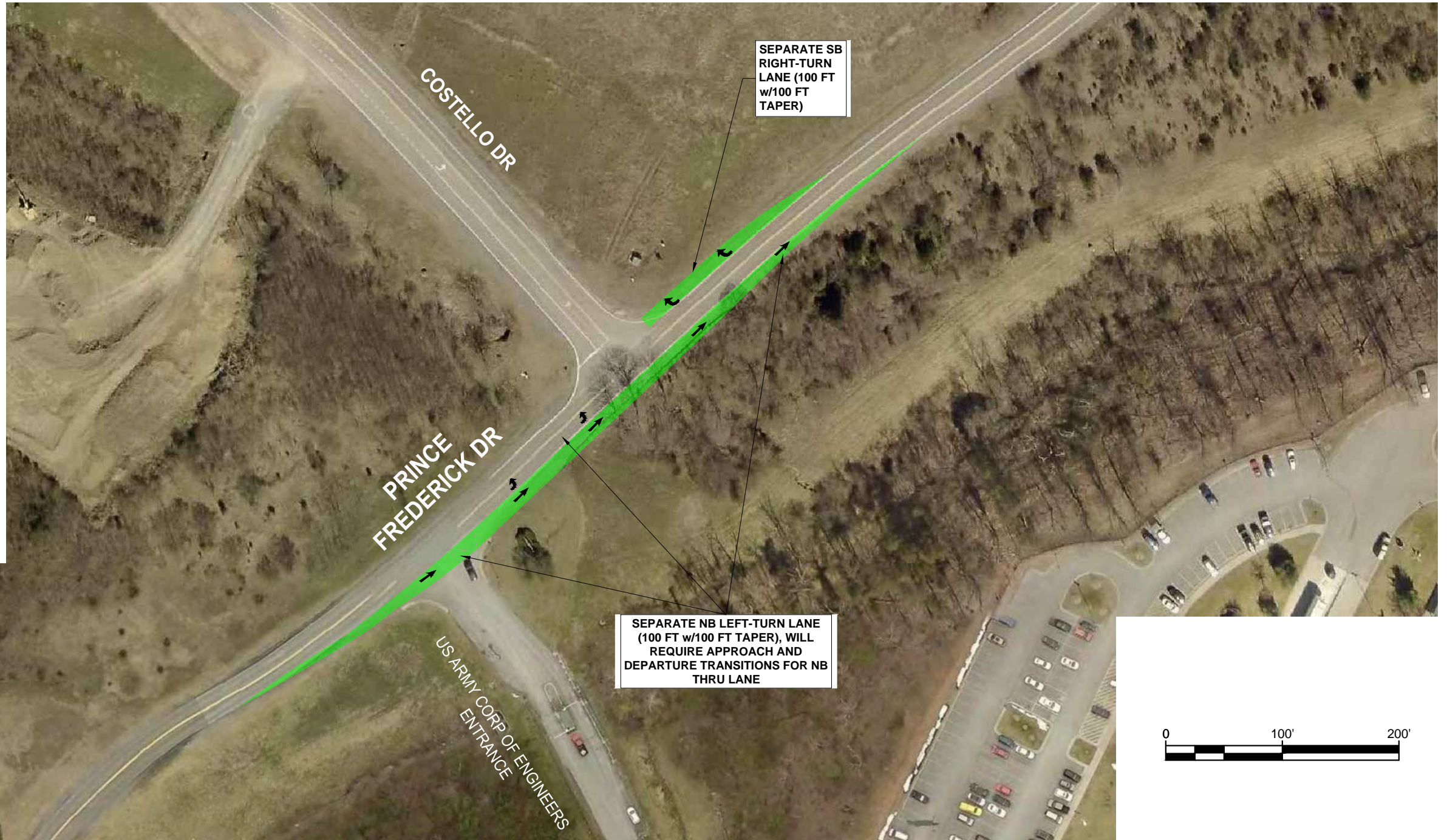
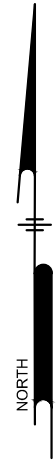
Off-Site Improvements Exhibit
 Route 522 at Costello Drive
 (Proffer 7.4 Intersection 1)

| | |
|------------------|--------------|
| PROJECT | HINEX18001 |
| DATE | October 2018 |
| DRAWING SCALE | NOT TO SCALE |
| DRAWN BY | WC |
| APPROVED BY | DRK |
| EXHIBIT 1 | |
| SHEET 1 OF 3 | |

Base Source: Google Earth

C:\USERS\WCHONG\DESKTOP\REFERENCES\11\117_TITILEBLOCK.DWG PLOTTED: 5/2/2018 4:23:55 PM BY: WAN CHONG PLOTSTYLE: PENNONI.NCS,STB, PROJECT STATUS: ---

U:\ACCOUNTS\HINEX\HINEX18001 - HINES GOVERNORS HILL\DESIGN\CTTIA FIGURES\IMPROVEMENTS EXHIBIT FOR PROFFER.DWG
 PLOTTED: 7/31/2018 6:47:25 PM, BY: DAVID FRANK PLOTSTYLE: PENNONI NCS.STB, PROJECT STATUS: ---



BASE SOURCE: FREDERICK COUNTY GIS



PENNONI ASSOCIATES INC.
 13880 Dulles Corner Lane, Suite 100
 Herndon, VA 20171
 T 703.449.6700 F 703.449.6713

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

Carpers Valley Industrial Park
 Frederick County, Virginia
 Off-Site Improvements Exhibit
 Prince Frederick Drive at Costello Drive
 (Proffer 7.4 Intersection 2)

| | |
|---------------|--------------|
| PROJECT | HINEX18001 |
| DATE | October 2018 |
| DRAWING SCALE | 1" = 100' |
| DRAWN BY | WC |
| APPROVED BY | DF |

EXHIBIT 2
 SHEET 2 OF 3

U:\ACCOUNTS\HINEX\HINEX18001 - HINES GOVERNORS HILL DESIGN, SHEETS\IMPROVEMENTS EXHIBIT FOR PROFFER.DWG
 PLOTTED: 10/12/2018 10:46:02 AM, BY: DAVID FRANK, PLOTSTYLE: PENNONI NCS.STB, PROJECT STATUS: ---

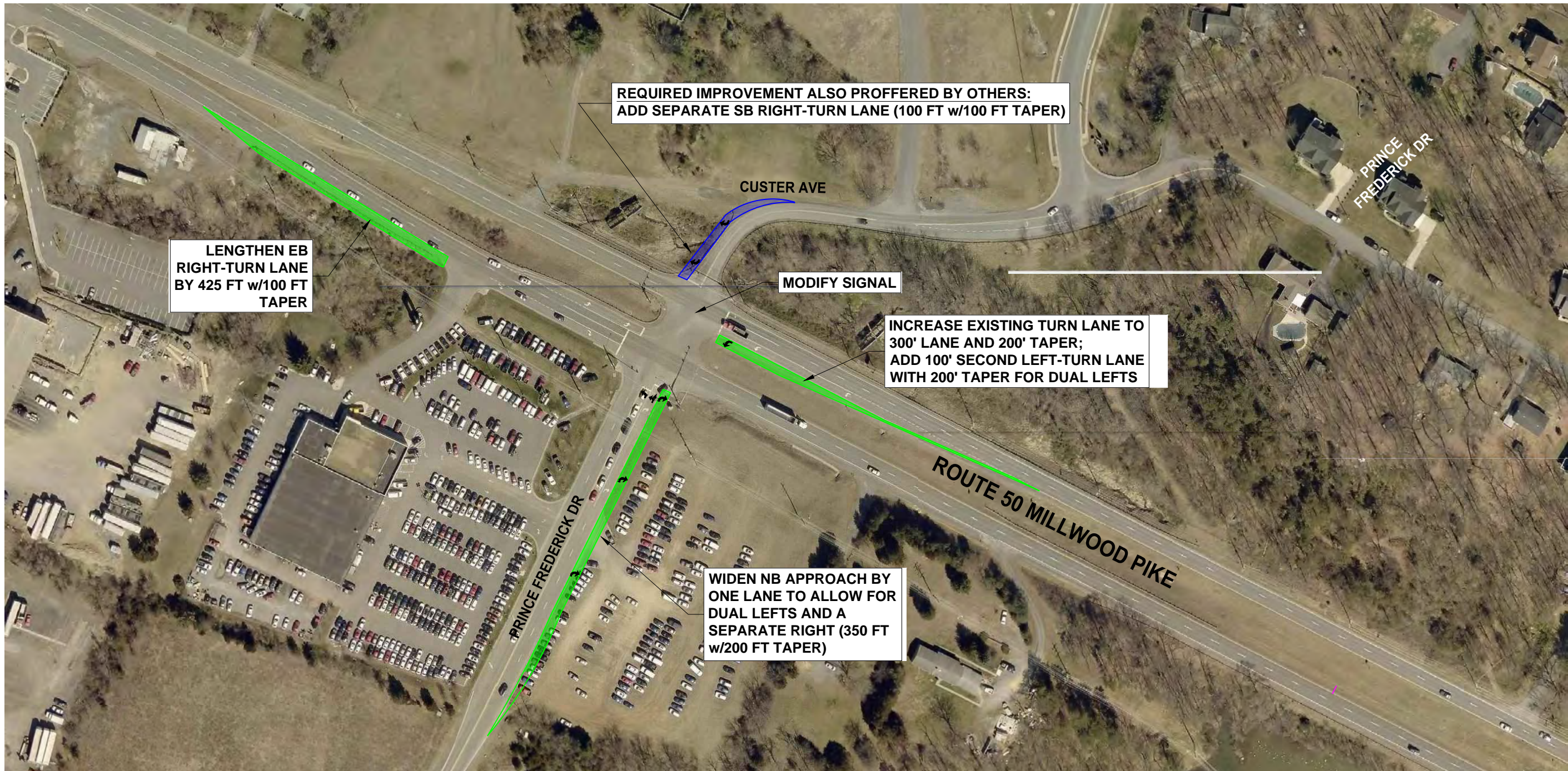
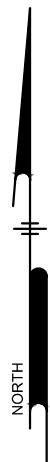


FIGURE UPDATED
2018-10-03 WC



PENNONI ASSOCIATES INC.
 13880 Dulles Corner Lane, Suite 100
 Herndon, VA 20171
 T 703.449.6700 F 703.449.6713

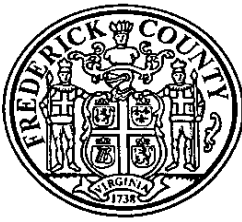
ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

Carpers Valley Industrial Park
 Frederick County, Virginia

Off-Site Improvements Exhibit
 Route 50 at Prince Frederick Drive
 (Proffer 7.4 Intersection 3)

| | |
|---------------|--------------|
| PROJECT | HINEX18001 |
| DATE | October 2018 |
| DRAWING SCALE | 1" = 150' |
| DRAWN BY | WC |
| APPROVED BY | DF |

EXHIBIT 3
 SHEET 3 OF 3



ORDINANCE

Action:

| | |
|---|---------------------------------------|
| PLANNING COMMISSION: November 7, 2018 | Public Hearing, Recommended Approval |
| BOARD OF SUPERVISORS: December 12, 2018 | Postponed |
| January 23, 2019 | Public Hearing Held, Postponed Action |
| March 13, 2019 | Action Item |

AN ORDINANCE AMENDING
THE ZONING DISTRICT MAP
REZONING #03-18 CARPERS VALLEY INDUSTRIAL PARK

WHEREAS, REZONING #03-18 Carpers Valley Industrial Park, was submitted by Pennoni Associates to rezone 122.18 ± acres from the R4 (Residential Planned Community) District to the M1 (Light Industrial) District with proffers with a final revision date of February 22, 2019. The subject properties are located approximately one mile east of I-81 on the south side of Millwood Pike (Route 50), proceed right on Prince Frederick Drive (Route 781) then left on Coverstone Drive. The properties are located in the Shawnee Magisterial District and are identified by Property Identification Nos. 64-A-86 and 64-A-87; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on November 7, 2018 and recommended approval; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on December 12, 2018; and

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

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, is amended to rezone 122.18 ± acres from the R4 (Residential Planned Community) District to the M1 (Light Industrial) District with proffers with a final revision date of February 22, 2019. The conditions voluntarily proffered in writing by the Applicant and the Property Owner are attached.

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

Passed this 12th day of December 2018 by the following recorded vote:

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

A COPY ATTEST

Kris C. Tierney, Frederick County Administrator

Proffer Comparison

PROFFER STATEMENT

REZONING: RZ. #10-08: R4 and RA to R4

PROPERTY: 278.0 Acres +/-;
Tax Map & Parcels 64-A-83, 83A, 84, 85, 86, and 87 (the
"Property")

RECORD OWNER: Carpers Valley Development, LLC and Governors Hill
LLC

APPLICANT: Carpers Valley Development, LLC and Governors Hill
LLC

PROJECT NAME: Governors Hill

ORIGINAL DATE OF
PROFFERS: March 24, 2008

REVISION DATE: September 2, 2008; October 31, 2008; December 8, 2008;
January 9, 2009; May 1, 2013; June 17, 2013, July 23,
2013; August 15, 2013; September 6, 2013; September 26,
2013; September 18, 2014

The undersigned owners hereby proffer that the use and development of the subject property ("Property"), as described above, shall be in conformance with the following conditions, which shall supersede all other proffers that may have been made prior hereto. In the event that the above referenced rezoning is not granted as applied for by the Applicant ("Applicant"), these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with "Final Rezoning" defined as that rezoning that is in effect on the day upon which the Frederick County Board of County Supervisors (the "Board") grants the rezoning.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. The term "Applicant" as referenced herein shall include within its meaning all future owners, assigns, and successors in interest. When used in these proffers, the "Master Development Plan" shall refer to the plan entitled "Master Development Plan, Governors Hill" prepared by Patton Harris Rust & Associates, (the "MDP") dated March 2008 revised January 9, 2009.

1. LAND USE

- 1.1 The project shall be designed to establish interconnected mixed-use residential and commercial/employment Land Bays in general conformance with the MDP, and as is specifically set forth in these

proffers subject to minor modifications as necessary upon final engineering including but not limited to intersection alignments.

The Carpers Valley Industrial Park will continue to be in general conformance with the MDP associated with Rezoning 05-13.

- 1.2 All development, including street landscaping, shall be accomplished in general conformance with the "Governors Hill, Design and Development Standards", prepared by PHR&A attached hereto and incorporated herein by reference (the "Design and Development Standards"). While this requirement would continue to apply the remaining Governors Hill parcels, Carpers Valley Industrial Park would not be subject to these requirements
- 1.3 Residential uses shall be prohibited in the area identified as Land Bay 2 on the MDP. Furthermore, Land Bay 2 shall be restricted to those uses permitted in the General Business (B-2) zoning district as specified in the Frederick County Code Article X, §165-82B(1).

This Proffer only applies to Governors Hill Land Bay 2 and therefore would not affect the Governors Hill Land Bay 1.

- 1.4 Except as modified herein, areas of residential development on the Property shall be limited to Land Bay 1 and shall be developed in conformance with the regulations of the Residential Planned Community ("R4") zoning district, including permissible housing types set forth in the Frederick County Code Article VII, §165-67 through §165-72, as cross-referenced to Article VI, §165-58, through §165-66. Unit types and lot layouts within residential Land Bays may comprise any of the permitted unit types as set forth in the Design and Development Standards, and authorized for the R4 district, and these Proffers.

This Proffer does not currently apply to Governors Hill Land Bay 2 (proposed Carpers Valley Industrial Park)

- 1.5 Residential development on the Property shall not exceed 550 dwelling units, with a mix of housing types permitted in the R4 district. Multi-family units, as defined by the Design and Development Standards, shall not exceed 50% of the total number of dwelling units developed in the project. No residential structures shall be closer than 2000 feet from the centerline of the existing Winchester Airport runway.

The proffer does not currently apply to Governors Hill Land Bay 2 (proposed Carpers Valley Industrial Park)

- 1.6 Prior to the Property exceeding 1,285,000 square feet of commercial building floor area, the Applicant shall submit to the County a revised Traffic Impact Analysis (TIA) for the Property. The total permitted commercial building floor area may increase provided that the Applicant completes a revised traffic impact analysis which identifies the impacts of trips for commercial development in excess of 45,815 Average Daily Trips (ADT) and mitigation, if necessary for said impacts is provided by the Applicant in a form that is acceptable to the County and VDOT.

The proffer only applies to Governors Hill Land Bay 2 and therefore would not affect the Governors Hill Bay 1.

2. CONSTRUCTION OF A UNIFIED DEVELOPMENT

- 2.1 The Property shall be developed as one single and unified development in accordance with applicable ordinances and regulations for the R4 zoning district, the MDP as approved by the Board, and this Proffer Statement.

While this requirement would continue to apply the remaining Governors Hill parcels, Carpers Valley Industrial Park would not be subject to these requirements.

3. ACCESS TO ARMORY PARCEL

- 3.1 The Applicant has designed and constructed a two lane public roadway, identified on the MDP as Pendleton Drive, from Arbor Court to the entrance of the Armory Site (TM 64-A-82). At such time that Tazewell Road is constructed as depicted on the MDP, the Applicant shall extend Pendleton Drive to connect with Tazewell Road.

As this improvement has been completed, there is no affect on either Governors Hill Land Bays.

4. PHASING OF RESIDENTIAL DEVELOPMENT

- 4.1 Building permits for Land Bay I of the Property shall be issued on the following phasing schedule:

| | |
|------------------------|----------------------|
| Year 1 (Months 1-12): | 140 building permits |
| Year 2 (Months 13-24): | 140 building permits |
| Year 3 (Months 25-36): | 140 building permits |
| Year 4 (Months 37-48): | 130 building permits |

The above identified phasing schedule is taken from the Date of Final Rezoning (DFR). Any building permits not issued within any given year may be carried over to the following year, however the Applicant shall not make application for more than 200 residential building permits in any given year.

This proffer only applies to Governors Hill Land Bay 1 and therefore does not affect the Governors Hill Land Bay 2.

- 4.2 Commercial and employment uses may be constructed at any time.
This proffer is not affected by the proposed rezoning.
- 4.3 Improvements including a 3,000 square foot community center, 3,500 square feet of neighborhood swimming pools, and a dog park shall be constructed in conjunction with residential development in Land Bay 1 and the land therefor shall be dedicated upon completion of the improvements to the Property Owners Association. The location thereof shall be depicted on final subdivision plans for such residential development. These recreational amenities shall serve to meet the requirement of 1 recreation unit per 30 dwellings. These improvements shall be completed prior to the issuance of the 281st residential building permit.

This proffer only applies to Governors Hill Land Bay 1 and therefore does not affect the Governors Hill Land Bay 2.

5. ARCHITECTURE, SIGNAGE, AND LANDSCAPING:

- 5.1 All buildings on the Property shall be constructed using compatible architectural styles. The Applicant shall establish one or more Architectural Review Boards through the required Property Owner Association to be created to enforce and administer a unified development plan in general conformity with the Design and Development Standards.

While this requirement would continue to apply to the remaining Governors Hill parcels, Carpers Valley Industrial Park would not be subject to these requirements. The Carpers Valley Industrial Park proffer does however include a note that its buildings shall be compatible in style and materials.

- 5.2 All signage within the Property shall be in substantial conformity with a comprehensive sign plan that meets the requirements of the Zoning Ordinance for signage, which shall be submitted in conjunction with the first final site or subdivision plan for the Property.

While this requirement would continue to apply the remaining Governors Hill parcels, Carpers Valley Industrial Park would not be subject to these requirements.

6. PEDESTRIAN TRAIL SYSTEM AND RECREATION AREAS

- 6.1 The Applicant shall design and build a public pedestrian-bicycle trail system to Virginia Department of Transportation standards that links residential and commercial areas within the development. Said trails shall be in the locations generally depicted on the MDP. To the extent that such trails are not depicted on the MDP at the time of Final Rezoning, such trails shall be connected with or linked to the internal street and sidewalk network. Sidewalks shall be constructed on public streets to VDOT standards, and a minimum of four-foot sidewalks shall be constructed on private streets. All combined pedestrian/bicycling trails shall be 10 feet wide, and shall have an asphalt surface.

While this requirement would continue to apply to the remaining Governors Hill parcels. The Carpers Valley Industrial Park proffer does however include a requirement that a hiker biker trail and sidewalks will be provided along Coverstone Drive.

7. FIRE & RESCUE:

- 7.1 The Applicant shall contribute to the Board the sum of \$422 per dwelling unit for fire and rescue purposes, payable upon the issuance of a building permit for each dwelling unit.

This proffer only applies to Governors Hill Land Bay 1 and therefore not affect the Governors Hill Land Bay 2.

- 7.2 Following Final Rezoning, the Master POA to be created in accordance herewith shall contribute annually, on or before July 1st of each year, the sum of \$100 per constructed residential unit, and \$100 per 1000 square feet of constructed commercial (not including any land in public use), to the fire and rescue company providing first response service to the Property. Such contribution shall be monitored and enforced by the master POA, and the Board may require an accounting of such payments at such times and upon such conditions as it may determine necessary. Said monetary contribution shall cease at such time that the fire and rescue company providing first response service is no longer a volunteer operation or should the County adopt a fee for service plan to provide fire and rescue services.

While this requirement would continue to apply the remaining Governors Hill Parcels, Carpers Valley Industrial Park would not be subject to these requirements. The Carpers Valley-Industrial Park

8. SCHOOLS: proffer does however include a requirement that a donation to Millword Fire and Rescue Company in the amount of \$15,000.

- 8.1 The Applicant shall contribute to the Board the sum of \$1,714 per dwelling unit for educational purposes, payable upon the issuance of a building permit for each dwelling unit.

This proffer only applies to Governors Hill Land Bay 1 and therefore does not affect the Governors Hill Land Bay 2.

9. PARKS & OPEN SPACE:

- 9.1 The Applicant shall contribute to the Board the sum of \$343 per dwelling unit for recreational purposes, payable upon the issuance of a building permit for each dwelling unit.

This proffer only applies to Governors Hill Land Bay 1 and therefore not affect the Governors Hill Land Bay 2.

10. LIBRARIES:

- 10.1 The Applicant shall contribute to the Board the sum of \$79 per dwelling unit for library purposes, payable upon the issuance of a building permit for each dwelling unit.

This proffer only applies to Governors Hill Land Bay 1 and therefore not affect the Governors Hill Land Bay 2.

11. ADMINISTRATION BUILDING:

- 11.1 The Applicant shall contribute to the Board the sum of \$79 per dwelling unit upon issuance of a building permit for each dwelling unit to be used for construction of a general governmental administration building.

This proffer only applies to Governors Hill Land Bay 1 and therefore not affect the Governors Hill Land Bay 2.

12. CREATION OF PROPERTY OWNERS' ASSOCIATION:

- 12.1 The Master Property Owners Association to be created in accordance herewith shall be created contemporaneously with the first final site or subdivision plan submitted for the Property. While this requirement would continue to apply the remaining Governors Hill parcels. Carpers Valley Industrial Park would not be subject to these requirements.

12.2 The Applicant shall establish a Master Property Owners' Association (hereinafter "Master POA") for Governors Hill, in its entirety, that shall, among other things, have responsibility for assuring compliance with design guidelines and standards, signage requirements, landscape maintenance, and similar matters. Any homeowners' or property owners' associations created for commercial or residential uses individually shall act as a subset of the Master POA. There would be no facilities or maintenance shared between the Carpers Valley Industrial Park and Governors Hill Land Bay 1 and therefore no Master POA is required.

- 12.3 The residential portion of the development shall be made subject to one or more Property Owners' Association(s) (hereinafter "Residential POA") that shall be responsible for the ownership, maintenance and repair of the community center, walking trails in Land Bay 1, swimming pools, all common areas, including any conservation areas that may be established in accordance herewith not dedicated to the County or others, and stormwater management facilities not dedicated to public use in Land Bay 1, for each area subject to their jurisdiction, and shall be provided such other responsibilities, duties, and powers as are customary for such associations or as may be required for such Residential POA herein.

This proffer only applies to Governors Hill Land Bay 1 and therefore not affect the Governors Hill Land Bay 2.

- 12.4 In addition to such other duties and responsibilities as may be assigned, a Residential POA shall have title to and responsibility for the following in Land Bay 1: (i) all common open space areas not otherwise dedicated to public use, (ii) common buffer areas located outside of residential lots; (iii) private streets serving the residents who are members of such

association; (iv) common solid waste disposal and recycling programs, including curbside pick-up of refuse by a private refuse collection company, and (v) responsibility for the perpetual maintenance of any street, perimeter, or road buffer areas, all of which buffer areas shall be located within easements to be granted to the Residential POA if platted within residential or other lots, or otherwise granted to the Residential POA by appropriate instrument.

This proffer only applies to Governors Hill Land Bay 1 and therefore not affect the Governors Hill Land Bay 2.

12.5 The Residential POA shall be so established that it possesses all necessary powers to set and revise fees and dues in sufficient sums to perform the responsibilities assigned to it hereunder and under the Declaration to be recorded creating such Association. In addition, upon any conveyance of a residential unit from the builder thereof to a home purchaser, there shall be a fee paid by the home purchaser to the Residential POA in an amount equal to three times the then-current monthly residential dues applicable to the unit so conveyed.

This proffer only applies to Governors Hill Land Bay 1 and therefore not affect the Governors Hill Land Bay 2.

12.6 Any commercial portion of the development (with the exception of any property owned or leased by the United States, or Frederick County) shall be made subject to one or more Property Owners' Association(s) (hereinafter "Commercial POA"). Such Commercial POA(s) shall be responsible for the ownership, maintenance and repair of all common areas in Land Bay 2, including any conservation areas that may be established in accordance herewith not dedicated to the County or others, and stormwater management facilities (under common (open space) ownership) not dedicated to public use for each area subject to their jurisdiction, and shall be provided such other responsibilities, duties, and powers as are customary for such associations or as may be required for such Commercial POA herein. While this requirement would continue to apply the remaining Governors Hill parcels. Carpers Valley Industrial Park would not be subject to these requirements.

12.7 In addition to such other duties and responsibilities as may be assigned, a Commercial POA, in Land Bay 2, shall have title to and responsibility for (i) all common open space areas not otherwise dedicated to public use, (ii) common buffer areas located outside of commercial lots; (iii) responsibility for the perpetual maintenance of any street, perimeter, or road buffer areas, all of which buffer areas shall be located within easements to be granted to the Commercial POA if platted within commercial or other lots, or parcels, or otherwise granted to the Commercial POA by appropriate instrument. While this requirement would continue to apply the remaining Governors Hill parcels. Carpers Valley Industrial Park would not be subject to these requirements.

13. WATER& SEWER:

13.1 The Applicant shall be responsible for connecting the Property to public water and sewer. It shall further be responsible for constructing all facilities required for such connection at the Property boundary. All water and sewer infrastructure shall be constructed in accordance with the requirements of the Frederick County Sanitation Authority.

This proffer is not affected by the proposed zoning.

14. ENVIRONMENT:

14.1 Stormwater management and Best Management Practices (BMP) for the Property shall be provided in accordance with the Virginia Stormwater Management Regulations, First Ed. 1999, Chapter 2, Table 2-3.

This proffer is not affected by the proposed zoning.

14.2 The Applicant shall provide notice in all sales literature, in covenants, conditions and restrictions for any Property Owners' Associations, of the adjacency of the Winchester Regional Airport. The Applicant shall provide noise attenuation treatment for all residential units.

This proffer is not affected by the proposed zoning.

15. TRANSPORTATION:

15.1 The major roadways to be constructed on the Property shall be constructed in the locations depicted on the MDP, with reasonable adjustments permitted for final engineering. This proffer is not affected by the proposed zoning.

15.2 Excluding 300,000 square feet of office uses which may be developed at any time utilizing access to the existing completed portion of Coverstone Drive, the Applicant shall design and construct Coverstone Drive as a full section with raised medians on a minimum 90' right-of-way, utilizing the following phasing schedule:

PHASE 1: Phase 1 shall consist of the full four lane section including a ten-foot trail from Millwood Pike to the first intersection on Coverstone Drive as depicted on the MDP from Point A to Point B. Said roadway shall be constructed to base asphalt prior to issuance of a certificate of occupancy for any commercial building for the Property and/or prior to issuance of a building permit for any residential units, excluding model homes, located in Land Bay 1. Phase 1 improvements shall consist of all necessary improvements, including signalization when warranted by VDOT, to create a four way intersection at the existing intersection of Inverlee Way and Millwood Pike as shown on the MDP.

As the Carpers Valley Industrial Park does not require the connection of Coverstone Drive to Millwood Ave, this proffer only applies to Governor's Hill Land Bay 1 and therefore would not affect the Carpers Valley Industrial Park.

PHASE 2: Phase 2 shall consist of construction of a two lane section of Coverstone Drive from Point B to Point C as depicted on the MDP. Said roadway improvements shall be completed prior to issuance of a certificate of occupancy for any use that would cause the Property to exceed 400,000 square feet of commercial building area.

This proffer only applies to Governors Hill Land Bay 2 and therefore not affect the Governors Hill Land Bay 1.

PHASE 3: Phase 3 shall consist of construction of the remaining two lane section of Coverstone Drive from Point B to Point C as depicted on the MDP. Said roadway improvements shall be completed prior to issuance of a certificate of occupancy for any use that would cause the Property to exceed 800,000 square feet of commercial building area.

This proffer only applies to Governors Hill Land Bay 2 and therefore not affect the Governors Hill Land Bay 1.

PHASE 4: The Applicant shall design Coverstone Drive Extended as a four-lane section from Prince Frederick to Relocated Route 522 as depicted from Point D to Point E or for a maximum distance of 800 feet when the alignment of Relocated 522 has been determined by VDOT, and the right of way for this segment of Coverstone Drive has been acquired by VDOT or Frederick County. In the event that the alignment for relocated Route 522 has not been determined or if the right of way for Coverstone Drive Extended is not secured by June 30, 2018 then the Applicant shall pay to the County \$20,000 for transportation improvements within the vicinity of the Property in lieu of designing said portion of Coverstone Drive. The Applicant shall further pay to the County \$1,000 for each permitted residential unit as a contribution towards the future construction of Coverstone Drive Extended, but if the conditions above have not been met by June 30, 2018 then these funds may be used for other projects in the vicinity of the Property that have a rational nexus to the Property. Such funds shall be paid at the time of building permit issuance for each of the permitted residential units. As the Carpers Valley Industrial Park does not

require the connection of Coverstone Drive to Rte 522, this provision does not affect the Carpers Valley Industrial Park.

15.3 Notwithstanding any other provisions of these proffers, the Applicant shall construct Coverstone Drive as a full four-lane section as required in Proffer 15.2 from Millwood Pike to Prince Frederick Drive prior to November 1, 2025. A median break and eastbound left turn lane shall be constructed at the existing Millwood Pike and Inverlee intersection prior to November 1, 2015.

As the Carpers Valley Industrial Park does not require the connection of Coverstone Drive to Millwood Ave, this proffer only applies to Governor's Hill Land Bay 1 and therefore would not affect the Governor's Hill Land Bay 2.

15.4 The Applicant shall design and construct Tazewell Road as shown on the MDP as a minimum two lane roadway within a variable width right of way with a maximum right of way width of 60' to provide access to residential uses within Land Bay 1 and other commercial areas of Land Bay 2. Said 60' right of way width shall be required for Tazewell Road between Coverstone Drive and Pendleton Drive. The right of way and road width shall decrease for the remaining portions of Tazewell Road. Said roadway shall be constructed in phases as needed for future subdivision plans. Furthermore, no certificate of occupancy for any residential dwelling that is served by Tazewell Road, excluding model homes, shall be issued until such time that access to Land Bay 1 from Millwood Pike is provided via Coverstone Drive and Tazewell Road.

This proffer only applies to Governors Hill Land Bay 1 and therefore does not affect the Governors Hill Land Bay 2.

15.5 The Applicants shall pay to the County the amount of \$75,000 for signalization or other road improvements at the intersection of Millwood Pike (US Route 50) and Victory Road (Route 728). Such funds shall be paid within sixty (60) days of the issuance of the first residential building permit in Land Bay 1.

This proffer only applies to Governors Hill Land Bay 1 and therefore does not affect the Governors Hill Land Bay 2.

15.6 The Applicants shall pay to the County the amount of \$175,000 for signalization or other road improvements at the intersection of Costello Drive and Prince Frederick Drive. Such funds shall be paid within sixty (60) days of receiving written request from the County and VDOT after acceptance of Phase 2 Coverstone Drive Improvements per Proffer 15.2 into the State highway system.

Carpers Valley Industrial Park is undertaking improvements to intersections on Prince Frederick Drive. Governors Hill Land Bay 1 may be responsible for further improvements

15.7 Access to Millwood Pike shall be limited to Coverstone Drive as shown on the MDP with the exception of the private driveway currently serving TM 64-A-83B. The Applicant shall close said driveway once access is provided to TM 64-A-83B via the internal residential street network as depicted on the MDP. Additionally, the Applicant shall close the existing crossover previously used for access to the golf course concurrent with Phase 1 improvements as provided by Proffer 15.2.

This proffer is not affected by the proposed zoning.

15.8 All public right-of-ways shall be dedicated to Frederick County as part of the subdivision approval process, consistent with applicable Virginia law.

This proffer is not affected by the proposed zoning.

15.9 All public streets and roads shall be designed in accordance with the Virginia Department of Transportation specifications, subject to review and approval by Frederick County and VDOT.

This proffer is not affected by the proposed zoning.

15.10 All private streets and roads shall be constructed in accordance with the current Virginia Department of Transportation structural standards, and as may be modified by the County, and shall be owned and maintained by the Property Owners Association served by such streets or roads.

This proffer only applies to Governors Hill Land Bay 1 and therefore does not affect the Governors Hill Land Bay 2.

15.11 The design of off-site road improvements shall be in general conformance with the plan entitled "Governors Hill Road Improvements" Sheets 1-2, as prepared by Patton Harris Rust and Associates, dated October 30, 2008. Excluding 300,000 square feet of office uses which may be developed at any time utilizing access to the existing completed portion of Coverstone Drive, off-site improvements shall be constructed in three phases as depicted on the aforementioned plans as follows:

As the Carpers Valley Industrial Park does not require the connection of Coverstone Drive to Millwood Ave, this proffer only applies to Governor's Hill Land Bay 1.

Phase A: Phase A improvements shall consist of improvements at the intersection of Millwood Pike/Inverlee Way/Coverstone Drive and shall be completed coincident with Phase 1 Coverstone Drive construction per Proffer 15.2.

Carpers Valley Industrial Park is proposing improvements at these intersections as required by the impacts identified by the TIA.

Phase B: Phase B improvements shall consist of improvements at the intersections of Millwood Pike/Prince Frederick Drive and Prince Frederick Drive/Costello Drive. Phase B improvements shall be completed coincident with Phase 2 Coverstone Drive construction per Proffer 15.2.

As the Carpers Valley Industrial Park does not require improvements at this intersection, this proffer may only apply to Governors Hill Land Bay 1.

Phase C: Phase C improvements shall consist of improvements at the intersection of Millwood Pike/Sulphur Spring Road. Phase C improvements shall be completed coincident with Phase 3 Coverstone Drive construction per Proffer 15.2.

15.12 The Applicant shall make good faith efforts to obtain any off-site right of way needed to complete any proffered off-site transportation improvements. In the event that the Applicant is not able to obtain the right of way and, further, the County and/or State of Virginia do not obtain the necessary right of way, in lieu of constructing the road improvement, the Applicant shall provide a monetary contribution to Frederick County that is equivalent to the estimated construction cost of those road improvements that could not be implemented. The construction cost estimate shall be subject to review and approval by VDOT. The monetary contribution shall coincide with the commercial area threshold that triggers the off-site road improvement as identified in Proffer 15.11.

This proffer is not affected by the proposed zoning.

15.13 Any future transportation analyses which may be required for the Property, shall utilize Code 820 "Retail" per the I.T.E. Trip Generation Manual 7th Edition for any commercial use other than office use.

With the Carpers Valley Industrial Park Rezoning, this proffer no longer applicable.

15.14 In the event any proffered off-site road improvements are constructed by others, the Applicant shall provide a monetary contribution to Frederick County that is equivalent to the estimated construction costs of those proffered road improvements not installed by the Applicant. The construction cost estimate shall be subject to review and approval by VDOT. The monetary contribution shall coincide with the commercial area threshold that triggers the off-site road improvements as identified in Proffer 15.11. **This proffer is not affected by the proposed zoning.**

16. CULTURAL RESOURCES INVESTIGATION AND PRESERVATION

The Applicant shall conduct or cause to be conducted a Phase I Archaeological Investigation of the Property, prior to the approval of the first final site or subdivision plan for the Property, and shall complete Phase II and III investigations thereof as may be demonstrated to be necessary by the Phase I study. **This proffer is not affected by the proposed zoning.**

17. ESCALATOR CLAUSE

17.1 In the event any monetary contributions set forth in the Proffer Statement are paid to the Frederick County Board County Supervisors ("Board") within 30 months of October 12, 2005, as applied for by the Applicant, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in the Proffer Statement which are paid to the Board after 30 months following October 12, 2005 shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, such that at the time contributions are paid, they shall be adjusted by the percentage change in the CPI-U from that date 30 months after October 12, 2005 to the most recently available CPI-U to the date the contributions are paid, subject to a cap of 5% per year, non-compounded. **This proffer is not affected by the proposed zoning.**

18. SEPTEMBER 18, 2014 PROFFER REVISION

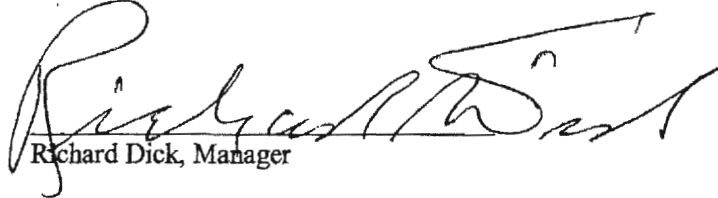
18.1 The revisions dated September 18, 2014 apply only to tax parcels 64-A-86 and 64-A-87 and do not apply to the other properties subject to the Proffer Statement dated September 26, 2013. These modifications increase from 200,000 to 300,000 the square footage of office floor space which may be developed, on any or all of the properties subject to the Proffer Statement dated September 26, 2013, utilizing access from the completed portion of Coverstone Drive. This increase in floor space is indicated in Sections 15.2 and 15.11 of this Proffer Statement.

SIGNATURES APPEAR ON THE FOLLOWING PAGES

This proffer only applies to Governors Hill Land Bay 2 and therefore does not affect the Governors Hill Land Bay 1. The Carpers Valley Industrial Park TIA demonstrates less traffic generation than the approved 300,000 square footage of office floor space would generate.

JGR Three L.L.C.

By: JPG Three L.L.C. Managing Member


Richard Dick, Manager

STATE OF VIRGINIA, AT LARGE

FREDERICK COUNTY, To-wit:

City of Winchester

The foregoing instrument was acknowledged before me this 19th day of September,
2014, by Richard G. Dick.

My commission expires 7/31/18
Notary Public Phyllis M. Newlin



140008703

6000

PROFFER STATEMENT

REZONING: RZ. #10-08: R4 and RA to R4

PROPERTY: 278.0 Acres +/-:
Tax Map & Parcels 64-A-83, 83A, 84, 85, 86, and 87 (the "Property")

RECORD OWNER: Carpers Valley Development, LLC and Governors Hill LLC

APPLICANT: Carpers Valley Development, LLC and Governors Hill LLC

PROJECT NAME: Governors Hill

ORIGINAL DATE OF PROFFERS: March 24, 2008

REVISION DATE: September 2, 2008; October 31, 2008; December 8, 2008; January 9, 2009; May 1, 2013; June 17, 2013, July 23, 2013; August 15, 2013; September 6, 2013; September 26, 2013; September 18, 2014

The undersigned owners hereby proffer that the use and development of the subject property ("Property"), as described above, shall be in conformance with the following conditions, which shall supersede all other proffers that may have been made prior hereto. In the event that the above referenced rezoning is not granted as applied for by the Applicant ("Applicant"), these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with "Final Rezoning" defined as that rezoning that is in effect on the day upon which the Frederick County Board of County Supervisors (the "Board") grants the rezoning.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. The term "Applicant" as referenced herein shall include within its meaning all future owners, assigns, and successors in interest. When used in these proffers, the "Master Development Plan" shall refer to the plan entitled "Master Development Plan, Governors Hill" prepared by Patton Harris Rust & Associates, (the "MDP") dated March 2008 revised January 9, 2009.

1. LAND USE

- 1.1 The project shall be designed to establish interconnected mixed-use residential and commercial/employment Land Bays in general conformance with the MDP, and as is specifically set forth in these

proffers subject to minor modifications as necessary upon final engineering including but not limited to intersection alignments.

- 1.2 All development, including street landscaping, shall be accomplished in general conformance with the "Governors Hill, Design and Development Standards", prepared by PHR&A attached hereto and incorporated herein by reference (the "Design and Development Standards").
- 1.3 Residential uses shall be prohibited in the area identified as Land Bay 2 on the MDP. Furthermore, Land Bay 2 shall be restricted to those uses permitted in the General Business (B-2) zoning district as specified in the Frederick County Code Article X, §165-82B(1).
- 1.4 Except as modified herein, areas of residential development on the Property shall be limited to Land Bay 1 and shall be developed in conformance with the regulations of the Residential Planned Community ("R4") zoning district, including permissible housing types set forth in the Frederick County Code Article VII, §165-67 through §165-72, as cross-referenced to Article VI, §165-58, through §165-66. Unit types and lot layouts within residential Land Bays may comprise any of the permitted unit types as set forth in the Design and Development Standards, and authorized for the R4 district, and these Proffers.
- 1.5 Residential development on the Property shall not exceed 550 dwelling units, with a mix of housing types permitted in the R4 district. Multi-family units, as defined by the Design and Development Standards, shall not exceed 50% of the total number of dwelling units developed in the project. No residential structures shall be closer than 2000 feet from the centerline of the existing Winchester Airport runway.
- 1.6 Prior to the Property exceeding 1,285,000 square feet of commercial building floor area, the Applicant shall submit to the County a revised Traffic Impact Analysis (TIA) for the Property. The total permitted commercial building floor area may increase provided that the Applicant completes a revised traffic impact analysis which identifies the impacts of trips for commercial development in excess of 45,815 Average Daily Trips (ADT) and mitigation, if necessary for said impacts is provided by the Applicant in a form that is acceptable to the County and VDOT.

2. CONSTRUCTION OF A UNIFIED DEVELOPMENT

- 2.1 The Property shall be developed as one single and unified development in accordance with applicable ordinances and regulations for the R4 zoning district, the MDP as approved by the Board, and this Proffer Statement.

3. ACCESS TO ARMORY PARCEL

3.1 The Applicant has designed and constructed a two lane public roadway, identified on the MDP as Pendleton Drive, from Arbor Court to the entrance of the Armory Site (TM 64-A-82). At such time that Tazewell Road is constructed as depicted on the MDP, the Applicant shall extend Pendleton Drive to connect with Tazewell Road.

4. PHASING OF RESIDENTIAL DEVELOPMENT

4.1 Building permits for Land Bay I of the Property shall be issued on the following phasing schedule:

| | |
|------------------------|----------------------|
| Year 1 (Months 1-12): | 140 building permits |
| Year 2 (Months 13-24): | 140 building permits |
| Year 3 (Months 25-36): | 140 building permits |
| Year 4 (Months 37-48): | 130 building permits |

The above identified phasing schedule is taken from the Date of Final Rezoning (DFR). Any building permits not issued within any given year may be carried over to the following year, however the Applicant shall not make application for more than 200 residential building permits in any given year.

4.2 Commercial and employment uses may be constructed at any time.

4.3 Improvements including a 3,000 square foot community center, 3,500 square feet of neighborhood swimming pools, and a dog park shall be constructed in conjunction with residential development in Land Bay 1 and the land therefor shall be dedicated upon completion of the improvements to the Property Owners Association. The location thereof shall be depicted on final subdivision plans for such residential development. These recreational amenities shall serve to meet the requirement of 1 recreation unit per 30 dwellings. These improvements shall be completed prior to the issuance of the 281st residential building permit.

5. ARCHITECTURE, SIGNAGE, AND LANDSCAPING:

5.1 All buildings on the Property shall be constructed using compatible architectural styles. The Applicant shall establish one or more Architectural Review Boards through the required Property Owner Association to be created to enforce and administer a unified development plan in general conformity with the Design and Development Standards.

- 5.2 All signage within the Property shall be in substantial conformity with a comprehensive sign plan that meets the requirements of the Zoning Ordinance for signage, which shall be submitted in conjunction with the first final site or subdivision plan for the Property.

6. PEDESTRIAN TRAIL SYSTEM AND RECREATION AREAS

- 6.1 The Applicant shall design and build a public pedestrian-bicycle trail system to Virginia Department of Transportation standards that links residential and commercial areas within the development. Said trails shall be in the locations generally depicted on the MDP. To the extent that such trails are not depicted on the MDP at the time of Final Rezoning, such trails shall be connected with or linked to the internal street and sidewalk network. Sidewalks shall be constructed on public streets to VDOT standards, and a minimum of four-foot sidewalks shall be constructed on private streets. All combined pedestrian/bicycling trails shall be 10 feet wide, and shall have an asphalt surface.

7. FIRE & RESCUE:

- 7.1 The Applicant shall contribute to the Board the sum of \$422 per dwelling unit for fire and rescue purposes, payable upon the issuance of a building permit for each dwelling unit.
- 7.2 Following Final Rezoning, the Master POA to be created in accordance herewith shall contribute annually, on or before July 1st of each year, the sum of \$100 per constructed residential unit, and \$100 per 1000 square feet of constructed commercial (not including any land in public use), to the fire and rescue company providing first response service to the Property. Such contribution shall be monitored and enforced by the master POA, and the Board may require an accounting of such payments at such times and upon such conditions as it may determine necessary. Said monetary contribution shall cease at such time that the fire and rescue company providing first response service is no longer a volunteer operation or should the County adopt a fee for service plan to provide fire and rescue services.

8. SCHOOLS:

- 8.1 The Applicant shall contribute to the Board the sum of \$1,714 per dwelling unit for educational purposes, payable upon the issuance of a building permit for each dwelling unit.

9. PARKS & OPEN SPACE:

9.1 The Applicant shall contribute to the Board the sum of \$343 per dwelling unit for recreational purposes, payable upon the issuance of a building permit for each dwelling unit.

10. LIBRARIES:

10.1 The Applicant shall contribute to the Board the sum of \$79 per dwelling unit for library purposes, payable upon the issuance of a building permit for each dwelling unit.

11. ADMINISTRATION BUILDING:

11.1 The Applicant shall contribute to the Board the sum of \$79 per dwelling unit upon issuance of a building permit for each dwelling unit to be used for construction of a general governmental administration building.

12. CREATION OF PROPERTY OWNERS' ASSOCIATION:

12.1 The Master Property Owners Association to be created in accordance herewith shall be created contemporaneously with the first final site or subdivision plan submitted for the Property.

12.2 The Applicant shall establish a Master Property Owners' Association (hereinafter "Master POA") for Governors Hill, in its entirety, that shall, among other things, have responsibility for assuring compliance with design guidelines and standards, signage requirements, landscape maintenance, and similar matters. Any homeowners' or property owners' associations created for commercial or residential uses individually shall act as a subset of the Master POA.

12.3 The residential portion of the development shall be made subject to one or more Property Owners' Association(s) (hereinafter "Residential POA") that shall be responsible for the ownership, maintenance and repair of the community center, walking trails in Land Bay 1, swimming pools, all common areas, including any conservation areas that may be established in accordance herewith not dedicated to the County or others, and stormwater management facilities not dedicated to public use in Land Bay 1, for each area subject to their jurisdiction, and shall be provided such other responsibilities, duties, and powers as are customary for such associations or as may be required for such Residential POA herein.

12.4 In addition to such other duties and responsibilities as may be assigned, a Residential POA shall have title to and responsibility for the following in Land Bay 1: (i) all common open space areas not otherwise dedicated to public use, (ii) common buffer areas located outside of residential lots; (iii) private streets serving the residents who are members of such

association; (iv) common solid waste disposal and recycling programs, including curbside pick-up of refuse by a private refuse collection company, and (v) responsibility for the perpetual maintenance of any street, perimeter, or road buffer areas, all of which buffer areas shall be located within easements to be granted to the Residential POA if platted within residential or other lots, or otherwise granted to the Residential POA by appropriate instrument.

12.5 The Residential POA shall be so established that it possesses all necessary powers to set and revise fees and dues in sufficient sums to perform the responsibilities assigned to it hereunder and under the Declaration to be recorded creating such Association. In addition, upon any conveyance of a residential unit from the builder thereof to a home purchaser, there shall be a fee paid by the home purchaser to the Residential POA in an amount equal to three times the then-current monthly residential dues applicable to the unit so conveyed.

12.6 Any commercial portion of the development (with the exception of any property owned or leased by the United States, or Frederick County) shall be made subject to one or more Property Owners' Association(s) (hereinafter "Commercial POA"). Such Commercial POA(s) shall be responsible for the ownership, maintenance and repair of all common areas in Land Bay 2, including any conservation areas that may be established in accordance herewith not dedicated to the County or others, and stormwater management facilities (under common (open space) ownership) not dedicated to public use for each area subject to their jurisdiction, and shall be provided such other responsibilities, duties, and powers as are customary for such associations or as may be required for such Commercial POA herein.

12.7 In addition to such other duties and responsibilities as may be assigned, a Commercial POA, in Land Bay 2, shall have title to and responsibility for (i) all common open space areas not otherwise dedicated to public use, (ii) common buffer areas located outside of commercial lots; (iii) responsibility for the perpetual maintenance of any street, perimeter, or road buffer areas, all of which buffer areas shall be located within easements to be granted to the Commercial POA if platted within commercial or other lots, or parcels, or otherwise granted to the Commercial POA by appropriate instrument.

13. WATER& SEWER:

13.1 The Applicant shall be responsible for connecting the Property to public water and sewer. It shall further be responsible for constructing all facilities required for such connection at the Property boundary. All water and sewer infrastructure shall be constructed in accordance with the requirements of the Frederick County Sanitation Authority.

14. ENVIRONMENT:

- 14.1 Stormwater management and Best Management Practices (BMP) for the Property shall be provided in accordance with the Virginia Stormwater Management Regulations, First Ed. 1999, Chapter 2, Table 2-3.
- 14.2 The Applicant shall provide notice in all sales literature, in covenants, conditions and restrictions for any Property Owners' Associations, of the adjacency of the Winchester Regional Airport. The Applicant shall provide noise attenuation treatment for all residential units.

15. TRANSPORTATION:

- 15.1 The major roadways to be constructed on the Property shall be constructed in the locations depicted on the MDP, with reasonable adjustments permitted for final engineering.
- 15.2 Excluding 300,000 square feet of office uses which may be developed at any time utilizing access to the existing completed portion of Coverstone Drive, the Applicant shall design and construct Coverstone Drive as a full section with raised medians on a minimum 90' right-of-way, utilizing the following phasing schedule:

PHASE 1: Phase 1 shall consist of the full four lane section including a ten-foot trail from Millwood Pike to the first intersection on Coverstone Drive as depicted on the MDP from Point A to Point B. Said roadway shall be constructed to base asphalt prior to issuance of a certificate of occupancy for any commercial building for the Property and/or prior to issuance of a building permit for any residential units, excluding model homes, located in Land Bay 1. Phase 1 improvements shall consist of all necessary improvements, including signalization when warranted by VDOT, to create a four way intersection at the existing intersection of Inverlee Way and Millwood Pike as shown on the MDP.

PHASE 2: Phase 2 shall consist of construction of a two lane section of Coverstone Drive from Point B to Point C as depicted on the MDP. Said roadway improvements shall be completed prior to issuance of a certificate of occupancy for any use that would cause the Property to exceed 400,000 square feet of commercial building area.

PHASE 3: Phase 3 shall consist of construction of the remaining two lane section of Coverstone Drive from Point B to Point C as depicted on the MDP. Said roadway improvements shall be completed prior to issuance of a certificate of occupancy for any use that would cause the Property to exceed 800,000 square feet of commercial building area.

PHASE 4: The Applicant shall design Coverstone Drive Extended as a four-lane section from Prince Frederick to Relocated Route 522 as depicted from Point D to Point E or for a maximum distance of 800 feet when the alignment of Relocated 522 has been determined by VDOT, and the right of way for this segment of Coverstone Drive has been acquired by VDOT or Frederick County. In the event that the alignment for relocated Route 522 has not been determined or if the right of way for Coverstone Drive Extended is not secured by June 30, 2018 then the Applicant shall pay to the County \$20,000 for transportation improvements within the vicinity of the Property in lieu of designing said portion of Coverstone Drive. The Applicant shall further pay to the County \$1,000 for each permitted residential unit as a contribution towards the future construction of Coverstone Drive Extended, but if the conditions above have not been met by June 30, 2018 then these funds may be used for other projects in the vicinity of the Property that have a rational nexus to the Property. Such funds shall be paid at the time of building permit issuance for each of the permitted residential units.

15.3 Notwithstanding any other provisions of these proffers, the Applicant shall construct Coverstone Drive as a full four-lane section as required in Proffer 15.2 from Millwood Pike to Prince Frederick Drive prior to November 1, 2025. A median break and eastbound left turn lane shall be constructed at the existing Millwood Pike and Inverlee intersection prior to November 1, 2015.

0017

- 15.4 The Applicant shall design and construct Tazewell Road as shown on the MDP as a minimum two lane roadway within a variable width right of way with a maximum right of way width of 60' to provide access to residential uses within Land Bay 1 and other commercial areas of Land Bay 2. Said 60' right of way width shall be required for Tazewell Road between Coverstone Drive and Pendleton Drive. The right of way and road width shall decrease for the remaining portions of Tazewell Road. Said roadway shall be constructed in phases as needed for future subdivision plans. Furthermore, no certificate of occupancy for any residential dwelling that is served by Tazewell Road, excluding model homes, shall be issued until such time that access to Land Bay 1 from Millwood Pike is provided via Coverstone Drive and Tazewell Road.
- 15.5 The Applicants shall pay to the County the amount of \$75,000 for signalization or other road improvements at the intersection of Millwood Pike (US Route 50) and Victory Road (Route 728). Such funds shall be paid within sixty (60) days of the issuance of the first residential building permit in Land Bay 1.
- 15.6 The Applicants shall pay to the County the amount of \$175,000 for signalization or other road improvements at the intersection of Costello Drive and Prince Frederick Drive. Such funds shall be paid within sixty (60) days of receiving written request from the County and VDOT after acceptance of Phase 2 Coverstone Drive Improvements per Proffer 15.2 into the State highway system.
- 15.7 Access to Millwood Pike shall be limited to Coverstone Drive as shown on the MDP with the exception of the private driveway currently serving TM 64-A-83B. The Applicant shall close said driveway once access is provided to TM 64-A-83B via the internal residential street network as depicted on the MDP. Additionally, the Applicant shall close the existing crossover previously used for access to the golf course concurrent with Phase 1 improvements as provided by Proffer 15.2.
- 15.8 All public right-of-ways shall be dedicated to Frederick County as part of the subdivision approval process, consistent with applicable Virginia law.
- 15.9 All public streets and roads shall be designed in accordance with the Virginia Department of Transportation specifications, subject to review and approval by Frederick County and VDOT.
- 15.10 All private streets and roads shall be constructed in accordance with the current Virginia Department of Transportation structural standards, and as may be modified by the County, and shall be owned and maintained by the Property Owners Association served by such streets or roads.

0018

15.11 The design of off-site road improvements shall be in general conformance with the plan entitled "Governors Hill Road Improvements" Sheets 1-2, as prepared by Patton Harris Rust and Associates, dated October 30, 2008. Excluding 300,000 square feet of office uses which may be developed at any time utilizing access to the existing completed portion of Coverstone Drive, off-site improvements shall be constructed in three phases as depicted on the aforementioned plans as follows:

Phase A: Phase A improvements shall consist of improvements at the intersection of Millwood Pike/Inverlee Way/Coverstone Drive and shall be completed coincident with Phase 1 Coverstone Drive construction per Proffer 15.2.

Phase B: Phase B improvements shall consist of improvements at the intersections of Millwood Pike/Prince Frederick Drive and Prince Frederick Drive/Costello Drive. Phase B improvements shall be completed coincident with Phase 2 Coverstone Drive construction per Proffer 15.2.

Phase C: Phase C improvements shall consist of improvements at the intersection of Millwood Pike/Sulphur Spring Road. Phase C improvements shall be completed coincident with Phase 3 Coverstone Drive construction per Proffer 15.2.

15.12 The Applicant shall make good faith efforts to obtain any off-site right of way needed to complete any proffered off-site transportation improvements. In the event that the Applicant is not able to obtain the right of way and, further, the County and/or State of Virginia do not obtain the necessary right of way, in lieu of constructing the road improvement, the Applicant shall provide a monetary contribution to Frederick County that is equivalent to the estimated construction cost of those road improvements that could not be implemented. The construction cost estimate shall be subject to review and approval by VDOT. The monetary contribution shall coincide with the commercial area threshold that triggers the off-site road improvement as identified in Proffer 15.11.

15.13 Any future transportation analyses which may be required for the Property, shall utilize Code 820 "Retail" per the I.T.E. Trip Generation Manual 7th Edition for any commercial use other than office use.

15.14 In the event any proffered off-site road improvements are constructed by others, the Applicant shall provide a monetary contribution to Frederick County that is equivalent to the estimated construction costs of those proffered road improvements not installed by the Applicant. The construction cost estimate shall be subject to review and approval by VDOT. The monetary contribution shall coincide with the commercial area threshold that triggers the off-site road improvements as identified in Proffer 15.11.

16. CULTURAL RESOURCES INVESTIGATION AND PRESERVATION

The Applicant shall conduct or cause to be conducted a Phase I Archaeological Investigation of the Property, prior to the approval of the first final site or subdivision plan for the Property, and shall complete Phase II and III investigations thereof as may be demonstrated to be necessary by the Phase I study.

17. ESCALATOR CLAUSE

17.1 In the event any monetary contributions set forth in the Proffer Statement are paid to the Frederick County Board County Supervisors ("Board") within 30 months of October 12, 2005, as applied for by the Applicant, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in the Proffer Statement which are paid to the Board after 30 months following October 12, 2005 shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, such that at the time contributions are paid, they shall be adjusted by the percentage change in the CPI-U from that date 30 months after October 12, 2005 to the most recently available CPI-U to the date the contributions are paid, subject to a cap of 5% per year, non-compounded.

18. SEPTEMBER 18, 2014 PROFFER REVISION

18.1 The revisions dated September 18, 2014 apply only to tax parcels 64-A-86 and 64-A-87 and do not apply to the other properties subject to the Proffer Statement dated September 26, 2013. These modifications increase from 200,000 to 300,000 the square footage of office floor space which may be developed, on any or all of the properties subject to the Proffer Statement dated September 26, 2013, utilizing access from the completed portion of Coverstone Drive. This increase in floor space is indicated in Sections 15.2 and 15.11 of this Proffer Statement.

SIGNATURES APPEAR ON THE FOLLOWING PAGES

0020

JGR Three L.L.C.

By: JPG Three L.L.C. Managing Member

Richard G. Dick
Richard Dick, Manager

STATE OF VIRGINIA, AT LARGE

FREDERICK COUNTY, To-wit:

City of Winchester

The foregoing instrument was acknowledged before me this 19th day of September, 2014, by Richard G. Dick.

My commission expires 7/31/18
Notary Public Phyllis M. Newlin



THIS SUPPLEMENT TO REZONING APPLICATION, made and dated this 26th day of September, 2014, by and between **JGR THREE, LLC**, a Virginia limited liability company, **ELLEN, LLC**, a Virginia limited liability company, **LCR, LLC**, a Virginia limited liability company, **MDC THREE, LLC**, a Virginia limited liability company, **SUSAN SANDERS, LLC**, a Virginia limited liability company, **LIBERTY HILL, L.C.**, a Virginia limited liability company, **THOMAS A. DICK, TIMOTHY J. DICK** and **MICHAEL E. DICK** (the “**Owners**”) and **COUNTY OF FREDERICK, VIRGINIA** (“**Frederick County**”).

RECITALS:

- A. The Owners are vested with fee simple title to those certain parcels of land being more particularly described on Exhibit “A” attached hereto and incorporated herein by reference as if set out in full (the “**Property**”).
- B. The Owners have previously submitted that certain Rezoning Application Form, that certain revised Proffer Statement and that certain Special Limited Power of Attorney to the Frederick County Department of Planning & Development as part of a request to modify and amend the Proffers previously approved for the Property (the “**Rezoning Application**”).
- C. Through inadvertence, the Rezoning Application was not signed by all of the Owners of the Property.
- D. The Owners intend to correct said omission and hereby ratify and approve the Rezoning Application and all documents submitted in connection therewith.

NOW, THEREFORE, WITNESSETH: For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Recitals:** The Recitals are made a material part hereof and incorporated herein by reference as if set out in full.

2. **Approval of Rezoning Application:** The Owners hereby ratify and approve the Rezoning Application, that certain Proffer Statement bearing a revision date of September 18, 2014, that certain Special Limited Power of Attorney dated September 19, 2014, and all documents submitted in connection therewith, and are bound by all such documents, as evidenced by their execution of this Supplement to Rezoning Application. This Supplement To Rezoning Application is made part of the Rezoning Application, that certain Proffer Statement bearing a revision date of September 18, 2014, that certain Special Limited Power of Attorney dated September 19, 2014, and all documents submitted in connection therewith.

WITNESS the following signatures and seals:

JGR THREE, LLC

By John G. Russell, III (SEAL)
JOHN G. RUSSELL, III, Manager

STATE OF SOUTH CAROLINA, AT LARGE,
CITY/COUNTY OF BERWATER, to-wit:

The foregoing instrument was acknowledged before me on the 26 day of SEPTEMBER, 2014, by John G. Russell, III, who is Manager of JGR THREE, LLC, a Virginia Limited Liability Company.

My commission expires _____
Commission Expires: Mar. 21, 2017

John G. Russell, III
NOTARY PUBLIC



ELLEN, LLC

By: John G. Russell, III (SEAL)
JOHN G. RUSSELL, III, Manager

STATE OF SOUTH CAROLINA, AT LARGE,
CITY/COUNTY OF BEAUFORT, to-wit:

The foregoing instrument was acknowledged before me on the 26 day of
SEPTEMBER, 2014 by John G. Russell, III, who is Manager of ELLEN, LLC, a Virginia
Limited Liability Company.

My commission expires _____ Commission Expires: May 21, 2017

J.R. Lynn
NOTARY PUBLIC



LCR, LLC

By: Linda C. Russell (SEAL)
LINDA C. RUSSELL, Manager

STATE OF SOUTH CAROLINA, AT LARGE,
CITY/COUNTY OF BEAUFORT, to-wit:

The foregoing instrument was acknowledged before me on the 26 day of
SEPTEMBER, 2014, by Linda C. Russell, who is Manager of LCR, LLC, a Virginia
Limited Liability Company.

My commission expires _____ Commission Expires: May 21, 2017

J.R. Lynn
NOTARY PUBLIC



MDC THREE, LLC

By: *John G. Russell III* (SEAL)
JOHN G. RUSSELL, III, Manager

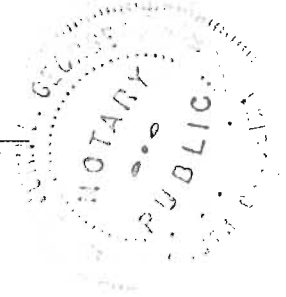
STATE OF SOUTH CAROLINA, AT LARGE,
CITY/COUNTY OF BEAUFORT, to-wit:

The foregoing instrument was acknowledged before me on the 26 day of
SEPTEMBER, 2014, by John G. Russell, III, who is Manager of MDC THREE, LLC, a
Virginia Limited Liability Company.

Commission Expires: May 24, 2017

My commission expires _____

John G. Russell III
NOTARY PUBLIC



SUSAN SANDERS, LLC

By: *John G. Russell III* (SEAL)
JOHN G. RUSSELL, III, Manager

STATE OF SOUTH CAROLINA, AT LARGE,
CITY/COUNTY OF BEAUFORT, to-wit:

The foregoing instrument was acknowledged before me on the 26 day of
SEPTEMBER, 2014, by John G. Russell, III, who is Manager of SUSAN SANDERS,
LLC, a Virginia Limited Liability Company.

Commission Expires: May 24, 2017

My commission expires _____

John G. Russell III
NOTARY PUBLIC



LIBERTY HILL, L.C.

By: Richard G. Dick (SEAL)
RICHARD G. DICK, Manager

STATE OF VIRGINIA, AT LARGE,
CITY/COUNTY OF Winchester, to-wit:

The foregoing instrument was acknowledged before me on the 29th day of September, 2014, by Richard G. Dick, who is Manager of LIBERTY HILL, L.C., a Virginia Limited Liability Company.

My commission expires January 31, 2018



Sharon M. Butler
NOTARY PUBLIC

Thomas A. Dick By Richard G. Dick AIF (SEAL)
THOMAS A. DICK, by RICHARD G. DICK, his Attorney-in-Fact

STATE OF VIRGINIA, AT LARGE,
CITY/COUNTY OF Winchester, to-wit:

The foregoing instrument was acknowledged before me on the 29th day of September, 2014, by Richard G. Dick, Attorney-in-Fact for Thomas A. Dick.

My commission expires January 31, 2018

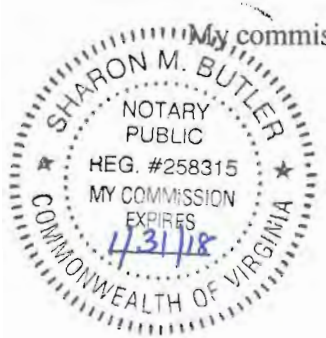


Sharon M. Butler
NOTARY PUBLIC

x Timothy J. Dick
By Richard G. Dick (SEAL)
TIMOTHY J. DICK, by RICHARD G. DICK, his
Attorney-in-Fact

STATE OF VIRGINIA, AT LARGE,
CITY/COUNTY OF Winchester, to-wit:

The foregoing instrument was acknowledged before me on the 29th day of
September, 2014, by Richard G. Dick, Attorney-in-Fact for Timothy J. Dick.



My commission expires January 31, 2018
Sharon M. Butler
NOTARY PUBLIC

x Michael E. Dick
By Richard G. Dick (SEAL)
MICHAEL E. DICK, by RICHARD G. DICK, his
Attorney-in-Fact

STATE OF VIRGINIA, AT LARGE,
CITY/COUNTY OF Winchester, to-wit:

The foregoing instrument was acknowledged before me on the 29th day of
September, 2014, by Richard G. Dick, Attorney-in-Fact for Michael E. Dick.

My commission expires January 31, 2018
Sharon M. Butler
NOTARY PUBLIC



EXHIBIT "A"

PARCEL ONE: All of that certain lot or parcel of land, together with all improvements thereon and all rights, rights of way, and appurtenances thereunto belonging, containing 107.4389 acres, more or less, more particularly described on that certain plat titled "Boundary Line Adjustment Between Governors Hill and Winchester Regional Airport" dated March 28, 2006, revised August 31, 2007, drawn by Cory M. Haynes, L.S., attached to that certain Deed of Boundary Line Adjustment dated September 21, 2007, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia as Instrument No. 070015617, and incorporated herein by reference as if set out in full.

Tax Map No.: 64-A-86

PARCEL TWO: All of that certain lot or parcel of land, together with all improvements thereon and all rights, rights of way, and appurtenances thereunto belonging, containing 14.7423 acres, more or less, more particularly described on that certain plat titled "Plat Showing Right of Way Dedication & Dedication/Vacation of Various Easements on the Property of Carpers Valley Development, L.L.C." dated May 11, 2007, revised November 28, 2007, drawn by Cory M. Haynes, L.S., attached to that certain Dedication for Street Purposes and Vacation of Easement dated January 4, 2008, of record in the aforesaid Clerk's Office as Instrument No. 080002019, and incorporated herein by reference as if set out in full.

Tax Map No.: 64-A-87

The foregoing Parcel One and Parcel Two are the same lands acquired by the Owners by that certain Trustee's Deed dated December 30, 2013, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia as Instrument No. 140000018.

0023

0029

Governors Hill

FINAL MASTER DEVELOPMENT PLAN

COUNTY OF FREDERICK, VIRGINIA
SHAWNEE MAGISTERIAL DISTRICT



VICINITY MAP 1"=200'

MARCH 2008
REVISED JANUARY 9, 2009

PROPOSED WAIVERS:

- Waiver of Section 144-24C.**
The Applicant requests a waiver of Section 144-24C of the Frederick County Subdivision Ordinance to allow commercial lots to be subdivided on private streets.
- Waiver of Section 144-24C(2)(b).**
Proposed Private Street network shall locate lots a maximum of 800 feet from a state-maintained road, as measured from the public street along the access roads.

ROAD NOTES:

- Location of private streets subject to modifications at the time of final engineering.
- Coverstone Drive shall be constructed in accordance with Section 15 entitled "Transportation" of the approved profile Statement on Sheet 4.
- The following street names have been reserved by the Frederick County Department of GIS:
- Pendleton, Swanson, Fawcett, Cobett, Durden, Potford, Montague, McKinney

COMMERCIAL AREA DIMENSIONAL STANDARDS:

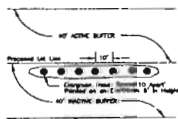
- Maximum Height - 63 feet
- All other dimensional standards shall be in accordance with BR (General Business) zoning district regulations.

UTILITY NOTES:

- All utility locations including storm water ponds are conceptual in nature and are subject to change upon final engineering.
- Sanitary sewer and water available per FESA.
- All utilities will be placed underground.

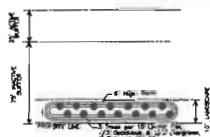
ENVIRONMENTAL FEATURE NOTES:

- Open Space Summary for Commercial Land Use: 181.10 Acres
 - Open Space Required (15%): 24.17 Acres
 - Minimum Net Usable Open Space (50%): 12.09 Acres
 - Open Space location to be finalized at time of Site Plan.
- Open Space Summary for Residential Land Use: 116.90 Acres
 - Open Space Required for Residential Area (30%): 35.05 Acres
 - Open Space shown on MDP: 35.85 Acres
 - Net Usable Open Space: 27.42 Acres



Existing Property Line/Right-of-Way Line
Note: Existing structures and/or natural vegetation adjacent to Road 10 may meet minimum of road efficiency buffer without additional landscaping. Areas along Road 30 which require road efficiency buffer shall be rippled with Pavers. Refer to use of Sustainability Design Plan.

TYPICAL (REDUCED DISTANCE) ROAD EFFICIENCY BUFFER NOT TO SCALE



CATEGORY 'C' ZONING DISTRICT BUFFER (FULL GREEN) NOT TO SCALE

SHEET INDEX

- COVER SHEET
- OVERALL PLAN
- MASTER DEVELOPMENT PLAN
- BOUNDARY SURVEY & APPROVED PROFFER STATEMENT

Phasing Schedule (Per Proffer 4.1)

- Year 1 - 140 building permits
- Year 2 - 140 building permits
- Year 3 - 140 building permits
- Year 4 - 150 building permits

Note: Any permits not issued in a given year may be carried over to the following year. However the Applicant shall not make application for more than 200 building permits in any given year.

Project Summary

Total Gross Commercial Area: 161.1 Acres
Total Residential Area: 116.90 Acres
Zoning: R-4
Proposed from: Mixed-Use Residential and Commercial
Site: Multi-Family Housing Units: 528
No. of Single Family Attached Housing Units (SFA): 422

General Notes

- 20' Fire Access Road: @ 5'
- All Public Roads to be built to VDOT Standards.
- 10' Buffer: 64-A-81, 64-A-83A, 64-A-84, 64-A-85, 64-A-86, 64-A-87

Recreational Unit Requirements:

Total Units: 550 - Rec Units Required (17.5%): 96.25

Note: Required Recreation units shall be constructed or provided in conjunction with master development. 3,000 square foot community center, 3,500 square foot neighborhood center, and dog park shall be completed prior to the issuance of the 25th building permit (proffer 4.3).



| | |
|---|---|
| Owner and Applicant
Carpers Valley Development, LLC
480 Sibel Early Drive, Suite 300
Winchester, Virginia 22601
(540) 722-9566 | Owner and Applicant
Governors Hill, LLC
480 Sibel Early Drive, Suite 300
Winchester, Virginia 22601
(540) 722-9566 |
| <i>John Conrad</i>
1-30-09
Dir | <i>John Conrad</i>
1-30-09
Dir |

APPROVAL BLOCK

Date: 1/30/09

Signature: *[Signature]*

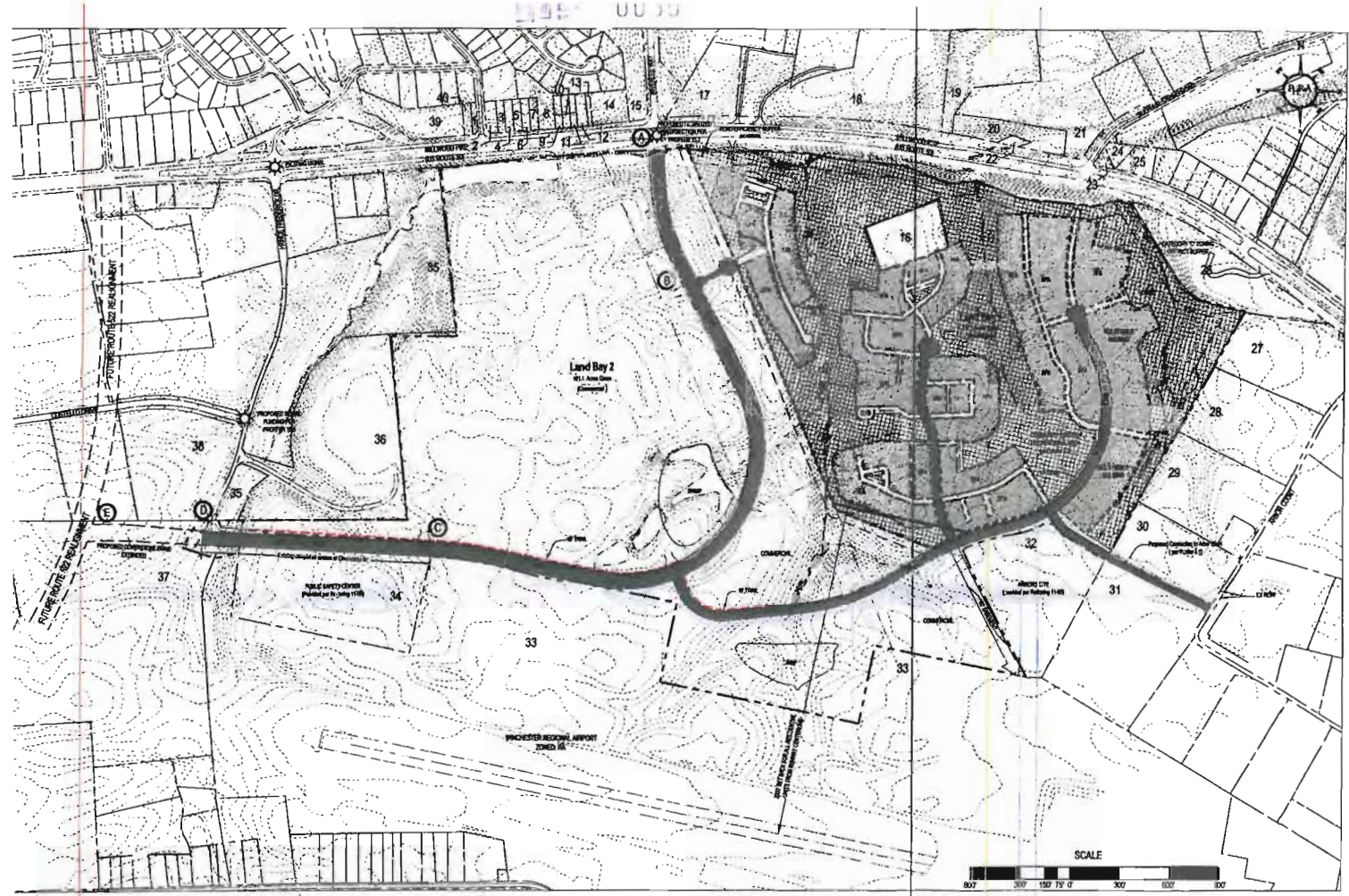
Patton Harris Rust & Associates, P.C.
Engineers, Surveyors, Planners, Landscape Architects.

PHRA

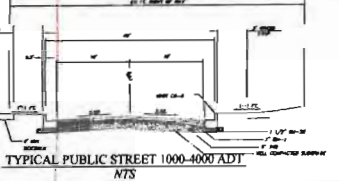
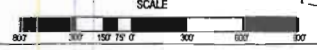
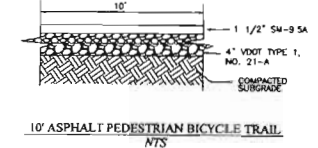
206 North Street, S.C.
Charleston, VA 20115
T: 703 777 9016
F: 703 777 3726



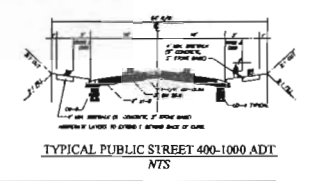
13415-110
DWG 1 of 4



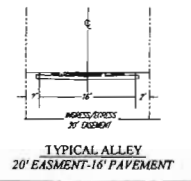
| KEY | LOT | OWNER | ZONE | USE |
|-----|-------------|--|------|---------|
| 1 | 64A 7 1 2 | KARKINS, JOHN H & CHRISTOPHER BROOKS | RP | RES |
| 2 | 64A 7 1 3 | HARTLEY, DOUGLAS ALLEN | RP | RES |
| 3 | 64A 7 1 4 | HARTLEY, DOUGLAS ALLEN | RP | RES |
| 4 | 64A 7 1 5 | COOK, JUDY BELLE / COO RODGERS, JUDY B | RP | RES |
| 5 | 64A 7 1 6 | COOK, JUDY BELLE / COO RODGERS, JUDY B | RP | RES |
| 6 | 64A 7 1 7 | COOK, JUDY BELLE / COO RODGERS, JUDY B | RP | RES |
| 7 | 64A 7 1 8 | COOK, JUDY BELLE / COO RODGERS, JUDY B | RP | OS |
| 8 | 64A 2 1 63A | RAVENHAWK HOMEOWNERS ASSOCIATION | RP | RES |
| 9 | 64A 7 1 10A | LAMBERT, GEORGE G & KELSA R | RP | RES |
| 10 | 64A 7 1 11A | LAMBERT, GEORGE G & KELSA R | RP | RES |
| 11 | 64A 7 1 12A | LAMBERT, GEORGE G & KELSA R | RP | RES |
| 12 | 64A 7 1 13 | FRANKER, ROBERT A | RP | RES |
| 13 | 64A 7 1 14 | FRANKER, ROBERT A | RP | RES |
| 14 | 64A 7 1 15 | LOV, DAVID W | RP | OS |
| 15 | 64A 2 1 62A | RAVENHAWK HOMEOWNERS ASSOCIATION | RP | RES |
| 16 | 64A 1 6 | RICHARD DEK | RA | RES |
| 17 | 64A 1 16 | FISHER, LLOYD EST / COO MARY E WASHINGTON | RA | RES |
| 18 | 64A 1 22 | FISHER, LLOYD EST / COO MARY E WASHINGTON | RA | RES |
| 19 | 64A 1 24A | POTOMAC EDISON COMPANY | RA | |
| 20 | 64A 1 23 | PERRY ENGINEERING CO INC | RA | VAC |
| 21 | 64A 1 25A | PERRY ENGINEERING CO INC | RA | VAC |
| 22 | 64A 1 24 | PERRY ENGINEERING CO INC | RA | VAC |
| 23 | 64A 1 32 | PELFNER, PERRY W & LON J | RA | VAC |
| 24 | 64A 1 33 | LONG, RAYMOND & TANYA C | RA | RES |
| 25 | 64A 1 34 | LONG, RAYMOND & TANYA C | RA | RES |
| 26 | 64A 8 1 | WINCHESTER INDUSTRIAL PARK, LLC | RA | IND |
| 27 | 64A 9 1A | WINCHESTER INDUSTRIAL PARK, LLC | M1 | IND |
| 28 | 64A 8 1A | J & R, LLC | M1 | IND |
| 29 | 64A 8 2 | MARK OF WINCHESTER, LLC | M1 | IND |
| 30 | 64A 8 3 | BLUE RIDGE INDUSTRIES | M1 | IND |
| 31 | 64A 8 4 | CAMPFIELD, LLC | M1 | IND |
| 32 | 64A 1 62 | COUNTY OF FREDERICK | RA | AIRPORT |
| 33 | 64A 7 9 | WINCHESTER REGIONAL AIRPORT | RA | AIRPORT |
| 34 | 64A 8 7A | COUNTY OF FREDERICK | RA | GOV |
| 35 | 64A 8 8 | FREDERICKTOWNE GROUP, LTD / FREDERICKVILLE | B2 | VAC |
| 36 | 64A 8 9 | PRINCE FREDERICKTOWNE GROUP, LTD | B2 | VAC |
| 37 | 64A 8 10 | CHD JAMES L. MCGUIRE, JR. | B2 | GOV |
| 38 | 64A 8 11 | WINCHESTER REGIONAL AIRPORT | RA | AIRPORT |
| 39 | 64A 1 3 | KAREN BARRETT-FRINTZ ET AL | B2 | VAC |
| 40 | 64A 1 12 | HELEN J BEUFELDES | RP | VAC |
| 41 | 64A 7 1 1 | JOHN H. KALKREUTH & CHRISTOPHER BROOKS | RP | VAC |



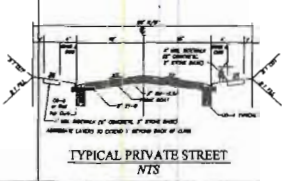
TYPICAL PUBLIC STREET 1000-4000 ADT
NTS



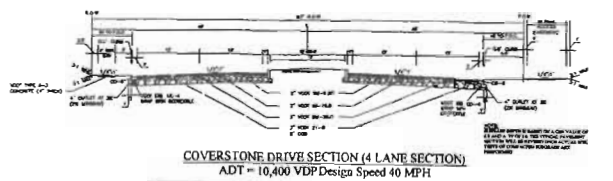
TYPICAL PUBLIC STREET 400-1000 ADT
NTS



TYPICAL ALLEY
20' EASEMENT-16" PAVEMENT



TYPICAL PRIVATE STREET
NTS



COVERSTONE DRIVE SECTION (4 LANE SECTION)
ADT = 10,400 VDP Design Speed 40 MPH

| REVISED PER COUNTY COMMENTS | R/24/06 | JWP | PRS |
|-----------------------------|---------|-------|-------|
| DESCRIPTION | DATE | REV'D | BY/CD |
| REVISION | | | |

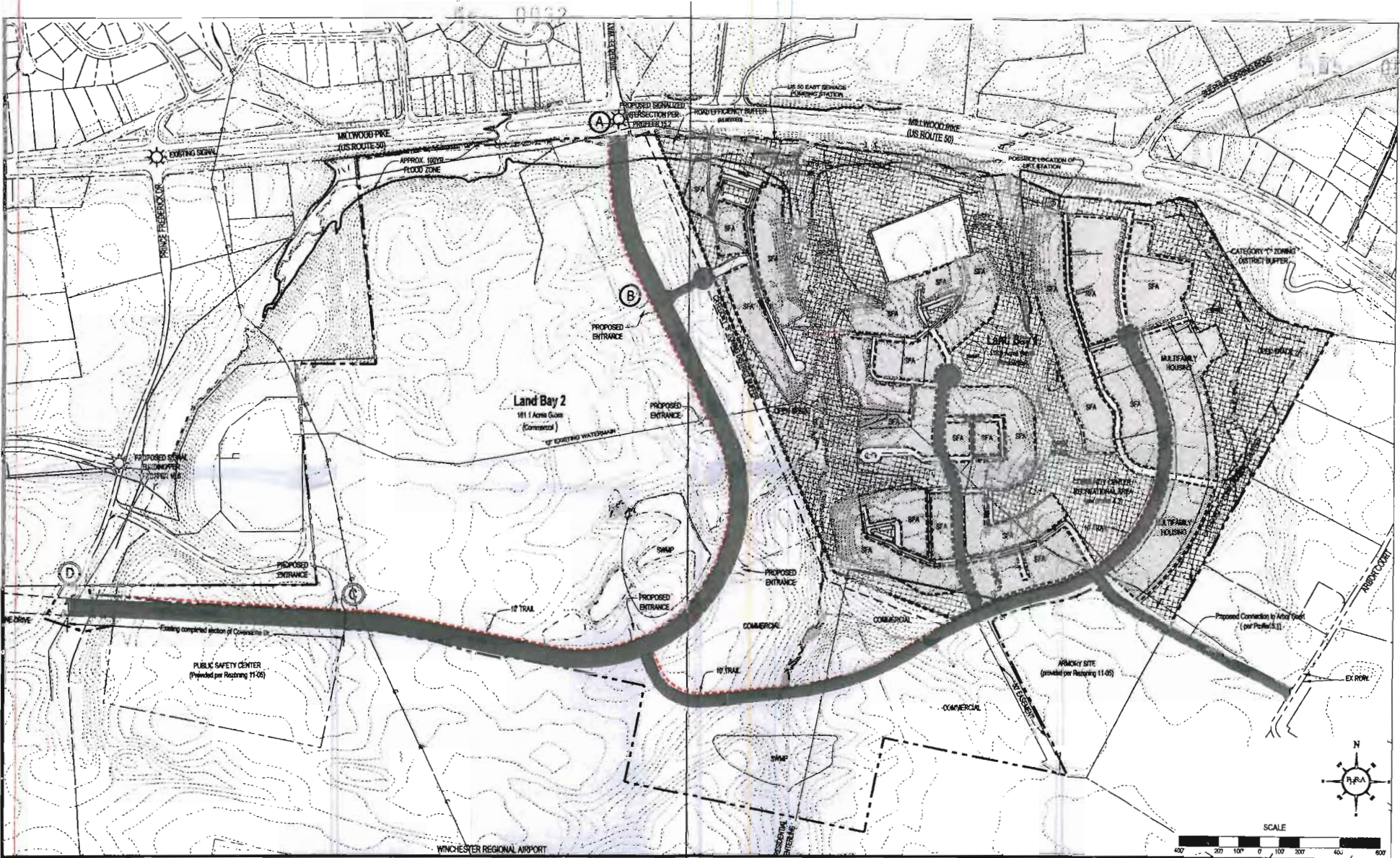


Patton Harris Rust & Associates
 Engineers, Surveyors, Planners Landscape Architects.
PHRA
 208 Church Street SE
 Leesburg, VA 20115
 T 703.777.3616
 F 703.777.3725

OVERALL PLAN

Governors Hill
MASTER DEVELOPMENT PLAN
 FREDERICK COUNTY, VIRGINIA

| DESIGN | TEAM | SURVEY | PHR-A |
|---------|--------|----------|------------|
| DRAWN | TEAM | DATE | MARCH 2008 |
| CHECKED | PRS | SCALE | 1" = 300' |
| SHEET | 2 OF 4 | FILE NO. | 13415-1-0 |



| | | | | | |
|-----|-----------------------------|----------|-------|-------|--|
| 1 | REVISED PER COUNTY COMMENTS | | | | |
| 2 | REVISED PER COUNTY COMMENTS | 10/31/08 | PHB | PHB | |
| | | | | | |
| | | | | | |
| NO. | DESCRIPTION | DATE | REV'D | REV'D | |
| | REVISION | | | | |



Patton Harris Rust & Associates
 Engineers, Surveyors, Planners, Landscape Architects

PHRA

208 Church Street SE
 Leesburg, VA 20175
 T 703.777.3616
 F 703.777.3725

MASTER PLAN

Governors Hill
MASTER DEVELOPMENT PLAN
 FREDERICK COUNTY, VIRGINIA

| | | | |
|---------|--------|----------|------------|
| DESIGN | TEAM | SURVEY | PHR-A |
| DRAWN | TEAM | DATE | MARCH 2008 |
| CHECKED | PHB | SCALE | 1" = 200' |
| SHEET | 3 of 4 | FILE NO. | 13415-1-0 |

00:17



Patton Harris Rust & Associates
 Engineers, Planners, Landscape Architects
 14533 Lee Road
 Crofton, VA 22025-1679
 T 703.449.5700
 F 703.449.8744

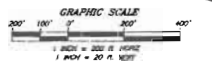
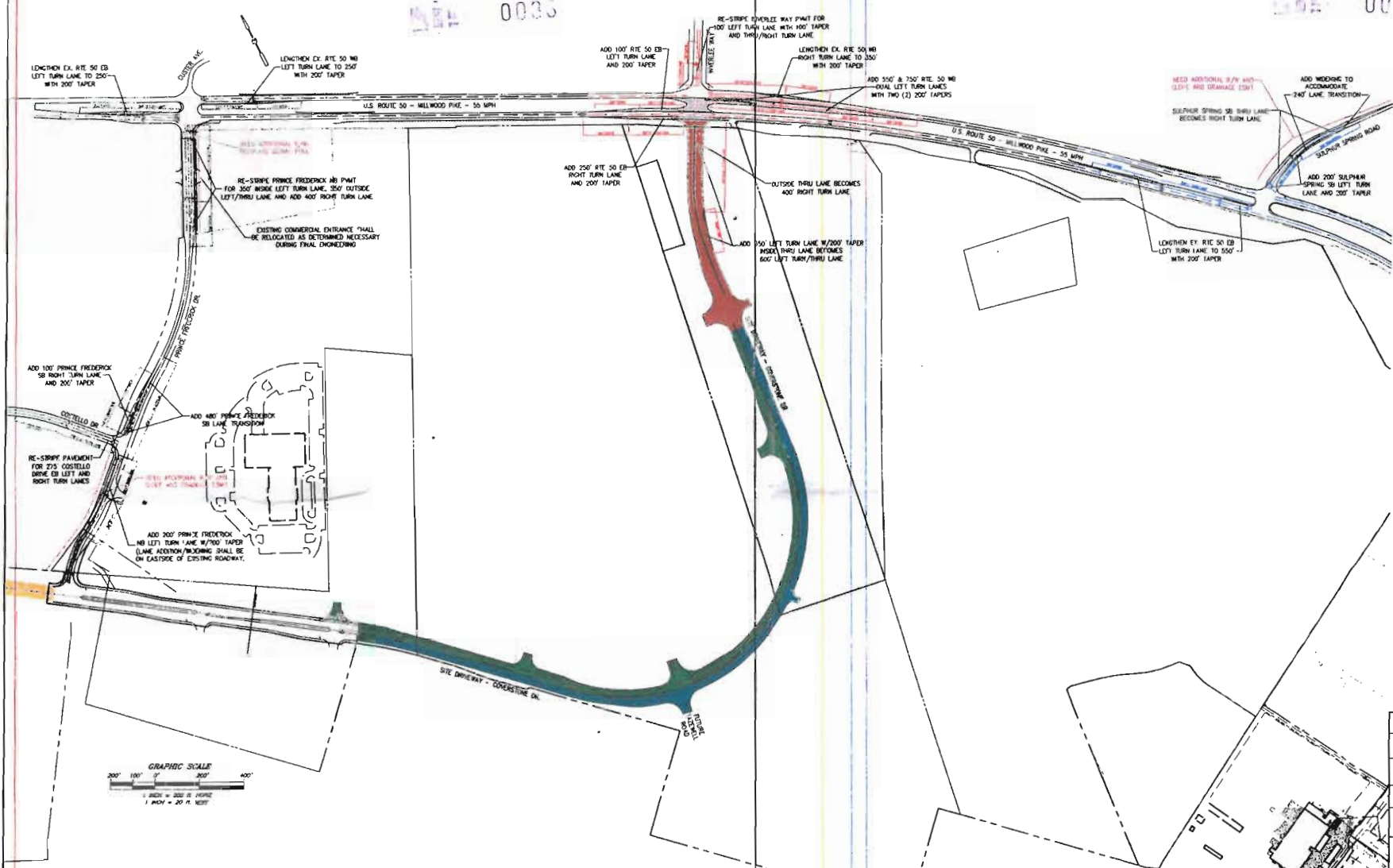
OVERALL PLAN

GOVERNORS HILL
 ROAD IMPROVEMENTS
 SHARPEE MAGISTERIAL DISTRICTS
 FREDERICK COUNTY, VIRGINIA

| | | | | | | | | | |
|----------|----------------------------------|---------|-----------------|----------|-----------|-------|--------|----|---|
| DESIGN | CSK | DATE | AUGUST 29, 2008 | SCALE | 1" = 200' | SHEET | 1 | OF | 2 |
| DRAWN | CSK | CHECKED | RAM | FILE NO. | 13415-1-B | DATE | 040801 | | |
| PROJECT | GOVERNORS HILL ROAD IMPROVEMENTS | | | | | | | | |
| CLIENT | REYNOLDS | | | | | | | | |
| DESIGNER | GREENWAY ENG. | | | | | | | | |
| DATE | AUGUST 29, 2008 | | | | | | | | |

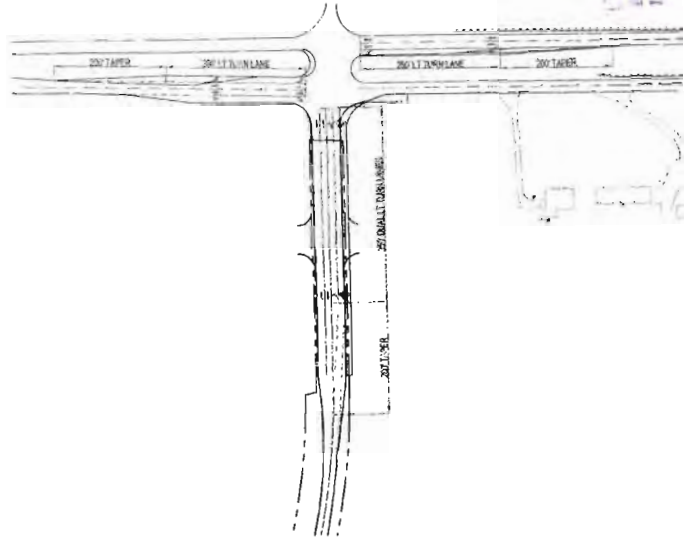
| NO. | REVISION | DATE | BY | CHKD BY |
|-----|----------------------------------|------|-----|---------|
| 1 | ISSUED FOR PERMITS | | CSK | |
| 2 | ISSUED TO OWNER FOR CONSTRUCTION | | CSK | |

- OFFSITE IMPROVEMENTS COVERSTONE DRIVE**
- PHASE A
 - PHASE B
 - PHASE C
 - PHASE 1
 - PHASE 2
 - PHASE 3
 - PHASE 4
- PROFFERED CONSTRUCTION REQUIREMENT**
- PRIOR TO FIRST COMMERCIAL OCCUPANCY PERMIT OR RESIDENTIAL BUILDING PERMIT
 - PRIOR TO OCCUPANCY PERMIT TO ALLOW OVER 400,000 SF OF COMMERCIAL BUILDING FLOOR AREA
 - PRIOR TO OCCUPANCY PERMIT TO ALLOW OVER 800,000 SF OF COMMERCIAL BUILDING FLOOR AREA
 - (DESIGN ONLY) COVERSTONE DRIVE OFF-SITE TO FUTURE ROUTE 522, RESPONSIBILITY ENDS 30 JUNE 2018

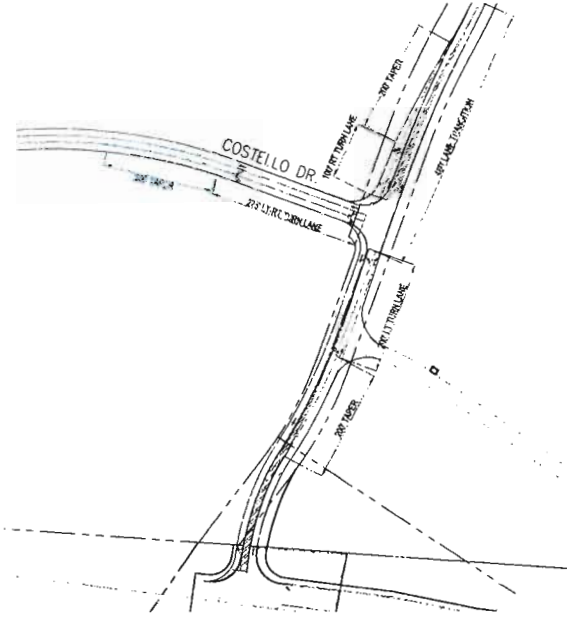


P:\Projects\13415-1-B\Jameson\Drawings\Plan\GOVERNORS HILL\2008-08-29\11-PM-PLAN_OVERALL_PLAN.dwg

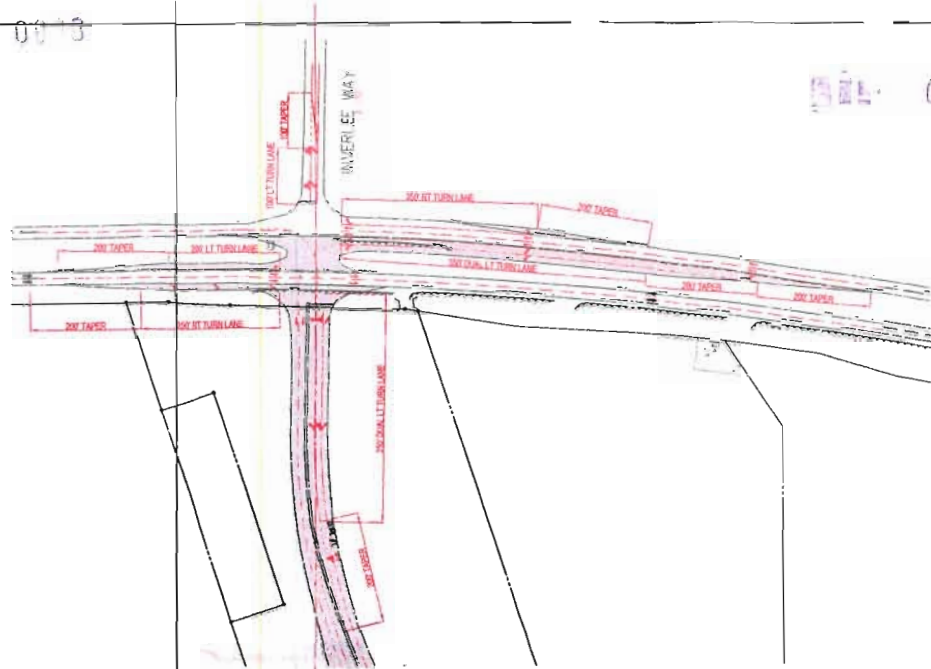
Project: 119114 - Prince Georges County, Maryland, EXHIBIT 10-20-08, 11/20/08 3:26:57 PM, W:\PROJECTS\119114.DWG



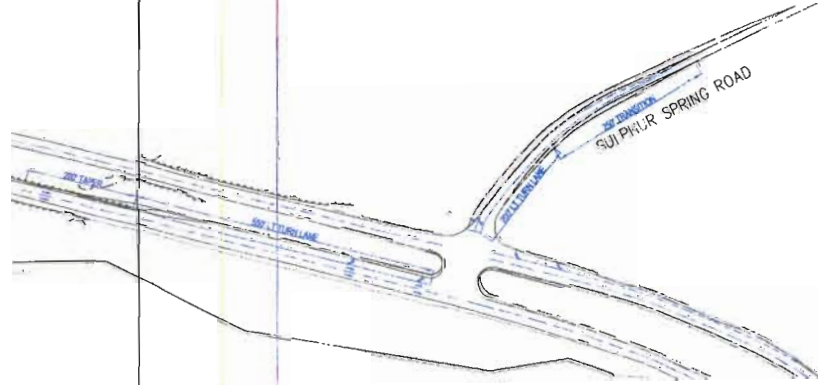
U.S. ROUTE 50 - CUSTER AVE - PRINCE FREDERICK DR.



COVERSTONE DR. - COSTELLO DR. - PRINCE FREDERICK DR.



U.S. ROUTE 50 - INVERLEE WAY - SITE DRIVEWAY/COVERSTONE DRIVE



U.S. ROUTE 50 - SULPHUR SPRING ROAD

OFFSITE IMPROVEMENTS

- PHASE A
- PHASE B
- PHASE C



| NO. | DESCRIPTION | DATE | BY | CHKD | DATE |
|-----|--------------------|------|-----|------|------|
| 1 | ISSUED FOR BIDDING | | CSK | CSK | |
| 2 | REVISION | | CSK | CSK | |

| | | | |
|-------------|----------------------------------|-------|-----------------|
| DESIGNED BY | CSK | DATE | AUGUST 29, 2008 |
| CHECKED BY | RAM | SCALE | 1" = 100' |
| TITLE | GOVERNORS HILL ROAD IMPROVEMENTS | | |
| SHEET | 2 | OF | 2 |

INTERSECTIONS

GOVERNORS HILL ROAD IMPROVEMENTS

Patton Harris Rust & Associates
 Engineers, Planners, Surveyors, Landscape Architects
PHRA
 1432 Lee Road
 Chesley, VA 20151-1679
 T 703-449-0700
 F 703-449-8714



Hines Carper Valley Traffic Impact Study

Industrial Rezoning Revision
14007 Millwood Pike

Frederick County, VA

Prepared For:

Hines

Two City Center
800 10th Street, NW, Suite 600
Washington, DC 20001

Submitted By:

Pennoni

117 East Piccadilly Street
Winchester, VA 226101- 5002
(540) 665-5643
and 13880 Dulles Corner Lane, Suite 100
Herndon, VA 20171
(703) 449-6700

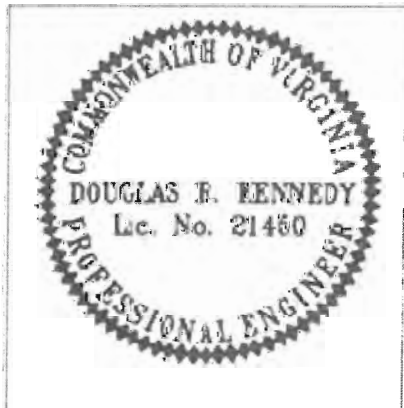


TABLE OF CONTENTS

EXECUTIVE SUMMARY 4

 Site Trip Generation..... 8

 Summary Assessment & Recommendations 11

INTRODUCTION 12

 Scoping 15

 Study Area 15

 Roadway Context..... 15

 Comprehensive Plan 16

 VDOT Functional Road Plan..... 18

 Multi-Modal Access..... 18

 Future Transportation Improvements 18

EXISTING CONDITIONS 19

 Existing Traffic Operations..... 19

ANALYSIS OF FUTURE CONDITIONS WITHOUT PROPOSED DEVELOPMENT 23

 Ambient Growth 23

PROJECTED SHORT-TERM CONDITIONS WITHOUT SITE..... 25

 Base Traffic Volumes with Growth..... 25

 Other Development Traffic..... 25

 Short-Term 2020 Traffic Volumes without the Site..... 28

 Left-Turn Phasing Mode..... 28

 Short-Term 2020 Operations without the Site..... 28

SITE TRIP GENERATION 32

 Site Assignments Short-Term 33

SHORT-TERM 2020 CONDITIONS WITH PROPOSED SITE..... 38

 Left Turn Phasing Mode 38

 Short-Term Traffic Operations 38

 Short-Term 2020 Traffic Operations with Mitigation 39

LONG-TERM 2024 CONDITIONS WITHOUT PROPOSED SITE 45

 Other Development and Long-Term Background Traffic Volumes..... 45

 Left-Turn Phasing Mode..... 45

 Long-Term 2024 Traffic Operations 48

LONG-TERM 2024 CONDITIONS WITH PROPOSED SITE..... 50

 Long-Term 2024 Site Traffic Volumes 50

 Site Assignments 2024 Long-Term 50

 Left-Turn Phasing Mode..... 53

 Long-Term 2024 Traffic Operations with Build-Out 53

TRAFFIC EVALUATION..... 62

 Turn Lane Warrants 62

 Site Impacts..... 63



CONCLUSIONS.....64

LIST OF FIGURES

Exhibit A: Hines Carpers Valley Proposed Site Plan..... 6

Exhibit B: Site Aerial..... 7

Figure 1: Regional Map 13

Figure 2: Site Location and Study Area 14

Figure 3: Frederick County Road Plan 17

Figure 4: VDOT Functional Plan..... 18

Figure 5: Existing 2018 Traffic Conditions..... 21

Figure 6: Base 2020 Traffic Volumes with Growth..... 26

Figure 7: Other Development Traffic Volumes without Site..... 27

Figure 8: 2020 Background Traffic Conditions Without Site..... 30

Figure 9: Site Distributions (Cars)..... 34

Figure 10: Site Distributions (Trucks)..... 35

Figure 11: Site Traffic Volumes (Cars) 36

Figure 12: Site Traffic Volumes (Trucks) 37

Figure 13: 2020 Total Traffic Volumes & LOS..... 41

Figure 14: 2020 Total Mitigation and LOS..... 42

Figure 15: 2024 Base Traffic Volumes with Growth 46

Figure 16: 2024 Background Traffic Conditions without Site..... 47

Figure 17: 2024 Site Traffic Volumes (Cars) 51

Figure 18: 2024 Site Traffic Volumes (Trucks) 52

Figure 19: 2024 Total Traffic Conditions 57

Figure 20: 2024 Total Traffic with Mitigation and LOS 58

Figure 21: Route 522 at Costello Drive Mitigation Exhibit 59

Figure 22: Prince Frederick Drive at Costello Drive Mitigation Exhibit 60

Figure 23: Route 50 at Prince Frederick Drive Mitigation Exhibit 61



LIST OF TABLES

TABLE E1: PROPOSED SITE DENSITIES 8
TABLE E2: PROPOSED TRIP GENERATION SUMMARY 8
TABLE E3: ROADWAY NETWORK OPERATIONAL RECOMMENDATIONS 9
TABLE 1: COVERSTONE DRIVE PROPOSED PUBLIC STREET SPACING 16
TABLE 2: EXISTING 2018 LOS, DELAY AND QUEUE LENGTHS 22
TABLE 3A: VDOT RTE. 50 GROWTH TRENDS 23
TABLE 3B: VDOT RTE. 522 GROWTH TRENDS 24
TABLE 4: OTHER DEVELOPMENT TRIP GENERATION 25
TABLE 5: SHORT-TERM BACKGROUND 2020 LOS, DELAY AND QUEUES WITHOUT SITE 31
TABLE 6: SITE TRIP GENERATION 32
TABLE 7: SITE TRIP DISTRIBUTIONS 33
TABLE 8A: SHORT-TERM 2020 LOS, DELAY AND BACK OF QUEUE WITH SITE (INTERSECTIONS 1 & 2) 43
TABLE 8B: SHORT-TERM 2020 LOS, DELAY AND BACK OF QUEUE WITH SITE (INTERSECTIONS 3 & 4) 44
TABLE 9: LONG-TERM 2024 BACKGROUND LOS, DELAY AND BACK OF QUEUES WITHOUT SITE 49
TABLE 10: SITE TRIP GENERATION WITH BUILD-OUT 50
TABLE 11: INCREMENTAL LONG-TERM SITE TRIPS IF DEVELOPED AS HIGH-CUBE WAREHOUSE 50
TABLE 12A: LONG-TERM 2024 TOTAL CONDITIONS LOS/DELAYS/QUEUES (INTERSECTIONS 1 & 2) 55
TABLE 12B: LONG-TERM 2024 TOTAL CONDITIONS LOS/DELAYS/QUEUES (INTERSECTIONS 3 & 4) 56
TABLE 13: TURN LANE SUMMARY 62
TABLE 14: SITE IMPACTS 63

Appendix A: Scoping Document

Appendix B: Traffic Counts

Appendix C: Level of Service Criteria

Appendix D: Synchro Analysis Output – 2018 Existing Conditions

Appendix E: Synchro Analysis Output – 2020 Background Conditions

Appendix F: Synchro Analysis Output – 2020 Total Conditions

Appendix G: Synchro Analysis Output – 2020 Total Conditions with Mitigation

Appendix H: Synchro Analysis Output – 2024 Background Conditions

Appendix I: Synchro Analysis Output – 2024 Total Conditions

Appendix J: Synchro Analysis Output – 2024 Total Conditions with Mitigation

Appendix K: Turn Lane Warrants



EXECUTIVE SUMMARY

The Hines Carpers Valley site is a 121-acre site in eastern Frederick County, Virginia. The site is located on the south side of Route 50 (Millwood Pike), approximately 1 mile east of the City of Winchester and the I-81 interchange at Route 50 (Exit #313). The site location and vicinity are shown in **Figure 1**.

The current purchaser, Hines, has proposed to develop the site for light industrial uses, Industrial Park, General Light Industrial, or High-Cube Transload & Short-Term Storage Warehouse use. The site encompasses two (2) parcels, Frederick County PIN #'s 64 A 86 (107.44 acres) and 64 A 87 (14.74 acres), as shown on **Figure 2**.

The site was part of a 2008 zoning approval (RZ #10-08) for a planned residential/commercial development, named "Governor's Hill," that did not materialize. The subject rezoning would convert the western portion of the Governor's Hill site from commercial uses to allow industrial uses with access from Coverstone Drive.

Hines proposes to develop two (2) of the parcels included in that zoning approval. Since this project's size and proposed uses are entirely different from the Governor's Hill rezoning, this TIA has been prepared to identify transportation improvements required and for which of the transportation proffers from the previous rezoning would apply to the project.

This current TIA submission, with the modified proposed industrial uses and projected trip reductions of greater than 75% from the commercial uses assumed in the 2008 zoning approval, attempts to identify the transportation element for the subject site.

The TIA associated with the previous zoning approval (RZ #10-08), "A Traffic Impact Analysis of Governors Hill Development" (August 14, 2008, PHR+A), assumed development of two (2) additional parcels to the east, Frederick County PIN #'s 64 A 83A (14.25 acres) and 64 A 83 (115.72 acres) for residential uses. Proffers were accepted for the whole site assuming the development of those additional parcels, along with the more intense commercial uses for the subject parcel. For this analysis, as scoped, land use and access for the other sites are not included.

Access to the site from Route 522 and Route 50 is proposed via Costello Dr and Prince Frederick Dr, respectively. The site driveways would be on the eastern extension of Coverstone Dr, past the existing Frederick County Public Safety Center at 1080 Coverstone Drive.

With this land use change and reduction without commercial/office uses, the planned Coverstone Drive extension to Route 50 is not feasible as the connection is off-site to the east of the subject site. Furthermore, the other transportation proffers require reevaluation for need based on the results of this TIA. Therefore, the purpose of this TIA is to determine the transportation improvements necessary for the development of the subject site only.

The property is zoned R4 (Residential Performance District) as part of RZ #10-08, approved January 9, 2009. The contiguous R4 district that the site is located on encompasses approximately 300 acres on the south side of Route 50, as shown on **Figure 2**. A rezoning is proposed to update the mix of uses and proffers with the development.



The most likely use for the site is a High-Cube Transload & Short-Term Storage Warehouse, as shown on the site plan option presented as **Exhibit A**. The developer proposed employment uses, and the TIA has assumed general industrial uses for the first phase of development.

The site is anticipated to be built in two (2) phases. The first phase would construct approximately a third of the total proposed 1.21 million SF and the second phase would construct the remainder. The site is currently undeveloped, as shown in the aerial, **Exhibit B**.

Trip generation for the site was based on the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10th Edition. Although the most conservative (i.e. generates more trips) of the possible industrial uses, ITE's "General Light Industrial" trip generation rates were used for Phase 1 in this TIA to be conservative per standard VDOT practice and to offer the owners flexibility in the choice of tenants at the outset. The ITE "High-Cube Transload & Short-Term Storage Warehouse" was used for Phase 2 trip generation. The density used, 1.21 million SF, was based on the concept plan with three buildings. For the subject parcels and assumed density, this use is projected to generate 93% less daily trips, 76% less AM peak hour trips, and 91% less PM peak hour trips, than the approved uses assumed in the 2008 TIA (without the residential uses).

Given the proposed uses, trucks were assumed to comprise a significant portion of the site traffic, which have different impacts on the study intersections than passenger vehicles. Given that the most likely development for the site is a High-Cube Transload & Short-Term Storage Warehouse, truck percentages from the ITE study, "High-Cube Warehouse Vehicle Trip Generation Analysis" (October 2016), were assumed for this TIA, which found trucks to make up 32% of the daily, 31% of the AM peak hour, and 22% of the PM peak hour total trips for the use. To recognize the different purpose of truck trips (generally non-local) versus passenger vehicle trips (generally local, such as employees), different trip distributions were assumed for each vehicle type.

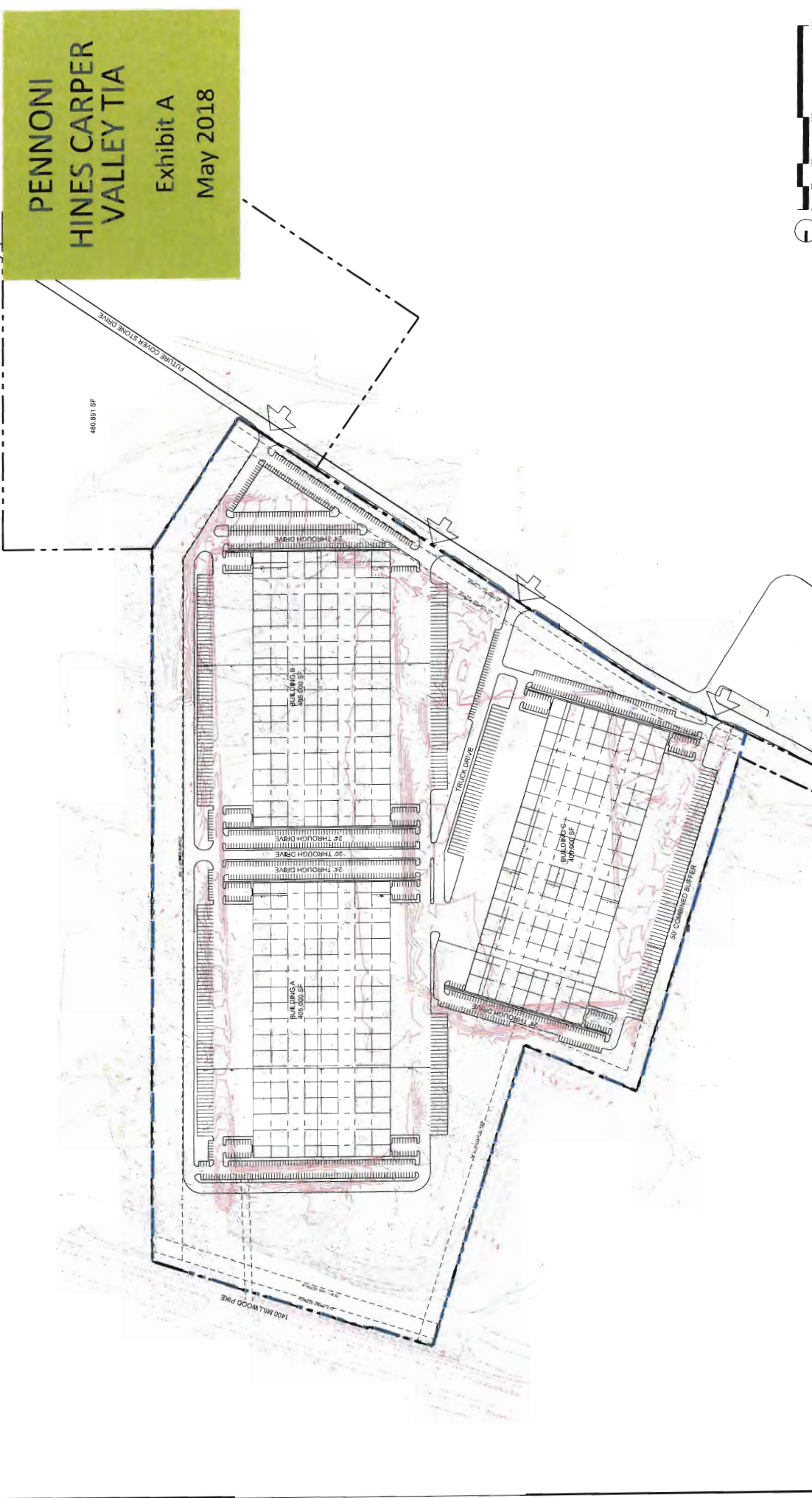
SITE PLAN, OPTION 01

PARKING PROVIDED: 1,194 SPACES

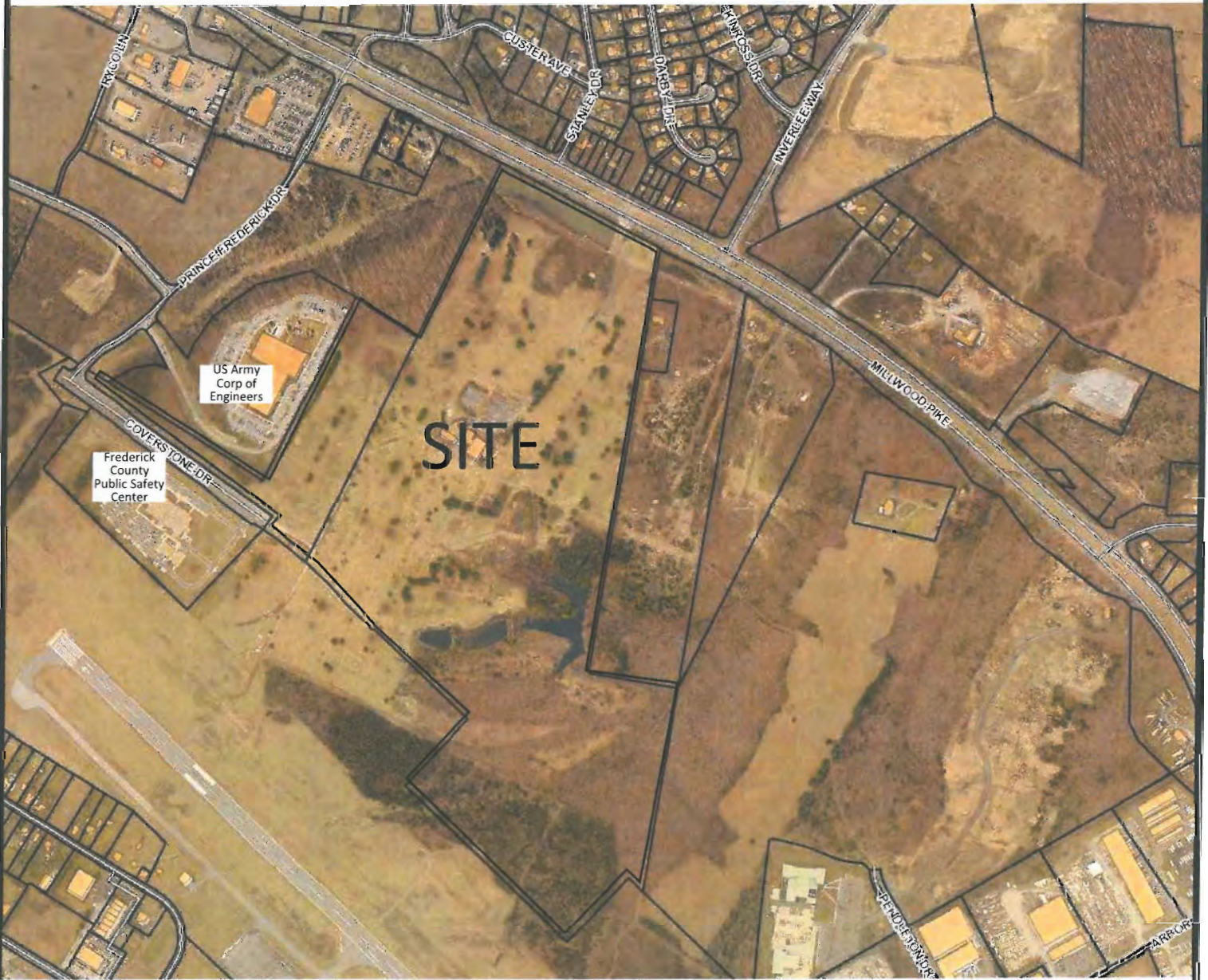
COVERAGE: 22.8%

TOTAL BLDG. AREA: 1,210,000 SF

SITE AREA = APPROX. 122 AC (5,314,323 SF)



PENNONI
HINES CARPER
VALLEY TIA
Exhibit A
May 2018



Source: Frederick County GIS
(frederick.va.us, accessed 05-18-2018)



HINES CARPERS VALLEY
TRAFFIC IMPACT STUDY
FREDERICK COUNTY, VA

**AERIAL VIEW CURRENT
SITE CONDITIONS**

EXHIBIT B
Project # HINEX18001
July 2018

Site Trip Generation

The proposed land uses associated with the Hines Carpers Valley site are summarized in **Table E1** and encompass approximately 405,000 square feet in Phase 1 and approximately 1.2 million square feet for total build-out. The effective site trip generation is provided in **Table E2**.

TABLE E1: PROPOSED SITE DENSITIES

| Land Use | Cumulative Densities |
|---|----------------------------|
| General Light Industrial (Phase 1) | 405,000 gsf |
| General Light Industrial (Phase 1)
High-Cube Transload & Short-Term
Storage Warehouse (Phase 2) | 405,000 gsf
805,000 gsf |

TABLE E2: PROPOSED TRIP GENERATION SUMMARY

| | AM Peak
Hour Trips | PM Peak
Hour Trips | Weekday
Daily Trips |
|--|-----------------------|-----------------------|------------------------|
| Phase 1 Total Trips | 284 | 255 | 2,009 |
| <i>Phase 1 Truck Trips</i> | 87 | 55 | 647 |
| Final Build-Out Total Trips | 348 | 336 | 3,136 |
| <i>Final Build-Out Total Truck Trips</i> | 107 | 73 | 1,010 |

Suggested improvements associated with the study are summarized in **Table E3**.

The improvements are provided based on the traffic study conclusions and the analysis conditions established as part of the scoping with VDOT Staunton District and Frederick County, and updated for the Phase 2 use change.



TABLE E3: ROADWAY NETWORK OPERATIONAL RECOMMENDATIONS

| Improvement Type | Location | Description | Timing | |
|------------------|--|---|---|---|
| | | | 2020 or "Short-term" Improvement | 2024 or "Long-term" Incremental Improvement |
| New Roads | Coverstone Dr east of existing terminus at Frederick Co Public Safety Center | Extend as a two-lane roadway | + approx. 750 ft | + approx. 970 ft |
| Turn Lanes | Rte 522 at Costello Dr | Extend SB Rte 522 left-turn lane by restriping center two-way turn lane | + 155 ft | |
| | Prince Frederick Dr at Costello Dr | Add a separate right-turn lane on SB Prince Frederick Dr | 100 ft w/ 100 ft taper | |
| | | Add a separate left-turn lane on NB Prince Frederick Dr | 100 ft w/ 100 ft taper, with thru transitions | |
| | Rte 50 at Prince Frederick Dr/Custer Ave | Extend EB Rte 50 right-turn lane | + 425 ft w/ 100 ft taper | |
| | | Add a second left-turn lane on NB Prince Frederick Dr | 350 ft w/ 200 ft taper | |
| | | Add a separate right-turn lane on SB Custer Ave | 100 ft w/ 100 ft taper | |
| Other | Rte 50 at Prince Frederick Dr/Custer Ave | Traffic Signal | Modify signal for new geometry and FYA left-turn operations | Optimize Signal Timing from Short-Term |



Traffic Operations Summary

Under Existing 2018 conditions, the study intersections operate at overall LOS “C” or better during the peak hours and the main-line approaches are at LOS “D” or better.

However, during the PM peak hour, the side-street approaches at Route 522 operate at LOS “E” and “F” for the Costello Dr and Hotel Entrance approaches, respectively, and the 95th percentile queue length for the SB Route 522 left-turn lane exceeds the available storage by approximately 150 ft. Also, the NB Prince Frederick Dr approach to the Route 50 signal operates at LOS “F” during the PM peak hour. A separate right-turn lane is warranted for SB Prince Frederick Dr at Costello Dr, although all the movements operate at LOS “B” or better.

Under Background 2020 conditions, with an ambient annual growth rate of 1.5 percent and the addition of traffic on Route 50 from the approved FBI and Navy Federal Credit Union office developments to the east, the WB Route 50 approach to Route 50 & Prince Frederick Dr/Custer Ave is projected to operate at LOS “E”, with the NB Prince Frederick Dr approach continuing to operate at LOS “F” during the PM peak hour. Based on VDOT guidance and “cross-product” calculations, the EB and WB Route 50 approach left-turns were modeled to operate under protected/permissive Flashing Yellow Arrow (FYA) control.

All movements at Prince Frederick Dr & Costello Dr would still operate at LOS “B” or better, however, a separate right-turn lane will still be warranted for the SB Prince Frederick Dr approach.

If Phase 1 site trips are added to the Background 2020 conditions (i.e. Total 2020), the signal at Route 50 & Prince Frederick Dr/Custer Ave is projected to operate at overall LOS “D” and “F” for the AM and PM peak hours, respectively. In order to achieve approach and overall LOS “D” or better and provide sufficient storage for 95th percentile queues at the Route 50 & Prince Frederick Dr/Custer Ave signal, extension of the EB right-turn lane, the addition of a separate right-turn lane for the SB Custer Ave approach, and the addition of a second left-turn lane for the NB Prince Frederick Dr would be required. Based on VDOT guidance and “cross product” calculations, with the exception of the WB left-turn during the AM peak hour, the EB and WB Route 50 approach left-turns were modeled to operate under protected/permissive FYA control.

Traffic conditions at the signal at Route 522 & Costello Dr/Hotel Entrance and the unsignalized intersection of Prince Frederick Dr & Costello Dr are projected to remain generally the same as conditions without the site, with only minor increases in delay values and queues. The side-street approaches are projected to continue operating at LOS “E” and “F” for the Costello Dr and Hotel Entrance approaches, respectively, in the PM peak hour and the 95th percentile queue length for the SB Route 522 left-turn lane will continue to exceed available capacity but is projected to increase by less than one car-length (<25 ft). The storage capacity for the SB Route 522 left-turn lane can be increased by restriping and converting the existing center two-way turn lane. Both NB and SB Prince Frederick Dr approaches to Costello Dr will warrant a separate turn lane.

Under Background 2024 conditions, Traffic conditions at the signal at Route 522 & Costello Dr/Hotel Entrance and the unsignalized intersection of Prince Frederick Dr & Costello Dr are projected to remain generally the same, with only minor increases in delay values and queues. The side-street approaches are projected to continue operating at LOS “E” and “F” for the Costello Dr and Hotel Entrance approaches,

respectively, in the PM peak hour and the 95th percentile queue length for the SB Route 522 left-turn lane will continue to exceed available capacity but is projected to increase by less than one car-length (<25 ft).

The signal at Route 50 & Prince Frederick Dr/Custer Ave is projected to operate at overall LOS “D” and “E” during the AM and PM peak hours, respectively. However, the WB Route 50 and NB Prince Frederick Dr approaches are projected to operate at undesirable LOS “F” during the PM peak hour. Based on VDOT guidance and “cross-product” calculations, the EB and WB Route 50 approach left-turns were modeled to operate under protected/permissive Flashing Yellow Arrow (FYA) control.

With final build-out site trips added to the Background 2024 conditions (i.e. Total 2024), and with the suggested 2020 Total improvements assumed to be in place, and slight signal timing adjustments, the signal at Route 50 & Prince Frederick Dr/Custer Ave would operate at overall LOS “C” and LOS “D” during the AM and PM peak hours, respectively, with all approaches operating at overall LOS “D” or better. Based on VDOT guidance and “cross product” calculations, with the exception of the WB left-turn during the AM peak hour, the EB and WB Route 50 approach left-turns were modeled to operate under protected/permissive FYA control.

At the Prince Frederick Dr & Costello Dr intersection, with the separate left and right-turn lanes on Prince Frederick Dr required under 2020 Total conditions assumed to be in place, the stop-sign-controlled EB Costello Dr approach would continue to operate at desirable LOS during the AM and PM peak hours.

Traffic conditions at the signal at Route 522 & Costello Dr/Hotel Entrance and the unsignalized intersection of Prince Frederick Dr & Costello Dr are projected to remain generally the same, with only minor increases in delay values and queues.

Summary Assessment & Recommendations

The most likely use for the site is a distribution center/warehouse, as shown in the concept site plan, not the General Light Industrial use assumed for Phase I in the TIA. However, it was used to be conservative per VDOT guidance and to give the owner some flexibility in the choice of tenants at the outset. Using ITE Land Use “High-Cube Transload & Short-Term Storage Warehouse” (Land Use Code 154) from the ITE Trip Generation Manual, 10th Edition, to represent the distribution center/warehouse use, results in a much lower trip rate than just using the ITE Land Use assumed in Phase I, “General Light Industrial” (Land Use Code 110).

The number of daily and peak hour trips resulting from assuming the entire 1.21 million SF was High-Cube Transload & Short-Term Storage Warehouse is actually considerably less than the trips at even Phase 1 of the General Light Industrial use. Therefore, it is reasonable to infer that the transportation improvements required for Phase 1 “General Light Industrial” for the short-term scenario would adequately support full build-out of the site with a “High-Cube Transload & Short-Term Storage Warehouse” use.

With the improvements suggested in this TIA, the study intersections can accommodate both phases of site development. In this TIA, Phase 1 included 405,000 SF of “General Light Industrial” use and Phase 2 included 805,000 SF of “High-Cube Transload & Short-Term Storage Warehouse” use, for a total of 1.21 million SF for the site.



INTRODUCTION

This TIA has been prepared to identify transportation improvements that would be required for the development of the 121-acre Hines Carpers Valley site in eastern Frederick County, Virginia. The site is located on the south side of Route 50 (Millwood Pike), approximately 1 mile east of the City of Winchester and the I-81 interchange at Route 50 (Exit #313). **Figure 1** shows the location of the property in relation to the City of Winchester, I-81, Route 522, and Route 50. The site location and study area are shown in **Figure 2**.

Hines has proposed to develop the site into approximately 1.2 million SF of industrial and/or distribution center/warehouse uses. The two (2) parcels are identified by Frederick County PIN #'s 64 A 86 (107.44 acres) and 64 A 87 (14.74 acres).

Access to the site from Route 522 and Route 50 is proposed via Costello Dr and Prince Frederick Dr, respectively. The site driveways would be on the eastern extension of Coverstone Dr, past the existing Frederick County Public Safety Center.

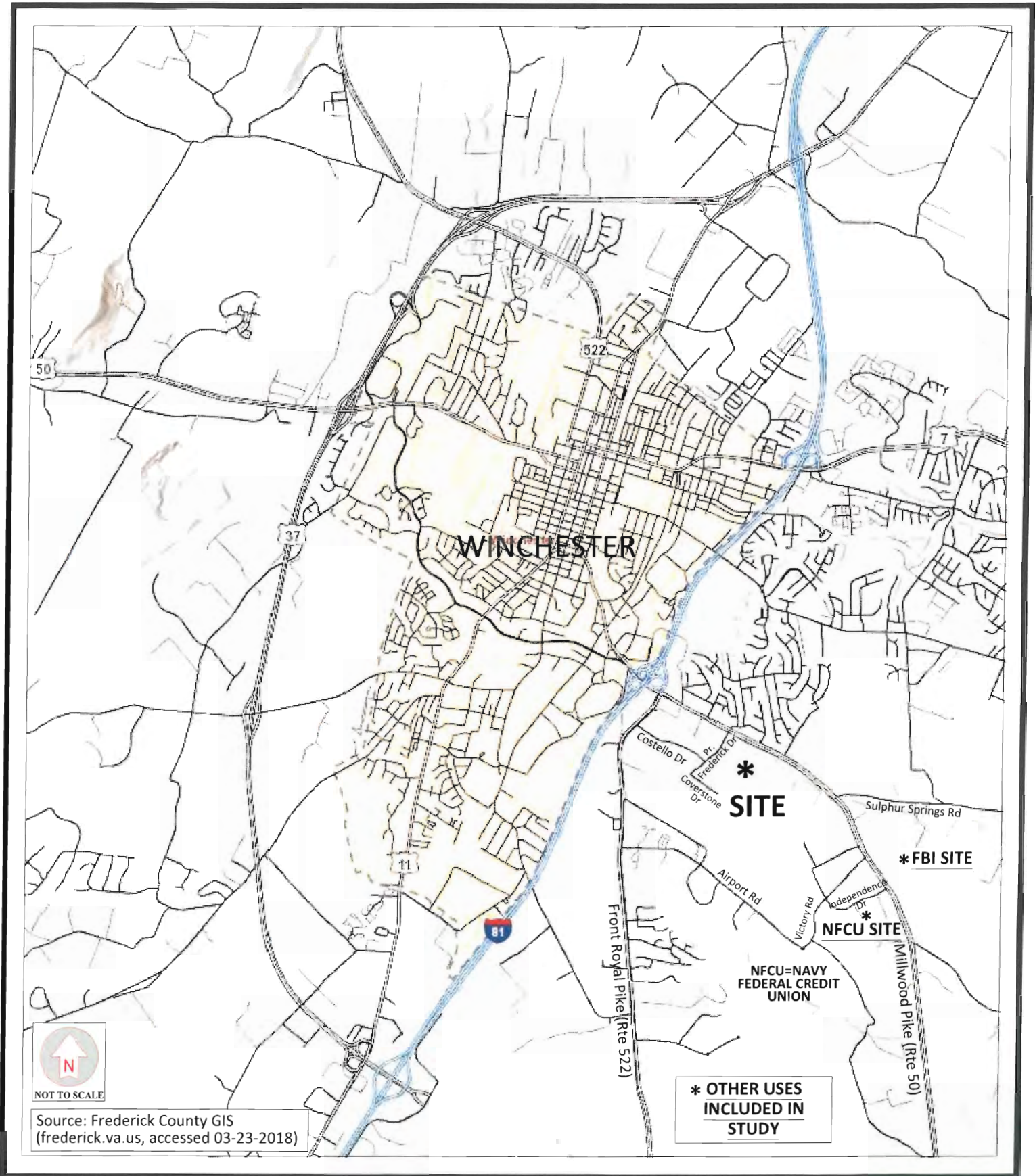
Two (2) transportation phases are anticipated and assumed for this study. The first phase is assumed to be in 2020, with 405,000 SF of General Light Industrial uses. The second phase is assumed to build-out the site by 2024, at 1.21 million SF, with 805,000 of High-Cube Transload and Short-Term Storage Warehouse uses. The most likely use for both phases is a distribution center/warehouse; however, General Light Industrial, which has a higher trip rate, was assumed in Phase 1 for this TIA to be conservative per VDOT guidance, as well as provide the owner with some flexibility in the choice of tenants in the outset.

The proposed site plan for the site requires a traffic study for coordinating access requirements for the property. To quantify the impacts, the traffic operations study was performed. The analysis includes:

- 2018 existing conditions assessment based on 2018 turning movement counts at the study intersections,
- Development of a Synchro model for the study area to project existing and future traffic conditions,
- Based on growth between 2018 and 2020, development of short-term forecasts for a phased analysis of local traffic operations,
- Estimation of AM peak hour, PM peak hour, and daily trips generated by the proposed project, based on the employee and heavy vehicle activities for the assumed General Light Industrial and High-Cube use,
- Documentation of trips and assignments,
- Review of peak hour traffic conditions using Synchro 10.0 analysis following HCM methodology for the existing conditions, short-term 2020, and long-term 2024 forecasts.

Previous rezoning approval in 2008, with subject site as office and commercial uses;

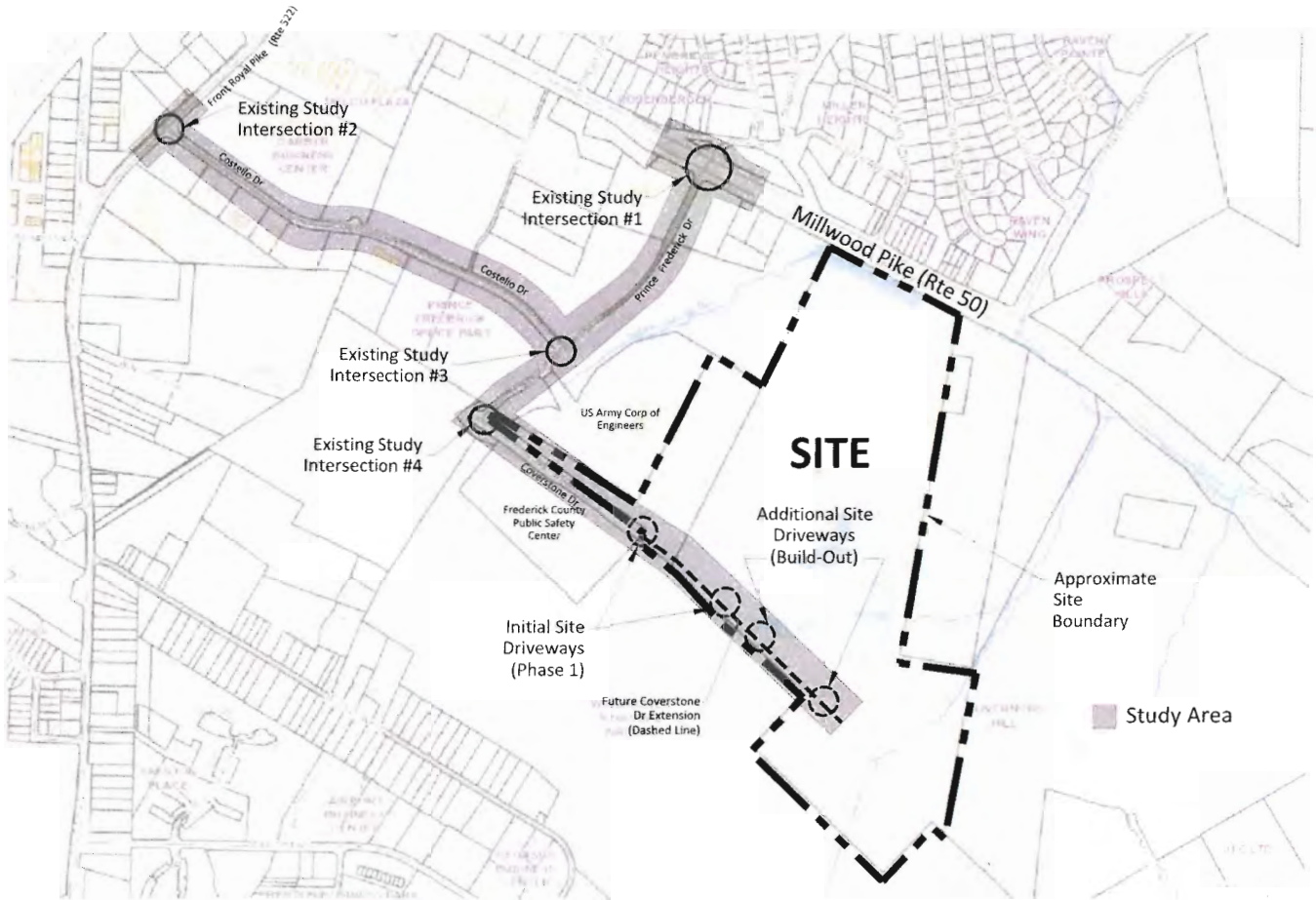
Revised scope for reduced land uses to review impacts to Coverstone Drive extended without direct access to Route 50



HINES CARPERS VALLEY
 TRAFFIC IMPACT STUDY
 FREDERICK COUNTY, VA

REGIONAL MAP

FIGURE 1
 Project # HINEX18001
 July 2018



NOT TO SCALE

Source: Frederick County GIS
(frederick.va.us, accessed 03-23-2018)

The following reports, obtained from VDOT, were used to derive the annual growth rate, background development trips, and distributions for this analysis:

- Cardno, *Traffic Impact Study – FBI Central Records Complex*, September 2015
- Wells + Associates, *Navy Federal Credit Union Traffic Impact Study*, April 2018

Scoping

A VDOT Chapter 527/870 traffic study is not required for the proposed land use application, since the proposed trips are not more than the 5,000 vpd volume threshold. Pennoni received VDOT approval of the scope via email on April 10, 2018. A copy of Pennoni's final scoping document, submitted on April 9, 2018, is included in **Appendix A**. The first submission of the TIA was in May 2018. VDOT comments (dated July 5, 2018) were received on July 9, 2018 and this revised TIA responds to the comments.

Study Area

The study area for this analysis includes the existing signalized site access point intersections at Costello Dr and Prince Frederick Dr on Routes 522 and 50, respectively, the unsignalized intersection at Prince Frederick Dr & Costello Dr, and the four (4) proposed site driveways on Coverstone Dr extended.

Roadway Context

The public street network in the vicinity of the site is summarized below, with the existing characteristics and road functional classifications (same for VDOT and County):

- U.S. Route 522 (Front Royal Pike) is a 5-lane (center lane is two-way turn lane) minor arterial with a north-south orientation, east of I-81, with a 35 MPH posted speed limit, curb & gutter, and commercial development on both sides. It combines with Route 50 at the I-81 interchange, and heads towards downtown Winchester to the northwest. A sidewalk is present on both sides of the roadway from Garber Ln (approximately 600 ft south of Costello Dr) to Route 50. The VDOT AAWDT was 16,000 VPD in 2017, based on published data.
- U.S. Route 50 (Millwood Pike) is a median-divided 4-lane minor arterial with an east-west orientation and a 45 MPH posted speed limit, with sections of gravel and/or paved shoulder and curb & gutter. There is commercial development as well as residences on both sides. There is no sidewalk on either side of the roadway. The VDOT AAWDT was 19,000 VPD in 2017, based on published data.
- Costello Drive (County Route 1367) is an approximately 3,000 ft long local road that connects Route 522 and Prince Frederick Dr. It has a two-way center turn lane, with the western half segment as a 5-lane section and the eastern half segment as a 3-lane section. The entire length has a 35 MPH posted speed limit. A sidewalk and curb & gutter are present on both sides of the roadway in the commercially built-up area along the western 5-lane section but are not present in the eastern 3-lane section. The VDOT AADT was 2,900 VPD in 2017, based on published data. VDOT AAWDT data was not available.

- Prince Frederick Drive (County Route 781) is an approximately 2,300 ft long collector road, with a 35 MPH posted speed limit, that connects Route 50 with Coverstone Dr. The road has a 4-lane section with curb & gutter, but no sidewalk, from Route 50 and for 500 ft to the south. The remainder of the road, to Coverstone Dr, has a 2-lane section and neither sidewalk or curb & gutter are present. The VDOT AADT was 3,200 VPD between Route 50 and Costello Dr and 730 VPD between Costello Dr and Coverstone Dr. VDOT AAWDT data was not available.
- Coverstone Drive is a partially completed 4-lane median-divided local road, ultimately envisioned as a major collector to extend in the west to a future minor arterial, west of Prince Frederick Dr, connecting Routes 522 and 50, and in the east, to Route 50. The existing section is along the frontage of the County Public Safety Center, providing access to the Center via Prince Frederick Dr. VDOT volume data was not available for this roadway.

Comprehensive Plan

The Land Use Plan in the County 2035 Comprehensive Plan, adopted January 25, 2017, envisions the site parcels as B2/B3 zoning.

As part of the Comprehensive Plan, the Frederick County Road Plan envisions Coverstone Dr to be extended to the east, then to the north to Route 50, as a new major collector.

The extension of Coverstone Dr to Route 50 (opposite Inverlee Way) was proffered with previous development plans for the area and is proposed as a four-lane divided section to be constructed to the west. However, the development plans for this TIA extends Coverstone Dr along the site’s southern boundary. The proposed access spacing on Coverstone Dr is shown in **Table 1**.

TABLE 1: COVERSTONE DRIVE PROPOSED PUBLIC STREET SPACING

| Intersection | Spacing (ft.) ⁽¹⁾ |
|---|------------------------------|
| From Frederick Co Public Safety Ctr (East | |
| To Site Entrance #1 ⁽²⁾ | 0 |
| To Site Entrance #2 | 750 |
| To Site Entrance #3 ⁽³⁾ | 330 |
| To Site Entrance #4 | 640 |

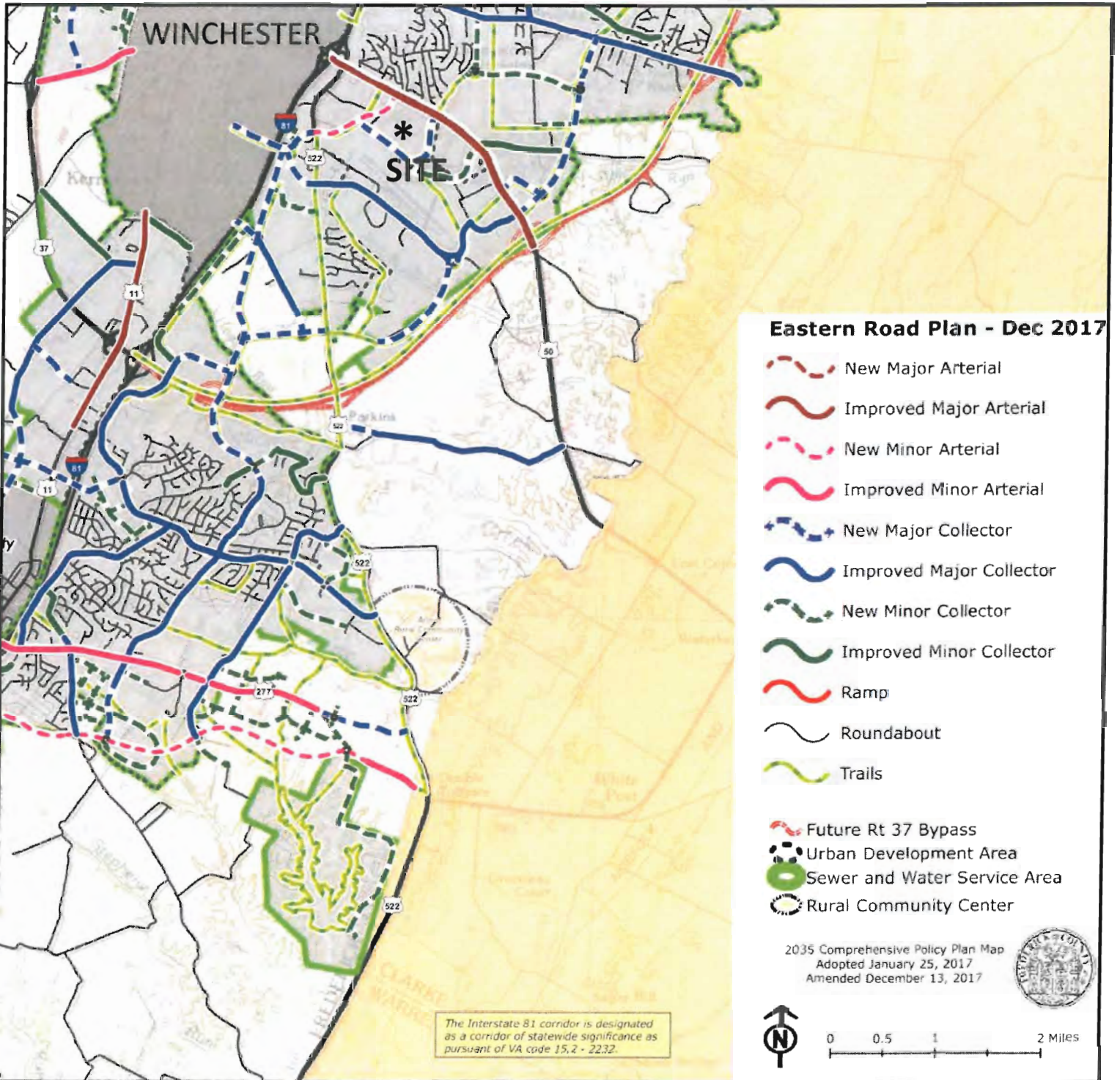
(1) All Dimensions are to centerline and approximate.

(2) Spacing to align with existing driveway for County Public Safety Center.

(3) Final spacing as right in/right out or shifted to 440 ft. per VDOT Access Management requirements for a collector.

The existing Frederick County Road Plan designations are shown in **Figure 3** in the study area. The 2035 plan includes the local roadway network with Coverstone Drive as a new major collector.





NOT TO SCALE

Source: Frederick County, VA (fcva.us, accessed 05-15-2018)



HINES CARPERS VALLEY
TRAFFIC IMPACT STUDY
FREDERICK COUNTY, VA

FREDERICK COUNTY
TRANSPORTATION PLAN MAP

FIGURE 3
Project # HINEX18001
July 2018

VDOT Functional Road Plan

The VDOT Functional Plan for this portion of Frederick County is excerpted in **Figure 4**, which shows Routes 522 and 50 as “Minor Arterials” in the study area vicinity as green links, east of I-81. Costello Dr, Prince Frederick Dr, and Coverstone Dr are not identified as collectors.

The functional plan designation establishes the VDOT Access Management requirements for median crossovers and traffic control. For this study, the Frederick County Road functions are utilized for review.

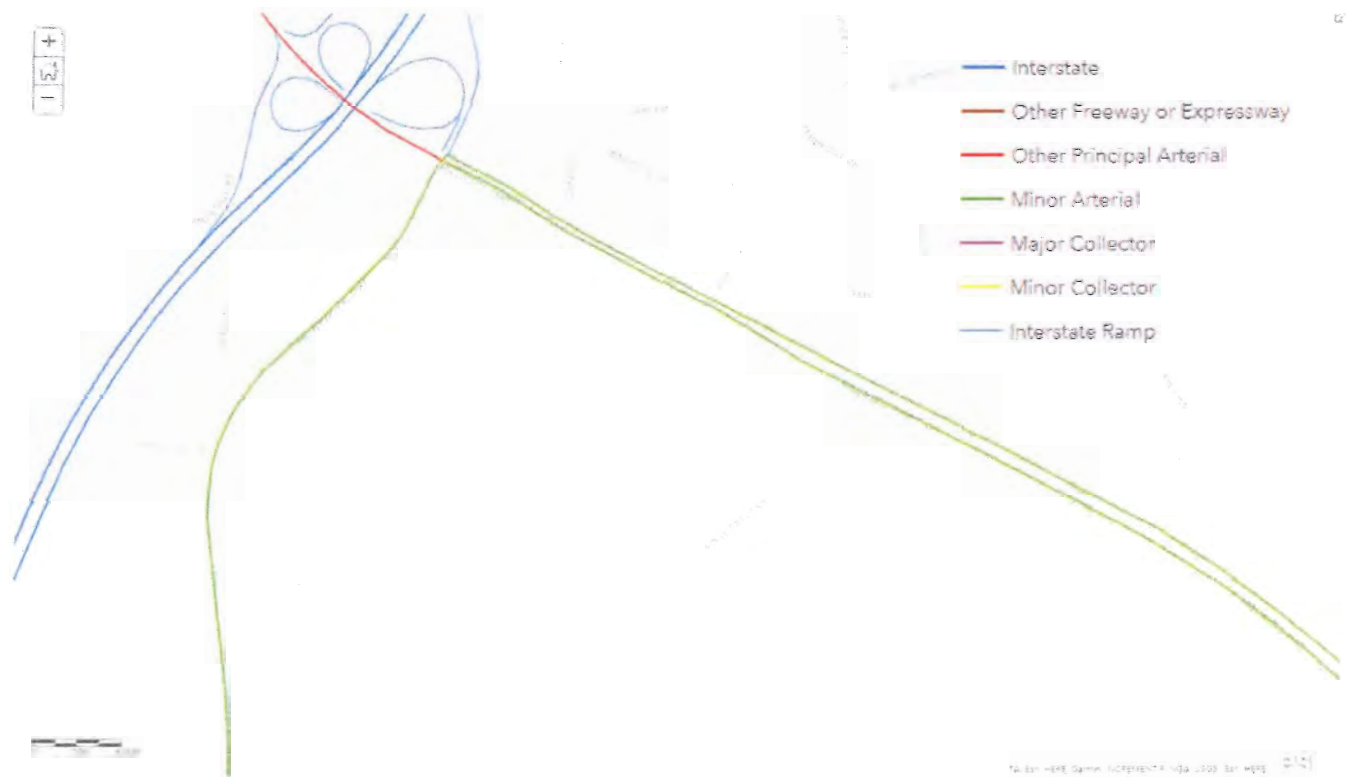


Figure 4: VDOT Functional Plan

Multi-Modal Access

The existing roadway network does not include a continuous pedestrian access. Bike lanes are not included in the existing roadway sections.

Future Transportation Improvements

The County Transportation Plan envisions improvements to the west of the site in the vicinity of the I-81/Route 50/17 interchange to improve local operations and allow for a realignment of new minor arterial in the Prince Frederick Drive/Ryco Road vicinity. However, no active project or planning is currently programmed, so network changes are not included in this analysis.

As outlined in the introduction, the extension of Coverstone Drive east of the site towards Route 50 also is not included in this analysis, as improvement would be required by off-site properties.

EXISTING CONDITIONS

Traffic counts were collected on Thursday, April 5, 2018 during the AM peak periods from 6:00 to 9:00 AM and for the PM peak period from 4:00 to 7:00 PM. The peak hours were determined to start between 7:00 and 7:15 AM during the AM peak and at 4:00 PM during the PM peak. The traffic counts are included in **Appendix B**.

Existing Traffic Operations

The existing turning movement data during the AM and PM peak hours, with the effective intersection LOS by approach are summarized in **Figure 5**. The LOS by lane group, approach, and overall grade and back of queue values for each of the study intersections for the weekday AM and PM peak hours for the existing conditions is shown on **Table 2** for the Front Royal Pike/Costello Drive, Costello Drive/Prince Frederick Drive, and Millwood Pike/Prince Frederick Drive intersections. For the unsignalized intersection at Costello Road/Prince Frederick Drive, the approach LOS for the stop-controlled leg is shown and only conflicted movements are assigned a LOS letter grade. Capacity calculations in HCM mode are from Synchro 10. The Synchro calculation worksheets are in **Appendix D**. Since the existing signals at Route 522 and Route 50 operate with shared movement lanes and split phasing, the HCM outputs default to HCM 2000 methodology.

INTERSECTION LEVEL OF SERVICE CRITERIA

Based on the Highway Capacity Manual methodologies for intersection and roadways, Pennoni utilized the Level of Service (LOS) grades for intersection to measure the performance of the transportation facilities. LOS is a measure of vehicle operator delay with the overall driving experience through a particular facility. Performance is quantified with designations of LOS 'A' through 'F' based on the average control delay (given in seconds per vehicle) per lane group and the overall intersection. These LOS designations describe the performance of the intersection from the motorist's perspective, with LOS 'A' representing free flowing conditions and LOS 'F' representing congested conditions. Delay is the additional travel time experienced by a driver, passenger, or pedestrian. Control delay results when a traffic control device (such as a traffic signal) causes a lane group to reduce speed or to stop; it is measured in comparison with an uncontrolled condition.

A summary of the LOS criteria for signalized and unsignalized intersections is included as **Appendix C**. For urban conditions within Frederick County urban development area, a LOS "D" is preferred.

General Level of Service assessment of the existing conditions:

- The signalized intersection at Front Royal Pike/Costello Drive/Hotel Entrance currently operates at overall LOS "B" in the AM peak hour and at overall LOS "D" in the PM peak hour. The westbound Costello Drive and eastbound Hotel Entrance approaches each operate at LOS "D" in the AM peak hour. Costello drive operates at LOS "E" in the PM peak hour; Hotel Entrance operates at LOS "F" in the PM peak hour. Left turning movements from northbound and southbound Front Royal Pike operate at LOS "D" in the AM peak hour; southbound left turns operate at LOS "E" in the PM peak hour. (Northbound left turn LOS is not given due to zero volume). The Front Royal Pike approaches operate at LOS "C" or better in the AM peak hour and the PM peak hour.



- The controlled approach of the unsignalized intersection at Costello Drive/Prince Frederick Drive operates at LOS “B” or better in the AM peak hour and the PM peak hour. All conflicted movements operate at LOS “B” or better in either peak hour.
- The signalized intersection at Millwood Pike/Prince Frederick Drive/Custer Avenue operates at overall LOS “C” in the AM and PM peak hours, with the mainline (Millwood Pike) approaches operating at LOS “C” or better during both peak hours. The northbound Prince Frederick Drive approach and lane groups operate at LOS “D” in the AM peak hour; the approach and the left/through lane group operate at LOS “F” in the PM, while right turns operate at LOS “D” in the PM peak hour. Custer Avenue operates at LOS “D” in both peak hours.

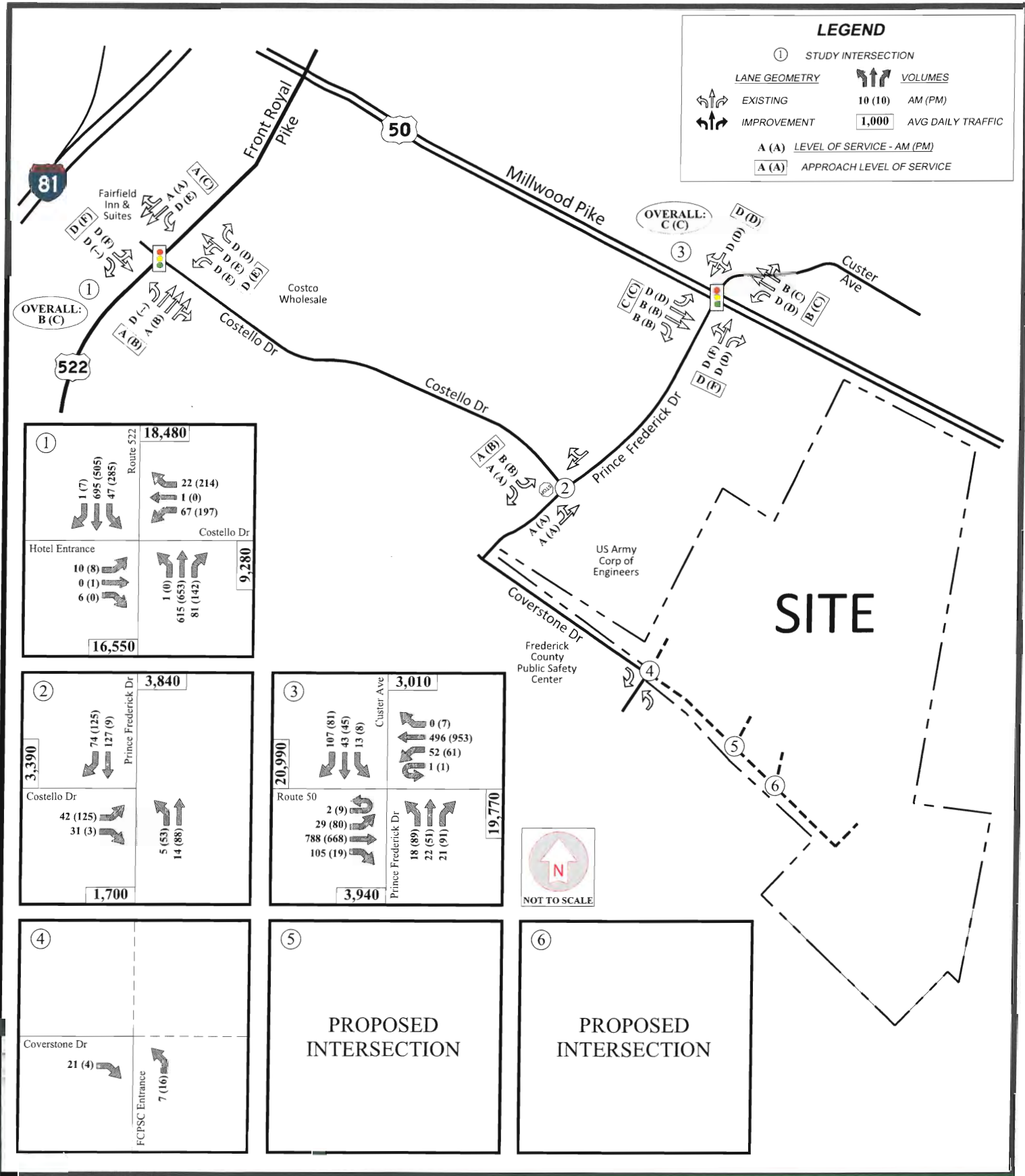


TABLE 2: EXISTING 2018 LOS, DELAY AND QUEUE LENGTHS

| # | Intersection | Traffic Control/
Mitigation | Lane/Approach | Storage
Lengths (ft) | AM Peak Hour | | | PM Peak Hour | | |
|----------------|---|--------------------------------|----------------|-------------------------|--------------|--------------------|--------------------------|--------------|--------------------|--------------------------|
| | | | | | LOS | Delay
(sec/veh) | Back of
Queue
(ft) | LOS | Delay
(sec/veh) | Back of
Queue
(ft) |
| 1 | Route 522
&
Costello Dr
&
Hotel Entrance | Signalized | EB/LT | 40 | D | 44.7 | 22 | F | 103.3 | 26 |
| | | | EB/R | 40 | D | 42.9 | 0 | - | - | - |
| | | | EB LOS | - | D | 44.0 | - | F | 103.3 | - |
| | | | WB/L | 120 | D | 42.3 | 52 | E | 64.2 | 146 |
| | | | WB/LT | 3,000 | D | 42.2 | 52 | E | 64.2 | 146 |
| | | | WB/R | 1,400 | D | 40.0 | 0 | D | 50.1 | 74 |
| | | | WB LOS | - | D | 41.7 | - | E | 56.8 | - |
| | | | NB/L | 100 | D | 44.4 | 5 | - | - | - |
| | | | NB/TT | 475 | A | 8.6 | 116 | B | 18.2 | 225 |
| | | | NB/TR | 825 | | | | | | |
| | | | NB LOS | - | A | 8.6 | - | B | 18.2 | - |
| | | | SB/L | 195 | D | 42.8 | 63 | E | 63.5 | 316 |
| | | | SB/TTR | 720 | A | 7.5 | 172 | A | 4.5 | 107 |
| SB LOS | - | A | 9.8 | - | C | 25.6 | - | | | |
| Overall | | | | - | B | 11.5 | - | C | 29.4 | - |
| 2 | Prince Frederick Dr
&
Costello Dr | Unsignalized | EB/L | 350 | B | 10.0 | 5 | B | 11.8 | 20 |
| | | | EB/R | 3,000 | A | 9.4 | 3 | A | 8.7 | 0 |
| | | | EB LOS | - | A | 9.7 | - | B | 11.7 | - |
| | | | NB/LT | 580 | A | 8.0 | 0 | A | 7.6 | 3 |
| | | | NB LOS | | - | - | 2.1 | - | - | 2.9 |
| | | | SB/TR | 1,410 | - | - | - | - | - | - |
| | | | SB LOS | | - | - | 0.0 | - | - | 0.0 |
| | | | Overall | | | | - | - | 2.6 | - |
| 3 | Route 50
&
Prince Frederick Dr
&
Custer Ave | Signalized | EB/L | 150 | D | 48.6 | 49 | D | 51.0 | #138 |
| | | | EB/TT | 890 | B | 19.8 | 298 | B | 18.7 | 233 |
| | | | EB/R | 200 | B | 14.0 | 0 | B | 14.2 | 0 |
| | | | EB LOS | - | C | 20.1 | - | C | 22.3 | - |
| | | | WB/L | 360 | D | 45.6 | 72 | D | 47.4 | 78 |
| | | | WB/TTR | 1,140 | B | 16.0 | 168 | C | 24.3 | 347 |
| | | | WB LOS | - | B | 18.9 | - | C | 25.7 | - |
| | | | NB/LT | 1,420 | D | 44.8 | 60 | F | 140.4 | #220 |
| | | | NB/R | 500 | D | 42.3 | 0 | D | 40.5 | 0 |
| | | | NB LOS | - | D | 43.9 | - | F | 101.0 | - |
| | | | SB/LTR | 265 | D | 50.0 | 122 | D | 44.6 | 103 |
| SB LOS | - | D | 50.0 | - | D | 44.6 | - | | | |
| Overall | | | | - | C | 23.4 | - | C | 33.7 | - |

- EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound, L: Left, T: Thru, R: Right
 - Storage lengths include half the taper. Continuous lane lengths are to upstream intersection. TBD: To Be Determined
 # - 95th percentile volume exceeds capacity.



ANALYSIS OF FUTURE CONDITIONS WITHOUT PROPOSED DEVELOPMENT

Future 2020 and 2024 base traffic volumes represent the future traffic in the study area, to reflect land uses and growth with and without the subject Hines Carpers Valley site plan. A Background scenario is included in the short-term and long-term, for comparisons of the site plan impacts.

Ambient Growth

An annual growth percentage of 1.5%, based on what was used for the nearby FBI site TIA, was used in this TIA to account for ambient growth.

Pennoni also reviewed the historical traffic growth trend along US Routes 522 and 50 in the vicinity of the site for verification of the annual growth percentage. **Tables 3A** and **3B** are provided to show the traffic growth trend from 2002 to 2017 for the annual average and average annual weekday conditions, based upon available VDOT historical traffic data. The table shows effective annual growth rates for 1 year, 3 year, 5 year, and 10 year periods. The data shows average growth rates of 0.4% to 0.9% for Route 522 and -1.0% to 0.2% for Route 50. Therefore, a 1.5% annual growth rate is conservative.

TABLE 3A: VDOT RTE. 50 GROWTH TRENDS

| Route 50 (Millwood Pike)
Front Royal Pike (Route 522)
to
Carpers Valley Rd (Route 723) | | | | | | | | | | | | |
|---|--------|------------------------|------|--------------|--------------|--------------|--------------------------|--------|------------------------|--------------|--------------|--------------|
| YEAR | AADT | Effective Growth Rates | | | | | YEAR | AAWDT | Effective Growth Rates | | | |
| | | 1 YR | 2 YR | 3 YR | 5 YR | 10 YR | | | 1 YR | 3 YR | 5 YR | 10 YR |
| 2017 | 18,000 | 0.0% | 0.0% | 1.9% | 2.4% | -2.0% | 2017 | 19,000 | -5.0% | 1.8% | 2.2% | -1.0% |
| 2016 | 18,000 | 0.0% | 2.9% | 1.9% | 2.4% | -1.5% | 2016 | 20,000 | 5.3% | 5.6% | 3.3% | 0.0% |
| 2015 | 18,000 | 5.9% | 2.9% | 4.0% | -1.1% | -1.5% | 2015 | 19,000 | 5.6% | 3.8% | -1.0% | -0.5% |
| 2014 | 17,000 | 0.0% | | 2.0% | -2.2% | -1.6% | 2014 | 18,000 | 5.9% | 1.9% | -2.1% | -1.5% |
| 2013 | 17,000 | 6.3% | | -3.6% | -2.2% | -1.1% | 2013 | 17,000 | 0.0% | -5.3% | -3.2% | -1.6% |
| 2012 | 16,000 | 0.0% | | -5.6% | -6.2% | -1.7% | 2012 | 17,000 | 0.0% | -5.3% | -4.1% | -1.1% |
| 2011 | 16,000 | -15.8% | | -5.6% | -5.3% | | 2011 | 17,000 | -15.0% | -5.3% | -3.2% | |
| 2010 | 19,000 | 0.0% | | -4.8% | -2.0% | | 2010 | 20,000 | 0.0% | -1.6% | 0.0% | |
| 2009 | 19,000 | 0.0% | | -3.3% | -1.0% | | 2009 | 20,000 | 0.0% | 0.0% | -1.0% | |
| 2008 | 19,000 | -13.6% | | -3.3% | 0.0% | | 2008 | 20,000 | -4.8% | 0.0% | 0.0% | |
| 2007 | 22,000 | 4.8% | | 3.2% | 3.0% | | 2007 | 21,000 | 5.0% | 0.0% | 2.0% | |
| 2006 | 21,000 | 0.0% | | 3.4% | | | 2006 | 20,000 | 0.0% | 0.0% | | |
| 2005 | 21,000 | 5.0% | | 3.4% | | | 2005 | 20,000 | -4.8% | 1.7% | | |
| 2004 | 20,000 | 5.3% | | | | | 2004 | 21,000 | 5.0% | | | |
| 2003 | 19,000 | 0.0% | | | | | 2003 | 20,000 | 5.3% | | | |
| 2002 | 19,000 | | | | | | 2002 | 19,000 | | | | |
| Avg Growth Rates: | | -0.2% | | -0.5% | -1.1% | -1.6% | Avg Growth Rates: | | 0.2% | -0.2% | -0.6% | -1.0% |

SOURCE: VDOT, Traffic Engineering Division, Daily Traffic Volume Estimates.

SOURCE: VDOT, Traffic Engineering Division, Daily Traffic Volume Estimates.



TABLE 3B: VDOT RTE. 522 GROWTH TRENDS

| Route 522 (Front Royal Pike)
Papemill Rd (Route 644)
to
Route 50 (Millwood Pike) | | | | | | | | | | | | |
|---|--------|------------------------|------|-------------|-------------|--------------|--------------------------|--------|------------------------|-------------|-------------|-------------|
| YEAR | AADT | Effective Growth Rates | | | | | YEAR | AAWDT | Effective Growth Rates | | | |
| | | 1 YR | 2 YR | 3 YR | 5 YR | 10 YR | | | 1 YR | 3 YR | 5 YR | 10 YR |
| 2017 | 15,000 | 0.0% | 0.0% | 2.3% | 1.4% | -0.6% | 2017 | 16,000 | 0.0% | 2.2% | 1.3% | 0.0% |
| 2016 | 15,000 | 0.0% | 3.5% | 2.3% | 1.4% | 0.0% | 2016 | 16,000 | 0.0% | 2.2% | 1.3% | 0.6% |
| 2015 | 15,000 | 7.1% | 3.5% | 2.3% | 1.4% | 0.0% | 2015 | 16,000 | 6.7% | 2.2% | 1.3% | 0.6% |
| 2014 | 14,000 | 0.0% | | 0.0% | 0.0% | -0.7% | 2014 | 15,000 | 0.0% | 0.0% | 0.0% | 0.0% |
| 2013 | 14,000 | 0.0% | | 0.0% | 0.0% | 0.0% | 2013 | 15,000 | 0.0% | 0.0% | 0.0% | 0.7% |
| 2012 | 14,000 | 0.0% | | 0.0% | -2.6% | 0.0% | 2012 | 15,000 | 0.0% | 0.0% | -1.3% | 0.7% |
| 2011 | 14,000 | 0.0% | | 0.0% | -1.4% | | 2011 | 15,000 | 0.0% | 0.0% | 0.0% | |
| 2010 | 14,000 | 0.0% | | -4.4% | -1.4% | | 2010 | 15,000 | 0.0% | -2.1% | 0.0% | |
| 2009 | 14,000 | 0.0% | | -2.3% | -1.4% | | 2009 | 15,000 | 0.0% | 0.0% | 0.0% | |
| 2008 | 14,000 | -12.5% | | -2.3% | 0.0% | | 2008 | 15,000 | -6.3% | 0.0% | 1.4% | |
| 2007 | 16,000 | 6.7% | | 2.2% | 2.7% | | 2007 | 16,000 | 6.7% | 2.2% | 2.7% | |
| 2006 | 15,000 | 0.0% | | 2.3% | | | 2006 | 15,000 | 0.0% | 2.3% | | |
| 2005 | 15,000 | 0.0% | | 2.3% | | | 2005 | 15,000 | 0.0% | 2.3% | | |
| 2004 | 15,000 | 7.1% | | | | | 2004 | 15,000 | 7.1% | | | |
| 2003 | 14,000 | 0.0% | | | | | 2003 | 14,000 | 0.0% | | | |
| 2002 | 14,000 | | | | | | 2002 | 14,000 | | | | |
| Avg Growth Rates: | | 0.6% | | 0.4% | 0.0% | -0.2% | Avg Growth Rates: | | 0.9% | 0.9% | 0.6% | 0.4% |

SOURCE: VDOT, Traffic Engineering Division, Daily Traffic Volume Estimates.

SOURCE: VDOT, Traffic Engineering Division, Daily Traffic Volume Estimates.



PROJECTED SHORT-TERM CONDITIONS WITHOUT SITE

The 2020 background conditions are used as a ‘baseline’ for comparison with the build-out analysis with the site.

Base Traffic Volumes with Growth

Traffic volumes are summarized in **Figure 6** for the 2020 conditions with ambient growth only.

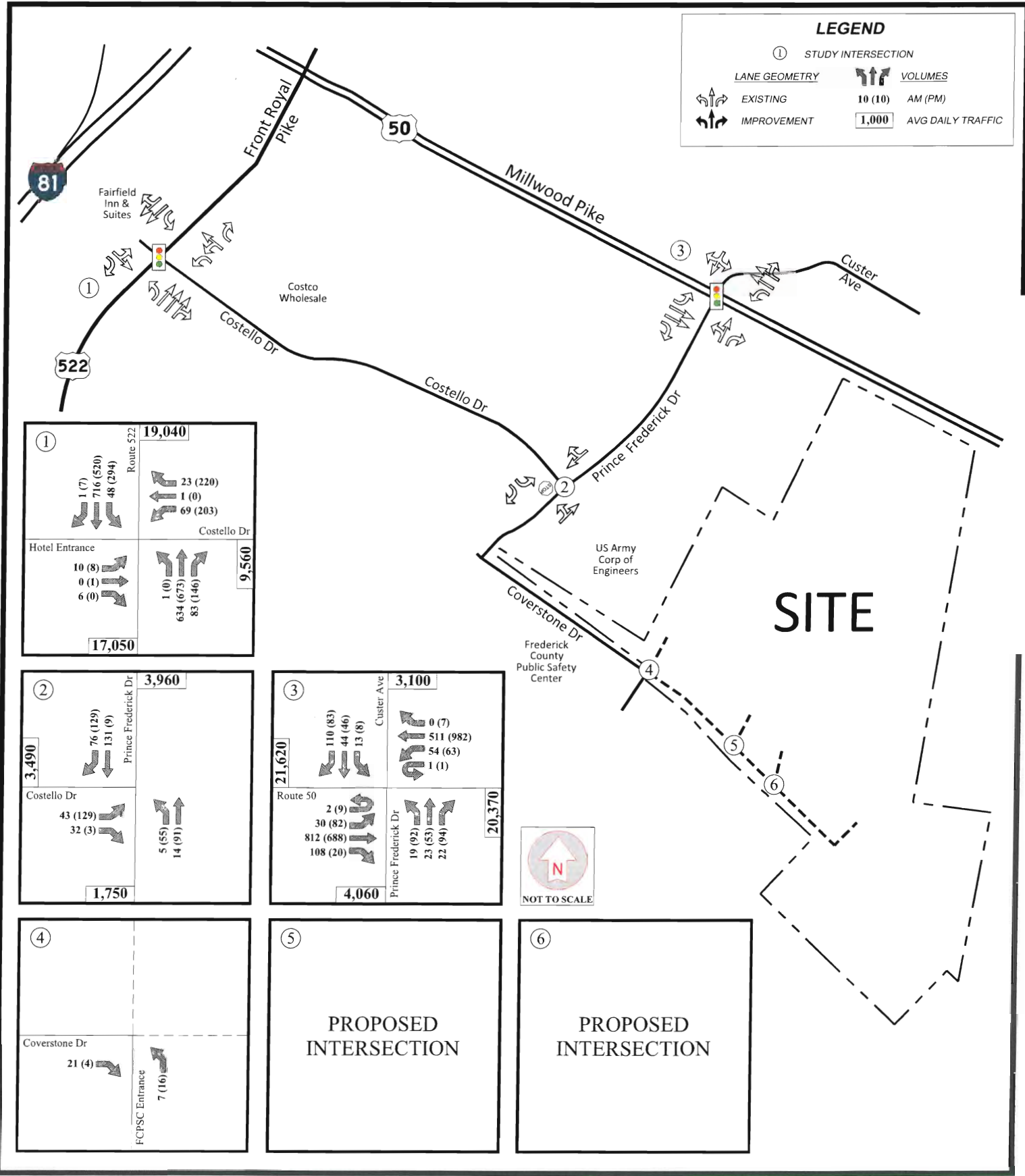
Other Development Traffic

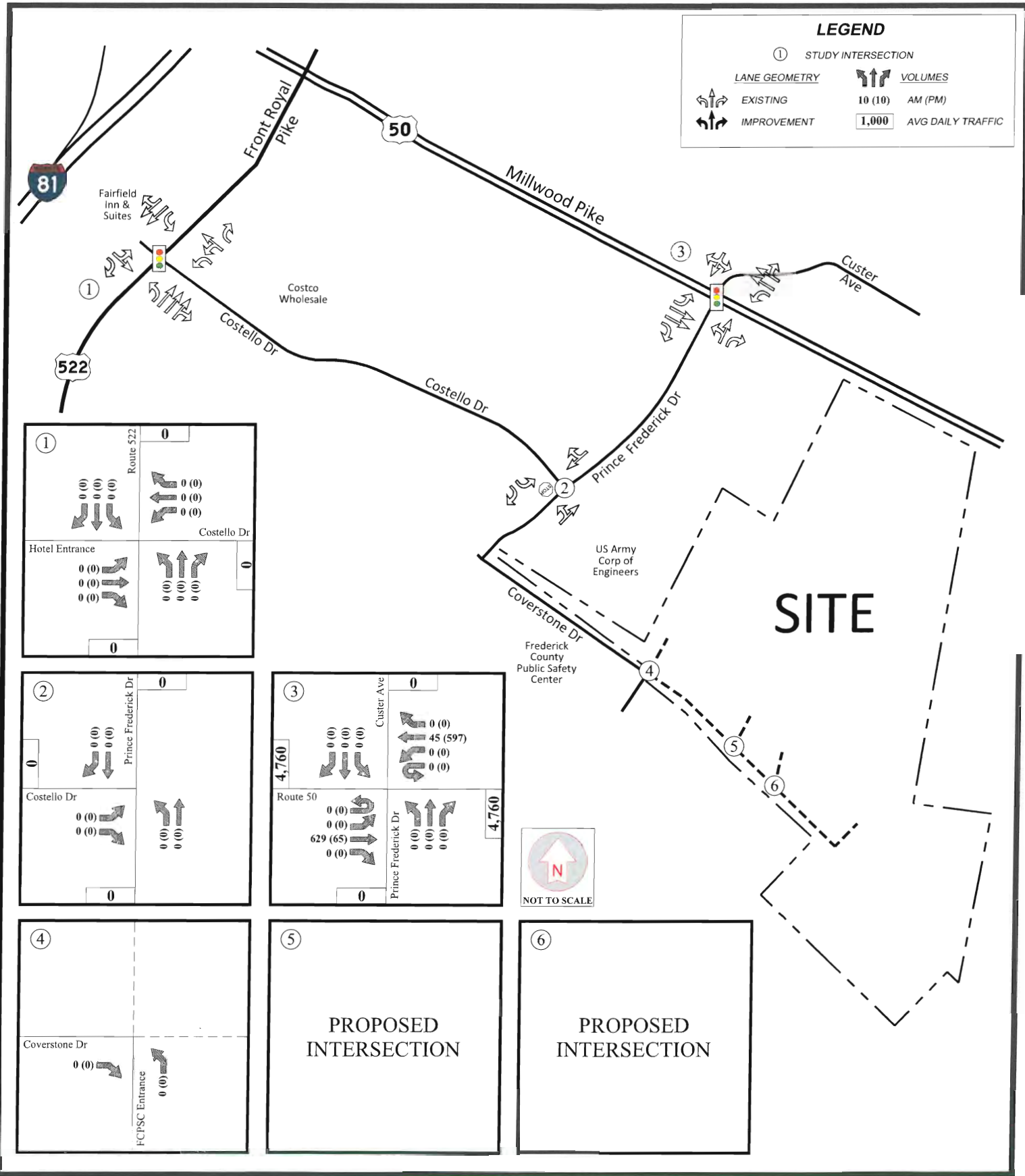
The other background development in the site vicinity is identified as the Route 50 employment uses east of the site as identified in the scoping. The two developments are the FBI site and the Navy Federal Credit Union building activities, located north of Route 50 and south of Commerce Drive, respectively. Both sites are shown at full employment uses with access east of Sulphur Springs Road. The site trips for the other development are shown in **Table 4**, for the peak periods, based on the driveway assignments from the individual reports. The site trips for other development do not include any phasing and are also added to the 2024 roadway network. The other development trips are shown in **Figure 7** as they impact Intersection #3.

TABLE 4: OTHER DEVELOPMENT TRIP GENERATION

| Use | AM | | PM | |
|------|-----|-----|----|-----|
| | In | Out | In | Out |
| FBI | 337 | 48 | 56 | 304 |
| NFCU | 514 | 16 | 34 | 549 |







HINES CARPERS VALLEY
 TRAFFIC IMPACT STUDY
 FREDERICK COUNTY, VA

OTHER DEVELOPMENT
TRAFFIC VOLUMES WITHOUT
SITE

FIGURE 7
 Project # HINEX18001
 July 2018

Short-Term 2020 Traffic Volumes without the Site

The 2020 conditions are used as a baseline for comparison with the site plan scenario. The background 2020 forecasts for the public streets are summarized in **Figure 8** for the AM and PM peaks.

Left-Turn Phasing Mode

The Rte 50 intersection was evaluated and recommended for protective/permissive left-turn phasing by VDOT in 2017. The analysis was updated for consideration of Flashing Yellow Arrow (FYA) left-turn operation provided that the cross-product of (Left-Turn + U-turn) X (Opposing Thru + Opposing Right) is less than 100,000 per hour. The VDOT comment also expressed a preference for protected-only left-turn movements with cross products of 150,000 or more. The left-turn operation would change based on a time of day plan with protected-only operation when justified by the cross products. The cross-products were 17,757 and 78,671 per hour for the eastbound left and westbound left, respectively, for the AM peak hour and 144,761 and 48,109 for the eastbound left and westbound left, respectively for the PM peak hour. Since all cross-products for the mainline lefts were less than 150,000 per hour, the Route 50 intersection was analyzed with FYA protected/permissive left-turn operation, consistent with VDOT recommendations.

Short-Term 2020 Operations without the Site

The 2020 conditions were evaluated for peak hour intersection capacity with the existing lane operations and signal timing, as summarized in Figure 8 and are used as a baseline for comparison with the proposed site plan analysis scenario. Existing peak hour factors (minimum 0.92 and not exceeding 0.95) were utilized for the analysis. Heavy vehicle percentages were taken from existing counts. Capacity worksheets are included in **Appendix E**. Intersection operations are noted below:

- The signalized intersection at Front Royal Pike/Costello Drive/Hotel Entrance is expected to operate at overall LOS "B" in the AM peak hour and at overall LOS "C" in the PM peak hour. The westbound Costello Drive and eastbound Hotel Entrance approaches each operate at LOS "D" in the AM peak hour. Costello drive operates at LOS "E" in the PM peak hour; Hotel Entrance operates at LOS "F" in the PM peak hour. Left turning movements from northbound and southbound Front Royal Pike operate at LOS "D" in the AM peak hour; southbound left turns operate at LOS "E" in the PM peak hour. (Northbound left turn LOS is not-applicable). Overall, the Front Royal Pike approaches operate at LOS "C" or better in the AM peak hour and the PM peak hour. LOS computations are based on the HCM 2000 methodology due to shared movements on the side streets.
- The stop-controlled approach of the unsignalized intersection at Costello Drive/Prince Frederick Drive operates at LOS "B" or better in the both peak hours. All conflicted movements operate at LOS "B" or better in either peak hour.
- The signalized intersection at Millwood Pike/Prince Frederick Drive/Custer Avenue operates at overall LOS "C" in the AM peak hour and at overall LOS "D" in the PM peak hour. The eastbound mainline (Millwood Pike) approach operates at LOS "D" and LOS "B" in the AM and PM peak hours, respectively. The westbound approach operates at LOS "B" and undesirable LOS "E" in the AM and PM peak hours, respectively. Northbound Prince Frederick Drive approach and lane groups

operate at LOS “D” in the AM peak hour; the approach and the left/through lane group operate at LOS “F” in PM peak hour, while right turns operate at LOS “D” in the PM peak hour. Custer Avenue operates at LOS “D” in both peak hours. LOS computations are based on the HCM 2000 methodology due to shared movements on the side streets.

The analysis of the 2020 background conditions indicates increases in delay and back of queues with the short-term forecasts with growth and other development. LOS summaries, delays by approach and movement are shown in **Table 5**.

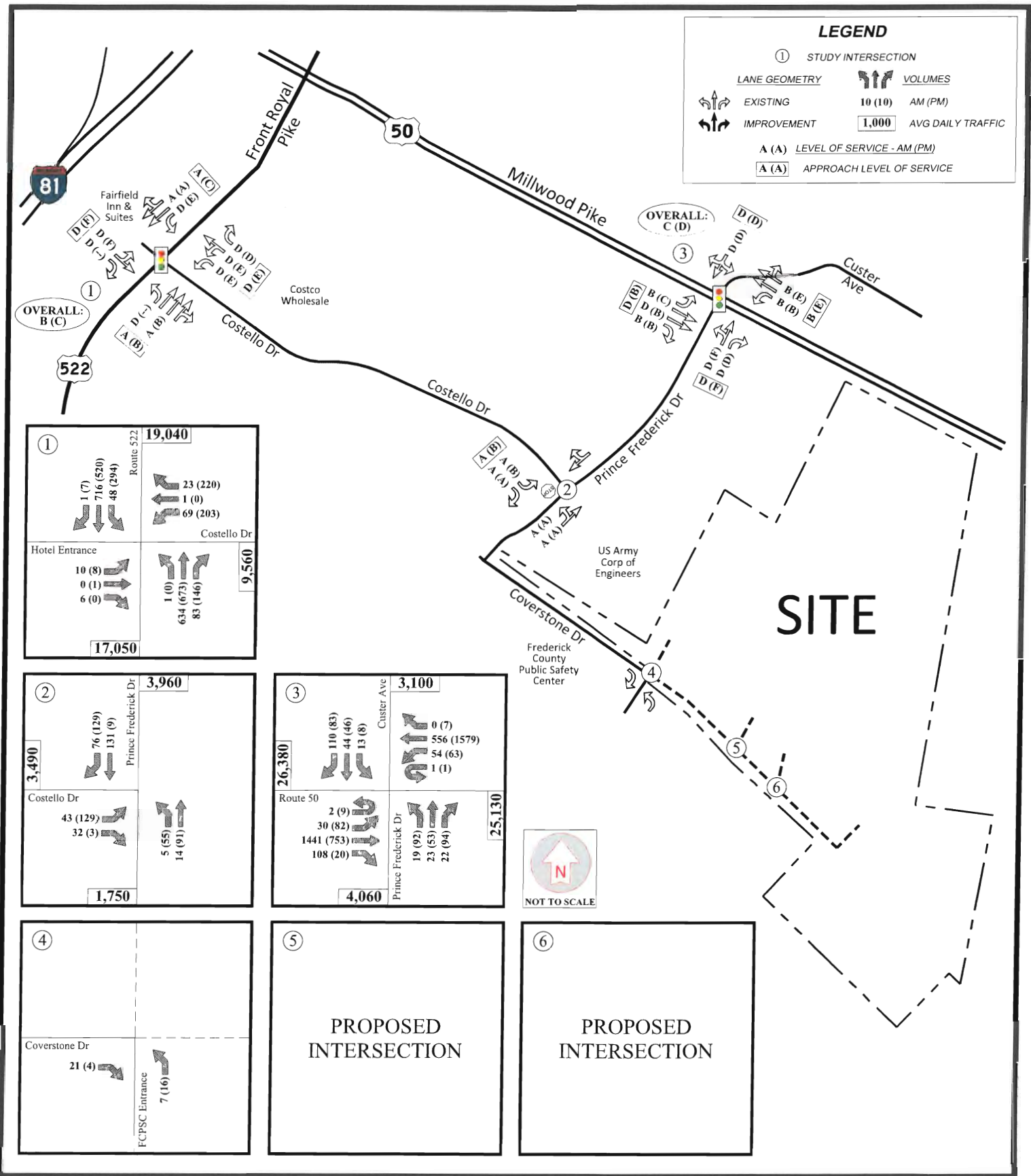


TABLE 5: SHORT-TERM BACKGROUND 2020 LOS, DELAY AND QUEUES WITHOUT SITE

| # | Intersection | Traffic Control/
Mitigation | Lane/Approach | Storage
Lengths (ft) | AM Peak Hour | | | PM Peak Hour | | |
|----------------|---|---|---------------|-------------------------|--------------|--------------------|--------------------------|--------------|--------------------|--------------------------|
| | | | | | LOS | Delay
(sec/veh) | Back of
Queue
(ft) | LOS | Delay
(sec/veh) | Back of
Queue
(ft) |
| 1 | Route 522
&
Costello Dr
&
Hotel Entrance | Signalized | EB/LT | 40 | D | 44.5 | 23 | F | 103.3 | 26 |
| | | | EB/R | 40 | D | 42.9 | 0 | - | - | - |
| | | | EB LOS | - | D | 43.9 | - | F | 103.3 | - |
| | | | WB/L | 120 | D | 42.2 | 53 | E | 63.8 | 147 |
| | | | WB/LT | 3,000 | D | 42.1 | 53 | E | 64.6 | 148 |
| | | | WB/R | 1,400 | D | 40.1 | 0 | D | 49.9 | 75 |
| | | | WB LOS | - | D | 41.7 | - | E | 56.8 | - |
| | | | NB/L | 100 | D | 44.4 | 6 | - | - | - |
| | | | NB/TT | 475 | A | 7.8 | 116 | B | 18.6 | 230 |
| | | | NB/TR | 825 | | | | | | |
| | | | NB LOS | - | A | 7.8 | - | B | 18.6 | - |
| | | | SB/L | 195 | D | 49.0 | 63 | E | 63.9 | 323 |
| SB/TTR | 720 | A | 7.2 | 175 | A | 4.6 | 108 | | | |
| SB LOS | - | A | 9.8 | - | C | 25.8 | - | | | |
| Overall | | | | - | B | 11.2 | - | C | 29.7 | - |
| 2 | Prince Frederick Dr
&
Costello Dr | Unsignalized | EB/L | 350 | A | 9.9 | 5 | B | 11.5 | 20 |
| | | | EB/R | 3,000 | A | 9.3 | 3 | A | 8.6 | 0 |
| | | | EB LOS | - | A | 9.6 | - | B | 11.4 | - |
| | | | NB/LT | 580 | A | 7.9 | 0 | A | 7.6 | 3 |
| | | | NB LOS | | - | - | 2.1 | - | - | 2.9 |
| | | | SB/TR | 1,410 | - | - | - | - | - | - |
| | | | SB LOS | - | - | 0.0 | - | - | 0.0 | - |
| Overall | | | | - | - | 2.5 | - | - | 4.6 | - |
| 3 | Route 50
&
Prince Frederick Dr
&
Custer Ave | Signalized
Flashing Yellow Arrow
(protected/permisive) for
EB & WB lefts | EB/L | 150 | B | 11.2 | 24 | C | 22.7 | 62 |
| | | | EB/TT | 890 | D | 38.1 | #718 | B | 18.2 | 251 |
| | | | EB/R | 200 | B | 13.1 | 0 | B | 13.4 | 0 |
| | | | EB LOS | - | D | 35.8 | - | B | 18.6 | - |
| | | | WB/L | 360 | B | 18.4 | 35 | B | 12.0 | 39 |
| | | | WB/TTR | 1,140 | B | 15.8 | 184 | E | 68.9 | #806 |
| | | | WB LOS | - | B | 16.1 | - | E | 66.7 | - |
| | | | NB/LT | 1,420 | D | 44.6 | 62 | F | 151.7 | #228 |
| | | | NB/R | 500 | D | 42.2 | 0 | D | 40.5 | 0 |
| | | | NB LOS | - | D | 43.8 | - | F | 107.9 | - |
| SB/LTR | 265 | D | 49.0 | 124 | D | 44.9 | 104 | | | |
| SB LOS | - | D | 49.0 | - | D | 44.9 | - | | | |
| Overall | | | | - | C | 32.0 | - | D | 54.7 | - |

- EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound, L: Left, T: Thru, R: Right
 - Storage lengths include half the taper. Continuous lane lengths are to upstream intersection. TBD: To Be Determined
 # - 95th percentile volume exceeds capacity.



SITE TRIP GENERATION

Trip generation for the site was based on the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10th Edition. ITE's "General Light Industrial" trip generation rates were used for this TIA since they were most conservative (i.e. generates more trips) than the other possible uses. The density used, 1.21 million SF, was based on the site layout for the property with 3 buildings. For the subject parcels and assumed density with industrial uses in Phase 1 and High-Cube Warehouse uses in Phase 2, this site is projected to generate 93% less daily trips, 76% less AM peak hour trips, and 91% less PM peak hour trips, than the approved uses assumed in the 2008 TIA for the non-residential uses. Trip generation values are summarized in **Table 6**.

Given the proposed uses, trucks were assumed to comprise a significant portion of the site traffic, which have different impacts on the study intersections than passenger vehicles. Given that the most likely development for the site is a High-Cube Transload & Short-Term Storage Warehouse, truck percentages from the ITE study, "High-Cube Warehouse Vehicle Trip Generation Analysis" (October 2016), were assumed for this TIA, which found trucks to make up 32% of the daily, 31% of the AM peak hour, and 22% of the PM peak hour total trips for the use. To recognize the different purpose of truck trips (generally non-local) versus passenger vehicle trips (generally local, such as employees), different distributions were assumed for each.

TABLE 6: SITE TRIP GENERATION

| ITE Land Use CODE ⁽¹⁾ | TG Manual Edition | USE | Size | Var. | DAILY (2-way) | AM PEAK HOUR | | | PM PEAK HOUR | | |
|---|-------------------|---|----------|------|---------------|--------------|-----|-------|--------------|-----|-------|
| | | | | | | IN | OUT | TOTAL | IN | OUT | TOTAL |
| Proposed with Revised Land Use | | | | | | | | | | | |
| PHASE 1 | | | | | | | | | | | |
| 110 | 110.490 | 10th Gen. Light Ind. (Avg Rate) ⁽²⁾ | 405.000 | ksf | 2,009 | 250 | 34 | 284 | 33 | 222 | 255 |
| | | Cars (67.8% Daily, 69.2% AM, 78.3% PM) | | | 1,362 | 173 | 24 | 197 | 26 | 174 | 200 |
| | | Trucks | | | 647 | 77 | 10 | 87 | 7 | 48 | 55 |
| PHASE 2 | | | | | | | | | | | |
| 154 | 154.100 | 10th Hi-Cube Transload & Shrt-Term Storage Wrhs | 805.000 | ksf | 1,127 | 49 | 15 | 64 | 23 | 58 | 81 |
| | | Cars (67.8% Daily, 69.2% AM, 78.3% PM) | | | 764 | 34 | 10 | 44 | 18 | 45 | 63 |
| | | Trucks | | | 363 | 15 | 5 | 20 | 5 | 13 | 18 |
| | | Subtotal | 1210.000 | ksf | 3,136 | 299 | 49 | 348 | 56 | 280 | 336 |
| Total Proposed Trip Generation (Weekday Peak) | | | | | 3,136 | 299 | 49 | 348 | 56 | 280 | 336 |

| ITE Land Use CODE | TG Manual Edition | USE | Size | Var. | DAILY (2-way) | AM PEAK HOUR | | | PM PEAK HOUR | | |
|--|-------------------|---------------------|----------|------|---------------|--------------|-----|-------|--------------|-------|-------|
| | | | | | | IN | OUT | TOTAL | IN | OUT | TOTAL |
| Previous Zoning Approval Traffic Study (8/2008) | | | | | | | | | | | |
| 710 | 710.000 | 7th Office | 385.000 | ksf | 3,767 | 485 | 66 | 551 | 87 | 423 | 510 |
| 820 | 820.000 | 7th Shopping Center | 900.000 | ksf | 38,646 | 565 | 362 | 927 | 1,620 | 1,755 | 3,375 |
| | | Subtotal | 1285.000 | ksf | 42,413 | 1,050 | 428 | 1,478 | 1,707 | 2,178 | 3,885 |
| Total By-Right Trip Generation (Weekday Peak) ⁽³⁾ | | | | | 42,413 | 1,050 | 428 | 1,478 | 1,707 | 2,178 | 3,885 |

| | | | | | | | |
|--------------------------------------|----------------|-------------|-------------|---------------|---------------|---------------|---------------|
| Change in Trips from by-right | -39,277 | -751 | -379 | -1,130 | -1,651 | -1,898 | -3,549 |
| Percentage Change | -93% | -72% | -89% | -76% | -97% | -87% | -91% |

NOTES:

TRIP RATE SOURCE: Institute of Transportation Engineers (ITE) Trip Generation Manual, edition as noted in table above.

(1) ITE Land Code shown as the first 3 digits.

(2) Average rates used for General Light Industrial in lieu of regression equations because the square footage (independent variable) is outside the range of data.

(3) Pass-By trips and internal trips with residential uses not included in comparisons.

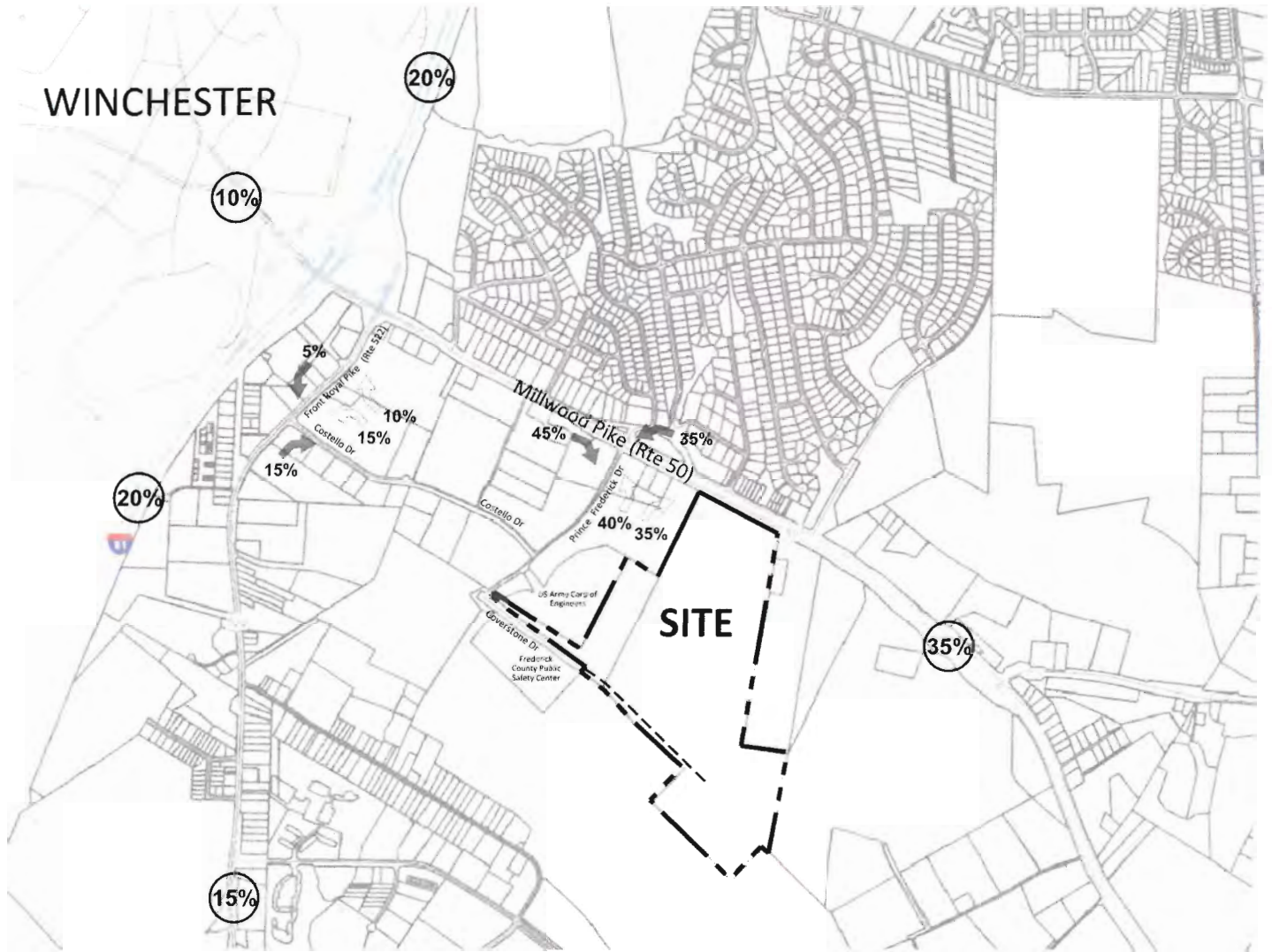


Site Assignments Short-Term



Figures 9 and **10** show the site trip distributions for employees/cars and trucks separately as percentages. The primary truck access was assigned to/from I-81 and individual routings are shown to Route 522/Costello Drive and Route 50/Prince Frederick Drive for access to the site via Coverstone Drive. Trip distributions are summarized in **Table 7**. Subject site trips (as shown in Table 6) are shown separately for employees/cars and trucks in **Figures 11** and **12** for the Phase 1 density.

TABLE 7: SITE TRIP DISTRIBUTIONS

| Direction | Site Car | Site Trucks |
|-----------------|----------|-------------|
| North I-81 | 20% | 35% |
| East US 50/17 | 35% | 10% |
| South US 522 | 15% | 15% |
| South I-81 | 20% | 35% |
| West Winchester | 10% | 5% |
| Total | 100% | 100% |



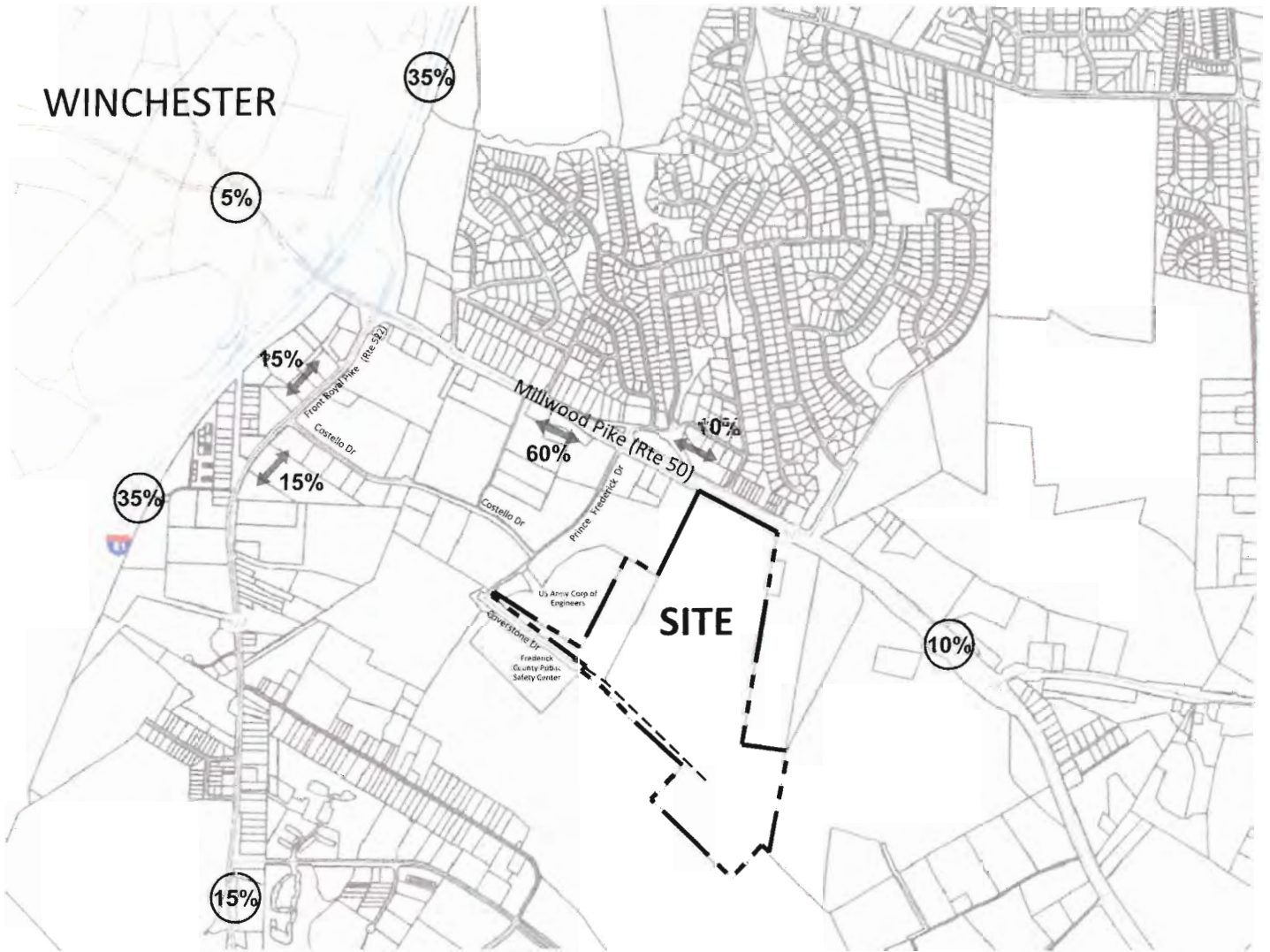
Note: Distributions derived from "Traffic Impact Study - FBI Central Records Complex," by Cardno, September 2015; and previous commercial distributions for the site.

 In%
 Out%



NOT TO SCALE

Source: Frederick County GIS
 (frederick.va.us, accessed 03-23-2018)



Note: In/Out %'s may vary locally.



NOT TO SCALE

Source: Frederick County GIS
(frederick.va.us, accessed 03-23-2018)



HINES CARPERS VALLEY
TRAFFIC IMPACT STUDY
FREDERICK COUNTY, VA

SITE DISTRIBUTIONS
(TRUCKS)

FIGURE 10
Project # HINEX18001
July 2018

LEGEND

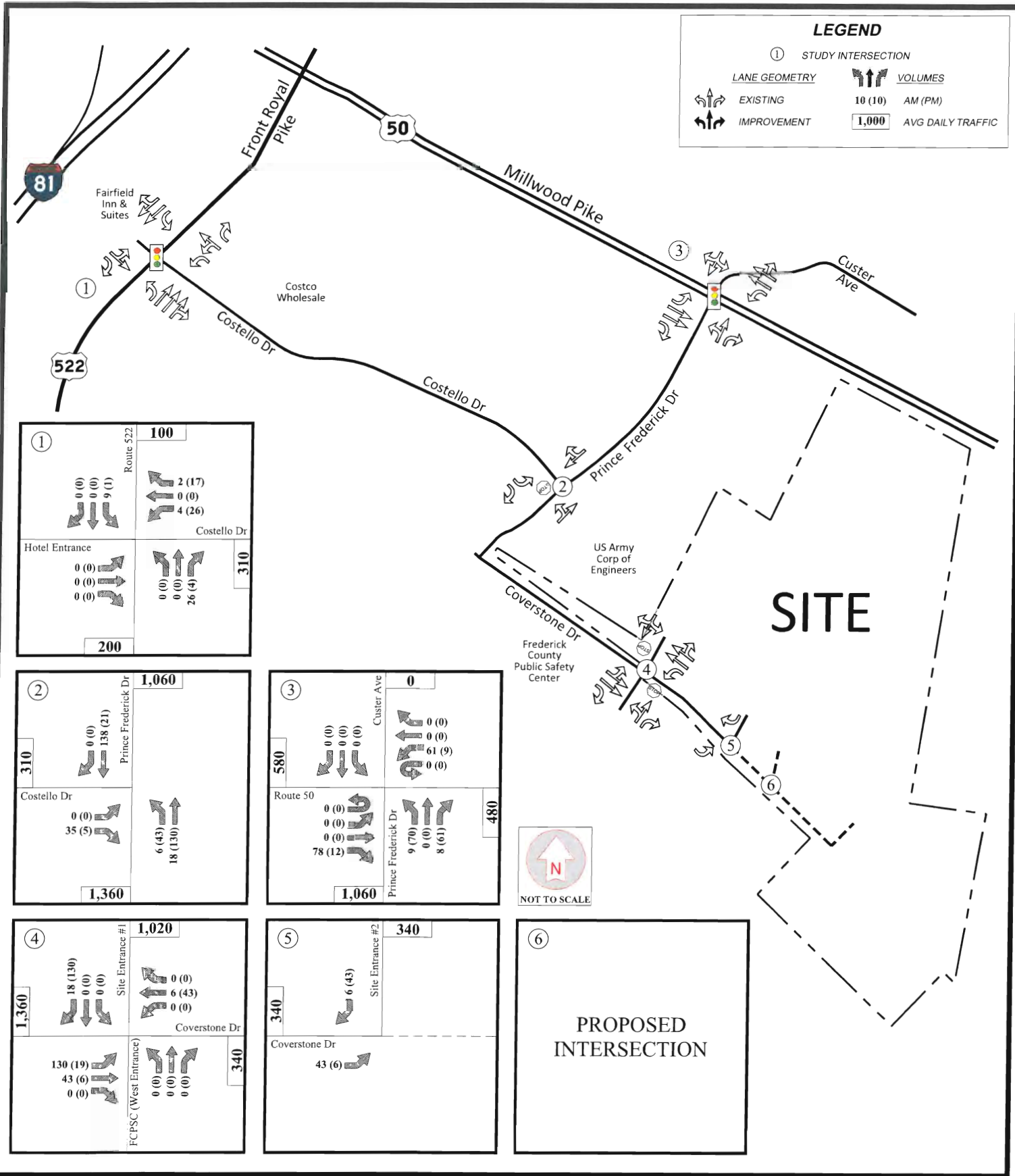
① STUDY INTERSECTION

LANE GEOMETRY

VOLUMES

↔↔↔ EXISTING
↔↔↔ IMPROVEMENT

10 (10) AM (PM)
1,000 AVG DAILY TRAFFIC



| | | | | |
|----------------|------------------|--------------------------------|----------------------------------|-------------|
| ① | Route 522
100 | ↔↔↔
0 (0)
0 (0)
9 (1) | ↔↔↔
2 (17)
0 (0)
4 (26) | Costello Dr |
| Hotel Entrance | | ↔↔↔
0 (0)
0 (0)
0 (0) | ↔↔↔
0 (0)
0 (0)
26 (4) | 310 |
| | | | | 200 |

| | | | | |
|-------------|------------------------------|--------------------------|---------------------------|-------------|
| ② | Prince Frederick Dr
1,060 | ↔↔↔
0 (0)
138 (21) | | Costello Dr |
| Costello Dr | | ↔↔↔
0 (0)
35 (5) | ↔↔↔
6 (43)
18 (130) | 310 |
| | | | | 1,360 |

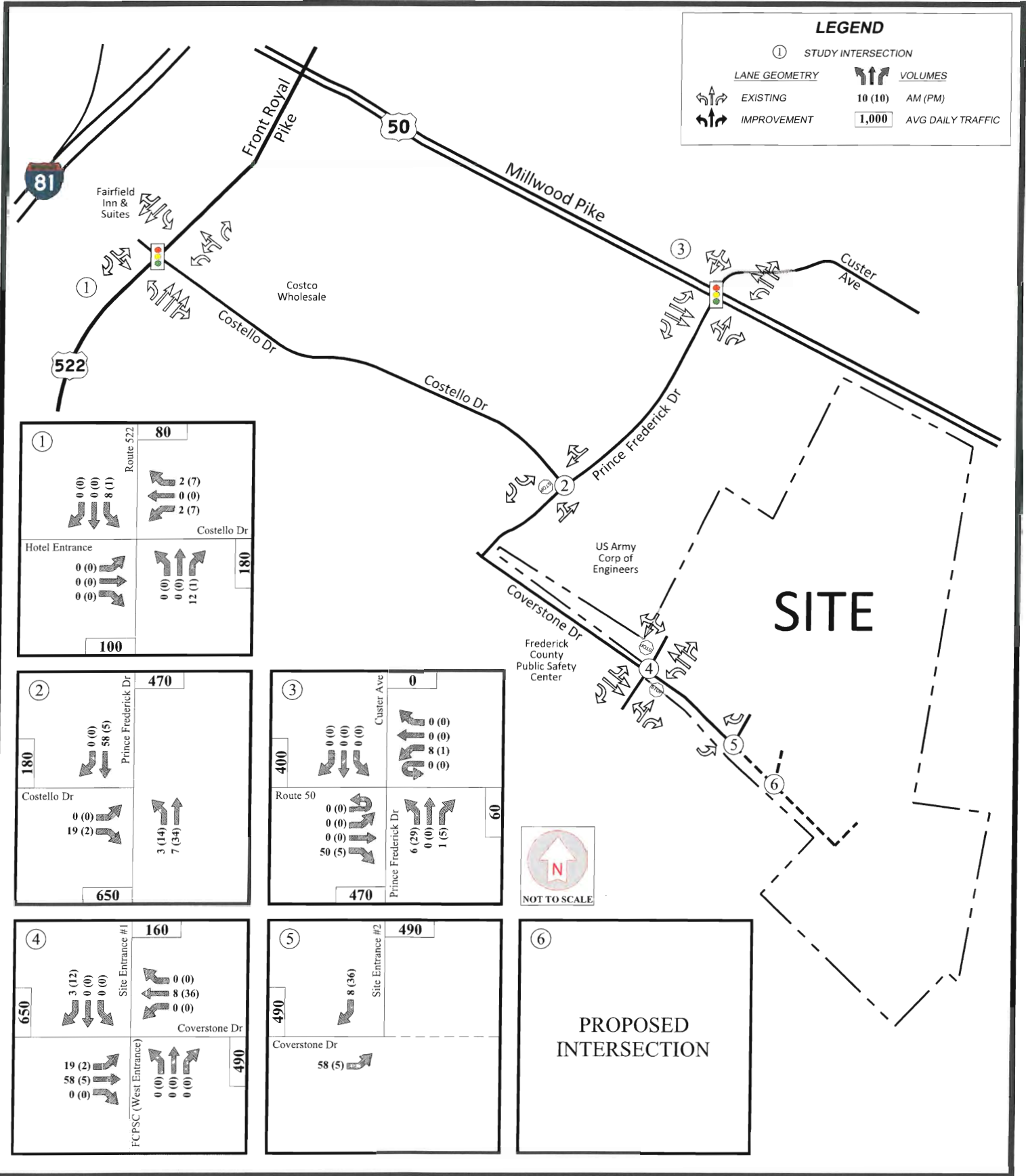
| | | | | |
|----------|-----------------|--------------------------------|--|---------------------|
| ③ | Custer Ave
0 | ↔↔↔
0 (0)
0 (0)
0 (0) | ↔↔↔
0 (0)
0 (0)
61 (9)
0 (0) | Prince Frederick Dr |
| Route 50 | | ↔↔↔
0 (0)
0 (0)
0 (0) | ↔↔↔
9 (70)
0 (0)
8 (61) | 480 |
| | | | | 1,060 |



| | | | | |
|-----------------------|---------------------------|------------------------------------|---------------------------------|---------------|
| ④ | Site Entrance #1
1,020 | ↔↔↔
18 (130)
0 (0)
0 (0) | ↔↔↔
0 (0)
6 (43)
0 (0) | Coverstone Dr |
| FCPSC (West Entrance) | | ↔↔↔
130 (19)
43 (6)
0 (0) | ↔↔↔
0 (0)
0 (0)
0 (0) | 340 |
| | | | | 1,360 |

| | | | | |
|---------------|-------------------------|---------------|--|---------------|
| ⑤ | Site Entrance #2
340 | ↔↔↔
6 (43) | | Coverstone Dr |
| Coverstone Dr | | ↔↔↔
43 (6) | | 340 |
| | | | | 340 |

| | | | | |
|---|-----------------------|--|--|--|
| ⑥ | PROPOSED INTERSECTION | | | |
|---|-----------------------|--|--|--|



SHORT-TERM 2020 CONDITIONS WITH PROPOSED SITE

The analysis of the short-term 2020 conditions with the site were developed as a combination of:

- Base traffic (Figure 6),
- Other Development (Figure 7), and
- Site Traffic added to the network associated with the proposed rezoning industrial plan uses (Figures 11 and 12).

Short-term 2020 turning volumes and LOS are summarized in **Figure 13**, without mitigation.

Left Turn Phasing Mode

The Rte 50 intersection was evaluated and recommended for protective/permissive left-turn phasing by VDOT in 2017. As revised, Pennoni considered with Flashing Yellow Arrow (FYA) left-turn operation provided that the cross-product of (Left-Turn + U-turn) X (Opposing Thru + Opposing Right) is less than 100,000 per hour. VDOT also expressed a preference for protected-only left-turn movements with cross products of 150,000 or more. The left-turn operation would change based on a time of day plan with protected -only operation when justified by the cross products. The cross-products were 17,757 and 177,007 per hour for the eastbound left and westbound left, respectively, for the AM peak hour and 144,761 and 55,460 for the eastbound left and westbound left, respectively for the PM peak hour. Therefore, the Route 50 intersection was analyzed with FYA protected/permissive for the mainline lefts except for the Westbound left during the AM peak hour.

Short-Term Traffic Operations

The LOS by movement and back of queue values for each of the study intersections for the AM and PM peak hours for the short-term 2020 conditions is shown on **Tables 8A** and **8B**. The incorporation of site traffic includes analysis of the unsignalized intersection at Coverstone Drive/Frederick County Public Safety Center (FCPSC) with the fourth leg representing the site entrance. Capacity calculations in HCM mode are from Synchro 10. The Synchro calculation worksheets are in **Appendix F** without mitigation.

General Level of Service assessment of expected short-term 2020 operations with the site without improvements are described below:

- The signalized intersection at Front Royal Pike/Costello Drive/Hotel Entrance operates at overall LOS "B" in the AM peak hour and at overall LOS "C" in the PM peak hour. The westbound Costello Drive and eastbound Hotel Entrance approaches each operate at LOS "D" in the AM peak hour. Costello Drive operates at LOS "E" in the PM peak hour; Hotel Entrance operates at LOS "F" in the PM peak hour. Left turning movements from northbound and southbound Front Royal Pike operate at LOS "D" in the AM peak hour;

Short-Term 2020 Conditions with site without mitigation:

LOS at the Route 50 signal at Prince Frederick Drive remains undesirable from background with site;

Turn lanes at Prince Frederick Drive signal to achieve improved LOS;

Costello Drive/Prince Frederick Drive intersection operate at LOS "C";

Overall LOS "C" at Route 522 signal.

southbound left turns operate at LOS “E” in the PM peak hour. Overall, the Front Royal Pike approaches operate at LOS “C” or better in the AM peak hour and the PM peak hour. LOS computations are based on the HCM 2000 methodology due to shared movements on the side streets.

- The stop-controlled approach of the unsignalized intersection at Costello Drive/Prince Frederick Drive operates at LOS “C” or better in the AM peak hour and the PM peak hour. All conflicted movements operate at LOS “C” or better in either peak hour.
- The signalized intersection at Millwood Pike/Prince Frederick Drive/Custer Avenue operates at overall LOS “D” in the AM peak hour and at overall LOS “F” in the PM peak hour. The eastbound mainline (Millwood Pike) approach operates at LOS “E” and LOS “B” in the AM and PM peak hours, respectively. The westbound approach operates at LOS “B” and LOS “E” in the AM and PM peak hours, respectively. The northbound Prince Frederick Drive approach operates at LOS “D” in the AM peak hour; the approach and the left/through lane group operate at LOS “F” in PM, while right turns operate at LOS “D” in the PM peak hour. Custer Avenue operates at LOS “D” in both peak hours. LOS computations are based on the HCM 2000 methodology due to shared movements on the side streets.
- The unsignalized intersection at Coverstone Drive/FCPSC/Site Entrance operates at LOS “B” or better for all approaches and lane groups in both peak hours.

Short-Term 2020 Traffic Operations with Mitigation

The Millwood Pike/Prince Frederick Drive/Custer Avenue signal does not operate at acceptable LOS or with queues that can be accommodated without improvements, with the site traffic in 2020. LOS by movement and back of queue values for each of the study intersections for the AM and PM peak hours for the short-term conditions with potential mitigation was included in Tables 8A & 8B for this intersection. The improvements and resulting LOS and queuing analyses are summarized below. The LOS by approach is shown in **Figure 14** for the AM and PM peak hours. Capacity calculations in HCM mode are from Synchro 10. The Synchro calculation worksheets are in **Appendix G**.

Mitigation considered for the Millwood Pike/Prince Frederick Drive/Custer Avenue signalized intersection are as follows:

- Lengthen the eastbound right turn lane on Millwood Pike to 675 feet effective,
- Add a new 450-foot long northbound left turn on Prince Frederick Drive, and
- Add a separate southbound right turn lane on Custer

Short-Term Conditions with site with mitigation:

Lengthen eastbound right turn lane at Route 50/Prince Frederick Drive signal;

Widen Prince Frederick Drive approach as previously proffered to allow separate left turn lane on NB approach;

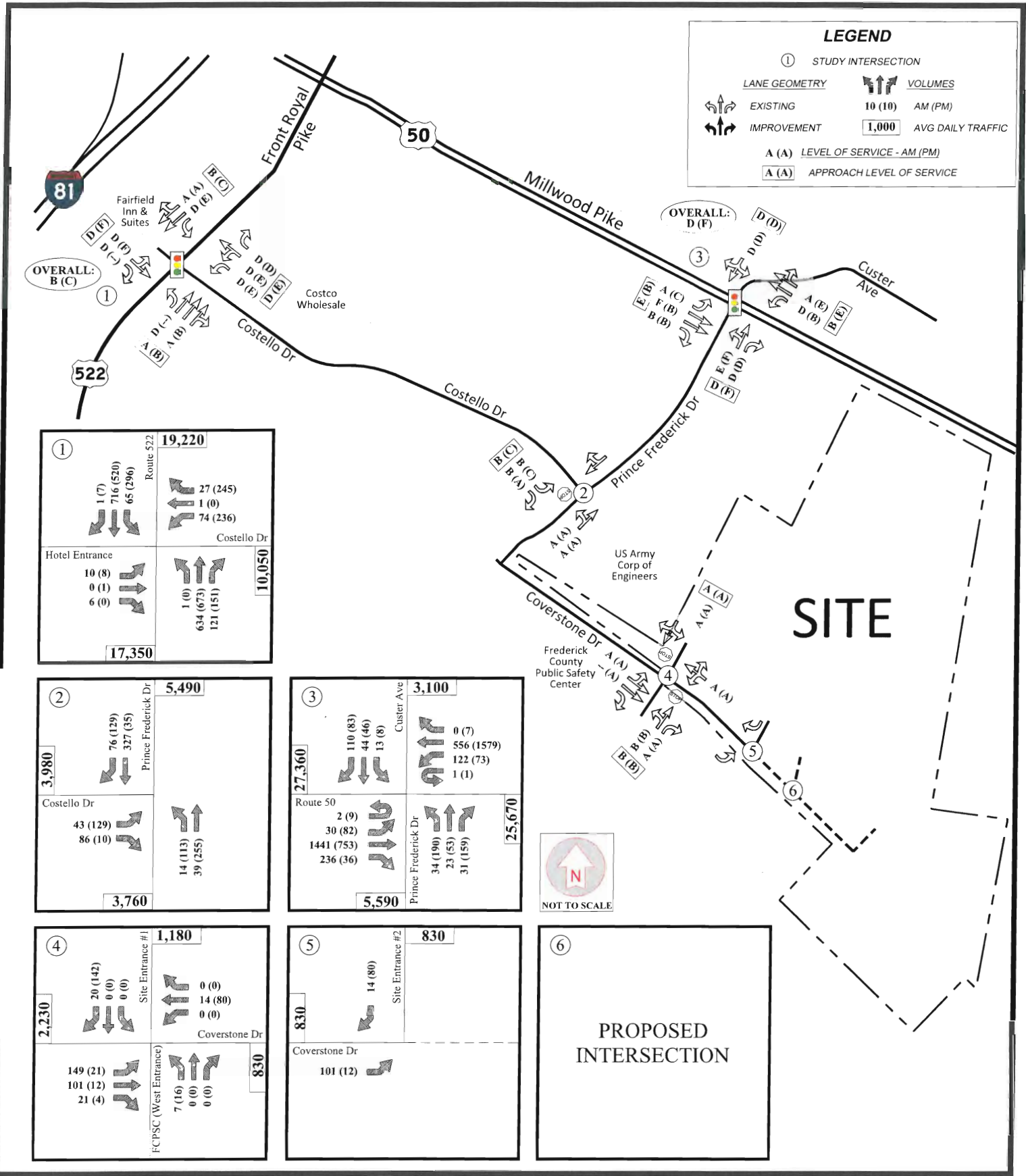
Add separate SB right turn lane on Custer Avenue to address existing LOS deficiency.

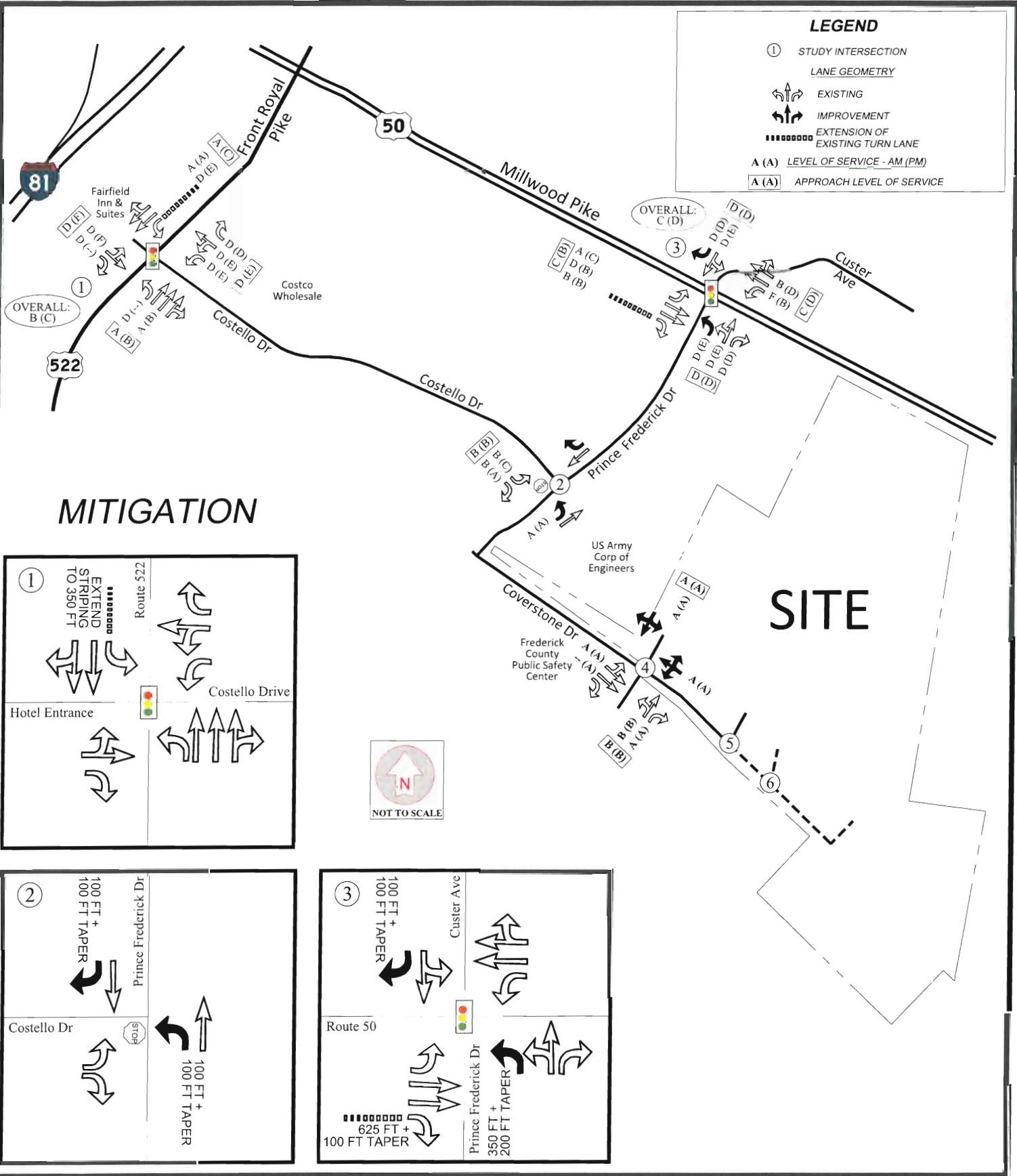
Avenue.

The above mitigation measures provide the following improvements and changes in the operation of the intersection:

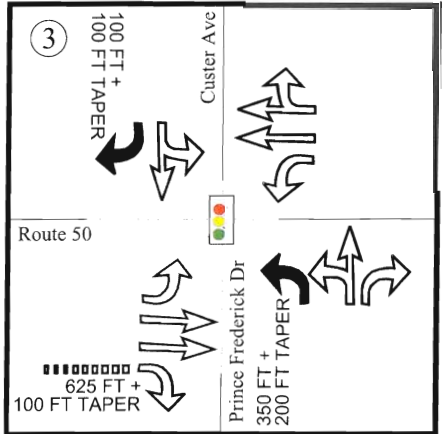
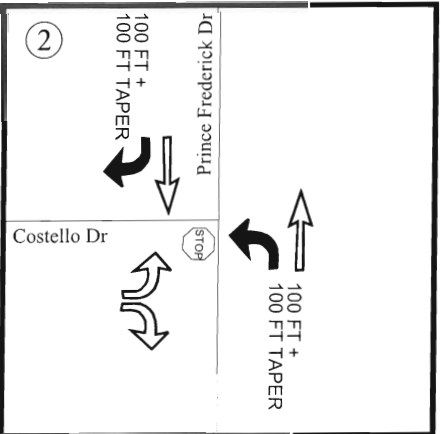
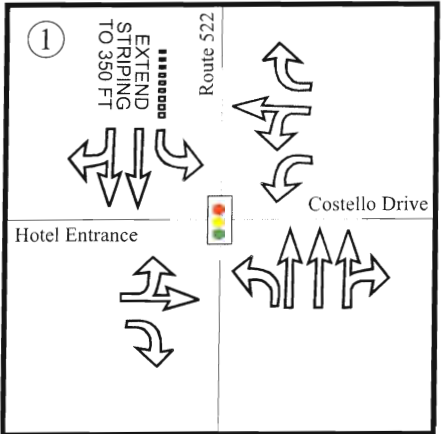
- The overall LOS for the intersection improves for the AM and PM peak hours. The AM peak hour improves to LOS "C"; the PM peak hour improves to LOS "D".
- The eastbound approach improves to LOS "C" in the AM peak hour and LOS "B" in the PM peak hour.
- The westbound approach during the PM peak hour improves to LOS "D" with the mitigation proposed.
- The southbound approach is unchanged at LOS "D".

LOS computations are based on the HCM 2000 methodology due to shared movements on the side streets.





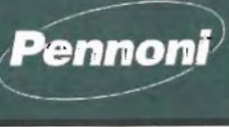
MITIGATION



SITE

LEGEND

- ① STUDY INTERSECTION
- LANE GEOMETRY
- ↔↔↔ EXISTING
- ↔↔↔ IMPROVEMENT
- ▬▬▬▬▬ EXTENSION OF EXISTING TURN LANE
- A (A) LEVEL OF SERVICE - AM (PM)
- A (A) APPROACH LEVEL OF SERVICE



HINES CARPERS VALLEY
 TRAFFIC IMPACT STUDY
 FREDERICK COUNTY, VA

2020 TOTAL TRAFFIC MITIGATION AND LOS

FIGURE 14
 Project # HINEX18001
 July 2018

TABLE 8A: SHORT-TERM 2020 LOS, DELAY AND BACK OF QUEUE WITH SITE (INTERSECTIONS 1 & 2)

| # | Intersection | Traffic Control/
Mitigation | Lane/Approach | Storage
Lengths (ft) | AM Peak Hour | | | PM Peak Hour | | | | |
|----------------|--|--|---------------|-------------------------|--------------|--------------------|--------------------------|--------------|--------------------|--------------------------|------------|---|
| | | | | | LOS | Delay
(sec/veh) | Back of
Queue
(ft) | LOS | Delay
(sec/veh) | Back of
Queue
(ft) | | |
| 1 | Route 522
&
Costello Dr
&
Hotel Entrance | Signalized

Extend SB left-turn lane
striping to 350 ft (to
accommodate projected
queues; does not change
analysis results, i.e.
LOS, delay, or queue
lengths) | EB/LT | 40 | D | 44.5 | 23 | F | 103.3 | 26 | | |
| | | | EB/R | 40 | D | 42.9 | 0 | - | - | - | | |
| | | | EB LOS | - | D | 43.9 | - | F | 103.3 | - | | |
| | | | WB/L | 120 | D | 42.2 | 56 | E | 66.1 | 169 | | |
| | | | WB/LT | 3,000 | D | 42.1 | 55 | E | 66.9 | 170 | | |
| | | | WB/R | 1,400 | D | 39.9 | 0 | D | 48.9 | 80 | | |
| | | | WB LOS | - | D | 41.5 | - | E | 57.5 | - | | |
| | | | NB/L | 100 | D | 44.4 | 6 | - | - | - | | |
| | | | NB/TT | 475 | A | 9.1 | 130 | B | 19.6 | 231 | | |
| | | | NB/TR | 825 | | | | | | | | |
| | | | NB LOS | - | A | 9.2 | - | B | 19.6 | - | | |
| | | | SB/L | 350 | D | 46.0 | 79 | E | 63.8 | 327 | | |
| | | | SB/TTR | 720 | A | 7.3 | 177 | A | 5.0 | 108 | | |
| SB LOS | - | B | 10.6 | - | C | 26.2 | - | | | | | |
| Overall | | | | - | B | 12.1 | - | C | 31.0 | - | | |
| 2 | Prince Frederick Dr
&
Costello Dr | Unsignalized | EB/L | 350 | B | 11.8 | 8 | C | 17.0 | 35 | | |
| | | | EB/R | 3,000 | B | 11.7 | 13 | A | 9.0 | 0 | | |
| | | | EB LOS | - | B | 11.7 | - | C | 16.4 | - | | |
| | | | NB/L | 580 | A | 8.7 | 0 | A | 8.0 | 8 | | |
| | | | NBT | | A | 0.0 | - | A | 0.0 | - | | |
| | | | NB LOS | - | - | 2.3 | - | - | 2.4 | - | | |
| | | | SB/T | 1,410 | - | - | - | - | - | - | | |
| | | | SB/R | | - | - | - | - | - | - | | |
| | | SB LOS | - | - | 0.0 | - | - | 0.0 | - | | | |
| | | Overall | | | | - | - | 2.8 | - | - | 4.7 | - |
| | | Add separate NB left
and SB right-turn lanes
(100 ft + 100 ft taper)
per VDOT warrants | EB/L | 350 | B | 11.5 | 8 | C | 15.4 | 30 | | |
| | | | EB/R | 3,000 | B | 11.3 | 13 | A | 8.7 | 0 | | |
| | | | EB LOS | - | B | 11.4 | - | B | 14.9 | - | | |
| NB/L | 150 | | A | 8.7 | 0 | A | 8.0 | 8 | | | | |
| NB/T | 580 | | - | - | - | - | - | - | | | | |
| NB LOS | - | | - | 2.3 | - | - | 2.4 | - | | | | |
| SB/T | 1,410 | | - | - | - | - | - | - | | | | |
| SB/R | 150 | | - | - | - | - | - | - | | | | |
| SB LOS | - | - | 0.0 | - | - | 0.0 | - | | | | | |
| Overall | | | | - | - | 2.7 | - | - | 4.4 | - | | |



TABLE 8B: SHORT-TERM 2020 LOS, DELAY AND BACK OF QUEUE WITH SITE (INTERSECTIONS 3 & 4)

| # | Intersection | Traffic Control/
Mitigation | Lane/Approach | Storage
Lengths (ft) | AM Peak Hour | | | PM Peak Hour | | | | |
|------------------------------|---|--|---------------|-------------------------|--------------|--------------------|--------------------------|--------------|--------------------|--------------------------|-------------|---|
| | | | | | LOS | Delay
(sec/veh) | Back of
Queue
(ft) | LOS | Delay
(sec/veh) | Back of
Queue
(ft) | | |
| 3 | Route 50
&
Prince Frederick Dr
&
Custer Ave | Signalized

Flashing Yellow Arrow
(protected/permissive)
for EB Left AM & EB
& WB lefts PM | EB/L | 150 | A | 8.1 | 24 | C | 22.7 | 62 | | |
| | | | EB/TT | 890 | F | 80.1 | #790 | B | 18.4 | 253 | | |
| | | | EB/R | 200 | B | 18.0 | 53 | B | 13.6 | 0 | | |
| | | | EB LOS | - | E | 70.1 | - | B | 18.6 | - | | |
| | | | WB/L | 360 | D | 52.7 | 136 | B | 12.1 | 44 | | |
| | | | WB/TTR | 1,140 | A | 9.3 | 132 | E | 68.9 | #806 | | |
| | | | WB LOS | - | B | 17.2 | - | E | 66.3 | - | | |
| | | | NB/LT | 1,420 | E | 56.6 | #83 | F | 563.9 | #398 | | |
| | | | NB/R | 500 | D | 41.9 | 0 | D | 40.7 | 28 | | |
| | | | NB LOS | - | D | 51.4 | - | F | 356.9 | - | | |
| | | SB/LTR | 265 | D | 49.8 | 124 | D | 44.9 | 104 | | | |
| | | SB LOS | - | D | 49.8 | - | D | 44.9 | - | | | |
| | | Overall w/o MITIGATION | | | | - | D | 54.6 | - | F | 89.6 | - |
| | | Lengthen EB right-turn
(625 ft + 100 ft taper)
lane

Add new NB left-turn
lane (350 ft + 200 ft
taper)

Add separate SB right-
turn lane (100 ft + 100 ft
taper) | EB/L | 150 | A | 9.2 | 19 | C | 26.0 | 76 | | |
| | | | EB/TT | 890 | D | 36.4 | #614 | B | 17.5 | 258 | | |
| | | | EB/R | 675 | B | 14.1 | 37 | B | 13.1 | 0 | | |
| | | | EB LOS | - | C | 32.8 | - | B | 18.2 | - | | |
| | | | WB/L | 360 | F | 88.6 | #187 | B | 11.8 | 45 | | |
| | | | WB/TTR | 1,140 | B | 13.2 | 147 | D | 45.1 | #837 | | |
| | | | WB LOS | - | C | 26.9 | - | D | 43.6 | - | | |
| | | | NB/L | 450 | D | 43.9 | 47 | E | 63.1 | 155 | | |
| | | | NB/LT | 1,420 | D | 43.4 | 49 | E | 58.0 | 157 | | |
| NB/R | 500 | | D | 41.2 | 0 | D | 44.1 | 47 | | | | |
| NB LOS | - | D | 42.8 | - | D | 54.0 | - | | | | | |
| SB/LT | 265 | D | 53.2 | #98 | E | 56.3 | #109 | | | | | |
| SB/R | 150 | D | 40.4 | 0 | D | 49.3 | 0 | | | | | |
| SB LOS | - | D | 44.8 | - | D | 52.1 | - | | | | | |
| Overall w/ MITIGATION | | | | - | C | 26.7 | - | D | 38.1 | - | | |
| 4 | Coverstone Dr
&
Site Entrance #1
&
Frederick Co Public Safety
Center (East Entrance) | New Intersection

Unsignalized | EB/LT | 520 | A | 7.7 | 10.0 | A | 7.5 | 0 | | |
| | | | EB/T | | A | 0.1 | - | A | 0.0 | - | | |
| | | | EB/R | 190 | - | - | - | - | - | - | | |
| | | | EB LOS | - | - | - | - | - | 4.3 | - | | |
| | | | WB/LTR | 750 | A | 0.0 | 0 | A | 0.0 | 0 | | |
| | | | WB LOS | - | - | 0.0 | - | - | 0.0 | - | | |
| | | | NB/LT | 55 | B | 13.2 | 2.5 | B | 11.2 | 8 | | |
| | | | NB/R | | A | 0.0 | - | A | 0.0 | - | | |
| | | | NB LOS | - | - | - | - | B | 11.2 | - | | |
| | | | SB/LTR | 25 | A | 8.6 | 2.5 | A | 9.2 | 15 | | |
| SB LOS | - | - | - | - | A | 9.5 | - | | | | | |
| Overall | | | | - | - | - | - | - | - | | | |

- EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound, L: Left, T: Thru, R: Right
 - Storage lengths include half the taper. Continuous lane lengths are to upstream intersection. TBD: To Be Determined
 # - 95th percentile volume exceeds capacity.



LONG-TERM 2024 CONDITIONS WITHOUT PROPOSED SITE

The long-term 2024 traffic background forecasts reflect the local conditions with growth on Route 50 and at Route 522, without the site uses added. Background trips include:

- Local growth to existing trips (1.5% annual ambient growth)
- Other Development

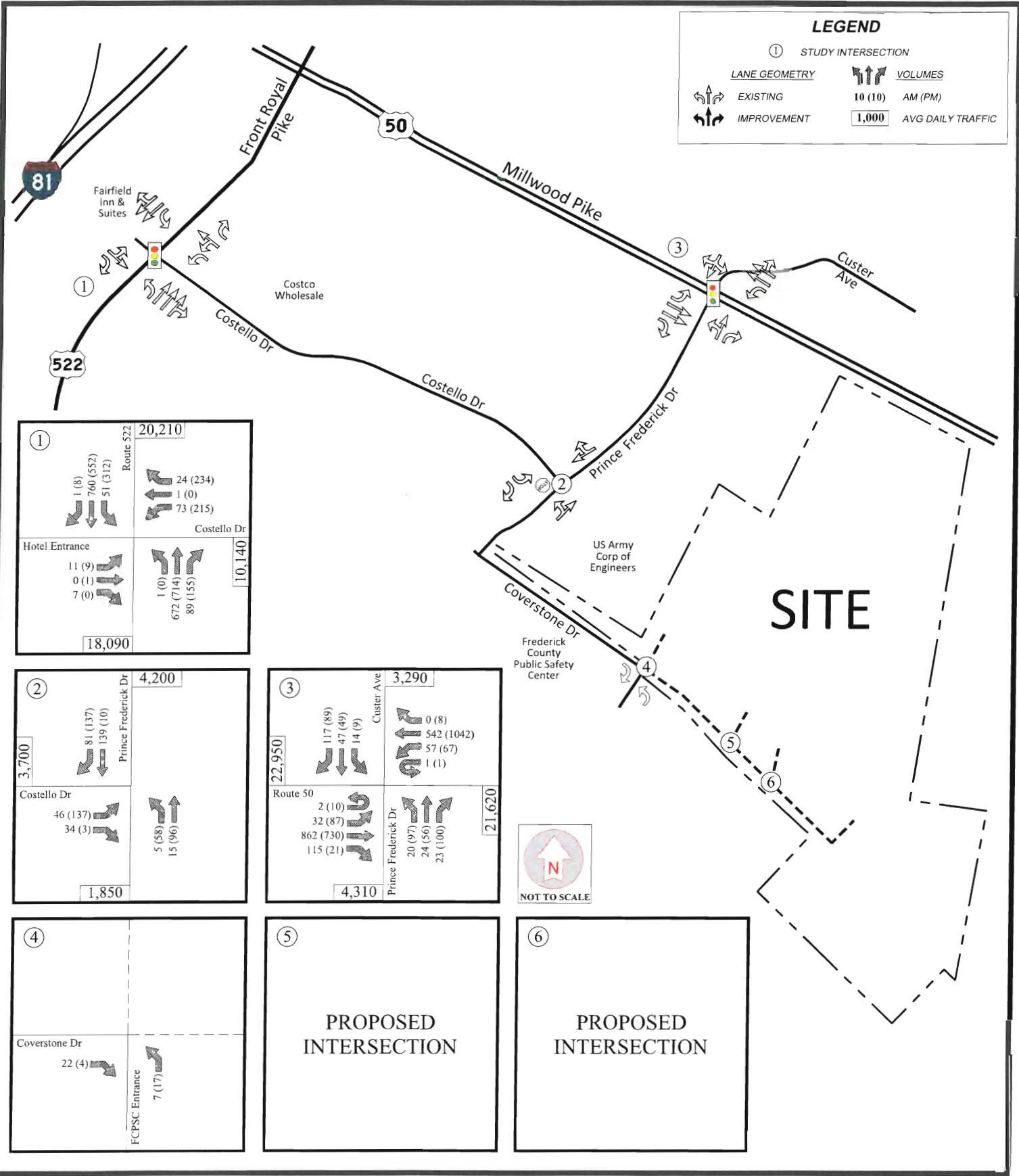
Traffic volumes are summarized in **Figure 15** for the background 2024 conditions.

Other Development and Long-Term Background Traffic Volumes

Other approved development traffic from the FBI and Navy Federal Credit Union sites as previously introduced for the short-term 2020 scenario, do not change for the long-term, and are shown in Figure 7. The 2024 forecasts for the study intersections (volumes and LOS) are summarized in **Figure 16**.

Left-Turn Phasing Mode

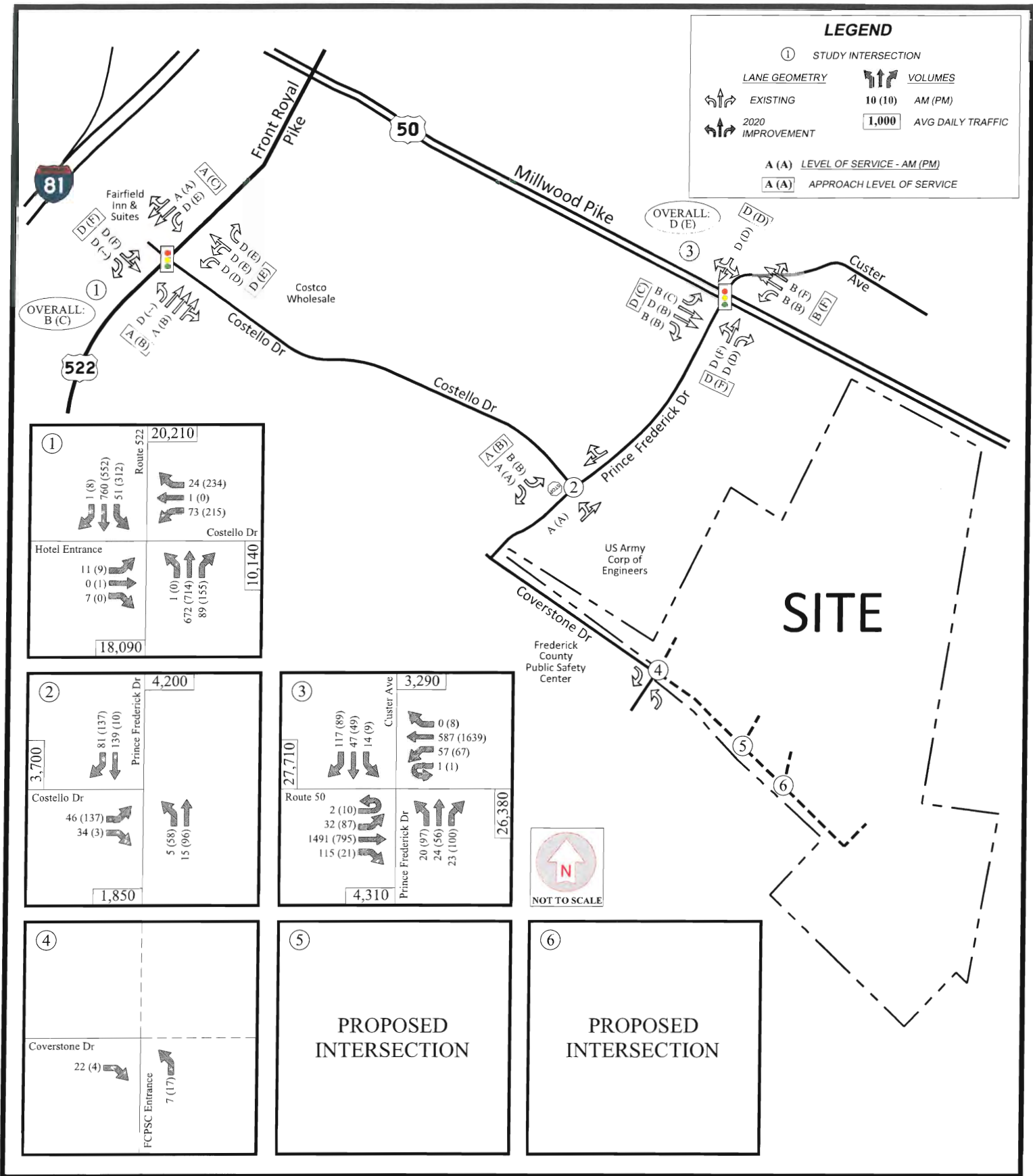
The Rte 50 intersection was evaluated and recommended for protective/permissive left-turn phasing by VDOT in 2017. As revised, Pennoni considered with Flashing Yellow Arrow (FYA) left-turn operation provided that the cross-product of (Left-Turn + U-turn) X (Opposing Thru + Opposing Right) is less than 100,000 per hour. The VDOT guidance expressed a preference for protected-only left-turn movements with cross-products of 150,000 or more. The left-turn operation would change based on a time of day plan with protected-only operation when justified by the cross-products. The cross-products were 19,905 and 86,386 per hour for the eastbound left and westbound left, respectively, for the AM peak hour and 159,507 and 53,924 for the eastbound left and westbound left, respectively for the PM peak hour. The EB left was analyzed with protected/permissive FYA operation since its cross-product is only slightly over 150,000 per hour and since it had increased only slightly from the 2020 background scenario.



HINES CARPERS VALLEY
 TRAFFIC IMPACT STUDY
 FREDERICK COUNTY, VA

**BASE 2024 TRAFFIC VOLUMES
 WITH GROWTH**

FIGURE 15
 Project # HINEX18001
 July 2018



Long-Term 2024 Traffic Operations

The 2024 LOS without the site are shown in Figure 16. The projected LOS by movement and back of queue values for each of the study intersections for the AM and PM peak hours for the long-term 2024 conditions is shown on **Table 9**.

Capacity calculations in HCM mode are from Synchro 10. The Synchro calculation worksheets are in **Appendix H**.

General Level of Service assessment of expected long-term 2024 operations without the site are described below:

- The signalized intersection at Front Royal Pike/Costello Drive/Hotel Entrance operates at overall LOS "B" in the AM peak hour and at overall LOS "C" in the PM peak hour. The westbound Costello Drive and eastbound Hotel Entrance approaches each operate at LOS "D" in the AM peak hour. Costello Drive operates at LOS "E" in the PM peak hour; Hotel Entrance operates at LOS "F" in the PM peak hour. Left turning movements from northbound and southbound Front Royal Pike operate at LOS "D" in the AM peak hour; southbound left turns operate at LOS "E" in the PM peak hour. Overall, the Front Royal Pike approaches operate at LOS "C" or better in the AM peak hour and the PM peak hour. LOS computations are based on the HCM 2000 in lieu of HCM 2010 methodology due to shared movements on the side streets.
- | | <u>Long-Term 2024 Conditions without Site</u> |
|--|--|
| | Undesirable overall intersection LOS and queues without improvements: |
| | At Route 50 signal at Prince Frederick Drive, overall LOS "E" with growth; |
| | At Route 522 signal, overall LOS "C" with growth but stacking length inadequate; |
| | Costello Drive/Prince Frederick Drive operates at LOS "B" but a SB right-turn lane is warranted. |
- The stop-controlled approach of the unsignalized intersection at Costello Drive/Prince Frederick Drive operates at LOS "B" or better in the AM peak hour and the PM peak hour. All conflicted movements operate at LOS "B" or better in either peak hour.
 - The signalized intersection at Millwood Pike/Prince Frederick Drive/Custer Avenue operates at overall LOS "D" in the AM peak hour and at overall LOS "E" in the PM peak hour. The eastbound mainline (Millwood Pike) approach operates at LOS "D" in the AM peak hour and at LOS "C" in the PM peak hour. The westbound approach operates at LOS "B" and LOS "F" in the AM and PM peak hours, respectively. Northbound Prince Frederick Drive approach and lane groups operate at LOS "D" in the AM peak hour; the approach and the left/through lane group operate at LOS "F" in the PM peak hour, while right turns operate at LOS "D" in the AM and PM peak hours. Custer Avenue operates at LOS "D" in both peak hours. LOS computations are based on the HCM 2000 in lieu of HCM 2010 methodology due to shared movements on the side streets.

TABLE 9: LONG-TERM 2024 BACKGROUND LOS, DELAY AND BACK OF QUEUES WITHOUT SITE

| # | Intersection | Traffic Control/
Mitigation | Lane/Approach | Storage
Lengths (ft) | AM Peak Hour | | | PM Peak Hour | | |
|----------------|---|--------------------------------|---------------|-------------------------|--------------|--------------------|--------------------------|--------------|--------------------|--------------------------|
| | | | | | LOS | Delay
(sec/veh) | Back of
Queue
(ft) | LOS | Delay
(sec/veh) | Back of
Queue
(ft) |
| 1 | Route 522
&
Costello Dr
&
Hotel Entrance | Signalized | EB/LT | 40 | D | 44.7 | 24 | F | 126.8 | 28 |
| | | | EB/R | 40 | D | 42.9 | 0 | - | - | - |
| | | | EB LOS | - | D | 44.0 | - | F | 126.8 | - |
| | | | WB/L | 120 | D | 42.2 | 55 | E | 65.4 | 156 |
| | | | WB/LT | 3,000 | D | 42.1 | 55 | E | 65.4 | 156 |
| | | | WB/R | 1,400 | D | 40.0 | 0 | D | 49.7 | 78 |
| | | | WB LOS | - | D | 41.6 | - | E | 57.2 | - |
| | | | NB/L | 100 | D | 44.4 | 6 | - | - | - |
| | | | NB/TT | 475 | A | 8.5 | 126 | B | 19.8 | 247 |
| | | | NB/TR | 825 | | | | | | |
| | | | NB LOS | - | A | 8.5 | - | B | 19.8 | - |
| | | | SB/L | 195 | D | 42.5 | 66 | E | 65.3 | 346 |
| SB/TTR | 720 | A | 7.5 | 190 | A | 4.8 | 116 | | | |
| SB LOS | - | A | 9.6 | - | C | 26.4 | - | | | |
| Overall | | | | - | B | 11.4 | - | C | 30.6 | - |
| 2 | Prince Frederick Dr
&
Costello Dr | Unsignalized | EB/L | 350 | B | 10.0 | 5 | B | 11.8 | 20 |
| | | | EB/R | 3,000 | A | 9.3 | 3 | A | 8.7 | 0 |
| | | | EB LOS | - | A | 9.7 | - | B | 11.7 | - |
| | | | NB/L | 580 | A | 7.9 | 0 | A | 7.6 | 3 |
| | | | NB/T | | A | 0.0 | - | A | 0.0 | - |
| | | | NB LOS | - | - | 2.0 | - | - | 2.9 | - |
| | | | SB/T | 1,410 | - | - | - | - | - | - |
| | | | SB/R | | - | - | - | - | - | - |
| SB LOS | - | - | 0.0 | - | - | 0.0 | - | | | |
| Overall | | | | - | - | 2.6 | - | - | 4.7 | - |
| 3 | Route 50
&
Prince Frederick Dr
&
Custer Ave | Signalized | EB/L | 150 | B | 11.4 | 25 | C | 24.1 | 69 |
| | | | EB/TT | 890 | D | 47.5 | #757 | B | 19.1 | 269 |
| | | | EB/R | 200 | B | 13.3 | 0 | B | 13.6 | 0 |
| | | | EB LOS | - | D | 44.4 | - | B | 19.5 | - |
| | | | WB/L | 360 | B | 19.8 | 37 | B | 12.5 | 41 |
| | | | WB/TTR | 1,140 | B | 16.4 | 196 | F | 90.4 | #851 |
| | | | WB LOS | - | B | 16.7 | - | F | 87.3 | - |
| | | | NB/LT | 1,420 | D | 44.8 | 64 | F | 173.7 | #243 |
| | | | NB/R | 500 | D | 42.2 | 0 | D | 40.5 | 0 |
| | | | NB LOS | - | D | 43.9 | - | F | 121.2 | - |
| | | | SB/LTR | 265 | D | 51.6 | #147 | D | 46.6 | 114 |
| SB LOS | - | D | 51.6 | - | D | 46.6 | - | | | |
| Overall | | | | - | D | 37.8 | - | E | 67.7 | - |

- EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound, L: Left, T: Thru, R: Right
 - Storage lengths include half the taper. Continuous lane lengths are to upstream intersection. TBD: To Be Determined
 # - 95th percentile volume exceeds capacity.



LONG-TERM 2024 CONDITIONS WITH PROPOSED SITE

Long-Term 2024 Site Traffic Volumes

For the traffic assignments, Pennoni utilized the site assignments for general light industrial uses in Phase 1 and High Cube Transload & Short-Term Use in Phase 2. Pennoni utilized Institute of Transportation Engineers (ITE) *Trip Generation Manual* (10th Edition) for the trip generation calculations for the 1.2 million sf site development and assigned the trips to the local roadway network using the same distributions as presented in Table 6.

Table 10 summarizes the peak hour trips for total build-out as proposed, while **Table 11** shows the trips if the entire site was only associated with High-Cube Warehouse uses to show the incremental trips if Phase 1 was developed without industrial uses. The trip activities as a High-Cube would have the higher percentages of heavy vehicles, but the effective trip rates per 1,000 sf of building space is significantly reduced. The total site build-out, if High-Cube activities are constructed and occupied, are fewer peak trips than the Phase 1 traffic assignments as industrial uses. For this analysis, the higher industrial-type activities are shown for the Phase 1 site assignments for ‘worst case’ impacts to the public streets.

TABLE 10: SITE TRIP GENERATION WITH BUILD-OUT

| Density | AM Peak Hour | PM Peak Hour | Daily |
|-----------------|-------------------------|--------------------------|---------------------|
| 1.21 million sf | 29/49 <u>348</u> | 56/280 <u>336</u> | <u>3,136</u> |

See Table 6 for calculations. ITE LUC Code 110 (405,000 SF) and LUC 154 (805,000 SF).

Legend: Inbound/Outbound **Total (2-way) Trips.**

TABLE 11: INCREMENTAL LONG-TERM SITE TRIPS IF DEVELOPED AS HIGH-CUBE WAREHOUSE

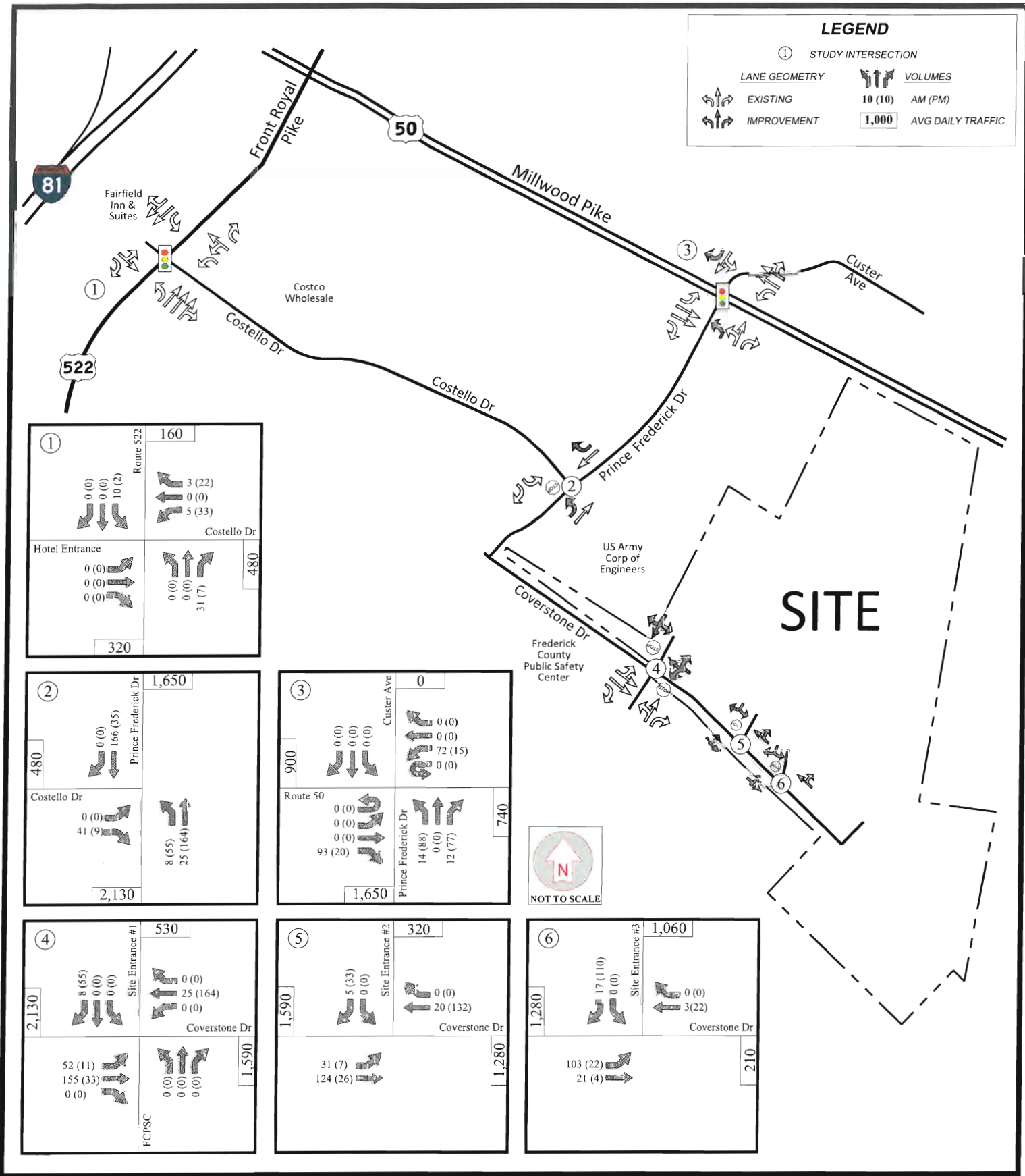
| Use | Density | AM Peak Hour | PM Peak Hour | Daily |
|---|-----------------|--------------|--------------|---------------------|
| Phase 1 Industrial (LUC: 110) + Phase 2 High-Cube (LUC:154) | 1.21 million sf | 348 | 336 | <u>3,136</u> |
| High-Cube Warehouse (LUC: 154) only | 1.21 million sf | 97 | 121 | <u>1,694</u> |
| Decrease | | 251 | 215 | <u>1,442</u> |

ITE *Trip Generation Manual* (10th edition) LUC 110 and LUC 154. Two-way trips presented.

Site Assignments 2024 Long-Term

Figure 17 shows the external site trips for employees/cars for weekday AM and PM peak hours at 2024 build-out. The truck site trips for the Carpers Valley site are summarized for the long-term 2024 conditions in **Figure 18**.





①

| | |
|---|---------------------------------|
| Route 522
160 | 3 (22)
0 (0)
5 (33) |
| Hotel Entrance
0 (0)
0 (0)
0 (0) | 480
0 (0)
0 (0)
31 (7) |
| 320 | |

②

| | |
|-----------------|--------------------------------|
| 480 | 1,650 |
| 0 (0)
41 (9) | 166 (35)
8 (55)
25 (164) |
| 2,130 | |

③

| | |
|---------------------------|--|
| 900 | 0 |
| 0 (0)
0 (0)
93 (20) | 0 (0)
0 (0)
72 (15)
0 (0)
14 (88)
12 (77) |
| 1,650 | 740 |

④

| | |
|------------------------------|----------------------------------|
| 2,130 | 530 |
| 8 (55)
0 (0)
0 (0) | 0 (0)
25 (164)
0 (0) |
| 52 (11)
155 (33)
0 (0) | 1,590
0 (0)
0 (0)
0 (0) |

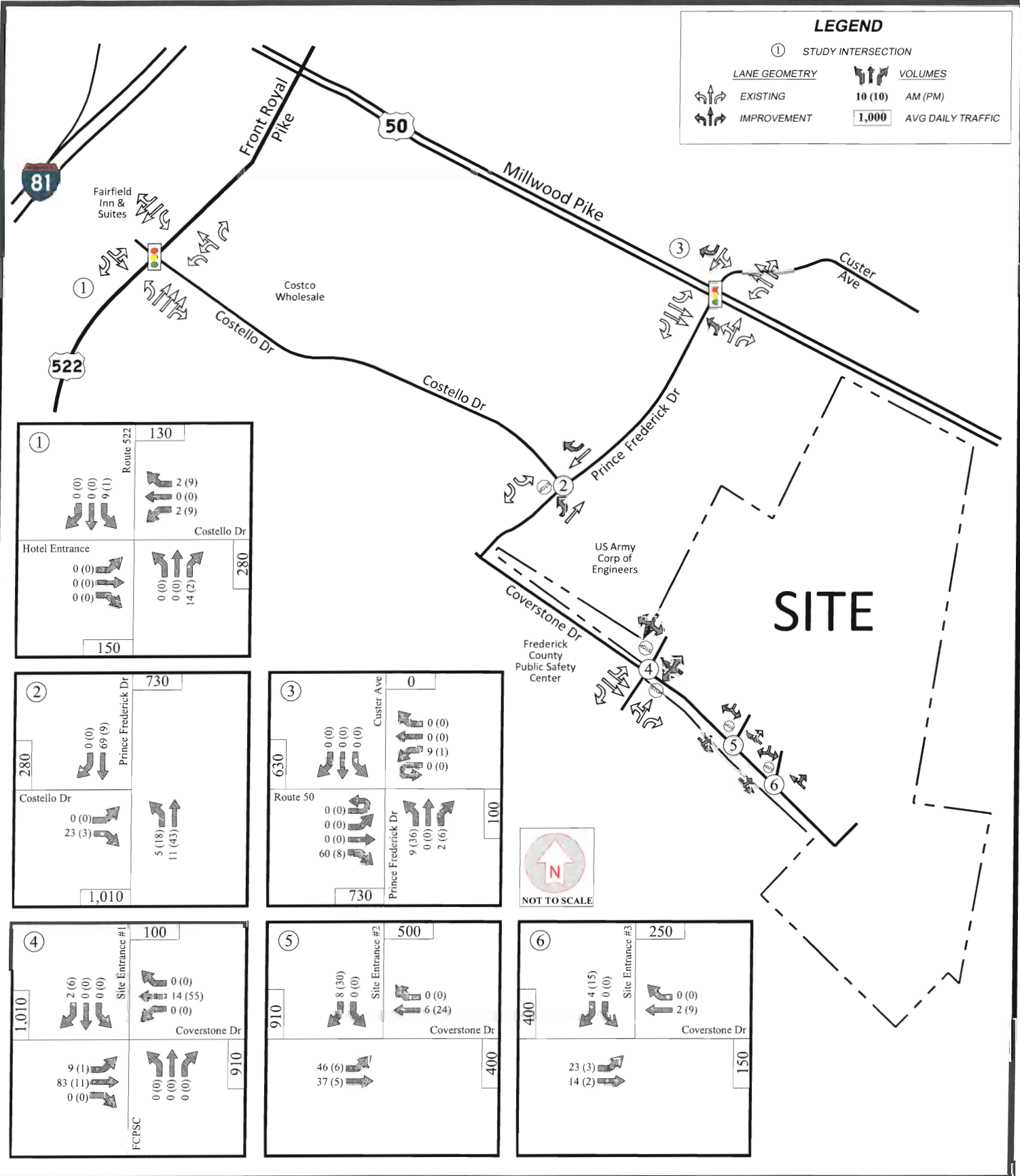
⑤

| | |
|--------------------|-------------------|
| 1,590 | 320 |
| 5 (33)
0 (0) | 0 (0)
20 (132) |
| 31 (7)
124 (26) | 1,280 |

⑥

| | |
|--------------------|-----------------|
| 1,280 | 1,060 |
| 17 (110)
0 (0) | 0 (0)
3 (22) |
| 103 (22)
21 (4) | 210 |





①

| | |
|---|---------------------------------|
| Route 522
130 | 2 (9)
0 (0)
2 (9) |
| Hotel Entrance
0 (0)
0 (0)
0 (0) | 280
0 (0)
0 (0)
14 (2) |
| 150 | |

②

| | |
|--------------------------------|--|
| 280 | Prince Frederick Dr
0 (0)
69 (9) |
| Costello Dr
0 (0)
23 (3) | 730
5 (18)
11 (43) |
| 1,010 | |

③

| | |
|--------------------------------------|---------------------------------------|
| 630 | Custer Ave
0 (0)
0 (0)
0 (0) |
| Route 50
0 (0)
0 (0)
60 (8) | 100
9 (36)
2 (6) |
| 730 | |

④

| | |
|---|---|
| 1,010 | Site Entrance #1
2 (6)
0 (0)
0 (0) |
| Site Entrance #1
0 (0)
14 (55)
0 (0) | 100
Coverstone Dr
9 (1)
83 (11)
0 (0) |
| 910 | FCPSC
0 (0)
0 (0)
0 (0) |

⑤

| | |
|-------------------------------------|--|
| 910 | Site Entrance #2
8 (30)
0 (0) |
| Site Entrance #2
0 (0)
6 (24) | 500
Coverstone Dr
46 (6)
37 (5) |
| 400 | |

⑥

| | |
|------------------------------------|--|
| 400 | Site Entrance #3
4 (15)
0 (0) |
| Site Entrance #3
0 (0)
2 (9) | 250
Coverstone Dr
23 (3)
14 (2) |
| 150 | |



Left-Turn Phasing Mode

The Rte 50 intersection was evaluated and recommended for protective/permissive left-turn phasing by VDOT in 2017. As revised, Pennoni considered with Flashing Yellow Arrow (FYA) left-turn operation provided that the cross-product of (Left-Turn + U-turn) X (Opposing Thru + Opposing Right) is less than 100,000 per hour. The VDOT guidance also expressed a preference for protected-only left-turn movements with cross-products of 150,000 or more. The left-turn operation would change based on a time of day plan with protected -only operation when justified by the cross products. The cross-products were 19,909 and 208,062 per hour for the eastbound left and westbound left, respectively, for the AM peak hour and 159,507 and 67,098 for the eastbound left and westbound left, respectively for the PM peak hour. The WB and EB lefts at the Rte. 50 signal were analyzed with protected/permissive FYA operation during the peak hours, except for the WB left during the AM peak hour since its cross-product is significantly over 150,000 per hour.

The eastbound left was analyzed with protected/permissive FYA operation since its cross-product is only slightly over 150,000 per hour and since it is the same as under 2024 background conditions, in which protected/permissive FYA was used.

Long-Term 2024 Traffic Operations with Build-Out

The total 2024 traffic volumes and LOS with the site are summarized in **Figure 19** and include the mitigation measures developed for the short-term 2020 analysis. The projected LOS by movement and back of queue values for each of the study intersections for the AM and PM peak hours for the long-term 2024 conditions is shown on **Tables 12A** and **12B**. The only additional mitigation required is a signal timing update to the Rte 50 and Prince Frederick Dr/Custer Ave intersection. LOS with the signal timing update is shown on **Figure 20**.

Capacity calculations in HCM mode are from Synchro 10. The Synchro calculation worksheets are in **Appendix I**; Synchro calculation worksheets with the signal timing mitigation are in **Appendix J**.

General Level of Service assessment of expected long-term operations with the site are described below:

- The signalized intersection at Front Royal Pike/Costello Drive/Hotel Entrance operates at overall LOS "B" in the AM peak hour and at overall LOS "C" in the PM peak hour. The westbound Costello Drive and eastbound Hotel Entrance approaches each operate at LOS "D" in the AM peak hour. Costello Drive operates at LOS "D" in the PM peak hour; Hotel Entrance operates at LOS "F" in the PM peak hour. Left turning movements from northbound and southbound Front Royal Pike operate at LOS "D" in the AM peak hour; southbound left turns operate at LOS "E" in the PM peak hour. Overall, the Front Royal Pike approaches operate at LOS "C" or better in the AM peak hour

Long-Term Conditions with Site Build-Out

Acceptable overall intersection LOS and queues with improvements added in 2020 for Phase 1;

At Route 50 signal at Prince Frederick Drive, update signal timing;

At Route 522 signal, overall LOS "C" with growth;

Costello Drive/Prince Frederick Drive operates at LOS "C".

and the PM peak hour. LOS computations are based on the HCM 2000 methodology due to shared movements on the side streets.

A summary of the queues and storage at the Route 522 signal is included as **Figure 21**. No curb changes are proposed.

- The stop-controlled approach of the unsignalized intersection at Costello Drive/Prince Frederick Drive operates at LOS "B" in the AM peak hour and at LOS "C" in the PM peak hour. Turn lanes are shown in **Figure 22**, based on general VDOT transition criteria, subject to final design.
- The signalized intersection at Millwood Pike/Prince Frederick Drive/Custer Avenue operates at overall LOS "C" in the AM peak hour and at LOS "D" in the PM peak hour. The eastbound mainline (Millwood Pike) approach operates at LOS "C" in the AM peak hour and LOS "B" in the PM peak hour. The westbound approach operates at LOS "C" in the AM peak hour and at LOS "E" in the PM peak hour. The northbound Prince Frederick Drive approach operates at LOS "D" in the AM peak hour and LOS "E" in the PM peak hour. Custer Avenue operates at LOS "D" in the AM and PM peak hours.
- The only mitigation necessary for the signalized intersection at Millwood Pike/Prince Frederick Drive/Custer Avenue to operate at desirable LOS is an update to the signal timing. With the updated signal timing, the intersection operates at overall LOS "C" in the AM and PM peak hours. The westbound and northbound approaches in the PM peak hour improve from undesirable LOS "E" to LOS "D" and LOS "C", respectively. Custer Avenue remains LOS "D" for both peak hours. The general concept improvements recommended for Phase 1 in 2020 and that continue to be adequate for full site build-out in 2024 are summarized in **Figure 23** for the Route 50 signal.

TABLE 12A: LONG-TERM 2024 TOTAL CONDITIONS LOS/DELAYS/QUEUES (INTERSECTIONS 1 & 2)

| # | Intersection | Traffic Control/
Mitigation | Lane/Approach | Storage
Lengths (ft) | AM Peak Hour | | | PM Peak Hour | | |
|----------------|--|--------------------------------|---------------|-------------------------|--------------|--------------------|--------------------------|--------------|--------------------|--------------------------|
| | | | | | LOS | Delay
(sec/veh) | Back of
Queue
(ft) | LOS | Delay
(sec/veh) | Back of
Queue
(ft) |
| 1 | Route 522
&
Costello Dr
&
Hotel Entrance | Signalized | EB/LT | 40 | D | 44.7 | 24 | F | 126.8 | 28 |
| | | | EB/R | 40 | D | 42.9 | 0 | - | - | - |
| | | | EB LOS | - | D | 44.0 | - | F | 126.8 | - |
| | | | WB/L | 120 | D | 42.2 | 55 | E | 65.4 | 156 |
| | | | WB/LT | 3,000 | D | 42.1 | 55 | E | 65.4 | 156 |
| | | | WB/R | 1,400 | D | 40.0 | 0 | D | 49.7 | 78 |
| | | | WB LOS | - | D | 41.6 | - | E | 57.2 | - |
| | | | NB/L | 100 | D | 44.4 | 6 | - | - | - |
| | | | NB/TT | 475 | A | 8.5 | 126 | B | 19.8 | 247 |
| | | | NB/TR | 825 | | | | | | |
| | | | NB LOS | - | A | 8.5 | - | B | 19.8 | - |
| | | | SB/L | 195 | D | 42.5 | 66 | E | 65.3 | 346 |
| | | | SB/TTR | 720 | A | 7.5 | 190 | A | 4.8 | 116 |
| | | | SB LOS | - | A | 9.6 | - | C | 26.4 | - |
| Overall | | | | - | B | 11.4 | - | C | 30.6 | - |
| 2 | Prince Frederick Dr
&
Costello Dr | Unsignalized | EB/L | 350 | B | 10.0 | 5 | B | 11.8 | 20 |
| | | | EB/R | 3,000 | A | 9.3 | 3 | A | 8.7 | 0 |
| | | | EB LOS | - | A | 9.7 | - | B | 11.7 | - |
| | | | NB/L | 580 | A | 7.9 | 0 | A | 7.6 | 3 |
| | | | NB/T | | A | 0.0 | - | A | 0.0 | - |
| | | | NB LOS | - | - | 2.0 | - | - | 2.9 | - |
| | | | SB/T | 1,410 | - | - | - | - | - | - |
| | | | SB/R | | - | - | - | - | - | - |
| SB LOS | - | - | 0.0 | | - | - | 0.0 | - | | |
| Overall | | | | - | - | 2.6 | - | - | 4.7 | - |



TABLE 12B: LONG-TERM 2024 TOTAL CONDITIONS LOS/DELAYS/QUEUES (INTERSECTIONS 3 & 4)

| # | Intersection | Traffic Control/
Mitigation | Lane/Approach | Storage
Lengths (ft) | AM Peak Hour | | | PM Peak Hour | | | |
|----------------|---|--------------------------------|--|-------------------------|--------------|--------------------|--------------------------|--------------|--------------------|--------------------------|------|
| | | | | | LOS | Delay
(sec/veh) | Back of
Queue
(ft) | LOS | Delay
(sec/veh) | Back of
Queue
(ft) | |
| 3 | Route 50
&
Prince Frederick Dr
&
Custer Ave | Signalized | EB/L | 150 | A | 9.2 | 19 | C | 28.1 | 82 | |
| | | | EB/TT | 890 | D | 36.4 | #614 | B | 18.7 | 279 | |
| | | | EB/R | 650 | B | 14.1 | 37 | B | 13.8 | 0 | |
| | | | EB LOS | - | C | 32.8 | - | B | 19.4 | - | |
| | | | WB/L | 360 | F | 88.6 | #187 | B | 12.6 | 49 | |
| | | | WB/TTR | 1,140 | B | 13.2 | 147 | E | 61.2 | #892 | |
| | | | WB LOS | - | C | 26.9 | - | E | 58.8 | - | |
| | | | Flasing Yellow Arrow
(protected/permissive)
for EB Left AM & EB
& WB lefts PM | NB/L | 450 | D | 43.9 | 47 | E | 68.4 | #189 |
| | | | NB/LT | 1,420 | D | 43.4 | 49 | E | 60.4 | 178 | |
| | | | NB/R | 500 | D | 42.8 | 0 | D | 43.3 | 64 | |
| | | | NB LOS | - | D | 44.6 | - | E | 56.0 | - | |
| | | | SB/LT | 265 | D | 53.2 | #98 | E | 61.7 | #116 | |
| | | SB/R | 150 | D | 40.4 | 0 | D | 49.5 | | | |
| | | SB LOS | - | D | 44.8 | - | D | 54.3 | - | | |
| | | Overall | - | C | 32.4 | - | D | 46.9 | - | | |
| | | Optimize Signal Timing | EB/L | 150 | A | 9.3 | 19 | C | 26.0 | 76 | |
| | | | EB/TT | 890 | D | 46.4 | #655 | B | 17.5 | 258 | |
| | | | EB/R | 675 | B | 14.9 | 43 | B | 13.1 | 0 | |
| | | | EB LOS | - | D | 41.0 | - | B | 18.2 | - | |
| | | | WB/L | 400 | F | 88.6 | #203 | B | 11.8 | 45 | |
| | | | WB/TTR | 1,140 | B | 13.4 | 157 | D | 45.1 | #837 | |
| | | | WB LOS | - | C | 27.8 | - | D | 43.6 | - | |
| | | | NB/L | 450 | D | 49.0 | #60 | E | 63.1 | 155 | |
| NB/LT | 1,420 | | D | 44.0 | 54 | E | 58.0 | 157 | | | |
| NB/R | 500 | | D | 41.2 | 0 | D | 44.1 | 47 | | | |
| NB LOS | - | | D | 44.6 | - | D | 54.0 | - | | | |
| SB/LT | 265 | | E | 58.0 | #105 | E | 56.3 | #109 | | | |
| SB/R | 150 | D | 40.5 | 0 | E | 49.3 | 0 | | | | |
| SB LOS | - | D | 46.5 | - | D | 52.1 | - | | | | |
| Overall | - | C | 38.1 | - | D | 38.1 | - | | | | |
| 4 | Coverstone Dr
&
Site Entrance #1
&
Frederick Co Public Safety
Center (East Entrance) | Unsignalized | EB/LT | 520 | A | 7.5 | 3 | A | 7.8 | 0 | |
| | | | EB/T | | A | 0.1 | - | A | 0.0 | - | |
| | | | EB/R | 190 | - | - | - | - | - | - | |
| | | | EB LOS | - | - | 1.5 | - | - | 1.6 | - | |
| | | | WB/LTR | 750 | A | 0.0 | 0 | A | 0.0 | 0 | |
| | | | WB LOS | - | - | 0.0 | - | - | 0.0 | - | |
| | | | NB/LT | 55 | B | 12.4 | 0 | B | 11.8 | 3 | |
| | | | NB/R | | A | 0.0 | - | A | 0.0 | - | |
| | | | NB LOS | - | B | 12.4 | - | B | 11.8 | - | |
| | | | SB/LTR | 25 | A | 8.7 | 0 | B | 10.1 | 8 | |
| | | | SB LOS | - | A | 8.7 | - | B | 10.1 | - | |
| Overall | - | - | 1.7 | - | - | 2.6 | - | | | | |

- EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound, L: Left, T: Thru, R: Right
 - Storage lengths include half the taper. Continuous lane lengths are to upstream intersection. TBD: To Be Determined
 # - 95th percentile volume exceeds capacity.



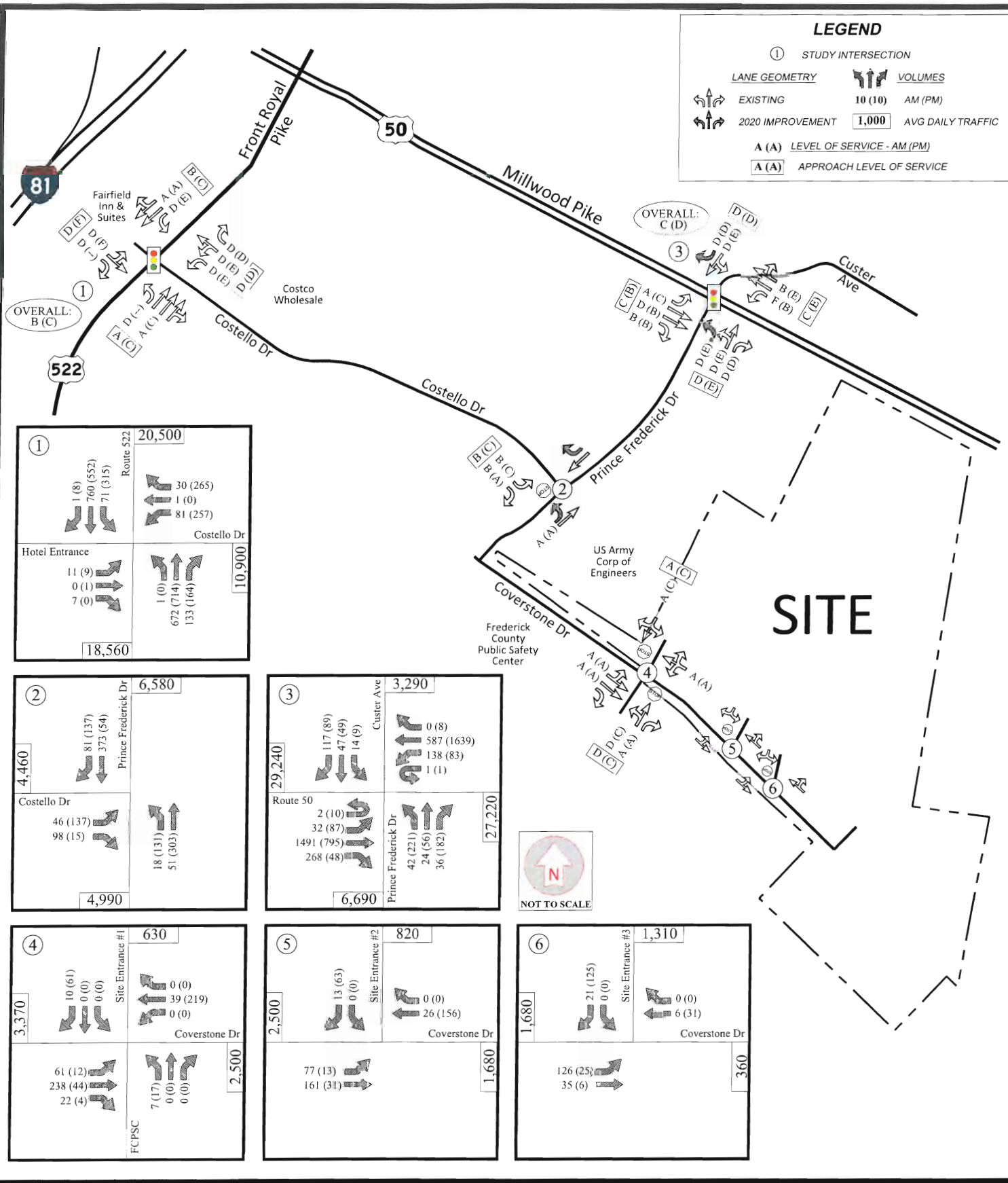
LEGEND

① STUDY INTERSECTION

LANE GEOMETRY **VOLUMES**

EXISTING 10 (10) AM (PM)
 2020 IMPROVEMENT 1,000 AVG DAILY TRAFFIC

A (A) LEVEL OF SERVICE - AM (PM)
 A (A) APPROACH LEVEL OF SERVICE



①

| | | | |
|---------------------|------------------------------------|-------------------------------------|-------------|
| Route 522
20,500 |
1 (8)
760 (552)
71 (315) |
30 (265)
1 (0)
81 (257) | Costello Dr |
| Hotel Entrance |
11 (9)
0 (1)
7 (0) |
1 (0)
672 (714)
133 (164) | 10,900 |
| 18,560 | | | |

②

| | | |
|-------------|--------------------------|------------------------------|
| 4,460 |
81 (137)
373 (54) | Prince Frederick Dr
6,580 |
| Costello Dr |
46 (137)
98 (15) |
18 (131)
51 (303) |
| 4,990 | | |

③

| | | |
|---------------------|---|--|
| 29,240 |
117 (89)
47 (49)
14 (9) | Custer Ave
3,290 |
| Route 50 |
2 (10)
32 (87)
1491 (795)
268 (48) |
0 (8)
587 (1639)
138 (83)
1 (1) |
| Prince Frederick Dr |
42 (221)
24 (56)
36 (182) | 27,220 |
| 6,690 | | |

④

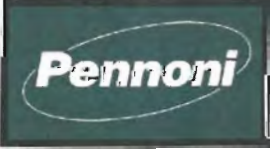
| | | |
|-------------|--------------------------------|-------------------------|
| 3,370 |
10 (61)
0 (0)
0 (0) | Site Entrance #1
630 |
| Costello Dr |
0 (0)
39 (219)
0 (0) |
0 (0)
0 (0) |
| FCPSC |
7 (17)
0 (0)
0 (0) | 2,500 |
| 2,500 | | |

⑤

| | | |
|-------------|-------------------------|-------------------------|
| 2,500 |
13 (63)
0 (0) | Site Entrance #2
820 |
| Costello Dr |
0 (0)
26 (156) |
0 (0)
0 (0) |
| FCPSC |
77 (13)
161 (31) | 1,680 |
| 1,680 | | |

⑥

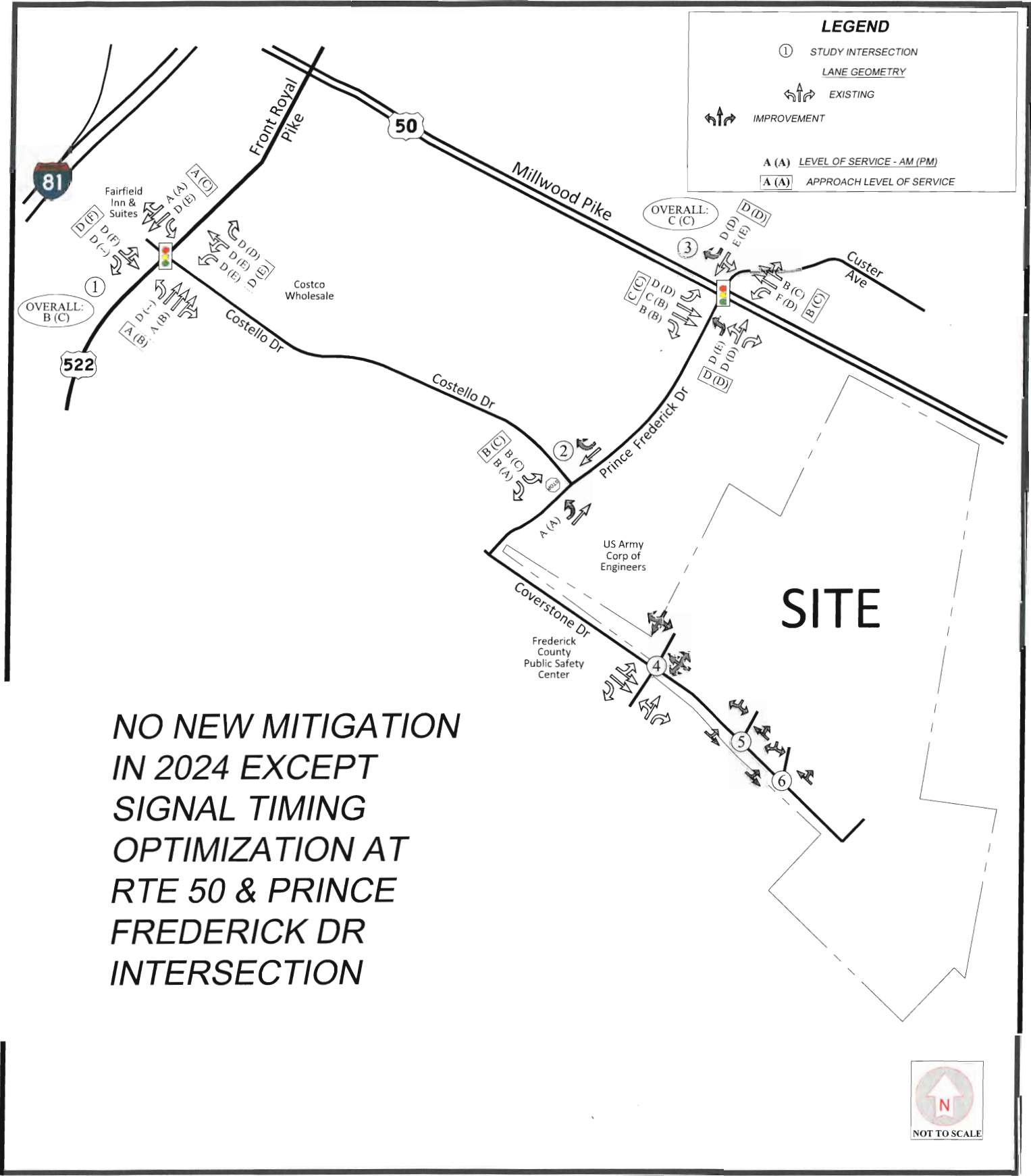
| | | |
|-------------|------------------------|---------------------------|
| 1,680 |
21 (125)
0 (0) | Site Entrance #3
1,310 |
| Costello Dr |
0 (0)
6 (31) |
0 (0)
0 (0) |
| FCPSC |
126 (25)
35 (6) | 360 |
| 360 | | |



HINES CARPERS VALLEY
 TRAFFIC IMPACT STUDY
 FREDERICK COUNTY, VA

2024 TOTAL TRAFFIC
CONDITIONS

FIGURE 19
 Project # HINEX18001
 July 2018



**NO NEW MITIGATION
IN 2024 EXCEPT
SIGNAL TIMING
OPTIMIZATION AT
RTE 50 & PRINCE
FREDERICK DR
INTERSECTION**



HINES CARPERS VALLEY
TRAFFIC IMPACT STUDY
FREDERICK COUNTY, VA

**2024 TOTAL TRAFFIC
MITIGATION AND LOS**

FIGURE 20
Project # HINEX18001
July 2018



2018 EXISTING QUEUE (316 FT)
 2020 W/ SITE QUEUE (327 FT)
 2024 W/ SITE QUEUE (349 FT)

END OF EXISTING
 LEFT-TURN STORAGE
 STORAGE / START OF
 CENTER TWO-WAY
 TURN LANE

FRONT ROYAL PIKE (US
 RTE 522) /COSTELLO
 DR INTERSECTION

 OVERALL LOS AT LOS
 "B" AM AND LOS "C"
 PM PEAK WITH SITE
 FOR 2020 AND 2024

COSTELLO DR
 STORAGE SUFFICIENT
 FOR "2020 AND 2024 W/
 SITE" QUEUES



Pennoni
 PENNONI ASSOCIATES INC.
 13880 Dulles Corner Lane, Suite 100
 Herndon, VA 20171
 T 703.449.6700 F 703.449.6713

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

HINES CARPERS VALLEY
 TRAFFIC IMPACT STUDY
 FREDERICK COUNTY, VA

ROUTE 522 AT COSTELLO DR
 ANTICIPATED STRIPING UPDATES W/ SITE
 HINES

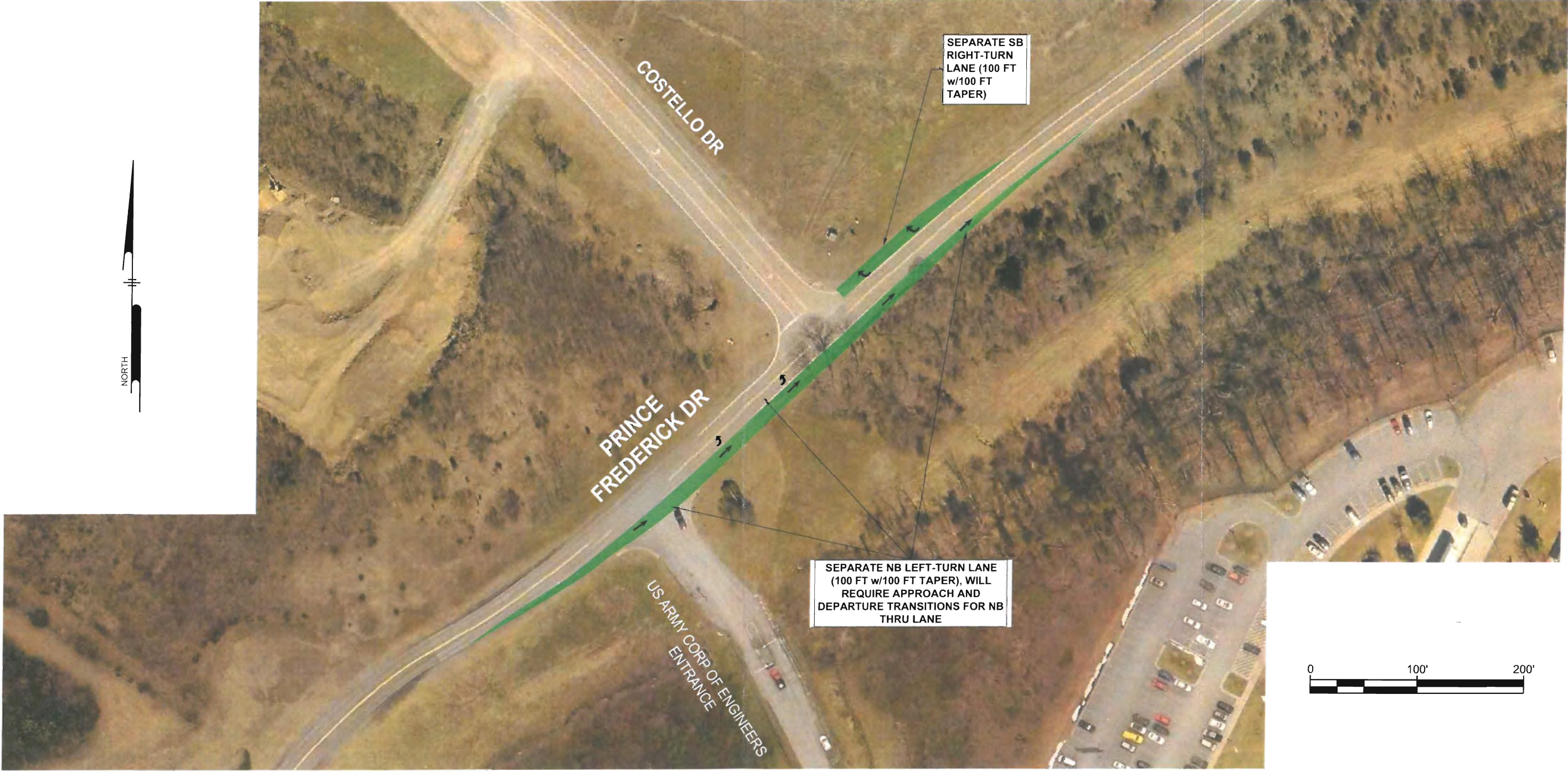
| | |
|---------------|--------------|
| PROJECT | HINEX18001 |
| DATE | 2018-07 |
| DRAWING SCALE | NOT TO SCALE |
| DRAWN BY | WC |
| APPROVED BY | DRK |

FIGURE 21


Base Source: Google Earth

C:\USERS\CHONG\DESKTOP\REFERENCES\11\1171\1171\FILCOK.DWG
 PLOTTED: 5/22/18 4:23:55 PM BY: WAUJCHONG, PLOTSTYLE: PENNONI_VCS_S10, PROJECT STATUS: ---

U:\PROJECTS\HINEX18001\HINES GOVERNORS HILLS\DESIGN\TIA\FIGURES\HINES GOVERNORS_HILL_TIA_FIGURE22_201807.DWG
 PLOTTED 7/31/2018 12:03:21 PM BY: WAN,CHONG. PLOT STYLE: PENNONI.MCTB. PROJECT STATUS: ...



BASE SOURCE: FREDERICK COUNTY GIS

| | | |
|--|---|--|
| 
PENNONI ASSOCIATES INC.
13880 Dulles Corner Lane, Suite 100
Herndon, VA 20171
T 703.449.6700 F 703.449.6713 | ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM. | PROJECT HINEX18001
DATE 2018-06-22
DRAWING SCALE NOT TO SCALE |
| | HINES CARPERS VALLEY TRAFFIC IMPACT STUDY
VDOT STAUNTON DISTRICT
FREDERICK COUNTY, VA
MITIGATION AT PRINCE FREDERICK DR/COSTELLO DR
HINES
800 10TH STREET, NW, SUITE 600
WASHINGTON, DC 20001 | DRAWN BY WC
APPROVED BY DF |
| FIGURE 22 | | |



LEGEND



IMPROVEMENTS FOR ADEQUATE
LEVEL OF SERVICE AND QUEUE
STORAGE



PENNONI ASSOCIATES INC.
13880 Dulles Corner Lane, Suite 100
Herndon, VA 20171
T 703.449.6700 F 703.449.6713

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

HINES CARPERS VALLEY TRAFFIC IMPACT STUDY
VDOT STAUNTON DISTRICT
FREDERICK COUNTY, VA
**MITIGATION AT ROUTE 50/PRINCE
FREDERICK DR SIGNAL**
HINES
800 10TH STREET, NW, SUITE 600
WASHINGTON, DC 20001

| | |
|---------------|--------------|
| PROJECT | HINEX18001 |
| DATE | 2018-07 |
| DRAWING SCALE | NOT TO SCALE |
| DRAWN BY | RSL/WC |
| APPROVED BY | DRK |

FIGURE 23

U:\ACCOUNTS\HINEX18001 - HINES GOVERNORS HILLS\GIS\CTVIA FIGURES\IMPROVEMENTS EXHIBIT DWG PLOTTED: 7/11/2018 11:42:09 AM BY: WAN CHONG, PLOTSTYLE: PENNONI.NCS, STB: PROJECT STATUS

TRAFFIC EVALUATION

Traffic evaluation in this analysis includes northbound left turn and southbound right turn lane warrants for Prince Frederick Drive at Costello Drive, left turn lane warrants for eastbound Coverstone Drive at the east entrance to FCPSC/Site Entrance #1, and an assessment of site impacts on each of the studied intersections. Turn lane warrant worksheets are included as **Appendix K**.

Turn Lane Warrants

Turn lane warrants were evaluated for all scenarios for northbound and southbound Prince Frederick Drive at Costello Drive. In addition, left turn lane warrants were evaluated for the 2020 and 2024 total scenario for eastbound Coverstone Drive at Site Entrance #1/FCPSC east entrance. The results of the warrant analyses are included in **Table 13**.

TABLE 13: TURN LANE SUMMARY

| Scenario | Location | Left Turn Warrants (1) | Right Turn Warrants (1) |
|----------------------------|---|---|------------------------------|
| 2018 Existing Conditions | Prince Frederick Drive/Costello Drive | No | Yes
100 ft + 100 ft taper |
| 2020 Background Conditions | Prince Frederick Drive/Costello Drive | No | Yes
100 ft + 100 ft taper |
| 2020 Total Conditions | Prince Frederick Drive/Costello Drive | Yes
100 ft + 100 ft taper
(w/ NB thru lane transitions) | Yes
100 ft + 100 ft taper |
| | Coverstone Drive/Site Entrance#1/FCPSC East | No | N/A |
| 2024 Background Conditions | Prince Frederick Drive/Costello Drive | No | Yes
100 ft + 100 ft taper |
| 2024 Total Conditions | Prince Frederick Drive/Costello Drive | Yes
100 ft + 100 ft taper | Yes
100 ft + 100 ft taper |
| | Coverstone Drive/Site Entrance#1/FCPSC East | No | N/A |

1. VDOT RDM, Appendix F

Site Impacts

The site impacts of the proposed development on the signalized intersections in the study area are presented in **Table 14** for 2020 and 2024 total conditions. The overall intersection impacts are less than 10% for each intersection in the 2020 and 2024 scenarios.

TABLE 14: SITE IMPACTS

| Intersection | Approach | 2020 | | | 2024 | | |
|---|------------------------|-------------|--------------|-------------|-------------|--------------|--------------|
| | | Site Volume | Total Volume | Site Impact | Site Volume | Total Volume | Site Impacts |
| Weekday AM Peak Hour | | | | | | | |
| Route 522 & Costello Dr & Hotel Entrance | EB Hotel Entrance | 0 | 16 | 0.0% | 0 | 17 | 0.0% |
| | WB Costello Dr | 9 | 102 | 8.9% | 13 | 111 | 11.7% |
| | NB Route 522 | 38 | 756 | 5.0% | 45 | 807 | 5.6% |
| | SB Route 522 | 16 | 782 | 2.1% | 20 | 832 | 2.4% |
| | Overall | 63 | 1656 | 3.8% | 77 | 1768 | 4.4% |
| Route 50 & Prince Frederick Dr & Custer Ave | EB Route 50 | 128 | 1709 | 7.5% | 153 | 1792 | 8.5% |
| | WB Route 50 | 68 | 679 | 10.1% | 82 | 727 | 11.2% |
| | NB Prince Frederick Dr | 25 | 88 | 28.4% | 36 | 103 | 35.1% |
| | SB Custer Ave | 0 | 168 | 0.0% | 0 | 178 | 0.0% |
| | Overall | 221 | 2643 | 8.4% | 271 | 2800 | 9.7% |
| Weekday PM Peak Hour | | | | | | | |
| Route 522 & Costello Dr & Hotel Entrance | EB Hotel Entrance | 0 | 9 | 0.0% | 0 | 10 | 0.0% |
| | WB Costello Dr | 58 | 481 | 12.0% | 73 | 522 | 14.0% |
| | NB Route 522 | 5 | 824 | 0.6% | 8 | 878 | 1.0% |
| | SB Route 522 | 2 | 823 | 0.2% | 3 | 875 | 0.4% |
| | Overall | 65 | 2138 | 3.0% | 85 | 2285 | 3.7% |
| Route 50 & Prince Frederick Dr & Custer Ave | EB Route 50 | 16 | 881 | 1.8% | 28 | 941 | 2.9% |
| | WB Route 50 | 10 | 1660 | 0.6% | 17 | 1731 | 1.0% |
| | NB Prince Frederick Dr | 164 | 402 | 40.8% | 207 | 460 | 45.0% |
| | SB Custer Ave | 0 | 138 | 0.0% | 0 | 147 | 0.0% |
| | Overall | 190 | 3081 | 6.2% | 251 | 3278 | 7.7% |



CONCLUSIONS

This TIA has been prepared to identify transportation improvements that would be required for the development of the 121-acre Hines Carpers Valley site in eastern Frederick County, Virginia. The site is located on the south side of Route 50 (Millwood Pike), approximately 1 mile east of the City of Winchester and the I-81 interchange at Route 50 (Exit #313).

Hines has proposed to develop the site into approximately 1.2 million SF of industrial and/or distribution center/warehouse uses. Access to the site from Route 522 and Route 50 is proposed via Costello Dr and Prince Frederick Dr, respectively. The site driveways would be on the eastern extension of Coverstone Dr, past the existing Frederick County Public Safety Center.

Two (2) transportation phases are anticipated and assumed for this study. The first phase is assumed to be in 2020, with 405,000 SF of General Light Industrial uses. The second phase is assumed to build-out the site by 2024, with a site total of 1.21 million SF of Industrial and High-Cube Transload and Short-Term Warehouse uses.

Given the proposed uses, trucks were assumed to comprise a significant portion of the site traffic, which have different impacts on the study intersections than passenger vehicles. To recognize the different purpose of truck trips (generally non-local) versus passenger vehicle trips (generally local, such as employees), different trip distributions were assumed for each.

The County transportation Plan envisions improvements to the west of the site in the vicinity of the I-81/Route 50/17 interchange to improve local operations and allow for a realignment of a new minor arterial in the Prince Frederick Drive/ Ryco Road vicinity. However, no active project or planning is currently programmed, so network changes are not included in this analysis. As outlined in the introduction, the extension of Coverstone Drive east of the site towards Route 50 also is not included in this analysis, as improvement would be required by off-site properties. Recommended improvements to the existing roadway network, previously presented as Table E3, are reproduced below.

Short-Term 2020 Site Impacts and Mitigation:

Lengthen eastbound right- turn lane at Route 50/Prince Frederick Drive signal;

Widen Prince Frederick Drive approach as previously proffered to allow separate left turn lane on NB approach;

Add separate SB right turn lane on Custer Avenue to address existing LOS deficiency.

At Route 522 signal, overall LOS "C" with growth, stripe added stacking length;

Costello Drive/Prince Frederick Drive movements operate at LOS "C" or better with separate turn lanes warranted.

Long-Term 2024 Site Impacts and Mitigation:

Acceptable overall intersection LOS and queues with improvements added in 2020;

At Route 50 signal at Prince Frederick Drive, update signal timing for LOS.

TABLE E3: ROADWAY NETWORK OPERATIONAL RECOMMENDATIONS

| Improvement Type | Location | Description | Timing | |
|------------------|--|---|---|---|
| | | | 2020 or "Short-term" Improvement | 2024 or "Long-term" Incremental Improvement |
| New Roads | Coverstone Dr east of existing terminus at Frederick Co Public Safety Center | Extend as a two-lane roadway | + approx. 750 ft | + approx. 970 ft |
| Turn Lanes | Rte 522 at Costello Dr | Extend SB Rte 522 left-turn lane by restriping center two-way turn lane | + 155 ft | |
| | Prince Frederick Dr at Costello Dr | Add a separate right-turn lane on SB Prince Frederick Dr | 100 ft w/ 100 ft taper | |
| | | Add a separate left-turn lane on NB Prince Frederick Dr | 100 ft w/ 100 ft taper, with thru transitions | |
| | Rte 50 at Prince Frederick Dr/Custer Ave | Extend EB Rte 50 right-turn lane | + 425 ft w/ 100 ft taper | |
| | | Add a second left-turn lane on NB Prince Frederick Dr | 350 ft w/ 200 ft taper | |
| | | Add a separate right-turn lane on SB Custer Ave | 100 ft w/ 100 ft taper | |
| Other | Rte 50 at Prince Frederick Dr/Custer Ave | Traffic Signal | Modify signal for new geometry and FYA left-turn operations | Optimize Signal Timing from Short-Term |

The site trip generation was conservative for Phase 1 with "General Light Industrial" uses, per VDOT requirement to use the highest trip rate possible for a particular planning zone. The most likely use for the site is a distribution center/warehouse, as shown in the concept site plan, and therefore ITE Land Use "High-Cube Transload & Short-Term Storage Warehouse" (Land Use Code 154) from the ITE Trip Generation Manual, 10th Edition, was assumed for the Phase 2 increment to represent the distribution center/warehouse use.

With the improvements suggested in this TIA, the study intersections can accommodate both phases of site development. In this TIA, Phase 1 included 405,000 SF of "General Light Industrial" use and Phase 2 included 805,000 SF of "High-Cube Transload & Short-Term Storage Warehouse" use, for a total of 1.21 million SF for the site.

U:\Accounts\HINEX\HINEX18001 - es Governors Hill\DOC PREP\Pennoni_HinesCarpersValley_TIA_UPDATED_20180524.doc



Hines Carpers Valley Rezoning TIA, Frederick County, VA

Summary of VDOT Review Comments

July 5, 2018

VDOT Staunton District Planning and Traffic Engineering Divisions performed a review of the Hines Carpers Valley Rezoning TIA completed by Pennoni and submitted on May 30, 2018.

Overall, the methodology used for the year 2020 TIA scenarios was found to be acceptable, with minor revisions noted in the first three comments below. We ask that the applicant please resubmit the figure corrections noted.

Comments on the 2024 TIA scenarios are more consequential and will require a more substantial undertaking to complete a resubmission. The primary issues found with the 2024 scenarios are detailed in comments 4 and 5 below and center on two issues: the assumption of future non-developer led widening of US 17/50 and the proposal for a new traffic signal at the Costello Drive & Prince Frederick Drive intersection. To reduce delays for Phase I of the project, VDOT recommends that the applicant consider a phased rezoning, with Phase I (2020) moving forward first with that portion of the TIA. A trigger could be used to revise the 2024 portion of the TIA and review necessary mitigation prior to proceeding with Phase II. Alternatively, VDOT can meet with the applicant in July to scope and revise the 2024 scenario of the TIA to facilitate a rezoning application with both phases.

Please review the comments below and contact us with any questions.

Existing Conditions Scenarios

1. For the Existing 2018 conditions, the levels of service reported in Figure 5 on Page 21 (PDF page 23) do not match the modeling results.

2020 Scenarios

2. Conflicting LOS is reported between Table 8A and Figure 15 for mitigated intersections 2 and 3. It appears that the table matches the model outputs. Please validate reporting as well as associated text summaries and then submit corrections for the 2020 analysis.
3. An inconsistent lane configuration is identified for the NB approach to intersection 3, Route 50 & Prince Frederick Dr/Custer Ave, between the Figure 15 main diagram (left/thru + right), the Figure 15 callout map (left + thru + right), and the Synchro model (left + left/thru + right). For review purposes, it is assumed that the Synchro model represents what is being proposed, but the recommended configuration should be consistently identified. Please correct and resubmit this figure.

2024 Scenarios

4. The 2024 analysis identifies that US-17/50 will be widened to six lanes to provide adequate capacity at the Prince Frederick Drive/Custer Ave intersection. Since this project is neither publically programmed, nor committed to by this or any other development, this is not a valid assumption. To correct this issue, the 2024 analysis will need to be resubmitted with the widening removed and propose only developer-led mitigation of impacts resulting from added development traffic.

Per VDOT [IIM-TE-387.0](#), "Roundabouts and other AI [alternative intersection] designs shall be considered during the scoping phase of projects that involve partial or full widening of an existing signalized intersection in accordance with this Memorandum." Since widening is being considered for the 2024 scenario, VDOT will need to work with the applicant to scope a revised 2024 analysis with consideration of innovative intersections as a potential alternative. Preliminary testing of innovative intersection concepts by VDOT has indicated that there may be feasible alternatives to widening.

5. Page 10 (PDF page 12) has some discussion on the intersection of Costello Drive & Prince Frederick Drive. It states: "The previous proffer included signalization, if warranted. The signal is not warranted but may be needed to satisfy LOS." Pursuant to [IIM-TE-387.0](#), a traffic signal cannot be installed at this location without first performing a signal justification report (SJR). It is not enough to satisfy only the MUTCD signal warrants; alternatives to the signal, such as roundabouts, must also be considered at this location according to the policy. These details would need to be discussed during scoping for a revised 2024 analysis.
6. Conflicting LOS is reported between Table 12A and Figure 22 for unmitigated intersection 1, EB approach, AM period. It appears that the table matches the model outputs. Please validate reporting as well as associated text summaries and then submit corrections.
7. There is significant mismatch between the LOS reporting at intersection 3 in Table 12B and Figures 21 & 22 for the unmitigated and mitigated 2024 scenarios. It appears that the table matches the model outputs. Please validate reporting as well as associated text summaries and then submit corrections.
8. In Table 8A, the traffic control/mitigation description for intersection 2 has a typo. It should say "Add separate NB *left turn* and SB right turn lanes...".
9. The intersection of US-17/50, Prince Frederick Drive, and Custer Avenue was studied by VDOT in 2017 and recommended to have protected/permissive flashing yellow arrow left-turn phasing on both eastbound and westbound US-50. All scenarios with a single left-turn lane should be evaluated with the impacts of these two left-turn movements running as a flashing yellow arrow

provided that the cross-product of (left turn + U turn) * (opposing thru + opposing right) is less than 100,000.

At cross-products of 150,000 or more during the peak period, we would most likely want to run such left-turn movements protected-only during those peak periods with a time of day plan. Therefore, modeling it as a protected-only movement is appropriate. Protected-only left-turn phasing should be reinstated with any alternatives that call for double left-turn lanes for either left-turn movement.

The flashing yellow arrow is programmed as the D.P+P turn type in Synchro with the current protected-only left-turn phasing provided.

The intersection of US-522 and Costello Drive was also evaluated for protected/permissive left-turn phasing, but the protected/permissive left-turn phasing was not recommended. Reports for both of these studies are attached to this comment set.

General comments – no revisions required

10. We are unsure as to the purpose of the 2020 & 2024 background with mitigation scenarios, as no public projects are programmed to achieve the proposed improvements and there is no site traffic to mitigate. No changes are needed since the proposed improvements are indicated as part of mitigation for the site development scenarios.
11. For future reference (no changes needed on this TIA), we ask you please identify on all delay MOE tables the methodology used. The report notes that “capacity calculations in HCM 2010 mode are from Synchro 10”, but does not note where HCM 2000 vs. 2010 methods were used. Please also note that VDOT has just adopted HCM 6th Edition, so we will be requiring that all future TIAs make use of the HCM 6th Edition methodology in Synchro, as opposed to HCM 2010 or 2000. As you likely experienced in developing the subject TIA, HCM 2000 may be needed where signal phasing is incompatible with the newer HCM editions. This is an acceptable practice per the VDOT Traffic Operations and Safety Analysis Manual (TOSAM).

July 31, 2018

Mr. Matthew B. Smith, PE
Area Land Use Engineer
VDOT - Land Development
Clarke, Frederick, Shenandoah & Warren Counties
14031 Old Valley Pike
Edinburg, VA 22824

**Re: Hines Carpers Valley Traffic Impact Study
Response to VDOT Comments (Received July 9, 2018)
Pennoni HINEX18001**

Dear Mr. Smith:

On behalf of the potential purchaser and developer of a portion of the Governor's Hill property assembly, Pennoni is pleased to provide responses to the VDOT comments received on July 9, 2018 (dated July 5, 2018) for the Hines Carpers Valley Traffic Impact Study.

Most of the comments were minor clarifications of the May 2018 Study. Only three (3) of the comments (#4, #5, and #9) were policy/land-use related which had an impact on the Study assumptions and conclusions. The policy items relate to the trigger of land uses or related improvements for the long-term conditions without corridor widening to the Route 50/17 segment at Prince Frederick Drive, or meet with VDOT to rescope the 2024 scenario to facilitate the second phase of development of employment uses. We would suggest pursuing a trigger through potential development condition language through Frederick County approvals that may limit the Phase 2 development potential as distribution center uses.

In revising the technical findings from the May report, Pennoni had included a trip generation comparison if the ultimate build-out of the site was oriented more to a distribution center use than as industrial. Based on the ITE Trip Generation Manual (10th Edition), the trip rates per 1,000 SF are reduced with Land Use Code 154 (High-Cube distribution center), Pennoni maintained the short-term densities from Phase 1 as industrial but revised the technical assignments for the Phase 2 uses as distribution center use for the 805,000 SF of development potential. These thresholds were tested for the 2024 scenario to verify off-site improvements, consistent with the Phase 1 off-site improvements.

In order to address those comments, the following changes were made to the Traffic Study:

- Phase 2 (2024) land use was changed from "General Light Industrial" to "High-Cube Transload & Short-Term Storage Warehouse," which has a lower trip rate.
- Mainline Route 50 left-turn signal operations at the Route 50 & Prince Frederick Dr/Custer Ave intersection were changed from "protected only" to "protected/permissive (FYA)" when volumes warranted it.

- The changes above resulted in the following major updates to the **Phase 2 (2024)** conclusions:
 - Additional thru lanes are **NOT** required for Route 50 at Prince Frederick Dr/Custer Ave for Phase 2 (2024).
 - A second WB Route 50 left-turn lane is **NOT** required at Prince Frederick Dr/Custer Ave.
 - Signalization is **NOT** required at the Costello Dr & Prince Frederick Dr intersection for Phase 2 (2024).
- There were no major updates to the Phase 1 (2020) conclusions.

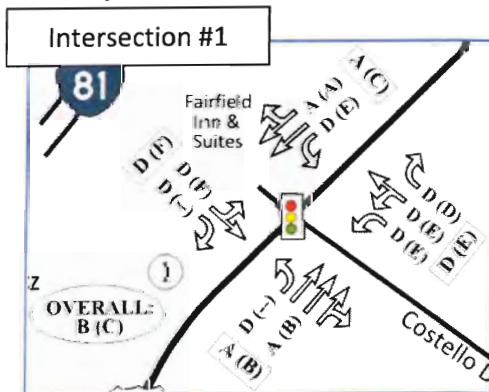
The reduction in land use and equivalent site trips may still be reviewed in the future if the market conditions and future traffic growth varies, subject to VDOT and Frederick County approvals. However, the revised Phase 2 land uses can be accommodated with the proposed improvements.

The individual VDOT comments are noted in the following pages, with our responses in **bold italic**.

Existing Conditions Scenarios

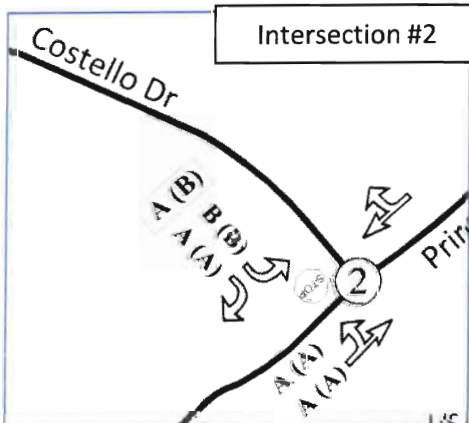
1. For the Existing 2018 conditions, the levels of service reported in Figure 5 on Page 21 (PDF page 23) do not match the modeling results.

Response: The LOS in Figure 5 reflect the Synchro outputs for Existing 2018 in Appendix D (as shown below) as well as the LOS in Table 2.



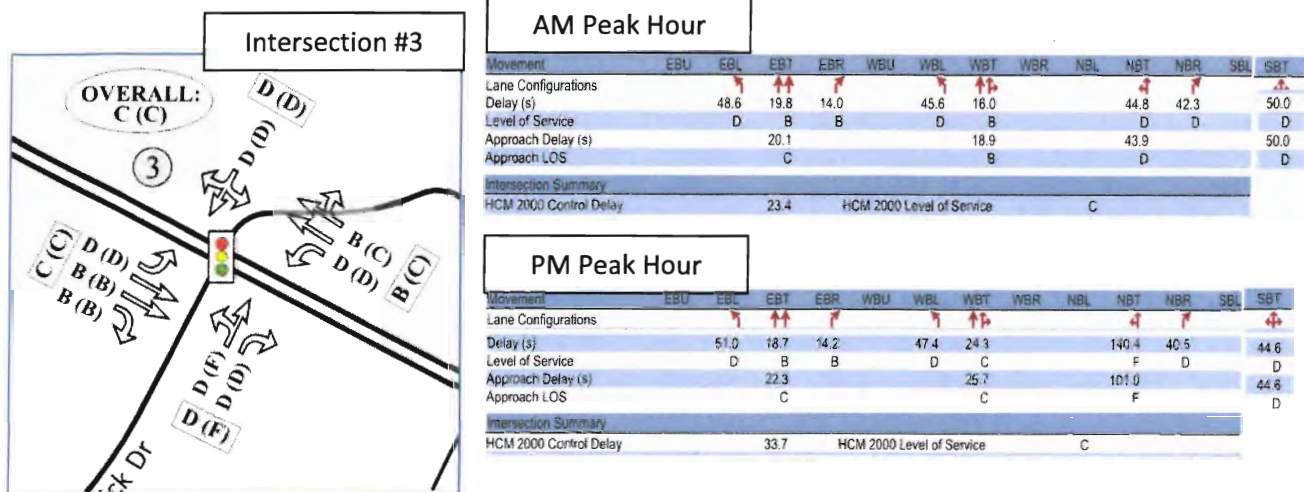
| AM Peak Hour | | | | | | | | | | | | |
|------------------------|------|------|------|------|------|------|---------------------------|------|-----|-----|-----|--|
| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBR | |
| Lane Configurations | | | | | | | | | | | | |
| Delay (s) | 44.7 | 42.9 | 42.3 | 42.2 | 40.0 | 44.4 | 8.6 | 42.8 | 7.5 | | | |
| Level of Service | D | D | D | D | D | D | A | D | A | | | |
| Approach Delay (s) | 44.8 | | 41.7 | | | | 8.6 | | 9.8 | | | |
| Approach LOS | D | | D | | | | A | | A | | | |
| Intersection Summary | | | | | | | | | | | | |
| HCM 2002 Control Delay | 11.5 | | | | | | HCM 2002 Level of Service | | | B | | |

| PM Peak Hour | | | | | | | | | | | | |
|------------------------|-------|-----|------|------|------|-----|---------------------------|-----|------|-----|-----|--|
| Movement | EBL | EBT | EBR | WBL | WBT | WBR | NBL | NBT | NBR | SBL | SBR | |
| Lane Configurations | | | | | | | | | | | | |
| Delay (s) | 103.2 | | 64.2 | 64.2 | 50.1 | | 18.2 | | 63.5 | 4.5 | | |
| Level of Service | F | | E | E | D | | B | | E | A | | |
| Approach Delay (s) | 103.3 | | 56.8 | | | | 18.2 | | 25.6 | | | |
| Approach LOS | F | | C | | | | B | | C | | | |
| Intersection Summary | | | | | | | | | | | | |
| HCM 2002 Control Delay | 29.1 | | | | | | HCM 2002 Level of Service | | | C | | |



| AM Peak Hour | | | |
|---------------------------|-------|-------|-------|
| Approach | EB | NB | SB |
| HCM Control Delay, s | 9.7 | 2.1 | 0 |
| HCM LOS | A | | |
| Minor Lane/Major Mvmt | | | |
| Capacity (veh/h) | NBL | NBT | NBR |
| HCM Lane V/C Ratio | 0.005 | 0.067 | 0.044 |
| HCM Control Delay (s) | 9 | 0 | 10 |
| HCM Lane LOS | A | A | B |
| Intersection Summary | | | |
| HCM 2002 Control Delay, s | 11.7 | | 2.9 |
| HCM LOS | B | | C |

| PM Peak Hour | | | |
|-----------------------|-------|-------|-------|
| Approach | EB | NB | SB |
| HCM Control Delay, s | 11.7 | 2.9 | 0 |
| HCM LOS | B | | |
| Minor Lane/Major Mvmt | | | |
| Capacity (veh/h) | NBL | NBT | NBR |
| HCM Lane V/C Ratio | 0.044 | 0.219 | 0.004 |
| HCM Control Delay (s) | 7.6 | 0 | 11.8 |
| HCM Lane LOS | A | A | C |



Please note that HCM 2000 was used in lieu of HCM 2010 for the signalized intersections because HCM 2010 does not support turning movement with shared and exclusive lanes. Notes added to revised report.

2020 Scenarios

- Conflicting LOS is reported between Table 8A and Figure 15 for mitigated intersections 2 and 3. It appears that the table matches the model outputs. Please validate reporting as well as associated text summaries and then submit corrections for the 2020 analysis.

Response: Corrected. New Figure 13 and Figure 14 with Mitigation updated.

- An inconsistent lane configuration is identified for the NB approach to intersection 3, Route 50 & Prince Frederick Dr/Custer Ave, between the Figure 15 main diagram (left/thru + right), the Figure 15 callout map (left + thru + right), and the Synchro model (left + left/thru + right). For review purposes, it is assumed that the Synchro model represents what is being proposed, but the recommended configuration should be consistently identified. Please correct and resubmit this figure.

Response: Corrected, as new Figure 14.

2024 Scenarios

- The 2024 analysis identifies that US-17/50 will be widened to six lanes to provide adequate capacity at the Prince Frederick Drive/Custer Ave intersection. Since this project is neither publically programmed, nor committed to by this or any other development, this is not a valid assumption. To correct this issue, the 2024 analysis will need to be resubmitted with the widening removed and propose only developer-led mitigation of impacts resulting from added development traffic.

Per VDOT IIM-TE-387.0, "Roundabouts and other AI [alternative intersection] designs shall be considered during the scoping phase of projects that involve partial or full widening of an existing

signalized intersection in accordance with this Memorandum.” Since widening is being considered for the 2024 scenario, VDOT will need to work with the applicant to scope a revised 2024 analysis with consideration of innovative intersections as a potential alternative. Preliminary testing of innovative intersection concepts by VDOT has indicated that there may be feasible alternatives to widening.

Response: The land use for the 805,000 SF of development in Phase 2 (2024) has been modified from “General Light Industrial” to “High-Cube Transload & Short-Term Storage Warehouse,” which has a significantly lower trip rate for the peak hours. Since final tenant uses have not been determined, the purchaser can accept a less intense land use for the long-term in order to update the development conditions. With the lower trip generation used for Phase 2 in 2024, widening of Route 50 at Prince Frederick Dr/Custer Ave is not necessary for LOS or queues.

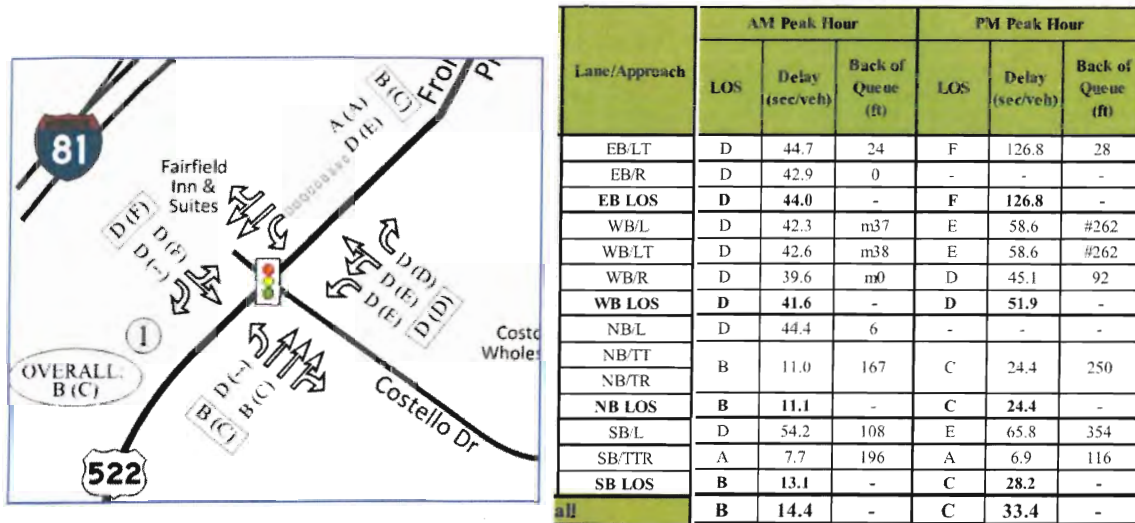
Since Route 50 is not widened to achieve acceptable LOS with mitigation, investigating innovative intersections as a potential alternative is not needed.

5. Page 10 (PDF page 12) has some discussion on the intersection of Costello Drive & Prince Frederick Drive. It states: “The previous proffer included signalization, if warranted. The signal is not warranted but may be needed to satisfy LOS.” Pursuant to IIM-TE-387.0, a traffic signal cannot be installed at this location without first performing a signal justification report (SJR). It is not enough to satisfy only the MUTCD signal warrants; alternatives to the signal, such as roundabouts, must also be considered at this location according to the policy. These details would need to be discussed during scoping for a revised 2024 analysis.

Response: With the lower trip generation used for Phase 2 in 2024, a signal is not needed to satisfy LOS at that intersection. Therefore, all mention of signal warrants has been removed with mitigation. The signal was previously proffered at this location, if warranted. Pennoni notes that a signal justification report may not be necessary if the improvements are grandfathered, per page 5 of IIM-TE-387.0, which has been used for other VDOT District applications to apply to proffered signal improvements. Since Prince Frederick Drive is not an arterial and is off-site, other alternative improvements may be more challenging. However, in this case, without signalization required for operations as revised, the additional signal justification report analysis is not required with the updated proffers.

6. Conflicting LOS is reported between Table 12A and Figure 22 for unmitigated intersection 1, EB approach, AM period. It appears that the table matches the model outputs. Please validate reporting as well as associated text summaries and then submit corrections.

Response: The LOS in Figure 22 reflect the LOS on Table 12A in the May Traffic Study, as shown below.



In the revised Traffic Study, the new forecasts for the 2024 Total scenario slightly change the LOS at Intersection #1 from above. Please note also that some of the Figures have been renumbered in the revised Traffic Study; Figure 22 has been renumbered as Figure 20.

- There is significant mismatch between the LOS reporting at intersection 3 in Table 12B and Figures 21 & 22 for the unmitigated and mitigated 2024 scenarios. It appears that the table matches the model outputs. Please validate reporting as well as associated text summaries and then submit corrections.

Response: Acknowledged. However, since the scenario that Table 12B and Figures 21 & 22 depict, 2024 Total, has been reanalyzed with new volume forecasts, the LOS in the May Traffic Study is no longer valid. Please note that Figures 21 & 22 are Figures 19 & 20 in the revised Study.

- In Table 8A, the traffic control/mitigation description for intersection 2 has a typo. It should say "Add separate NB left turn and SB right turn lanes..."

Response: Corrected.

- The intersection of US-17/50, Prince Frederick Drive, and Custer Avenue was studied by VDOT in 2017 and recommended to have protected/permissive flashing yellow arrow left-turn phasing on both eastbound and westbound US-50. All scenarios with a single left-turn lane should be evaluated with the impacts of these two left-turn movements running as a flashing yellow arrow provided that the cross-product of (left turn + U turn) * (opposing thru + opposing right) is less than 100,000.

At cross-products of 150,000 or more during the peak period, we would most likely want to run such left-turn movements protected-only during those peak periods with a time of day plan. Therefore, modeling it as a protected-only movement is appropriate. Protected-only left-turn phasing should be reinstated with any alternatives that call for double left-turn lanes for either left-turn movement.

The flashing yellow arrow is programmed as the D.P+P turn type in Synchro with the current protected-only left-turn phasing provided.

The intersection of US-522 and Costello Drive was also evaluated for protected/permissive left-turn phasing, but the protected/permissive left-turn phasing was not recommended. Reports for both of these studies are attached to this comment set.

Response: The Study has been updated with Flashing Yellow Arrow (FYA) operation for the Route 50 EB and WB lefts, when warranted by the cross-products (per the comment: if less than 100,000, generally not more than 150,000) and engineering judgement.

Also, page 18 of the VDOT document, "Left-Turn Phasing Mode Selection Guidance," was considered, which states,

"There is no volume cross-product threshold, or other volume-based threshold, that would trigger consideration for Protected Only phasing. Even in cases when a relatively high cross-product indicates that there are insufficient gaps for left-turning vehicles, it may be desirable to allow for permissive left turns, especially in saturated conditions, so that a few vehicles may take advantage of any gaps that present themselves."

Based on those recommendations, the EB and WB lefts were modeled with FYA for all the future scenarios except the WB left during the AM peak hour for 2020 Total and 2024 Total, which have cross-products of 208,062 and 177,007, respectively. Since the cross-product was considerably higher than 150,000, the lefts are modeled as protected only as a worst-case LOS calculation. The following table shows the cross-products (unadjusted, i.e. without considering number of lanes to cross).

| Peak Hour | Direction | 2018 Existing | | 2020 Background | | 2020 Total (Phase I) | | 2024 Background | | 2024 Total (Phase II) | |
|-----------|-----------|---------------|----------------|-----------------|-----|----------------------|-----------|-----------------|-----|-----------------------|-----------|
| | | | Prot. (Exist.) | | FYA | | FYA | | FYA | | FYA |
| AM | EB Left | 15,376 | Prot. (Exist.) | 17,757 | FYA | 17,757 | FYA | 19,909 | FYA | 19,909 | FYA |
| | WB Left | 41,764 | Prot. (Exist.) | 78,671 | | 177,007 | Protected | 86,386 | | 208,062 | Protected |
| PM | EB Left | 84,817 | Prot. (Exist.) | 144,761 | FYA | 144,761 | FYA | 159,507 | FYA | 159,507 | FYA |
| | WB Left | 41,416 | Prot. (Exist.) | 48,109 | | 55,460 | | 53,924 | | 67,098 | |

The Existing 2018 conditions calculations are shown in the table to show basis of calculations for existing conditions, with products at less than 100,000 without any adjustment for the number of approach lanes. The Background scenarios (i.e. without the subject site) are included in the table for general reference to show the changes with Route 50 thru growth and to contrast with site traffic added. As noted, the cross-product for the AM WB lefts x EB thrus (177,007 in 2020 and 208,062 in 2024) is significantly over the 150,000 FYA guidance, so a protected only phase was shown in the calculations for the AM peak hour. The phasing would vary from the PM peak FYA operations, which is not typical but can occur per the VDOT guidance with a time of day plan.

FYA was maintained for 2024 Background and 2024 Total for the EB left despite the cross-product being slightly over 150,000 (159,507). Although protected-only is recommended for the WB left during the AM, as mentioned above, with only 2 lanes of Route 50 to cross and the median-crossover grade being

downhill, the EB left crossing distance is short compared to the WB left, which needs to cross 3 lanes (2 thru and a separate right) and has an uphill median-crossover grade to Prince Frederick Dr, as shown in the photo below (facing WB on Route 50).



Pennoni conducted traffic counts at the intersection on 5 April 2018 using Quality Counts, Inc., while the VDOT traffic counts were conducted on 10 July 2017. The VDOT counts found the AM peak hour to be from 7:30 to 8:30 AM and the PM peak hour to be from 4:30 AM to 5:30 PM, while the Pennoni counts found the AM peak hour to be from 7:15 to 8:15 AM and the PM peak hour to be from 4:15 to 5:15 PM. The Pennoni counts and cross-products were compared to the VDOT counts and cross-products below (Pennoni data in yellow).

| | EB left | WB through | Cross-product | Adjusted cross-product |
|----------------|--------------|----------------|----------------------|------------------------|
| AM peak period | 32 31 | 550 496 | 17,600 15,376 | 8,800 7,688 |
| PM peak period | 60 89 | 985 953 | 59,100 84,817 | 29,550 42,409 |

| | WB left | EB through | Cross-product | Adjusted cross-product |
|----------------|--------------|----------------|----------------------|------------------------|
| AM peak period | 39 53 | 726 788 | 28,314 41,764 | 14,157 20,882 |
| PM peak period | 48 62 | 708 668 | 33,984 41,416 | 16,992 20,708 |

The comparisons show that the 2018 Pennoni counts, and therefore, the cross-products, are higher than the 2017 VDOT counts with the exception of the EB left cross-product in the AM peak hour (the EB left volume was very close at 32 vs. 31 but the WB thru volume decreased by approximately 10% from the 2017 VDOT counts to the 2018 Pennoni counts). The other AM direction, the WB left cross-product, increased by almost 50% from the 2017 VDOT to 2018 Pennoni calculations. For the PM peak hour, the

cross-products increased by 44% and 22% for the EB and WB lefts, respectively, from the 2017 VDOT to 2018 Pennoni data.

The variance between the 2017 VDOT and the 2018 Pennoni counts would be somewhat expected since the VDOT counts were taken while schools are out for summer vacation while the Pennoni counts were taken while schools were in session. The 2018 Pennoni counts are utilized to evaluate a worst-case scenario. Overall, the conclusions of the 2017 VDOT analysis are maintained, for the FYA operations, except for the AM WB left-turns.

General comments – no revisions required

10. We are unsure as to the purpose of the 2020 & 2024 background with mitigation scenarios, as no public projects are programmed to achieve the proposed improvements and there is no site traffic to mitigate. No changes are needed since the proposed improvements are indicated as part of mitigation for the site development scenarios.

Response: Mitigation for the 2020 & 2024 Background scenarios were included to help show the relative impacts due to the growth in terms of required improvements. Removed to streamline revised Study and prevent confusion for potential improvements.

11. For future reference (no changes needed on this TIA), we ask you please identify on all delay MOE tables the methodology used. The report notes that “capacity calculations in HCM 2010 mode are from Synchro 10”, but does not note where HCM 2000 vs. 2010 methods were used. Please also note that VDOT has just adopted HCM 6th Edition, so we will be requiring that all future TIAs make use of the HCM 6th Edition methodology in Synchro, as opposed to HCM 2010 or 2000. As you likely experienced in developing the subject TIA, HCM 2000 may be needed where signal phasing is incompatible with the newer HCM editions. This is an acceptable practice per the VDOT Traffic Operations and Safety Analysis Manual (TOSAM).

Response: TIA updated for Phase 2 revised assignments. The text is revised to include references to the situations where HCM 2000 was used for the signals with shared lane uses for the side streets. Future reports will default to the HCM 6th Edition.

Thank you for your coordination on this application. If you should have any questions, please contact me at (703) 840-4830 or Ron Mislowsky directly at (540) 771-2085.

Sincerely,

PENNONI

Mr. Douglas R. Kennedy, P.E.
Associate Vice President

cc: Ron Mislowsky – Pennoni
Wan Chong – Pennoni

U:\Accounts\HINEX\HINEX18001 - Hines Governors Hill\DELIVERABLES\201807 TIA\Pennoni_CommentResponsesToVDOT_201807.docx



Roderick B. Williams
County Attorney

540/722-8383

Fax 540/667-0370

E-mail:

rwillia@co.frederick.va.us

October 30, 2018

VIA REGULAR MAIL AND E-MAIL

Thomas Moore Lawson, Esq.
Lawson and Silek, P.L.C.
P.O. Box 2740
Winchester, Virginia 22604

Re: Rezoning Application – Carpers Valley Industrial Park – JGR Three LLC, et al. –
Tax Parcel Numbers 64-A-86 and 64-A-87 (“Subject Property”) – Proffer
Statement revised October 12, 2018 (“Proffer Statement”)

Dear Ty:

I have reviewed the above-referenced revised Proffer Statement, submitted for the proposed rezoning of the Subject Property. The Proffer Statement would be in a form to meet the requirements of the Frederick County Zoning Ordinance and the Code of Virginia, and would be legally sufficient as a proffer statement, subject to the following comments:

1. Proffer 1:

- Re Proffer 1.1, if the stated square footages are intended to be limits, the Proffer Statement should so state that they are limits.
- Re Proffer 1.2, the most unambiguous approach would be, instead of stating that the indicated uses are allowed, to state that all current M1 uses other than the indicated uses are prohibited. Also, re the conditional use of tractor truck and tractor truck trailer parking, the Proffer Statement should clarify whether approval through the conditional use permit process would still be necessary.
- Re Proffers 1.1 and 1.2 generally, it may be better for clarity to state the last sentence of 1.1 first and then state along the lines of: The Property may be developed with not to exceed 405,000 SF of any uses allowed within the M1 zoning district. The Property may be further developed with not to exceed an additional 805,000 SF of M1 uses, provided that no uses other than the following uses shall be permitted in connection with that 805,000 SF: [list of uses]. Conditional uses in connection with

that 805,000 SF shall be limited to tractor truck and tractor truck trailer parking and such conditional use shall be subject first to the Board of Supervisors electing to grant approval under Part 103 of Chapter 165 of the Frederick County Code.

- Re Proffer 1.3, it may be acceptable if worded differently: Future uses that may be subsequently added in the M1 zoning district are not prohibited, provided that the maximum daily vehicle trips do not exceed . The blank should be filled with a specific number.
 - Re Proffer 1.4, because the TIA is not approved with the proffers, delete “and approved” in the fifth line.
2. Proffer 6.1 – County practice is for fire and rescue proffers to be paid to the County and not to individual fire and rescue companies.
 3. Proffer 7.1 – Phase 3 – The proffer does not state a triggering event for the bonding or construction of the referenced portion of Coverstone Drive.
 4. Proffer 7.2 – The timing of the dedication of right-of-way in the event of construction of Coverstone Drive by others needs revision. Construction would not be able to occur until dedication, so perhaps the dedication should be “upon request”.
 5. Proffer 7.6 – With respect to the proposed dedication of 0.6 acres adjacent to the intersection of Coverstone Drive and Prince Frederick Drive, in order that the County might have the opportunity to ascertain the appropriateness of the dedication, the proffer might better provide that the dedication shall occur upon request by the County.
 6. Proffer 7.7 – A comma needs to be inserted prior to “in lieu of constructing the road improvement”.
 7. Proffer 8.1 – The inclusion of a specific acceptable avigation easement as an exhibit would be helpful.
 8. Proffer 8.2 – The proffer might best also cite to Part 701 (AP1 Airport District) of Chapter 165 of the Frederick County Code.
 9. Re correspondence with previous rezoning of the Property and of adjoining properties:
 - The Proffer Statement does not address provision for a property owners’ association, as previously set forth in Proffer 12 of the approved proffers dated September 18, 2014 (the “2014 Proffers”).
 - Relative to Proffers 15.2, 15.3, 15.5, and 15.6 of the 2014 Proffers, to the extent any of those obligations apply to the Property and to the other properties that were subject to the 2014 Proffers, the proposed proffers would leave unresolved issues that include

Thomas Moore Lawson, Esq.
October 30, 2018
Page 3

how Proffers 15.2, 15.3, 15.5, and 15.6 of the 2014 Proffers would be fulfilled. Specifically, the vast majority of the remaining area subject to the 2014 Proffers, identified there as Land Bay 1, is designated for residential uses and therefore would not be capable of generating commercial development square footages sufficient to trigger the obligations in the 2014 Proffers necessary to construct the remainder of Coverstone Drive.

I have not reviewed the substance of the proffers as to whether the proffers are suitable and appropriate for this specific development, as my understanding is that review will be done by staff and the Planning Commission.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Williams', with a long horizontal flourish extending to the right.

Roderick B. Williams
County Attorney

cc: Michael T. Ruddy, Director, Frederick County Planning & Development
Candice E. Perkins, Assistant Director, Frederick County Planning & Development
John A. Bishop, Assistant Director-Transportation, Frederick County Planning & Development



315 Tasker Road
Stephens City, Virginia 22655

PH (540) 868-1061
Fax (540) 868-1429
www.FrederickWater.com

Eric R. Lawrence
Executive Director

August 27, 2018

David Frank
Pennoni Associates
117 E. Piccadilly Street, Suite 200
Winchester, Virginia 22601

**RE: Rezoning Application Comment
Carper Valley Industrial Park Rezoning Application
Tax Map Number: 64-A-86 and 64-A-87
122.18 acres**

Dear Mr. Frank:

Thank you for the opportunity to offer review comments on the Carper Valley Industrial Park rezoning application package, with a draft proffer statement dated August 8, 2018 and Impact Analysis Statement dated August 1, 2018. Frederick Water offers comments limited to the anticipated impact/effect upon Frederick Water's public water and sanitary sewer system and the demands thereon.

The project parcels are located within the sewer and water service area (SWSA) and in an area presently served by Frederick Water. The SWSA enables access to public water and sewer service by county policy. Inclusion within the SWSA does not guarantee that sanitary sewer and water conveyance and treatment capacities are available to serve the property.

The rezoning application proffer states that the proposed use will be limited to uses permitted in the M1 Light Industrial Zoning District. ***The impact analysis statement is silent on the proposed water and sewer demands.***

Facilities for conveyance of water to, and sanitary sewer from, the subject properties do presently exist. Until the proposed uses' projected water and sewer demands are known, it is

unknown if the existing conveyance network has the capacity to accommodate the projected demands.

The Impact Analysis (IA) acknowledges the existence of a 12-inch water main which traverses the property in an east-west manner. The IA states that the water main will be re-routed as necessary to accommodate site development plans. Please note that this water main is a fully functional, operational, and in service water main and that any re-routing will need to be coordinated in advance with Frederick Water. More importantly, the applicant will need to establish the new water main route and easements, completely construct the new infrastructure, have the new infrastructure accepted by Frederick Water and placed into service, prior to disturbing the existing water main.

The property has access to an existing gravity sewer system. The existing gravity sewer running parallel to Millwood Pike continues to be inundated by the adjacent pond water. Historically, the use of the pond for irrigating the Carper Valley Golf Course resulted in a pond water level that was suitable for the sewer manholes. When the golf course ceased operations, the pond's water levels rose, and only minimal maintenance, if any, of the pond's overflow culverts was undertaken. The culverts are generally clogged and non-functioning, resulting in higher water levels in the pond. With the proffer statement promoting Coverstone Drive for vehicular access to the proposed industrial park, it would appear that the original entrance to the golf club and the driveway's use as the pond's earthen dam may no longer be necessary. Please either reduce the height of the earthen dam or implement a maintenance program on the pond's overflow culvert so that the pond elevation does not exceed the height of the gravity sewer manholes.

The gravity sewer system which is positioned to serve the proposed industrial park terminates at the Route 50 Pump Station, located immediately east of the subject property. This pump station is near capacity and will require upgrades to accommodate future growth and flows. Expansion of the pump station site will also be necessary to accommodate the new pump station.

The proffer statement is silent on improvements that would be constructed by the applicant to meet water and sanitary sewer demands. Accordingly, the comments offered herein are general in nature. The ultimate decision regarding the ability to serve the property with adequate water and sanitary sewer will be determined at the time the site's uses are determined, conveyance facilities are constructed, and water and sewer connection fees are paid to Frederick Water. Sanitary sewer system capacity is not reserved until the sewer connection fee is paid to Frederick Water, and physical connection to the system is made.

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

Please be reminded that Frederick Water is offering these review comments without benefit of knowledge of the projected water and sewer demands of the site.

Thank you for the opportunity to offer review comments on the Carper Valley Industrial Park rezoning application.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric", is positioned above the typed name.

Eric R. Lawrence
Executive Director

Cc: Michael T. Ruddy, AICP, County Planning Department
Dick Helm, Frederick-Winchester Service Authority
Frederick Water Board of Directors



WINCHESTER REGIONAL AIRPORT

491 AIRPORT ROAD
WINCHESTER, VIRGINIA 22602
(540) 662-5786

September 7, 2018

Pennoni Associates Inc.
117 E. Piccadilly Street Suite 200
Winchester, VA 22601

Re: David L. Frank
Master Development Plan Comments
Carpers Valley Industrial Park
Shawnee Magisterial District

Dear Mr. Frank,

On behalf of the Winchester Regional Airport Authority (WRAA), I submit the following comments regarding the above referenced master development plan.

1. The airport supports **rezoning the property** from R4 to M1, as light industrial uses are typically compatible with airport operations.
2. The development must conform to the requirements of the Frederick County Code Chapter 165, Part 701: AP1 Airport District.
3. WRAA requests that an aviation easement be executed prior to development of the property.
4. In accordance with the Code of Federal Regulations Title 14 Part 77.9 and the Code of Virginia, Section 15.2-2294, the development meets Federal Aviation Administration (FAA) criteria to file an Obstruction Evaluation/Airport Airspace Analysis (OE/AAA). OE/AAA filings are also subject to review by the Virginia Department of Aviation (DOAV).
 - a. The height of any proposed structures must account for the maximum height of any and all appurtenances.
 - b. Cranes and/or temporary construction equipment also require an OE/AAA determination.
 - c. OE/AAA submissions should be made a minimum of 45 days prior to the expected start date of construction using FAA Form 7460-1.
 - d. Electronic filing can be accomplished at the following web address:
<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.
5. Copies of all FAA determination letters should be forwarded to the airport.
6. The WRAA requests compliance with these comments and any FAA requirements as a condition of approval of the rezoning application by the Frederick County Board of Supervisors.

Thank you for your cooperation in ensuring the safety of the Winchester Regional Airport. If you have any questions or need additional information please contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Sabo', followed by a long horizontal line extending to the right.

Nick Sabo, A.A.E.
Executive Director

Cc: Gene Fisher, WRAA Chairman
Adam Switzer, Delta Airport Consultants

**REZONING APPLICATION FORM
FREDERICK COUNTY, VIRGINIA**

To be completed by Planning Staff:

| | |
|--------------------------------------|--|
| Zoning Amendment Number <u>03-18</u> | Fee Amount Paid \$ <u>22,218.⁰⁰</u> |
| PC Hearing Date <u>12/5/18</u> | Date Received <u>10/12/18</u> |
| | BOS Hearing Date <u>11/9/19</u> |

The following information shall be provided by the applicant:

All parcel identification numbers, deed book and page numbers may be obtained from the **Office of the Commissioner of Revenue, Real Estate Division, 107 North Kent Street, Winchester.**

1. Applicant:

Name: Pennoni Associates Inc. Telephone: 540-667-2139
Address: 117 E. Piccadilly Street, Suite 200
Winchester, VA 22601

2. Property Owner (if different than above):

Name: JGR THREE LLC ETALS Telephone: _____
Address: 1407 Gordon Place
Winchester, VA 22601

3. Contact person if other than above:

Name: Pennoni Associates Inc./David Frank Telephone: 540-667-2139

4. Property Information:

- a. Property Identification Number(s): 64-A-86 64-A-87
- b. Total acreage to be rezoned: 122.18 acres
- c. Total acreage of the parcel(s) to be rezoned (if the entirety of the parcel(s) is not being rezoned): _____
- d. Current zoning designation(s) and acreage(s) in each designation: R4
- e. Proposed zoning designation(s) and acreage(s) in each designation: M1
- f. Magisterial District(s): Shawnee

5. Checklist: Check the following items that have been included with this application.

| | | | |
|--|-------------------------------------|---------------------------|-------------------------------------|
| Location map | <input checked="" type="checkbox"/> | Agency Comments | <input checked="" type="checkbox"/> |
| Plat | <input checked="" type="checkbox"/> | Fees | <input checked="" type="checkbox"/> |
| Deed to property | <input checked="" type="checkbox"/> | Impact Analysis Statement | <input checked="" type="checkbox"/> |
| Verification of taxes paid | <input checked="" type="checkbox"/> | Proffer Statement | <input checked="" type="checkbox"/> |
| Plat depicting exact meets and bounds for the proposed zoning district | <input type="checkbox"/> | | <input type="checkbox"/> |
| Digital copies (pdf's) of all submitted documents, maps and exhibits | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> |

6. The Code of Virginia allows us to request full disclosure of ownership in relation to rezoning applications.

Please list below all owners or parties in interest of the land to be rezoned:

JGR THREE LLC ETALS, Current Owner

Hines, Contract Purchaser

7. Adjoining Property:

| <u>PARCEL ID NUMBER</u> | <u>USE</u> | <u>ZONING</u> |
|-------------------------|------------|---------------|
| SEE ATTACHED | | |
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |

8. Location: The property is located at (give exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

The property is located approximately one mile east of I-81 on the south side of Millwood Pike (Route 50),
right on Prince Frederick Dr (Route 781), left on Coverstone Dr

9. The following information should be provided according to the type of rezoning proposed:

Number of Units Proposed

Single Family homes: _____ Townhome: _____ Multi-Family: _____
 Non-Residential Lots: _____ Mobile Home: _____ Hotel Rooms: _____

Square Footage of Proposed Uses

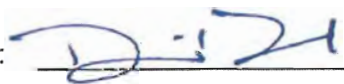
Office: _____ Service Station: _____
 Retail: _____ Manufacturing: 405,000 SF
 Restaurant: _____ Warehouse: 1,305,000 SF
 Commercial: _____ Other: _____

10. Signature:

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance and to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

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

Applicant(s):  Date: 8/9/2018

Date: _____

Owner(s): _____ Date: _____

Date: _____

| Name and Property Identification Number | | Address |
|---|--|---|
| Owner: | Name Kaknis, John H. & Christopher Brooks
C/O John J. Kaknis | 656 N. HAYFIELD RD
WINCHESTER VA 22603 |
| Property #: | 64A 7 1 1 | |
| Owner: | KAKNIS, JOHN H & CHRISTOPHER BROOKS
C/O JOHN G. KAKNIS | 656 N. HAYFIELD RD
WINCHESTER VA 22603 |
| Property #: | 64A 7 1 2 | |
| Owner: | HARTLEY, DOUGLAS ALLEN | 100 STANLEY DR
WINCHESTER VA 22602 |
| Property #: | 64A 7 1 3 | |
| Owner: | HARTLEY, DOUGLAS ALLEN | 100 STANLEY DR
WINCHESTER VA 22602 |
| Property #: | 64A 7 1 4 | |
| Owner: | COOK, JUDY BELLE / C/O RODGERS, JUDY B | 178 GRANDVIEW LANE
CLEARBROOK VA 22624 |
| Property #: | 64A 7 1 5 | |
| Owner: | COOK, JUDY BELLE / C/O RODGERS, JUDY B | 178 GRANDVIEW LANE
CLEARBROOK VA 22624 |
| Property #: | 64A 7 1 6 | |
| Owner: | COOK, JUDY BELLE / C/O RODGERS, JUDY B | 178 GRANDVIEW LANE
CLEARBROOK VA 22624 |
| Property #: | 64A 7 1 7 | |
| Owner: | COOK, JUDY BELLE / C/O RODGERS, JUDY B | 178 GRANDVIEW LANE
CLEARBROOK VA 22624 |
| Property #: | 64A 7 1 8 | |
| Owner: | RAVENWING HOMEOWNERS ASSOCIATION
C/O ALLEN B. WARREN/CHAD. WASHINGTON | 9990 FAIRFAX BLVD., SUITE 200
FAIRFAX VA 22030 |
| Property #: | 64G 2 1 63A | |
| Owner: | LAMBERT, KELSA R | 1141 MILLWOOD PIKE
WINCHESTER VA 22602 |
| Property #: | 64A 7 1 10A | |
| Owner: | LAMBERT, KELSA R | 1141 MILLWOOD PIKE
WINCHESTER VA 22602 |
| Property #: | 64A 7 1 11A | |
| Owner: | LAMBERT, KELSA R | 1141 MILLWOOD PIKE
WINCHESTER VA 22602 |
| Property #: | 64A 7 1 12A | |
| Owner: | SPENCE ANDREA L | 1427 MILLWOOD PIKE
WINCHESTER VA 22602 |
| Property #: | 64A 7 1 13 | |
| Owner: | SPENCE ANDREA L | 1427 MILLWOOD PIKE
WINCHESTER VA 22602 |
| Property #: | 64A 7 1 14 | |
| Owner: | LOY, DAVID W | 1441 MILLWOOD PIKE
WINCHESTER VA 22602 |
| Property #: | 64A 7 1 15 | |
| Owner: | GOVERNOR'S HILL LLC | 8401 GREENSBORO DR STE 450
MCLEAN VA 22102 |
| Property #: | 64 A 83 | |
| Owner: | GOVERNOR'S HILL LLC | 8401 GREENSBORO DR STE 450
MCLEAN VA 22102 |
| Property #: | 64 A 83A | |
| Owner: | HOCKMAN INVESTMENTS LLC | 112 E. PICCADILLY STREET
WINCHESTER VA 22601 |
| Property #: | 64 A 84 | |
| Owner: | HOCKMAN INVESTMENTS LLC | 112 E. PICCADILLY STREET
WINCHESTER VA 22601 |
| Property #: | 64 A 85 | |
| Owner: | WINCHESTER REGIONAL AIRPORT | 491 AIRPORT RD
WINCHESTER VA 22602 |
| Property #: | 64 A 79 | |
| Owner: | FREDERICK COUNTY VIRGINIA | 107 N. KENT STREET
WINCHESTER VA 22601 |
| Property #: | 64 A 87A | |
| Owner: | FREDERICKTOWNE GROUP LC C/O RICHARD DICK | 130 S. CAMERON STREET
WINCHESTER VA 22601 |
| Property #: | 64 A 89 | |
| Owner: | PRINCE FREDERICKTOWNE GROUP LC
C/O JAMES L. MCILVAINE JR. | 6231 LEESBURG PIKE STE 600
FALLS CHURCH VA 22044 |
| Property #: | 64 A 89B | |
| Owner: | WINCHESTER REGIONAL AIRPORT | 401 AIRPORT RD
WINCHESTER VA 22602 |
| Property #: | 64A 88 | |
| Owner: | WALTER H AIKENS LIMITED PARTNERSHIP | P.O. BOX 2468
WINCHESTER VA 26204 |
| Property #: | 64 10 3 | |
| Owner: | SEMPELES HELEN J TRUSTEE | 107 ROSZEL RD
WINCHESTER VA 22601 |
| Property #: | 64A A 12 | |



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us**

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

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

(Name) JGR THREE LLC ETALS (Phone) _____

(Address) 1407 Gordon Place, Winchester, VA 22601 the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 140000018 on Page _____, and is described as

Tax Map ID: 64-A-86, 64-A-87

do hereby make, constitute and appoint:

(Name) Pennoni Associates Inc. (Phone) 540-667-2139

(Address) 117 E. Piccadilly Street, Suite 200, Winchester, VA 22601

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

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

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 3 day of Aug, 2018.

Signature(s) Thomas A. Dick

THOMAS A. DICK

State of Virginia, City/County of North Chesterfield, To-wit:

I, Shirley Roman, a Notary Public in and for the jurisdiction aforesaid, certify that the ~~persons~~ ^{person(s)} who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 3 day of Aug, 2018.

COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES AUG. 31, 2022
COMMISSION # 7763631

My Commission Expires: Aug 31, 2022

Notary Public



Special Limited Power of Attorney
 County of Frederick, Virginia
 Frederick Planning Website: www.fcva.us

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

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

(Name) JGR THREE LLC ETALS (Phone) _____

(Address) 1407 Gordon Place, Winchester, VA 22601 the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 140000018 on Page _____, and is described as

Tax Map ID: 64-A-86, 64-A-87

do hereby make, constitute and appoint:

(Name) Pennoni Associates Inc. (Phone) 540-667-2139

(Address) 117 E. Piccadilly Street, Suite 200, Winchester, VA 22601

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

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

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

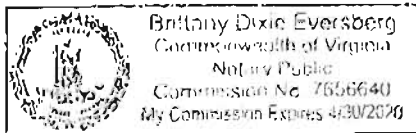
This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified. In witness thereof, I (we) have hereto set my (our) hand and seal this 3rd day of August, 2018.

Signature(s) Michael E. Dick

State of Virginia, City/County of Charlottesville. To-wit:

I, Brittany Dixie Eversberg, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 3rd day of August, 2018.

Brittany Dixie Eversberg My Commission Expires: 04/30/2020
 Notary Public





**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.feva.us**

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

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

(Name) JGR THREE LLC ETALS (Phone) _____

(Address) 1407 Gordon Place, Winchester, VA 22601 the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 140000018 on Page _____, and is described as

Tax Map ID: 64-A-86, 64-A-87

do hereby make, constitute and appoint:

(Name) Pennoni Associates Inc. (Phone) 540-667-2139

(Address) 117 E. Piccadilly Street, Suite 200, Winchester, VA 22601

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

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

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

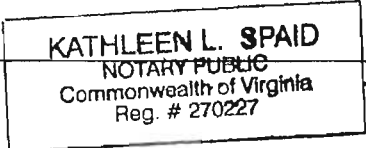
In witness thereof, I (we) have hereto set my (our) hand and seal this 3rd day of August, 2018,

Signature(s) By: *Hanna C. Rich*
LIBERTY HILL, LLC

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

I, Kathleen L. Spaid, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 3rd day of August, 2018.

Kathleen R. Spaid My Commission Expires: 11/30/18
Notary Public





Special Limited Power of Attorney
County of Frederick, Virginia
 Frederick Planning Website: www.fcva.us

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

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

(Name) JGR THREE LLC ETALS (Phone) _____

(Address) 1407 Gordon Place, Winchester, VA 22601 the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 140000018 on Page _____, and is described as

Tax Map ID: 64-A-86, 64-A-87

do hereby make, constitute and appoint:

(Name) Pennon Associates Inc. (Phone) 540-667-2139

(Address) 117 E. Piccadilly Street, Suite 200, Winchester, VA 22601

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

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

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified. In witness thereof, I (we) have hereunto set my (our) hand and seal this _____ day of _____, 20____,

Signature(s) 

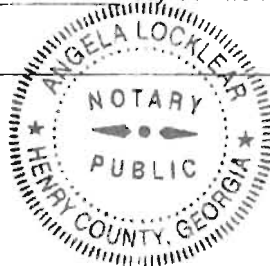
 NOTARY J. DICK

State of Georgia, City/County of Fulton, To-wit:

I, Angela Locklear, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 3rd day of August, 2018.


 Notary Public

My Commission Expires: December 10, 2019





**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us**

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

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

(Name) JGR THREE LLC ETALS (Phone) _____

(Address) 1407 Gordon Place, Winchester, VA 22601 the
owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's
Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 140000018 on Page _____, and is described as

Tax Map ID: 64-A-86, 64-A-87

do hereby make, constitute and appoint:

(Name) Pennonni Associates Inc. (Phone) 540-667-2139

(Address) 117 E. Piccadilly Street, Suite 200, Winchester, VA 22601

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

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

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously
approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 3rd day of August, 2018.

Signature(s) By: ^{ELLEN, LLC} John B Russell, II Mgr

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

I, Kathleen L. Spaid, a Notary Public in and for the jurisdiction aforesaid,
certify that the person(s) who signed to the foregoing instrument personally appeared before me and has
acknowledged the same before me in the jurisdiction aforesaid this 3rd day of August, 2018.

Kathleen L. Spaid My Commission Expires: 11/30/18
Notary Public

KATHLEEN L. SPAID
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 270227



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us**

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

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

(Name) JGR THREE LLC ETALS (Phone) _____

(Address) 1407 Gordon Place, Winchester, VA 22601 the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 140000018 on Page _____, and is described as

Tax Map ID: 64-A-86, 64-A-87

do hereby make, constitute and appoint:

(Name) Pennoni Associates Inc. (Phone) 540-667-2139

(Address) 117 E. Piccadilly Street, Suite 200, Winchester, VA 22601

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

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

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 3rd day of August, 20 18.

Signature(s) By: LCR, LLC
Linda C. Russell

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

I, Kathleen L. Spaid, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 3rd day of August, 20 18.

Kathleen L. Spaid My Commission Expires: 11/30/18
Notary Public

KATHLEEN L. SPAID
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 270227



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us**

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

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

(Name) JGR THREE LLC ETALS (Phone) _____

(Address) 1407 Gordon Place, Winchester, VA 22601 the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 140000018 on Page _____, and is described as

Tax Map ID: 64-A-86, 64-A-87

do hereby make, constitute and appoint:

(Name) Pennoni Associates Inc. (Phone) 540-667-2139

(Address) 117 E. Piccadilly Street, Suite 200, Winchester, VA 22601

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

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

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 3rd day of August, 2018.

Signature(s) JGR Three LLC
By John J. Runnel, III

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

I, Kathleen L. Spaid, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 3rd day of August, 2018.

Kathleen L. Spaid My Commission Expires: 11/30/18
Notary Public

KATHLEEN L. SPAID
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 270227



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us**

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

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

(Name) JGR THREE LLC ETALS (Phone) _____

(Address) 1407 Gordon Place, Winchester, VA 22601 the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 140000018 on Page _____, and is described as

Tax Map ID: 64-A-86, 64-A-87

do hereby make, constitute and appoint:

(Name) Pennon Associates Inc. (Phone) 540-667-2139

(Address) 117 E. Piccadilly Street, Suite 200, Winchester, VA 22601

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

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

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 3rd day of August, 20 18,

Signature(s) By: ^{MDC THREE LLC} John G. Runnel, mgr

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

I, Kathleen L. Spaid, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 3rd day of August, 20 18.

Kathleen L. Spaid My Commission Expires: 11/30/18
Notary Public

**KATHLEEN L. SPAID
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 270227**



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us**

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

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

(Name) JGR THREE LLC ETALS (Phone) _____

(Address) 1407 Gordon Place, Winchester, VA 22601 the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 140000018 on Page _____, and is described as

Tax Map ID: 64-A-86, 64-A-87

do hereby make, constitute and appoint:

(Name) Pennonni Associates Inc. (Phone) 540-667-2139

(Address) 117 E. Piccadilly Street, Suite 200, Winchester, VA 22601

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

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

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 3rd day of August, 2018.

Signature(s) SUSAN SANDERS, LLC
By: John A. Russell, III

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

I, Kathleen L. Spaid, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 3rd day of August, 2018.

Kathleen L. Spaid My Commission Expires: 11/30/18
Notary Public

KATHLEEN L. SPAID
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 270227

M



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, CZA, Assistant Director *CEP*

RE: **Brucetown Road Area Amendment (CPPA #02-18 – Carter)**

DATE: March 7, 2019

This is a draft amendment to the Northeast Land Use Plan of the 2035 Comprehensive Plan. This request is presented to the Board of Supervisors as a discussion item; Staff is seeking direction from the Board of Supervisors as to whether this item is ready to be sent to public hearing.

Proposal & Background

At the Board of Supervisors September 12, 2018 meeting, the Board directed Staff to undertake a Sewer and Water Service Area (SWSA) expansion and land use designation associated with Comprehensive Plan Amendment #02-18 for the Carter Tract. This amendment proposes to add 109 acres into the Sewer and Water Service Area (SWSA) and remove 109 acres from the SWSA. This amendment also seeks to designate the 109 acres for industrial land uses.

The Comprehensive Plans and Programs Committee (CPPC) discussed this amendment at their October and November 2018 meetings. The CPPC endorsed draft text and map for the Brucetown Area Amendment at their November 2018 meeting. This amendment was discussed by the Planning Commission on December 5, 2018. At that meeting the Planning Commission expressed concern with the amendment and sent the proposal back to the CPPC for further review. Specifically, the Planning Commission requested more detail on the transportation components of the amendment and further review of the SWSA limits proposed.

The CPPC discussed the amendment at their February 2019 meeting. The Committee reviewed revised text for the proposal that sought to address the concerns of the Planning Commission; a revised map was also presented. The Committee agreed with the changes with amendments to the SWSA boundary and environmental text. The amended SWSA boundary keeps the SWSA south of Slate Run and proposes a buffer along the western property line to protect the rural community center. The CPPC sent the revised text and map forward to the Planning Commission for review. The CPPC further discussed the importance of providing the identified transportation improvements to support future development in this area. This included a discussion of what would be the best language for the text, “should vs shall”. The CPPC felt that since the

Comprehensive Plan is an advisory document that the use of “should” would be best suited for the language.

The Planning Commission discussed this request at their March 6, 2019 meeting. The Commission agreed with the proposed amendment and sent the item forward to the Board of Supervisors with a favorable recommendation. The Commission also discussed the use of “should vs shall” in the document and felt that since this is a policy document that guides future land use that the use of “should” would be appropriate. One Commission member did express concern with the amendment and did not support the amendment going forward.

Conclusion

Please find attached draft text for the Brucetown Road Area Amendment, a proposed land use map and comments from Frederick Water.

This request is presented to the Board of Supervisors as a discussion item; Staff is seeking direction from the Board of Supervisors as to whether this item is ready to be sent to public hearing. Staff and the Planning Commission are also seeking direction from the Board of Supervisors on the use of “should vs shall” in the amendment.

Please contact staff should you have any questions.

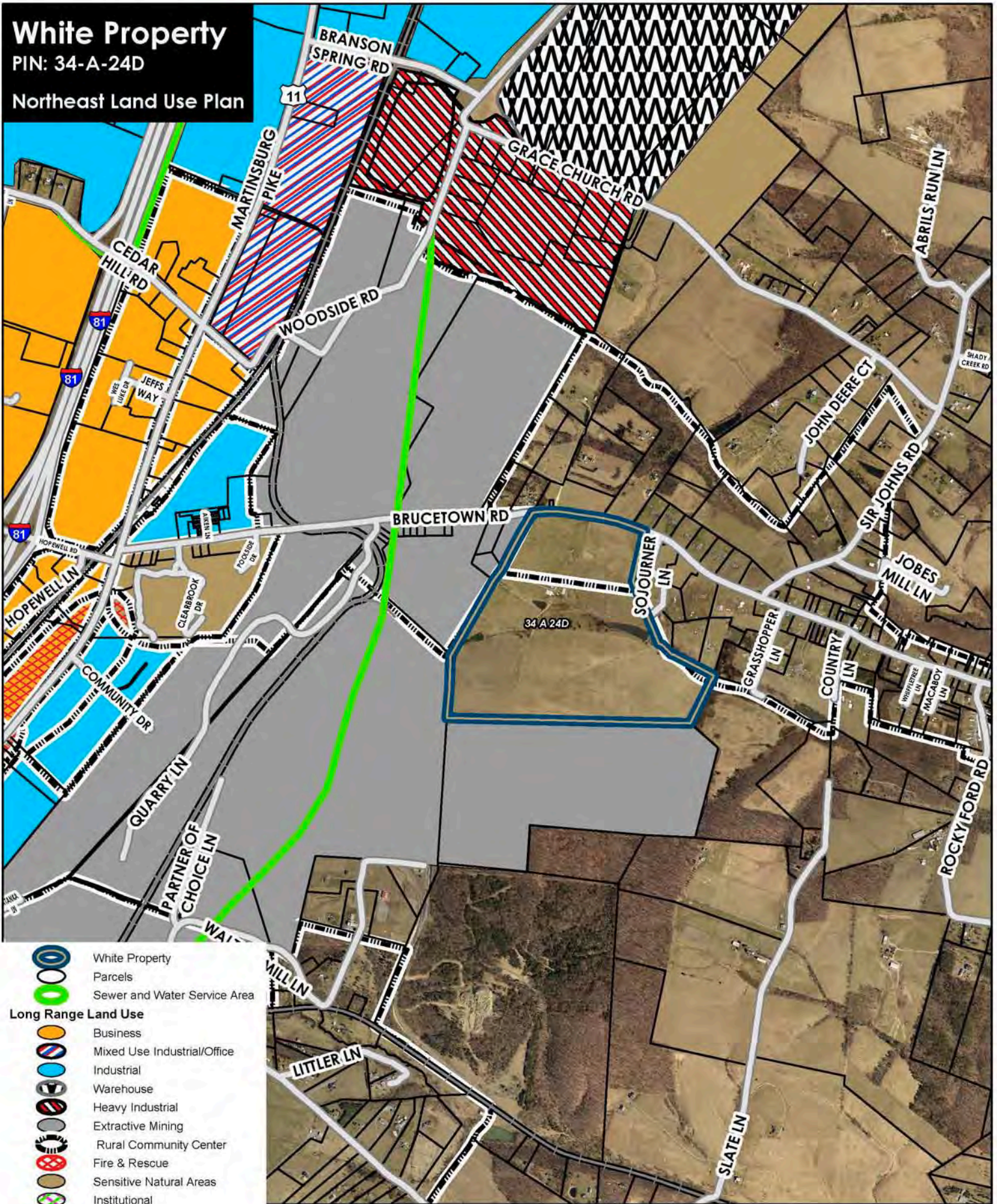
CEP/dw

Attachments

White Property

PIN: 34-A-24D

Northeast Land Use Plan



- White Property
- Parcels
- Sewer and Water Service Area
- Long Range Land Use**
- Business
- Mixed Use Industrial/Office
- Industrial
- Warehouse
- Heavy Industrial
- Extractive Mining
- Rural Community Center
- Fire & Rescue
- Sensitive Natural Areas
- Institutional



DRAFT
Endorsed by the CPPC – 01/11/2019
NORTHEAST FREDERICK LAND USE PLAN
NELUP

Brucetown Road Area AMENDMENT

Proposed language:

The Comprehensive Plans and Programs Committee (CPPC), at their October and November 2018 meetings and their February 2019 meeting discussed the requested Carter Tract Amendment (CPPA #02-18). This CPPA request removes comparable acres of land from the SWSA from the existing zoned extractive manufacturing area to allow for the inclusion of 109 acres of land. In determining the scope of the request, the CPPC looked at the broader area in determining if an area could best support a sewer and water service area expansion and an industrial land use designation. The SWSA boundary adjustment enables industrial land uses which could utilize public water and sewer, improve the transportation infrastructure in support of increased vehicular traffic and provide economic opportunities.

The scope of the review considered the following:

- Review of the broader area to identify areas most appropriate for a SWSA expansion and industrial land use designation.*
- Distance to the existing SWSA boundary.*
- Proximity to the existing extractive manufacturing operation.*
- Access to and from the Brucetown Road area including the overall transportation network including key intersections on Martinsburg Pike.*
- Revisions to the SWSA, including the removal of land from the existing SWSA to allow for the addition of comparable acreage into the SWSA.*
- Avoiding conflict with the residential uses of the Brucetown Rural Community Center. The SWSA should remain south of Slate Run with a buffer along the Rural Community Center. This enables the land use north of Slate Run to remain agricultural and buffer future industrial uses from the residential uses in the Brucetown Rural Community Center.*

The study which resulted from the discussion of CPPA #02-18 ultimately recommended that the following amendment be incorporated into the Northeast Land Use Plan:

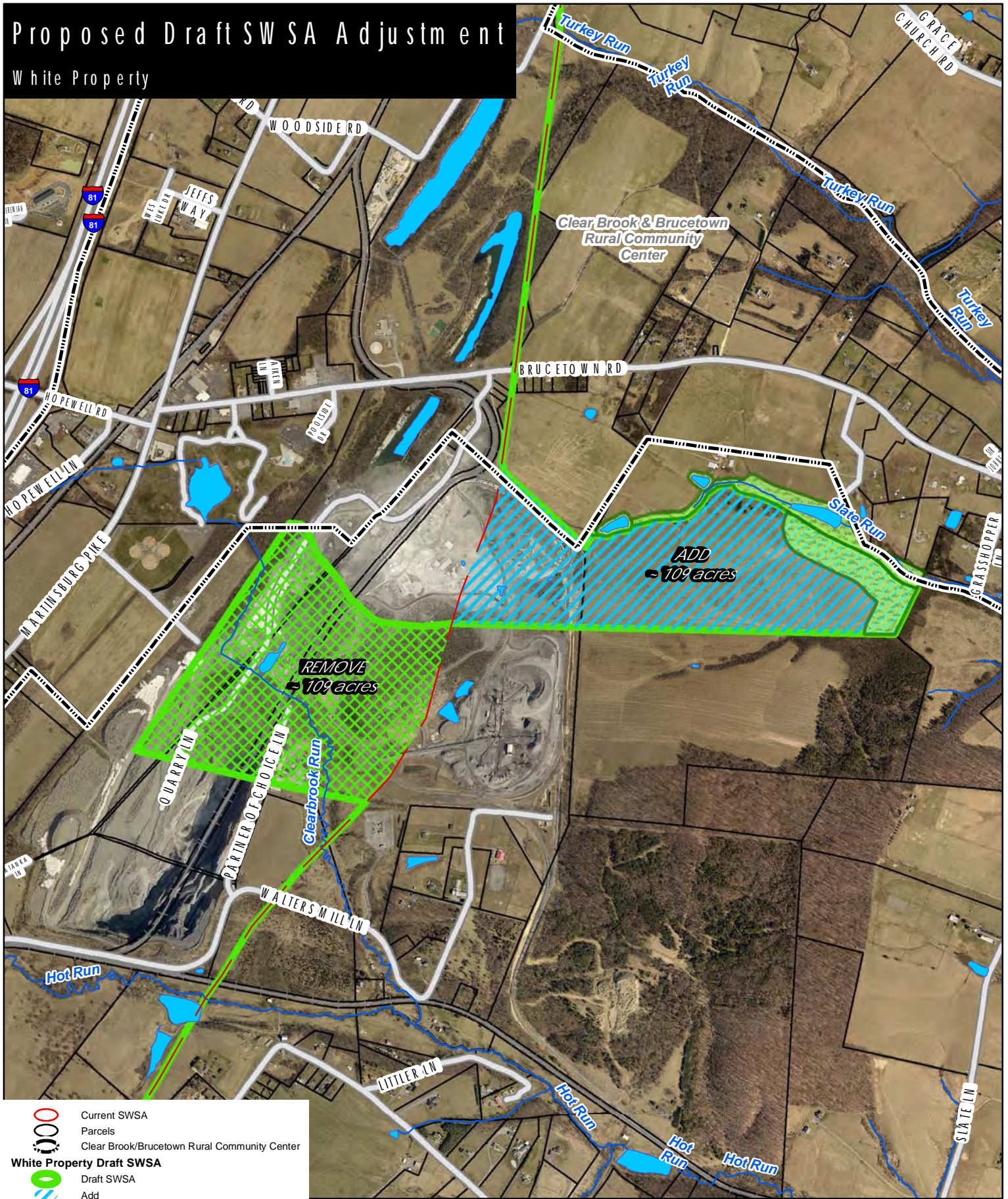
The area southeast of Exit 321, Interstate 81, Hopewell Road, and south of Brucetown Road is comprised mainly of extractive manufacturing, rural residential and agricultural land uses. The area is also located adjacent to the identified Brucetown Rural Community Center. The following items resulted from this study and should be addressed with any future development proposals in this area:

- An industrial land use designation was identified as most appropriate for a SWSA boundary adjustment.*
- A detailed traffic study will be necessary for any future industrial development – all identified transportation needs [shall / should] be provided by the proposed development. Traffic improvements [shall / should] include but may not be limited to: Improvements to Brucetown Road to current VDOT standards including sufficient pavement structure and right-of-way width to support the industrial traffic; improvements to Hopewell Road and Martinsburg Pike and the relocation of Brucetown Road north of its current intersection with Hopewell Road.*

- Access to the acreage which is now included in the SWSA *[shall / should]* be via the existing quarry entrance onto Brucetown Road; no direct access to Brucetown Road *[shall / should]* be considered.
- Recognize that water and sewer capacity is limited in this area and therefore any future industrial uses should recognize the capacity constraints and construct the infrastructure necessary to serve the industrial uses water and sewer needs.
- Encourage the use of rail to minimize the increase in truck traffic on the Martinsburg Pike (Route 11 North) corridor and along Hopewell and Brucetown Roads.
- Protect the overall environmental quality of the community. Avoid industrial land uses which would require major emitter air quality permit from the Virginia Department of Environmental Quality.
- Minimize disturbance and crossing of drainage swales. An enhanced riparian buffer should be provided adjacent to Slate Run to improve the buffer and promote best environmental practices.
- Provide buffering between industrial uses and the Rural Community Center which shall meet or exceed existing zoning ordinance buffer and screening requirements to adequately protect the residential uses in the Brucetown Rural Community Center. Maximize distance buffers in combination with landscape buffers to provide adequate screening. Building height limitations shall also be implemented to protect the viewshed of the residential uses in the Brucetown Rural Community Center.
- To avoid conflict with the residential uses in the Brucetown Rural Community Center, the SWSA expansion should remain south of Slate Run and provide for a buffer along the Rural Community Center. This enables the land north of Slate Run to remain agricultural and buffer future industrial uses from the residential uses in the Rural Community Center.

Proposed Draft SW SA Adjustment

White Property





315 Tasker Road
Stephens City, Virginia 22655

PH (540) 868-1061
Fax (540) 868-1429
www.FrederickWater.com

Eric R. Lawrence
Executive Director

MEMORANDUM

TO: Candice Perkins, Assistant Director, Frederick County Planning Department
FROM: Eric R. Lawrence, Executive Director
SUBJECT: 2018 Comprehensive Policy Plan Amendment Review – Carter Tract
DATE: December 11, 2018

In response to a December 7, 2018 e-mail request from Stowe Engineering, I am providing an updated review comment from Frederick Water in regards to the Carter Tract CPPA.

I understand that the Carter Tract CPPA is no longer considering the Carter Tract proper, but is now working to capture and include the adjacent White property into the SWSA. Inclusion of the White property into the SWSA would support economic development, and enable access to Frederick Water's public water and wastewater system. Wastewater presents a challenge as the conveyance system in the vicinity of the White property has limited capacity.

During recent discussions, and similar to our previous August discussion, Mr. Stowe suggested that a Sewer and Water Service Area (SWSA) boundary adjustment resulting in no change to the total acreage of the SWSA in the vicinity of the White property be considered; essentially a "net-zero" SWSA boundary revision - for each acre that is added to the SWSA, a comparable acreage could be removed. This suggestion is appropriate and supported, although it should be noted that the White property's owners do not own adjacent land from which the SWSA could be removed to facilitate the "net-zero" SWSA boundary revision. Therefore, for the net-zero SWSA approach to be applied, a second party's SWSA-privilege would need to be revised/reduced.

Page 2

2nd Comment on the 2018 Comprehensive Policy Plan Amendment Application for the Carter Property
Candice Perkins
December 11, 2018

It is also noted that with limited wastewater conveyance capacity in the vicinity, any SWSA adjustment potentially results in impacts to other property owners within the SWSA who might be competing for the same limited wastewater system conveyance and treatment capacity.

Mr. Stowe previously clarified that the anticipated use of the property was by a single user who would generate approximately 3,500 GPD (Gallons Per Day) of wastewater and use a 20- to 40-acre area. It would appear accommodating that nominal amount of wastewater generation is feasible. Wastewater conveyance may not be available to serve much more than the 3,500 GPD single user. We would suggest that any potential revisions to the Comprehensive Plan recognize the wastewater limitation, and at this time only support development on a small portion of the White property.

Frederick Water does support further study of the Carter Tract CPPA application, applicable to a portion of the White property, with consideration of a net-zero SWSA expansion and limiting uses within the expanded SWSA area to less than a total of 5,000 GPD of wastewater discharge.

Cc: Tim Stowe, Stowe Engineering
Stonewall Magisterial District Supervisor



RESOLUTION

Action:

PLANNING COMMISSION: March 6, 2019

Recommended Approval

BOARD OF SUPERVISORS: March 13, 2019

RESOLUTION DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING TO ADOPT AN AMENDMENT TO THE 2035 COMPREHENSIVE PLAN APPENDIX I – AREA PLANS NORTHEAST LAND USE PLAN

WHEREAS, the 2035 Comprehensive Plan, was adopted by the Board of Supervisors on January 25, 2017 and this proposed amendment to the Northeast Land Use Plan of Appendix I would result in a land use designation change for (PIN) 34-A-24D from rural areas land use to industrial land use and expand the Sewer and Water Service Area (SWSA) to include 109 acres of parcel in the SWSA and remove 109 acres from the existing SWSA, and

WHEREAS, the Frederick County Planning Commission discussed this amendment on March 6, 2019 and sent the amendment to the Board of Supervisors for discussion; and

WHEREAS, the Frederick County Board of Supervisors discussed this proposed amendment on March 13, 2019; and

NOW, THEREFORE, BE IT REQUESTED by the Frederick County Board of Supervisors that the Frederick County Planning Commission shall hold a public hearing to consider an amendment to the Northeast Land Use Plan to amend the land use designation for PIN 34-A-24D from Rural Areas land use to Industrial land use and expand the Sewer and Water Service Area (SWSA) to include 109 acres of parcel in the SWSA and remove 109 acres from the existing SWSA and forward a recommendation to the Board of Supervisors.

Passed this 13th day of March 2019 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Robert W. Wells

Shannon G. Trout

Judith McCann-Slaughter

Blaine P. Dunn

A COPY ATTEST

Kris C. Tierney, Frederick County Administrator

I am a citizen of Brucetown and Clear Brook. I am against the proposed change to the Comprehensive Plan Amendment. I am not in favor extending the Industrial Land Use and the Water & Sewer service area east of the quarry.

Arthur L. Bragg

Douglas R. Durbin

Catherine Y. Durbin

Nathan Durbin

John Mangold

Cindy Mangold

Langston Mangold

Bell Mangold

Emily Dickens

Paul Owens

Julie Owens

John Lee

Lee Mangold

Tom Mangold

Kathryn B. Busleron

David Riner

Tina Riner

Carolyn Fritts

Perry McDonald
Gary Butler

I am a citizen of Brucetown and Clear Brook. I am against the proposed change to the Comprehensive Plan Amendment. I am not in favor extending the Industrial Land Use and the Water & Sewer service area east of the quarry.

Gary W. Kutt

Brenda Kutt

John W. Owens Sr.

Robert J. Linder

Willie Linder

Joyce Linder

John

Shane Ryan

George R. Robertson

Willie

George R. Robertson

Willie Healy

Lee Healy

Brook S. Keeler

Betty B. Davis

Patricia Jones

James

Bernard W. Everhart Sr.

Joyce L. Everhart

I am a citizen of Brucetown and Clear Brook. I am against the proposed change to the Comprehensive Plan Amendment. I am not in favor extending the Industrial Land Use and the Water & Sewer service area east of the quarry.

Kevin Kaczmarewski

Therese Kaczmarewski

Ray Gage

Mehul Bhatt

Paul E. Hall

Eric Cook

John Smallwood

Victoria B. Littrell

James M. Littrell

Dave C. Miller

Roger Runnel

Deborah Runnel

Pat DUDLEY

Alan Butler

Jane Kocwood

Mary Swartz

Betsy Swartz

Christopher M. Hottel

Janice Aosta

Ronald B. Furr

Bruce E. Furr