



**AGENDA
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, MAY 28, 2014
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

Call To Order

Invocation

Pledge of Allegiance

Adoption of Agenda:

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

Consent Agenda:

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

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

Board of Supervisors Comments

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

1. Regular Meeting, May 14, 2014.

County Officials:

1. Employee of the Month Award. **(See Attached)**----- B
2. Committee Appointments. **(See Attached)**----- C
3. Resolution Re: Frederick County Board of Supervisors Concurrence with Frederick County School Board Electing to Pay the VRS Board Certified Rate. **(See Attached)**----- D

**AGENDA
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, MAY 28, 2014
PAGE 2**

- 4. Request from Commissioner of the Revenue for Refunds.
(See Attached) ----- E

Committee Reports:

- 1. Parks and Recreation Commission. **(See Attached)** ----- F
- 2. Human Resources Committee. **(See Attached)** ----- G
- 3. Public Works Committee. **(See Attached)**----- H
- 4. Finance Committee. **(See Attached)**----- I

Public Hearing:

- 1. Outdoor Festival Permit Request of Alaya White, Kim Johnston and Doug Stanford – Sundown Fest. Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for an Outdoor Festival Permit. Festival to be Held on Saturday, June 28, 2014, from 1:00 P.M. to 9:00 P.M.; on the Grounds of 740, 750 and 760 Merrimans Lane, Winchester, Virginia. Property Owned by 740 LLC, 750 LLC and Willow Grove V LLC.
(See Attached) ----- J
- 2. An Ordinance to Adopt Chapter 143 of the Frederick County Code, Stormwater/Erosion and Sediment Control, and to Repeal Chapter 79 of the Frederick County Code, Erosion and Sediment Control, both Effective July 1, 2014. **(See Attached)**----- K

Planning Commission Business:

Public Hearing:

- 1. Establishment of a New Agricultural and Forestal District, Green Springs Agricultural and Forestal District - The Proposed District Contains 385.63+/- Acres within Two Parcels and is Located in the Gainesboro Magisterial District, Fronting Glaize Orchard Road (Route 682) to the South, and Green Springs Road (Route 671) to the East.
(See Attached) ----- L

**AGENDA
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, MAY 28, 2014
PAGE 3**

2. Addition to the South Timber Ridge Agricultural and Forestal District - The Proposed Addition Contains a Total of 85+/- Acres within One Parcel and is Located in the Gainesboro Magisterial District Along Hollow Road (Route 707) to the North, Muse Road (Route 610) and Gold Orchard Road (Route 708) to the East. **(See Attached)**----- **M**

3. Ordinance Amendment to the Frederick County Code – Chapter 165 Zoning, Article VIII-Development Plans and Approvals, Part 801-Master Development Plans, 165-801.03 Waivers. Proposed Revision to Allow for a Waiver of the Master Development Plan Requirement if an Applicant Chooses to Process a Detail Site Plan in Lieu of a Master Development Plan. **(See Attached)**----- **N**

Other Planning Items:

1. 2nd Discussion – Comprehensive Policy Plan Amendment (CPPA) – Middletown/LFCC SWSA – Future Expansion Area. **(See Attached)**----- **O**

2. Discussion – Private Streets in the R5 Zoning District. **(See Attached)**----- **P**

3. Discussion – Setback Requirements for Multifamily Residential Buildings. **(See Attached)**----- **Q**

Board Liaison Reports (If Any)

Citizen Comments

Board of Supervisors Comments

Adjourn

A

**FREDERICK COUNTY BOARD OF
SUPERVISORS' MINUTES**

REGULAR MEETING

May 14, 2014

A Regular Meeting of the Frederick County Board of Supervisors was held on Wednesday, May 14, 2014 at 7:10 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

PRESENT

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

ABSENT

Christopher E. Collins

CALL TO ORDER

Chairman Shickle called the meeting to order.

INVOCATION

Supervisor Fisher delivered the invocation.

PLEDGE OF ALLEGIANCE

Vice-Chairman DeHaven led the Pledge of Allegiance.

ADOPTION OF AGENDA – APPROVED

County Administrator John R. Riley, Jr. advised he had no additions to the agenda.

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

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

CONSENT AGENDA - APPROVED

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

- Resolution Recognizing H P Hood, Inc.'s Selection as 2013 Dairy Processor of the Year;
- Public Works Committee Report; and
- Public Safety Committee Report.

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

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

CITIZEN COMMENTS

Chairman Shickle addressed those citizens present who wished to speak regarding conditional use permit #02-14 for the proposed dog kennel. He advised the public hearing for this item had already been held and he asked those citizens who spoke during the public hearing to not address the board under citizen comments unless they had new information to present.

Melissa Burke, Back Creek District, addressed the Board regarding the proposed dog kennel. She stated she had done some Internet research and found a kennel in a residential neighborhood does not enhance the property values in the neighborhood. She went on to say allowing a business in this residential neighborhood sets the precedent to allow other businesses to locate there.

Eds Coleman, attorney for the opposition, spoke on behalf of Mr. and Mrs. Berman. He appreciated the Board's consideration of this matter. He asked the Board to consider the effect

of this use on property values. He showed a map of affected properties in the neighborhood. He noted that all five of the affected lots were subject to restrictive covenants. He went on to say these lots are for single family residences only. The neighborhood consists of estate type lots with a minimum house size of 2,000 square feet. He stated under these covenants no home occupations are permitted. He noted the restrictive covenants were imposed by the applicant's grandfather. He went on to say the proposed new conditions have not established effective performance standards. He concluded by saying if the dogs are barking out then that is a noise problem.

Robert Burke, Back Creek District, stated his property was ½ mile from this neighborhood. He stated he wanted quiet and solitude. He concluded by saying he had a dog, but it was trained not to bark.

Lloyd Hays, Back Creek District, stated he bought his property less than one year ago. He thought the area would provide solitude for his retirement. He went on to say the proposed kennel did not conform to what he and his wife were buying into. He noted there was a measurable deterioration in property values due to kennels. He asked if the applicant would be willing to pay for this decline. He asked if the value decline would negatively impact Frederick County's tax revenue. He went on to say there could be an impact on the board members' own financial situation because this kennel has caused a decline in values. He concluded by saying he would like to know about the noise abatement standards for this kennel.

Charlene Anderson, Back Creek District, presented a letter which was read by her husband. She stated her family was trying to rent a house to an individual, but the possible renter was now skeptical of renting because of this proposed dog kennel.

Bethanne Berman, Back Creek District, read a letter on behalf of a neighbor, Wayne

Mitchell. His letter stated that he had lived down the road from a kennel in Brunswick County and he did not like it. He stated further that this was a loud business.

Sheila Pinner, Back Creek District, stated she had found a 25 dog kennel in a surrounding county, which employed one full-time, two part-time, and two prison release workers in order to handle all of the dogs. She did not see how only two people would be able to handle the workload for this proposed kennel.

Tony Wolfe, Virginia Tech Center, addressed the Board regarding the proposed kennel. He advised the center was neutral in their position. He went on to say he was sympathetic to the neighbors. He stated the facility worked 10 to 12 hours per day and operated sprayers and other various types of equipment. He went on to say it would be hypocritical to oppose noise from another facility. He concluded by saying the proposed kennel would not affect Virginia Tech's mission.

Matt Milstead, developer of Heritage Commons from Herndon, VA, addressed the Board regarding Russell 150. He advised he was prepared to submit a rezoning for a mixed use project on this property; however, he was getting frustrated because it had been a year since they had started working on this project. He spoke regarding a recent newspaper article regarding this project, which was a flawed and inaccurate depiction of this project. He went on to say he was prepared to spend money on this project. He concluded by saying his team was ready to go, but they were getting highly frustrated.

Earl Cole, Baltimore MD, addressed the Board regarding Russell 150. He advised that he worked for a small company in Baltimore, MD. In 2006 the company invested \$20 million of shareholders' money in Frederick County through the Russell 150 project. He stated the company made a bad investment because the proposed development did not occur and the money

was not repaid. He went on to say the company had gotten back \$14 million of their shareholders' money, but they were still owed \$6 million. He advised that his company has found a developer for this property, but the Treasurer of Frederick County says his company owes the county \$2.4 million in penalties and interest, which is wrong and unfair. He concluded by saying he would like the treasurer and County to thank us instead of having its hand out.

Tina Lake, Stonewall District, addressed the Board regarding the proposed dog kennel. She stated she has known and worked with Ms. Neff for the last 14 years and she supported her application. She went on to say Ms. Neff was a hard worker and had a high moral character and was motivated to uphold the conditions established for this permit. She concluded by saying Ms. Neff had done her research to ensure this was a success.

Charles Harmon, Opequon District, addressed the Board regarding the private street item on the Transportation Committee report. He advised the Shenandoah Community had submitted a request to the Board regarding private streets. He noted the current residents had purchased homes in the community expecting to have private streets. Under the community's revised master development plan, approximately 2/3 of the streets would be private. The proposed ordinance amendment would enable the residents to keep their gated community. He went on to say he understood the financial obligation this would pose for the homeowners' association. He concluded by asking the Board to bring this matter to conclusion via public hearing and approval of the ordinance change.

Michael Raymond, Opequon District, addressed the Board regarding the private street item. He spoke to the homeowners' association's ability to fund the streets. He noted that he had led two studies on the financial obligations of the homeowners' association. He stated the street repairs could be funded with minimal impact on the homeowners' association. He concluded by

saying the community takes this commitment and obligation very seriously and asked the Board to bring this matter to conclusion.

Ray Hayslett, Back Creek District, asked the Board to consider adding his remarks from the April 23, 2014 meeting to the minutes. He went on to say a board member at the last meeting made a comment about a pig farm, in reference to the dog kennel. Mr. Hayslett stated his response to this comment was...“pigs don’t bark.” He went on to say he appreciated the Virginia Tech research facility’s neutrality. He noted the center does conduct work for the benefit of the agricultural community, but they are not a commercial enterprise. He stated there was a time and place for business, but just because a business could be established here was not a reason to do it. He concluded by saying he had moved to the area for estate living and asked the Board to make sure they were doing the right thing.

There being no more citizen comments, Chairman Shickle closed this portion of the meeting.

BOARD OF SUPERVISORS COMMENTS

There were no Board of Supervisors comments.

MINUTES - APPROVED

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board approved the minutes from the April 23, 2014 regular meeting by the following recorded vote:

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

Upon a motion by Supervisor Fisher, seconded by Supervisor DeHaven, the Board

approved the minutes from the April 29, 2014 work session with the Department of Social Services by the following recorded vote:

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

COUNTY OFFICIALS

COMMITTEE APPOINTMENTS

REAPPOINTMENT OF WILLIAM H. CLINE AS STONEWALL DISTRICT REPRESENTATIVE TO THE EXTENSION LEADERSHIP COUNCIL - APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board reappointed William H. Cline as Stonewall District representative to the Extension Leadership Council. This is a four year appointment. Term expires June 23, 2018.

The above motion was approved by the following recorded vote:

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

REAPPOINTMENT OF RANDY CARTER AS STONEWALL DISTRICT REPRESENTATIVE TO THE PARKS AND RECREATION COMMISSION - APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Wells, the Board reappointed Randy Carter as Stonewall District representative to the Parks and Recreation Commission. This is a four year appointment. Term expires June 23, 2018.

The above motion was approved by the following recorded vote:

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

REAPPOINTMENT OF DEVELOPMENT IMPACT MODEL OVERSIGHT COMMITTEE - APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board reappointed the following members to the Development Impact Model Oversight Committee:

Kris Tierney – County Administration Representative
Gary A. Lofton – Board of Supervisors Representative
Robert A. Hess – Board of Supervisors Representative
H. Paige Manuel – Planning Commission Representative
Roger L. Thomas – Planning Commission Representative
Dr. John Lamanna – School Board Representative.

The above motion was approved by the following recorded vote:

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

REAPPOINTMENT OF DANA BOWMAN AS PRIVATE PROVIDER REPRESENTATIVE TO THE COMMUNITY POLICY AND MANAGEMENT TEAM - APPROVED

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board reappointed Dana Bowman as private provider representative to the Community Policy and Management Team. This is a two year appointment. Term expires June 30, 2016.

The above motion was approved by the following recorded vote:

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

REAPPOINTMENT OF PAMELA K. KEELER AS FREDERICK COUNTY VOLUNTEER REPRESENTATIVE TO THE LORD FAIRFAX EMERGENCY MEDICAL SERVICES COUNCIL - APPROVED

Upon a motion by Supervisor Hess, seconded by Supervisor Fisher, the Board reappointed Pamela K. Keeler as Frederick County Volunteer Representative to the Lord Fairfax Emergency Medical Services Council. This is a three year appointment. Term expires June 30, 2017.

The above motion was approved by the following recorded vote:

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

REAPPOINTMENT OF GENE E. FISHER AS BOARD OF SUPERVISORS REPRESENTATIVE TO THE WINCHESTER REGIONAL AIRPORT AUTHORITY - APPROVED

Upon a motion by Supervisor Lofton, seconded by Vice-Chairman DeHaven, the Board reappointed Gene E. Fisher as Board of Supervisors representative to the Winchester Regional Airport Authority. This is a four year appointment. Term expires June 30, 2018.

The above motion was approved by the following recorded vote:

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

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

**RESOLUTION RECOGNIZING H P HOOD, INC.'S SELECTION AS 2013
DAIRY PROCESSOR OF THE YEAR – APPROVED UNDER CONSENT
AGENDA**

WHEREAS, HP Hood, LLC is one of the primary producers of dairy products and beverages in the United States, with over \$2 billion in sales and 15 manufacturing plants across the county; and

WHEREAS, HP Hood, LLC's products are distributed throughout the United States to chain and independent food retailers, convenience stores, and foodservice purveyors; and

WHEREAS, HP Hood, LLC located a facility in Frederick County in 2000; and

WHEREAS, this facility has seen expansions in 2001, 2004, 2010, and 2013 and now employs over 400 people; and

WHEREAS, the Frederick County facility is the flagship in HP Hood, LLC's production network; and

WHEREAS, HP Hood, LLC has been instrumental in developing and expanding its product lines, continues to invest in new equipment and technologies, and is working toward achieving zero-waste-to-landfill in all plants; and

WHEREAS, HP Hood, LLC was selected by *Dairy Foods Magazine* as Processor of the Year for 2013.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Frederick, Virginia, do hereby express their congratulations to HP Hood, LLC on achieving this industry recognition; and

BE IT FURTHER RESOLVED, that the Board of Supervisors express their appreciation to HP Hood, LLC for its continued investment and employment in Frederick County, Virginia; and

BE IT FURTHER RESOLVED, that this resolution be spread across the minutes of the Frederick County Board of Supervisors for all citizens to reflect upon the accomplishment of this community partner.

ADOPTED this 14th day of May, 2014.

**STATUS AND ANY FURTHER ACTION AS TO ITEM 11 OF THE FINANCE
COMMITTEE REPORT FOR THE MAY 22, 2013 BOARD OF SUPERVISORS
MEETING REGARDING AN AMENDMENT TO THE TERM SHEET/SPECIAL
ASSESSMENT ROLL APPROVED BY THE RUSSELL 150 COMMUNITY
DEVELOPMENT AUTHORITY. – MOTION TO RESCIND THE BOARD'S
ACTION OF MAY 22, 2013 FAILED**

County Attorney Rod Williams advised that in May 2013 the Board was provided a revised special assessment role and term sheet relative to the Russell 150 CDA. The sheet was originally accepted by the Finance Committee as information. At the May 22, 2013 Board of Supervisors meeting, the Board accepted the Term Sheet and authorized the County Administrator to sign it on behalf of the County. Since that time there have been questions surrounding the delinquent assessments and whether they need to be repaid. This item is on the agenda in order to give the Board an opportunity to clarify their intent as to the special assessment role.

Chairman Shickle asked if the Board was required to do anything.

County Attorney Williams responded because the Board was party to the CDA agreements then any changes to the agreement would require approval by the CDA and the Board.

Vice-Chairman DeHaven moved to rescind the Board of Supervisors action, taken at the May 22, 2013 meeting, accepting the Term Sheet identified as Exhibit "A" of the Municap, Inc. memorandum, dated March 13, 2013, and authorizing the County Administrator to sign same on behalf of Frederick County, the current motion being to rescind the Board's action to the extent that the Board's action may be interpreted as having eliminated the collection of penalties and interest on the CDA assessments.

The motion was seconded by Supervisor Fisher.

Supervisor Fisher stated this just further complicated his understanding of where we were with this. He went on to say he was not sure if the Board needed another closed session or more legal counsel, but he was not sure where we need to go at this point.

The motion failed by the following recorded vote:

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

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE – APPROVED UNDER CONSENT AGENDA

The Public Works Committee and Green Advisory Committees met on Tuesday, April 29, 2014 at 8:00 a.m. All members were present. The following items were discussed:

*****Item Requiring Action*****

1. Final Draft Stormwater/Erosion and Sediment Control Ordinance – Chapter 143 – Frederick County Code

Mr. Joe Wilder, deputy director of public works, presented a final draft of the new stormwater/erosion and sediment control ordinance, Chapter 143, which included revisions dictated by the Virginia Department of Environmental Quality. After discussing the minor revisions, the committee unanimously endorsed the new ordinance and recommended that it be submitted to the board of supervisors for their review and approval. At the same time, the committee recommended that the current erosion and sediment control ordinance, Chapter 79, be repealed. **(Attachment 1)**

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

1. Building Inspections Issues

- a) Proposed Fee Increases: The Building Official, Mr. John Trenary, presented a brief overview of proposed changes to the current building inspection fee schedule. He indicated that a meeting has been scheduled with the Top of Virginia Building Association to discuss the proposed changes. After this meeting, staff will finalize the proposed changes and submit same to the public works committee at their next scheduled meeting. **(Attachment 2)**
- b) Property Maintenance Inspections in Stephens City: The Town of Stephens City has requested that Frederick County assume the responsibility for property maintenance inspections. To this end, they have drafted a resolution to be approved by the town council prior to formal submittal to Frederick County. The county attorney has reviewed the request and determined that Frederick County is required to honor their request. **(Attachment 3)**

2. Update on New Round Hill Fire Station and Event Center

Staff indicated that the project for the new Roundhill Fire Station and Event Center has been advertised with a bid due date of May 15, 2014. A subsequent pre-bid meeting was held at 1:00 p.m. at the existing fire station. The attendance at the mandatory pre-bid meeting included 16 general contractors.

Mr. Gene Fisher, committee chairman, expanded the discussion of the proposed Roundhill Fire Station to include a brief evaluation of a future prototype station. He indicated that a layout of a station previously referenced as a prototype was actually a plan that had been included in a PPEA submittal. This plan had not been reviewed by staff for compliance with current fire and rescue requirements or accepted gross space allocations. He further stated that he had evaluated these space requirements with the architectural members of the committee and determined that the previously referenced plan was deficient in required space allocations. He concluded that the proposed Round hill Station was actually more in keeping with current design standards for fire and rescue stations.

3. Miscellaneous Reports

- a) Tonnage Report
(Attachment 4)
- b) Recycling Report
(Attachment 5)
- c) Animal Shelter Dog Report
(Attachment 6)
- d) Animal Shelter Cat Report
(Attachment 7)

4. Green Advisory Committee Energy Management Update (Attachment 8)

Energy Management Update

Planet Footprint data collection & monitoring. Using the Planet Footprint service staff is monitoring electricity and natural gas consumption across all accounts. Heating and cooling degree day data is being monitored to determine if temperature is driving changes in consumption. Using Planet Footprint database of Frederick County accounts, staff is able to monitor current and historical consumption for trend evaluation.

Improvements to the Planet Footprint service are now live. Better graphical representation of use and trends are now a feature, and the ability to “push” reports to responsibility center heads should lead to greater awareness of consumption trends. See **(Attachment 1)** for new data presentation format.

PUBLIC SAFETY COMMITTEE – APPROVED UNDER CONSENT AGENDA

A meeting of the Public Safety Committee was held on Monday May 5, 2014 at 8:30 a.m. at the Frederick County Public Safety Building, 1080 Coverstone Drive, Winchester, VA. Committee members present were: Committee Chairman Gary Lofton, Ron Wilkins, Michael Lindsay, Chris Collins, and Gene Fisher. Member Chuck Torpy was absent. Also in attendance were County Administrator John R. Riley, Jr., Fire & Rescue Chief Denny Linaburg, Deputy Fire Chief Larry Oliver, Communications Director LeeAnna Pyles, County Attorney Rod Williams, Human Resources Director Paula Nofsinger, Major Lou VanMeter, Deputy Fire Chief Bill Bowmaster, and Fire & Rescue President Dan Cunningham. The following items were discussed:

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

1. Revenue Recovery program update (Attachment A):

Deputy Chief Oliver discussed the automatic fee schedule increase provided by the Center for Medicare and Medicaid Services, which updates the payments for ambulance services annually. Only one of the five services – ALS level 2- will increase this year (from \$720 to \$755) and the mileage rate will not be affected. The fee schedule automatically changes rates every January, with our adapted rate schedule from June 2013 being the County's minimum charge for service.

The PSC made a unanimous motion to send the implemented increases, including present and future automatic increases in the Center for Medicare and Medicaid Services fee schedule, to the Finance Committee for approval.

2. Star Tannery request for staffing update (Attachment B):

At the Committee's December 17, 2013 meeting, the Committee's consensus was for Mr. Riley to set up a meeting with Shenandoah County officials to discuss the staffing needs at Star Tannery in an effort to reach an agreement regarding funding assistance for needed full-time positions. Since that time, Chief Linaburg and Mr. Riley did meet with their counterparts in Shenandoah County with an offer to split the cost of staffing. At that time, Shenandoah County declined to assist with such costs as it was not financially feasible. Frederick County had requested \$150,000.

Mr. Lofton noted that it appeared they were looking to Frederick County to fund the entire staffing cost even though both localities split the calls. He went on to say this was not financially feasible for Frederick County.

It was noted that Star Tannery is currently running at 40% failure rate due to the lack of staffing. It was further noted if Frederick County provided 100% funding in order to take care of this issue, with no expectations of assistance from Shenandoah County then there would be no long term benefit since the calls are equally divided between the two counties.

Mr. Fisher agreed that the lack of cooperation from Shenandoah County in this matter was disheartening.

Mr. Riley offered to go back to Shenandoah County to again request funding assistance for Star

Tannery.

Mr. Fisher suggested that other board members attend the meeting in an effort to try to resolve this matter.

The Committee's consensus was for Mr. Riley, and any other committee members who wish to accompany him, to again meet with Shenandoah County's representatives in an effort to reach an agreement to fund these positions.

3. Fee Schedule for Fire Marshals

Chief Linaburg discussed the need to update the Fire Marshal's fee schedule which is over 20 years old. It needs to be reflective of the current and surrounding jurisdictions and state rates. Chief Linaburg would like to address this issue at the next Public Safety Meeting.

4. New Fire & Rescue President

Dan Cunningham introduced himself as the new president of the Fire & Rescue Association, succeeding Mr. Price. He is looking forward to working with the Committee on the issues and topics that arise within the community.

Next Meeting:

Adjourn:

The meeting was adjourned at 9:15 a.m.

TRANSPORTATION COMMITTEE - APPROVED

The Transportation Committee met on April 28, 2014 at 8:30 a.m.

Members Present

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

Members Absent

Mark Davis (liaison Middletown)
Christopher Collins (voting)

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

1. Welcome Signage - APPROVED

One of the recommendations of the recent business friendly committee work was to recommend that welcoming signage be placed at key entrances to Frederick County.

For signage along primary routes such as Route 522, Route 50, or Route 11, the process is fairly simple. The County would need to design the signage and place it in accordance

with VDOT standards and practices with a VDOT permit. Attached please find the VDOT guidelines as well as a memorandum of support from Mr. Riley which includes example signage.

For signage along I-81, the process is somewhat more complicated. VDOT does not allow locations of such signage within the limited access right-of-way so alternative methods must be evaluated. To utilize an existing billboard, the cost would be approximately \$600 per month in addition to what the cost would be to create and install the signage itself. Staff would recommend that the agency doing the signage cooperate with property owners neighboring the I-81 right-of-way to purchase or occupy enough land to place and maintain a sign. This can be accomplished with a conditional use permit and would allow for greater variability and likely a more attractive signage design. Actual cost of this option would be highly variable depending upon agreements reached with property owners and final signage design. Actual cost of this option would be highly favorable depending upon agreements reached with property owners and final signage design.

In addition to this material, staff and VDOT noted that signage cannot be placed in the median.

Motion was made by Mr. Racey and seconded by Mr. Fisher to recommend that the Board direct the EDA to proceed with signage on the primary routes and to further investigate the options (rented billboard vs. county owned sign) and to include consideration of the water tower. Motion passed unanimously.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the above signage recommendation.

The above motion was approved by the following recorded vote:

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

PUBLIC HEARING

OUTDOOR FESTIVAL PERMIT REQUEST OF SARAH FROMME FOR TEENS, INC. – “BOOTS AND BLUEGRASS FESTIVAL”. PURSUANT TO THE FREDERICK COUNTY CODE, CHAPTER 86, FESTIVALS; SECTION 86-3, PERMIT REQUIRED; APPLICATION; ISSUANCE OR DENIAL; FEE, FOR AN OUTDOOR FESTIVAL PERMIT. FESTIVAL TO BE HELD ON FRIDAY, JUNE

20, 2014 FROM 6:00 P.M. TO 9:30 P.M. ON THE GROUNDS OF ALWAYS GREEN, 2122 NORTH FREDERICK PIKE, WINCHESTER, VIRGINIA. PROPERTY OWNED BY GAS CITY, 17768 JAMES MARLBORO HIGHWAY, LEESBURG, VIRGINIA. - APPROVED

Administrator Riley advised this was an application for an outdoor festival permit for Sarah Fromme for TEENS, Inc. – “Boots and Bluegrass Festival”. The event will be held on Friday, June 20, 2014 from 6:00 p.m. to 9:00 p.m. on the grounds of Always Green, 2122 North Frederick Pike, Winchester, VA. The property is owned by Gas City, 17768 James Marlboro Highway, Leesburg, Va.

Chairman Shickle convened the public hearing.

There were no citizen comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Hess, seconded by Supervisor Wells, the Board approved the outdoor festival permit request.

The above motion was approved by the following recorded vote:

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

PROPOSED ORDINANCE – SALARIES OF THE BOARD OF SUPERVISORS – PURSUANT TO SECTION 15.2-1414.3 OF THE CODE OF VIRGINIA, 1950, AS AMENDED, THE BOARD OF SUPERVISORS WILL HOLD A PUBLIC HEARING TO FIX THE ANNUAL SALARIES OF THE BOARD OF SUPERVISORS AS FOLLOWS: CHAIRMAN, \$10,800; VICE CHAIRMAN, \$10,200; AND EACH OTHER MEMBER OF THE BOARD OF SUPERVISORS AT \$9,000. – APPROVED

Administrator Riley advised this was a public hearing to set the annual salaries for the Board of Supervisors.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board approved the ordinance setting the salaries of the Board of Supervisors.

BE IT ORDAINED, the annual salary for each member of the Frederick County Board of Supervisors, for the fiscal year beginning July 1, 2014, shall be as follows: Chairman, \$10,800; Vice Chairman, \$10,200; and each other member of the Board of Supervisors at \$9,000.

The above motion was approved by the following recorded vote:

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

PLANNING COMMISSION BUSINESS

PUBLIC HEARING

DRAFT UPDATE OF THE 2014-2014 FREDERICK COUNTY PRIMARY AND INTERSTATE ROAD IMPROVEMENT PLANS – THE PRIMARY AND INTERSTATE ROAD IMPROVEMENT PLANS ESTABLISH PRIORITIES FOR IMPROVEMENTS TO THE PRIMARY AND INTERSTATE ROAD NETWORKS WITHIN FREDERICK COUNTY. COMMENTS FROM THE TRANSPORTATION COMMITTEE WILL BE FORWARDED TO THE COMMONWEALTH TRANSPORTATION BOARD FOR CONSIDERATION.

THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND THE BOARD OF SUPERVISORS FOR THE COUNTY OF FREDERICK, VIRGINIA, IN ACCORDANCE WITH SECTION 33.1-70.01 OF THE CODE OF VIRGINIA, WILL CONDUCT A JOINT PUBLIC HEARING. THE PURPOSE OF THIS PUBLIC HEARING IS TO RECEIVE PUBLIC COMMENT ON THE PROPOSED SECONDARY ROAD IMPROVEMENT PLAN FOR FISCAL YEARS 2015 THROUGH 2020 IN FREDERICK COUNTY AND ON THE SECONDARY SYSTEM CONSTRUCTION BUDGET FOR FISCAL YEAR 2015. COPIES OF THE PROPOSED PLAN AND BUDGET MAY BE REVIEWED AT THE EDINBURG OFFICE OF THE VIRGINIA DEPARTMENT OF

TRANSPORTATION, LOCATED AT 14031 OLD VALLEY PIKE EDINBURG, VIRGINIA OR AT THE FREDERICK COUNTY OFFICES LOCATED AT 107 NORTH KENT STREET, WINCHESTER, VIRGINIA. ALL PROJECTS IN THE SECONDARY ROAD IMPROVEMENT PLAN THAT ARE ELIGIBLE FOR FEDERAL FUNDS WILL BE INCLUDED IN THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP), WHICH DOCUMENTS HOW VIRGINIA WILL OBLIGATE FEDERAL TRANSPORTATION FUNDS. PERSONS REQUIRING SPECIAL ASSISTANCE TO ATTEND AND PARTICIPATE IN THIS HEARING SHOULD CONTACT THE VIRGINIA DEPARTMENT OF TRANSPORTATION AT 1-800-367-7623. - APPROVED

Deputy Director of Planning – Transportation John Bishop appeared before the Board regarding this item. He advised this was a public hearing on the annual update to the Interstate, Primary, and Secondary Road Improvement Plans. He briefly reviewed some of the projects on each list:

Interstate – Exit 310, Exit 307, and widening of Interstate 81.

Primary – Route 37 from Exit 310 to Route 522, S. Frederick Parkway, and Route 277 from Exit 307 to Double Church Road.

Secondary – Renaissance, Martinsburg Pike, E. Tevis Street & Russell 150, and Snowden Bridge Boulevard.

Hardsurface – No project have been removed, but none were added. Warm Springs Road has been funded. Woodside Road has moved to the top of the list.

Deputy Director Bishop concluded by saying he would be glad to answer any questions the Board might have.

Supervisor Lofton asked if the County would see an increase in funding next year.

Deputy Director Bishop responded that was hard to predict.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

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

adopted the update to the 2014-2014 Primary, Interstate, and Secondary Road Plans.

RESOLUTION 2014-2015 INTERSTATE ROAD IMPROVEMENT PLAN

WHEREAS, Sections 33.1-23.1 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Six-Year Road Plan; and

WHEREAS, the Frederick County Transportation Committee recommended approval of this plan on April 28, 2014; and

WHEREAS, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on May 7, 2014; and

WHEREAS, the Frederick County Board of Supervisors had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation 's policies and procedures and participated in a public hearing on the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, a representative of the Virginia Department of Transportation appeared before the Board during the public hearing and recommended approval of the 2014-2015 Interstate Road Improvement Plan and the Construction Priority List; and

WHEREAS, the Frederick County Board of Supervisors supports the priorities of the Interstate road improvement projects for programming by the Commonwealth of Transportation Board and the Virginia Department of Transportation;

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

The 2014-2015 Interstate Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Interstate Road System in Frederick County, and therefore, the Frederick County Board of Supervisors hereby approves the 2014-2015 Interstate Road Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on May 14, 2014.

RESOLUTION 2014-2015 PRIMARY ROAD IMPROVEMENT PLAN

WHEREAS, Sections 33.1-23.1 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Six-Year Road Plan; and

WHEREAS, the Frederick County Transportation Committee recommended approval of this plan on April 28, 2014; and

WHEREAS, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on May 7, 2014; and

WHEREAS, the Frederick County Board of Supervisors had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation 's policies and procedures and participated in a public hearing on the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, a representative of the Virginia Department of Transportation appeared before the Board during the public hearing and recommended approval of the 2014-2015 Primary Road Improvement Plan and the Construction Priority List; and

WHEREAS, the Frederick County Board of Supervisors supports the priorities of the primary road improvement projects for programming by the Commonwealth of Transportation Board and the Virginia Department of Transportation;

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

The 2014-2015 Primary Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Primary Road System in Frederick County, and therefore, the Frederick County Board of Supervisors hereby approves the 2014-2015 Primary Road Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on May 14, 2014.

RESOLUTION 2014-2015 SECONDARY ROAD IMPROVEMENT PLAN

WHEREAS, Sections 33.1-23.1 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Six-Year Road Plan; and

WHEREAS, the Frederick County Transportation Committee recommended approval of this plan on April 28, 2014; and

WHEREAS, the Frederick County Planning Commission held a public hearing and recommended approval of this plan at their meeting on May 7, 2014; and

WHEREAS, the Frederick County Board of Supervisors had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation 's policies and procedures and participated in a public hearing on the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, a representative of the Virginia Department of Transportation appeared before the Board during the public hearing and recommended approval of the 2014-2015

Secondary Road Improvement Plan and the Construction Priority List; and

WHEREAS, the Frederick County Board of Supervisors supports the priorities of the Secondary road improvement projects for programming by the Commonwealth of Transportation Board and the Virginia Department of Transportation;

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

The 2014-2015 Secondary Road Improvement Plan appears to be in the best interest of the citizens of Frederick County and the Secondary Road System in Frederick County, and therefore, the Frederick County Board of Supervisors hereby approves the 2014-2015 Secondary Road Improvement Plan and Construction Priority List for Frederick County, Virginia as presented at the public hearing held on May 14, 2014.

The above motion was approved by the following recorded vote:

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

OTHER PLANNING ITEMS

CONDITIONAL USE PERMIT #02-14 FOR JESSICA M. NEFF FOR A KENNEL. THIS PROPERTY IS LOCATED AT 461 LAUREL GROVE ROAD, AND IS IDENTIFIED WITH PROPERTY IDENTIFICATION NUMBER 73-9-3 IN THE BACK CREEK MAGISTERIAL DISTRICT. (VOTE POSTPONED FROM APRIL 23, 2014 BOARD MEETING.) – VOTE POSTPONED UNTIL JUNE 25, 2014 MEETING

Zoning Administrator Mark Cheran appeared before the Board regarding this item. He advised this was a request for a conditional use permit for a dog boarding kennel to be located at 461 Laurel Grove Road in the Back Creek Magisterial District. He advised the Board held its public hearing on this matter at its April 23, 2014 meeting, but postponed action in order to allow the applicant an opportunity to address concerns raised during the hearing. He went on to say the matter was back before the Board for action and noted conditions had been modified since the

last meeting. New conditions 6 through 11 had been added. He concluded by saying the conditions governing this permit were as follows:

1. All review agency comments shall be complied with at all times.
2. No more than twenty-eight (28) dogs shall be permitted on the property at any given time.
3. This conditional use permit (CUP) is solely to enable the boarding of dogs on this property.
4. No employees other than those residing on the property shall be allowed.
5. All dogs shall be controlled so as not to create a nuisance to any adjoining properties by roaming free or barking.
6. The applicant will construct a 20' x 30' enclosed kennel in the rear of the property, with a 6 foot fenced outdoor play area.
7. The enclosed kennel house shall be built with noise-abatement construction material to reduce any dog barking so as to no exceed 50 dba. A professional engineer licensed in the state of Virginia shall seal the plans of the kennel house indicating it has met the 50 dba threshold.
8. The plans for the kennel house shall be reviewed by the County prior to any construction activity or operation of the kennel.
9. The kennel shall have an appointment only drop-off and pick-up of dogs.
10. The applicant shall maintain a contract with a waste removal company.
11. All dogs must be confined indoors by 9:00 p.m. and not let outdoors prior to 8:00 a.m. No more than three (3) dogs may be outdoors at any given time.
12. Any proposed business sign shall conform to Cottage Occupation sign requirements and shall not exceed four (4) square feet in size and five (5) feet in height.
13. Any expansion or modification of this use will require the approval of a new CUP.

Supervisor Hess asked Zoning Administrator Cheran if there were any restrictive covenants on this property.

Zoning Administrator Cheran responded that to his knowledge there were no restrictive covenants on the property, which would be subject to this conditional use permit.

Supervisor Lofton stated a number of concerns regarding this proposal had been cited by the neighbors, to include traffic and declining property values. With regard to traffic, he noted there were currently 600 vehicle trips per day on Laurel Grove Road. If 28 people dropped off and picked up dogs each day, which would equate to an additional 56 vehicle trips per day, which was a less than 10% increase. Traffic would not be a deterrent to this application.

With regard to decreased property values, Supervisor Lofton stated he had received a paper from a realtor stating property values would decline if this kennel were permitted; however, he did not see any comparable sales or other empirical data that would support this claim. He went on to say he had contacted two appraisal firms regarding the effects of kennels on property values and asked them to provide empirical data that supported the claim of decreased property values. To date he has not seen anything that would support this claim. He noted the Commissioner of the Revenue has no data to show dog kennels decrease property values.

Supervisor Lofton asked Zoning Administrator Cheran for the number of existing kennels in the Rural Areas District with a conditional use permit.

Zoning Administrator Cheran responded there were 16.

Supervisor Lofton stated, with that number, there should be some evidence if values were decreasing.

As for noise, Supervisor Lofton asked who would determine where dog barking is coming from since this is a rural area and there are other dogs in the neighborhood. He reported that he had visited a 60 dog commercial kennel. On the property itself, he did not hear any barking. He travelled to a neighboring property and did not hear any dog barking from this facility.

Supervisor Lofton moved to approve conditional use permit #02-14. The motion was seconded by Supervisor Fisher

Supervisor Hess moved to amend the motion to reduce the number of dogs from 28 to 20. The motion was seconded by Supervisor Lofton.

The motion to amend was approved by the following recorded vote:

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

The amended motion to approve conditional use permit #02-14 failed by the following

recorded vote:

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

Vice-Chairman DeHaven moved to deny Conditional Use Permit #02-14.

The motion to deny conditional use permit #02-14 failed by the following recorded vote:

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

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board postponed conditional use permit #02-14 until the June 25, 2014 meeting.

The above motion was approved by the following recorded vote:

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

BOARD LIAISON REPORTS

There were no Board liaison reports.

CITIZEN COMMENTS

There were no citizen comments.

BOARD OF SUPERIVSORS COMMENTS

Vice-Chairman DeHaven advised the R5 private road issue has reported out of the Transportation Committee. The Planning Commission dealt with it last week and it will be coming before the Board shortly.

Supervisor Lofton stated he had seen a number of reports about how much money hospitals, etc. stand to gain from Medicaid expansion, but he has yet to see any newspaper reports about how much money Frederick County stands to lose if Medicaid is expanded.

Supervisor Hess advised the HR Committee had been receiving reports from various departments regarding their functions, needs, etc. and suggested the Board consider future work sessions with some of these departments to hear these presentations.

Supervisor Fisher reported the Board would be seeing the bids for the Round Hill Fire Station in the near future. The Public Works Committee would be meeting next week to review the bids.

Supervisor Wells thanked the Transportation Committee for moving the R5 private road issue forward. With regard to the Russell 150 matter, he would like to encourage all parties to do what they could to bring resolution to this project.

ADJOURN

UPON A MOTION BY VICE-CHAIRMAN DEHAVEN, SECONDED BY SUPERVISOR FISHER, THERE BEING NO FURTHER BUSINESS TO COME

BEFORE THIS BOARD, THIS MEETING IS HEREBY ADJOURNED. (8:41 P.M.)

B

Employee of the Month Resolution

for:

Timothy D. Hill

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

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

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

WHEREAS, Timothy D. Hill who serves the Northwestern Regional Adult Detention Center was nominated for Employee of the Month; and,

WHEREAS, Timothy D. Hill, an Officer that adheres to the operational imperative of Teamwork who is the "go to" person for the more difficult and challenging questions that are presented to the Classification Unit of the Jail. Officer Hill works closely with all Security teams to make certain that inmates are assigned to compatible housing assuring issues are not missed and is very good at making sure the census of each housing units remain low and balanced in order to minimize the need for additional staff which in turn reduces overtime expense; and,

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 28th day of May, 2014, that Timothy D. Hill is hereby recognized as the Frederick County Employee of the Month for May 2014; and,

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

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



County of Frederick, VA
Board of Supervisors

A handwritten signature in dark ink, appearing to read "Richard C. Shickle".

Richard C. Shickle, Chairman

C



John R. Riley, Jr.
County Administrator

540/665-5666

Fax 540/667-0370

E-mail:

jriley@co.frederick.va.us

MEMORANDUM

TO: Board of Supervisors
FROM: John R. Riley, Jr., County Administrator
DATE: May 22, 2014
RE: Committee Appointments

Listed below are the vacancies/appointments due through July, 2014. As a reminder, in order for everyone to have ample time to review applications, and so they can be included in the agenda, please remember to submit applications prior to Friday agenda preparation. Your assistance is greatly appreciated.

VACANCIES/OTHER

Agricultural District Advisory Committee

Mr. Walter Baker, Mr. James Douglas and Mr. Jack Jenkins have resigned per notice to Planning Department.

(Two vacancies remain. One vacancy was filled at Board Meeting of April 23, 2014. The Agricultural District Advisory Committee meets as needed and members serve an indefinite term.

FEBRUARY 2014

Historic Resources Advisory Board

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

APRIL 2014

Parks and Recreation Commission

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

JUNE 2014

Historic Resources Advisory Board

Denny Perry – Member-At-Large
435 Woodchuck Lane
Winchester, VA 22602
Home: (540)667-9658
Term Expires: 06/23/14
Four year term

(Mr. Perry is willing to continue serving.)

Development Impact Model Committee

The Development Impact Model Committee was established at the June 28, 2006 Board of Supervisors Meeting. Appointments are for a one year term. The following will expire June 28, 2014:

Stephen Pettler – Top of Virginia Building Association Representative

J. P. Carr – Top of Virginia Building Association Representative

(Staff is waiting on recommendation from Top of Virginia Building Association.)

Brian Madagan – EDC Representative – **Resigned - Vacancy**

(Per Board Direction at May 14, 2014 meeting, to be assigned once EDC/EDA transition and appointments completed.)

Economic Development Authority (EDA)

Beverley B. Shoemaker – Opequon District Representative
P. O. Box 480
Stephens City, VA 22655
Home: (540)869-4828
Term Expires: 06/30/14

Four Year Term
(Per Board Direction at May 14, 2014 meeting, appointments made once EDC/EDA transition completed.)

Social Services Board

Kathleen H. Pitcock – Back Creek District Representative
384 Zepp Road
Star Tannery, VA 22654
Home: (540)436-9128
Term Expires: 06/30/14
Four year term

Karen L. Kimble – Shawnee District Representative
118 Keswick Court
Winchester, VA 22602
Home: (540)665-2023
Term Expires: 06/30/14
Four year term

(Ms. Pitcock is not eligible for reappointment. Members serve a four year term and are limited to two consecutive terms.)

Winchester-Frederick County Tourism Board

John Marker – Private Business Representative
3035 Cedar Creek Grade
Winchester, VA 22602
Term Expires: 06/30/14
Three year term

Dan Martin – Lodging Representative
Courtyard by Marriott
300 Marriott Drive
Winchester, VA 22603
Term Expires: 06/30/14
Three year term

Sue Robinson – Public Non Profit Business Representative
Shenandoah University Summer Music Theatre
1460 University Drive
Winchester, VA 22601
Term Expires: 06/30/14

Three year term

(See Attached Recommendation) (Executive Tourism Director advised the Tourism Board recommends to the Board of Supervisors (and City Council) the appointment of Theresa Gaines, James E. Richard and Karen B. Helm. Mr. Marker, Mr. Martin and Ms. Robinson are not eligible for reappointment. The Tourism Board was formed by Joint Resolution of the Board of Supervisors and the City Council in April, 2001. Recommendation for appointment is contingent upon like approval by the City of Winchester.)

Winchester Regional Airport Authority

Rich Largent – County Representative
107 Wakeland Drive
Stephens City, VA 22655
Home: (540)868-2698
Term Expires: 06/30/14
Four year term

JULY 2014

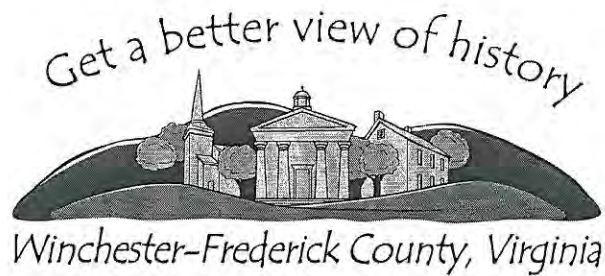
Shawneeland Sanitary District Advisory Committee

Charity N. Thomas
221 Beaver Trail
Winchester, VA 22602
Home: (540)303-1279
Term Expires: 07/23/14
Two year term

(The Advisory Committee is comprised of five members made up of resident property owners and serve a two year term.)

JRR/tjp

Attachment



May 22, 2014

To: Frederick County Board of Supervisors & Winchester City Council
From: Sally Coates, Executive Director, Winchester-Frederick County Convention & Visitors Bureau

Subject: **Winchester-Frederick County Tourism Board Nominations**

The Winchester-Frederick County Tourism Board respectfully submits **Theresa Gaines** as the nominee to represent the Private Sector, and specifically the lodging industry. Theresa lives in Winchester, and works for two Frederick County hotels - Courtyard by Marriott and Townplace Suites by Marriott. Theresa's first term will expire 6/30/2017, at which time she will be eligible for a second term.

The Board also recommends the appointment of **James E. Richard** to represent the Private Sector and specifically the agriculture industry. "Eddie" is a Frederick County farmer, and he owns Richard's Fruit Market. His first term will expire on 6/30/2017, at which time he will be eligible for a second term.

The Board also recommends the appointment of **Karen B. Helm**, a Board member of Celebrating Patsy Cline, Inc., to represent the Public/non-profit sector. Karen lives in the City of Winchester. Her first term will expire on 6/30/2017, at which time she will be eligible for a second term.

These members will join: Bill Hottel, private sector representative; Rainee Simpson, private lodging representative with Holiday Inn Historic Gateway; Tootie Rinker, representative of the nonprofit sector with Newtown Heritage Festival; Eric Campbell, public/nonprofit representative with the Cedar Creek/Belle Grove National Historic Park; Sharon Fairnholt, private sector representative; and Rebecca Ebert, public/nonprofit sector with the Handley Regional Library and Winchester-Frederick County Historical Society. With approval of the new nominations, the board will consist of five private-sector representatives, two of whom represent lodging, and four public/non-profit-sector representatives, as outlined in the Winchester-Frederick County Tourism Bylaws.

Winchester-Frederick County Convention and Visitors Bureau

1400 South Pleasant Valley Road, Winchester, VA 22601 • 540.542.1326 phone • 540.450.0099
fax • www.VisitWinchesterVa.com

D



Frederick County Public Schools

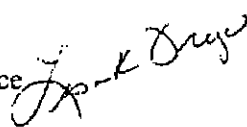
... to ensure all students an excellent education

Lisa K. Frye, Executive Director of Finance

lfrye@frederick.k12.va.us

DATE: May 21, 2014

TO: John R. Riley, County Administrator

FROM: Lisa K. Frye, Executive Director of Finance 

SUBJECT: School Board Election Concerning Virginia Retirement System Rate

School divisions, like local governing bodies, are required by the 2014 Virginia General Assembly to make an election regarding the employer retirement contributions to the Virginia Retirement System (VRS) effective July 1, 2014. The School Board is electing to pay the VRS Board-certified rate of 7.82% for its second and smaller employee group as opposed to the alternate rate of 7.44%. The General Assembly requires that the local governing body approve the school division's choice to take the higher VRS Board-certified election. Approval of the attached resolution by the Board of Supervisors is requested at their May 28, 2014, meeting.

Attachment (1)

C: David T. Sovine, Ed.D, Superintendent



BOARD OF SUPERVISORS

Resolution

Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate

BE IT RESOLVED, that the County of Frederick does hereby acknowledge that the Frederick County School Board 55634 has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code §51.1-145(l) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the County of Frederick does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Frederick County School Board 55634 to pay the Certified Rate, as required by Item 468(H) of the 2014 Appropriation Act; and

NOW, THEREFORE, BE IT RESOLVED, the officers of the County of Frederick are hereby authorized and directed in the name of the Frederick County School Board 55634 to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the County of Frederick, as appropriate, shall be affixed and attested by the Clerk.

Richard C. Shickle,
Chairman, Board of Supervisors
County of Frederick, Virginia

CERTIFICATE

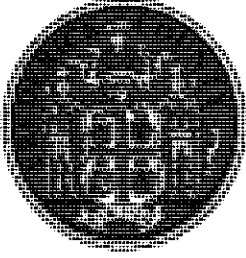
I, _____, Clerk of the County of Frederick, certify that the foregoing is a true and correct copy of a resolution passed by the County of Frederick and ratified by the County of Frederick at a lawfully organized meeting of the County of Frederick held at Winchester, Virginia, at 7:00 o'clock on May 28, 2014. Given under my hand and seal of the County of Frederick this 28th day of May, 2014.

John R. Riley, Jr.
Clerk, Board of Supervisors
County of Frederick, Virginia

BOS Res. #055-14

This resolution must be passed prior to July 1, 2014 and received by VRS no later than July 10, 2014.

E



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383

Fax 540/667-0370

E-mail rwillia@fcva.us

MEMORANDUM

TO: Frederick County Board of Supervisors
CC: John R. Riley, Jr., County Administrator
FROM: Roderick B. Williams, County Attorney
DATE: May 20, 2014
RE: Commissioner of Revenue Refund Requests

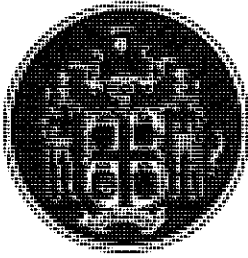


Attached, for the Board's review, are requests to authorize the Treasurer to credit the following entities:

1. Navy Federal Credit Union – \$6,559.40
2. Partnership for Response & Recovery LLP – \$13,664.57
3. Wheels LT – \$3,472.38

Roderick B. Williams
County Attorney

Attachments



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

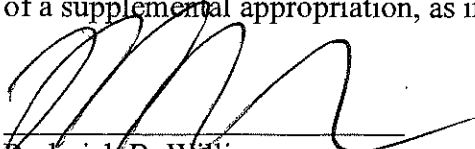
CC: John R. Riley, Jr., County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: May 12, 2014

RE: Refund – Navy Federal Credit Union

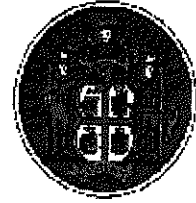
I am in receipt of the Commissioner's request, dated May 7, 2014, to authorize the Treasurer to refund Navy Federal Credit Union the amount of \$6,559.40, for adjustment to business equipment filings for 2014. Upon receiving requested detail listing, staff discovered exempt software for new systems in their recent expansion. Software separately purchased is not taxable for business equipment personal property under the Code of Virginia. Since Navy Federal Credit Union had already paid their entire bill in full, a refund is due. 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



May 7, 2014

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration Navy Federal Credit Union

Please approve a refund of \$6,559.40 for business equipment personal property taxes for 2014 to Navy Federal Credit Union. Upon receiving their 2014 filing, staff requested a detail listing and discovered exempt software for new systems in their recent expansion to be included. Software separately purchased is not taxable for business equipment personal property under the Code of Virginia. The exempt items came to light as part of the total filed. Navy Federal Credit Union had already paid their entire 2014 billing in full – thus a refund resulted.

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

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

Exoneration is \$6,559.40.

Date: 5/06/14

Cash Register: COUNTY OF FREDERICK

Time: 15:47:05

Customer Name: NAVY FEDERAL CREDIT UNION

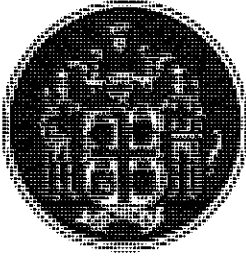
Total Transactions: 851
Customer Transactions: 2

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	PP2014	1	00393100003	\$3,279.70-	\$.00	\$3,279.70-
-	PP2014	2	00393100004	\$3,279.70-	\$.00	\$3,279.70-

Total Paid : \$6,559.40

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



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

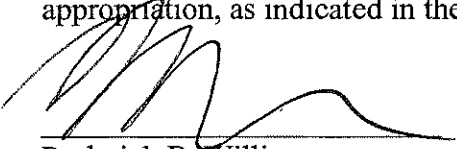
CC: John R. Riley, Jr., County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: May 20, 2014

RE: Refund – Partnership for Response & Recovery LLP

I am in receipt of the Commissioner's request, dated May 13, 2014, to approve a refund for Partnership for Response & Recovery LLP the amount of \$13,664.57, for adjustment to business license filing for part of 2013. This prorated refund resulted from Partnership for Response & Recovery LLP moving out of the County. The Commissioner's staff has verified this refund with the company and with their gross receipts. 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.

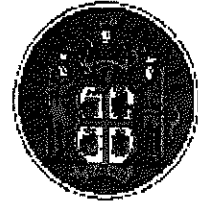


Roderick B. Williams
County Attorney

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



May 13, 2014

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration: Partnership for Response & Recovery LLP

A handwritten signature in cursive script, reading "E. Murphy", written in black ink.

Please approve a refund of \$13,664.57 for business license taxes for part of 2013 for Partnership for Response & Recovery LLP who moved out of the county. This prorated refund has been verified with the company and with their gross receipts.

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

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

Exoneration is \$13,664.57.

5/13/2014

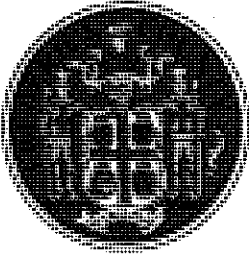
Abatement Register
COUNTY OF FREDERICK

-UPDATE-

TX306ABP

FOR DATE - 5/13/2014 ACCOUNTING PERIOD - 2014/05

Type	Dept	Ticket#	Date	Amt. Charged	Customer	Tran#
----	----	-----	----	-----	-----	-----
ABA	BL2013	00002660001	5/13/2014	\$13,664.57-	PARTNERSHIP FOR RESPONSE &	3453
			Total for Dept.	\$13,664.57-		
			Total for Tran Type	\$13,664.57-		
Abatement count =	1		Total for Company	\$13,664.57-		



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

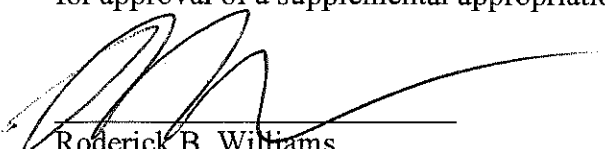
CC: John R. Riley, Jr., County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: May 20, 2014

RE: Refund – Wheels LT

I am in receipt of the Commissioner's request, dated May 15, 2014, to approve a refund for Wheels LT the amount of \$3,472.38, for adjustment to personal property taxes filing for 2013 for proration of vehicles. This proration refund has been in the normal course of business and is generated from a division of the company separate from where bills are paid. 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.

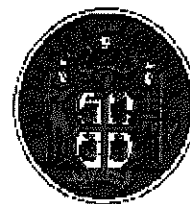


Roderick B. Williams
County Attorney

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



May 15, 2014

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration Wheels LT

Please approve a refund of \$3,472.38 for personal property taxes for 2013 to Wheels LT for proration of vehicles. This proration refund has been in the normal course of business and is generated from a division of the company separate from where bills are paid.

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

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

Exoneration is \$3,472.38.

Date: 5/15/14

Cash Register: COUNTY OF FREDERICK

Time: 10:36:35

Customer Name: WHEELS LT

Total Transactions: 861
Customer Transactions: 9

Options: 2=Edit 4=Delete 5=View

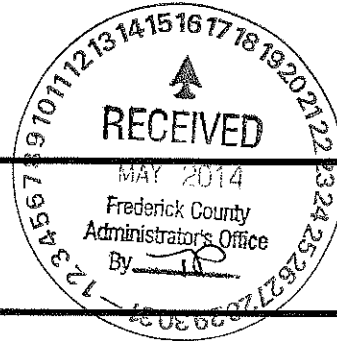
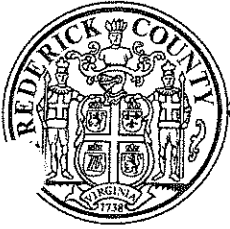
Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	PP2013	1	00568300021	\$139.73-	\$.00	\$139.73-
-	PP2013	2	00568300022	\$419.17-	\$.00	\$419.17-
-	PP2013	3	00568300026	\$307.30-	\$.00	\$307.30-
-	PP2013	4	00568300036	\$229.03-	\$.00	\$229.03-
-	PP2013	5	00568300060	\$356.40-	\$.00	\$356.40-
-	PP2013	6	00568300082	\$628.13-	\$.00	\$628.13-
-	PP2013	7	00568300089	\$446.51-	\$.00	\$446.51-
-	PP2013	8	00568300090	\$535.81-	\$.00	\$535.81-
-	PP2013	9	00693590003	\$410.30-	\$.00	\$410.30-

Total Paid : \$3,472.38

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

Needs Board Approval

F



MEMO

To: John R. Riley, Jr., County Administrator
From: Jason L. Robertson, Director, Parks & Recreation Dept.
Subject: Parks and Recreation Commission Action
Date: May 15, 2014

The Parks and Recreation Commission met on May 13, 2014. Members present were: Randy Carter, Marty Cybulski, Gary Longerbeam, Ronald Madagan and Charles Sandy, Jr.. Members absent were: Greg Brondos, Jr., Kevin Anderson, Patrick Anderson and Christopher Collins

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Policy Changes - Mr. Madagan moved to accept the policy changes as submitted, second by Mr. Cybulski, motion carried unanimously (5-0).
2. Indoor Aquatic Facility – Mr. Cybulski moved to send a letter to the Frederick County Public Schools requesting acreage be set aside at the County's 4th High School site to collocate the aquatic facility at the site, second by Mr. Carter, motion carried unanimously (5-0).
3. Executive Session – Relocation of the Clearbrook Ball Fields – Mr. Madagan moved to convene into executive session Under Virginia Code 2.2-3711A(3) – Discussion of the acquisition of real property for a public purpose and/or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. Specifically, the acquisition and/or disposition would involve the relocation of the Clearbrook Park ball fields, second by Mr. Cybulski, motion carried unanimously (5-0).

Mr. Longerbeam moved the Commission reconvene out of executive session and certify that, to the best of each member's knowledge, the Commission discussed only matters pursuant to VA. Code 2.2-3711(A)(3), the acquisition of real property for a public purpose and/or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Specifically, the acquisition and/or disposition would involve the relocation of the Clearbrook Park ball fields. Mr. Sandy took a poll indicating only items discussed in closed session were those pertaining to reason for entering closed session – all agreed, second by Mr. Madagan, motion carried unanimously (5-0).

cc: Charles R. Sandy, Jr., Chairman
Christopher Collins, Board Liaison

G



County of Frederick

Paula A. Nofsinger
Director of Human Resources

(540) 665-5668
Fax: (540) 665-5669
pnofsinger@fcva.us

TO: Board of Supervisors
FROM: Paula Nofsinger, Director of Human Resources
DATE: May 12, 2014
SUBJECT: Human Resources Committee Report

The HR Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, May 9, 2014, at 8:00am. Committee members present were: Supervisor Robert Hess, Supervisor Chris Collins, Supervisor Robert Wells, Citizen Member Don Butler, Citizen Member Dorrie Greene, and Citizen Member Beth Lewin. Also present were: Assistant County Administrator Kris Tierney, Parks & Recreation Director Jason Robertson, and DSS Representative Delsie Butts.

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

1. Approval of the Employee of the Month Award.

The Committee recommends approval of Correctional Officer Timothy Hill as the Employee of the Month for May 2014.

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

1. Presentation by the Director of Parks & Recreation, Jason Robertson.

At the request of the Committee, Mr. Robertson presented an overview of the objectives and responsibilities of the Parks & Recreation Department. The presentation also provided the Committee an understanding of his department's role, authority, projects, and topics of importance within his department. Presentation Attached.

There being no further business, the meeting was adjourned.

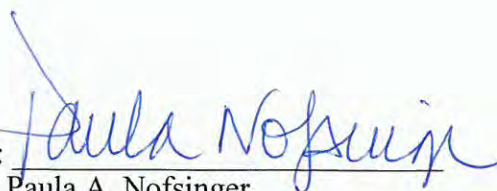
The next HR Committee meeting is scheduled for Friday, June 6, 2014.

Respectfully Submitted,

Human Resources Committee

Robert Hess, Chairman
Robert Wells
Chris Collins
Don Butler
Dorrie Greene
Beth Lewin

By:


Paula A. Nofsinger
Director of Human Resources



Dedication

County of Frederick

Employee of the Month

May 2014

Timothy D. Hill

Hardworking

Excellence

Professional

Richard C. Shickle
Chairman, Board of Supervisors

MEMORANDUM

TO: Paula Nofsinger, HR Director

FROM: James F. Whitley, Superintendent - NRADC

DATE: January 29, 2014

SUBJ: Employee of the Month Nominations

I am submitting the following nominations of NRADC personnel to be considered for Frederick County Employee of the Month.

Timothy Hill, CO I – Mr. Hill is currently assigned to the Classification Unit at NRADC, as the senior Classification Officer. Officer Hill adheres to the operational imperative of Teamwork. He is the “go to” person for the more difficult and challenging questions that are at time presented to the Classification Unit. Officer Hill works closely with all Security teams to make certain that inmates are assigned to compatible housing assignments (i.e. he is very thorough in assuring that no “keep separate” issues are missed). Officer Hill is very good at making sure that the census of each of the larger housing units remain low / balanced in order to minimize the need for an additional Officer in the housing unit...which equates to contributing to controlling overtime.

Frederick County Parks and Recreation



**“MAKING LIFE BETTER THROUGH PEOPLE,
PARKS, AND RECREATIONAL OPPORTUNITIES”**

**OVERVIEW FOR HUMAN RESOURCES COMMITTEE
MAY 9, 2014**

The Benefits are Endless...



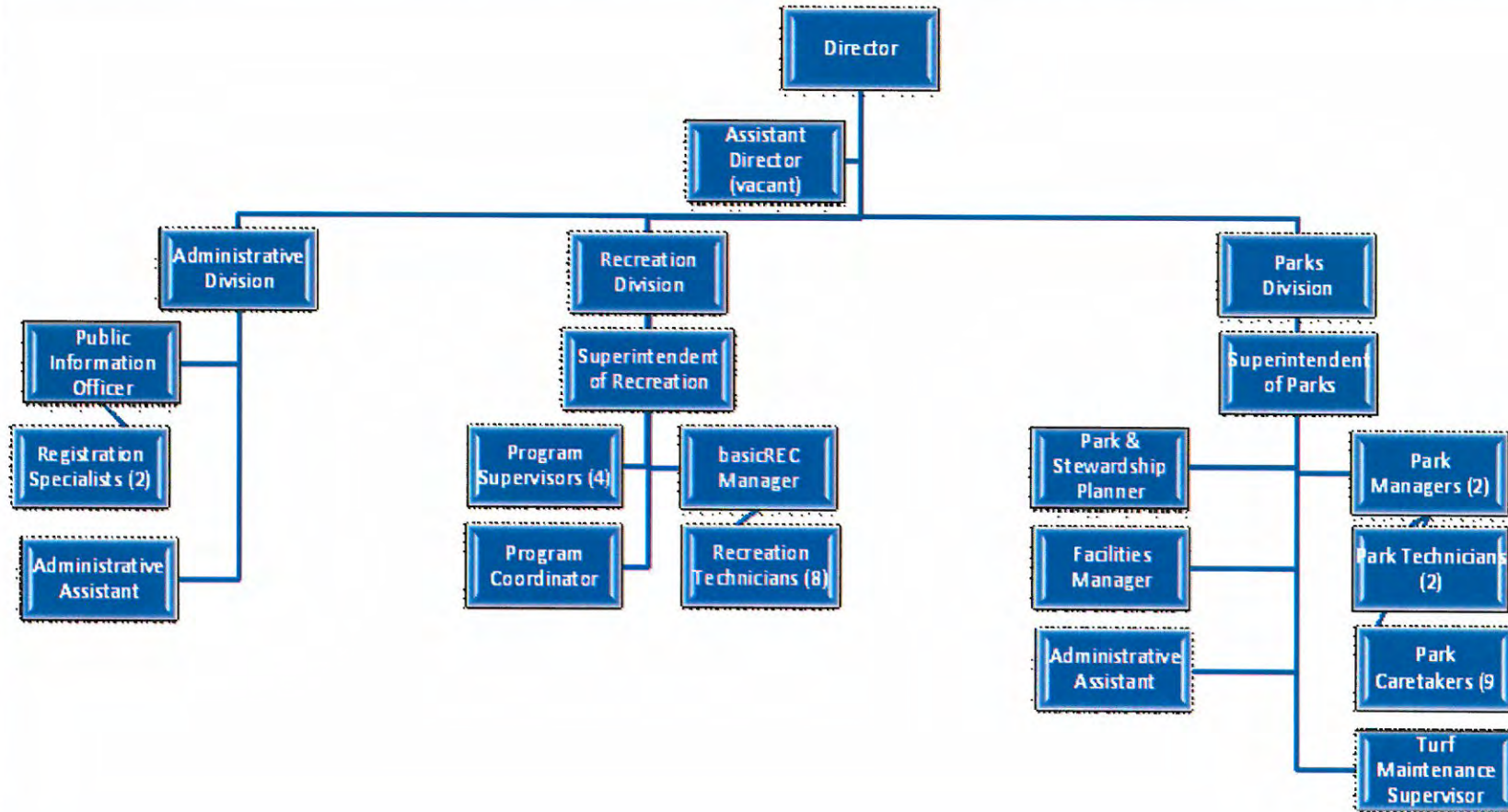
- Programs, parks and facilities help participants and visitors
 - Improve Health
 - Improve Self-Esteem
 - Social Interaction
 - Achievement Satisfaction
 - Provide positive choices for youth

The Benefits are Endless...



- 100% of Frederick County residents benefit from Parks and Recreation
- Property Value
- Tourism
- Attracting Retired Residents
- Preserving open space

Organizational Chart

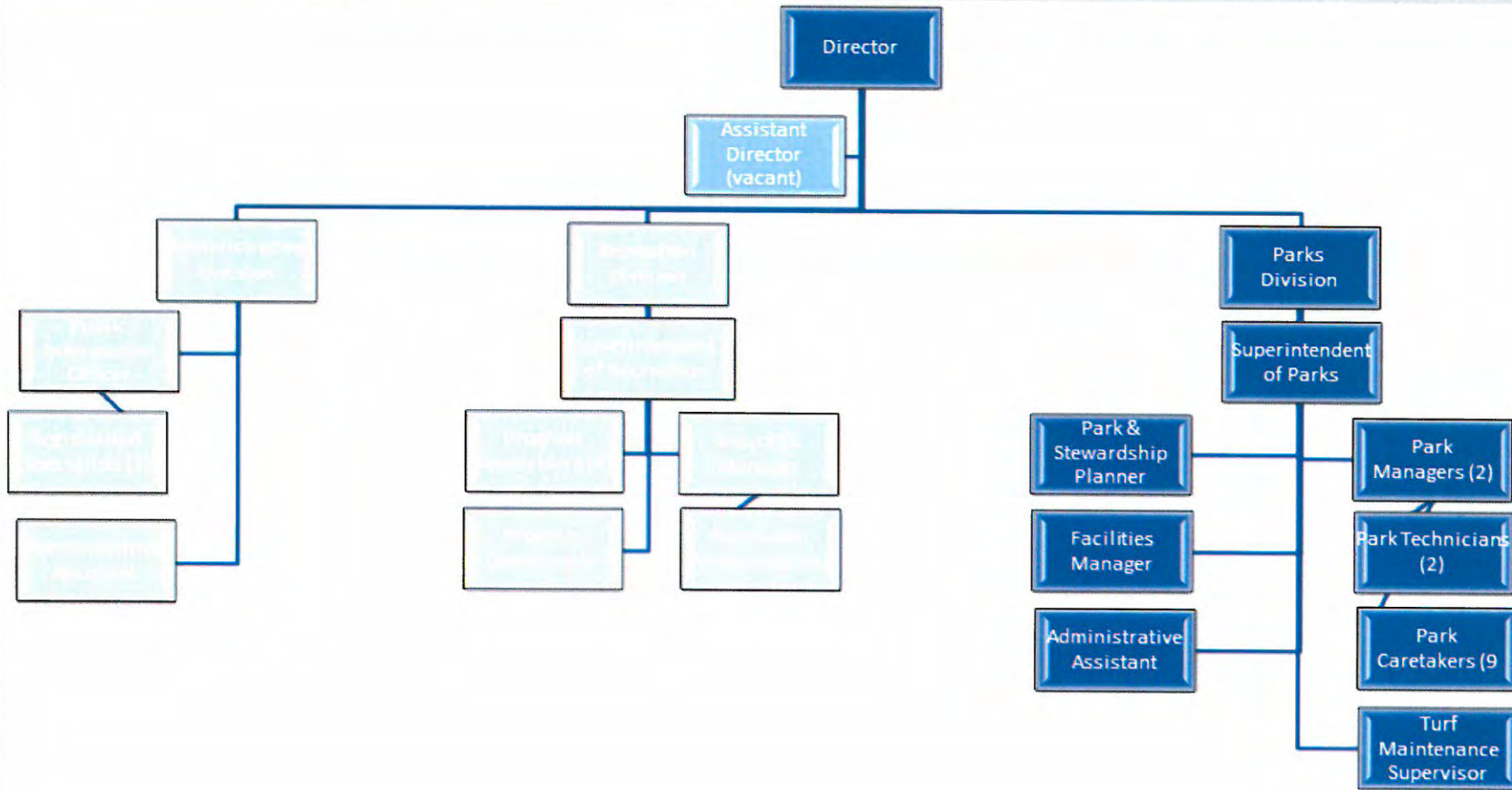


Overview of Parks and Facilities



- **Two regional parks: Sherando and Clearbrook**
 - Athletic fields
 - Pools
 - Picnic shelters
 - Fishing lakes
 - Disc golf course
 - Mountain bike trail
 - Walking/biking paths
- **Maintains over 600 acres including parks, FCPS facilities, Public Safety Building, old courthouse lawn, Warrior Drive**
- **5 Community Centers**
 - Gymsnasiums
 - Fitness rooms
 - Multipurpose rooms
 - Greenwood Mill, Evendale, Gainesboro, Orchard View, Sherando

Who Makes It Happen? The Parks Division



Overview of the Recreation Division



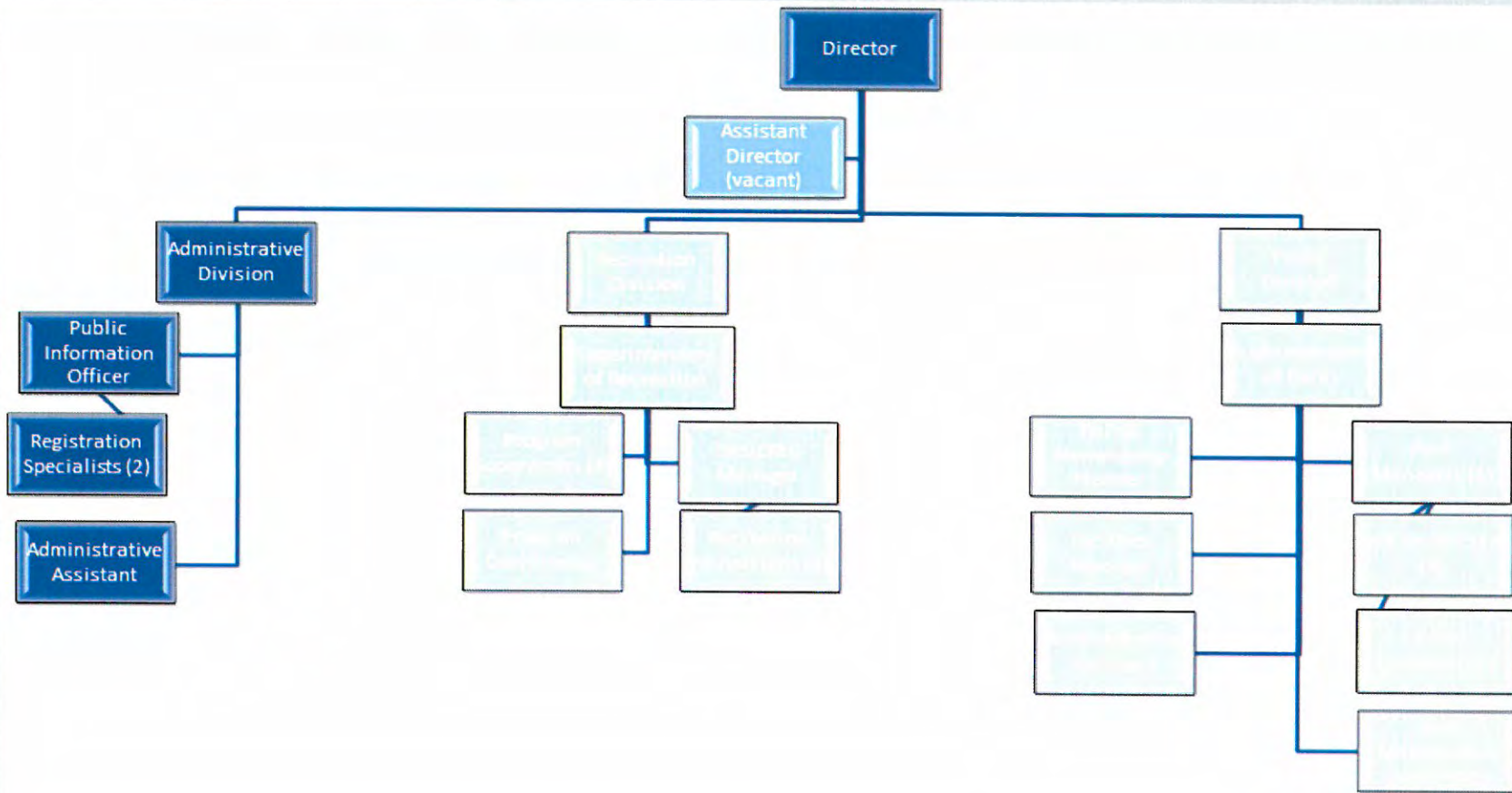
- Provide over 1.25 million contact hours per year
- basicREC
- 200 Recreation Programs
 - Youth sports
 - Adult sports
 - Fitness
 - Cultural arts
 - Trips
 - Special Olympics
 - Community Events
 - Senior activities
- Cosponsored Organizations
- Programs improve health, self esteem, achievement, and provide social interaction
- 66% of Frederick County Residents participate in a program or visit a park during a year
- Tourism
 - Battlefield Half Marathon
 - Holiday Light Show

Overview of the Administrative Division



- **Finance, Human Resources, IT, registrations, policies, procedures, risk management, community outreach, marketing, communications**
 - 120 p-card receipts a month
 - 50 contracts annually
 - 200 part time employee paperwork intakes
 - 600 criminal background checks
 - 100 insurance certificates annually
 - 58 registrations daily
 - 6 publications annually
 - Parks and Rec website is updated daily; 24% of all county web site page views are P&R
 - E-promotions: social media, email blasts, regional event sites
 - Fundraising
 - Legal
 - Some dealings with all County departments

Who Makes It Happen? The Administrative Division



Key HR Issues in Parks and Recreation



- **Entry level salaries**
- **Growth in the Community**
 - Population has seen ~30% growth over the last decade
 - More people = more opportunity to “make life better”
- **Public Information Officer**
 - 20% of time is spent on county PIO duties
 - This is limiting not only for Parks and Rec, but for the County as a whole
- **Vacant Assistant Director**
 - Position managed many tasks in the administrative division
 - Having this position vacant restricts the Director’s ability to truly steer the department, as the focus is all on day-to-day operations
 - Filling the position would allow for leadership focused on the future

Frederick County Parks and Recreation



**“MAKING LIFE BETTER THROUGH
PEOPLE, PARKS, AND
RECREATIONAL OPPORTUNITIES”**

H



MEMORANDUM

TO: Board of Supervisors
FROM: Harvey E. Strawsnyder, Jr., P.E., Director of Public Works *HEB*
SUBJECT: Public Works Committee Report for Meeting of May 20, 2014
DATE: May 22, 2014

The Public Works Committee met on Tuesday, May 20, 2014, at 8:00 a.m. All members were present except Bob Wells. The following items were discussed:

*****Item Requiring Action*****

1. Construction of New Round Hill Fire and Rescue Station and Event Center

The committee convened in a special meeting to review the bid results for the construction of the new Round Hill Fire and Rescue Station and Event Center. In addition, the committee reviewed the proposed project budget which included, not only, the low bid amount, but also, costs related to engineering support services, water/sewer hookup fees, communication services and a five (5) percent contingency.

The bids were received on May 15, 2014 in response to Frederick County's invitation for bid and subsequent pre-requisite pre-bid meeting held on April 29, 2014. The attached bid summary highlights the seven (7) bids received on this date with the low bid of \$6,199,898 submitted by Caldwell and Santmyer, Inc. It should be noted that the architects' (Moseley Group, Inc.) estimate was \$8,357,627. The actual bids were subdivided into the fire station, event center and site work. The site work costs will be distributed between Frederick County, the Round Hill Fire and Rescue Company and the developer, Silver Lake Properties. Agreements are currently being drafted to determine the actual distribution percentages. The fire station and event center will be the responsibility of Frederick County and the Round Hill Fire and Rescue Company, respectively.

After discussing the bid results, the committee focused on the total project budget. During this discussion, it was decided to increase the communications costs and add a line item for furniture, fixtures and equipment. These additions are reflected in the attached summary with a recommended budget of \$6,904,000.

At the conclusion of these discussions, the committee unanimously recommended that a

Public Works and Green Advisory Committees Report

Page 2

May 22, 2014

contract be awarded to the low bidder, Caldwell and Santmyer, Inc., subject to staff verifying the bid results and references. They also unanimously endorsed the proposed project budget with the inclusions of the minor changes discussed above. These endorsements will be forwarded directly to the board of supervisors for their review, and to schedule a public hearing.

Respectfully submitted,

Public Works Committee

Gene E. Fisher, Chairman

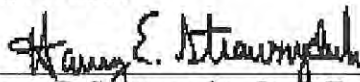
David W. Ganse

Gary Lofton

Whit L. Wagner

Robert W. Wells

James Wilson

By 

Harvey E. Strawsnyder, Jr., P.E.

Public Works Director

HES/rls

Attachments: as stated

cc: file

BID/PROPOSAL: "Randhill Fire Station & Event Center" #201407C

DATE: 5-15-14

TIME: 2:00 P.M.

<u>Bidder</u>	<u>Amt.</u>
Minghini's General Contractors	\$ 1,627,676.00
Caldwell & Santmyer Inc.	\$ 6,199,898.00
Lantz Construction Co. of Winchester	\$ 6,321,900.00
Branch Daffan	\$ 6,923,800.00
Breckbill & Hellman Construction Co.	\$ 6,394,000.00
KBE Building Corp.	\$ 7,168,073.00
Shockey	\$ 7,069,055.00

OPENED BY:

Julie A. Cottrell
Joe White

**Proposed Project Budget
for
New Round Hill Fire and Rescue Station
and
Event Center**

1	Contractor Bid (Caldwell & Santmyer, Inc.)	\$6,199,898
2	Engineering Support	
	a. Moseley Architects	\$85,000
	b. Ruckman Engineering (QA/QC)	\$50,000
	c. Greenway Engineering	\$10,000
3	Utility Allowances	
	a. Water/Sewer Hookup Fees	\$40,000
	b. Communication: Telephone/Cable	\$140,000
4	Furniture, fixtures and equipment (FF&E)	\$50,000
	Subtotal:	\$6,574,898
	Add five (5) percent contingency	\$328,745
	Total Project Budget:	\$6,903,643
	Recommended Budget:	\$6,904,000
	Revised:	5/22/2014

I



Finance Department
Cheryl B. Shiffler
Director

540/665-5610
Fax: 540/667-0370
E-mail: cshiffle@fcva.us

TO: Board of Supervisors
FROM: Finance Committee
DATE: May 21, 2014
SUBJECT: Finance Committee Report and Recommendations

The Finance Committee met in the First Floor Conference Room at 107 North Kent Street on Wednesday, May 21, 2014 at 8:00 a.m. All members were present. (b) Items 3, 4, 5, 6, 7, 8, 9 and 13 were approved on consent agenda.

1. The Parks & Recreation Director requests a General Fund supplemental appropriation in the amount of \$15,000. This amount represents the use of proffer funds for a site plan and development cost for the northwest corner of Sherando Park. This item has been approved by the Parks & Recreation Commission. See attached memo, p. 5. The committee recommends approval.
2. The Sheriff requests a General Fund supplemental appropriation in the amount of \$62,962.15. This amount represents vacancy savings from the State Compensation Board to be used for phone services and part time staff. No local additional funds required. See attached memo, p. 6 – 7. The committee recommends approval.
3. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of \$8,174.50. This amount represents reimbursements from prisoner extraditions and Sheriff's conference travel reimbursement. No local funds required. See attached memos, p. 8 – 11.

4. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of \$24,600. This amount represents reimbursement from Electronic Grants Management System. No local funds required. See attached memo, p. 12.
5. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of \$2,398. This amount represents reimbursement from the Secret Services for supplies. No local funds required. See attached memo, p. 13.
6. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of \$35. This amount represents a donation received for the Honor Guard from the Top of Virginia Regional Chamber. No local funds required. See attached memo, p. 14.
7. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of \$15,995.75. This amount represents three (3) insurance reimbursements for auto claims. No local funds required. See attached memo, p. 15 – 16.
8. (b) The Fire & Rescue Chief requests a General Fund supplemental appropriation in the amount of \$7,280. This amount represents programs with funds collected in excess of budgeted revenue. No local funds required. See attached memo, p. 17 – 20.
9. (b) The Fire & Rescue Chief requests a General Fund supplemental appropriation in the amount of \$11,926.16. This amount represents State EMS Four-for-Life funds received in excess of the budgeted amount. See attached information, p. 21 – 27.

10. (no action required) The Fire & Rescue Deputy Chief presents information about the disbursement of the 50/50 EMS Expense Recovery Program revenue. See attached information, p. 28.
11. The Fire & Rescue Deputy Chief requests discussion on the EMS Expense Recovery Program fee schedule. See attached memo, p. 29 – 30. The committee recommends approval of the annual fee schedule evaluation, per the C.M.S fee schedules, and to adjust the County's fee schedule accordingly.
12. The Finance Director requests approval of the VRS employer retirement contribution rate. See attached, p. 31 – 33. The committee recommends approval of the certified rate and approval of the resolution to VRS.
13. (b) The Department of Social Services requests a net General Fund reduction appropriation in the amount of \$46,316, of which, \$40,316 are State/Federal dollars and \$6,000 are local funds. See attached information, p. 34 – 35.
14. (no action required) Staff requests discussion on the information provided by the Department of Social Services at the April 29, 2014 work session. See attached information, p. 36 – 43. Discussions will continue at a work session to be scheduled.
15. Discussion was held on a borrowing resolution which will allow the County to be prepared in the event that a State budget is not adopted and State funds are not received. The committee recommends forwarding a borrowing resolution to the Board of Supervisors when available.

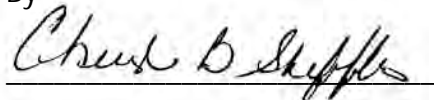
INFORMATION ONLY

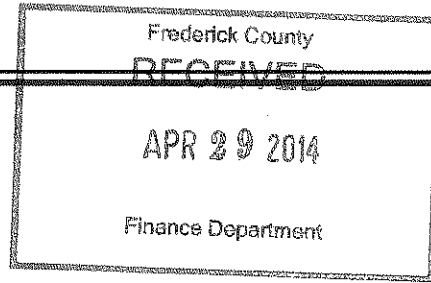
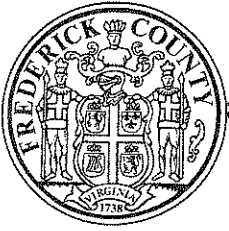
1. The Finance Director provides a Fund 10 Transfer Report for FY 2014. See attached, p. 44 – 45.
2. The Finance Director provides FY 2014 financial statements for the period ending April 30, 2014. See attached, p. 46 – 56.
3. The Finance Director provides the FY 2014 Fund Balance Report for the period ending May 16, 2014. See attached, p. 57.

Respectfully submitted,

FINANCE COMMITTEE
Charles DeHaven, Chairman
Richard Shickle
Gary Lofton
Judy McCann-Slaughter
Angela Rudolph

By





COUNTY of FREDERICK

Parks and Recreation Department
540-665-5678
FAX: 540-665-9687
www.fcprd.net
e-mail: fcprd@fcva.us

MEMO

To: Finance Committee
From: Jason Robertson
Director, Parks and Recreation
Subject: Proffer Funds
Date: April 25, 2014

The Frederick County Parks and Recreation Commission is requesting \$15,000 in Parks and Recreation proffer funds. The purpose of the requested funds is to obtain a site plan and development cost estimate for the Northwest corner of Sherando Park consistent with the 2002 Sherando Park Master Plan. The site plan will provide the engineering, design and cost estimates necessary to pursue grant funding and identify local funding for the completion of the project.

This item is a portion of priority # 3 on the approved fiscal 2015 Parks and Recreation Capital Improvements Program. Sherando Park has many park visitors as a result of growth from its neighboring communities including developments in Old Dominion Greens, Musket Ridge, Canter Estates, Wakeland Manor, and The Camp at Mosby Station.

Please feel free to contact me in advance with any questions you may have regarding this request at (540) 665-5678.

*Parks Proffer balance @ 4/30/14
\$ 224,730.17*

FREDERICK COUNTY SHERIFF'S OFFICE

ROBERT T. WILLIAMSON
Sheriff



MAJOR C.L. VANMETER
Chief Deputy

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

March 28, 2014

Cheryl Shiffler, Director of Finance
107 North Kent Street
Winchester, VA 22601

Dear Cheryl:

The Frederick County Sheriff's Office accumulated \$62,962.15 in vacancy savings with the State Compensation Board. We submitted a docket request to have the vacancy savings transferred into the following Compensation Board budget lines: \$40,000.00 into Part Time and \$22,962.00 into Office Supplies. We received notification from the Compensation Board that our docket request had been approved (copy of Board action attached.) at their March 26, 2014 meeting.

The Compensation Board allows for the payment of telephone services including cell phone from the office supplies. We are requesting that \$22,962.00 be appropriated to our county budget line of 3102-5402-000-000 for telephone services. The remaining \$40,000.00 we would request be appropriated to our Part Time budget line of 3102-1003-000-000.

This is a one-time transfer of vacancy funds and not included in the base Compensation Board budget.

We request guidance on how you wish us to proceed to have these funds appropriated in our county budget for the remainder of this fiscal year.

Sincerely,

A handwritten signature in cursive that reads 'Bob'.

Robert T. Williamson, Sheriff

RTW/asw

Cc: Mr. Riley

3-010-023020-0001
1063

307-14-09: SHERIFFS & REGIONAL JAILS

NEW BUSINESS:

CONSENT DOCKET

<u>LOCALITY</u>	<u>OFFICER</u>	<u>REQUEST</u>	<u>TOTAL COST</u>	<u>COMPENSATION BOARD ACTION</u>
VARIOUS	SHERIFF/SUPT	03-4-2014 The following Officers requests to transfer Vacancy Savings to Office Expense or Temporary Funds	\$0	Approved per the Compensation Board's FY14 Budget Priorities and Policies. This is a one-time transfer, not in the base budget.

FIPS	Office Code	Locality Name	Request Date	From Category	To Category	Amount Available	Amount Requested
069	307	Frederick County	2/27/2014	Vacancy Savings	Temporary	\$62,962.15	\$40,000
069	307	Frederick County	2/27/2014	Vacancy Savings	Office Expense		\$22,962
430	307	Piedmont Regional Jail	3/14/2014	Vacancy Savings	Temporary	\$25,472.33	\$25,472.33
485	307	Blue Ridge Regional Jail	3/17/2014	Vacancy Savings	Temporary	\$45,412.94	\$45,412.94
493	307	Middle River Regional Jail	3/19/2014	Vacancy Savings	Temporary	\$52,330.81	\$52,330.81
760	307	Richmond City	3/19/2014	Vacancy Savings	Temporary	\$1,117,126.01	\$130,000
760	307	Richmond City	3/19/2014	Vacancy Savings	Office Expense		\$800,000
770	307	Roanoke City	3/6/2014	Vacancy Savings	Temporary	\$178,448.46	\$70,000
810	307	Virginia Beach City	3/4/2014	Vacancy Savings	Temporary	\$82,929.45	\$82,929.45
		Totals				\$1,564,682.15	\$1,269,107.53

7

FREDERICK COUNTY SHERIFF'S OFFICE



ROBERT T. WILLIAMSON
Sheriff

MAJOR C.L. VANMETER
Chief Deputy

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

TO : Angela Whitacre, Treasurer's Office
FROM : Sheriff R. T. Williamson *RTW*
DATE : May 9, 2014
SUBJECT : Reimbursement

Attached please find a check from the Virginia Sheriffs' Institute in the amount of \$271.32. This amount represents reimbursement for the Sheriff's Conference attended by Sheriff Williamson. We are requesting this amount be posted to revenue line 10FL 3-010-019110-0058. A separate memo will be sent to Finance requesting appropriation.

Thank you

4-010-031020-5506-000-000

RTW/asw

Attachement
Cc: Finance

FREDERICK COUNTY SHERIFF'S OFFICE

ROBERT T. WILLIAMSON
Sheriff



MAJOR C.L. VANMETER
Chief Deputy

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

TO : Angela Whitacre, Treasurer's Office
FROM : Sheriff R. T. Williamson *RTW*
SUBJECT : Extradition Reimbursement
DATE : April 18, 2014

Attached please find a check in the amount of \$2,072.12 from Commonwealth of Virginia – Circuit Courts. This represents reimbursement for the extradition of a prisoner. We are requesting this amount be posted to 10FL 3-010-019110-0058. A separate memo will be sent to Finance requesting appropriation.

Thank you.

RTW/asw

C.S. 4/22/14
4-010-031020-5506-000-001

FREDERICK COUNTY SHERIFF'S OFFICE



ROBERT T. WILLIAMSON
Sheriff

MAJOR C.L. VANMETER
Chief Deputy

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

TO : Angela Whitacre, Treasurer's Office
FROM : Sheriff R. T. Williamson *RTW*
DATE : March 21, 2014
SUBJECT : Reimbursement Checks - Extraditions

✓ Attached please find checks from the Commonwealth of Virginia - Circuit Courts, totaling \$8,836.90. These checks represent reimbursement for prisoner extraditions conducted by the Frederick County Sheriff's Office. As stated in a memo sent to Finance, copy attached, we are requesting \$3,005.84 be appropriated into the General Fund. The remaining balance, \$5,831.06, should be posted to 3010-019110-0058 (10FL). A separate memo will be sent to Finance requesting appropriation into our operating budget.

Thank you.

4-010-031020-5506-000-001

RTW/asw

Attachment(s)

Cc: Finance

FREDERICK COUNTY SHERIFF'S OFFICE



ROBERT T. WILLIAMSON
Sheriff

MAJOR R.C. ECKMAN
Chief Deputy

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/722-4001

COPY

TO : Cheryl Shiffler – Director of Finance

FROM : Sheriff Robert T. Williamson *Robert T. Williamson*

DATE : November 19, 2013

SUBJECT : Budget Line; 3102-5506-001 Prisoner Transports/Extraditions

We currently are carrying a deficit of \$3,721.31 in our prisoner transport/extradition line item. We are holding \$11,401.88 in state reimbursements due to an illness in the Secretary of the Commonwealth's office. With the absence of the Secretary, we are unable to receive the necessary Travel Orders to attach to the reimbursements. Unfortunately, the Commonwealth of Virginia will not reimburse for travel unless we have in hand the Travel Orders. We have received verbal authorization for each of these extraditions. We have been advised, as of yesterday, that the employee has returned from her medical leave and we expect to begin receiving the travel orders soon which will allow us to request reimbursement. However, since Frederick County is not the only jurisdiction that falls under these circumstances, we are not certain how soon reimbursements will be forthcoming. As you are aware we are required, by law, to perform extraditions as ordered by the courts regardless of whether or not we have funding in our line item.

I am requesting this correspondence be hand carried to the Finance Committee on 11/20/13 as an addition to the normal agenda. This request would be for a supplemental appropriation in the amount of \$11,401.88 with the understanding that when these funds are reimbursed by the Commonwealth they would be appropriated to the General Fund.

RTW/asw

10BN *corrected w/ JE*
3-010-024040-0030 1/16/14 - 8,396.04 to General Fund
3-010-019110-0058 3/24/14 - 3,005.84 to General Fund
10FL
\$ 11,401.88 ✓

FREDERICK COUNTY SHERIFF'S OFFICE

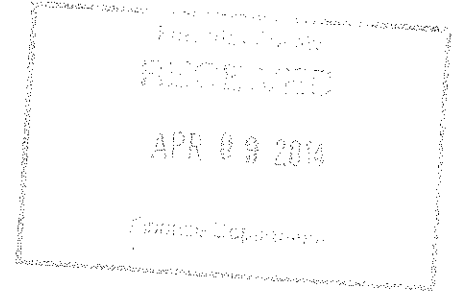


ROBERT T. WILLIAMSON
Sheriff

MAJOR C.L. VANMETER
Chief Deputy

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400



TO : Cheryl Shiffler – Director of Finance
FROM : Sheriff R. T. Williamson *RTW*
SUBJECT : Appropriation of Reimbursement
DATE : April 9, 2014

We are requesting the reimbursement received from **Electronic Grants Management System (EGMS)** in the amount of \$24,600.00, posted to ~~3010-019110-0058~~ (10FL), be appropriated into our operating budget line of 3102-5204-000-000 – Telephone (cellular).

Thank you.

RTW/asw

VDEM

3-010-024040-0030

FREDERICK COUNTY SHERIFF'S OFFICE



ROBERT T. WILLIAMSON
Sheriff

MAJOR C.L. VANMETER
Chief Deputy

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

TO : Finance Department

FROM : Sheriff R. T. Williamson *RTW*

DATE : May 6, 2014

SUBJECT : Reimbursement

We are requesting the reimbursement received from the Secret Service in the amount of \$2,398.00, which was posted by the Treasurer's Office in February, be appropriated into our operating budget line of 3102-5409-000-000.

This amount represents reimbursement from the Secret Service for supplies purchased for use by the Electronic Crimes Task Force.

Thank you.

RTW/asw

C.S. 2/18/14
3-010-033010-0025

FREDERICK COUNTY SHERIFF'S OFFICE



ROBERT T. WILLIAMSON
Sheriff

MAJOR C.L. VANMETER
Chief Deputy

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

TO : Angela Whitacre, Treasurer's Office
FROM : Sheriff R. T. Williamson *RTW*
DATE : March 24, 2014
SUBJECT : Donation

Attached is a check in the amount of \$35.00 from Top of Virginia Regional Chamber. This check represents a donation to the department's Honor Guard. We are requesting this amount be posted to 3010-018990-0006 (10CR). A separate memo will be sent to the Finance Department requesting appropriation.

Thank you.

3-010-031020-5409-000-000

RTW/asw

Attachment
Cc: Finance

C.S. 3/26/14

FREDERICK COUNTY SHERIFF'S

Frederick County
RECEIVED
MAY 09 2014
OFFICE
Finance Department



ROBERT T. WILLIAMSON
Sheriff

MAJOR C.L. VANMETER
Chief Deputy

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

TO : Finance Department
FROM : Sheriff R. T. Williamson *RTW*
DATE : May 8, 2014
SUBJECT : Insurance Reimbursements

We are requesting the insurance reimbursement checks received for separate auto claims involving Deputy Renner (4/10/14) and Deputy Darlington (4/16/14) be appropriated into our budget line of 3102-3004-000-002.

Deputy Renner - \$2,565.92
Deputy Darlington - \$7,749.83

Thank you. \$10,315.75

RTW/asw

3-010-018990-0001

FREDERICK COUNTY SHERIFF'S OFFICE

RECEIVED
APR 21 2014
Finance Department



ROBERT T. WILLIAMSON
Sheriff

MAJOR C.L. VANMETER
Chief Deputy

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

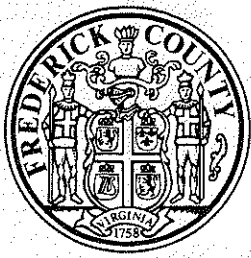
TO : Finance Department
FROM : Sheriff R. T. Williamson *RTW*
SUBJECT : Insurance Reimbursement
DATE : April 18, 2014

We are requesting the insurance reimbursement received in the amount of \$5,680.00 for the auto claim involving Deputy Heath be appropriated into our operating budget line of 3102-3004-000-002.

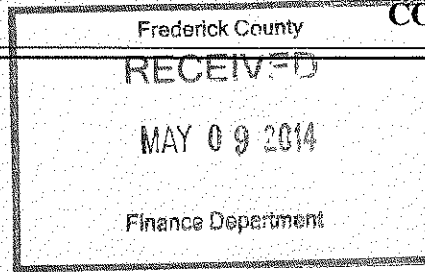
Thank you.

RTW/asw

*C.S. 2/21/14
3-010-018990-0001*



Dennis D. Linaburg
Fire Chief




COUNTY OF FREDERICK, VIRGINIA

FIRE AND RESCUE DEPARTMENT

1080 Coverstone Drive
Winchester, VA 22602

MEMORANDUM

TO: Cheryl Shiffler, Director
Finance Department

FROM: Dennis D. Linaburg, Chief
Fire and Rescue Department 

SUBJECT: Request for Supplemental Appropriation

DATE: May 7, 2014

With the end of the Fiscal Year 2014 approaching, I respectfully request the following amounts be transferred from the listed revenue line items to assist in offsetting accrued vehicle and fuel expenses.

3-010-19110-0040	Fire School Programs	\$1,480.00
3-010-24040-0051	F/R OEMS	\$2,400.00
3-010-16170-0001	SCBA Parts/Repairs	\$3,400.00
Total Request:		\$7,280.00

I request these funds be placed into line item 3505-5408-000, Vehicle & Power Equipment. If you have any questions or need additional information regarding this request, please do not hesitate to contact me so I may further discuss this with you.

DDL:msn
CC: file

2014/04

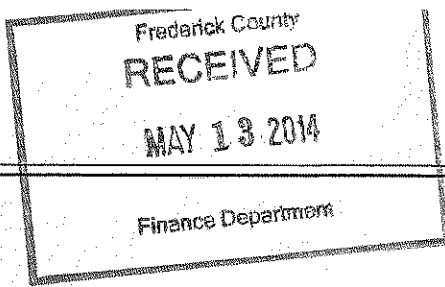
ACCOUNT #	DESCRIPTION	DATE	REFERENCE/PO#	CURRENT AMT	YEAR-TO-DATE	\$ BUDGET \$
	REIMBURSEMENTS		FUND#-010			
	REIMBURSEMENTS		MAJOR-019110			
019110-0003	REIMB.TASK FORCE	4/09/2014	B.FWD.		36,532.70-	58,000.00-
	-TREASURER CAS 2014/04	4/08/2014 CS-001-	201404-	5,310.14-		
	-TREASURER CAS 2014/04	4/25/2014 CS-001-	201404-	5,310.04-		
	-TOTAL-			10,620.18-	47,152.88-	10,847.12-
019110-0007	EDC REVENUE/RECOVERED COSTS	4/09/2014	B.FWD.		1,400.00-	250.00-
	-TOTAL-			.00	1,400.00-	1,150.00
019110-0008	SIGN DEPOSITS-PLANNING	4/09/2014	B.FWD.		50.00-	.00
	-TREASURER CAS 2014/04	4/25/2014 CS-001-	201404-	50.00-		
	JUSTIN DEHAVEN 2014/04	4/28/2014 AP-001-129195-1	-	50.00		
	-TOTAL-			.00	50.00-	50.00
019110-0014	REIMB - ELECTIONS	4/09/2014	B.FWD.		2,640.65-	.00
	-TOTAL-			.00	2,640.65-	2,640.65
019110-0015	WESTMINSTER CANTERBURY LIEU OF TAX	4/09/2014	B.FWD.		.00	24,000.00-
	-TOTAL-			.00	.00	24,000.00-
019110-0017	REIMB. STREET SIGNS	4/09/2014	B.FWD.		1,394.40-	1,000.00-
	-TOTAL-			.00	1,394.40-	394.40
019110-0018	GROUNDS MAINT.FREDERICK CO.SCHOOLS	4/09/2014	B.FWD.		174,265.96-	298,000.00-
	-TOTAL-			.00	174,265.96-	123,734.04-
019110-0027	COMCAST - PEG GRANT	4/09/2014	B.FWD.		47,286.80-	.00
	-TREASURER CAS 2014/04	4/28/2014 CS-001-	201404-	15,829.20-		
	-TOTAL-			15,829.20-	63,116.00-	63,116.00
019110-0038	PROMPERS-OTHER	4/09/2014	B.FWD.		55,000.00-	.00
	-TOTAL-			.00	55,000.00-	55,000.00
019110-0040	FIRE SCHOOL PROGRAMS	4/09/2014	B.FWD.		17,621.00-	16,800.00-
	-TREASURER CAS 2014/04	4/01/2014 CS-001-	201404-	540.00-		
	-TREASURER CAS 2014/04	4/04/2014 CS-001-	201404-	80.00-		
	-TREASURER CAS 2014/04	4/11/2014 CS-001-	201404-	60.00-		
	CANCEL CK.6553 2014/04	4/14/2014 JE-001-654	-	60.00-		
	KEVIN LAYMAN 2014/04	4/28/2014 AP-001-LAYMAN RFD	-	60.00		
	CALEB SHERWOOD 2014/04	4/28/2014 AP-001-SHERWOOD RFD	-	20.00		
	-TOTAL-			660.00-	18,281.00-	1,245.00
DEPT TOTAL.....	BALANCE FORWARD				336,191.51-	
	CURRENT MONTH				27,109.38-	
	ENCUMBRANCE				.00	
	YEAR TO DATE				363,300.89-	
	BUDGET BALANCE				34,749.11-	
FUND TOTAL.....	A S S E T S	.00	.00	.00		
FUND TOTAL.....	L I A B I L I T Y	.00	.00	.00		
FUND TOTAL.....	R E V E N U E	336,191.51-	27,109.38-	363,300.89-		
FUND TOTAL.....	E X P E N S E	.00	.00	.00		

2014/04

ACCOUNT #	DESCRIPTION	DATE	REFERENCE/PO#	CURRENT AMT	YEAR-TO-DATE	\$ BUDGET \$
	F/R CEMS REIMB.		FUND#-010			
	F/R CEMS REIMB.		MAJOR-024040			
024040-8051	F/R CEMS REIMB.	4/09/2014	B.FWD.		2,142.00-	.00
	-TREASURER CAS 2014/04	4/15/2014	CS-001- 201404-	267.76-		
	-TOTAL-			267.76-	2,409.76-	2,409.76-
DEPT TOTAL.....	BALANCE FORWARD				2,142.00-	
	CURRENT MONTH				267.76-	
	ENCUMBRANCE				.00	
	YEAR TO DATE				2,409.76-	
	BUDGET BALANCE				2,409.76	
FUND TOTAL.....	A S S E T S	.00		.00	.00	
FUND TOTAL.....	L I A B I L I T Y	.00		.00	.00	
FUND TOTAL.....	R E V E N U E	2,142.00-		267.76-	2,409.76-	
FUND TOTAL.....	E X P E N S E	.00		.00	.00	
FUND TOTAL.....		2,142.00-		267.76-	2,409.76-	
FUND TOTAL.....	ENCUMBRANCE				.00	
COMPANY TOTAL.....	A S S E T S	.00		.00	.00	
COMPANY TOTAL.....	L I A B I L I T Y	.00		.00	.00	
COMPANY TOTAL.....	R E V E N U E	2,142.00-		267.76-	2,409.76-	
COMPANY TOTAL.....	E X P E N S E	.00		.00	.00	
COMPANY TOTAL.....		2,142.00-		267.76-	2,409.76-	
COMPANY TOTAL.....	ENCUMBRANCE				.00	

2014/04

ACCOUNT #	DESCRIPTION	DATE	REFERENCE/PO#	CURRENT AMT	YEAR-TO-DATE	\$ BUDGET \$
	SCBA PARTS / REPAIR		FUND#-010			
	SCBA PARTS / REPAIR		MAJOR-016170			
016170-0001	SCBA PARTS / REPAIR	4/09/2014	B.FWD.		1,147.49-	.00
	-TREASURER CAS 2014/04	4/02/2014	CS-001- 201404-	48.84-		
	-TREASURER CAS 2014/04	4/07/2014	CS-001- 201404-	46.06-		
	-TREASURER CAS 2014/04	4/15/2014	CS-001- 201404-	1,581.36-		
	-TREASURER CAS 2014/04	4/21/2014	CS-001- 201404-	414.79-		
	-TREASURER CAS 2014/04	4/22/2014	CS-001- 201404-	261.30-		
	-TOTAL-			2,352.35-	3,499.84-	3,499.84-
DEPT TOTAL.....	BALANCE FORWARD				1,147.49-	
	CURRENT MONTH				2,352.35-	
	ENCUMBRANCE				.00	
	YEAR TO DATE				3,499.84-	
	BUDGET BALANCE				3,499.84	
FUND TOTAL.....	A S S E T S	.00	.00	.00		
FUND TOTAL.....	L I A B I L I T Y	.00	.00	.00		
FUND TOTAL.....	R E V E N U E	1,147.49-	2,352.35-	3,499.84-		
FUND TOTAL.....	E X P E N S E	.00	.00	.00		
FUND TOTAL.....		1,147.49-	2,352.35-	3,499.84-		
FUND TOTAL.....	ENCUMBRANCE				.00	
COMPANY TOTAL.....	A S S E T S	.00	.00	.00		
COMPANY TOTAL.....	L I A B I L I T Y	.00	.00	.00		
COMPANY TOTAL.....	R E V E N U E	1,147.49-	2,352.35-	3,499.84-		
COMPANY TOTAL.....	E X P E N S E	.00	.00	.00		
COMPANY TOTAL.....		1,147.49-	2,352.35-	3,499.84-		
COMPANY TOTAL.....	ENCUMBRANCE				.00	



COUNTY OF FREDERICK, VIRGINIA

FIRE AND RESCUE DEPARTMENT

1080 Coverstone Drive
Winchester, VA 22602

Dennis D. Linaburg
Fire Chief

#2396

MEMORANDUM

TO: Cheryl Shiffler, Director
Finance Department

FROM: Dennis D. Linaburg, Chief
Fire and Rescue Department

SUBJECT: Appropriation of State EMS
Four-for-Life Funds

DATE: May 9, 2014

Frederick County has received State EMS Four-for-Life funds totaling \$81,150.16, which has been placed in revenue line item 3-010-24040-11 on April 28, 2014. These funds are to be distributed to our rescue companies through the Volunteer Fire and Rescue Association.

Please issue a check for \$81,150.16 payable to "Frederick County Volunteer Fire & Rescue Association" and forward to Jenny Schuller, Treasurer, PO Box 897, Berryville, VA 22611. These funds should be paid from line item 3202-5604-044.

3203

If you have any questions or need additional information regarding this request, please do not hesitate to contact me so I may further discuss this with you.

DDL:msn

CC: Christine Langley-Obaugh
Dan Cunningham, President
File

Budgeted

\$69,224 3203-5604-044

\$80,000 3010-024040-011

Finance Comm: 5/21/14
BOS: 5/28/14

Limit Search N From/To Date: 00000000 / 99999999

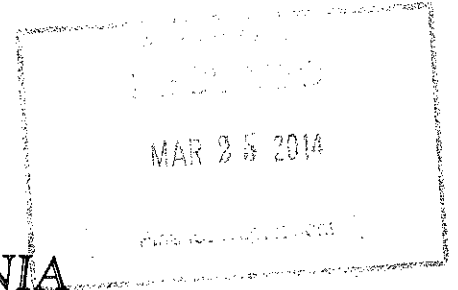
Company No: 001 Account Number: 3010 24040 11 Period:
FOUR-FOR-LIFE FUNDS

<u>Budget Amount</u>	<u>Year To Date</u>	<u>Encumbrances</u>	<u>Balance</u>
\$80,000.00-	\$81,150.16-	\$.00	\$1,150.16

Date	Source	Reference Number	PO#	Amount	Period
04282014	CS 1	20140428		\$81,150.16-	201404
*****		G/L Year-To-Date-		\$81,150.16-	
*****		Encumbrance-			
*****		A/P Holding File-			
*****		P/R Holding File-			

More...

F3=Exit F5=Print F19=Page Left F20=Page Right



COMMONWEALTH of VIRGINIA
Department of Health

3-010-24040-0011
rec'd 4/28/14

March 13, 2014

\$80K budgeted

FREDERICK COUNTY TREASURER
107 NORTH KENT STREET
WINCHESTER VA 22601

COPY

Original sent to Missi Neal 3/25/13

Dear City/County Administrator:

IMMEDIATE ATTENTION REQUIRED
Please return this report within 30 days

Your locality will be receiving the Fiscal Year 2014 "Four-For-Life" payment for Emergency Medical Services (EMS) in the amount of **\$81,150.16**. *These funds are for the collection period March 1, 2013 through February 28, 2014.*

Guidelines for the use of these funds are attached and are available on our website: [http://www.vdh.virginia.gov/OEMS/Files_page/Locality Resources/FourForLifeGuidelines.pdf](http://www.vdh.virginia.gov/OEMS/Files_page/Locality_Resources/FourForLifeGuidelines.pdf). Prior to distribution of these funds to the local government, this office must receive your Report of Expenditures on last year's distribution. The total amount that must be reported for last year's distribution is annotated on the enclosed report.

The Four-For-Life program, as amended in 2000, stipulates that four additional dollars be charged and collected at the time of registration of each passenger vehicle, pickup and panel truck. The funds collected, pursuant to Section 46.2-694, Code of Virginia, shall be used only for emergency medical services. The law further states that the Department of Health shall return twenty-six percent (26%) of the registration fees collected to the locality wherein such vehicle is registered to provide funding for:

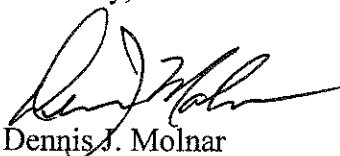
- (1) Training of volunteer or salaried emergency medical service personnel of licensed, nonprofit emergency medical service agencies; or
- (2) The purchase of necessary equipment and supplies for licensed, nonprofit emergency medical service agencies.

It is important to recognize two clauses in the Four-For-Life legislation: (1) non-supplanting funds and (2) failure to report the use of funds by any local governing body will result in funds being retained. The Assistant Attorney General, at our request has offered the following interpretation for use of the funds. "Any funds received from Section 46.2-694 by a non-state agency cannot be used to match any other funds derived from Section 46.2-694 by that same non-state agency" Simply put, funds returned to localities cannot be used as the matching share of any grants offered using Four-For-Life funds.

*"Each local governing body shall report to the Board of Health on the use of **Four-For-Life** funds, which were returned to it. In any case in which the local governing body grants the funds to a regional emergency medical council to be distributed the licensed, nonprofit emergency medical and rescue services, the local governing body shall remain responsible for the proper use of the funds. If, at the end of any fiscal year, a report on the use of **Four-For-Life** funds for that year has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted to the Board."*

If you have any questions or need additional information, please do not hesitate to contact Brenda Carroll, OEMS Accountant, at (804) 888-9100.

Sincerely,



Dennis J. Molnar
Business Manager

Encl.:

Guidelines for Expenditures of EMS Funds
Four-For-Life Report of Expenditures Form

**GUIDELINES FOR THE EXPENDITURE
OF THE 26% RETURN TO LOCALITY
SHARE OF EMS FOUR-FOR-LIFE FUNDS
§ 46.2-694 of the Code of Virginia**

Purpose of the Fund

To provide funding for **training**¹ of volunteer or salaried emergency medical service (EMS) personnel of licensed, nonprofit emergency medical services agencies and for the purchase of necessary **equipment and supplies** for use in such locality by licensed, non-profit emergency medical services agencies.

Such funds shall be in addition to any local appropriations and local governing bodies shall not use these funds to supplant local funds.

In any case in which the local governing body grants the funds to a designated regional emergency medical services council to be distributed to the licensed, nonprofit emergency medical service agencies and rescue squads, the local governing body shall remain responsible for the proper use of the funds. If a report on the use of these funds has not been received from a local governing body, any funds due to that local governing body for the next fiscal year shall be retained until such time as the report has been submitted.

Expenses associated with EMS training programs and courses approved by the Virginia Office of EMS which include:

- EMS textbooks, workbooks and other materials used in approved training courses
- Supplies (used in training programs) such as disposable gloves, bandages, syringes, needles, etc.
- Equipment (manikins, films, videotapes, etc.)
- Expenses¹ associated with state EMS certification and recertification programs to include but not limited to course tuition, test site fees, and travel expenses (mileage, lodging and meal per diem, other allowable expenses) not to exceed the state or local government rates.
- Expenses¹ associated with specialty training programs to include but not limited to course tuition and travel expenses (mileage, lodging and meal per diem, other allowable expenses) not to exceed the state or local government rates.
- Regional training activities such as disaster response drills or other field exercises. Expenses associated with these activities include but not limited to course tuition and travel expenses (mileage, lodging and per diem) not to exceed the state or local government rates.
- Expense^{1 and 2} to complete an approved on-line Continuing Education (CE) course that provides credit toward EMS certification. The following link provides information on training programs and accessing Continuing Education (CE) Reports.

<http://www.vdh.virginia.gov/OEMS/Training/ProviderResources.htm>

Footnote:

1. EMS agency or provider must provide proof of completion and the award of CE credits by the Virginia Office of EMS
2. Firefighter courses are not approved for the use of these funds.

Purchase of necessary equipment and supplies needed to:

- Gain access to a patient
- Assess the patient's medical condition
- Provide immediate medical care
- Transport the patient to a medical facility
- Communicate with the dispatcher and medical facility
- Personal Protective Equipment (PPE) for EMS personnel includes but not limited to:
 - Safety vests (conforms to ANSI standards for roadway incident response)
 - Respirators/N95 type mask
 - Eye Protection (face shield, goggles, etc)
 - Gowns (surgical type protective gowns)
 - Patient Care Gloves
 - EMS Vehicles/EMS personnel with extrication equipment may be provided PPE equipment :
 - Helmets
 - Protective (extrication/safety) gloves
 - Ear protection
 - Steel toed boots
 - Note: These funds cannot be used to purchase firefighter turnout gear or other PPE utilized for primary fire services duties or response.
- Maintenance and service contracts for medical equipment utilized in the direct provision of patient care or training of EMS personnel. Note: When entering into these contracts, ensure the agreement form is closely examined for clauses that would void the agreement and/or for items not covered under the agreement.
 - What are the clauses in the maintenance contract that would make it null and void? For example, if the equipment was dropped or mishandled, would that be enough to void the agreement.
 - Is the cost of the agreement reasonable for the services being provided? If so, is the cost of replacement significant enough to warrant the agreement cost?

Items that do NOT conform to the intent:

- Items funded and purchased with RSAF Grant Funds (see below note)
- Furnishings or appliances for squad building, training facilities, fire departments
- Vehicle or building maintenance items
- Building utilities (electric, gas, water, telephone, etc)
- Housekeeping expenses
- Capital improvements
- Special use equipment for fire suppression
- Firefighter PPE/turnout gear
- Firefighter training courses
- Fund raising or public relations expenses
- Articles of clothing (t-shirts, hats, etc) that are not personal protective clothing
- Office management expenses
- Law enforcement expenses
- Workers Compensation or Healthcare related costs

Note: *“Any funds received from Section 46.2-694 by a non-state agency cannot be used to match any other funds derived from Section 46.2-694 by that same non-state agency.”* Simply put, funds returned to localities cannot be used as the matching share of any grants offered using **Four-For-Life** funds.

Additional Guidance:

1. These guidelines are very broad in nature; however the Code of Virginia is specific in that these funds must be used for EMS training and the purchase of necessary equipment and supplies for licensed, non-profit emergency medical services agencies. Always ask yourself and in the opinion of your locality’s administrator or financial director, would this purchase withstand the scrutiny of an audit or an inquiry by a legislator and meet the intent of the program? If a strong case can be made by your locality’s administrator or financial director, then please move forward on that expenditure. If not, contact the Office of EMS to discuss the item(s) and issues.
2. The Office of EMS (OEMS) will always recommend that the 26% Return to Locality portion of the Four for Life funds be used for equipment and supplies that can easily be linked to direct patient care or the training of EMTs. For those questionable items, OEMS will suggest that those expenditures be paid from other sources of revenue such as donations, revenue from insurance payments or other fund sources.
3. Carryover funds - The EMS funds returned to localities should be used within one year after receipt. OEMS discourages the carryover of funds into future fiscal years. The carryover of funds raises a red flag and the locality may be asked by OEMS for a spending plan of action.


Quarter 2
50/50 Payout

Station	Total Base Paid	Percentage of Gross Earned	Payout based on call % earned		
11	\$37,684.37	23.474%	\$13,279.81		
12	\$10,187.00	6.346%	\$3,589.86		
13	\$13,933.97	8.680%	\$4,910.27		
14	\$3,045.83	1.897%	\$1,073.34		
15	\$30,974.92	19.295%	\$10,915.43		
16	\$6,415.13	3.996%	\$2,260.66		
17	\$872.82	0.544%	\$307.58		
18	\$35,055.36	21.836%	\$12,353.36		
19	\$5,130.21	3.196%	\$1,807.86		
21	\$17,237.66	10.737%	\$6,074.48		
	Gross	\$160,537.27	100%	\$56,572.66	Total Payout
	Expenses	\$47,391.96			
	Net	\$113,145.31			
	50/50	\$56,572.66			



Larry A. Oliver
Deputy Chief
Training Division

MEMORANDUM

DATE: April 30, 2014
TO: Public Safety Committee
FROM: Larry A. Oliver, Deputy Chief – Training Division 
Fire and Rescue Department
SUBJECT: Automatic Fee Increase For E.M.S. Expense Recovery Program

At the June 2013 Public Safety Committee and Board of Supervisors meetings, the Fee Schedule for the E.M.S. Expense Recovery Program was adopted unanimously. During this meeting, it was discussed that the Center for Medicare and Medicaid Services (C.M.S.) updates the payment limits for ambulance transportation annually, that localities can adopt for their local fee schedules. These rate increases are designed for increasing healthcare costs as well as economy inflation to continue to allow adequate reimbursement to the localities. No action was taken on these annual rate increases during either of these two (2) meetings.

Premier Accounts Receivable Management has advised the Fire and Rescue Department that this increase took place January 1, 2014, we would like to implement the increase accordingly. After speaking with the County Attorney concerning this rate increase, he stated that it would need to be addressed during the Public Safety Committee and then ultimately the Board of Supervisors since no action was taken during either of the two (2) meetings in June 2013.

We recommend that the Frederick County Fire and Rescue Department fee schedule be evaluated annually and established at a rate twenty-five percent (25%) greater than the current C.M.S. Ambulance Fee Schedule allowable amounts, rounded up to the nearest whole dollar for the following service levels:

Basic Life Support (B.L.S.) Emergency Rate (A0429)
Basic Life Support (B.L.S.) Non-Emergency Rate (A0428)
Advanced Life Support (A.L.S.) Level 1 Emergency Rate (A0427)
Advanced Life Support (A.L.S.) Non-Emergency Rate (A0426)
Advanced Life Support (A.L.S.) Level 2 Emergency Rate (A0433)

We recommend that the adopted fee schedule be the minimum fee schedule in the event that C.M.S. reduces their Ambulance Fee Schedule. We also recommend this to be an automatic process as long as it is positive for the E.M.S. Expense Recovery Program. Premier Accounts Receivable Management will present new recommended rate amounts (25% greater than current Medicare allowed fees) to Frederick County Fire and Rescue Department within thirty (30) days of C.M.S.'s published list, for approval.

From June 3, 2014 Public Safety Committee Minutes:

“Deputy Chief Oliver addressed the current fee schedule which was developed last year by the Public Safety Committee. One of the outstanding issues is the automatic fee increase that Medicare/Medicad/Tricare have in place and how this automatic fee increase could be incorporated into the current fee schedule. Deputy Chief Oliver also noted that ALS1 and BLS1 non emergency fees are not current on the proposed schedule. The current fees should be \$512.00 for ALS1 non emergency and \$431.00 for BLS1 non emergency calls. *The Public Safety Committee unanimously recommended the Board of Supervisors adopt the rates for the Fee for Service fee schedule.*”

LAO

cc: File Copy



Virginia Retirement System



P.O. Box 2500, Richmond, Virginia 23218-2500
 Toll free: 1-888-VARETIR (827-3847)
 Web site: www.varetire.org
 E-mail: vrs@varetire.org

May 2, 2014

FREDERICK COUNTY – 55134

Language in the 2013 Appropriations Act, Item 468(H), allowed localities to make an election regarding their employer contribution rate every biennium. You have the opportunity again this year to select which employer contribution rate your locality will pay, beginning July 1, 2014.

Included with this letter is the employer contribution resolution your local governing body will need to pass and then send in to communicate to VRS their election decision.

Employer Retirement Contribution Rate Election

By no later than July 1, 2014, your local governing body must approve one of the following employer contribution rate options for the defined benefit retirement plan in the biennium beginning July 1, 2014:

- 12.15% – the rate certified by the VRS Board of Trustees for the FY 2015-2016 biennium; or *current rate 12.93 (decision .78% ↓)*
- 10.34% – the alternate rate, which is the higher of the rate certified by the VRS Board for FY 2012 or 80 percent of the VRS Board-certified rate for FY 2015-2016.

Considerations in Electing Your Contribution Rate

The intent of the language in the 2013 Appropriation Act, Item 468(H) was to offer localities and schools some budget relief for the coming fiscal year with respect to the amount of their retirement contributions. However, this does not change the Board-certified rate or the recommended employer contribution rate. Therefore, if you are considering using the Alternate Rate, please be aware that doing so will:

- Reduce contributions to your employer account and the investment earnings they would have generated, which will mean there will be fewer assets available for benefits.

- Result in a lower funded ratio when the next Actuarial Valuation is performed and, thus, a higher calculated contribution rate at that time.
- Require that you include the Net Pension Obligation (NPO) under the Governmental Accounting Standards Board (GASB) Standards in your financial statements.

Deadline for Resolutions

VRS must receive your formal signed resolution for the employer retirement contribution rate election **by no later than July 10, 2014**. Please send all resolutions to Ms. ZaeAnne Sferra, Employer Coverage Coordinator at P.O. Box 2500, Richmond, VA 23218-2500.

If you have any questions about the information in this packet, please contact Ms. ZaeAnne Sferra, Employer Coverage Coordinator, at zsferra@varetire.org or (804) 775-3514.

Best regards.

Sincerely,



Robert P. Schultze
Director

Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivision
(In accordance with the 2014 Appropriation Act Item 468 (H))

Resolution

BE IT RESOLVED, that the COUNTY OF FREDERICK 55134 does hereby acknowledge that its contribution rates effective July 1, 2014 shall be based on the higher of a) the contribution rate in effect for FY 2014, or b) eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia code §51.1-145 (I) resulting from the June 20, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the COUNTY OF FREDERICK 55134 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014:

(Check only one box)

- The Certified Rate of 12.15% The Alternate Rate of ___ %; and

BE IT ALSO RESOLVED, that the COUNTY OF FREDERICK 55134 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of COUNTY OF FREDERICK 55134 are hereby authorized and directed in the name of the COUNTY OF FREDERICK to carry out the provisions of this resolution, and said officer of the COUNTY OF FREDERICK are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the COUNTY OF FREDERICK for this purpose.

Governing Body/School Division Chairman

CERTIFICATE

I, _____, Clerk of the COUNTY OF FREDERICK,
Certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the COUNTY OF FREDERICK held at Winchester, Virginia at seven o'clock on May 28, 2014. Given under my hand and seal of the COUNTY OF FREDERICK this ___ day of _____ 2014.

Clerk

This resolution must be passed prior to July 1, 2014, and Received by VRS no later than July 10, 2014.

Memo

To: Finance Committee/Cheryl Shiffler

From: Delsie D. Butts

CC:

Date: May 13, 2014

Re: Appropriation adjustments

The attached spreadsheet contains fourteen (14) budget lines that need to be adjusted in order to bring our County budget in line with our State budget.

Of that fourteen, three (3) programs need to be reduced by a total of \$217,000. The reason for two (2) of these decreases is that the DSS did not spend the full allocation and one (1) program was a grant that was not renewed in FY 2014. Three (3) other program budget lines need to be increased by a total of \$170,684. These three budget lines are State mandated programs and we spent our initial allocation and the State gave us additional funding. The net of these adjustments results in a **decrease** of **\$40,316** of Federal/State dollars and **\$6,000** of Local dollars for a total amount of \$46,316.

The remaining eight (8) adjustments were to our Administrative budget lines and those adjustments were only to absorb negative amounts in certain operating line items, purchase of new vehicle, and new filing system. The net of these adjustments are \$0.00 as we were able to absorb these negatives due to salary savings from numerous staff vacancies this fiscal year.

No additional local dollars is needed.

Thank you for your consideration.


Delsie D. Butts

Administrative Services Manager

2013-2014 BUDGET INFORMATION - ORIGINAL BUDGET
 FISCAL YEAR END 2014 APPROPRIATION ADJUSTMENTS


	<u>Original Budget</u>	<u>Debit</u>	<u>Credit</u>	<u>New Appropriation \$</u>
053170 - 5804-000 Auxiliary Grant	141,000.00		30,000.00	111,000.00
053170 - 5811-000 IV-E Foster Care	191,000.00	150,000.00		341,000.00
053170 - 5812-000 Adoption Subsidy	540,000.00		50,000.00	490,000.00
053170 - 5817-000 Special Needs Adoption	255,000.00	20,000.00		275,000.00
053170 - 5819-000 Refugee Resettlement	-	684.00		684.00
053170 - 5867-000 Wings to Success Grant	137,000.00		137,000.00	-
<hr/>				
053160 - 1001-000 Salaries	2,535,678.00		79,890.00	2,455,788.00
053160 - 2008-000 Short/Long Term Disability	-	100.00		100.00
053160 - 3002-000 Contract Services - Legal	70,000.00	20,000.00		90,000.00
053160 - 3007-000 Advertisement	1,500.00	2,000.00		3,500.00
053160 - 4002-000 Gasoline/Repairs - vehicles	28,000.00	2,000.00		30,000.00
053160 - 5600-000 Travel	5,000.00	1,000.00		6,000.00
053160 - 8005-000 Motor Vehicles	-	21,790.00		21,790.00
053160 - 8007-000 Integrated Tech. Equipment	90,000.00	33,000.00		123,000.00
	<hr/>	<hr/>	<hr/>	<hr/>
	3,994,178.00	250,574.00	296,890.00	3,947,862.00
		(46,316.00)	allocation reduction for FY 2014	

35

** These changes are to bring the county budget appropriations in alignment to our state budget appropriations.
 No additional local dollars are needed.


**Your Local Department
of Social Services**

April 29, 2014
Frederick County Board of Supervisors
Work Session




Agenda

- ▶ Review structure of Department of Social Services
- ▶ Financial Impact of benefits programs in the community
- ▶ Discuss current benefits programs challenges
- ▶ Explanation of how we've maintained thus far
- ▶ Justification for new staff request
- ▶ Closing remarks and questions



Structure of Social Services

- ▶ The Virginia Department of Social Services (VDSS) is designated as the single state agency for administering federal welfare programs and is held accountable for such programs.
- ▶ Virginia is one of the few states that allow localities like Frederick County to administer federally assisted programs under the state's supervision.
- ▶ There are 119 local departments, 5 regional offices and the VDSS Home office is in Richmond.



Structure continued

- ▶ Frederick County DSS has 58 full time employees and 3 part time employees.
- ▶ There is an Administrative Board in Frederick County, appointed by the Board of Supervisors (BOS) representing 6 Districts, 1 member at large and a representative from the BOS, which meets monthly at our offices.

Are we State or County?

- ▶ COV Title 63.2 spells out the general provisions, scope of services and structure:
 - State Supervised, locally administered – policies are developed at the state level, implementation occurs at the local level. Monitoring of compliance is a state responsibility imposed by the federal government.
- ▶ Social Services employees are employees of the locality who administer Federal programs that are supervised by the State.
- ▶ At times this presents challenges for our agency because we are often perceived as state employees when in fact we are employees of the county.

Programs Administered

- ▶ The Frederick County Department of Social Services administers a wide variety of two types of programs – Financial Assistance Programs and Social Service Programs.
- ▶ The programs administered for the most part are complex and require attention to detail and a great deal of training.
- ▶ These programs are financed through Federal, State and local funds.
- ▶ Most of the programs are mandated through Federal and State law.

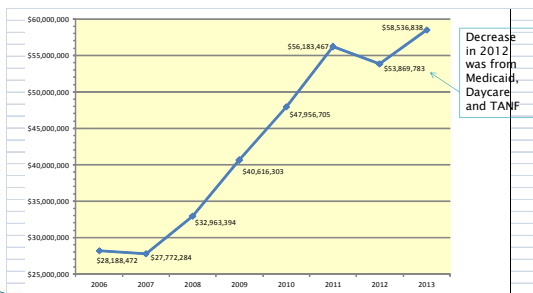
Programs Administered

- ▶ Our Service Programs include
 - Child Protective Services (CPS)
 - Foster Care Services for Children
 - Adoption Services
 - Adult Protective Services (APS)
 - Adult Services
 - Virginia Initiative for Employment (VIEW)
 - Family Services
- ▶ The emphasis of our meeting today will be on Financial Assistance Programs

Financial Assistance Programs

- ▶ Supplemental Nutrition Assistance Program (SNAP)
- ▶ Medical Assistance (Medicaid)
- ▶ Temporary Assistance for Needy Families (TANF)
- ▶ Child Care Assistance
- ▶ Energy Assistance (EA)
- ▶ Auxiliary Grants (AG)

Spending in Locality – Benefit Programs



2013 Financial Impact for the Community

Program	2013 - Total	Federal Funds	State Funds	Local Funds
SNAP	\$11,127,212	\$11,127,212 (100%)	\$0	\$0
Medicaid	\$45,949,716	\$23,358,500 (51%)	\$22,591,216 (49%)	\$0
TANF	\$454,358	\$217,691 (48%)	\$236,667 (52%)	\$0
Child Care	\$527,159	\$379,436 (72%)	\$147,724 (28%)	\$0
Energy	\$334,756	\$334,756 (100%)	\$0	\$0
Aux Grant	\$143,637	\$0	\$114,910 (80%)	\$28,727 (20%)
Total	\$58,536,838	\$34,417,594	\$23,090,517	\$28,727

Challenges FCDSS Faces Eligibility

Programs (SNAP, Medicaid, TANF)	2003	2013	% Increase
Ongoing - Monthly Avg Caseload	327 per worker (8.5 workers)	937 per worker (8.5 workers)	186%
Intake - Avg New Applications per month	257 per month (6 workers)	453 per month (7 workers)	76%

Challenges - Eligibility

- ▶ New applications continue to rise with start of Affordable Care Act in October 2013.
- ▶ Average Medicaid cases from January - September 2013 was 153 per month
- ▶ Average Medicaid cases from October 2013 - March 2014 was 333 per month
- ▶ New rules/policy in place for families and children cases.
- ▶ New software and new untrained workers causing delay and timeliness in working cases under mandated deadlines.

Challenges – Eligibility

- ▶ As of March, 2014 all cases that qualify with a higher income (FAMIS – Family Access to Medical Insurance Security) that were maintained in the Richmond office started being sent back to localities to manage (800 cases will be transitioned back to locality as renewal dates come due).
- ▶ All new FAMIS applications that used to be sent to Richmond to maintain will now remain with locality.
- ▶ Increase in cultural diversity of clientele – language barriers.
- ▶ Household composition is increasingly complicated. New policy looks at non-traditional relationships within unit.
- ▶ Conversion to new system continues until 2016 as all programs are brought into VaCMS (Virginia Case Management System).
- ▶ The public is confused. They don't know where to apply or who to apply with. The agency is receiving duplicate applications.

Challenges – Eligibility

- ▶ The stress and pressure associated with the increased applications and ongoing cases has caused a disturbing trend in turnover.
- ▶ From 2006–2009, 4 people left the Eligibility unit – all retiring.
- ▶ From 2010–2013, 13 people left the Eligibility unit – only 1 retiring. The remaining 12 were either terminated or resigned.
- ▶ When hiring a new staff member with no eligibility experience, it takes up to a year of intensive training before they can make a substantial contribution to the unit.

How we have managed to this point

- ▶ Re-design of both units within Eligibility from individual caseloads to banked caseloads.
- ▶ Streamlined processes to be more efficient
- ▶ Training from State level and internally
- ▶ Overtime
- ▶ Investment in worker tools to include, headsets, multiple monitors and new phone system

How we have managed to this point

- ▶ Emergency appointment in August, 2013 of 2 part time, experienced workers to assist Intake unit with processing Medicaid cases.
- ▶ Supervisors work overtime and work cases to assist unit.
- ▶ Strong effort to encourage online registration in order to reduce staff data entry time
- ▶ Moved to phone interviews vs. face to face in order to move more quickly through the application process

What are we facing?

- ▶ Although these improvements have helped staff meet State determined deadlines, it's not enough -
- ▶ **We need more staff to meet demands**
 - Financial penalties could be assessed if we do not meet mandated processing deadlines
 - The risk of worker error increases with the volume of cases to be processed within timeframes which can result in overpayments
- ▶ **Should Virginia elect to expand Medicaid, an estimated additional 400,000 applications will be added to the already stressed workload (expected up to 3,000 families will qualify in Frederick County alone).**

Assessment of our needs

- ▶ Using a State provided tool called Hornsby Zeller, we have taken a look at the actual needs of the agency.
- ▶ In 1999 and then again in 2008, the Virginia Department of Social Services contracted with Hornsby Zeller Associates Inc. to conduct a workload study for all of its programs.
- ▶ Taken into consideration were case processing procedures, policy requirements and program structure identifying types of cases that require more time for processing.
- ▶ Hornsby Zeller collected data, analyzed it and created a matrix that can be used to determine staffing needs.

In Summary

- ▶ Over 58 million dollars were administered and spent in the local community in 2013. These dollars were spent at the local grocers, pharmacies, hospitals, Dr's offices etc.
- ▶ The Department's attempt to meet mandated deadlines is getting increasingly difficult and unrealistic to maintain.
- ▶ Without additional staff, the Department is facing the increased likelihood of financial penalties and the inability to meet the community needs within required timeframes.

QUESTIONS?

DATE	DEPARTMENT/GENERAL FUND	REASON FOR TRANSFER	FROM	TO	ACCT	CODE	AMOUNT
4/1/2014	SHERIFF	SALARY ADJUSTMENT 4/1/14	3102	1001	000	050	723.60
	SHERIFF		3102	1002	000	079	(79.24)
	TRANSFERS/CONTINGENCY		9301	5890	000	000	-644.36
	SHERIFF		3102	1002	000	028	701.74
	SHERIFF		3102	1001	000	052	(139.90)
	TRANSFERS/CONTINGENCY		9301	5890	000	000	-561.84
	SHERIFF		3102	1001	000	015	789.42
	SHERIFF		3102	1001	000	052	-113.75
	TRANSFERS/CONTINGENCY		9301	5890	000	000	-675.67
	SHERIFF		3102	1002	000	000	3,417.04
	SHERIFF		3102	1001	000	052	-80.66
	TRANSFERS/CONTINGENCY		9301	5890	000	000	(3,336.38)
	SHERIFF		3102	1002	000	044	3,708.26
	SHERIFF		3102	1002	000	079	(115.11)
	TRANSFERS/CONTINGENCY		9301	5890	000	000	(3,593.15)
	SHERIFF		3102	1002	000	045	1,594.34
	SHERIFF		3102	1001	000	029	(1,594.34)
	SHERIFF		3102	1002	000	084	3,093.83
	SHERIFF		3102	1001	000	029	(3,093.83)
	SHERIFF		3102	1002	000	088	1,131.60
	SHERIFF		3102	1001	000	029	(1,131.60)
	SHERIFF		3102	1002	000	031	3,358.06
	SHERIFF		3102	1001	000	029	(3,358.06)
	SHERIFF		3102	1001	000	051	1,092.12
	SHERIFF		3102	1001	000	029	(1,092.12)
	SHERIFF		3102	1002	000	043	896.54
	SHERIFF		3102	1002	000	025	(896.54)
	SHERIFF		3102	1002	000	042	1,800.43
	SHERIFF		3102	1002	000	025	(1,800.43)
	SHERIFF		3102	1001	000	025	689.22
	SHERIFF		3102	1002	000	025	(689.22)
	SHERIFF		3102	1001	000	025	2,006.82
	SHERIFF		3102	1002	000	025	(2,006.82)
	SHERIFF		3102	1002	000	076	1,061.12
	SHERIFF		3102	1002	000	025	(1,061.12)
4/9/2014	SHERANDO PARK	REPAIR & MAINTENANCE SUPPLIES	7110	5408	000	000	(1,500.00)
	SHERANDO PARK		7110	5407	000	000	1,500.00
4/9/2014	RECREATION CENTERS AND PLAYGROUNDS	COST OF UNIFORMS FOR PROGRAMS	7104	5412	000	000	(1,633.68)
	RECREATION CENTERS AND PLAYGROUNDS		7104	5410	000	000	1,633.68
4/9/2014	PARKS AND RECRATION ADMINISTRATION	DEPOSIT BAGS FRO OFF SITE CENTERS	7101	5401	000	000	(353.01)
	PARKS MAINTENANCE		7103	5413	000	000	353.01
4/9/2014	SHERANDO PARK	HEATING FUEL	7110	5101	000	000	(1,147.89)
	SHERANDO PARK		7110	5102	000	000	1,147.89
4/9/2014	COUNTY OFFICE BUILDINGS/COURTHOUSE	SNOW REMOVAL AT PUBLIC SAFETY BUILDING	4304	5302	000	005	(320.00)
	COUNTY OFFICE BUILDINGS/COURTHOUSE		4304	3010	000	005	320.00
4/9/2014	PARKS MAINTENANCE	TO COVER COST OF WORK BOOTS	7103	5414	000	000	(121.89)
	PARKS MAINTENANCE		7103	5414	000	000	(232.46)
	CLEARBROOK PARK		7109	5410	000	000	121.89
	SHERANDO PARK		7110	5410	000	000	232.46
4/10/2014	SHERIFF	EXPENDITUES FOR PHONE/POSTAGE	3102	3004	000	002	(7,000.00)
	SHERIFF		3102	5204	000	000	7,000.00
4/14/2014	OTHER	MPO INVOICES	1224	3002	000	000	(4,100.00)
	OTHER		1224	5604	000	025	4,100.00
4/16/2014	COUNTY OFFICE BUILDINGS/COURTHOUSE	REPAIR LIEBERT GENERATOR	4304	3004	000	006	(8.71)
	COUNTY OFFICE BUILDINGS/COURTHOUSE		4304	3004	000	005	8.71
4/17/2014	HUMAN RESOURCES	EOM-APRIL	1203	3002	000	000	(200.00)
	HUMAN RESOURCES		1203	1007	000	003	200.00
4/17/2014	AGRICULTURE	FUNDS NEEDED FOR PROGRAM	8301	3004	000	001	(187.00)
	AGRICULTURE		8301	5401	000	000	187.00
4/22/2014	OTHER	MPO INVOICES	1224	3002	000	000	(2,000.00)
	OTHER		1224	5604	000	025	2,000.00
4/22/2014	AGRICULTURE	FUNDS NEEDED FOR PROGRAM	8301	5411	000	000	(32.32)
	AGRICULTURE		8301	5401	000	000	32.32
	AGRICULTURE		8301	5506	000	000	(780.00)
	AGRICULTURE		8301	5401	000	000	780.00
4/22/2014	COUNTY OFFICE BUILDINGS/COURTHOUSE	UPGRADE SUMMIT CONTROL SYSTEM	4304	3004	000	006	(420.00)
	COUNTY OFFICE BUILDINGS/COURTHOUSE		4304	3004	000	005	420.00
4/23/2014	FIRE&RESCUE	PURCHASE NEW RADIO SYSTEM	3505	3010	000	000	(5,000.00)
	FIRE&RESCUE		3505	8003	000	000	5,000.00
	FIRE&RESCUE		3505	5204	000	000	(2,000.00)
	FIRE&RESCUE		3505	8003	000	000	2,000.00
	FIRE&RESCUE		3505	5305	000	000	(3,000.00)
	FIRE&RESCUE		3505	8003	000	000	3,000.00

DEPARTMENT/GENERAL FUND		REASON FOR TRANSFER	FROM	TO	ACCT	CODE	AMOUNT
4/23/2014	FIRE&RESCUE	PURCHASE NEW RADIO SYSTEM	3505	5605	000	000	(4,000.00)
	FIRE&RESCUE		3505	8003	000	000	4,000.00
4/24/2014	INFORMATION TECHNOLOGY	BALANCE LINE ITEM	1220	5413	000	003	(261.75)
	INFORMATION TECHNOLOGY		1220	5401	000	003	261.75
4/24/2014	INFORMATION TECHNOLOGY	PAY CBT NUGGETS INVOICE	1220	5506	000	002	(1,992.00)
	INFORMATION TECHNOLOGY		1220	5506	000	000	1,992.00
4/24/2014	INFORMATION TECHNOLOGY	PAY SHI INVOICE FOR EXCHANGE	1220	8007	000	003	(10,310.00)
	INFORMATION TECHNOLOGY		1220	5413	000	000	10,310.00
4/24/2014	COMMONWEALTH'S ATTORNEY	TRANSFER TO BALANCE	2201	5506	000	006	(600.00)
	COMMONWEALTH'S ATTORNEY		2201	5506	000	000	600.00
4/24/2014	COMMONWEALTH'S ATTORNEY	COST OF SUPPLIES	2201	5204	000	000	(2,000.00)
	COMMONWEALTH'S ATTORNEY		2201	5401	000	000	2,000.00
4/29/2014	SHERANDO PARK	COST OF TELEPHONES	7110	5101	000	000	(1,400.00)
	SHERANDO PARK		7110	5204	000	000	1,400.00
4/29/2014	COUNTY OFFICE BUILDINGS/COURTHOUSE	MICROMAIN YEARLY SUBSCRIPTION	4304	3005	000	005	(440.00)
	COUNTY OFFICE BUILDINGS/COURTHOUSE		4304	3002	000	000	440.00
4/29/2014	REFUSE COLLECTION	PAY FOR ENGINEERING SERVICES	4203	3010	000	000	(1,000.00)
	REFUSE COLLECTION		4203	3002	000	000	1,000.00
4/29/2014	COUNTY OFFICE BUILDINGS/COURTHOUSE	PLANET FOOTPRINT	4304	3010	000	000	(2,595.00)
	COUNTY OFFICE BUILDINGS/COURTHOUSE		4304	3002	000	000	2,595.00
	COUNTY OFFICE BUILDINGS/COURTHOUSE		4304	5302	000	000	(2,595.00)
	COUNTY OFFICE BUILDINGS/COURTHOUSE		4304	3002	000	000	2,595.00
4/29/2014	COUNTY OFFICE BUILDINGS/COURTHOUSE	REPAIR DRAIN LINE ON LIBERT A/C UNIT PSB	4304	3004	000	006	(480.84)
	COUNTY OFFICE BUILDINGS/COURTHOUSE		4304	3004	000	005	480.84
4/29/2014	ANIMAL SHELTER	SUPPLEMENT FOR REMAINING FY14	4305	5101	000	000	(1,500.00)
	ANIMAL SHELTER		4305	5405	000	000	1,500.00
4/29/2014	FIRE AND RESCUE	TO COVER YEAR END	3505	1007	000	001	(15,000.00)
	FIRE AND RESCUE		3505	1003	000	003	15,000.00
	FIRE AND RESCUE		3505	1007	000	001	(10,000.00)
	FIRE AND RESCUE		3505	1007	000	000	10,000.00
4/30/2014	SHERIFF	SALARY ADJUSTMENT 4/14	3102	1002	000	043	(233.24)
	SHERIFF		3102	1002	000	025	(233.24)
	SHERIFF		3102	1002	000	027	460.02
	SHERIFF		3102	1002	000	025	(462.02)
4/30/2014	PARKS MAINTENANCE	SALARY ADJUSTMENT 4/14	7103	1001	000	025	2,913.92
	PARKS MAINTENANCE		7103	1001	000	075	(2,913.92)
5/6/2014	CLEARBROOK PARK	COST OF STONE PARKING LOTS	7109	3004	000	001	(207.50)
	CLEARBROOK PARK		7109	5413	000	001	207.50
5/6/2014	CLEARBROOK PARK	EQUIPMENT RENTAL	7109	3004	000	001	(690.29)
	CLEARBROOK PARK		7109	5413	000	001	690.29
5/6/2014	SHERANDO PARK	MAINTENANCE SUPPLIES	7110	5413	000	001	(169.27)
	SHERANDO PARK		7110	5407	000	001	169.27
5/6/2014	PARKS MAINTENANCE	SAFETY BOOTS	7103	5414	000	000	(416.78)
	PARKS MAINTENANCE		7109	5410	000	000	416.78
5/6/2014	PARKS MAINTENANCE	COVER COST OF SAFETY BOOTS	7103	5414	000	000	(411.98)
	PARKS MAINTENANCE		7110	5410	000	000	411.98
5/7/2014	FIRE AND RESCUE	PURCHASE OF GENERATOR	3505	3010	000	000	(4,000.00)
	FIRE AND RESCUE		3505	5408	000	000	4,000.00
5/7/2014	FIRE AND RESCUE	NEW VEHICLE INSTALLATION	3505	5408	000	001	(3,000.00)
	FIRE AND RESCUE		3505	3004	000	002	3,000.00
5/7/2014	FIRE AND RESCUE	TO COVER RADIO PURCHASE	3505	8003	000	000	(2,000.00)
	FIRE AND RESCUE		3505	5408	000	000	2,000.00
5/7/2014	TREASURER	TRAVEL FOR SERVICE LEARNING	1213	5401	000	000	(93.64)
	TREASURER		1213	5415	000	000	93.64

County of Frederick
General Fund
April 30, 2014

ASSETS	FY14 <u>4/30/14</u>	FY13 <u>4/30/13</u>	Increase <u>(Decrease)</u>
Cash and Cash Equivalents	39,995,894.43	35,788,953.92	4,206,940.51 *A
Petty Cash	1,555.00	1,555.00	0.00
Receivables:			
Taxes, Commonwealth, Reimb. P/P	95,652,343.51	92,828,772.16	2,823,571.35
Streetlights	34,239.92	34,017.75	222.17
Commonwealth, Federal, 45 day Taxes	34,657.93	19,908.85	14,749.08
Due from Fred. Co. San. Auth.	734,939.23	734,939.23	0.00
Prepaid Postage	2,264.98	5,521.20	(3,256.22)
GL controls (est. rev / est. exp)	<u>(11,686,219.18)</u>	<u>(12,502,979.47)</u>	<u>816,760.29</u> (1) Attached
TOTAL ASSETS	<u>124,769,675.82</u>	<u>116,910,688.64</u>	<u>7,858,987.18</u>
LIABILITIES			
Accrued Liabilities	274,319.92	639,524.92	(365,205.00) *B
Performance Bonds Payable	430,885.10	1,495,632.88	(1,064,747.78) *C
Taxes Collected in Advance	33,327.27	39,673.75	(6,346.48)
Deferred Revenue	<u>95,721,555.36</u>	<u>92,882,943.76</u>	<u>2,838,611.60</u> *D
TOTAL LIABILITIES	96,460,087.65	95,057,775.31	1,402,312.34
EQUITY			
Fund Balance			
Reserved:			
Encumbrance General Fund	447,796.72	885,121.74	(437,325.02) (2) Attached
Conservation Easement	2,135.00	2,135.00	0.00
Peg Grant	181,138.00	128,354.00	52,784.00
Prepaid Items	949.63	949.63	0.00
Advances	734,939.23	734,939.23	0.00
Employee Benefits	93,120.82	93,120.82	0.00
Courthouse ADA Fees	177,748.15	124,084.63	53,663.52
Historical Markers	17,273.32	17,235.77	37.55
Transportation Reserve	0.00	377,396.00	(377,396.00) *E
Animal Shelter	335,530.02	325,780.61	9,749.41
Proffers	2,796,108.30	1,630,662.27	1,165,446.03 (3) Attached
Economic Development Incentive	550,000.00	550,000.00	0.00
Star Fort Fees	0.00	0.00	0.00
VDOT Revenue Sharing	436,270.00	436,270.00	0.00
Undesignated Adjusted Fund Balance	<u>22,536,578.98</u>	<u>16,546,863.63</u>	<u>5,989,715.35</u> (4) Attached
TOTAL EQUITY	<u>28,309,588.17</u>	<u>21,852,913.33</u>	<u>6,456,674.84</u>
TOTAL LIAB. & EQUITY	<u>124,769,675.82</u>	<u>116,910,688.64</u>	<u>7,858,987.18</u>

NOTES:

- *A The cash increase can be attributed to an increase in fund balance.
- *B The difference can be attributed to the timing of the deposits.
- *C Performance bonds decreased \$1.1 million due to completed projects and pay out of the bonds for the county to complete the project.
- *D Deferred revenue includes taxes receivable, street lights, misc. charges, dog tags, and motor vehicle registration fees.
- *E The FY14 balance of \$377,396 was transferred to the Project Development Fund for various road projects.

BALANCE SHEET

(1) GL Controls	FY14	FY13	Inc/(Decrease)
Est.Revenue	130,210,237	123,267,610	6,942,627
Appropriations	(60,573,773)	(60,431,789)	(141,984)
Est.Tr.to Other fds	(81,770,479)	(76,223,922)	(5,546,558)
Encumbrances	447,797	885,122	(437,325)
	(11,686,219)	(12,502,979)	816,760

(2) General Fund Outstanding Purchase Orders @4/30/14

DEPARTMENT	Amount	Description	
Fire & Rescue	6,485.56	Lightbars & Misc. Equipment	
	45,228.07	Uniforms	
	3,775.00	Custom Command Cabinet	
	20,720.00	Leak Sealing System& Bag Kits for HAZMAT	
	5,579.98	Chest Compression System	
	26,261.42	(6) Motorola Radios	
	3,322.35	Scott Safety Parts	
	33,508.56	2014 Ford F250	
	IT	10,310.00	(200) Microsoft Server Licenses
	MIS	4,575.44	Server and Support for 1 Year
	Parks	22,093.00	Chemicals for Pools
		4,985.05	Staff Uniforms
		24,468.00	Building
8,100.00		Infield Mix	
5,634.53		Fertilizer	
4,300.00		Tile Replacement/Clearbrook	
4,157.00		Replace Waterline Tile/Maintenance	
5,822.40		Mulch	
Refuse Collection		5,960.00	Concrete Wall/Slab for Gainesboro Citizens Site
Sheriff		44,322.36	Sungard OSSI Software
	152,767.20	(6) Police Inteceptors	
	1,980.00	Body Armour	
	3,440.80	T-Shirts	
Total	447,796.72		

(3)Proffer Information	SCHOOLS	PARKS	FIRE & RESCUE	Designated Other Projects	TOTAL
Balance @4/30/14	1,307,008.84	224,730.17	378,377.25	885,992.04	2,796,108.30

Designated Other Projects Detail

Administration	153,340.04
Bridges	-400.00 Does not include \$1,000 collected FY14
Historic Preservation	80,000.00 12/11/13 Board Action designated \$50,000 for final debt payment.
Library	38,217.00
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	24,460.00
Solid Waste	12,000.00
Stop Lights	26,000.00
BPG Properties/Rt.11 Corridor	330,000.00
Total	885,992.04

Other Proffers @4/30/14

(4) Fund Balance Adjusted	
Ending Balance 4/14	28,300,406.33
Revenue 4/14	83,896,667.24
Expenditures 4/14	(49,022,854.40)
Transfers 4/14	(40,637,640.19)
4/14 Adjusted Fund Balance	22,536,578.98

County of Frederick
 Comparative Statement of Revenues, Expenditures
 and Changes in Fund Balance
 April 30, 2014

REVENUES:	<u>Appropriated</u>	FY14 4/30/14 <u>Actual</u>	FY13 4/30/13 <u>Actual</u>	YTD Actual <u>Variance</u>
General Property Taxes	87,168,379.00	42,655,382.07	41,160,984.58	1,494,397.49 (1)
Other local taxes	28,429,460.00	21,489,479.83	20,880,111.74	609,368.09 (2)
Permits & Privilege fees	971,610.00	1,076,080.39	965,751.24	110,329.15 (3)
Revenue from use of money and property	168,609.20	133,640.04	422,075.70	(288,435.66) (4)
Charges for Services	2,309,230.00	1,692,620.31	1,749,442.95	(56,822.64)
Miscellaneous	538,884.28	357,704.74	461,662.48	(103,957.74)
Recovered Costs	961,119.71	2,157,836.37	1,779,551.44	378,284.93 (5)
Intergovernmental:				
Commonwealth	9,647,944.80	14,257,338.72	13,131,968.28	1,125,370.44 (6)
Federal	15,000.00	76,584.77	181,485.13	(104,900.36) (7)
Transfers	0.00	0.00	0.00	0.00
TOTAL REVENUES	130,210,236.99	83,896,667.24	80,733,033.54	3,163,633.70
 EXPENDITURES:				
General Administration	9,984,862.69	8,101,904.52	7,974,137.94	127,766.58
Judicial Administration	2,291,848.06	1,691,386.48	1,647,149.48	44,237.00
Public Safety	29,383,513.36	23,814,789.13	21,464,974.50	2,349,814.63
Public Works	4,483,871.42	3,376,622.45	2,954,071.61	422,550.84
Health and Welfare	6,985,132.00	4,966,984.75	4,968,142.36	(1,157.61)
Education	56,493.00	42,369.75	42,369.75	0.00
Parks, Recreation, Culture	5,335,377.22	3,976,113.27	3,904,427.85	71,685.42
Community Development	3,881,422.58	3,052,684.05	1,391,230.18	1,661,453.87
TOTAL EXPENDITURES	62,402,520.33	49,022,854.40	44,346,503.67	4,676,350.73 (8)
 OTHER FINANCING SOURCES (USES):				
Operating transfers from / to	79,941,732.56	40,637,640.19	41,607,267.81	(969,627.62) (9)
 Excess (deficiency)of revenues & other sources over expenditures & other uses	(12,134,015.90)	(5,763,827.35)	(5,220,737.94)	543,089.41
 Fund Balance per General Ledger		28,300,406.33	21,767,601.57	6,532,804.76
 Fund Balance Adjusted to reflect Income Statement 4/30/14		22,536,578.98	16,546,863.63	5,989,715.35

(1)General Property Taxes	FY14	FY13	Increase/Decrease
Real Estate Taxes	23,156,570	22,466,213	690,356
Public Services	965,025	1,239,405	(274,380)
Personal Property	17,403,808	16,410,325	993,483
Penalties and Interest	837,942	778,136	59,806
Credit Card Chgs./Delinq.Advertising	(25,317)	(21,805)	(3,512)
Adm.Fees For Liens&Distress	317,354	288,710	28,644
	42,655,382	41,160,985	1,494,397

(2) Other Local Taxes

Local Sales and Use Tax	7,734,911.31	7,242,531.12	492,380.19
Communications Sales Tax	901,118.18	929,778.86	(28,660.68)
Utility Taxes	2,285,747.47	2,228,759.02	56,988.45
Business Licenses	5,496,063.21	5,594,004.48	(97,941.27)
Auto Rental Tax	83,539.46	81,085.52	2,453.94
Motor Vehicle Licenses Fees	571,884.72	528,513.77	43,370.95
Bank Stock Taxes	23,054.00	-	23,054.00
Recordation Taxes	976,312.28	1,027,086.11	(50,773.83)
Meals Tax	3,078,496.13	2,929,404.10	149,092.03
Lodging Tax	317,826.26	296,380.10	21,446.16
Street Lights	16,365.17	18,263.49	(1,898.32)
Star Fort Fees	4,161.64	4,305.17	(143.53)
Total	21,489,479.83	20,880,111.74	609,368.09

(3)Permits&Privileges

Dog Licenses	40,818.00	36,943.00	3,875.00
Land Use Application Fees	4,800.00	7,325.00	(2,525.00)
Transfer Fees	2,078.54	2,029.50	49.04
Development Review Fees	262,679.85	283,054.04	(20,374.19)
Building Permits	585,748.77	477,913.63	107,835.14
2% State Fees	6,097.09	1,281.30	4,815.79
Electrical Permits	57,533.00	49,841.00	7,692.00
Plumbing Permits	9,174.00	8,570.00	604.00
Mechanical Permits	42,071.14	45,582.17	(3,511.03)
Sign Permits	2,610.00	2,901.60	(291.60)
Permits for Commercial Burning	325.00	400.00	(75.00)
Explosive Storage Permits	200.00	700.00	(500.00)
Blasting Permits	375.00	360.00	15.00
Annual Burning Permits	-	100.00	(100.00)
Land Disturbance Permits	58,620.00	48,100.00	10,520.00
Septic Haulers Permit	200.00	-	200.00
Sewage Installation License	300.00	600.00	(300.00)
Residential Pump And Haul Fee	100.00	50.00	50.00
Transfer Development Rights	2,350.00	-	2,350.00
Total	1,076,080.39	965,751.24	110,329.15

(4) Revenue from use of

Money	80,009.94	70,844.02	9,165.92
Property	53,630.10	351,231.68	(297,601.58) *1
	133,640.04	422,075.70	(288,435.66)

*1 Sale of Stephens City School(\$99,025) and 317 Cameron Street(\$217,587) in FY13

(5) Recovered Costs	FY14	FY13	Increase/Decrease
Recovered Costs Treas.Office	44,582.00	44,955.25	(373.25)
Worker's Comp	1,000.00	1,050.00	(50.00)
Purchasing Card Rebate	117,213.04	96,305.09	20,907.95
Recovered Costs-IT/GIS	25,421.90	5,000.00	20,421.90
Reimbursement Circuit Court	10,942.71	11,612.43	(669.72)
Clarke County Container Fees	35,040.64	39,274.02	(4,233.38)
City of Winchester Container Fees	29,194.20	14,032.97	15,161.23
Refuse Disposal Fees	50,841.22	45,155.56	5,685.66
Recycling Revenue	73,166.28	90,686.92	(17,520.64)
Sheriff Restitution	134.36	-	134.36
Fire&Rescue Merchandise (Resale)	78.00	345.38	(267.38)
Container Fees Bowman Library	1,270.37	960.73	309.64
Restitution Victim Witness	6,979.05	2,518.63	4,460.42
Reimb.of Expenses Gen.District Court	22,279.25	28,618.59	(6,339.34)
Reimb.Public Works Salaries	547.76	41,682.00	(41,134.24)
Winchester EDC	72,000.00	72,000.00	-
Reimb.Task Force	47,152.88	47,060.45	92.43
C&P Jail	-	(60.00)	60.00
EDC/Recovered Costs	1,400.00	880.00	520.00
Sign Deposits Planning	50.00	-	50.00
Reimbursement Elections	2,640.65	4,043.36	(1,402.71)
Westminster Canterbury Lieu of Taxes	-	12,260.55	(12,260.55)
Reimbursement Street Signs	1,394.40	2,471.89	(1,077.49)
Grounds Maintenance Frederick Co.School	174,265.96	111,661.37	62,604.59
Comcast PEG Grant	63,116.00	46,288.40	16,827.60
Proffer-Other	55,000.00	345,000.00	(290,000.00) *1
Fire School Programs	18,281.00	16,335.00	1,946.00
Proffer Sovereign Village	36,587.30	18,293.65	18,293.65
Proffer Lynnehaven	-	16,891.55	(16,891.55)
Proffer Redbud Run	109,718.00	116,172.00	(6,454.00)
Clerks Reimbursement to County	9,331.23	9,766.41	(435.18)
Proffer Canter Estates	12,263.91	-	12,263.91
Proffer Village at Harvest Ridge	12,312.00	12,312.00	-
Proffer Snowden Bridge	454,640.81	391,321.20	63,319.61
Proffer Meadows Edge Racey Tract	473,384.00	80,576.00	392,808.00
Sheriff Reimbursement	166,321.45	47,199.04	119,122.41
Proffer Cedar Meadows Proffer	29,286.00	4,881.00	24,405.00
Proffer Westbury Commons	-	2,000.00	(2,000.00)
Total	2,157,836.37	1,779,551.44	378,284.93

*1 \$330,000 FY13 Transportation Proffer from BPG Properties for Rt.11 Corridor

(6) Commonwealth Revenue	4/30/14	4/30/13	
	FY14	FY13	Increase/Decrease
Motor Vehicle Carriers Tax	37,981.90	34,612.37	3,369.53
Mobile Home Titling Tax	68,457.89	64,353.57	4,104.32
State PP/Reimbursement	6,526,528.18	6,526,528.18	-
State Non-Categorical Funding	95,034.88	-	95,034.88
Recordation Taxes	362,963.72	316,939.62	46,024.10
Shared Expenses Comm.Atty.	339,531.54	337,376.34	2,155.20
Shared Expenses Sheriff	1,773,100.02	1,731,723.81	41,376.21
Shared Expenses Comm.of Rev.	158,131.52	151,001.91	7,129.61
Shared Expenses Treasurer	122,131.41	114,332.74	7,798.67
Shared Expenses Clerk	328,230.89	300,689.30	27,541.59
Public Assistance Grants	2,634,370.21	2,496,756.96	137,613.25
Four-For-Life-Funds	81,150.16	-	81,150.16
Litter Control Grant	15,502.00	17,573.00	(2,071.00)
Emergency Services Fire Program	223,725.00	209,360.00	14,365.00
Recycling Grant	-	5,489.94	(5,489.94)
DMV Grant Funding	18,869.14	34,768.32	(15,899.18)
State Grant-Emergency Services	6,950.72	-	6,950.72
DCJS & Sheriff State Grants	46,921.69	44,314.79	2,606.90
JJC Grant Juvenile Justice	128,358.00	122,392.00	5,966.00
Rent/Lease Payments	216,917.07	231,678.50	(14,761.43)
Spay/Neuter Assistance-State	2,511.25	2,183.76	327.49
State Reimbursement EDC	900,000.00	-	900,000.00
VDEM Grant Sheriff	6,598.33	223,500.00	(216,901.67)
Wireless 911 Grant	48,287.77	76,330.90	(28,043.13)
State Forfeited Asset Funds	12,509.17	31,524.27	(19,015.10)
Victim Witness Commonwealth Office	75,166.50	50,111.00	25,055.50
Social Services VOCA Grant	-	3,325.00	(3,325.00)
F/R OEMS Reimb.	2,409.76	5,102.00	(2,692.24)
IT/GIS Grant	25,000.00	-	25,000.00
Total	14,257,338.72	13,131,968.28	1,125,370.44

County of Frederick

General Fund

April 30, 2014

(7) Federal Revenue	FY14	FY13	Increase/Decrease
Federal Forfeited Assets	21,693.77	182.80	21,510.97
Housing Illegal Aliens	18,814.00	24,595.00	(5,781.00)
Federal Grants Sheriff	36,077.00	156,707.33	(120,630.33)
Total	76,584.77	181,485.13	(104,900.36)

(8) Expenditures

Expenditures increased \$4,676,350.73 in total. **Public Safety** increased \$2,349,814.63 and included the Sheriff's department cost of the IT Virtualization Project, implementation of the Sungard OSSI software, and equipment for IT upgrades including servers, PC's, printers and licenses totaling \$434,065.26 year to date. The Sheriff's department also purchased (3) 2014 Ford Explorer's for \$74,639, (2) 2013 unmarked police sedans for \$48,804, (2) 2014 unmarked police sedans for \$48,144, (7) marked 2014 police sedans for \$178,228.40, and (1) Ford F-150 Truck at a cost of \$23,250. Additionally, Inspections purchased a 2013 Ford F150 for \$20,952 and Fire and Rescue a Lifepak 15 for \$65,995.97, a chest compression system at a cost of \$56,177, (3) Chevrolet Tahoes totaling \$88,295, and a 2014 Ford F-250 for \$32,771. Contributions to Fire Departments and Rescue Squads increased \$320,181.16, mostly due to the design of Round Hill Fire Station. The contribution for the local share for the Jail through the fourth quarter reflects an increase of \$267,504 over the previous year. **Public Works** increased \$422,550.84 due to the earthwork, concrete wall/slab, and refuse equipment costs of \$427,827.71 for the Gainesboro citizen's site. The **Community Development** increase of \$1,661,453.87 reflects the \$1,650,000 Economic Development Commission incentive for McKesson Medical Surgical, Navy Federal Credit Union, and HP Hood (See previous page (6) on Commonwealth revenue for \$900,000 State Reimbursement EDC). Transfers decreased \$969,627.62. See chart below:

(Transfers Decreased \$969,627.62)	FY14	FY13	Increase/Decrease
School Operating	30,679,564.15	32,274,604.34	(1,595,040.19) *1
Debt Service School	7,313,075.50	7,313,075.50	-
Shawneeland	0.00	597.36	(597.36)
Debt Service County	1,427,892.81	1,407,286.70	20,606.11
School Capital Projects Fund	800,882.79	-	800,882.79 *2
Development Project Fund 27	422,696.00	-	422,696.00
Jail Fund	0.00	972.98	(972.98)
Operational Transfers	(6,471.06)	610,730.93	(617,201.99) *3
Total	40,637,640.19	41,607,267.81	(969,627.62)

*1 Decrease includes \$1.1 million Reappropriation in FY13

*2 Increase represents one time funding for capital purchases from FY2013 year surplus

*3 Decrease includes one time employer payments and timing of insurance charge outs

County of Frederick
 FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER
 April 30, 2014

ASSETS	FY2014 <u>4/30/14</u>	FY2013 <u>4/30/13</u>	Increase <u>(Decrease)</u>
Cash	5,731,788.70	5,591,807.75	139,980.95 *1
GL controls(est.rev/est.exp)	<u>(518,361.25)</u>	<u>(1,166,785.07)</u>	<u>648,423.82</u>
TOTAL ASSETS	<u>5,213,427.45</u>	<u>4,425,022.68</u>	<u>788,404.77</u>
LIABILITIES			
Accrued Operating Reserve Costs	<u>2,077,528.07</u>	<u>2,004,040.97</u>	<u>73,487.10</u>
TOTAL LIABILITIES	<u>2,077,528.07</u>	<u>2,004,040.97</u>	<u>73,487.10</u>
EQUITY			
Fund Balance Reserved			
Encumbrances	20,923.11	330,576.00	(309,652.89)
Undesignated Fund Balance	<u>3,114,976.27</u>	<u>2,090,405.71</u>	<u>1,024,570.56</u> *2
TOTAL EQUITY	<u>3,135,899.38</u>	<u>2,420,981.71</u>	<u>714,917.67</u>
TOTAL LIABILITY & EQUITY	<u>5,213,427.45</u>	<u>4,425,022.68</u>	<u>788,404.77</u>

NOTES:

*1 The increase in cash can be attributed to the increase in revenue and a slight increase in expenditures(see the the following page for comparative statement of revenues, expenditures, and changes in fund balance).

*2 Fund balance increased \$1,024,570.56. The beginning balance of \$1,989,535.81 includes adjusting entries, budget controls for FY2014(\$521,421.00), and the year to date revenue less expenditures of \$1,646,861.46.

Current Unrecorded Accounts Receivable-	<u>FY2014</u>
Prisoner Billing:	26,854.89
Compensation Board Reimbursement 4/14	<u>454,896.69</u>
Total	481,751.58

County of Frederick
 Comparative Statement of Revenues, Expenditures
 and Changes in Fund Balance
 4/30/14

FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER

REVENUES:	<u>Appropriated</u>	FY2014 4/30/14 <u>Actual</u>	FY2013 4/30/13 <u>Actual</u>	YTD Actual <u>Variance</u>
Interest	-	7,984.17	18,660.72	(10,676.55)
Sale of Salvage&Surplus	-	76.00	-	76.00
Supervision Fees	45,000.00	30,883.30	37,812.50	(6,929.20)
Drug Testing Fees	5,500.00	1,525.00	4,798.46	(3,273.46)
Work Release Fees	384,616.00	262,703.06	284,674.13	(21,971.07)
Federal Bureau Of Prisons	0.00	1,509.32	165.00	1,344.32
Local Contributions	5,888,444.00	5,530,765.00	5,273,767.00	256,998.00
Miscellaneous	26,680.00	16,704.73	41,831.10	(25,126.37)
Phone Commissions	120,000.00	105,277.09	90,880.52	14,396.57
Food & Staff Reimbursement	100,000.00	93,826.25	78,670.74	15,155.51
Elec.Monitoring Part.Fees	83,767.00	85,936.48	44,219.59	41,716.89
Employee Meal Supplements	200.00	42.50	0.00	42.50
Share of Jail Cost Commonwealth	997,975.00	509,680.00	515,569.00	(5,889.00)
Medical & Health Reimb.	57,600.00	49,707.70	40,489.55	9,218.15
Shared Expenses CFW Jail	4,947,976.00	3,971,520.17	3,895,460.97	76,059.20
State Grants	249,551.00	263,263.00	250,166.00	13,097.00
Local Offender Probation	242,437.00	252,286.00	234,431.00	17,855.00
DOC Contract Beds	0.00	6,624.00	13,292.00	(6,668.00)
Bond Proceeds	221,000.00	221,000.00	0.00	221,000.00
Transfer From General Fund	4,755,887.00	4,467,002.00	4,200,470.98	266,531.02
TOTAL REVENUES	18,126,633.00	15,878,315.77	15,025,359.26	852,956.51
EXPENDITURES:	18,665,917.36	14,231,454.31	14,131,028.18	100,426.13
Excess(Deficiency)of revenues over expenditures		1,646,861.46	894,331.08	752,530.38
FUND BALANCE PER GENERAL LEDGER		<u>1,468,114.81</u>	<u>1,196,074.63</u>	<u>272,040.18</u>
Fund Balance Adjusted To Reflect Income Statement 4/30/14		3,114,976.27	2,090,405.71	1,024,570.56

County of Frederick
Fund 12 Landfill
April 30, 2014

ASSETS	FY2014 <u>4/30/14</u>	FY2013 <u>4/30/13</u>	Increase <u>(Decrease)</u>
Cash	31,155,103.13	29,312,967.12	1,842,136.01 *1
Receivables:			
Accounts Receivable			
Fees	573,629.59	536,795.39	36,834.20 *2
Accounts Receivable Other	12.00	155.00	(143.00)
Allow.Uncollectible Fees	(84,000.00)	(84,000.00)	0.00
Fixed Assets	43,287,786.24	42,516,271.35	771,514.89
Accumulated Depreciation	(23,311,767.48)	(21,543,603.09)	(1,768,164.39)
GL controls(est.rev/est.exp)	<u>(2,284,877.00)</u>	<u>(4,567,810.00)</u>	<u>2,282,933.00</u>
TOTAL ASSETS	<u>49,335,886.48</u>	<u>46,170,775.77</u>	<u>3,165,110.71</u>
LIABILITIES			
Accounts Payable	-	-	
Accrued VAC.Pay and Comp TimePay	159,728.90	134,423.76	25,305.14
Accrued Remediation Costs	11,908,968.42	11,765,034.50	143,933.92 *3
Retainage Payable	0.00	47,620.17	(47,620.17)
Deferred Revenue Misc.Charges	<u>12.00</u>	<u>155.00</u>	<u>(143.00)</u>
TOTAL LIABILITIES	<u>12,068,709.32</u>	<u>11,947,233.43</u>	<u>121,475.89</u>
EQUITY			
Fund Balance			
Reserved:			
Encumbrances	228,356.00	33,902.17	194,453.83 *4
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	<u>27,180,379.16</u>	<u>24,331,198.17</u>	<u>2,849,180.99 *5</u>
TOTAL EQUITY	<u>37,267,177.16</u>	<u>34,223,542.34</u>	<u>3,043,634.82</u>
TOTAL LIABILITY AND EQUITY	<u>49,335,886.48</u>	<u>46,170,775.77</u>	<u>3,165,110.71</u>

NOTES:

*1 The increase in cash can be attributed to the increase in revenue and decrease in expenditures(refer to the following comparative statement of revenues, expenditures, and changes in fund balance).

*2 Landfill receivable increased \$36,834.20. The charges for 4/14 were \$422,237.67 compared to \$456,691.77 at 4/13 for a decrease of \$34,454.10. The delinquent fees for 4/14 were \$113,189.93 compared to \$111,989.59 at 4/13 for an increase of \$1,200.34.

*3 Remediation increased \$143,933.92 and includes \$117,232.00 for post closure and \$26,701.92 for interest.

*4 The encumbrance balance at 4/14 was \$228,356.00 and includes \$193,956.00 for a 2014 Caterpillar model 963D with track loader and \$34,400 for a storage shed.

*5 Fund balance increased \$2,849,180.99. The beginning fund balance was \$28,478,302.42 that includes adjusting entries, budget controls for FY14(\$1,320,360.00), (\$1,178,000.00) carry forwards of unused FY13 funds for projects, (\$974,334.47), for FY13 audit adjustments that include depreciation, equipment and capital projects, and the year to date revenue less expenses \$2,174,771.21.

County of Frederick
Comparative Statement of Revenue, Expenditures
and Changes in Fund Balance
April 30, 2014

FUND 12 LANDFILL REVENUES	<u>Appropriated</u>	<u>FY14 4/30/14 Actual</u>	<u>FY13 4/30/13 Actual</u>	<u>YTD Actual Variance</u>
Interest Charge	0.00	3,113.92	5,259.92	(2,146.00)
Interest on Bank Deposits	40,000.00	52,137.12	44,221.23	7,915.89
Salvage and Surplus	0.00	89,898.30	96,380.90	(6,482.60)
Sanitary Landfill Fees	4,632,600.00	3,661,325.67	3,521,852.64	139,473.03
Charges to County	0.00	264,228.44	269,794.87	(5,566.43)
Charges to Winchester	0.00	73,051.28	77,104.68	(4,053.40)
Tire Recycling	70,000.00	100,632.58	82,257.99	18,374.59
Reg. Recycling Electronics	40,000.00	34,310.60	37,022.00	(2,711.40)
Miscellaneous	0.00	8,076.70	4,554.00	3,522.70
Wheel Recycling	120,000.00	0.00	8,637.50	(8,637.50)
Charges for RTOP	0.00	0.00	0.00	0.00
Renewable Energy Credits	0.00	101,785.18	0.00	101,785.18
Landfill Gas To Electricity	403,660.00	505,242.97	413,523.03	91,719.94
Waste Oil Recycling		18,410.33	12,435.89	5,974.44
State Reimbursement Tire Operation	0.00	0.00	6,120.00	(6,120.00)
TOTAL REVENUES	5,306,260.00	4,912,213.09	4,579,164.65	333,048.44
Operating Expenditures	4,928,993.00	2,529,611.88	2,661,942.04	(132,330.16)
Capital Expenditures	2,890,500.00	207,830.00	936,382.99	(728,552.99)
TOTAL Expenditures	7,819,493.00	2,737,441.88	3,598,325.03	(860,883.15)
Excess(deficiency)of revenue over expenditures		2,174,771.21	980,839.62	1,193,931.59
Fund Balance Per General Ledger		25,005,607.95	23,350,358.55	1,655,249.40
FUND BALANCE ADJUSTED		27,180,379.16	24,331,198.17	2,849,180.99

County of Frederick, VA
Report on Unreserved Fund Balance
May 15, 2014

Unreserved Fund Balance, Beginning of Year, July 1, 2013 **33,888,096**

Prior Year Funding & Carryforward Amounts

C/F Dare	(71)
C/F Fire Company Capital	(217,280)
Return unspent Parks proffer	(13,681)
C/F Forfeited Assests	(62,561)
Return unspent SCFR proffer	(29,004)
C/F DSS phone system	(50,000)
C/F VDEM grant	(7,008)
Audit Adjustment	161,545
C/F designated School Operating funds	(97,012)
	(315,073)

Other Funding / Adjustments

Kraft incentive	(325,000)
Tax refunds	(13,472)
Sheriff gap pay	(135,062)
Round Hill station design	(403,648)
Airport capital	(499,004)
New 911 phone system	(50,000)
Gainesboro Convenience Center	(99,061)
Parks & Rec maintenance building donation	(25,000)
Fire & Rescue reimbursement Gear Clean	(4,429)
ICAC grant	78,614
Eliminate Kelly Day	(354,506)
Capital purchases from FY13 surplus	(1,526,666)
BMW refund (COR)	(4,484)
GE Capital refund (COR)	(3,294)
Navy Federal incentive	(250,000)
American Telephone & Telegraph refund (COR)	(4,536)
TW Wallace refund (COR)	(2,537)
LaSalle Systems refund (COR)	(3,062)
BB&T Leasing refund (COR)	(2,593)
Disabled Veteran's Relief refund (COR)	(3,317)
Comm Atty Case Mgmt software & hardware	(140,000)
PC refresh - general fund	(166,741)
Return unspent VJCCCA funds	(6,657)
Darien LLC refund (COR)	(5,920)
Charon refund (COR)	(3,781)
Fire programs	(11,627)
Pactiv incentive	(50,000)
Stuart M Perry refund (COR)	(18,742)
Wheel 2 Wheel Promotions refund (COR)	(4,383)
Disabled Veteran's Relief refund (COR)	(5,745)
DBI refund (COR)	(9,630)
F&R overtime	(280,000)
Airport operating	(75,853)
HP Hood incentive	(500,000)
Matthew & John Kibler refund (COR)	(3,620)
Kraft refund (COR)	(358,861)
	(5,272,617)

Fund Balance, May 15, 2014

28,300,406

J



**APPLICATION FOR OUTDOOR FESTIVAL PERMIT
COUNTY OF FREDERICK, VIRGINIA**



APPLICANT INFORMATION

Name of Applicant: Alaya White, Kim Johnston, Doug Stanford
 Telephone Number(s): 540.398-0511 home office cell 407.353-9074 home office cell
 Address: 342 Fairmount Ave #1
skimjohnston@gmail.com

FESTIVAL EVENT ORGANIZATIONAL INFORMATION

Festival Event Name of Festival: Sundown Fest

Cost of Admission to Festival: \$25 Business License Obtained: Yes No

Date(s)	Start Time	End Time	Maximum No. of Tickets Offered For Sale Per Day	Estimated No. of Attendees Per Day
<u>June 28</u>	<u>1:00</u>	<u>9:00</u>	<u>400</u>	<u>250</u>

Location Address: 740 Merrimans Ln, Winchester VA

Owner of Property Name(s): Willow Grove LLC
 Address: 750 Merrimans Ln, Winchester VA
 (*NOTE: Applicant may be required to provide a statement or other documentation indicating consent by the owner(s) for use of the property and related parking for the festival.)

Promoter Name(s): ~~Applicant~~ Sundown
 Address: 750 Merrimans Lane
 (*NOTE: For festivals other than not-for-profit, promoter may need to check with the Frederick County Commissioner of Revenue to determine compliance with County business license requirements; in addition, promoters who have repeat or ongoing business in Virginia may be required to register with the VA State Corporation Commission for legal authority to conduct business in Virginia.)

Financial Backer Name(s): _____
 Address: _____

Performer Name of Person(s) or Group(s): performers to be determined pulling from local and regional independent artists
 (*NOTE: Applicant may need to update information as performers are booked for festival event.)

FESTIVAL EVENT LOGISTICS INFORMATION AND DOCUMENTATION

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

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

SEE the attached Venue Plan Map (VPM)

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

SEE the attached VPM

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

SEE the attached VPM

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

SEE the attached VPM

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

SEE the attached VPM

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

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

8. State whether alcoholic beverages will be served: YES NO

If yes, provide details on how it will be controlled.

WE will be partnering with a Not For Profit organization that will sell beer and wine during the event, beverages will be served by trained staff.

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

FESTIVAL PROVISIONS

Applicant makes the following statements:

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

CERTIFICATION

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



Signature of Applicant

Date: 05/01/14

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

Venue Plan Map

510 total parking spaces

● parking/ traffic attendants

● bank of refuse cans: 1 metal, 1 glass and 1 trash
15 total containers

● portable toilet (PT)



● nurse station

● fire extinguishers
4 total

● water vending

К

1 **Draft Stormwater/Erosion and Sediment Control Ordinance**
2 **Frederick County, Virginia. – Proposed County Code Chapter 143**
3 **May 20, 2014 DRAFT**

4
5 **§ 143-100 Purpose**
6

7 The Frederick County Board of Supervisors desires to protect the health, safety,
8 welfare, and property of Frederick County residents and businesses, and the quality of
9 waters within the County. The Frederick County Board of Supervisors recognizes that
10 development tends to degrade these waters through erosion and sedimentation,
11 increased flooding, stream channel erosion, and the transport and deposition of
12 waterborne pollutants. This degradation is due, in part, to increased stormwater runoff
13 as property is developed. Hence, as required by § 62.1-44.15:27 Code of Virginia and in
14 compliance with the Virginia State Water Control Board requirements, the Frederick
15 County Board of Supervisors has determined that it is in the public interest to establish
16 requirements which regulate the discharge of stormwater runoff from developments by
17 integrating hydrologic and water quality functions into all aspects of a development's
18 design, landscape and infrastructure.

19 A. The purpose of this ordinance is to establish minimum stormwater management
20 and erosion and sediment control requirements which:

- 21 1. Reduce flood damage to property; minimize the impacts of increased
22 stormwater runoff from new land development;
- 23 2. Maintain the hydraulic adequacy of existing and proposed culverts,
24 bridges, dams, and other structures;
- 25 3. Prevent, to the greatest extent feasible, an increase in nonpoint source
26 pollution;
- 27 4. Maintain the integrity of stream channels for their biological functions and
28 drainage;
- 29 5. Maintain natural drainage patterns to the extent practicable in order to
30 promote existing hydrologic processes;
- 31 6. Promote infiltration of stormwater to recharge groundwater resources;
- 32 7. Minimize the impact of development upon stream erosion;
- 33 8. Preserve and protect water supply facilities from increased flood
34 discharges, stream erosion, and nonpoint source pollution;
- 35 9. Establish provisions for long-term responsibility for and maintenance of
36 stormwater management control devices and techniques to manage the
37 quality and quantity of stormwater runoff; and
- 38 10. Provide effective control of soil erosion and sediment deposition and to
39 prevent the unreasonable degradation of properties, stream channels,
40 waters and other natural resources.

41 B. This chapter supplements and is to be applied in conjunction with Frederick
42 County building code, subdivision, and zoning ordinances as they apply to the
43 development or subdivision of land within the county.
44
45
46

47 **§ 143-105 Authority**
48

- 49 A. This chapter is authorized by the Code of Virginia, Title 62.1, Chapter 3.1, Article
50 2.4 (§ 62.1-44.15.51 et seq.), known as the Virginia Erosion and Sediment
51 Control Law; and Title 62.1, Chapter 3.1, Article 2.3 (§62.1-44.15.24 et seq.),
52 known as the Virginia Stormwater Management Act.
53 B. Pursuant to the Code of Virginia § 62.1-44.15:54, the Frederick County Public
54 Works Department is designated as a Virginia Erosion and Sediment Control
55 Program (VESCP) Authority to operate a Virginia Erosion and Sediment Control
56 Program.
57 C. Pursuant to the Code of Virginia § 62.1-44.15:27, the Frederick County Public
58 Works Department is designated as a Virginia Stormwater Management Program
59 (VSMP) authority to operate a Virginia Stormwater Management Program in
60 compliance with all required elements hereto.
61 D. The Frederick County Public Works Department shall issue V.S.M.P. and
62 Erosion and Sediment Control land disturbance permits and operate stormwater
63 programs for the Towns of Middletown and Stephens City.
64

65 **Reference: Va. Code § 62.1-44.15:27; 62.1-44.15.54**
66

67 **§ 143-110 Definitions**
68

69 In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater
70 Management Program Permit (VSMP) Regulations, 9VAC25-840-10 of the Virginia
71 Erosion and Sediment Control (VESC) Regulations, and 9VAC25-850-10 of the Virginia
72 Erosion and Sediment Control and Stormwater Management Certification (VSMC)
73 Regulations, which are expressly adopted and incorporated herein by reference, the
74 following words and terms used in this chapter have the following meanings unless the
75 context clearly indicates otherwise.
76

77 “Administrator” or “VSMP Administrator” means the Virginia Stormwater Management
78 Program (VSMP) authority including the Frederick County Public Works Department
79 responsible for administering the VSMP on behalf of Frederick County, Virginia.
80

81 “Agreement in lieu of plan” means a contract between the plan-approving authority and
82 the owner that specifies conservation measures that must be implemented in the
83 construction of a single-family residence. This contract may be executed by the plan-
84 approving authority in lieu of a formal site plan for the residence
85

86 “Agreement in lieu of a stormwater management plan” means a contract between the
87 VSMP authority and the owner or permittee that specifies methods that shall be
88 implemented to comply with the requirements of a VSMP for the construction of a single
89 family residence; such contract may be executed by the VSMP authority in lieu of a
90 stormwater plan.
91

92 "Applicant" means any person submitting an application for a permit or requesting
93 issuance of a permit under this chapter.
94

95 "Best management practice" or "BMP" means schedules of activities, prohibitions of
96 practices, including both structural and nonstructural practices, maintenance
97 procedures, and other management practices to prevent or reduce the pollution of
98 surface waters and groundwater systems from the impacts of land-disturbing activities.
99

100 "Best management practice implementation plan" or "BMP Implementation Plan" is a
101 site specific design plan for the implementation of BMP facilities on an individual single
102 family lot or other parcel with less than one acre of land disturbance within a larger
103 common plan of development. The BMP Implementation Plan provides detailed
104 information on the implementation of the SWM pollutant load and volume reduction
105 BMP and other requirements for the individual lot or parcel as detailed in the SWPPP
106 and SWM plans of the VSMP Permit for the larger common plan of development.
107

108 "Board" means the Virginia State Water Control Board.
109

110 "Channel" means a natural or manmade waterway.
111

112 "Certificate of Competence" means a certificate of competence, issued to an individual
113 from the Board, or successful completion, within one year after enrollment, of the
114 Board's training program for

- 115 i) project inspection for ESC;
- 116 ii) project inspection for SWM;
- 117 iii) plan review for ESC, or is licensed as a professional engineer, architect,
118 certified landscape architect or land surveyor pursuant to Article 1 (§ 54.1-400 et
119 seq.) of Chapter 4 of Title 54.1 of the Code of Virginia;
- 120 iv) plan review for SWM;
- 121 v) program administration for ESC;
- 122 vi) program administration for SWM; or
- 123 vii) responsible land disturber, or is licensed as a professional engineer,
124 architect, certified landscape architect or land surveyor pursuant to Article 1 (§
125 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
126

127 "Clean Water Act" means " or "CWA" means the federal Clean Water Act (33 USC
128 §1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or
129 Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as
130 amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law
131 97-117, or any subsequent revisions thereto.
132

133 "Commencement of land disturbance" means the initial disturbance of soils associated
134 with clearing, grading, or excavating activities or other construction activities (e.g.
135 stockpiling of soil fill material).
136

137 "Common plan of development" means the contiguous area of a proposed residential,
138 commercial, or industrial subdivision where the timing of the development of any one or
139 multiple lots or parcels may result in separate and distinct construction activities taking
140 place at different times on different schedules.

141
142 "Control measure" means any best management practice or stormwater facility other
143 method used to prevent or reduce the discharge of pollutants to surface waters.

144
145 "Department" means the Department of Environmental Quality.

146
147 "Design Storm" for purposes of addressing quantity control provisions of § 143-165(C)
148 means the one-year, two-year, 10-year, 24 hour design storms as defined in § 143-145.
149 The design storm for purposes of complying with the water quality provisions of § 143-
150 165(C) is the one-inch rainfall depth as applied with the "Virginia Runoff Reduction
151 Method" as identified by 9VAC25-870-65.

152
153 "Development" means land disturbance and the resulting landform associated with the
154 construction of residential, commercial, industrial, institutional, recreation, transportation
155 or utility facilities or structures or the clearing of land for non-agricultural or non-
156 silvicultural purposes.

157
158 "Director" means the Director of the Department of Environmental Quality or assigned
159 designee.

160
161 "Drainage area" means a land area, water area, or both from which runoff flows to a
162 common point.

163
164 "Erosion and Sediment Control (ESC) Plan" or "plan", means a document containing
165 material for the conservation of soil and water resources of a unit or group of units of
166 land. It may include appropriate maps, an appropriate soil and water plan inventory and
167 management information with needed interpretations, and a record of decisions
168 contributing to conservation treatment. The plan shall contain all major conservation
169 decisions and all information deemed necessary by the plan-approving authority to
170 assure that the entire unit or units of land will be so treated to achieve the conservation
171 objectives.

172
173 "Erosion control handbook" means the Virginia Erosion and Sediment Control handbook
174 and/ or a locally adopted erosion and sediment control handbook with such
175 amendments, modifications and supplements as may, from time to time, be properly
176 adopted.

177
178 "Erosion impact area" means an area of land not associated with current land-disturbing
179 activity but subject to persistent soil erosion resulting in the delivery of sediment onto
180 neighboring properties or into state waters. This definition shall not apply to any lot or
181 parcel of land of 10,000 square feet or less used for residential purposes or to
182 shorelines where the erosion results from wave action or other coastal processes.

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“Excavating” means any digging, scooping or other methods of removing earth materials.

“Filling” means any depositing or stockpiling of earth materials.

"Final stabilization" means that one of the following situations has occurred:

1. All soil disturbing activities at the site have been completed and a permanent vegetative cover has been established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved that is uniform (e.g., evenly distributed), mature enough to survive, and will inhibit erosion.
2. For individual lots in residential construction, final stabilization can occur by either:
 - a. The homebuilder completing final stabilization as specified in subdivision 1 of this definition; or
 - b. The homebuilder establishing temporary stabilization, including perimeter controls for an individual lot prior to occupation of the home by the homeowner, and informing the homeowner of the need for, and benefits of, final stabilization.
3. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters, and areas that are not being returned to their preconstruction agricultural use must meet the final stabilization criteria specified in subdivision 1 or 2 of this definition.

"Flood fringe" means the portion of the floodplain outside the floodway that is usually covered with water from the 100-year flood or storm event. This includes, but is not limited to, the flood or floodway fringe designated by the Federal Emergency Management Agency.

"Flooding" means a volume of water that is too great to be confined within the banks or walls of the stream, water body or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

"Floodplain" means the area adjacent to a channel, river, stream, or other water body that is susceptible to being inundated by water normally associated with the 100-year flood or storm event. This includes, but is not limited to, the floodplain designated by the Federal Emergency Management Agency.

"Flood-prone area" means the component of a natural or restored stormwater conveyance system that is outside the main channel. Flood-prone areas may include,

228 but are not limited to, the floodplain, the floodway, the flood fringe, wetlands, riparian
229 buffers, or other areas adjacent to the main channel.

230
231 "Floodway" means the channel of a river or other watercourse and the adjacent land
232 areas, usually associated with flowing water, that must be reserved in order to
233 discharge the 100-year flood or storm event without cumulatively increasing the water
234 surface elevation more than one foot. This includes, but is not limited to, the floodway
235 designated by the Federal Emergency Management Agency.

236
237 "General permit" means a state permit authorizing a category of discharges under the
238 CWA and within a geographical area

239
240 "Hydrologic Unit Code" or "HUC" means a watershed unit established in the most recent
241 version of Virginia's 6th Order National Watershed Boundary Dataset.

242
243 "Immediately" means as soon as practicable, but no later than that end of the next work
244 day, following the day when the land-disturbing activities have temporarily or
245 permanently ceased. In the context of this permit, "immediately" is used to define the
246 deadline for initiating stabilization measures.

247
248 "Impaired waters" means surface waters identified as impaired on the 2010 §
249 305(b)/303(d) Water Quality Assessment Integrated Report.

250
251 "Impervious cover" means a surface composed of material that significantly impedes or
252 prevents natural infiltration of water into soil.

253
254 "Infeasible" means not technologically possible or not economically practicable and
255 achievable in light of best industry practices.

256
257 "Initiation of stabilization activities" means:

- 258 1. Prepping the soil for vegetative or non-vegetative stabilization;
- 259 2. Applying mulch or other non-vegetative product to the exposed area;
- 260 3. Seeding or planting the exposed area;
- 261 4. Starting any of the above activities on a portion of the area to be stabilized, but
262 not on the entire area; or
- 263 5. Finalizing arrangements to have the stabilization product fully installed in
264 compliance with the applicable deadline for completing stabilization.

265
266 "Inspection" means an on-site review of the project's compliance with the VSMP
267 Authority Land-Disturbing Permit or VSMP Authority permit, and any applicable design
268 criteria, or an on-site review to obtain information or conduct surveys or investigations
269 necessary in the implementation or enforcement of this ordinance.

270

271 "Karst area" means any land area predominantly underlain at the surface or shallow
272 subsurface by limestone, dolomite, or other soluble bedrock regardless of any obvious
273 surface karst features.
274
275 "Karst features" means sinkholes, sinking and losing streams, caves, large flow springs,
276 and other such landscape features found in karst areas.
277
278 "Land disturbance" or "Land-disturbing activity" means any man-made change to the
279 land surface that potentially changes its runoff characteristics, including, but not limited
280 to clearing, grading, or excavation, except that the term shall not include those
281 exemptions specified in § 62.1-44.15:34 and § 62.1-44.15:51, Code of Virginia and in
282 this ordinance.
283
284 "Layout" means a conceptual drawing sufficient to provide for the specified stormwater
285 management facilities required at the time of approval.
286
287 "Localized flooding" means smaller scale flooding that may occur outside of a
288 stormwater conveyance system. This may include high water, ponding, or standing
289 water from stormwater runoff, which is likely to cause property damage or unsafe
290 conditions.
291
292 "Main channel" means the portion of the stormwater conveyance system that contains
293 the base flow and small frequent storm events.
294
295 "Major modification" means, for the purposes of this chapter, the modification or
296 amendment of an existing state permit before its expiration that is not a minor
297 modification as defined in this regulation.
298
299 "Manmade" means constructed by man.
300
301 "Measurable storm event" means a storm event resulting in an actual discharge from
302 the construction site.
303
304 "Minor modification" means, for the purposes of this chapter, minor modification or
305 amendment of an existing state permit before its expiration for the reasons listed at 40
306 CFR 122.63 and as specified in 9VAC25-870-640. Minor modification for the purposes
307 of this chapter also means other modifications and amendments not requiring extensive
308 review and evaluation including, but not limited to, changes in EPA promulgated test
309 protocols, increasing monitoring frequency requirements, changes in sampling
310 locations, and changes to compliance dates within the overall compliance schedules. A
311 minor state permit modification or amendment does not substantially alter state permit
312 conditions, substantially increase or decrease the amount of surface water impacts,
313 increase the size of the operation, or reduce the capacity of the facility to protect human
314 health or the environment.
315

316 "Natural channel design concepts" means the utilization of engineering analysis based
317 on fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open
318 conveyance system for the purpose of creating or recreating a stream that conveys its
319 bank full storm event within its banks and allows larger flows to access its floodplain.
320
321 "Natural stream" means a tidal or non-tidal watercourse that is part of the natural
322 topography. It usually maintains a continuous or seasonal flow during the year and is
323 characterized as being irregular in cross-section with a meandering course. Constructed
324 channels such as drainage ditches or swales shall not be considered natural streams;
325 however, channels designed utilizing natural channel design concepts may be
326 considered natural streams.
327
328 "Operator" means the owner or operator of any facility or activity subject to regulation
329 under this Ordinance.
330
331 "Peak flow rate" means the maximum instantaneous flow from a prescribed design
332 storm at a particular location.
333
334 "Percent impervious" means the impervious area within the site divided by the area of
335 the site multiplied by 100.
336
337 "Permit" or "VSMP authority permit" means an approval to conduct a land-disturbing
338 activity issued by the Frederick County Public Works Department, the permit-issuing
339 VSMP authority, for the initiation of a land-disturbing activity after evidence of coverage
340 under the General Permit for Discharges of Stormwater from Construction Activities
341 found in (9VAC25-880 et seq.) of the Virginia Stormwater Management Program
342 Regulations has been provided. A person shall not conduct any land disturbing activity
343 until he has submitted a permit application to the VSMP authority that includes a state
344 VSMP permit registration statement, if such statement is required, a stormwater
345 management plan or an executed agreement in lieu of a stormwater plan, and has
346 obtained VSMP authority approval to begin land disturbance.
347
348 "Permittee" means the person to whom the Permit is issued.
349
350 "Person" means any individual, corporation, partnership, association, state, municipality,
351 commission, or political subdivision of a state, governmental body, including federal,
352 state, or local entity as applicable, any interstate body or any other legal entity.
353
354 "Point of discharge" means a location at which concentrated stormwater runoff is
355 released.
356
357 "Post development" refers to conditions that reasonably may be expected or anticipated
358 to exist after completion of the land development activity on a specific site.
359
360 "Predevelopment" refers to the conditions that exist at the time that plans for the land
361 development of a tract of land are submitted to the plan approval VSMP authority.

362 Where phased development or plan approval occurs (preliminary grading, demolition of
363 existing structures, roads and utilities, etc.), the existing conditions at the time prior to
364 the first item being submitted shall establish predevelopment conditions.
365

366 "Prior developed lands" means land that has been previously utilized for residential,
367 commercial, industrial, institutional, recreation, transportation or utility facilities or
368 structures, and that will have the impervious areas associated with those uses altered
369 during a land-disturbing activity.
370

371 "Qualified personnel" means a person knowledgeable in the principles and practices of
372 erosion and sediment and stormwater management controls who possesses the skills to
373 assess conditions at the construction site for the operator that could impact stormwater
374 quality and quantity and to assess the effectiveness of any sediment and erosion control
375 measures or stormwater management facilities selected to control the quality and
376 quantity of stormwater discharges from the construction activity.
377

378 "Regulations" means the Virginia Stormwater Management Program (VSMP) Permit
379 Regulations, 9VAC25-870-10, et seq, as amended, and/or the Virginia Erosion and
380 Sediment Control Regulations 9VAC25-840-10, et seq, as amended.
381

382 "Responsible land disturber" means an individual from the project or development team,
383 who will be in charge and responsible for carrying out a land-disturbing activity covered
384 by an agreement in lieu of a plan, when applicable, or an approved erosion and
385 sediment control plan , who (i) holds a certificate of competence as a responsible land
386 disturber, or (ii) holds a current certificate of competence from the Board in the area of
387 inspection, or (iii) holds a current contractor certificate of competence for erosion and
388 sediment control, or (iv) is licensed in Virginia as a professional engineer, architect,
389 certified landscape architect or land surveyor pursuant to Section 54.1-400 et seq. of
390 Chapter 4 of Title 54.1 of the Code of Virginia.
391

392 "Runoff" or "stormwater runoff" means that portion of precipitation that is discharged
393 across the land surface or through conveyances to one or more waterways.
394

395 "Runoff characteristics" include maximum velocity, peak flow rate, volume, and flow
396 duration.
397

398 "Runoff volume" means the volume of water that runs off the site from a prescribed
399 design storm.
400

401 "Single-family residence" means a non-commercial dwelling that is occupied exclusively
402 by one family.
403

404 "Site" means the land or water area where any facility or activity is physically located or
405 conducted, a parcel of land being developed, or a designated area of a parcel in which
406 the land development project is located. Also, means the land or water area where any

407 facility or land-disturbing activity is physically located or conducted, including adjacent
408 land used or preserved in connection with the facility or land-disturbing activity.

409
410 "Site hydrology" means the movement of water on, across, through and off the site as
411 determined by parameters including, but not limited to, soil types, soil permeability,
412 vegetative cover, seasonal water tables, slopes, land cover, and impervious cover.

413
414 "State" means the Commonwealth of Virginia.

415
416 State permit" means an approval to conduct a land-disturbing activity issued by the
417 board in the form of a state stormwater individual permit or coverage issued under a
418 state general permit or an approval issued by the board for stormwater discharges from
419 an MS4. Under these state permits, the Commonwealth imposes and enforces
420 requirements pursuant to the federal Clean Water Act and regulations, the Act and this
421 chapter. As the mechanism that imposes and enforces requirements pursuant to the
422 federal Clean Water Act and regulations, a state permit for stormwater discharges from
423 an MS4 and, after June 30, 2014, a state permit for conducting a land-disturbing activity
424 issued pursuant to the Act, are also types of Virginia Pollutant Discharge Elimination
425 System (VPDES) Permits. State permit does not include any state permit that has not
426 yet been the subject of final board action, such as a draft state permit. Approvals issued
427 pursuant to this chapter, 9VAC25-880, and 9VAC25-890 are not issuances of a permit
428 under § 62.1-44.15.01 of the Code of Virginia.

429
430 "State waters" means all water, on the surface and under the ground, wholly or partially
431 within or bordering the Commonwealth or within its jurisdiction, including wetlands.

432
433 "Stormwater" means precipitation that is discharged across the land surface or through
434 conveyances to one or more waterways and that may include stormwater runoff, snow
435 melt runoff, and surface runoff and drainage.

436
437 "Stormwater conveyance system" means a combination of drainage components that
438 are used to convey stormwater discharge, either within or downstream of the land-
439 disturbing activity. This includes:

- 440 1. "Manmade stormwater conveyance system" means a pipe, ditch, vegetated
441 swale, or other stormwater conveyance system constructed by man except for
442 restored stormwater conveyance systems;
443 2. "Natural stormwater conveyance system" means the main channel of a natural
444 stream and the flood-prone area adjacent to the main channel; or
445 3. "Restored stormwater conveyance system" means a stormwater conveyance
446 system that has been designed and constructed using natural channel design
447 concepts. Restored stormwater conveyance systems include the main channel
448 and the flood-prone area adjacent to the main channel.

449
450 "Stormwater discharge associated with construction activity" means a discharge of
451 stormwater runoff from areas where land-disturbing activities (e.g., clearing, grading, or
452 excavation), construction materials or equipment storage or maintenance (e.g., fill piles,

453 borrow area, concrete truck washout, fueling), or other industrial stormwater directly
454 related to the construction process (e.g., concrete or asphalt batch plants) are located.

455
456 "Stormwater management facility" means a control measure that controls stormwater
457 runoff and changes the characteristics of that runoff including, but not limited to, the
458 quantity and quality, the period of release or the velocity of flow.

459
460 "Stormwater management plan" means a document(s) containing material for
461 describing methods for complying with the requirements of this ordinance and the
462 VSMP Permit regulations.

463
464 "Stormwater management concept plan" means a document(s) developed at the
465 preliminary plan, zoning, or other stage of the development process that establishes the
466 initial layout of the development along with sufficient information to ensure that the final
467 development stormwater management plan will comply with this ordinance.

468
469 "Stormwater Pollution Prevention Plan" or "SWPPP" means a document that is
470 prepared in accordance with good engineering practices and that identifies potential
471 sources of pollutants that may reasonably be expected to affect the quality of
472 stormwater discharges from the construction site. In addition the document shall identify
473 and require the implementation of control measures, and shall include, but not be
474 limited to the inclusion of, and/ or the incorporation by reference of an approved erosion
475 and sediment control plan, an approved stormwater management plan, and a pollution
476 prevention plan.

477
478 "Stormwater Pollution Prevention Plan Template" or "SWPPP Template" means a
479 document intended to be used for single family residential construction land-disturbing
480 activity that disturbs less than one acre of land and is part of a larger common plan of
481 development to identify all applicable requirements of the SWPPP that was developed
482 for the larger common plan of development.

483
484 "Subdivision" means the same as defined in the Frederick County Subdivision
485 Ordinance (Chapter 144 of Frederick County, Virginia Code).

486
487 "Surface waters" means:

- 488 1. All waters that are currently used, were used in the past, or may be
489 susceptible to use in interstate or foreign commerce, including all waters that are
490 subject to the ebb and flow of the tide;
491 2. All interstate waters, including interstate wetlands;
492 3. All other waters such as intrastate lakes, rivers, streams (including intermittent
493 streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows,
494 playa lakes, or natural ponds the use, degradation, or destruction of which would
495 affect or could affect interstate or foreign commerce including any such waters:
496 a. That is used or could be used by interstate or foreign travelers for
497 recreational or other purposes;

- 498 b. From which fish or shellfish are or could be taken and sold in interstate
499 or foreign commerce; or
500 c. That is used or could be used for industrial purposes by industries in
501 interstate commerce.
- 502 4. All impoundments of waters otherwise defined as surface waters under this
503 definition;
504 5. Tributaries of waters identified in subdivisions 1 through 4 of this definition;
505 6. The territorial sea; and
506 7. Wetlands adjacent to waters (other than waters that are themselves wetlands)
507 identified in subdivisions 1 through 6 of this definition.
508

509 "Total maximum daily load" or "TMDL" means the sum of the individual wasteload
510 allocations for point sources, load allocations for nonpoint sources, natural background
511 loading and a margin of safety. TMDLs can be expressed in terms of either mass per
512 time, toxicity, or other appropriate measure. The TMDL process provides for point
513 versus nonpoint source trade-offs.
514

515 Virginia Erosion and Sediment Control Program (VESCP) land disturbance or VESCP
516 land-disturbing activity means any man-made change to the land surface that may result
517 in soil erosion from water or wind and the movement of sediments into state waters or
518 onto lands in the Commonwealth, including, but not limited to, clearing, grading,
519 excavating, transporting and filling of land, except that the term shall not include:

- 520 1. Minor land-disturbing activities such as home gardens and individual home
521 landscaping, repairs and maintenance work;
- 522 2. Individual service connections;
- 523 3. Installation, maintenance, or repair of any underground public utility lines when
524 such activity occurs on an existing hard surfaced road, street or sidewalk
525 provided the land-disturbing activity is confined to the area of the road, street or
526 sidewalk that is hard surfaced;
- 527 4. Septic tank lines or drainage fields unless included in an overall plan for land-
528 disturbing activity relating to construction of the building to be served by the
529 septic tank system;
- 530 5. Permitted surface or deep mining operations and projects, or oil and gas
531 operations and projects conducted pursuant to Title 45.1 of the Code of Virginia;
- 532 6. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops,
533 livestock feedlot operations, or as additionally set forth by the Board in regulation,
534 including engineering operations as follows: construction of terraces, terrace
535 outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister
536 furrowing, contour cultivating, contour furrowing, land drainage and land
537 irrigation; however, this exception shall not apply to harvesting of forest crops
538 unless the area on which harvesting occurs is reforested artificially or naturally in
539 accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1
540 of the Code of Virginia or is converted to bona fide agricultural or improved
541 pasture use as described in subsection B of § 10.1-1163 of the Code of Virginia;
- 542 7. Repair or rebuilding of the tracks, right-of-way, bridges, communication
543 facilities and other related structures and facilities of a railroad company;

- 544 8. Agricultural engineering operations, including but not limited to the
545 construction of terraces, terrace outlets, check dams, desilting basins, dikes,
546 ponds not required to comply with the provisions of the Dam Safety Act, Article 2
547 (§ 10.1-604 et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia, ditches,
548 strip cropping, lister furrowing, contour cultivating, contour furrowing, land
549 drainage and land irrigation;
- 550 9. Disturbed land areas of less than 10,000 square feet in size; however, the
551 governing body of the program authority may reduce this exception to a smaller
552 area of disturbed land or qualify the conditions under which this exception shall
553 apply;
- 554 10. Installation of fence and sign posts or telephone and electric poles and other
555 kinds of posts or poles;
- 556 11. Shoreline erosion control projects on tidal waters when all of the land-
557 disturbing activities are within the regulatory authority of and approved by local
558 wetlands boards, the Marine Resources Commission or the United States Army
559 Corps of Engineers; however, any associated land that is disturbed outside of
560 this exempted area shall remain subject to this chapter and the regulations
561 adopted pursuant thereto; and
- 562 12. Emergency work to protect life, limb or property, and emergency repairs;
563 however, if the land-disturbing activity would have required an approved erosion
564 and sediment control plan, if the activity were not an emergency, then the land
565 area disturbed shall be shaped and stabilized in accordance with the
566 requirements of the *VESCP* authority.

567
568 “Virginia Stormwater Management Act” or “Act” means Article 2.3 (§62.1-44.15:24 et
569 seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

570
571 “Virginia Stormwater BMP Clearinghouse website” means a website that contains
572 detailed design standards and specifications for control measures that may be used in
573 Virginia to comply with the requirements of the Virginia Stormwater Management Act
574 and associated regulations.

575
576 “Virginia Stormwater Management Handbook” means a collection of pertinent
577 information that provides general guidance for compliance with the Act and associated
578 regulations and is developed by the Department with advice from a stakeholder
579 advisory committee.

580
581 “Virginia Stormwater Management Program” or “VSMP” means the program established
582 by Frederick County and approved by the Board to manage the quality and quantity of
583 runoff resulting from land-disturbing activities and includes Frederick County’s local
584 ordinance and requirements for plan review, inspection, enforcement, permit
585 requirements, policies and guidelines, and technical materials.

586
587 “Virginia Stormwater Management Program authority” or “VSMP authority means a
588 program approved by the board after September 13, 2011, that has been established by
589 a VSMP authority to manage the quality and quantity of runoff resulting from land-

590 disturbing activities and shall include such items as local ordinances, rules, permit
591 requirements, annual standards and specifications, policies and guidelines, technical
592 materials, and requirements for plan review, inspection, enforcement, where authorized
593 in the Act and associated regulations, and evaluation consistent with the requirements
594 of the SWM Act and associated regulations.
595

596 “Virginia Stormwater Management Program (VSMP) land disturbance” or “VSMP land-
597 disturbing activity” means a manmade change to the land surface that potentially
598 changes its runoff characteristics including clearing, grading, or excavation, except that
599 the term shall not include:

- 600 1. Permitted surface or deep mining operations and projects, or oil and gas
601 operations and projects conducted under the provisions of Title 45.1 of the Code
602 of Virginia;
- 603 2. Clearing of lands specifically for agricultural purposes and the management,
604 tilling, planting, or harvesting of agricultural, horticultural, or forest crops,
605 livestock feedlot operations, or as additionally set forth by the Board in
606 regulations, including engineering operations as follows: construction of terraces,
607 terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip
608 cropping, lister furrowing, contour cultivating, contour furrowing, land drainage,
609 and land irrigation; however, this exception shall not apply to harvesting of forest
610 crops unless the area on which harvesting occurs is reforested artificially or
611 naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of
612 Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or
613 improved pasture use as described in subsection B of § 10.1-1163 of the Code of
614 Virginia;
- 615 3. Single-family residences separately built and disturbing less than one acre and
616 not part of a larger common plan of development or sale, including additions or
617 modifications to existing single-family detached residential structures;
- 618 4. Land-disturbing activities that disturb less than one acre of land area except
619 for activities that are part of a larger common plan of development or sale that is
620 one acre or greater of disturbance; however, the governing body of any locality
621 that administers a VSMP may reduce this exception to a smaller area of
622 disturbed land or qualify the conditions under which this exception shall apply;
- 623 5. Discharges to a sanitary sewer or a combined sewer system;
- 624 6. Activities under a State of federal reclamation program to return an abandoned
625 property to an agricultural or open land use;
- 626 7. Routine maintenance that is performed to maintain the original line and grade,
627 hydraulic capacity, or original construction of the project. The paving of an
628 existing road with a compacted or impervious surface and reestablishment of
629 existing associated ditches and shoulders shall be deemed routine maintenance
630 if performed in accordance with this subsection;
- 631 8. Conducting land-disturbing activities in response to a public emergency where
632 the related work requires immediate authorization to avoid imminent
633 endangerment to human health or the environment. In such situations, the VSMP
634 authority shall be advised of the disturbance within seven days of commencing
635 the land-disturbing activity and compliance with the administrative requirements

636 of subsection A, including a registration statement that substantiates the
637 occurrence of an emergency, is required within 30 days of commencing the land-
638 disturbing activity.

639
640 "VSMP Construction General Permit" or "Construction General Permit" means the
641 General Permit for Discharges of Stormwater from Construction Activities found in
642 9VAC25-880 of the Virginia Stormwater Management Program Regulations.

643
644 "Wasteload allocation" or "wasteload" or "WLA" means the portion of a receiving surface
645 water's loading or assimilative capacity allocated to one of its existing or future point
646 sources of pollution. WLAs are a type of water quality-based effluent limitation.

647
648 "Watershed" means a defined land area drained by a river or stream, karst system, or
649 system of connecting rivers or streams such that all surface water within the area flows
650 through a single outlet. In karst areas, the karst feature to which the water drains may
651 be considered the single outlet for the watershed.

652
653 "Wetlands" means those areas that are inundated or saturated by surface or
654 groundwater at a frequency and duration sufficient to support, and that under normal
655 circumstances do support, a prevalence of vegetation typically adapted for life in
656 saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and
657 similar areas.

658
659 **§ 143-125 Permits Required and Exemptions**

660
661 A. No person shall conduct a VESCP land-disturbing activity as defined in the §
662 143-110 until a Frederick County land disturbing permit has been obtained from
663 the Administrator.

664
665 Reference: § 62.1-44.15:55

666
667 B. No person shall conduct a VSMP land disturbing activity as defined in the § 143-
668 110 until a Frederick County land disturbing-permit as required in item A and a
669 VSMP authority permit has been obtained from the Administrator.

670
671 Reference: § 62.1-44.15:34(A)

672
673 **§ 143-130 Permit Application**

674
675 A. Prior to issuance of a Frederick County land disturbing permit for a VESCP land
676 disturbing activity, the following items must be submitted in accordance with the
677 provisions of this chapter and approved:

- 678 1. Frederick County land disturbing permit application;
679 2. A Stormwater Pollution Prevention Plan (SWPPP) to include all required
680 elements applicable to a VESCP land disturbing activity;

- 681 3. An erosion and sediment control plan and narrative to comply with Virginia
682 erosion and sediment control requirements and Frederick County erosion and
683 sediment control requirements as outlined in this regulation.
684 4. The performance bond(s) in compliance with § 143-240 and
685 5. The applicable permit fee.
686

687 B. Prior to issuance of a Frederick County VSMP permit for a VSMP land disturbing
688 activity the following items must be submitted in accordance with the provisions
689 of this chapter and approved:

- 690 1. The requirements of land disturbing permit application of subsection A,
691 2. A Stormwater Pollution Prevention Plan (SWPPP) to include all required
692 elements applicable to a VSMP land disturbing activity,
693 3. A stormwater management plan or an executed agreement in lieu of a plan
694 that complies with Virginia stormwater requirements and Frederick County
695 stormwater requirements as outlined in this regulation.
696 4. A VSMP Authority permit application / registration statement, if such statement is
697 required. A person shall not conduct any land-disturbing activity until he has
698 submitted a permit application to the VSMP authority that includes a state VSMP
699 permit statement, if such statement is required. A registration statement is not
700 required for detached single-family home construction within or outside of
701 common plan of development or sale, but such projects must adhere to the
702 requirements of the general permit. §62.1-44.15:28.8
703 5. All appropriate fees and
704 6. Evidence of coverage under the state general permit for discharges from
705 construction activities through the Virginia electronic database.
706

707 Reference: 9VAC25-870-59; 9VAC25-870-108; 9VAC25-870-750; 62.1-44.15:34
708

709 C. Prior to issuing coverage under an existing VSMP Authority permit for a land-
710 disturbing activity within a common plan of development, the following items must
711 be addressed:

- 712 1. The requirements of a Frederick County land disturbing permit application;
713 and
714 2. A Stormwater Pollution Prevention Plan (SWPPP) to include all required
715 elements applicable to a VSMP land disturbing activity, or when the area of
716 disturbance is less than one acre, a SWPPP Template and a BMP
717 Implementation Plan consistent with the BMP performance goals of the
718 common plan of development.
719 3. A stormwater management plan that complies with Virginia stormwater
720 requirements and Frederick County stormwater requirements as outlined in
721 this regulation.
722

723 D. Whenever a land-disturbing activity is proposed to be conducted by a contractor
724 performing construction work pursuant to a construction contract, the preparation
725 and submission of plans, obtaining approval of the required plans, and obtaining
726 all required permits shall be the responsibility of the owner of the land.

727
728 Reference: **Va. Code** § 62.1-44.15:34; 9VAC25-870-54; 9VAC25-870-108; 9VAC25-
729 870-1170.

730
731

732 **§ 143-145 Applicable Design Standards, Specifications and Methods**

733

734 A. The standards contained within the Virginia Erosion and Sediment Control
735 Regulations (VESCR), the Virginia Erosion and Sediment Control Handbook
736 (VESCH) (latest edition), the Virginia Stormwater Management Handbook
737 (VSMH) (latest edition), and any additional guidance provided by the VSMP
738 Authority are to be used by the applicant in the preparation and submission of an
739 erosion and sediment control plan, and by the VSMP Authority in considering the
740 adequacy of a plan submittal. When the standards vary between the publications,
741 the state regulations shall take precedence.

742

743 B. The latest approved version of BMPs found on the Virginia Stormwater BMP
744 Clearinghouse Website shall be utilized to effectively reduce the pollutant load
745 and runoff volume as required in this chapter in accordance with the Virginia
746 Runoff Reduction Method.

747

748 Reference: 9VAC25-870-65

749

750 C. The erosion and sediment control plan and stormwater management plan shall
751 consider all sources of surface runoff and all sources of subsurface and
752 groundwater flows converted to surface run-off.

753

754 Reference: 9VAC25-870-55 (A)

755

756 D. Proposed residential, commercial, or industrial subdivisions shall apply these
757 stormwater management criteria to the development project as a whole.
758 Individual lots or parcels shall not be considered separate development projects,
759 but rather the entire subdivision shall be considered a single development
760 project. Hydrologic parameters shall reflect the ultimate development and shall
761 be used in all engineering calculations. Implementation of the plan may be
762 phased or carried out by individual or separate applicants as referenced in
763 § 143-130(C).

764

765 E. Unless otherwise specified, the following shall apply to the hydrologic
766 computations of this section:

767

768 1. The prescribed design storms are the one-year, two-year, and 10-year 24-
769 hour storms using the site-specific rainfall precipitation frequency data
770 recommended by the U.S. National Oceanic and Atmospheric Administration
(NOAA) Atlas 14 and provided in the VA SWM Handbook.

- 771 2. All hydrologic analyses shall be based on the existing watershed
772 characteristics and how the ultimate development condition of the subject
773 project will be addressed.
- 774 3. The U.S. Department of Agriculture's Natural Resources Conservation
775 Service (NRCS) synthetic 24-hour rainfall distribution and models, including,
776 but not limited to TR-55 and TR-20, hydrologic and hydraulic methods
777 developed by the U.S. Army Corps of Engineers, or other NRCS standard
778 hydrologic and hydraulic methods, shall be used to conduct the analyses
779 described in this part.
- 780 4. For purposes of computing predevelopment runoff, all pervious lands on the
781 site shall be assumed to be in good hydrologic condition in accordance with
782 the U.S. Department of Agriculture's Natural Resources Conservation Service
783 (NRCS) standards, regardless of conditions existing at the time of
784 computation.
- 785 5. Predevelopment and post development runoff characteristics and site
786 hydrology shall be verified by site inspections, topographic surveys, available
787 soil mapping or studies, and calculations consistent with good engineering
788 practices. Guidance provided in the Virginia Stormwater Management
789 Handbook and by the Virginia Stormwater BMP Clearinghouse shall be
790 considered appropriate practices.
791 Reference: 9VAC25-870-72
- 792 6. All proposed sediment control or stormwater impounding structures shall be
793 designed in accordance with State standards.
794
795 Reference: 9VAC25-870-85

797 **§ 143-148 Grandfathering provisions**

798
799 A. Any land-disturbing activity shall be considered grandfathered by the VSMP authority
800 and shall be subject to the Part II C (9VAC25-870-93 et seq.) technical criteria of this
801 chapter provided:

- 802
803 1. A proffered or conditional zoning plan, zoning with a plan of development, preliminary
804 or final subdivision plat, preliminary or final site plan, or any document determined by
805 the locality to be equivalent thereto (i) was approved by the locality prior to July 1, 2012,
806 (ii) provided a layout as defined in 9VAC25-870-10, (iii) will comply with the Part II C
807 technical criteria of this chapter, and (iv) has not been subsequently modified or
808 amended in a manner resulting in an increase in the amount of phosphorus leaving
809 each point of discharge, and such that there is no increase in the volume or rate of
810 runoff;
- 811
812 2. A state permit has not been issued prior to July 1, 2014; and
- 813
814 3. Land disturbance did not commence prior to July 1, 2014.
- 815

816 B. Locality, state, and federal projects shall be considered grandfathered by the VSMP
817 authority and shall be subject to the Part II C technical criteria of this chapter provided:
818

819 1. There has been an obligation of locality, state, or federal funding, in whole or in part,
820 prior to July 1, 2012, or the department has approved a stormwater management plan
821 prior to July 1, 2012;
822

823 2. A state permit has not been issued prior to July 1, 2014; and
824

825 3. Land disturbance did not commence prior to July 1, 2014.
826

827 C. Land disturbing activities grandfathered under subsections A and B of this section
828 shall remain subject to the Part II C technical criteria of this chapter for one additional
829 state permit cycle. After such time, portions of the project not under construction shall
830 become subject to any new technical criteria adopted by the board.
831

832 D. In cases where governmental bonding or public debt financing has been issued for a
833 project prior to July 1, 2012, such project shall be subject to the technical criteria of Part
834 II C.
835

836 E. Nothing in this section shall preclude an operator from constructing to a more
837 stringent standard at his discretion.
838

839 References: 9VAC25-870-48, § 62.1-44.15:25,62.1-44.15:28
840

841 **§ 143-150 Stormwater Pollution Prevention Plan Components and Applicability** 842

843 For each of the following activities as may be relevant, a Stormwater Pollution
844 Prevention Plan (SWPPP) shall contain the indicated components:

845 A. VESCP Land-Disturbing Activities:

- 846 1. General SWPPP requirements as described in **§ 143-155; and**
847 2. An erosion and sediment control (ESC) plan or if single family residential
848 construction an agreement in lieu of an ESC plan as described in **§ 143-160;**
849

850 B. VSMP Land-Disturbing Activities:

- 851 1. General SWPPP requirements as described in **§ 143-155;**
852 2. An ESC plan or if single family residential construction an agreement in lieu of
853 an ESC plan as described in **§ 143-160;**
854 3. A SWM plan as described in § 143-165; and
855 4. A SWPPP plan as described in § 143-175.

856 C. VSMP Land-Disturbing Activities part of a larger Common Plan of Development
857 shall include:

- 858 1. General SWPPP requirements as described in **§ 143-155;**
859 2. An ESC plan or if single family residential construction an agreement in lieu of
860 an ESC plan as described in **§ 143-160;** and
861 3. A SWM Plan as described in § 143-165, or if less than 1 acre, a *BMP
Implementation Plan* or a completed SWPPP Template demonstrating

862 compliance with all applicable elements of the approved SWPPP developed
863 for the larger common plan of development.
864 D. The requirements for a SWPPP as outlined in §9VAC25-870-54 shall be included
865 with each plan submitted for review.
866

867 Reference: Va. Code § 62.1-44.15:34; 9VAC25-870-53; 9VAC25-870-54; 9VAC25-870-
868 30.; 9VAC-880-70 Section II.
869

870 **§ 143-155 General Stormwater Pollution Prevention Plan (SWPPP) Requirements**

871
872 A. In addition to the applicable components as provided in **§ 143-150**, a Stormwater
873 Pollution Prevention Plan (SWPPP) shall include the following general
874 requirements:

- 875 1. Contact information.
- 876 2. The SWPPP Certification.
- 877 3. The Operator Certification
- 878 4. Certification of Compliance with all other applicable permits necessary for
879 activities in state waters and wetlands or appropriate waivers of jurisdiction
880 have been obtained.

881 B. Prior to engaging in the land-disturbing activities shown on the approved plan,
882 the person responsible for carrying out the plan shall provide the name of a
883 Qualified Personnel to the Administrator. Failure to provide the name of an
884 individual holding a certificate of competence prior to engaging in land-disturbing
885 activities may result in revocation of the approval of the plan and the person
886 responsible for carrying out the plan shall be subject to the penalties provided in
887 **§ 143-225**.

888 **Reference: Va. Code § 62.1-44.15.55 (B)**

889 C. The SWPPP must be maintained at a central location onsite. If an onsite location
890 is unavailable, notice of the SWPPP's location must be posted near the main
891 entrance at the construction site. The operator shall make SWPPP's and all
892 updates available upon request to County personnel.

893 Reference: 9VAC25-870-54 (G)
894

895 **§ 143-160. Erosion and Sediment Control (ESC) Plan Requirements**

896
897 A. As required in **§ 143-150**, an erosion and sediment control plan shall be
898 developed and referenced into the SWPPP.

899 B. The erosion and sediment control plan shall be designed to control stormwater
900 volume and velocity within the site to minimize soil erosion and to minimize
901 sediment discharges from the site by incorporating the following performance
902 goals to the maximum extent practicable:

- 903 1. The area of land disturbance at any one time shall be the minimum necessary
904 to install and/or construct the proposed site improvements.
- 905 2. The installation and/or construction of the proposed site improvements shall
906 be phased to limit the duration of exposed soils to the minimum time needed

- 907 to construct and/or install the improvements in the immediate vicinity of the
908 disturbance.
- 909 3. The disturbance and/or compaction of the existing native soils shall be
910 minimized by directing construction traffic, material stockpiling, and other
911 activities to only those areas of the site that are designated for proposed
912 infrastructure (buildings, roads, parking areas, etc.).
 - 913 4. Disturbance of slopes 15% or steeper shall be avoided to the maximum
914 extent practicable given the proposed site improvements. When disturbance
915 of steep slopes is unavoidable, or the resulting grade of exposed soil is 15%
916 or greater, the area shall be stabilized immediately with an approved soil
917 stabilization matting.
 - 918 5. Existing topsoil shall be preserved to the maximum extent practical.
 - 919 6. The selection and design of erosion and sediment controls shall be based on
920 the expected frequency, intensity, and duration of precipitation, and the
921 corresponding expected volume of runoff and sediment erosion,
922 sedimentation, and transport during the land-disturbing activity.
 - 923 a. The volume and peak flow rate of runoff from the construction site should
924 be estimated for the 2-year and/or 10-year design storms as required for
925 the particular controls being considered using accepted NRCS hydrologic
926 methods as described in the VESCH and the VSWMH, latest editions; and
 - 927 b. The expected volume of sediment erosion, sedimentation, and transport
928 during land-disturbing activities should be estimated considering the
929 surface area, length, and slope of exposed soil, the soil horizons exposed
930 by grading activities, and the range of soil particle sizes expected to be
931 present.
 - 932 7. Provide 50-foot natural vegetated buffers around surface waters, and direct
933 stormwater to vegetated areas where feasible. Where infeasible, alternate
934 practices that remove or filter sediment and maximize stormwater infiltration
935 may be approved by Frederick County in accordance with state standards;
 - 936 8. Sediment basins, when used in accordance with the requirements of the
937 VESCH shall incorporate an outlet structure that discharges from the surface.

938
939 Reference: 9VAC25-870 Section IIA.2. b (4); 9VAC25-870-54.F

- 940
941 C. When the land-disturbing activity is part of a larger common plan of development,
942 the ESC plan shall demonstrate compliance with the approved SWPPP for the
943 larger common plan of development , and shall contain the following:
944 Information and/or statements demonstrating compliance with the minimum
945 standards of the erosion and sediment control regulations of the Board (9VAC25-
946 840).
- 947 1. Compliance with the water quantity requirements of §§ 62.1-44.2 et seq. of
948 the Code of Virginia shall be deemed to satisfy the requirements of 9VAC25-
949 840-40(19) (Minimum Standard 19 of the Virginia Erosion and Sediment
950 Control Regulations).
 - 951 2. A statement by the permittee that all erosion and sediment control measures
952 shall be maintained and that the permittee will inspect the erosion and

- 953 sediment control measures at least once in every two-week period and within
954 48 hours following rainstorm events of 0.25 inches or greater during
955 construction to ensure continued compliance with the approved plan. Records
956 of self-inspection shall be maintained on the site and available for review by
957 county inspectors.
- 958 3. The location, dimensions, and other information as required ensuring the
959 proper construction and maintenance of all temporary erosion and sediment
960 controls necessary to comply with the provisions of this chapter.
 - 961 4. Calculations for sediment traps, basins, outlet protection, etc. as applicable.
 - 962 5. A sequence of construction and clear delineation of the initial areas of land
963 disturbance necessary for installation of the initial erosion and sediment
964 control measures such as earthen dams, dikes, and diversions. The areas of
965 initial land disturbance shall be the minimum necessary for installation of the
966 initial erosion and sediment control measures and the delineation should
967 include all areas necessary for such installation, including stockpiles, borrow
968 areas, and staging areas. The sequence should also include the stabilization
969 of these areas *immediately* upon reaching final grade.
 - 970 6. Clear delineation of the proposed areas of land disturbance and those areas
971 to be protected from construction activity and traffic, including the following:
972 a. Minimize the disturbance of slopes 15% or greater; and
973 b. Minimize soil compaction and, unless infeasible, preserve topsoil.
 - 974 7. Requirement that final stabilization of disturbed areas shall be initiated
975 immediately upon reaching final grade on any portion of the site, and that
976 temporary stabilization shall be initiated immediately upon areas that may not
977 be at final grade but will remain dormant for longer than 14 days. Stabilization
978 shall be applied within 7 days of initiating stabilization activities.
 - 979 8. A comprehensive drainage plan including:
980 a. The existing and proposed drainage patterns on the site;
981 b. All contributing drainage areas to permanent stormwater practices and
982 temporary sediment controls;
983 c. Existing streams, ponds, culverts, ditches, wetlands, other water bodies,
984 and floodplains ;
985 d. Land cover such as forest meadow, and other vegetative areas;
986 e. Current land use including existing structures, roads, and locations of
987 known utilities and easements;
988 f. Sufficient information on adjoining parcels to assess the impacts of
989 stormwater from the site on these parcels;
990 g. Proposed buildings, roads, parking areas, utilities, and stormwater
991 management facilities; and
992 h. Proposed land use with tabulation of the percentage of surface area to be
993 adapted to various uses, including but not limited to forest or reforestation,
994 buffers, impervious cover, managed turf (lawns), and easements.
 - 995 10. The location of any stormwater management practices and sequence of
996 construction.
 - 997 11. Temporary natural vegetated buffers in accordance with the requirements of
998 the VSMP Construction General Permit. These buffers shall be delineated on

- 999 the ESC Plan and protected with accepted signage, safety fence, or other
1000 barrier.
- 1001 D. In lieu of the plan described in subsections A and B of this section, single family
1002 residential construction that is not part of a larger common plan of development,
1003 including additions or modifications to an existing single-family detached
1004 residential structures, may execute an ESC Agreement in Lieu of an Erosion and
1005 Sediment Control Plan with the Administrator.
- 1006 E. In lieu of the plan described in subsections A and B of this section, single family
1007 residential construction that disturbs less than 1 acre and is part of a larger
1008 common plan of development, may execute a SWPPP Template with the
1009 Administrator that demonstrates compliance with the practices and strategies
1010 identified for the lot or parcel in the larger common plan of development SWPPP.
- 1011 F. In regard to the erosion and sediment control minimum standards, the following
1012 changes are effective within Frederick County (references are to 9VAC25-840-
1013 40):
- 1014 1. Subsection 6.b. Surface run-off from disturbed areas that are comprised of
1015 flow from drainage areas greater than or equal to three acres shall be
1016 controlled by a sediment basin. The minimum storage capacity of a sediment
1017 basin shall be 134 cubic yards per acre of drainage area. The outfall system
1018 shall, at a minimum, maintain the structural integrity of the basin during a 100-
1019 year-storm of twenty-four hour duration. Runoff coefficients used in runoff
1020 calculations shall correspond to a bare earth condition or those expected to
1021 exist while the sediment basin is utilized.
 - 1022 2. Subsection 14 - Regulation of Watercourse Crossing - All applicable federal,
1023 state and local regulations pertaining to working in or crossing live
1024 watercourses shall be met. Prior to obtaining a land disturbance permit,
1025 copies of all applicable environmental permits, including but not limited to
1026 wetland disturbance, stream crossing, stormwater discharge permits, shall be
1027 submitted with the application.
 - 1028 3. Subsection 17 - Vehicular Sediment Tracking - Where construction vehicle
1029 access routes intersect paved or public roads, provisions shall be made to
1030 minimize the transport of sediment by vehicular tracking onto paved or public
1031 road surface; the road surface shall be cleaned thoroughly at the end of each
1032 day. Sediment shall be removed from roads by shoveling or sweeping and
1033 transported to a sediment disposal area. Street washing shall be allowed only
1034 after sediment is removed in this manner. This provision shall apply to
1035 individual development lots as well as to larger land-disturbing activities.
 - 1036 4. In subdivisions, the owner/developer of the subdivision shall be responsible
1037 for compliance with the standard set forth in section 3 until the streets are
1038 taken into the Virginia Department of Transportation's Secondary Road
1039 System for maintenance, and the plan submitted for approval shall include a
1040 detailed plan or narrative to ensure transport of sediment onto subdivision
1041 streets does not occur during any phase of construction, including but not
1042 limited to construction of all infrastructure, utilities, and building construction.
1043 In addition, if individual lots or sections in a subdivision are being developed
1044 by a different owner, such owner shall be jointly and severally responsible

1045 with the owner/developer of the subdivision for achieving compliance with this
1046 minimum standard, and the erosion and sediment control plan, or "agreement
1047 in lieu of a plan," submitted for approval shall include a detailed plan or
1048 narrative to ensure transport of sediment onto the applicable roads does not
1049 occur during any phase of construction, including but not limited to
1050 construction of all infrastructure, utilities, and building construction.

- 1051 5. The provision found in Subsection 19b (1) is deleted.
- 1052 6. In order to assure proper stormwater drainage and site stabilization, the
1053 following policies are hereby adopted concerning all development. Prior to
1054 release of building permits, the following infrastructure shall be completed and
1055 stabilized within the subdivision, subsection or phase as shown on the
1056 approved plan:
 - 1057 a. Stormwater conveyance systems, including but not limited to culverts,
1058 road surface, curb and gutter, stormwater structures, drainage swales and
1059 ditches, channel linings and all cleared areas shall be stabilized, etc.
 - 1060 b. Submittal of a certified as-built plan of the subdivision, subsection or
1061 phase, which includes but is not limited to stormwater conveyance
1062 systems, curb and gutter, drainage swales and ditches,
1063 stormwater/sediment ponds, graded areas, etc. A letter from the engineer-
1064 of-record shall be included with the as-built plan which states that the
1065 subdivision has been constructed in accordance with the approved plan.
 - 1066 c. A proposed overall lot grading plan is required by Frederick County prior
1067 to the release of building permit(s) for subdivisions. This plan shall meet
1068 the intent of the original site plan submitted by the developer. It is required
1069 that the developer provide the builder/owner a copy of the original
1070 engineered site grading plan for the particular subdivision.
 - 1071 d. It will be necessary to submit a certified as-built plan for all lots on which
1072 proposed lot grading plans were required. This certified as-built plan shall
1073 indicate the following: properly annotated boundary lines; setback lines;
1074 proposed house footprint; offsets to house; existing grading; spot shots as
1075 necessary to show positive drainage; proposed driveway; proposed floor
1076 elevation to include basement, first floor and garage; and erosion and
1077 sediment controls, if required. The as-built plan shall be accompanied by a
1078 document prepared by a professional engineer or a certified land surveyor
1079 certifying that the as-built conditions meet the intent of the approved site
1080 grading plan. The proposed lot grading plan and the as-built survey shall
1081 be submitted to the Public Works Department prior to release of the final
1082 certificate of occupancy.
- 1083 7. Before adopting or revising regulations, the County shall give due notice and
1084 conduct a public hearing on the proposed or revised regulations, except that a
1085 public hearing shall not be required when the County is amending its program
1086 to conform to revisions in the state program. However, a public hearing shall
1087 be held if the County proposes or revises regulations that are more stringent
1088 than the state program.
- 1089 8. Pursuant to § 62.1-44.15:53 of the Code of Virginia, an erosion control plan
1090 shall not be approved until it is reviewed by a certified plan reviewer.

- 1091 Inspections of land-disturbing activities shall be conducted by a certified
1092 inspector. The erosion control program of the County shall contain a certified
1093 program administrator, a certified plan reviewer, and a certified inspector, who
1094 may be the same person.
- 1095 9. The County hereby designates the Department of Public Works as the plan-
1096 approving authority.
- 1097 10. The program and regulations provided for in this chapter shall be made
1098 available for public inspection at the office of the Department of Public Works.
1099

1100 § 143-165 Stormwater Management (SWM) Plan Requirements 1101

- 1102 A. As required in § 143-150, a stormwater management plan shall be developed
1103 and referenced into the SWPPP.
- 1104 B. In addition to the plan requirements outlined in § 143-155 and § 143-160, the
1105 stormwater management plan shall include the following:
- 1106 1. A general description of the proposed stormwater management facilities,
1107 including:
- 1108 a. Contact information including name, address, telephone number and
1109 parcel number of the property or properties affected;
- 1110 b. Narrative that includes a description of current site conditions and final site
1111 conditions or if allowed by the VSMP authority, the information provided
1112 and documented during the review process that addresses the current and
1113 final site conditions;
- 1114 c. General description of the proposed stormwater management facilities
1115 and mechanism through which the facilities will be operated/ maintained
1116 after construction is complete; Information on type of stormwater facilities;
- 1117 d. The location of stormwater facilities, including geographic coordinates;
- 1118 e. The named surface waters to which the facility eventually drains;
- 1119 f. Information on proposed stormwater management facilities, including (i)
1120 type of facilities; (ii) location, including geographic coordinates; (iii) acres
1121 treated; and (iv) surface waters or karst features into which facility will
1122 discharge;
- 1123 g. Hydrologic/hydraulic computations, including runoff characteristics;
- 1124 h. Documentation/calculations verifying compliance with water quality and
1125 quantity requirements of the regulations;
- 1126 i. Map or maps of site that depicts topography of the site and includes:
1127 1. Contributing drainage areas;
1128 2. Existing streams, ponds, culverts, ditches, wetlands, other water
1129 bodies, floodplains;
- 1130 j. Soil types, geologic formations if karst features are present in the area,
1131 forest cover, other vegetative areas;
- 1132 k. Current land use including existing structures, roads, locations of known
1133 utilities and easements;
- 1134 l. Sufficient information on adjoining parcels to assess impacts of
1135 stormwater from the site on these parcels;
- 1136 m. Limits of clearing and grading, proposed drainage patterns on the site;

- 1137 n. Proposed buildings, roads, parking areas, utilities, stormwater
1138 management facilities;
- 1139 o. Proposed land use with tabulation of percentage of surface area to be
1140 adapted to various uses, including but not limited to planned locations of
1141 utilities, roads and easements.
- 1142 p. A stormwater management plan for a land disturbing activity shall apply
1143 the stormwater management technical criteria set for the in the part to the
1144 entire land disturbing activity. Individual lots in new residential,
1145 commercial, or industrial developments shall not be considered separate
1146 land-disturbing activities.
- 1147 q. A stormwater management plan shall consider all sources of surface
1148 runoff and all sources of subsurface and groundwater flows converted to
1149 surface runoff.
- 1150 r. Information on type/ location of stormwater discharges, information on
1151 features to which stormwater is discharged, including surface waters or
1152 karst features if present, and predevelopment/ post development drainage
1153 areas.
- 1154 2. All necessary documentation and calculations supporting the design and
1155 construction of the proposed stormwater management structures, including
1156 sufficient details such as cross sections, profiles, dimensions, grades, and
1157 other information as needed to ensure that the BMP facilities are built in
1158 accordance with the approved plans and BMP Design Standards and
1159 Specifications;
- 1160 3. Runoff Reduction Method Compliance Spreadsheet Summary Sheet.
- 1161 4. A landscaping plan prepared by an individual familiar with the selection of
1162 appropriate vegetation for the particular BMP (emergent and upland
1163 vegetation for wetlands, woody and/or herbaceous vegetative stabilization
1164 and management techniques to be used within and adjacent to the
1165 stormwater management facilities, etc.). The landscaping plan must also
1166 describe the maintenance of vegetation at the site and what practices should
1167 be employed to ensure that adequate vegetative cover is preserved.
- 1168 5. Identification of all easements provided for inspection and maintenance of
1169 stormwater management facilities in accordance with specifications in the
1170 Stormwater Management Design Manuals and Frederick County
1171 requirements.
- 1172 6. When Applicable, a copy of the Frederick County *SWM BMP Operation and*
1173 *Maintenance Agreement* to be recorded in the local land records prior to plan
1174 approval. This may be submitted prior to plan approval.
- 1175 7. When stormwater facilities are proposed on individual residential lots, a copy
1176 of the proposed *Residential Lot BMP Inspection and Maintenance Agreement*
1177 to be signed by the property owner upon settlement. This must be submitted
1178 prior to plan approval.
- 1179 8. If an applicant intends to meet the water quality requirements of subsection C
1180 of this section through the use of off-site compliance options, the a letter of
1181 availability from the off-site provider must be included, and the use of the off-

- 1182 site options shall be in accordance with the VSMP Regulations Offsite
1183 Compliance Options (9VAC25-870-69).
- 1184 C. Stormwater management (SWM) plans shall demonstrate compliance with the
1185 following:
- 1186 1. Stormwater runoff quality and runoff volume reduction criteria for new
1187 development. Reference: 9VAC25-870-63.
 - 1188 2. Stormwater runoff quality criteria for development on prior developed lands.
1189 Reference: 9VAC25-870-63.
 - 1190 3. Channel protection criteria. Reference: 9VAC25-870-66.
 - 1191 4. Flood protection criteria. Reference: 9VAC25-870-66.
 - 1192 5. Requirements for identifying, evaluating, and addressing increased volumes
1193 of sheet flow resulting from pervious or disconnected impervious areas or
1194 from physical spreading of concentrated flow through level spreaders.
1195 Reference: 9VAC25-870-66.
- 1196 D. Prior to release of the stormwater plan surety bond, two (2) sets of the
1197 construction record drawing or as-built of permanent stormwater management
1198 facilities, also referred to as “as-built plans,” in accordance with county
1199 requirements shall be submitted to the Administrator. The construction as-built
1200 shall be appropriately sealed and signed by a professional registered in the
1201 Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4
1202 of Title 54.1. of the Code of Virginia, certifying that the stormwater management
1203 facilities have been constructed in accordance with the approved plan.
1204 Reference: 9VAC25-870-108, 9VAC25-870-55 (D).
- 1205 E. Single family residential construction that is less than one acre of disturbance
1206 and part of a larger common plan of development may execute and implement a
1207 BMP Implementation Plan as part of the SWPPP Template in order to
1208 demonstrate compliance with the practices and strategies identified in the larger
1209 common plan of development SWPPP.
- 1210 F. Stormwater Management Facility Maintenance Agreements: Maintenance of all
1211 stormwater management facilities shall be ensured through the creation of a
1212 formal maintenance agreement that must be approved by the Administrator and
1213 recorded in the land records prior to issuance of a land-disturbing permit and
1214 contain the following provisions:
- 1215 1. A copy of the County Frederick County BMP Operation and Maintenance
1216 Agreement proposed for recordation in the local land records prior to plan
1217 approval to be signed by the property owner upon settlement shall be
1218 submitted with the plans. Reference: 9VAC25-870-112.
 - 1219 2. Responsibility for the operation and maintenance of stormwater management
1220 facilities shall remain with the property owner or an owner's association and
1221 shall pass to any successor or owner. If portions of the land are to be sold,
1222 legally binding arrangements shall be made to pass the responsibility to
1223 successors in title. Reference: 9VAC25-870-112.
 - 1224 3. Maintenance agreements shall be in accordance with the Frederick County
1225 requirements (BMP Inspection & Maintenance Program) and provide for all
1226 necessary access for inspections. Reference: Va. Code § 62.1-44.15:39;
1227 9VAC25-870-112.

- 1228 4. Except as provided in item 5 below, maintenance agreements shall be
1229 enforceable (by the Administrator). Reference: 9VAC25-870-112.
1230 5. Individual on-lot stormwater facilities that are designed to primarily manage
1231 the runoff from the individual residential lot on which they are located require
1232 a County Residential Lot BMP Inspection & Maintenance Agreement
1233 acknowledging the presence, purpose, location, and basic maintenance
1234 requirements for the particular BMP facilities in accordance with County
1235 requirements. Reference: 9VAC25-870-112.
1236 6. Elements of the stormwater management plans that include activities
1237 regulated under Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of
1238 Virginia shall be appropriately sealed and signed by a professional registered
1239 in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of
1240 Chapter 4 of Title 54.1 of the Code of Virginia.
1241 7. Stormwater management plans for residential, commercial or industrial
1242 subdivisions are approved and which govern the development of individual
1243 parcels within that plan, throughout the development life even if ownership
1244 changes. §62.1-44.15:28.7
1245

1246 **§ 143-175 Pollution Prevention (PP) Plan**

- 1247
1248 A. A Pollution Prevention (PP) plan is required for all VSMP Land-Disturbing
1249 Activities as required in § 143-125, and shall be developed for incorporation into
1250 the SWPPP.
1251 B. The pollution prevention plan shall be developed in accordance with the
1252 Frederick County VSMP Manual to minimize the discharge of pollutants and the
1253 exposure of materials to stormwater, and prohibit illicit discharges from
1254 construction activities.
1255 C. The PP plan shall be implemented and updated as outlined in § 143-205 (C) and
1256 the Frederick County VSMP Manual (if adopted) as necessary throughout all
1257 phases of the land-disturbing activity to implement appropriate pollution
1258 prevention measures applicable to construction activities.

1259 **Reference:** 9VAC25 870-56. Pollution prevention plans.
1260

1261 **§ 143-185 Review and Approval of Plans**

- 1262
1263 A. Upon receipt of a plan for a land-disturbing permit and accompanying plans as
1264 required by § 143-150, the Administrator shall determine the completeness of the
1265 application and notify the applicant within **15** calendar days if the submittal is
1266 considered incomplete.
1267 B. Once the applicant has been notified of a complete submittal, the Administrator
1268 shall have an additional **60** calendar days from the date of the communication for
1269 the review of the plans to determine compliance with the requirements of this
1270 ordinance, and to communicate to the applicant the approval or disapproval of
1271 the plans.
1272 C. If a determination of completeness is not made and communicated to the
1273 applicant within the **15** calendar days, the plans shall be deemed complete as of

- 1274 the date of submission and a total of **60** calendar days from the date of
1275 submission shall be allowed for the review of the plans.
1276 D. If the plans are not approved, the reasons for not approving the plans shall be
1277 provided in writing to the applicant.
1278 E. The Administrator shall review within **45** calendar days of the date of
1279 resubmission any plans that have been previously disapproved.
1280 F. Unless otherwise indicated in the application, electronic communication shall be
1281 considered communication in writing.

1282 **Reference: Va. Code §62.1-44.15:55(B); §62.1-44.15:34(A); 9VAC25-870-55 (B);**
1283 **9VAC25-870-108.**

1284
1285 **§ 143-190 Pre-Construction Meeting Required**
1286

1287 No land-disturbing activities shall commence until a Pre-Construction Meeting between
1288 the Administrator and the applicant, and the individual responsible for carrying out the
1289 plan, has been conducted. The applicant shall notify the Administrator in advance to
1290 schedule the meeting on-site.

1291
1292 **§ 143-195 Issuance, Time Limit, Modification, Maintenance, Transfer and/or**
1293 **Termination of the Frederick County Land-Disturbing Permit and the VSMP**
1294 **Authority Permit**
1295

- 1296 A. Permit Issuance: Once the requirements for obtaining a Frederick County Land-
1297 Disturbing Permit and coverage under the state general permit for discharges
1298 from construction activity (if applicable) have been met, including the receipt or
1299 verification of payment of all required permit fees in accordance with the fee
1300 schedule of **§ 143-235**, the Administrator will issue a Frederick County Land-
1301 Disturbing Permit and a VSMP Authority permit.
1302 B. No transfer, assignment, or sale of the rights granted by virtue of a Frederick
1303 County Land-Disturbing Permit shall be made unless a written notice of transfer
1304 and corresponding permit modification fee is filed with the Administrator and the
1305 transferee certifies agreement to comply with all obligations and conditions of the
1306 permit. The Administrator may require modification or revocation and reissuance
1307 of the VSMP Authority Permit to change the name of the permittee and
1308 incorporate such other requirements as may be necessary for the transfer.
1309 C. If land-disturbing activity has not commenced within 180 days of land-disturbing
1310 or VSMP Authority permit issuance or cease for more than 180 days, the
1311 Administrator may evaluate the existing approved ESC plan to determine
1312 whether the plan still satisfies local and state erosion and sediment control
1313 criteria and to verify that all design factors are still valid. If the previously filed
1314 ESC plan is determined to be inadequate a modified plan shall be submitted and
1315 approved prior to the resumption of land-disturbing activity.

1316 **Reference: 9VAC25-840-80(B).**

- 1317 D. VSMP Authority Permits are effective for a fixed permit cycle of 5 years. Activities
1318 requiring a VSMP permit may obtain coverage at any time during the 5-year
1319 permit cycle and must be renewed if the permit has not been terminated prior to

- 1320 the end of the cycle. The annual permit maintenance fees in § 143-235 apply
1321 until the permit coverage is terminated or renewed.
- 1322 E. Land-disturbing activities for which VSMP Permit coverage was issued between
1323 July 1, 2009 and June 30, 2014 for that permit cycle may remain subject to the
1324 technical criteria of Part II C of the Virginia Stormwater Regulations for two
1325 additional permit cycles provided coverage under the original VSMP Permit is
1326 maintained. After two permit cycles have passed, or should the original VSMP
1327 Permit coverage not be maintained, portions of the project not under construction
1328 shall become subject to any new technical criteria adopted by the VSMP
1329 Authority after the original VSMP Permit coverage was issued.
- 1330 F. Land-disturbing activities for which VSMP Permit coverage was issued between
1331 July 1, 2009 and June 30, 2014 for that permit cycle may elect to modify the
1332 permit by paying the appropriate permit modification fee and request approval for
1333 compliance with the technical criteria of Part II B for any remaining portions of the
1334 project.
- 1335 **Reference:** Va. Code §62.1-44.15:24; 9VAC25-870-47.
- 1336

1337 § 143-200 Variances/Exceptions

1338

- 1339 A. Frederick County may grant exceptions or modify the ESC requirements of land-
1340 disturbing activities if the requirements are deemed inappropriate or too
1341 restrictive for site conditions by granting a variance. A variance may be granted
1342 under the following conditions:
- 1343 1. At the time of plan submission, an applicant may request a variance from the
1344 requirements of an erosion and sediment control plan. The applicant shall
1345 explain the reasons for requesting variances in writing. Specific variances
1346 which are allowed shall be documented in the plan.
 - 1347 2. During construction, the person responsible for implementing the approved
1348 plan may request a variance in writing from the Administrator. The
1349 Administrator shall respond in writing either approving or disapproving such a
1350 request. If the Administrator does not approve a variance within 10 days of
1351 receipt of the request, the request shall be considered to be disapproved.
1352 Following disapproval, the applicant may resubmit a variance request with
1353 additional documentation.
 - 1354 3. The Administrator shall consider variance requests judiciously, keeping in
1355 mind both the need of the applicant to maximize cost effectiveness and the
1356 need to protect off-site properties and resources from damage.
- 1357 B. The Administrator may grant exceptions to the Technical Criteria of § 143-165:
1358 **SWM Plan Requirements**. An exception may be granted provided that:
- 1359 1. the exception is the minimum necessary to afford relief,
 - 1360 2. reasonable and appropriate conditions shall be imposed as necessary upon
1361 any exception granted so that the intent of this chapter is preserved,
 - 1362 3. granting the exception will not confer any special privileges that are denied in
1363 other similar circumstances,
 - 1364 4. exception requests are not based upon conditions or circumstances that are
1365 self-imposed or self-created, and

- 1366 5. economic hardship alone is not sufficient reason to grant an exception from
1367 these requirements.
1368 C. Under no circumstance shall an exception to the requirement that the land-
1369 disturbing activity obtain required VSMP permits be granted, nor shall the use of
1370 a BMP not found on the Virginia Stormwater BMP Clearinghouse Website be
1371 approved.
1372 D. Exceptions to requirements for phosphorus reductions shall not be allowed
1373 unless offsite options available as described in § 143-165 (B)(8) have been
1374 considered and found not available.

1375 **Reference:** 9VAC25-840; 9VAC25-870-122

1376
1377 **§ 143-205 Amendments to Approved Plans**

- 1378
1379 A. Amendments to an approved ESC plan may be made once the proposed change
1380 has been agreed to by the Administrator and the person responsible for carrying
1381 out the plan in the following cases:
1382 1. Where inspection has revealed that the plan is inadequate to satisfy
1383 applicable regulations; or
1384 2. Where the person responsible for carrying out the approved plan
1385 demonstrates that because of changed circumstances or for other reasons
1386 the approved plan cannot effectively be carried out, and proposed
1387 amendments to the plan are consistent with the requirements of this article.

1388 **Reference:** Va. Code § 62.1-44.15:55 (C).

- 1389 B. Amendments to an approved SWM Plan may be made only after review and
1390 written approval by the Administrator. An approved plan may be modified in
1391 accordance with the following:
1392 1. The person responsible for carrying out the approved plan demonstrates in
1393 writing to the Administrator that because of changed circumstances or for
1394 other reasons the approved plan cannot effectively be carried out, and has
1395 proposed amendments to the plan with all necessary calculations and
1396 documents consistent with the requirements of this chapter (refer to **§ 143-**
1397 **165**).
1398 2. The Administrator shall have 60 calendar days to respond in writing either
1399 approving or disapproving such requests.
1400 3. Based on an inspection, the Administrator may require amendments to the
1401 approved stormwater management plan to address any deficiencies within a
1402 time frame set by the Administrator.

1403 **Reference:** 9VAC25-870-108

- 1404 C. Amendments to an approved SWPPP Plan may be required in order to reflect
1405 changes in the implementation of an approved ESC or SWM Plan. In addition to
1406 the requirements of subsection A and B of this section, the site operator shall
1407 document the implementation of the provisions of the SWPPP as follows:
1408 1. The operator shall amend the SWPPP whenever there is a change in design,
1409 construction, operation, or maintenance that may have a significant effect on
1410 the discharge of pollutants from the construction activity and that has not
1411 been previously addressed in the SWPPP.

- 1412 2. The SWPPP must be amended if during inspections or investigations by the
1413 operator's qualified personnel, or by the Administrator, state or federal
1414 officials, it is determined that the existing control measures are ineffective in
1415 minimizing pollutants in stormwater discharges from the construction site.
- 1416 3. Where revisions to the SWPPP include additional or modified control
1417 measures designed to correct problems identified, and where such revisions
1418 to the SWPPP require the Administrator's approval, the additional control
1419 measures shall be completed within seven calendar days of approval or prior
1420 to the next anticipated storm event. If implementation before the next
1421 anticipated storm event is impracticable, the situation shall be documented in
1422 the SWPPP and alternative control measures shall be implemented as soon
1423 as practicable.
- 1424 4. Revisions to the SWPPP must be dated and signed in accordance with
1425 Section III of the VSMP permit. Changes to any component of an approved
1426 SWPPP with VSMP Permit coverage that result in changes to stormwater
1427 management plans or that require additional review by the Administrator shall
1428 be subject to permit modification fees set out in **§ 143-235**.

1430 **§ 143-210 Monitoring and Inspections during Land-Disturbing Activities**

1431
1432 All erosion and sediment control measures must be periodically inspected by the
1433 individual responsible for carrying out the plan and/or the operator and properly
1434 maintained in effective operating condition in accordance with the approved plans and
1435 the VESCH. If site inspections identify control measures that are not operating
1436 effectively, maintenance shall be performed as soon as practicable to maintain the
1437 continued effectiveness of stormwater controls.

1438 **Reference: Va. Code §62.1-44.15:58(A); 9VAC25-840-60.**

- 1439 A. The VSMP Authority will inspect all regulated land-disturbing activities to ensure
1440 compliance with the approved ESC Plan in accordance with the County and state
1441 requirements. The owner, permittee or person responsible for carrying out the
1442 plan or agreement may be given notice of the inspection.

1443 **Reference: Va. Code § 62.1-44.15:58.**

- 1444 B. The County requires that stormwater management facilities are inspected and
1445 the construction of such facilities are certified in accordance with sub-section D of
1446 § 143-210. The VSMP Authority may also inspect the construction of permanent
1447 stormwater management facilities at critical stages of construction and in
1448 accordance with the Virginia BMP Design Specifications to ensure compliance
1449 with the approved plans.

1450 **Reference: Va. Code § 62.1-44.15:37.**

- 1451 C. The right-of-entry for the VSMP Authority to conduct such inspections shall be
1452 expressly reserved in the permit. The permit holder, or his duly designated
1453 representative, shall be afforded the opportunity to accompany the inspectors.

1454 **Reference: § 62.1-44.15:39 Right of entry.**

- 1455 D. The County will accept the submittal of inspection reports certifying that the
1456 stormwater management facilities are being constructed in accordance with the
1457 approved plan conducted by:

- 1458 1. a person who is licensed as a professional engineer, architect, landscape
 1459 architect, or land surveyor pursuant to Article 1 (§54.1-400 et seq.) of Chapter
 1460 4 of Title 54.1 of the Code of Virginia;
- 1461 2. a person who works under the direction and oversight of the licensed
 1462 professional engineer, architect, landscape architect, or land surveyor; or
 1463 3. a person who holds a certificate of competence in Stormwater Inspection from
 1464 the Board.
- 1465 **Reference: Va. Code § 62.1-44.15:37.**
- 1466 E. The VSMP Authority will inspect all regulated land-disturbing activities covered
 1467 by a VSMP Authority Permit to ensure the operator is conducting and
 1468 documenting the operator inspections as required by the County and is
 1469 appropriately updating the PP plan as required by the County. The owner,
 1470 permittee or person responsible for carrying out the plan or agreement may be
 1471 given notice of the inspection.
- 1472 **Reference: A, B, & C above; 9VAC25-870-114(A)**
- 1473 F. All land-disturbing activities covered by a VSMP Permit shall be inspected by the
 1474 operator in accordance with the requirements of the County. The operator shall
 1475 maintain records of inspections and maintenance in order to determine whether
 1476 the measures required in the ESC plan are effective in controlling erosion and
 1477 sedimentation and to ensure compliance with the approved plan. Records shall
 1478 be made available to the Administrator or the VSMP Authority inspector upon
 1479 request.
- 1480 G. Prior to the release of any performance bonds or termination of the VSMP
 1481 Authority Permit, the applicant shall submit the required as-built drawings for the
 1482 stormwater management facilities as described in **§ 143-165;**
 1483 **Reference: 9VAC25-870-108.**
- 1484 H. A. On a fiscal year basis (July 1 to June 30), a VSMP authority shall report to the
 1485 department by October 1 of each year in a format provided by the department.
 1486 The information to be provided shall include the following:
- 1487 1. Information on each permanent stormwater management facility completed
 1488 during the fiscal year to include type of stormwater management facility,
 1489 geographic coordinates, acres treated, and the surface waters or karst features
 1490 into which the stormwater management facility will discharge;
- 1491 2. Number and type of enforcement actions during the fiscal year; and
- 1492 3. Number of exceptions granted during the fiscal year.
- 1493 4. A VSMP authority shall keep records in accordance with the following:
- 1494 5. Project records, including approved stormwater management plans, shall be
 1495 kept for three years after state permit termination or project completion.
- 1496 6. Stormwater management facility inspection records shall be documented and
 1497 retained for at least five years from the date of inspection.
- 1498 7. Construction record drawings shall be maintained in perpetuity or until a
 1499 stormwater management facility is removed.
- 1500 8. All registration statements submitted in accordance with 9VAC25-870-59 shall
 1501 be documented and retained for at least three years from the date of project
 1502 completion or state permit termination.
- 1503

1504 **§ 143-215 Monitoring and Inspections of Permanent Stormwater Management**
1505 **Facilities**

- 1506
- 1507 A. Owners of stormwater management facilities shall be responsible for conducting
1508 inspections and performing maintenance in accordance with the recorded
1509 Stormwater BMP Maintenance Agreement as described in **§ 143-165** and in
1510 accordance with county requirements. In regards to individual residential lots,
1511 such recorded instruments need not be required for stormwater management
1512 facilities designed to treat stormwater runoff primarily from an individual
1513 residential lot on which they are located, provided it is demonstrated to the
1514 satisfaction of the Administrator that future maintenance of such facilities will be
1515 addressed through an enforceable mechanism at the discretion of the
1516 Administrator. Provisions for this are addresses in Frederick County's SWP BMP
1517 Inspection and Maintenance Program manual.
- 1518 B. If a recorded instrument is not required pursuant to section 143-215.A, the
1519 Administrator shall develop a strategy for addressing maintenance of stormwater
1520 management facilities designed to treat stormwater runoff primarily from an
1521 individual residential lot on which they are located. Such a strategy may include
1522 periodic inspections, homeowner outreach and education, or other method
1523 targeted at promoting the long-term maintenance of such facilities. Such facilities
1524 shall not be subject to the requirement for an inspection to be conducted by the
1525 Administrator.

1526
1527 **Reference:** 9VAC25-870-112.

- 1528 C. The Administrator will ensure that all stormwater management facilities are being
1529 inspected and maintained according to the following:
- 1530 1. The Administrator shall track the 5-year frequency comprehensive inspection
1531 report submittals as required by the recorded maintenance agreement and in
1532 accordance with County requirements. The Administrator shall conduct
1533 maintenance inspections at a minimum of once every 5 years for certain
1534 BMPs as defined by County requirements.
 - 1535 2. The right-of-entry for the Administrator to conduct such inspections shall be
1536 expressly reserved in the Maintenance Agreements. The owner, or his duly
1537 designated representative, shall be afforded the opportunity to accompany
1538 the inspectors.
- 1539 D. The Administrator shall notify the property owner or owner's association in writing
1540 in accordance with **§ 143-225(A)(1)** to the address as identified in the SWM BMP
1541 Inspection and Maintenance Agreement when a determination has been made
1542 that the stormwater management facility is in disrepair or is not functioning as
1543 intended. The notice shall specify the measures needed to comply with the
1544 approved maintenance plan and shall specify the time within which such
1545 measures shall be completed. If the responsible party fails to perform such
1546 maintenance and repair, the county shall have the authority to initiate
1547 enforcement action in accordance with **§ 143-225 (D)**, and perform the work and
1548 recover the costs from the responsible party.
- 1549

1550 § 143-225 Enforcement

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- A. If, during inspections at any stage of the land-disturbing activity, the Administrator determines that the operator has failed to comply with the approved plan, including but not limited to failure to install or properly install stormwater BMP facilities or erosion and sediment controls, the Administrator shall serve notice upon the permittee or person responsible for carrying out the permit conditions as follows:
 - 1. A Notice to Comply shall be sent as follows:
 - a. Certified mail, return receipt requested, sent to the address specified by the owner or permittee in his application or plan certification; or
 - b. Delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.
 - 2. The notice shall specify the measures necessary to comply with the plan or agreement in lieu of a plan and shall specify the time within which such measures shall be completed.
 - 3. Stop Work Order:
 - a. If a permittee fails to comply with a notice to comply issued in accordance with paragraph 1 within the time specified, the Administrator may issue an order requiring the owner, permittee, or person responsible for carrying out the approved plan, to cease all land-disturbing activities until the violation of the permit has ceased or the specified corrective actions have been taken. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the registration statement, or by personal delivery by an agent of the VSMP authority or Department.
 - b. In addition to the cessation of all land-disturbing activities as described in item a above, the permittee may also be subject having the VSMP Authority permit revoked; and furthermore, he shall be deemed to be in violation of this ordinance and, upon conviction or adjudication of violation, shall be subject to the penalties as provided in the Code of Virginia or by this ordinance.
Reference: Va. Code §62.1-44.15:63; §62.1-44.15:48.
 - c. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in surface waters within the watersheds of the state, or where the land-disturbing activities have commenced without an approved plan, agreement in lieu of a plan or any required permits, such an order may be issued without regard to whether or not the owner or permittee has been issued a notice to comply.
- B. If, at any stage of the land-disturbing activity, the VSMP Authority determines that the physical conditions on the site are not as stated or shown on the approved erosion and sediment control plan or stormwater management plan, or the county determines that the storm drainage system or stormwater management facility is inadequate or not constructed as shown on the approved stormwater management final plan, the VSMP Authority may refuse to approve further work

- 1595 and the county may revoke existing permits or approvals until a revised
1596 stormwater management final plan has been submitted and approved.
- 1597 C. Commencing Land-Disturbing Activities without an Approved Plan or a Permit
- 1598 1. If land-disturbing activities have commenced without an approved plan,
1599 agreement in lieu of a plan, or a VSMP Authority Permit where required, a
1600 stop work order may be issued requiring that all land-disturbing activities be
1601 stopped until an approved plan, an agreement in lieu of a plan or any required
1602 permits are obtained.
- 1603 2. The stop work order shall remain in effect for a period of seven calendar days
1604 from the date of service pending application by the Administrator or alleged
1605 violator for appropriate relief to the circuit court of the jurisdiction wherein the
1606 violation is alleged to have occurred. If the alleged violator has not obtained
1607 an approved plan, agreement in lieu of a plan or any required permits within
1608 seven days from the date of service of the order, the director may issue an
1609 order to the owner requiring that all construction and other work on the site,
1610 other than corrective measures, be stopped until an approved plan,
1611 agreement in lieu of a plan or any required permits have been obtained. The
1612 order shall be served upon the owner by registered or certified mail to the
1613 address specified in the permit application or the land records of the county.
- 1614 3. The owner may appeal the issuance of an order to the circuit court.
- 1615 D. Maintenance of permanent stormwater facilities
- 1616 1. If during periodic inspections to ensure that stormwater management facilities
1617 are being adequately maintained as designed, the VSMP Authority identifies
1618 operational deficiencies and/or determines that the owner of the stormwater
1619 management facility has failed to perform maintenance or conduct
1620 maintenance inspections in accordance with the recorded SWM BMP
1621 Maintenance and Inspection agreement, the VSMP Authority shall notify the
1622 person or organization responsible for carrying out the requirements of the
1623 agreement. The notice shall specify the deficiencies, the corrective actions
1624 required to restore the facility, and the time frame within which the corrective
1625 actions shall be completed.
- 1626 2. If the individual or organization fails to comply with the notice within the time
1627 specified, the VSMP Authority may initiate informal and/or formal
1628 administrative enforcement procedures including but not limited to directives
1629 issued by the Board in accordance with Va. Code § 62.1-44.15:25, or civil or
1630 criminal penalties in accordance with this ordinance and Va. Code §§ 62.1-
1631 44.15:48 and 62.1-44.15:63.
- 1632 E. Any person violating or failing, neglecting, or refusing to obey any rule,
1633 regulation, ordinance, order, approved standard or specification, or any permit
1634 condition issued by the VSMP Authority or any provisions of this chapter may be
1635 compelled in a proceeding instituted in any appropriate court by the VSMP
1636 Authority to obey same and to comply therewith by injunction, mandamus or
1637 other appropriate remedy. Nothing in this section shall prevent the VSMP
1638 Authority from taking additional enforcement action permitted by state law.
- 1639 F. Any person who violates any provision of this chapter or of any regulations or
1640 ordinances, or standards and specifications adopted or approved hereunder,

1641 including those adopted pursuant to the a VSMP permit, or who fails, neglects or
1642 refuses to comply with any order of the VSMP Authority, the Department, the
1643 Board, or court, other than any violation that relates solely to the erosion and
1644 sediment control requirements of any of the foregoing, shall be subject to a civil
1645 penalty not to exceed \$32,500 for each violation within the discretion of the court.
1646 Each day of violation of each requirement shall constitute a separate offense.

1647 **Reference:** § 62.1-44.15:48 of the Code of Virginia.

- 1648 1. Violations for which a penalty may be imposed under this subsection shall
1649 include but not be limited to the following:
 - 1650 a. no permit registration,
 - 1651 b. no SWPPP,
 - 1652 c. incomplete SWPPP;
 - 1653 d. SWPPP not available for review;
 - 1654 e. failure to install stormwater BMP or Erosion and Sediment Controls;
 - 1655 f. stormwater BMP facilities improperly installed or maintained;
 - 1656 g. operational deficiencies;
 - 1657 h. failure to conduct required inspections;
 - 1658 i. incomplete, improper, or missed inspections; and
 - 1659 j. discharges not in compliance with the requirements of the VSMP
1660 Construction General Permit.
 - 1661 k. no approved Erosion and Sediment Control Plan
- 1662 2. The Administrator may issue a summons for collection of the civil penalty and
1663 the action may be prosecuted in the appropriate court.
- 1664 3. In imposing a civil penalty pursuant to this subsection, the court may consider
1665 the degree of harm caused by the violation and also the economic benefit to
1666 the violator from noncompliance.
- 1667 4. Any civil penalties assessed by a court as a result of a summons issued by
1668 Frederick County shall be paid into the treasury of the Frederick County to be
1669 used for the purpose of minimizing, preventing, managing, or mitigating
1670 pollution of the waters of Frederick County and abating environmental
1671 pollution therein in such manner as the court may, by order, direct.

1672 G. Notwithstanding any other civil or equitable remedy provided by this section, any
1673 person who willfully or negligently violates any provision of this chapter, any
1674 order of Frederick County or the Department, any condition of a permit, or any
1675 order of a court, other than any violation that relates solely to the erosion and
1676 sediment control requirements of any of the foregoing, shall be guilty of a
1677 misdemeanor punishable by confinement in jail for not more than 12 months and
1678 a fine of not less than \$2,500 nor more than \$32,500, either or both.

1679 H. Notwithstanding any other civil or equitable remedy provided by this section, any
1680 person who violates any provision of this chapter, any order of Frederick County
1681 or the Department, any condition of a permit, or any order of a court relating to
1682 the erosion and sediment control requirements of any of the foregoing shall be
1683 guilty of a misdemeanor punishable by confinement in jail for not more than 12
1684 months and a fine of not more than \$2,500, either or both.

1685 **Reference:** Va. Code § 62.1-44.15:63. § 62.1-44.15;48.

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§ 143-230 Hearings

Any permit applicant, permittee, or person subject to the Frederick County Land-Disturbing Permit, VSMP Authority Permit, or state permit requirements under this article aggrieved by any action of the Department of Public Works taken without a formal hearing, or by inaction of the Department of Public Works may demand in writing a formal hearing by the County Board of Supervisors, provided a petition requesting such hearing is filed with the Board of Supervisors within 30 days after notice of such action. Any hearings conducted by the Board of Supervisors shall be in accordance with § 62.1-44.15:45 of the Code of Virginia .Hearings must be conducted by the Board of Supervisors at a regular or special meeting. In reviewing the agent’s actions, the County Board of Supervisors shall consider evidence and opinions, and the County Board of Supervisors may affirm, reverse or modify the action. Verbatim record of proceedings must be taken and filed with the County Board of Supervisors. The County Board of Supervisors decision shall be final, subject only to review by the Circuit Court of the County.

Reference: § 62.1-44.15:44, Right to hearing § 62.1-44.15:45. Hearings

§ 143-232 Appeals

Any permittee or party aggrieved by a state permit or enforcement decision of the Frederick County Public Works under this article, or any person who has participated, in person or by submittal of written comments, in the public comment process related to a final decision of the Department of Public Works or Board of Supervisors under this article, whether such decision is affirmative or negative, is entitled to judicial review thereof in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) if such person meets the standard for obtaining judicial review of a case or controversy pursuant to Article III of the Constitution of the United States. Final decisions shall be subject to review and appeal to the Circuit Court of the County, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in the land disturbance activity occurs or is proposed to occur. Unless otherwise provided by law, the circuit court shall conduct such review in accordance with the standards established in § 2.2-4027, and the decisions of the circuit court shall be subject to review by the Court of Appeals. A person shall be deemed to meet such standard if (i) such person has suffered an actual or imminent injury that is an invasion of a legally protected interest and that is concrete and particularized; (ii) such injury is fairly traceable to the decision of the Department or the Board and not the result of the independent action of some third party not before the court; and (iii) such injury will likely be redressed by a favorable decision by the court.

1733 **§ 143-235 Fees**

1734

1735 A. The fee for the Frederick County Land-Disturbing Permit and fees for coverage
1736 under the VSMP Authority Permit shall be imposed in accordance with Table 1.

1737 When a site or sites have been purchased for development within a previously
1738 permitted common plan of development or sale, the applicant shall be subject to
1739 fees in accordance with the disturbed acreage of their site or sites according to
1740 Table 1.

1741 **Reference:** Part XIII of the VSMP Regulations

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DRAFT

1744 *Table 1: Fees for coverage under the VSMP Construction General Permit*
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Type of Permit	Total Fee Paid by Applicant	Portion to be Paid to DEQ
VESCP permit fee if VSMP permit not required or VSMP General/ Stormwater Management – Small construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance less than 1 acre Except for single family detached residential structures.)	\$290	\$81
VSMP General / Stormwater Management - (Single Family detached residential structures within or outside a common plan of development or sale with land disturbance acreage less than 5 acres)	\$209	\$0
VSMP General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 acres)	\$2,700	\$756
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$3,400	\$952
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$4,500	\$1,260
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,100	\$1,708
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$9,600	\$2,688

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 1747 B. Fees for the modification or transfer of coverage under the VSMP Construction
 1748 General Permit issued by the Administrator shall be imposed in accordance with
 1749 Table 2. If the permit modifications result in changes to stormwater management
 1750 plans that require additional review by the Administrator, such reviews shall be
 1751 subject to the fees set out in Table 2 based on the total disturbed acreage of the
 1752 site. Modifications resulting in an increase in total disturbed acreage shall pay the
 1753 difference in the initial state permit fee paid and the state permit fee that would
 1754 have applied for the total disturbed acreage in Table 1.
 1755
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1757 Table 2: Fees for the modification or transfer of registration statements for the VSMP
 1758 Authority Permit for Discharges of Stormwater from Construction Activities
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Type of Permit	Fee Amount
VSMP General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre, (also includes single-family detached residential structures within or outside a common plan of development or sale with land disturbance acreage less than 5 acres)	\$20
VSMP General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 acres)	\$200
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$250
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700

- 1760
 1761 C. Permit maintenance fees. (9VAC25-870-830):
 1762 1. The following annual permit maintenance shall be imposed in accordance
 1763 with Table 3, including fees imposed on expired permits that have been
 1764 administratively continued. With respect to the VSMP Authority Permit, these
 1765 fees shall apply until the permit coverage is terminated.
 1766 2. VSMP Authority Permit coverage maintenance fees shall be paid annually to
 1767 the VSMP Authority, by the anniversary date of VSMP Authority General
 1768 Permit coverage, in accordance with Table 3. No VSMP Authority permit will
 1769 be reissued or automatically continued without payment of the required fee.
 1770 VSMP Authority permit coverage maintenance fees shall be applied until a
 1771 Notice of Termination is effective.
 1772
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1774 *Table 3: VSMP Authority Permit Maintenance Fees*
 1775

Type of Permit	Fee Amount
VSMP General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre, also includes single family detached residential structures within or outside a common plan of development or sale with land disturbance acreage less than 5 acres.)	\$50
VSMP General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 acres)	\$400
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$500
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
VSMP General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$1,400

- 1776
 1777 D. The fees set forth in subsections A-C, above, shall apply to:
 1778 1. All persons seeking coverage under the VSMP Authority Permit.
 1779 2. All permittees who request modifications to or transfers of their existing
 1780 registration statement for coverage under a VSMP Authority Permit.
 1781 3. Persons whose coverage under the VSMP Authority Permit has been revoked
 1782 shall reapply for an Individual Permit for Discharges of Stormwater from
 1783 Construction Activities.
 1784 4. Permit and permit coverage maintenance fees outlined under Section may
 1785 apply to each VSMP Authority Permit holder.
 1786 E. No VSMP Authority Permit application fees will be assessed to Permittees whose
 1787 permits are modified or amended at the initiative of the VSMP Authority,
 1788 excluding errors in the registration statement identified by the Director or errors
 1789 related to the acreage of the site.
 1790 F. All incomplete VSMP permit fee payments will be deemed as nonpayment's, and
 1791 the applicant shall be notified of any incomplete permit fee payments. Interest
 1792 may be charged for late permit fee payments at the underpayment rate set forth
 1793 in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the
 1794 applicable periodic rate. A 10% late payment fee shall be charged to any
 1795 delinquent (over 90 days past due) account. The Administrator shall be entitled to
 1796 all remedies available under the Code of Virginia in collecting any past due
 1797 amount.
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§ 143-240 Performance Bonds

- A. Prior to the issuance of any land-disturbing permit, the owner or permittee shall execute and file with the Administrator a Frederick County Erosion and Sediment Control and Stormwater Management Performance Agreement and cash escrow or irrevocable letter of credit (or other form of a performance bond as approved by the Frederick County Attorney) in an amount determined in accordance with the Frederick County Bond Estimate Worksheet which shall be equal to the approximate total cost of providing erosion and sediment control and stormwater quality and quantity improvements as required by this ordinance and shown on the approved plans in addition to a 25% contingency of the total bond amount.
- B. The Frederick County Erosion and Sediment Control and Stormwater Management Performance Agreement and performance bond is to ensure that measures could be taken by Frederick County at the applicant's expense should he fail, after proper notice as outlined in **§ 143-225**, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land-disturbing activity. If Frederick County takes such action upon such failure by the applicant, Frederick County may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held.
- C. Upon successful completion of the land-disturbing activity, to include submittal of the construction as-built drawings of permanent stormwater management facilities described in **§ 143-165** and prior to termination of the VSMP Permit, the owner or permittee must provide written notification to Frederick County. Upon verification of adequate stabilization of land disturbing activity in the project or any section thereof, the director shall reduce, return, or terminate the required bond, cash escrow or irrevocable letter of credit to the owner, as the case may be, within 60 days.
- D. If the applicant/owner fails to comply with the approved SWPPP as documented through the site inspections described in **§ 143-210**, and after proper notification, the Administrator may determine that the performance bond or escrow may be used to execute the plan.


Reference: §62.1-44.15:34; 9VAC25-870-104 (D).

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MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Mark R Cheran, Zoning Administrator 

RE: Public Hearing: Creation of the Green Springs Agricultural and Forestal District

DATE: May 22, 2014

Chapter 43, Section 15.2-4300 of the Code of Virginia, 1950, as amended, requires that any request to create or add to an Agricultural and Forestal District be reviewed by the local government. Furthermore, the Code of Virginia requires the local governing body to establish an Agricultural District Advisory Committee for the purpose of reviewing proposals that establish a district or additions to a district, to ensure conformity with the provisions of Section 15.2-43000. Ultimately, the Board of Supervisors approves, approves with modifications, or denies the proposal to establish or renew an Agricultural and Forestal District.

The Agricultural District Advisory Committee (ADAC) met on April 21, 2014, and unanimously recommended the creation of a new Agricultural and Forestal district, to be known as the Green Springs Agricultural and Forestal District.

This proposed district contains 385.63+/- acres within two parcels. The properties are located in the Gainesboro Magisterial District, fronting Glaize Orchard Road (Route 682) to the south, and Green Springs Road (Route 671) to the east with Property Identification Numbers 21-A-25 and 21-A-36.

The Planning Commission held a public hearing on May 21, 2014. There were no public comments. No issues were raised by the Commission and they unanimously voted to recommend approval of the creation of the Green Springs Agricultural and Forestal District.

MRC/pd

Proposed Green Springs Agricultural and Forestal District

This is a request to the Frederick County Agricultural District Advisory Committee (ADAC) to establish a new Agricultural and Forestal District (District) to be named Green Springs Agricultural District.

Chapter 43, Section 15.2-4300 of the Code of Virginia, 1950, as amended, enables local governments to establish Agricultural and Forestal Districts to conserve and protect agricultural and forestal lands for the production of food and other agricultural products and to provide natural and ecological resources. The Code of Virginia requires the local governing body to establish an ADAC for the purpose of reviewing proposals that establish or renew Districts to ensure conformity with the provisions of section 15.2-4300. Ultimately, the Board of Supervisors approves, approves with modifications, or denies the proposal to establish or renew Forestal District applications.

LOCATION

This proposed District is located in the Gainesborol Magisterial District, fronting Glaize Orchard Road (Route 682) to the south, and Green Springs Road (Route 671) to the east.

SIZE

The proposed District will contain 385.63+/- acres within two (2) parcels, managed by two (2) property owners.

PROPERTY IDENTIFICATION NUMBERS

21-A-25 AND 21-A-36

AGRICULTURAL & FORESTAL SIGNIFICANCE

The predominantly agricultural operations in the proposed District are 40 percent agriculture (livestock, and crop harvesting) and 60 percent open-space/woodlands. The area within the District is rural in nature.

LAND USE

All parcels within the proposed District are vacant and woodland.

COMPREHENSIVE PLAN

The 2030 Comprehensive Policy Plan of Frederick County (Comp Plan) provides guidance when considering land use actions. The location of this proposed District lies outside the Urban Development Area (UDA) and Sewer and Water Service Area (SWSA), and is not part of any land use plan or study by the County. The land use within this proposed District of 385.63+/- acres is vacant. The current land use should remain in its present land use of pristine condition with land use of vacant and woodland.

ZONING

All of the parcels of this proposed District are currently zoned RA (Rural Areas) Zoning District. The surrounding properties are zoned:

North: RA (Rural Areas)
East: RA (Rural Areas)

South: RA (Rural Areas)
West: RA (Rural Areas)

LAKES/PONDS/STREAMS

The proposed District lies within the Green Springs and Babbs Run drainage areas. These two bodies of water are tributaries to Back Creek. The establishment of this District will further assist with managing the quality of the County's water resources.

SOILS

The general relief of the proposed District varies from rolling hills to ridges to the south, west, and north. Flat and gentle rolling hills are to the east. This District lies within the Green Springs and Babbs Run drainage area and water is available from ponds, wells and springs.

PRIME AGRICULTURE SOIL

The largest amount of prime agricultural soils located within the proposed District is Weikert-Gainesboro-Berks

STAFF COMMENTS

This proposed District is not part of any land use plan or study as indicated within the 2030 Comprehensive Policy Plan of Frederick County (Comp Plan). The proposed District is located outside the Urban Development Area (UDA) and Sewer and Water Service Area (SWSA), and is to remain rural in nature and protected from any future development. The intent of the County's Rural Areas is to maintain agriculture as a significant portion of the County's economy, and to maintain the rural character of areas outside of its UDA and SWSA. The proposed District is agriculturally significant as outlined in the Agricultural and Forestal Districts Act.

STAFF CONCLUSIONS FOR THE FREDERICK COUNTY ACAC MEETING:

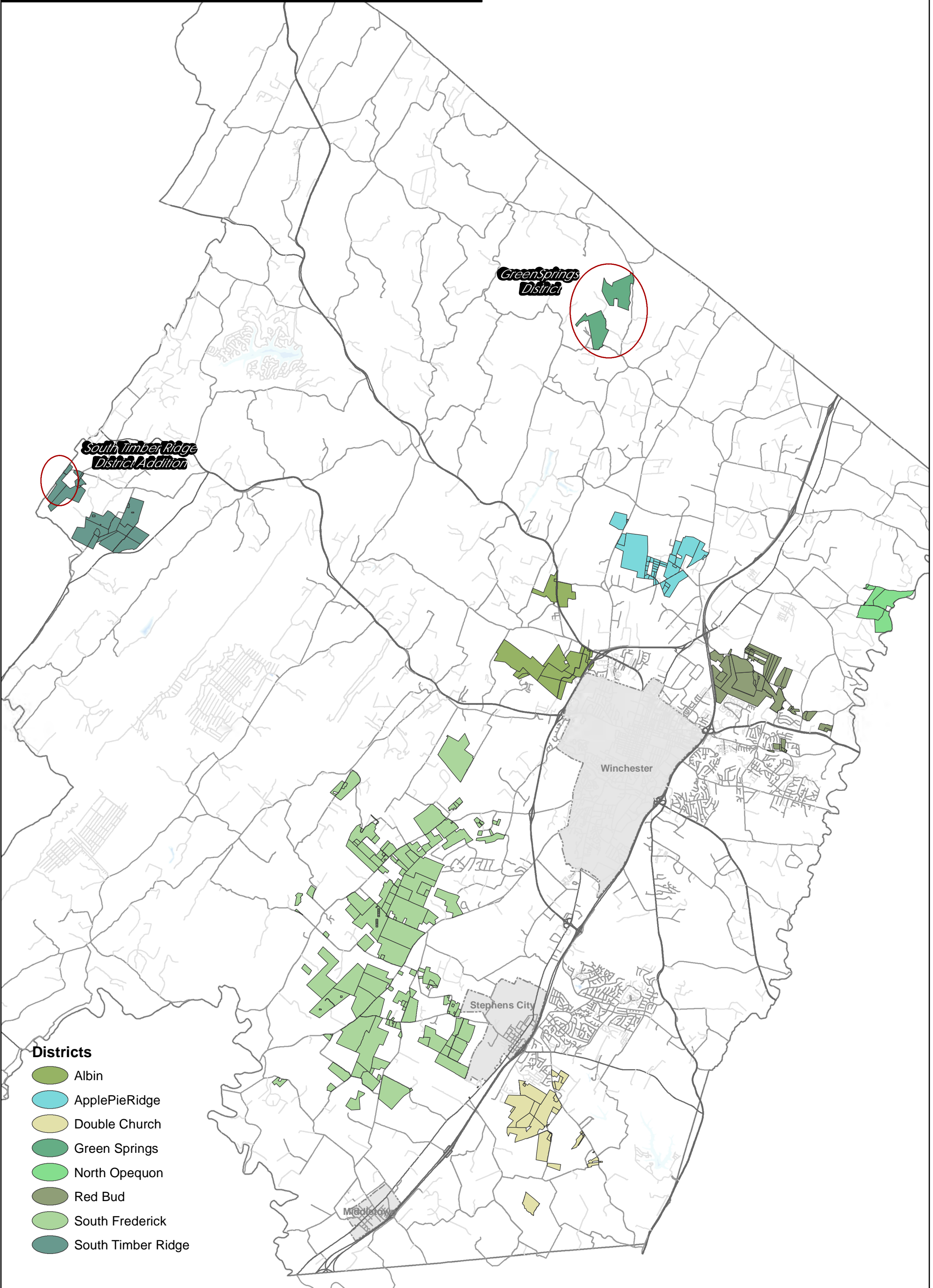
This proposed District meets the intent of Chapter 43, Section 15.2-4300 of the Code of Virginia, 1950, as amended, that enables local governments to establish Agricultural and Forestal Districts to conserve and protect agricultural and forestal land. The Code of Virginia sets out criteria for evaluating Agricultural and Forestal District applications. One of the criteria is that the application should be evaluated in conjunction with the Comprehensive Plan (Comp Plan) of the locality. This proposed District provides an opportunity for the agribusiness community to conduct long range planning efforts for the management of their operations, while providing a reserve of agricultural land through the year 2015. Staff recommends that these parcels be included as part of Frederick County's Agricultural and Forestal District program.

The Agricultural District Advisory Committee, at its meeting on April 21, 2014, unanimously approved the creation of the Green Springs Agricultural and Forestal District.

PLANNING COMMISSION SUMMARY & ACTION OF THE 5/21/14 MEETING:

The Planning Commission held a public hearing and there were no citizen comments. No issues were raised by the Commission and they unanimously voted to recommend approval of the creation of the Green Springs Agricultural and Forestal District. (Note: Commissioner Oates was absent from the meeting.)

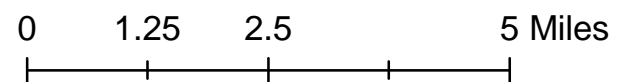
Agricultural & Forestal Districts May 2014



Total Ag. District Acreage: 12,302.4 Ac.

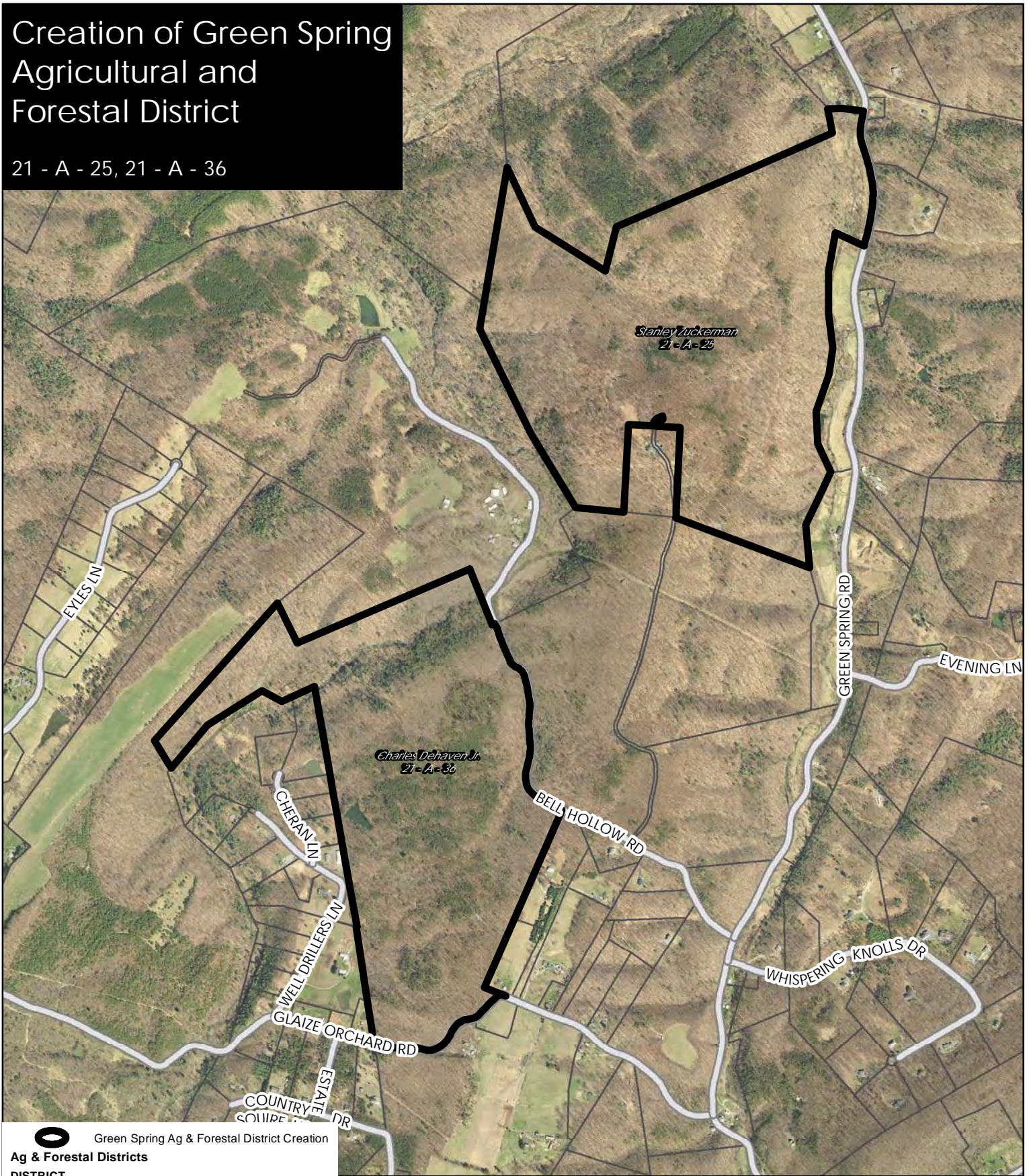
May 2014


Agricultural & Forestal Districts



Creation of Green Spring Agricultural and Forestal District










21 - A - 25, 21 - A - 36

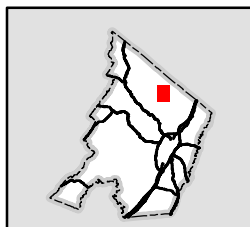


 Green Spring Ag & Forestal District Creation

Ag & Forestal Districts

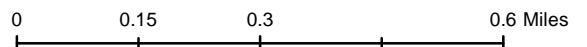
DISTRICT

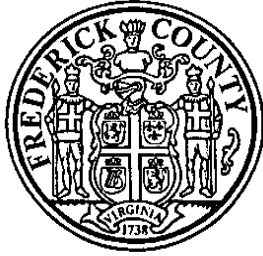
-  Apple Pie Ridge
-  Albin
-  South Timber Ridge
-  South Frederick District
-  Double Church District
-  Red Bud
-  Sewer and Water Service Area
-  Streets
-  Parcels



Creation of Green Spring Agricultural and Forestal District

21 - A - 25, 21 - A - 36





ESTABLISHMENT

Action:

PLANNING COMMISSION: May 21, 2013 - Recommended Approval

BOARD OF SUPERVISORS: May 28, 2013 APPROVED DENIED

ESTABLISHMENT OF THE GREEN SPRINGS AGRICULTURAL & FORESTAL DISTRICT

WHEREAS, a proposal to create the Green Springs Agricultural & Forestal District to consist of 385.63± acres, was considered. The properties are located in the Gainesboro Magisterial, fronting Glaize Orchard Road (Route 682) to the south, and Green Springs Road (Route 671) to the east, and are identified by Property Identification Numbers 21-A-25 and 21-A-36. This application was reviewed by the Agricultural District Advisory Committee (ADAC), and the Planning Commission during their regularly scheduled meetings; and

WHEREAS, The Agricultural District Advisory Committee (ADAC) recommended approval of this proposal on April 21, 2014; and

WHEREAS, the Planning Commission held a public hearing and recommended approval on this proposal to establish the Green Springs Agricultural & Forestal District on May 21, 2014; and

WHEREAS, the Board of Supervisors held a public hearing on this proposal to establish the Green Springs Agricultural & Forestal District on May 28, 2014; and

WHEREAS, the Frederick County Board of Supervisors finds the establishment of the Green Springs Agricultural & Forestal District contributes to the conservation and preservation of agricultural and forestal land in Frederick County;

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

The Frederick County Board of Supervisors hereby establishes the Green Springs Agricultural & Forestal District to consist of 385.63± acres in the Gainesboro Magisterial District, with an expiration and renewal date of May 1st, 2015. This Agricultural & Forestal District is as described on the attached map.

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

Passed this 28th day of May, 2014 by the following recorded vote:

Richard C. Shickle, Chairman _____

Gary A. Lofton _____

Robert A. Hess _____

Robert w. Wells _____

Gene E. Fisher _____

Charles S. DeHaven, Jr. _____

Christopher E. Collins _____

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator

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MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Mark R Cheran, Zoning Administrator *MRC*

RE: Public Hearing: Increase to the South Timber Ridge Agricultural and Forestal District

DATE: May 22, 2014

Chapter 43, Section 15.2-4300 of the Code of Virginia, 1950, as amended, requires that any request to create or add to an Agricultural and Forestal District be reviewed by the local government. Furthermore, the Code of Virginia requires the local governing body to establish an Agricultural District Advisory Committee for the purpose of reviewing proposals that establish a district or additions to a district, to ensure conformity with the provisions of Section 15.2-43000. Ultimately, the Board of Supervisors approves, approves with modifications, or denies the proposal to establish or renew an Agricultural and Forestal District.

The Agricultural District Advisory Committee (ADAC) met on April 21, 2014, and unanimously recommended the increase to the South Timber Ridge Agricultural and Forestal District.

This proposed increase to the district contains 85+/- acres within one parcel. The property is located in the Gainesboro Magisterial District, along Hollow Road (Route 707) to the north, Muse Road (Route 610) and Gold Orchard Road (Route 708) to the east with Property Identification Number 26-A-49.

The Planning Commission held a public hearing on May 21, 2014. There were no public comments. No issues were raised by the Commission and they unanimously voted to recommend approval of the increase in acreage to the South Timber Ridge Agricultural and Forestal District.

MRC/pd

Proposed Addition to the South Timber Ridge Agricultural and Forestal District

This is a request to the Frederick County Agricultural District Advisory Committee (ADAC) to enlarge the South Timber Ridge Agricultural and Forestal District. This Agricultural and Forestal District was created in 2010.

Chapter 43, Section 15.2-4300 of the Code of Virginia, 1950, as amended, enables local governments to establish Agricultural and Forestal Districts to conserve and protect agricultural and forestal lands for the production of food and other agricultural products and to provide natural and ecological resources. The Code of Virginia requires the local governing body to establish an ADAC for the purpose of reviewing proposals that establish or renew Districts to ensure conformity with the provisions of Section 15.2-4300. Ultimately, the Board of Supervisors approves, approves with modifications, or denies the proposal to establish or renew an Agricultural and Forestal District.

LOCATION

The District is located in the Gainesboro Magisterial District along Hollow Road (Route 707) to the north, Muse Road (Route 610) and Gold Orchard Road (Route 708) to the east.

SIZE

The District currently contains 15 parcels and 894+/- acres, managed by one (1) property owner. The proposed addition will be one (1) parcel containing of total acreage of 85+/- acres. If this addition is approved, the resulting District will contain a total of 979+/- acres, to be managed by the same property owner.

PROPERTY IDENTIFICATION NUMBER

26-A-49

AGRICULTURAL & FORESTAL SIGNIFICANCE

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

LAND USE

The proposed parcel is in agricultural use.

COMPREHENSIVE PLAN

The 2030 Comprehensive Policy Plan of Frederick County provides guidance when considering land use actions. The location of the proposed addition to the District lies outside the Urban Development Area (UDA) and Sewer and Water Service Area (SWSA), and is not part of any land use plan or study by the County. The land use within this proposed addition to the District is residential and agricultural. The current land use should remain in its present land use of pristine condition with land use of orchards, agricultural, and residential.

ZONING

The proposed parcels are currently zoned RA (Rural Areas) Zoning District. The surrounding properties are zoned:

North: RA (Rural Areas)

South: RA (Rural Areas)

East: RA (Rural Areas)

West: RA (Rural Areas)

LAKES/PONDS/STREAMS

The proposed addition to the District lies primarily within the Gainesboro drainage area. The establishment of this District will further assist with managing the quality of the County’s water resources.

SOILS

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

PRIME AGRICULTURE SOIL

The largest amount of prime agricultural soils located within the South Timber Ridge Agricultural and Forestal District is Weikert-Berks-Blairton

STAFF COMMENTS

The 2030 Comprehensive Policy Plan of Frederick County indicates the area of the County where this proposed addition is not part of any land use plan or study. The proposed addition is located outside the UDA and SWSA, and is to remain rural in nature and protected from any future development. The intent of the Rural Areas is to maintain agriculture as a significant portion of the County’s economy, and to maintain the rural character of areas outside of its UDA. The addition of this parcel to the South Timber Ridge District is agriculturally significant as outlined in the Agricultural and Forestal Districts Act.

STAFF CONCLUSIONS FOR THE FREDERICK COUNTY ADAC MEETING:

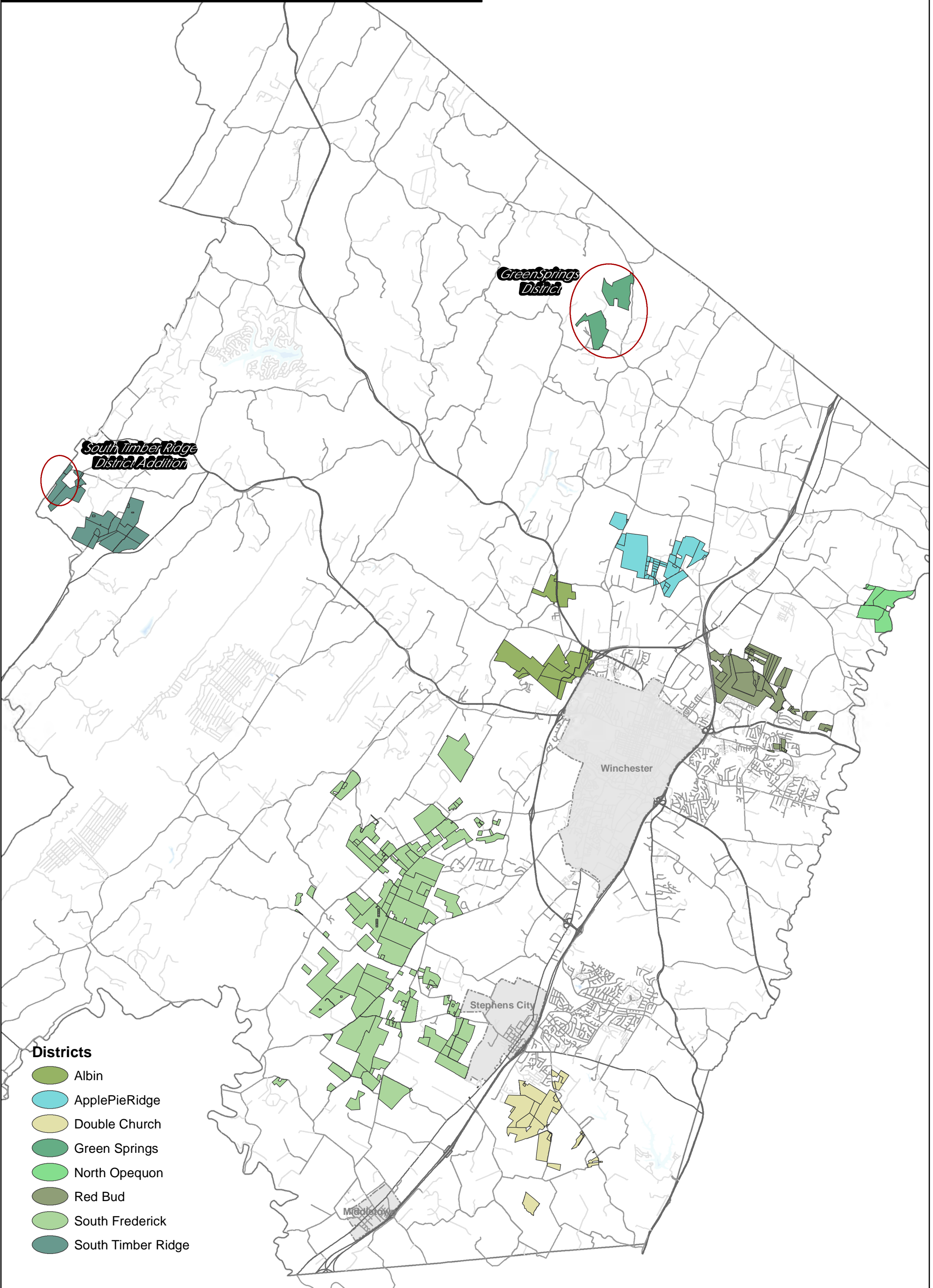
The proposed addition to the District meets the intent of Chapter 43, Section 15.2-4300 of the Code of Virginia, 1950, as amended that enables local governments to establish Agricultural and Forestal Districts to conserve and protect agricultural and forestal land. The Code of Virginia sets out criteria for evaluating Agricultural and Forestal District applications. One of the criteria is that the application should be evaluated in conjunction with the Comprehensive Plan of the locality. The Comprehensive Plan and this proposed addition provides an opportunity for the agribusiness community to conduct long range planning efforts for the management of their operations, while providing a reserve of agricultural land through the year 2015. Therefore, staff would recommend that this proposed addition of this one (1) parcel containing 85 acres to be included within the South Timber Ridge Agricultural and Forestal District. This additional acreage will increase the District from 894 acres to 979 acres.

The Agricultural District Advisory Committee, at its meeting on April 21, 2014, unanimously approved the creation of the South Timber Ridge Agricultural and Forestal District.

PLANNING COMMISSION SUMMARY & ACTION OF THE 5/21/14 MEETING:

The Planning Commission held a public hearing and there were no citizen comments. No issues were raised by the Commission and they unanimously voted to recommend approval of the additional acreage to the South Timber Ridge Agricultural and Forestal District. (Note: Commissioner Oates was absent from the meeting).

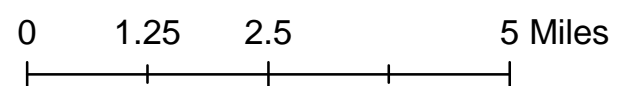
Agricultural & Forestal Districts May 2014



Total Ag. District Acreage: 12,302.4 Ac.

May 2014

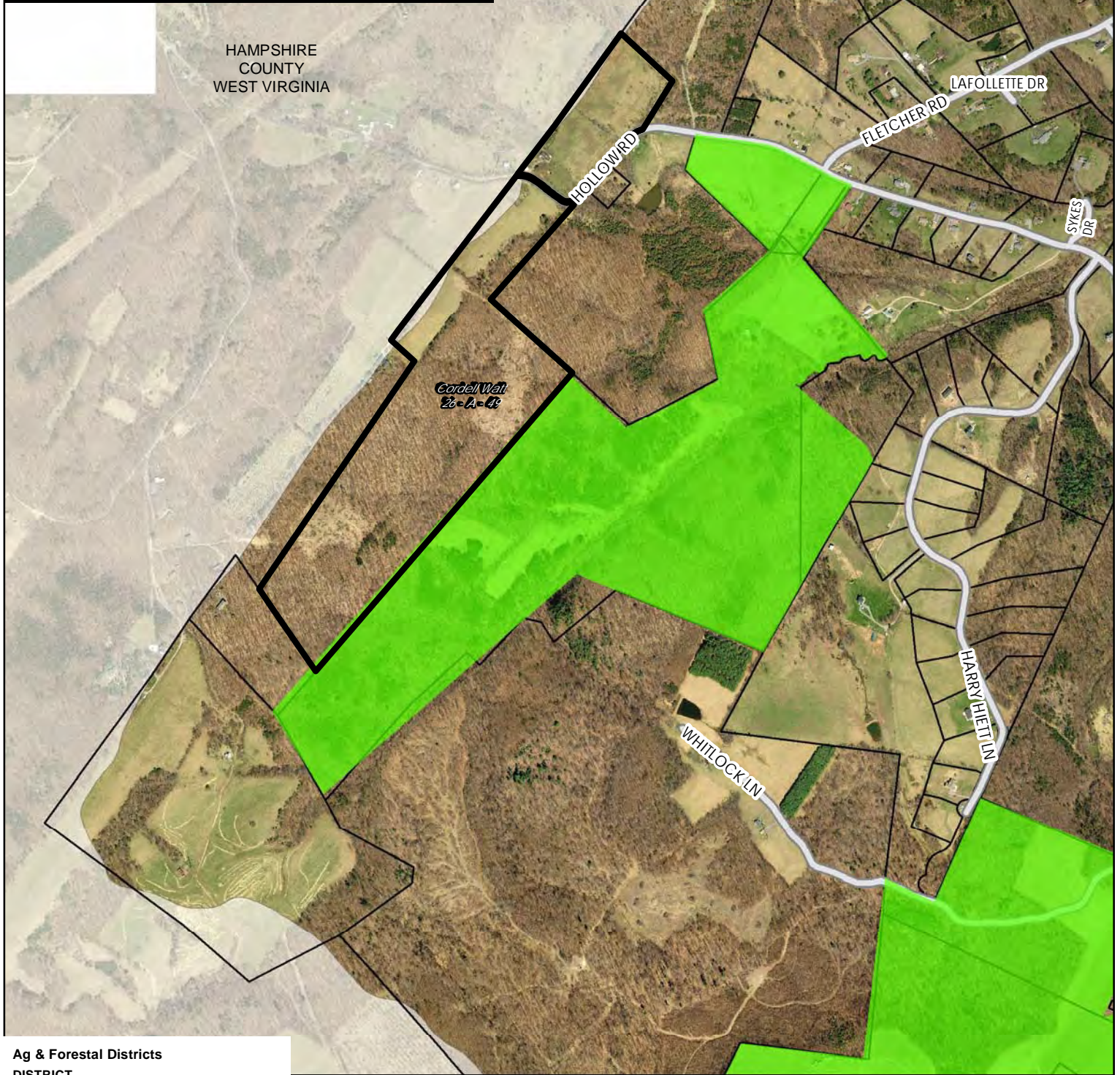
Agricultural & Forestal Districts



Addition South Timber Ridge Agricultural and Forestral District










26 - A - 49

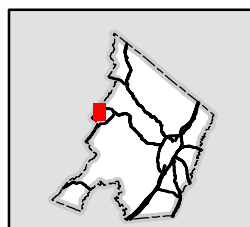
HAMPSHIRE
COUNTY
WEST VIRGINIA



Ag & Forestal Districts

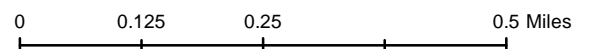
DISTRICT

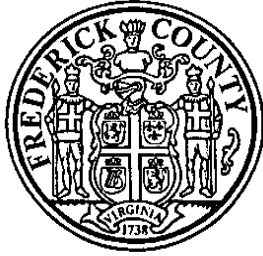
-  Apple Pie Ridge
-  Albin
-  South Timber Ridge
-  South Frederick District
-  Double Church District
-  Red Bud
-  Sewer and Water Service Area
-  Streets
-  Parcels



Addition South Timber Ridge Agricultural and Forestral District

26 - A - 49





ADDITIONS

Action:

PLANNING COMMISSION: May 21, 2014 - Recommended Approval

BOARD OF SUPERVISORS: May 28, 2014 APPROVED DENIED

ADDITIONS TO THE SOUTH TIMBER RIDGE AGRICULTURAL & FORESTAL DISTRICT

WHEREAS, a proposal to increase the South Timber Ridge Agricultural & Forestal District by 85± acres, was considered. The properties are located in the Gainesboro Magisterial District along Hollow Road (Route 707) to the north, Muse Road (Route 610) and Gold Orchard Road (Route 708) to the east, and is identified by Property Identification Number 26-A-49. This application was reviewed by the Agricultural District Advisory Committee (ADAC), and the Planning Commission during their regularly scheduled meetings; and

WHEREAS, The Agricultural District Advisory Committee (ADAC) recommended approval of this proposal on April 21, 2014; and

WHEREAS, the Planning Commission held a public hearing and recommended approval on this proposal to increase the South Timber Ridge Agricultural & Forestal District on May 21, 2014; and

WHEREAS, the Board of Supervisors held a public hearing on this proposal to increase the South Timber Ridge Agricultural & Forestal District on May 28, 2014; and

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

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

The Frederick County Board of Supervisors hereby increases the South Timber Ridge Agricultural & Forestal District by 85±, to total 979 acres in the Gainesboro Magisterial District, with an expiration and renewal date of May 1st, 2015. This Agricultural & Forestal District is as described on the attached map.

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

Passed this 28th day of May, 2014 by the following recorded vote:

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

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator

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MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, Senior Planner *CEP*

SUBJECT: Public Hearing - Master Development Plan Waivers

DATE: May 22, 2014

In October of 2012, the Board of Supervisors formed the Frederick County Business Climate Assessment Committee (also called the Business Friendly Committee) to evaluate the current processes and procedures being utilized by the County. The purpose of the effort was to search for ways that the County could better meet the needs of new and existing businesses in the community. The Committee's final report was adopted by the Board of Supervisors in July of 2013. One recommendation contained in the report was to eliminate the MDP requirement contained in the Zoning Ordinance. The Land Use and Development Subcommittee of the Business Friendly Committee "recommended the elimination of the Master Development Plan process. They felt this process was already incorporated in other existing ordinances and results in a duplicative process."

The DRRC reviewed the MDP requirements at their October 2013 and January 2014 meetings. The DRRC disagreed the MDP requirement should be eliminated. The Committee felt this was an important process for both the applicant and the public. The Committee did recommend that the MDP ordinance be modified to allow for a waiver of the MDP requirement if an applicant chooses to process a detailed site plan in lieu of a MDP. The Planning Commission discussed the MDP requirements at their meeting on April 2, 2014. A Commissioner, who was a member of the DRRC, was against removing the MDP requirement because he believed it protected the applicant from future changes that may occur and guarantees where roads, entrances, and buffers, etc. will be located on the site. The Commission noted the proposed revisions provide the applicant with the option to decide if they want to request a waiver of the MDP or not. The Commission believed it was a good compromise. The Board of Supervisors discussed this item at their April 23, 2014 meeting; the Board had no changes and forwarded the item to the Planning Commission for public hearing.

The Planning Commission held a public hearing at their meeting on May 21, 2014. There were no citizen comments and no issues were raised by the Commission members. The Commission voted unanimously to recommend approval. (Note: Commissioner Oates was absent from the meeting.)

The attached document shows the existing ordinance with the proposed changes (with strikethroughs for text eliminated and bold italic for text added). **This is being presented to the Board as a public hearing item.** Please contact staff if you have any questions.

Attachments: 1. Proposed Revisions (deletions shown in strikethrough and additions show in bold underlined italics).
2. Business Friendly Initiatives.

CEP/pd/rsa

Draft Master Development Revisions

ARTICLE VIII DEVELOPMENT PLANS AND APPROVALS

Part 801 – Master Development Plans

§ 165-801.01 Intent.

The purpose of the master development plan (MDP) is to promote orderly and planned subdivision and development of property within Frederick County. It is the purpose of the MDP to ensure that such development occurs in a manner that suits the characteristics of the land, is harmonious with adjoining property and is in the best interest of the general public. The MDP shall be used to illustrate the characteristics of the property proposed for subdivision and/or development and of surrounding properties and ensure that the requirements of the County Code have been satisfied.

§ 165-801.02 When required.

A. A preliminary Master Development Plan (MDP) shall be submitted to the Director of Planning and Development, and shall be presented to the Planning Commission and the Board of Supervisors as an informational item. Ultimately, the MDP must receive administrative approval from the Director of Planning and Development and the County Administrator prior to any subdivision or development of property in any of the following zoning districts:

RP	Residential Performance District
R4	Residential Planned Community District
R5	Residential Recreational Community District
MH1	Mobile Home Community District
HE	High Education District
MS	Medical Support District
B1	Neighborhood Business District
B2	Business General District
B3	Industrial Transition District
OM	Office-Manufacturing Park District
M1	Industrial Light District
M2	Industrial General District
EM	Extractive Manufacturing District

Draft Master Development Revisions

- B. The MDP shall include the subject property proposed for subdivision or development as well as all contiguous land under single or common ownership in the above zoning districts.
- C. A MDP may be submitted with an application for a rezoning but shall not be considered binding until approval of a final MDP.

§ 165-801.03 Waivers.

- A. RP, R4, R5, and MH1 Districts. The Director of Planning and Development may waive the requirements of a MDP in the RP (Residential Performance District), the R4 (Residential Planned Community District), the R5 (Residential Recreational Community District), and the MH-1 (Mobile Home Community District), if the proposed property for subdivision or development:

- (1) Contains 10 or less single-family detached rural traditional, single-family detached traditional or single-family detached urban dwelling units (all other permitted housing types shall require a MDP);
- (2) Is not an integral portion of a property proposed or planned for future development or subdivision;
- (3) Is planned to be developed in a manner that is harmonious with surrounding properties and land uses; and
- (4) Does not substantially affect the purpose and intent of its zoning district and the intent of this article.

(5) A MDP may also be waived if the applicant chooses to process a site plan in lieu of a MDP. The site plan must contain all information generally required on a MDP and a site plan. Once the site plan is in an administratively approvable form the plan will be presented to the Planning Commission and the Board of Supervisors per § 165-801.06.

- B. M1, EM and M2 Districts. The Director of Planning and Development may waive the requirement of a MDP in the M1 (Light Industrial), the EM (Extractive Manufacturing), or the M2 (Industrial General) Zoning Districts if the proposed subdivision or development:

- (1) Includes no new streets, roads or rights-of-way, does not further extend any existing or dedicated street, road or rights-of-way and does not significantly change the layout of any existing or dedicated street, road or rights-of-way;
- (2) Does not propose any stormwater management system designed to serve more than one lot and does not necessitate significant changes to existing stormwater management systems designed to serve more than one lot;
- (3) Is not an integral portion of a property proposed or planned for future development or subdivision;

Draft Master Development Revisions

(4) Is planned to be developed in a manner that is harmonious with surrounding properties and land uses; and

(5) That such development does not substantially affect the purpose and intent of this chapter.

(6) A MDP may also be waived if the applicant chooses to process a site plan in lieu of a MDP. The site plan must contain all information generally required on a MDP and a site plan. Once the site plan is in an administratively approvable form the plan will be presented to the Planning Commission and the Board of Supervisors per § 165-801.06.

C. B1, B2, B3, MS and HE Districts. The Director of Planning and Development may waive the requirement of a master development plan in the B1 (Neighborhood Business), B2 (Business General), B3 (Industrial Transition), MS (Medical Support) or HE (Higher Education) Zoning Districts if the proposed subdivision or development:

(1) Contains less than five acres in the B1 District and less than 10 acres in the B2, B3, MS or HE District;

(2) Includes no new streets, roads or rights-of-way, does not further extend any existing or dedicated street and does not significantly change the layout of any existing or dedicated street;

(3) Does not propose any stormwater management system designed to serve more than one lot and does not necessitate significant changes to existing stormwater management systems designed to serve more than one lot;

(4) Is not an integral portion of a property proposed or planned for future development or subdivision;

(5) Is planned to be developed in a manner that is harmonious with surrounding properties and land uses; and

(6) That such development does not substantially affect the purpose and intent of this chapter.

(6) A MDP may also be waived if the applicant chooses to process a site plan in lieu of a MDP. The site plan must contain all information generally required on a MDP and a site plan. Once the site plan is in an administratively approvable form the plan will be presented to the Planning Commission and the Board of Supervisors per § 165-801.06.

§ 165-801.04 Preapplication conference.

Prior to submission of a master development plan for review, the Department of Planning and Development staff may require, or an applicant may request a preapplication conference. The purpose of the preapplication-conference is to review and discuss the nature of the proposal in relation to the requirements of the County Code and to discuss the preparation of a master development plan.

A. If required, at the preapplication conference the applicant shall provide a land use plan describing the following:

Draft Master Development Revisions

- (1) The general location of the site.
- (2) The general location of proposed roads.
- (3) The general location and types of proposed uses, environmental features on the site, housing types or open space.
- (4) The uses on adjoining properties.

§ 165-801.5 Contents of-master development plans.

- A. The following items shall be required for MDP's in all Zoning Districts. All required items shall be shown clearly on the plan. All MDP's shall be prepared in accordance with the following specifications:
- (1) The scale shall be one inch equals 100 feet or larger (the ratio of feet to inches shall be no more than one hundred feet to one inch) or at a scale acceptable to the Director. The scale shall be sufficient so that all features are discernible.
 - (2) No sheet shall exceed 42 inches in size unless approved by the Director of Planning and Development. If the MDP is prepared on more than one sheet, match lines shall clearly indicate where the sheets join.
 - (3) All MDP's shall include a North arrow, a scale and a legend describing all symbols.
 - (4) A boundary survey of the entire property related to true meridian and certified by a certified Virginia surveyor, architect or engineer, with all dimensions in feet and decimals of feet, is required for all MDP'S.
 - (5) The total area of the property shall be specified on the MDP.
 - (6) The topography shall be shown at contour intervals acceptable to the Director.
 - (7) The title of the proposed project; the date, month, year the plan was prepared or revised; the name of the applicant(s), owner(s) and contract owner(s); and the names of the individuals or firms preparing the plan shall be clearly specified.
 - (8) A schedule of phases, with the approximate location of phase boundaries and the order in which the phases are to be developed, shall be provided.
 - (9) The use of all adjoining properties shall be clearly designated on the MDP.
 - (10) All existing, approved or planned public roads, streets or rights-of-way on the project or within 2,000 feet of the boundaries of the project.
 - (11) Any approved proffers associated with property.

Draft Master Development Revisions

- (12) The location and treatment proposed for all historical structures and sites recognized as significant by the Frederick County Board of Supervisors or as identified on the Virginia Historical Landmarks Commission Survey for Frederick County.
 - (13) A history of all land divisions that have occurred in relation to the tract since the adoption of this requirement.
 - (14) The approximate location of sewer and water mains with statements concerning the connection with and availability of existing facilities.
 - (15) The ownership and use of all adjoining parcels, including parcels across road right of ways.
 - (16) Description of any changes made since approval of any prior MDP's.
 - (17) An approval block and signature lines for the Director of Planning and Development.
- B. Contents of a master development plan in the RP (Residential Performance) District, the R4 (Residential Planned Community) District, the R5 (Residential Recreational Community) District and the MH-1 (Mobile Home Community) District. The MDP shall contain a conceptual plan, showing the location and functional relationship between all proposed housing types and land uses, including the following information:
- (1) A land use plan, showing the location, arrangement and approximate boundaries of all proposed land uses.
 - (2) The approximate acreage in common open space, in each use and housing type and in roads, streets or rights-of-way for each phase and the total development.
 - (3) The location and approximate boundaries of proposed housing types conceptually shown in accord with residential performance dimensional requirements.
 - (4) The proposed number of dwelling units of each type in each phase and in the total development.
 - (5) The location and approximate boundaries of existing environmental features, including floodplains, lakes and ponds, wetlands, natural stormwater retention areas, steep slopes and woodlands.
 - (6) The location of environmental protection land to be included in common open space.
 - (7) The approximate acreage of each type of environmental protection land, the amount and percentage of each type that is to be disturbed and the amount and percentage of each type to be placed in common open space.
 - (8) The amount, approximate boundaries and location of common open space, with the percentage of the total acreage of the site to be placed in common open space.
 - (9) The location and general configuration of recreational facilities, with a general statement of the types of recreational facilities to be provided.

Draft Master Development Revisions

- (10) The location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided.
 - (11) The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels, shall be in accordance with § 165-202.04.
 - (12) The location and arrangement of street entrances, driveways and parking areas.
 - (13) A conceptual plan for stormwater management with the location of stormwater facilities designed to serve more than one lot.
 - (14) Calculations describing all proposed bonus factors with the location of and specifications for bonus improvements, when proposed.
- C. Contents of a master development plan in the M1 (Light Industrial) District, the M2 (Industrial General) District, the EM (Extractive Manufacturing) District, the HE (Higher Education) District, the B1 (Neighborhood Business) District, the B2 (Business General) District, the B3 (Industrial Transition) District, the OM (Office-Manufacturing Park) District and the MS (Medical Support) District. The MDP shall contain a conceptual plan, showing the location and functional relationship between streets and land uses, including the following:
- (1) A conceptual plan, showing the location and arrangement of proposed uses.
 - (2) The location and approximate boundaries of existing environmental features, including floodplains, lakes and ponds, wetlands, natural stormwater detention areas, steep slopes and woodlands, as defined, and the approximate acreage of each type of environmental feature, including the amount and percentage of each type that is to be disturbed and the amount and percentage of each type to be placed in open or landscaped areas.
 - (3) The proposed location and arrangement of all proposed and existing utility systems.
 - (4) The location and arrangement of existing and proposed public or private roads, existing or proposed entrances, and driveways from existing and proposed public or private streets.
 - (5) A conceptual plan for stormwater management and description and the location of all stormwater facilities designed to serve more than one parcel.
 - (6) The location and extent of proposed buffers required by this Chapter, with statements, profiles, cross sections or examples clearly specifying the screening to be provided.

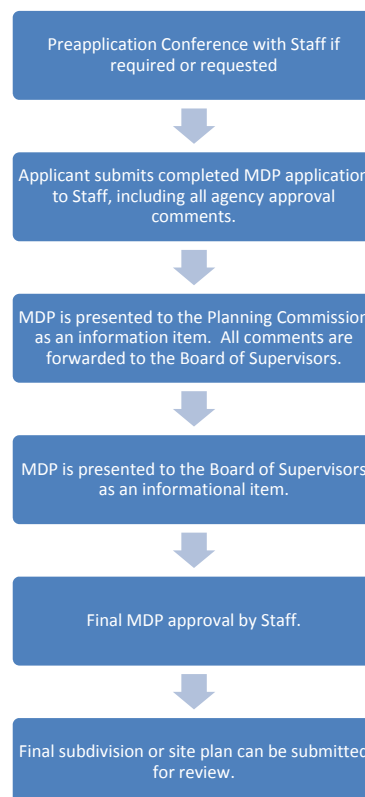
§ 165-801.06 Master development plan submission.

Applicants shall submit the number of copies of the preliminary MDP to the Department of Planning and Development specified by the Department of Planning and Development MDP application, together with completed application materials required by the Department of Planning and Development.

Draft Master Development Revisions

- A. Applicants shall provide approval comments on the proposed development from various review agencies or departments as required by the Department of Planning and Development. The submission shall be complete and the application shall commence through the public meeting process when the plans, application materials and review agency approval comments have been received by the Director of Planning and Development.
- B. A Traffic Impact Analysis (TIA) shall be prepared and submitted to the Department of Planning and Development with all MDP applications in accordance with the adopted Traffic Impact Analysis Standards.
- C. When the submission is complete, the Director of Planning and Development shall submit the plans, application materials and review agency approval comments to the Planning Commission as an informational item.
- D. Following the informational presentation of the MDP to the Planning Commission, copies of the plan, application materials and agency comments shall be submitted to the Board of Supervisors as an informational item.
- E. The preliminary MDP submitted to the Board of Supervisors for review shall not be substantially changed from plans reviewed by the Planning Commission. Changes may be made that were discussed by the Planning Commission. Other substantial changes to the plan shall require that the Planning Commission review the plan as a new MDP.
- F. Site plans or final subdivision plats may be submitted concurrently with preliminary master development plans for review according to the procedures set forth in this chapter and Chapter 144, Subdivision of Land, of the County Code.

Master Development Plan Approval Process



Draft Master Development Revisions

§ 165-801.07 Final master development plan.

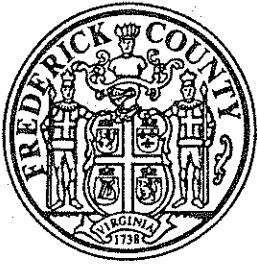
- A. The final MDP shall conform to all requirements of the County Code.
- B Applicants shall submit a minimum of five copies of the final MDP to the Department of Planning and Development. Final approval of the final MDP shall be given by the Director of Planning and Development and the County Administrator.
- C. The Director shall approve the final MDP if all requirements of the County Code and all review agencies have been met, and if a preliminary MDP was presented to the Planning Commission and Board of Supervisors
- D. A MDP shall not be considered final until it is signed by the Director of Planning and Development and the County Administrator.

§ 165-801.08 Changes to approved Master Development Plans.

Changes to an approved MDP shall occur only after review by the Planning Commission and the Board of Supervisors using the procedures required for the approval of a new plan. The Director of Planning and Development may approve minor changes without following the full procedures, if such approval does not violate the intent of this chapter and section. Such minor changes shall not include increases in the density or intensity of development, changes to entrance or street layout, changes to stormwater layout or other major design changes.

§ 165-801.9 Master development plan review fees.

The Board of Supervisors may adopt a schedule of fees to be paid by the applicant to the County for the costs associated with the review of the MDP.



COUNTY of FREDERICK

John R. Riley, Jr.
County Administrator

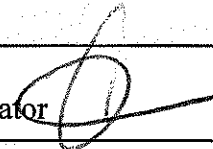
540/665-5666

Fax 540/667-0370

E-mail:

jriley@co.frederick.va.us

MEMORANDUM

TO:	Board of Supervisors
FROM:	John R. Riley, Jr., County Administrator 
SUBJECT:	Business Friendly Committee Report
DATE:	July 26, 2013

At the July 10, 2013 meeting of the Board of Supervisors, the Board voted to accept the report from the Frederick County Business Climate Assessment Citizens' Committee. During the Board's discussions, it was the consensus for the Chairman and County Administrator to meet and review the recommendations presented and determine which committees or boards would evaluate and provide guidance regarding possible implementation. To that end, provided below is a list of the phase I recommendations and the respective committee(s) assignment(s).

Public Information Officer

The dominant theme coming from the various subcommittees was public outreach and promotion of Frederick County. One of the recommendations pertaining to this theme was the need to create a public information officer position.

This recommendation should be forwarded to the Human Resources Committee for further evaluation with a recommendation to be forwarded to the Board at a future meeting.

Signage Along Major Routes Entering Frederick County

One recommendation regarding promoting Frederick County as a business destination was to install signage along Interstate 81 and major routes entering Frederick County (i.e. Routes 7, 11, 50, and 522) stating "Frederick County is Open for Business". The committee felt this initiative

would show Frederick County as a positive business partner and could help provide the county with a marketing advantage.

This recommendation should be forwarded to the Transportation Committee and the Economic Development Commission for review of signage placement and messaging, respectively.

Establishment of an Economic Development Authority

The creation of an economic development authority or EDA was identified as an important catalyst to fostering a more competitive business environment for Frederick County. While the powers and authorities of an industrial development authority, which currently exists in Frederick County, and an economic development authority are the same, the change from an IDA to an EDA would provide the Board of Supervisors with an opportunity to re-establish the economic development vision for the county and would also provide the flexibility to pursue a variety of business attraction and retention options and strategies for implementing a diversified economic development strategy.

This recommendation should first be referred to the Winchester- Frederick County Economic Development Commission. This would give the Commission an opportunity consider the EDA's role in Frederick County's business attraction and retention efforts and its relationship to the current Economic Development Commission.

Review and Evaluation of the Master Development Plan Process

The Land Use and Development Subcommittee recommended the elimination of the Master Development Plan process. They felt this process was already incorporated in other existing ordinances and results in a duplicative process.

A re-evaluation of the current Master Development Plan process would be appropriate. This recommendation should be referred to the Planning Commission for initial evaluation by the Development Review and Regulations Committee and the entire Planning Commission.

Simplification of the Landscape Ordinance

The Land Use and Development Subcommittee recommended a complete review and re-evaluation of the Frederick County Buffers and Landscaping Ordinance to provide a well defined purpose to allow for flexibility in project site landscaping, tree preservation, and effective development buffers

A re-evaluation of the current Buffers and Landscaping Ordinance would be appropriate. This recommendation should be referred to the Planning Commission for initial evaluation by the Development Review and Regulations Committee and the entire Planning Commission.

Reduction in Proffer Requirements

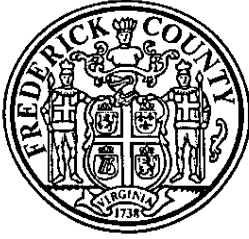
The Land Use and Development Subcommittee recommended a reduction in proffer requirements for future rezoning applications, as well as amendments to existing proffers in order to create viable projects that will deliver needed transportation improvements and other benefits. The economics of the current proffer model or development impact model do not allow for construction. The committee examined the model and determined there were numerous capital items contemplated and incorporated into the model, but those projects were not being built in the current year. It is anticipated none of these government capital projects will be built at any time in the near future, if at all. Further, the Development Impact Model does not fully account for business, personal property tax, or other revenue that is of significant benefit to Frederick County, in addition to property taxes.

A re-evaluation of the Development Impact Model taking into account current economic conditions would be appropriate. This recommendation should be referred to the Development Impact Model Oversight Committee for evaluation and recommendation to the Board.

Staff is seeking the Board action to refer the items listed above to the respective committees for further review and evaluation.

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

JRR/jet



RESOLUTION

Action:

PLANNING COMMISSION: May 21, 2014

Recommended Approval

BOARD OF SUPERVISORS: May 28, 2014

APPROVED DENIED

**AN ORDINANCE AMENDING
THE FREDERICK COUNTY CODE
CHAPTER 165 ZONING**

**ARTICLE VIII – DEVELOPMENT PLANS AND APPROVALS
PART 801 – MASTER DEVELOPMENTS
§165-801.03 WAIVERS**

WHEREAS, an ordinance to amend Chapter 165, Zoning to allow for a Master Development Plan (MDP) waiver if an applicant chooses to process a detailed site plan in lieu of a MDP, was considered; and

WHEREAS, The Planning Commission held a public hearing on this ordinance on May 21, 2014; and

WHEREAS, The Board of Supervisors held a public hearing on this ordinance on May 28, 2014; and

WHEREAS, the Frederick County Board of Supervisors finds that the adoption of this ordinance to be in the best interest of the public health, safety, welfare, and in good zoning practice; and

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that **Chapter 165 Zoning, is amended to update Article VIII – Development Plans and Approvals, Part 801 – Master Developments, §165-801-03 to allow for a MDP waiver if an applicant chooses to process a detailed site plan in lieu of a MDP.**

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

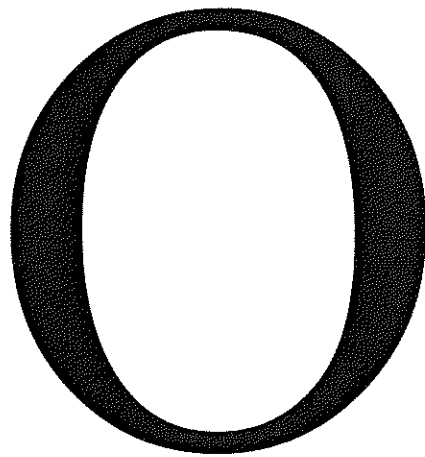
Passed this 28th day of May, 2014 by the following recorded vote:

This resolution was approved by the following recorded vote:

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

A COPY ATTEST


John R. Riley, Jr.
Frederick County Administrator





MEMORANDUM

TO: Board of Supervisors

FROM: Michael T. Ruddy, AICP
Deputy Director 

DATE: May 21, 2014

RE: **2nd Discussion: Comprehensive Policy Plan Amendment (CPPA);
Middletown/Lord Fairfax SWSA - Future Expansion Area.**

The Middletown/Lord Fairfax Sewer and Water Service Area (SWSA) - Future Expansion Area draft amendment to the 2030 Comprehensive Plan is once again presented to the Board of Supervisors for direction. Staff is seeking direction to move the draft amendment through the public hearing process.

Previously, the Board of Supervisors had discussed this item and decided that further discussion should occur with the Frederick County Sanitation Authority (FCSA) on the general topic of sewer and water service in Frederick County. Subsequently, two work sessions were held between the Board of Supervisors and the FCSA during 2013 at which the general topic was discussed at length.

The Applicant's representative has requested that this item be brought back to the Board of Supervisors for their consideration.

Background.

Following on from the LFCC/Middletown Sewer and Water Service Area Plan, approved in 2012, which created a 138 acre SWSA in the area surrounding, and including the Lord Fairfax Community College, the CPPC and Planning Commission continued the discussion of the surrounding area previously identified as Phase 2.

Board of Supervisors

Discussion: CPPA; Middletown/Lord Fairfax SWSA - Future Expansion Area.

May 21, 2014

Page 2

On March 11, 2013, the Comprehensive Plans and Programs Committee (CPPC) recommended approval of the Comprehensive Plan amendment for a change in the land use designation of this property to OM with the recognition that other business development land uses aimed at supporting Lord Fairfax Community College may be considered with rezoning requests implementing the Plan. The CPPC's endorsement included the language added to the previously approved land use plan and an updated land use map.

The CPPC expressed their desire to see the Board of Supervisors provide guidance on the timing of the expansion of the SWSA in support of the expansion area. As expressed by the property owner's representative at the Planning Commission discussion, it is the property owners desire to see the SWSA expanded at this time.

The Planning Commission discussed this item at their April 3, 2013 meeting. The Commission discussed how the provision of water and sewer would occur in this area. Staff reiterated that the Plan would maintain consistency with the recently approved Middletown/Lord Fairfax SWSA Plan. The Town of Middletown and the City of Winchester would be involved in the provision of public water and sewer. No other issues were raised by the Planning Commission and the Commission expressed their general support of this amendment, in particular, as it would enhance the College and its growth and development.

This discussion at the Board of Supervisors provided an opportunity for the continued review of this proposed amendment to the 2030 Comprehensive Plan; the Middletown/Lord Fairfax SWSA. The provision of water and sewer services remained the focus of this discussion. In particular, the role that the FCSA played in serving this area and the relationship between the FCSA, Town of Middletown, and City of Winchester in providing this service.

Please find attached with this agenda item the proposed addition to the Middletown/Lord Fairfax Sewer and Water Service Area Plan.

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

Attachments

MTR/pd

APPENDIX I - AREA PLANS

MIDDLETOWN/LORD FAIRFAX SEWER AND WATER SERVICE AREA

Lord Fairfax Community College (LFCC) is a comprehensive, multi-campus public institution of higher education. Through its three locations — the Fauquier and Middletown Campuses and the Luray-Page County Center — the College serves eight localities in the Shenandoah Valley and Piedmont regions. The localities are the counties of Clarke, Fauquier, Frederick, Page, Rappahannock, Shenandoah and Warren and the city of Winchester.

Frederick County's Middletown Campus is located at 173 Skirmisher Lane, Middletown, Virginia. The Middletown campus has grown since it was founded in 1970 into the campus illustrated in the following site plan.



LFCC is looking to expand its facilities on its current property and on property owned by the LFCC Foundation.

The Middletown Elementary School is located immediately north of Lord Fairfax Community College and is one of eleven elementary schools operated by Frederick County Public Schools serving elementary aged children in Frederick County.

APPENDIX I - AREA PLANS

Middletown/Lord Fairfax SWSA

The Sewer and Water Service Area (SWSA) is an important policy tool used by Frederick County to determine where public water and sewer service may be provided. The Board of Supervisors approves the location of the SWSA boundaries through the adoption of the Comprehensive Plan; the 2030 Comprehensive Plan, and amendments thereto. As a result, properties located within the SWSA may enjoy access to public water and sewer.

The Middletown/Lord Fairfax SWSA has been established to enable the provision of public water and sewer in the area north of the Town of Middletown to current and future institutional land uses, including Lord Fairfax Community College and the Middletown Elementary School. The supporting map identifies the location of the Middletown/Lord Fairfax SWSA boundary.

Future study of the area surrounding the Town of Middletown may identify additional properties that could be added to the Middletown/Lord Fairfax SWSA, if deemed appropriate by the Board of Supervisors.

The Frederick County Sanitation Authority (FCSA) has the primary responsibility to manage the provision of water and sewer in Frederick County, and therefore, within the SWSA. In some cases, other public entities may serve properties within Frederick County, if approved by the Board of Supervisors. Lord Fairfax Community College currently obtains water from the City of Winchester, and the Town of Middletown receives their wastewater.

The FCSA has expressed that, at this time, they have no desire to serve this area of Frederick County. However, nothing would preclude the FCSA from serving this area in the future if it is deemed necessary and appropriate. The approval of this plan by the Board of Supervisors would allow the City of Winchester and the Town of Middletown to continue to serve the properties with water and sewer, respectively.

It is recognized that properties owned by the State of Virginia are preempted from local control by Frederick County. Frederick County and Lord Fairfax Community College will continue to work collaboratively on issues related to the growth and development in this area of Frederick County.

Land Use

Frederick County uses the 2030 Comprehensive Plan to guide the future land uses. The Town of Middletown's Foresight Middletown plan, which was adopted into the Town's Comprehensive Plan in 2005, guides the future land uses within the Town and was considered when drafting this plan.

APPENDIX I - AREA PLANS

The area encompassed by the Middletown/Lord Fairfax SWSA is envisioned to promote the continued growth of institutional land uses that enhance the existing educational institutions; Lord Fairfax Community College and the Middletown Elementary School. To that end, the plan calls for the establishment of approximately 140 acres of institutional land use that will serve the citizens of Frederick County and the broader region.

Institutional land uses are defined as a nonprofit or quasi-public use or institution, such as a church, library, public or private school, hospital or municipally owned or operated building, structure or land used for public purposes. Institutions of higher education are defined as an educational institution whose primary purpose is to provide a collegiate or graduate education.

Transportation

The Middletown/Lord Fairfax SWSA is immediately north of the Town of Middletown and is bounded by Route 11, Valley Pike, to the west, and Interstate 81 to the east. Access to the area is via Route 11, Valley Pike. Route 11, Interstate 81, and Exit 302, are strong assets to the areas' transportation network, and to the success of the institutional uses envisioned for this area. It will be important to ensure the function of this transportation network.

In rapidly growing areas, as noted in the Foresight Middletown plan, controlling and coordinating the number, design and location of new access points to major roadways is critical to maintaining the safety and capacity of the road system as traffic volumes increase. Accordingly, access to Valley Pike, Route 11, should be managed and limited. In the future, internal connections within the institutional land uses should be considered. In addition, the primary route to this area from Interstate 81 should be enhanced to safely and effectively manage the traffic and to reflect the Foresight Middletown plan as a means to create an attractive entrance to the Town and this developing area.

Consistent application of Comprehensive Plan goals to achieve an acceptable level of service on area roads and overall transportation network, level of service C or better, should be promoted. Further, efforts should be made to ensure that additional degradation of the transportation beyond an acceptable level of service shall be avoided. Consideration of future development applications within the study area should only occur when an acceptable level of service has been achieved and key elements and connections identified in this plan have been provided.

APPENDIX I - AREA PLANS

Business Development Expansion Area

(Added 01/09/13)

Following the approval of the Area Plan by the Board of Supervisors on November, 2012, the area immediately to the north of the Middletown/Lord Fairfax SWSA was evaluated for potential inclusion into the Middletown/Lord Fairfax SWSA Area Plan. This section, Business Development Expansion Area, is the resulting addition to the plan which provides guidance to the adjacent property owners regarding the future land uses. The policies established in the Middletown/Lord Fairfax SWSA Area Plan guiding transportation and the provision of public water and sewer would apply to this area of future expansion. **The expansion of the SWSA line would change with the approval of the Business Development Expansion Area.**

The Business Development Expansion Area is approximately 100 acres in size and is contiguous to the existing Middletown/Lord Fairfax SWSA. The future land use in this area is envisioned to promote areas of business development in support of the adjacent land use, Lord Fairfax Community College. The business development land uses may include a variety of support services to programs offered at the College, including but not limited to, Health Care, Life Sciences, and Technology. Other independent business development land uses may promote the mixed use industrial/office land use classification of the Comprehensive Plan, the OM Park District, which is designed to provide for areas for research-and-development centers, office parks, and minimal impact industrial and assembly uses.

OM District Land Uses are expected to be of a scale that is compatible with the adjoining educational land uses (LFCC AND Middletown Elementary School) and developed with sensitivity to the unique business development partnership promoted by this plan. To that end, OM District standards such as height, mass, loading/unloading and other design criteria will be expected to be of a limited scale and appropriately oriented in the future development of this planned area.

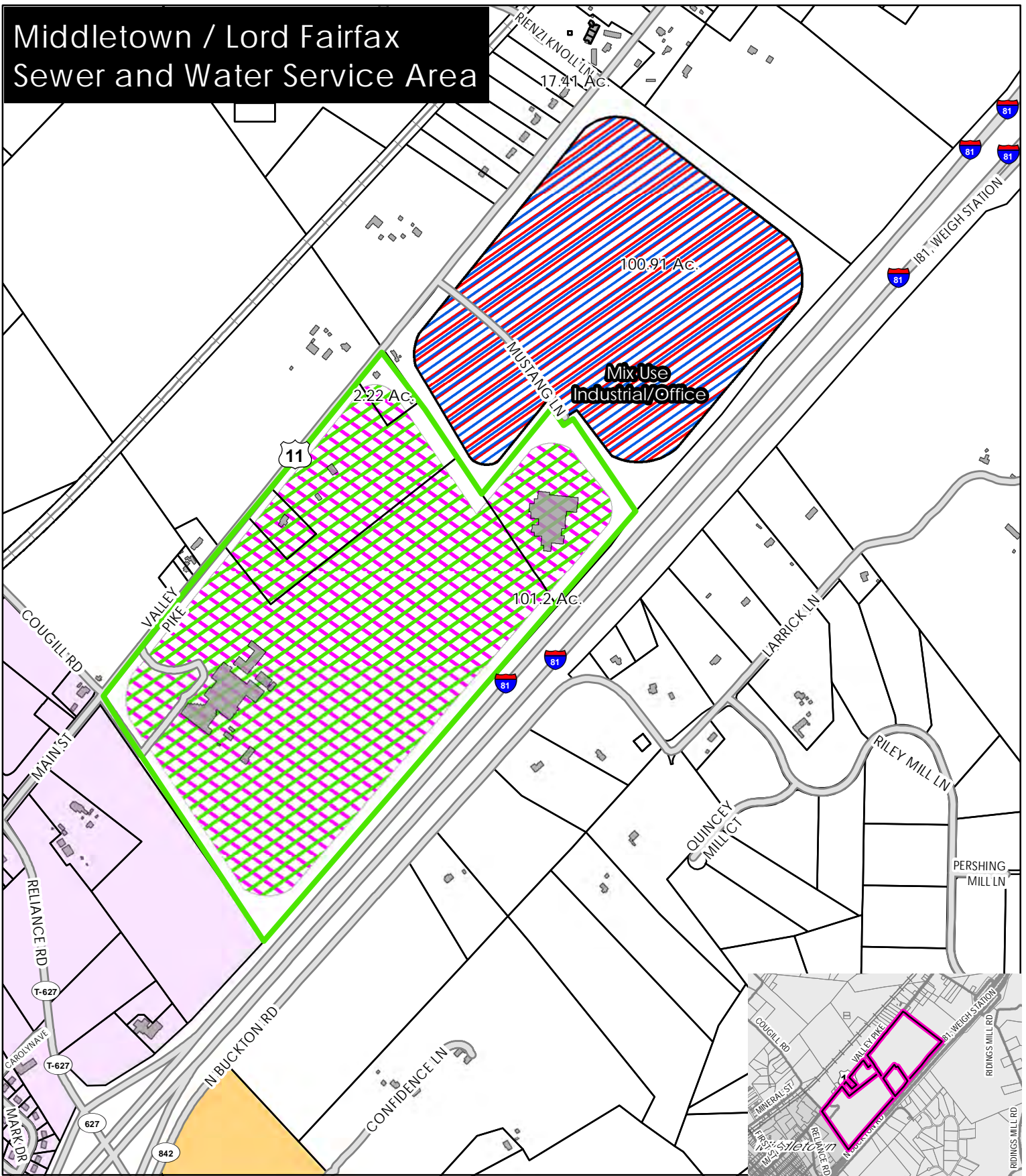
It is recognized that zoning districts other than the OM district may be proposed provided they support business development and the college. All of the above would provide opportunities for workforce development associated with Lord Fairfax Community College.





Residential land uses are not proposed in this area.

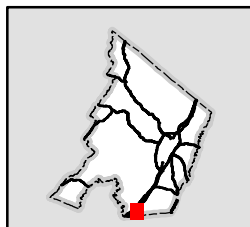
APPENDIX I - AREA PLANS

The area to the west of the Middletown/Lord Fairfax SWSA is not envisioned to be included in the Area Plan. Route 11, Valley Pike, will continue to be the western boundary of the Middletown/Lord Fairfax SWSA. The land in this area to the west of Route 11, Valley Pike, is rural in character and maintaining it in its current state would reinforce the rural and historical character of the land, and would preserve the vistas to the west. In addition, it is recognized that there are environmental features in this area as Meadow Brook and its associated floodplain bisects the area from north to south. The area is further constrained by the railroad tracks that also parallel Route 11, Valley Pike.

Middletown / Lord Fairfax Sewer and Water Service Area



-  Middletown/Lord Fairfax SWSA Boundary
-  Parcels
-  Building Footprints
-  Potential_LandUse

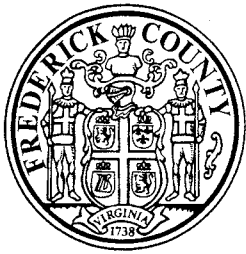


Middletown / Lord Fairfax
Sewer and Water Service Area
Future Expansion Area Admendment
Draft Approved TBD

Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: March 22, 2013
Staff: mruddy




0 650 1,300 2,600 Feet



MEMORANDUM

TO: Jay E. Tibbs, Deputy County Administrator

FROM: Michael T. Ruddy, AICP
Deputy Planning Director 

RE: Middletown/Lord Fairfax SWSA Expansion (Hester)

DATE: March 25, 2014

Please find attached correspondence from Mr. Evan Wyatt, Greenway Engineering, pertaining to the Middletown/Lord Fairfax Sewer and Water Service Area (SWSA) Phase II expansion request. Mr. Wyatt is requesting that this proposed Comprehensive Plan Amendment is placed back on the Planning Commission and Board of Supervisors agendas for consideration for approval.

As you are aware, this item was last discussed by the Board of Supervisors during the summer of 2013. At that time, the Board of Supervisors were interested in further discussing the water and sewer issues associated with this, and other, SWSA changes to the 2030 Comprehensive Plan. A work session was held by the Board of Supervisors with the Frederick County Sanitation Authority (FCSA) in August of 2013 to discuss this issue. No further direction was provided with regards to this request at that time.

Staff is looking for direction for addressing Mr. Wyatt's request.

Attachments:

- Letter from Mr. Evan Wyatt

MTR/pd



GREENWAY ENGINEERING, INC.

151 Windy Hill Lane
Winchester, Virginia 22602

Founded in 1971

February 27, 2014

Frederick County Planning Department
Attn: Mike Ruddy, Deputy Director
107 North Kent Street
Winchester, VA 22601

RE: Middletown/Lord Fairfax SWSA Expansion

Dear Mike;

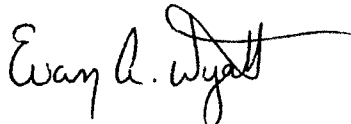
The purpose of this letter is to request placing the referenced request back on the Planning Commission and Board of Supervisor agendas for consideration of approval. As you know, Greenway Engineering has been working on behalf of the Hester Group to seek approval of an expansion of the Middletown/Lord Fairfax SWSA and for the designation off this parcel as future OM District land use subject to rezoning approvals.

This request was considered by the Comprehensive Plans and Programs Subcommittee, Planning Commission and Board of Supervisors in the first half of 2013. The Board of Supervisors placed this request on the table pending a work session with the Frederick County Sanitation Authority (FCSA) to allow for both Boards to discuss matters pertaining to water resources and future service planning for the County. As you know, this work session occurred and there was no discussion regarding future FCSA service in this area of the County.

Greenway Engineering and the Hester Group met with the FCSA Director to discuss this particular request and determined that FCSA has no facilities within this area of the County and has no plans for development of infrastructure within this area of the County in their capital planning program. Greenway Engineering requested a letter from the FCSA Director, which is attached along with the letters we previously obtained from the City of Winchester and the Town of Middletown acknowledging their availability of services for this request.

I appreciate your consideration of this matter and advise me if you need anything else regarding this request.

Sincerely,

A handwritten signature in black ink that reads "Evan A. Wyatt". The signature is fluid and cursive, with a long horizontal stroke extending to the right from the end of the name.

Evan Wyatt, AICP
Greenway Engineering, Inc.

Cc: Gary Lofton, Back Creek District Supervisor
Jeff Hester

Attachments: FCSA Letter dated February 5, 2014
Town of Middletown Letter dated April 9, 2013
City of Winchester Letter dated March 5, 2013



FREDERICK COUNTY **SANITATION AUTHORITY**

Post Office Box 1877
Winchester Virginia 22604-8377

PH. -- (540)868-1061
Fax -- (540)868-1429
www.fcsa-water.com

Uwe E. Weindel, P.E.
Engineer-Director

February 5, 2014

Mr. Evan Wyatt
Greenway Engineering, Inc.
151 Windy Hill Lane
Winchester, Virginia 22602

Ref.: Middletown/Lord Fairfax SWSA Expansion

Dear Mr. Wyatt:

In response to your letter dated January 31, 2014 and our past conversation on the referenced issue, please be made aware that the Frederick County Sanitation Authority at this time does not have any facilities nor infrastructure within the Middletown area.

Having said thus, as development within the area continues to grow, the possibility of expanding our water and sanitary systems are growing. Industrial growth as well as residential growth will require an extensive investment in the utility expansion of the Authority. As of this time, there is no real timeline established.

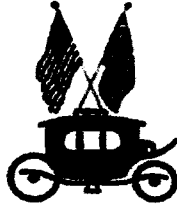
With regards to the future expansions of the SWSA boundary, as discussed previously, it is the recommendation of the Authority that provisions be made to allow transfer of water and sanitary sewer services to the Authority without having to renegotiate at a later date. A provision such as this will allow the Authority to treat all of our clients in a more uniform method should services be offered within the Middletown area.

Please feel free to contact me should any further discussion be needed.

Very Truly Yours;

Uwe E. Weindel, PE
Engineer/Director

cc.: Supervisor Gary Lofton, Back Creek District
Eric Lawrence, Director County Planning & Development
Robert Mowery, Chairman FCSEA



Town of Middletown
7875 Church Street
Middletown, VA 22645
(540) 869-2226 Fax (540) 869-4306
Gateway to Cedar Creek and Belle Grove National Historical Park

Charles H. Harbaugh IV, Mayor

Greenway Engineering
Attn: Evan Wyatt, AICP
151 Windy Hill Lane
Winchester, VA 22602

Date: April 9, 2013

Dear Mr. Wyatt:

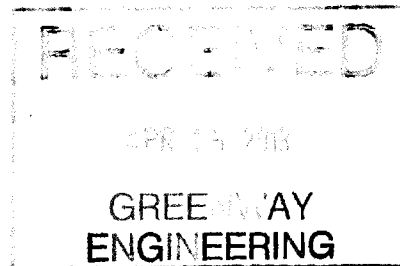
In response to your letter dated March 22, 2013, the Town of Middletown currently has sewer capacity available to service the request of the Hester Property identified as tax map parcel 84-A-78. The Town of Middletown serves on a first come, first serve basis therefore; if sewer is available at the time of request, Middletown will consider the Hester development.

However, if sewer is not available at the time of the request; improvements of the treatment plant will be necessary, incurring additional expenditures.

Regards,

Charles Harbaugh, Mayor

mf



* Rebecca L. Layman, Municipal Clerk, Sharon K. Fadely, Treasurer. R. Phillip Breedon, Chief of Police*Donald Riffey, Superintendent of Public Works*



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Telephone: (540) 667-1815
FAX: (540) 662-3351
TDD: (540) 722-0782
Website: www.winchesterva.gov

March 5, 2013

Mr. Evan Wyatt
Greenway Engineering
151 Windy Hill Lane
Winchester, VA 22602

RE: Water Service for Hester Property

Dear Evan:

As per your request in your correspondence dated March 1, this letter is to confirm that the City of Winchester is willing to provide public water service for future development of the Hester family property (tax map parcel 84-A-78) located on the north side and adjacent to Lord Fairfax Community College. This property is approximately 100 acres in size and the projected water service demand is 100,000 gallons per day.

Providing water service to this property will be contingent upon the developer adhering to all applicable City regulations, including extending water mains as necessary and the payment of water service availability fees.

If you have any further questions, please contact me at your convenience.

Sincerely,

Perry Eisenach
Public Services Director

"To provide a safe, vibrant, sustainable community while striving to constantly improve the quality of life for our citizens and economic partners."

P



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, Senior Planner *CEP*

SUBJECT: Discussion – Private Streets in the R5 Zoning District

DATE: May 19, 2014

Staff has received a second request to allow the use of private streets for all types of developments in the R5 (Residential Recreational Community) Zoning District. Currently, the use of private streets in the R5 District is only permitted within age-restricted communities and only if approved by the Board of Supervisors. The age-restricted private street allowance was added into the R5 Zoning District in 2000, along with a number of other revisions that were requested by Dogwood Development Group (prior owner of the Shenandoah Development (Wheatlands)). The changes in 2000 were approved to allow increased flexibility and alternative designs in the R5 District while recognizing that an age-restricted development would have a reduced impact on capital facilities. Prior to the adoption of the age-restricted private street allowance, the use of public streets was mandatory for all new developments in the R5 District.

The amendment proposes to allow the use of private streets within all developments in the R5 District, but would still require Board of Supervisors approval. The only modification to the text has been the addition of a requirement that the development must include a minimum of 1,000 lots.

A previous request for private streets was discussed by the DRRC in October 2012; at that time the DRRC endorsed the proposed text amendment. The Planning Commission, Public Works Committee, the Transportation Committee and the Board of Supervisors also discussed this item in 2012 and 2013. Ultimately, the Board of Supervisors declined to send the requested amendment forward for public hearing. The applicant has since requested another review of the text amendment and the discussion was moved forward by the Board of Supervisors.

The Transportation Committee discussed this proposed change at their February 2014 meeting and forwarded it to the DRRC for comment. The DRRC discussed the requested amendment at their March 2014 meeting; the minutes from the DRRC meeting are attached. The DRRC expressed concern about maintenance of the private streets and the potential for HOA's to go defunct and request the County take over the streets. The Transportation discussed the item again at their April 2014 meeting and forwarded the amendment to the Board of Supervisors with no action.

May 7, 2014 Planning Commission Discussion

This item was discussed by the Planning Commission at their meeting of May 7, 2014. Commissioners expressed the need for specificity in the language of not just the R5 ordinance, but the broader ordinance, if private roads are allowed in non-age-restricted communities, in which it is clearly detailed that private streets need to be designed and constructed in accordance with all VDOT standards, particularly including the structural section, material quality, drainage, vertical and horizontal sections, etc., and be verified by an independent engineer. In addition, the deed should specifically state the streets meet VDOT standards and the maintenance and improvements of drainage systems and snow removal is the responsibility of the HOA. Furthermore, a mechanism should be included whereby these responsibilities are recognized by the buyer of the lot and they will be responsible for all costs associated with maintenance and snow removal. Commissioners wanted the private roads to be constructed to a high quality that would last over time and avoid roads constructed to sub-quality standards. Their rationale was that if the road was constructed to a high standard, it would protect those people buying into the private road community and the remaining county residents, in the event the HOA would become defunct and VDOT needed to take over the roads. Conversely, it was pointed out that constructing a road to VDOT standards today would not guarantee it would be accepted into the State's system in future years because the State's criteria frequently changes.

Three residents of the Lake Frederick community came forward to address the Commission and noted the issue centers around Phase 2 of Lake Frederick, which is a blend of age-restricted and non-age restricted communities. These residents spoke about incidences relating to non-residents staying overnight at the lake area and/or driving through the residential areas looking for the lake, and drug situations. This was why the gated concept was important to many of the residents; however, a gate cannot be placed across a public road. It was also believed that specific criteria were needed so the homeowners know what to expect in order to meet their financial obligations regarding the maintenance of the roads, along with the agreement between the developer and the VDGIF, the promised community center, and other amenities not yet constructed, once the developer pulls out. It was noted the newly developed area, with non-age-restricted homes, may have 750 to 1,000 residences, which will generate a significant contribution to the HOA.

The developer's representative explained the original community was approved as a gated community with private roads and the intent is to continue development as a gated community, but this can't be accomplished without private roads. He stated the existing private streets are built to a very exacting standard that meets or exceeds the standard for depth of pavement and the roads also satisfy all drainage requirements. The message the developer received was the private streets need to be constructed so they last and this is what they are doing. In addition, detail was added to the proposed ordinance as a result of various committee meetings and included requirements for depth of pavement and verification by a certified Virginia engineer. Also included is a requirement for capital reserve studies on a bi-annual basis to guarantee reserve funds for future road maintenance. He pointed out, however, the developer has an issue with the horizontal aspect of road construction because he intentionally does not want to construct massive roads enabling high-speed travel; the intent is to slow down traffic. It was also noted the majority of residents want to keep their community gated, not just on one side of the lake, but on both sides. The developer is in favor of including specific standards to ensure private roads are constructed to last, but does not want to build VDOT roads. (Note: Commissioners Mohn, Dunlap, and Unger were absent from the meeting.)

Conclusion

Staff has attached a draft ordinance revision that includes the amendments requested by the applicant (with strikethroughs for text eliminated and bold italic for text added). This item is presented for discussion. **Staff is seeking direction from the Board of Supervisors on this Zoning Ordinance text amendment;** attached is a resolution directing the item to public hearing should the Board of Supervisors deem it appropriate.

Attachments:

- 1. Proposed Revisions**
- 2. Correspondence from Supervisors Wells**
- 3. Applicant Request Letter**
- 4. Letters from Shenandoah Residents**
- 5. DRRC Minutes – March 2014**
- 6. Transportation Committee Reports – February 2014, April 2014**
- 7. Resolution**

CEP/pd/rsa

**ARTICLE IV
AGRICULTURAL AND RESIDENTIAL DISTRICTS**

Part 502 – R5 Residential Recreational Community District

§ 165-502.05 Design requirements.

- F. Open space. A minimum of 35% of the gross area of any proposed development shall be designated as common open space. This open space shall be for purposes of environmental protection and for the common use of residents of the development. No more than 50% of the required open space shall be within lakes and ponds, wetlands or steep slopes. The Board of Supervisors may allow a larger amount of steep slopes to be utilized where the developer can demonstrate a viable plan for the use of these areas. ~~Where age-restricted~~ **When** communities are approved with private streets, a minimum of 45% of open space shall be required.
- K. Streets. The residential recreational community development shall be provided with a complete system of public streets dedicated to the Virginia Department of Transportation. The road system shall conform with the Frederick County Comprehensive Policy Plan and with road improvement plans adopted by the County.
- (1) Within any portion of a residential recreational community ~~which qualifies as an age-restricted community~~, the Board of Supervisors may **wave the public street requirement and** allow for the installation of private streets, provided that all **road sections meet the minimum thickness based on the Virginia Department of Transportation pavement design standards, all storm sewer, signage, guardrails, and any other accessory features shall be designed following the VDOT Manual of Road and Bridge Standards** ~~streets conform to the construction details and materials of the Virginia Department of Transportation Standards.~~ **Paving designs, based on actual CBR's will be provided to the County for approval.** ~~and that a~~ **A** program for the perpetual maintenance of all streets **by the property owner's association will be** ~~is~~ provided which is acceptable to the Board of Supervisors and the Transportation Planner.
- (a) Three classes of private streets ~~shall be permitted in age-restricted communities and~~ shall be identified on a MDP as follows:
- [1] Greenways. All private streets with a projected ADT of over 3,000 shall have a minimum right-of-way of 50 feet and shall have no direct lot frontage. Greenways shall be lined on both sides with street trees having a minimum caliper of two inches at the time of planting, spaced not more than 50 feet apart. Along the portions of right-of-way which abut mature woodland, the Planning Director may waive the requirement for street trees. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 30 miles per hour (mph).
- [2] Neighborhood collectors. All private streets with a projected ADT of over 400 shall have a minimum right-of-way of 50 feet and may have lot frontage. Neighborhood collectors

shall be lined on both sides with street trees having a minimum caliper of two inches at the time of planting, spaced not more than 50 feet apart. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 30 mph.

- [3] Local streets. All private streets with a projected ADT of 400 or less shall have a minimum right-of-way of 30 feet and may have lot frontage. Local streets shall be lined with street trees having a minimum caliper of two inches at the time of planting, spaced not more than 50 feet apart. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 20 mph.

~~(b) The subdivision design plans and final subdivision plats for all lots contained within an age-restricted community that utilize private roads shall include the following language:~~

~~The proposed private streets will not be maintained by the Virginia Department of Transportation or the County of Frederick. The maintenance and improvement of said private streets shall be the sole responsibility of the owners of the lots within the age-restricted community which are provided access via the private streets.~~

(b) ***Developments utilizing private streets shall meet the following conditions:***

[1] The plan for the development shall include 1000 or more planned lots.

[2] The subdivision design plans and final subdivision plats for all lots that utilize private streets shall include language that states "The private streets within this development are not intended for inclusion in the system of state highways and will not be maintained by VDOT or Frederick County. Frederick County and VDOT have no, and will have no, responsibility for the maintenance, repair, or replacement of the private streets within this development. The maintenance and improvement of said private streets shall be the sole responsibility of the property owners' association".

[3] The developer shall establish a reserve fund dedicated solely for the maintenance of the private streets within the development. The reserve fund shall consist of a specified percentage of all dues collected from the residents as determined by the developer. The percentage may be reduced by the developer or the property owners association only after a reserve study has been completed and said study shows that a lesser amount is necessary to maintain the private street system within the development. The property owners' association shall complete a capital reserve study on a bi-annual basis and such study will be used as the basis of the reserve funding. Such reserve study shall be held at the office of the property owners' association and available for review by the County, if requested.

[4] Sales brochures or other literature and documents, provided by the seller of lots served by such private streets, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a

statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private streets.

(2) Within R-5 residential recreation community developments approved prior to 1980, the Board of Supervisors may allow the extension of existing private roads if no other means of access is available.

(3) Within developments utilizing private streets, a certified professional engineer, licensed in the State of Virginia, shall be employed by the developer to monitor and supervise the materials used; the adequacy of the subgrade; the installation of drainage structures, curb and gutter and all concrete items; and all road, driveway and parking area construction activities, including material compaction, grading tolerances and compliance with the plans and specifications. Prior to bond release, the certified professional engineer, licensed in the State of Virginia, shall provide the county with certification that the bonded phase or section of construction met the density requirements; that all material depths were verified for compliance; and that the road and parking areas have been constructed in strict accordance with the plans and specifications.

L. Curb and gutter. All public and private streets shall be provided with curb and gutter.

ROBERT W. WELLS
5114 Laura Drive
Stephens City, Virginia 22655

January 29, 2014

Mr. Charles S. (Chuck) DeHaven, Jr.
Frederick County, Va. Supervisor, Stonewall District
Representative Supervisor, Transportation Committee
2077 Martinsburg Pike
Winchester, Virginia 22603

REFERENCE: Shenandoah Development (Lake Frederick) request for private streets

Chuck:

Please find enclosed copies of the formal request for the above from Lawson and Silek, P.L.C. and an email that I received from Mr. Charlie Harmon, resident of Lake Frederick expressing his feeling about private streets in his community. From what I have been able to ascertain so far approximately 90% of the current residents are in favor of having private roads.

I have spoken to Mr. Lawson and the current owner/developers to listen to their request. On all occasions I have expressed my desire for them to be able to assure me and the other board members that MREC and Lansdowne Development have the finances,(reserve fund) and experience necessary in installing and maintaining private streets that will assure this request success.

At present one section of this development is already "Gated" and MREC and Lansdowne Development have expressed their intentions in installing a gated situation for the second section. I am presenting this information because I have been told that VDOT will not accept nor maintain roads in a Gated Community. I will rely on the Transportation Committee's resources determine if this is true.

I would support this request based on receipt of the necessary assurances from MREC and Lansdowne and the approval from Transportation. If after reviewing the enclosed you need additional information please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Bob".

Robert W. (Bob) Wells

LAWSON AND SILEK, P.L.C.

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

THOMAS MOORE LAWSON • TLAWSON@LSPLC.COM

October 1, 2013

Mr. Robert W. Wells
Frederick County Board of Supervisors
5114 Laura Drive
Stephens City, VA 22655

Re: Shenandoah Development
Our File No. 1211.001

VIA E-MAIL AND U.S. MAIL

Dear Supervisor Wells:

It was very nice meeting with you last week to discuss the new development at Shenandoah. This is to confirm that the owners, MREC Shenandoah VA, LLC and MREC Shenandoah Investment, LLC (collectively "MREC"), would like to formally request that the Board of Supervisors consider a waiver to allow for private streets throughout the entire Shenandoah community and not just in the age-restricted areas. MREC is committed to installing private streets that have a depth of pavement that meets or, in many cases, exceeds VDOT's standards. Its goal is to create a private, gated community that benefits the residents and also helps to create an exclusive community feel. MREC and Lansdowne Development Group have had a significant amount of experience installing and maintaining private streets in other communities and look forward to doing the same at Shenandoah.

For your convenience, I enclose a draft ordinance which we would ask be considered by the Board of Supervisors and allowed to be advertised for a public hearing.

Thank you for your assistance and cooperation. After you have considered this request, please feel free to call with any questions.

Very truly yours,



Thomas Moore Lawson

TML:jk

Enclosure

cc: Lansdowne Development Group

LAWSON AND SILEK, P.L.C.

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THOMAS MOORE LAWSON • TLAWSON@LSPLC.COM

March 21, 2014

John Bishop, AICP
Deputy Director, Transportation
County of Frederick
Department of Planning & Development
107 North Kent Street
Suite 202
Winchester, VA 22601

Re: Our File No. 1211.001

VIA E-MAIL

Dear John:

This is a follow-up to our telephone conversation earlier today concerning the revised private streets ordinance. I enclose a redlined and clean version of the revised ordinance, which adds more language to the meeting or exceeding VDOT depth of pavement road standards and also spells out a rather unique mechanism to ensure there are sufficient funds being held in escrow within the HOA to address maintenance issues for the private streets. Lansdowne has found through its experiences dealing with communities with private streets that it is a good idea to impose an obligation on the HOA to revisit its capital reserve needs on at least a bi-annual basis to ensure sufficient funds are being escrowed to address all maintenance and upkeep issues associated with the roads. Further still, they believe that engaging a certified professional engineer as part of the installation of private streets will assure that the roads are constructed in a sufficient manner to keep them in good service and operation. Interestingly, ensuring proper installation keeps the cost down associated with ongoing maintenance.

It is our thought that if this revised language in the ordinance meets with the approval of the Transportation Committee and DRRC then this ordinance would be appropriate for consideration and approval by the Board of Supervisors. If we are able to proceed in this manner, we will be able to avoid having the matter come back to the Transportation Committee (in April) after the DRRC meets next Thursday.

John Bishop, AICP
Deputy Director, Transportation
March 21, 2014
Page 2

Thank you for your continued assistance and cooperation. As always, if you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'TML', with a long horizontal flourish extending to the right.

Thomas Moore Lawson

TML:atd
Enclosures

LAWSON AND SILEK, P.L.C.

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THOMAS MOORE LAWSON • TLAWSON@LSPLC.COM

April 25, 2014

John Bishop, AICP
Deputy Director, Transportation
County of Frederick
Department of Planning & Development
107 North Kent Street
Suite 202
Winchester, VA 22601

Re: Private Streets
Our File No. 1211.001

VIA E-MAIL

Dear John:

In getting ready for Monday's Transportation Committee meeting, I think it is a good idea to review where we have been. As you know, at the conclusion of Monday's meeting, the issue of continuing private streets in the Lake Frederick/Shenandoah/Lansdowne community will have been to the DRRC two times, the Transportation Committee three times, the Public Works Committee two times, the Planning Commission one time and the Board of Supervisors two times. I cannot help but point out that it always seemed odd that we needed an ordinance to allow for private streets in a community where we already have private streets and an ordinance that enables same. Of course, the existing ordinance has standards built into it such as minimum depth of road sections, but as we have gone through the process and been asked to make revisions to the new ordinance, we have done so and added additional engineering and financial standards to allow for the continuation of private streets in this community. The developer and owner have done this because the property owners in the community have been adamant that they want to continue and finish this community with private streets and as a gated community.

Although proceeding in this manner puts an additional cost on the owner and developer, they have remained constant in their desire to deliver private streets throughout this gated community. To this point, the only additional response or comment that we have heard from Committee members has been that there should be a guarantee that there will not be some future resident to demand that the County or some other public entity take over these streets. As we all know there are no guarantees in life, but certainly the track record for this community has been

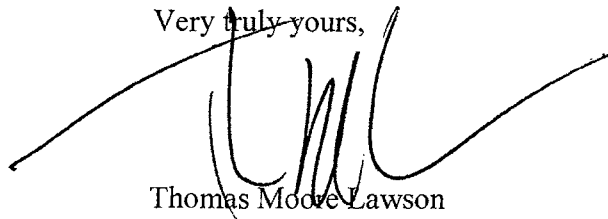
John Bishop, AICP
Deputy Director, Transportation
April 25, 2014
Page 2

that not only is there not a demand by any resident for public roads, but in fact, the demand has been just the opposite. Further still, construction that meets or exceeds the existing private street standards has demonstrated that there are private roads of superior quality in the community.

Again, although we have heard comments about this "guarantee," we have not received any substantive request from any Committee members as to additional language that ought to be added to the revised ordinance. Certainly if any member of the Transportation Committee has such a suggestion, we would be more than willing to entertain it and add it to the text. In any event, however, it does appear that we are finally at a point where the ordinance to allow the completion of private streets in the Lake Frederick/Shenandoah/Lansdowne community needs to go forward to the Board of Supervisors so this community can be finished with the high quality standards that have already been established.

Thank you for your continued assistance and cooperation. As always, if you have any questions or comments, please do not hesitate to contact me. I look forward to Monday's Transportation Committee meeting and recommendation to the Board of Supervisors.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T.M.L.', with a long horizontal flourish extending to the left and right.

Thomas Moore Lawson

TML:jk

LAWSON AND SILEK, P.L.C.

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

THOMAS MOORE LAWSON • TLAWSON@LSPLC.COM

May 8, 2014

Candice Perkins, Senior Planner
County of Frederick
Department of Planning & Development
107 North Kent Street
Suite 202
Winchester, VA 22601

Re: Our File No. 1211.001

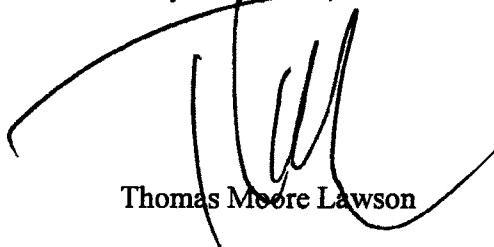
VIA E-MAIL

Dear Candice:

I received your e-mail of yesterday advising that the draft ordinance included in the Planning Commission's packet was the same as what was attached to my letter of March 21, 2014. I realize this matter has dragged on, but there have been various versions of the ordinance and the one included in the packet is not the most current version. After sitting through last night's meeting, I believe it would be helpful to the Planning Commissioners and Board of Supervisors' members if they have the most current revised ordinance for review. Accordingly, I enclose both redline and clean versions, which were attached to my letter to John Bishop dated March 21, 2014, for circulation to the Commission and Board members. Please note this is the version that was most recently presented to and considered by the DRRC and Transportation Committee.

Thank you for your anticipated assistance and cooperation.

Very truly yours,

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

Thomas Moore Lawson

TML:atd
Enclosures

Lake Frederick Road Options

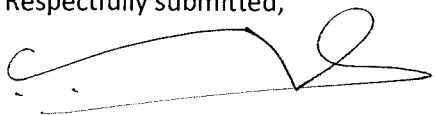
As a resident of Phase II (West Lake Frederick), the following options seem open to the County for the road system in the Lake Frederick development:

1. Private roads completed by the developer and maintained by the HOA throughout the development, as originally planned and approved.
 - a. Limit to age restricted homes as originally approved, implemented by denying building permits to any non-age restricted housing (including town homes), and as provided for in prior sewage treatment and school capacity planning.
 - b. Authorize non-age restricted areas within the development providing they do not break up (insert themselves into or between) the non-age restricted area(s).
 - c. Authorize non-age restricted areas anywhere the developer chooses, regardless of the wishes/financial interests of the existing residents or of the HOA covenants.
2. Segment the development into age restricted zones with private roads and non-age restricted zones with public roads, as previously requested by the residents of Phase II in the attached.
 - a. Ensure that all age restricted zones are gated, as originally approved, with separate entrances off 522 and 277 for the non-age restricted zones.
 - b. Keep the East side of Lake Frederick gated, as currently, but put ungated public roads through the West side of Lake Frederick.
 - i. Maintain private side roads in Phase II, causing residents to bear the cost of maintenance without the benefit of private gating.
 - ii. Convert the side roads in Phase II to public roads without any maintenance obligation for the residents of that section.
3. Hold up issuance of non-age restricted building permits until the developer complies with the County's decision.

Concern has been expressed with the ability of the HOA to maintain the private roads, once completed by the developer and turned over to the HOA. Resurfacing and repair costs are reasonably predictable, with resurfacing needed probably some fifteen years after the HOA assumes responsibility. During that time, a sinking fund would be established and funded out of HOA dues to ensure adequate funding is available when needed. But even if the HOA were to fail to do this (and there has been precedent for such failure), then the maintenance costs to the government would be no more that that incurred if the roads were public from the outset, so where is the downside risk?

My preference, and I believe that of my neighbors in Phase II, would be Option 1.a. However, given actions by the developer, that now seems unrealistic, so failing that, then Option 1.b, and third would be Option 2.b.ii.

Respectfully submitted,



5/7/14

Chris Barltrop

105 Tutelo Lane, Lake Frederick, VA 22630-2095

Tel (703) 620-2986

To: Hobie Mitchel, Lansdowne Development Group

From: Chris Barltrop

Dated: 7/28/2013

There are two natural dividing line between age restricted and non-age restricted areas of Lake Frederick:

A. Lake Frederick Drive.

Age restricted housing in Phase II made sense for Oxbridge and to the purchasers of the 23 homes in Phase II when it was part of a larger, integrated age restricted community. It does not make sense in the current mixed design. Abutting a public road (with or without gates) and non-age restricted housing to the North and South, with access to West Lake Frederick only over a public road, ensures that an age restricted portion of East Lake Frederick is unlikely to be attractive as an age restricted community, regardless of how much landscaping Lansdowne provides.

Quite apart from the security issue, having a block of age restricted housing outside of the main age restricted area presents a series of challenges, the least of which is justifying continuation of the subsidization of Lake Frederick West's gating, street lighting and maintenance of the long entrance drive, when the homeowner fees are the same but Phase II residents benefits from none of those features, all of which are common in other age restricted communities. Assuring equality of costs and benefits seems problematic at best.

The proposals made so far by Lansdowne are purely cosmetic and will do nothing to make the currently planned age restricted area of East Lake Frederick look like a true age restricted community. So what would be the impact on Shea Homes' ability to succeed in selling age restricted homes here? And how saleable are our existing homes, when buyers would be limited by age restrictions yet have the alternative of buying in the truly age restricted West Lake Frederick?

East Lake Frederick residents have some \$10 million invested in their homes, so more than Lansdowne paid. Does Lansdowne really want to add age restricted homes into an area where the existing residents are uncomfortable with how this is developing? Word of mouth is a powerful sales tool, and could existing residents in good conscience encourage retirees to move into East Lake Frederick as currently presented by Lansdowne? This has an impact on the salability of new homes as age restricted residences – bad for Shea Homes and further impairing the value of existing homes.

B. The natural draw/stream beyond Atlantis Lane, so one street beyond the current Lansdowne master plan of Metalmark Lane.

Given that age restricted housing in East Lake Frederick already exists, and option A above is unlikely to be acceptable to present or future age restricted residents of East Lake Frederick, then ensuring an integrated age restricted community would logically require the following:

1. The isthmus between us and the public landing area, currently scheduled by Lansdowne for non-age restricted town homes, should be converted back to the original design: age restricted condos or equivalent accessible housing. This would:
 - a) provide a migration option for residents who lose a spouse, no longer need a house, but want to stay with friends – by providing a path for staying in the community, this would improve the marketability of age restricted homes in both East and West Lake Frederick; and
 - b) eliminate a non-age restricted wedge between the East and the West side of the lake that would otherwise divide the community, both physically and psychologically.
 - c) entice 55+ couples or singles who do not wish a full house to move into our community.
2. The age restricted boundary of East Lake Frederick should be moved North to the natural draw, so beyond Atlantis Lane, one street beyond Lansdowne's current master plan boundary of between Metalmark Lane and Atlantis Lane. This would improve security but also marginally improve the number of age restricted residents, spreading the cost of maintaining the centers over a larger base.
3. Access to the non-age restricted area should be from 277 (and from 522 if Lansdowne can arrange that) with no through road through the age restricted area of East Lake Frederick, with the exception of a gate level with that draw to allow access for emergency vehicles.
4. Rachel Carson should be left private up to that draw, with resident access gates installed near the traffic circle, where originally designed.

This would create two clearly separate communities, one an integrated age restricted and gated community, the other an entirely separate non-age restricted community with its own HOA, facilities and access. Given the demographics and geography, Lansdowne could have been expected to reach the same conclusion.

Nothing short of this option B will be sufficient to make the age restricted area of East Lake Frederick truly marketable and livable as an age restricted community.

Each of these issues has been raised individually in one or more of the meetings with Lansdowne, both through the working group and in community meetings with Lansdowne. Part of the challenge we are facing is that Lansdowne has not previously been involved with an age restricted community (according to their own statement to us during one of the early meetings), so apparently does not have an inherent feel for what makes sense for that type of development. Phase II residents did our own research before settling here, so do have a reasonable understanding of what makes an age restricted community - this would seem market research that Lansdowne should take seriously. In addition, Lansdowne's primary point of contact has been through the ELC, none of whose members reside in Phase II, so none have any "skin in the game" on residents' investments in Phase II.

It seems fair to say that we all wish Lansdowne and Shea to succeed - the question is how best to achieve that success. And the currently proposed option A, as offered by Lansdowne, does not seem to lay a solid base for such success.

LARRY & JANICE ATKINSON
101 TUTELO LANE, LAKE FREDERICK, VA 22630

April 29, 2014

Mr. Robert W. Wells
Frederick County Supervisor, Opequon Magisterial District
5114 Laura Drive
Stephens City, VA 22655

Dear Mr. Wells:

This letter provides our views and concerns about Lansdowne Development Group (LDG) proposals dealing with "Private Streets in the R5 Zoning District."

We agree with the spirit of LDG's proposal that there should be no distinction between age restricted and non-age restricted developments when evaluating requests for private streets. We also agree with DRRRC and Transportation Committee concerns about how to determine if an HOA can adequately finance maintenance of private streets once they are built.

In determining whether to modify county code to remove age restricted versus non-age restricted distinctions and to address committee concerns about HOA fiscal capabilities, we believe county officials must fully evaluate answers to two critical questions:

1. Is there a logical rationale for maintaining the distinction between age restricted and non-age restricted developments?
2. What definitive set of criteria should be a key foundation in evaluating whether to approve or deny a request for private streets in any R5 zoning district?

We have attended county meetings where the private streets issue has been discussed. At no time have we heard a logical justification for continuing the age restricted and non-age restricted community distinction. If a Board of Supervisors' eventual decision is to maintain that distinction, supporting logic should be provided to the public so rationale for the county code is understood.

As to establishing definitive criteria to underpin a county decision for permitting or denying private streets, we propose that criteria be an integral part of the county code for at least two reasons.

1. It provides a developer forehand knowledge of necessary conditions, but not all sufficient conditions, that must be attained for county consideration of a request.
2. It lets current and future community homeowners know what factors are important to the Board of Supervisors to protect homeowners' interests during the request evaluation.

To satisfy concerns as to whether a HOA can finance private street maintenance, LDG's county code § 165-502.05 proposal is for the developer (i.e., Board of Directors in the instance of Shenandoah) to establish a capital reserve fund, where a portion of homeowners' HOA dues will be set aside for the reserve fund. In our opinion, details of how that capital reserve is established and sustained over the long-term should be among the criteria set mentioned earlier. You should note whether private streets maintenance is the only significant long-term liability faced by a HOA. If the Board judges a HOA's financial viability by simply examining its finances for private streets without examining the HOA's capability to adequately handle all its significant long-term liabilities, the Board will be short-changing responsibility to itself and to the community's homeowners.

Relevant to Shenandoah homeowners are three, potentially-significant long-term liabilities as yet undefined or quantified to current homeowners either in terms of total annual liability or impact on monthly HOA dues: These liabilities are:

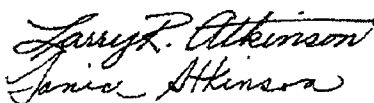
1. Potential costs for repair and repaving of X number of miles private streets and parking lots along with associated accessories such as curbing, stormwater drains and piping, signage, etc.
2. Potential cost for the operation and maintenance of a Fitness Center and a 32,000 square foot Community Center complex with "resort-like" amenities such as tennis courts and other outdoor recreation facilities, amphitheater, trail to lake, etc.
3. Potential cost for operation and maintenance of facilities and property on Virginia Department of Game and Inland Fisheries (VDGIF)-owned lands around the lake in accordance of yet-to-be negotiated terms under a July 2001 20-year Memorandum of Agreement (MOA) signed by VDGIF and a previous developer of the Shenandoah community.

We believe Liability #3 could be very significant as, among other things, page 11 of the MOA says "The Department [i.e., VDGIF] will allow the Company [i.e., the developer] to transfer the Company's rights and obligations to the Homeowners Association provided the Department determines that the Homeowners Association has the capability to carry out the provisions of the Company's maintenance rights and obligations." What sort of criteria set will VDGIF employ in making such a determination; the same as the county would use for a private roads request decision? Those maintenance obligations could cover maintenance of facilities now existing or to be constructed by the developer, including boat landing and access sites, public parking areas, stormwater and sediment control features, lakeside and wetlands trails, boardwalks, foot bridges, fishing and courtesy piers, restrooms, a concession facility, and the access road as well as mowing grass at public access points and collecting/removing trash, garbage and debris. We also note that recent LDG site plans filed with the county show the lakeside trail system as a path 4 feet wide and mulched to 4 inches deep. The final terms of a Maintenance Agreement, called for by the MOA, have not yet been defined but could be a large liability on Shenandoah homeowners.

While as was stated at yesterday's Transportation Committee meeting, Shenandoah HOA can handle private streets maintenance, it is not yet clear to us that the HOA can handle all of the previously mentioned long-term liabilities without a significant increase in monthly HOA dues. How can the Board make any reasonable judgment about the financial viability without fact-based assurance that the HOA can handle all significant liabilities? Of further concern to us is whether LDG and builders will fully disclose those liabilities to potential buyers, and, if so, will there be a suppression of home sales so fewer homeowners than projected are left to pay the bills when developer supplemental funding is no longer available?

Also, a petition signed by 90% of Shenandoah homeowners in favor of private roads was mentioned at yesterday's meeting. We signed that petition before we were aware of the extent of the VDGIF-Developer MOA details as that document was never provided to us. Upon reflecting about the three potential long-term liabilities, we withdraw our support of private roads in Shenandoah until we are fully informed of the HOA liability details and impacts.

Sincerely,



Larry R. Atkinson
Janis Atkinson

Copies to: Supervisor DeHaven and Planning Commissioners Wilmot, Thomas and Molden

DRRC Meeting – 03/27/2014

Members present: Greg Unger, Tim Stowe, Gary Oates, June Wilmot, Jay Banks

Absent: Larry Ambrogi, Kevin Kenney, Eric Lowman, Dwight Shenk, Whit Wagner, Roger Thomas

Staff: Candice Perkins

Applicants: Rick Lanham, Josh Hummer - Attorney

Item 1: Private Streets in the R5 Zoning District. Discussion on revisions to the Frederick County Zoning Ordinance to remove the requirement that R-5 communities must be “age restricted communities” to qualify for private streets.

The Applicant’s Attorney summarized the Transportation Committee meeting. The TC wanted the roads built to state standards and cbr’s to be provided to the county. They also wanted to have the PE requirement to monitor the instillation and certify the construction. Mr. Unger asked about the construction and the PE certification. The applicant stated that the same standards would apply to them; paving design would be provided to the county and bonded. They would be inspected and then fixed at the end and off bond.

The committee was concerned because private streets don’t have the same requirements as the public streets. Private streets go bad eventually; the committee questioned how this could be avoided. The applicant stated that the ordinance includes a provision for a reserve fund and a reserve balance analysis to make sure there are adequate funds for repairs. He further stated that Shenandoah is a large community and the residents are asking for private streets. Every two years a capital reserve study is completed that ensures there are adequate funds for repairs.

Mr. Unger expressed concern about busses not being able to go into the community. Ms. Wilmot wanted to know if this community would draw more residents with or without kids. The applicant stated that he believes that it will draw fewer children, but can't be sure. The DRRC also had questions about liability for accidents on the private streets.

The committee questioned how the reserve is started? The Applicant stated that it is created at day one and as more improvements get underway more gets added to the fund.

The committee expressed concern about the guarantee that the HOA would never fold and then the residents come back to the county for help. The applicant stated that there is no way to provide a complete guarantee but they are trying to put ordinances in place to help that from happening. The applicant further stated that Shenandoah is proposed to be a nice development and the residents are going to want to keep it up but how do you make sure the maintenance is kept up. If the HOA doesn't do the reserve study then the county would have to enforce the ordinance and make them do it.

Item 2: (Other) Setbacks for Multifamily residential buildings.


The committee expressed concern with the proposal to reduce the front setback from 35 feet to 15 feet. They felt that it seemed to close to a public street.

TND or high density developments should have commercial elements that include eating establishments which would be between the street and the building and 15 feet seems close. The committee expressed comfort with reducing the setback from 35 feet to 20 feet because it would provide more distance to the public road.

The committee also stated the possibility of going off the speed limit. Roads with a 25 mph should be 20 feet and anything over that should be 35 feet.



MEMORANDUM

TO: Board of Supervisors
FROM: John A. Bishop, AICP, Deputy Director - Transportation 
RE: Transportation Committee Report for Meeting of April 28, 2014
DATE: May 7, 2014

The Transportation Committee met on April 28, 2014 at 8:30 a.m.

Members Present

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

Members Absent

Mark Davis (liaison Middletown)
Christopher Collins (voting)

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

1. Welcoming Signage

One of the recommendations of the recent business friendly committee work was to recommend that welcoming signage be placed at key entrances to Frederick County.

For signage along primary routes such as Route 522, Route 50, or Route 11, the process is fairly simple. The County would need to design the signage and place it in accordance with VDOT standards and practices and with a VDOT permit. Attached please find the VDOT guidelines as well as a memorandum of support from Mr. Riley which includes example signage.

For signage along I-81, the process is somewhat more complicated. VDOT does not allow location of such signage within the limited access right-of-way so alternative methods must be evaluated. To utilize an existing billboard, the cost would be approximately \$600 per month in addition to what the cost would be to create and install the signage itself. Staff would recommend that the agency doing the signage cooperate with property owners neighboring the I-81 right-of-way to purchase or occupy enough land to place and maintain a sign. This can be accomplished with a conditional use permit and would allow for greater variability and likely a more attractive signage design. Actual cost of this option would be highly variable depending upon agreements reached with property owners and final signage design.

In addition to this material staff and VDOT noted that signage cannot be placed in the median.

Motion was made by Mr. Racey and Seconded by Mr. Fisher to recommend that the Board direct the EDA to proceed with signage on the primary routes and to further investigate the options (rented billboard vs. county owned sign) and to include consideration of the water tower. Motion passed unanimously.

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

2. Interstate, Primary, and Secondary Road Plan (appearing as separate agenda item)

The Interstate and Primary Plans are unchanged while the Secondary Plan has been updated to reflect projects that have been or are in the process of being completed on the scheduled hardsurfacing list as well as add new projects to the unscheduled list for hardsurfacing. Additional funding is not available that would allow any projects to be promoted from the unscheduled to the scheduled list.

Motion to recommend approval was made by Mr. Racey and seconded by Mr. Fisher.

3. Intersection of Tasker Road and Crosskeys Blvd.

Staff has received a request from Mrs. Jorie Martin who serves as the property manager for the Musket Ridge subdivision. The residents of Musket Ridge have requested that a left turn lane be installed from Tasker Road onto Crosskeys Boulevard. Staff has attached graphics of the intersection for reference. Staff contacted Captain Heflin of the Sheriff's office and he indicated that there are regular issues caused in this location by the lack of a turn lane and that the installation would be a positive improvement. Accident data has also been requested from VDOT.

Staff would recommend that the Committee request an evaluation from VDOT's traffic engineering division that analyze the issue, develop a cost estimate for the improvement, and evaluate the competitiveness of the project for a safety grant.

The committee directed staff to continue on the course that they had recommended.

4. Private Streets in the R5 Zoning District (appearing under separate agenda item)

Staff provided the minutes of the DRRC as well as a letter from Mr. Lawson and noted that no other new materials had been received. Staff further noted that the concerns raised by DRRC were very similar to those raised at Transportation.

Supervisor Wells, several residents of the Shenandoah Development, and the applicant were present and requested that even if the Transportation Committee did not have a recommendation that they forward this item to the Board of Supervisors without one.

Motion by Mr. Racey and seconded by Mr. Fisher to forward the request to the Board without a transportation committee recommendation.

5. **6 Year Improvement Program Public Hearing**

Staff noted to the Committee that on April 29, 2014 the Commonwealth Transportation Board would be holding a public hearing on the Draft 6 Year Improvement Program. Staff outlined concerns with the draft which had been previously covered with Mr. Shickle and Mr. Riley. The committee concurred with the concerns and the resulting comments that were made are below.

Frederick County would like to note our appreciation of the expansion of the revenue sharing program and note our success in that area. I would particularly like to emphasize how Frederick County's use of the public private partnership within the scope of the revenue sharing program has been very successful.

Noted the positive progress on exit 310 and Route 277.

Regarding project funding we would like to note that we waited a long time for significant funding of those projects and that pattern of funding reminds us in Frederick County how important it is that the next significant spending item is carefully chosen.

In the draft plan there is 9M on the exit 313 interchange. \$3-3.5M is for the interchange study. Remainder seems to be seed money for the next project.

If that seed money is for the redecking then we are fully supportive of that project which is much needed for the safety of the traveling public.

Frederick County does not believe that this is the best project to be the next major project in our region. However, if something more is envisioned by VDOT I would caution them and the CTB that region. I would note that extending Route 37 from exit 310 to Route 522 would be a much more regionally significant project. This facility will offer much needed relief to exit 307, exit 313, and offer significantly improved access to vehicles accessing the Virginia Inland Port. Port expansion has been a key planning item in Virginia for some time now and cannot afford to be overlooked here.


As I noted earlier, major projects do not often come to our part of the state. HB 2313 certainly helps that and gives us cause to be optimistic. However it remains critical that when major projects are up for funding that they are very carefully chosen and that local planning and priorities are considered and local officials are involved.

6. **Other**

JB/pd



MEMORANDUM

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

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

Members Present

Chuck DeHaven (voting)

James Racey (voting)

Gene Fisher (voting)

Christopher Collins (voting)

Lewis Boyer (liaison Stephens City)

Gary Oates (liaison PC)

Members Absent

Mark Davis (liaison Middletown)

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

None

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

1. Shenandoah Private Streets

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

2. Cougill Road Paving

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

3. Getting Private Roadways Adopted for State Maintenance

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

4. Devolution

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

5. Other

JB/pd



Action:

BOARD OF SUPERVISORS: MAY 28, 2014 APPROVED DENIED

RESOLUTION

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

**ARTICLE IV – AGRICULTURAL AND RESIDENTIAL DISTRICTS
PART 502 – R5 RESIDENTIAL RECREATIONAL COMMUNITY DISTRICT
§165-502.05 DESIGN REQUIREMENTS**

WHEREAS, the Frederick County Planning Department has been directed to prepare changes to Chapter 165 Zoning, to allow the use of private streets for all types of developments in the R5 (Residential Recreational Community) District with a waiver.

WHEREAS, The Development Review and Regulations Committee (DRRC) discussed the proposed changes at their regularly scheduled meeting on March 27, 2014; and

WHEREAS, the Transportation Committee discussed the proposed changes at their meetings on February 24, 2014 and April 28, 2014; and

WHEREAS, the Planning Commission discussed the proposed changes at their regularly scheduled meeting on May 7, 2014; and

WHEREAS, the Board of Supervisors discussed the proposed changes at their regularly scheduled meeting on May 28, 2014; and

WHEREAS, the Frederick County Board of Supervisors finds that in the public necessity, convenience, general welfare, and good zoning practice, directs the Frederick County Planning Commission hold a public hearing regarding an amendment to Chapter 165 to allow the use of private streets for all types of developments in the R5 (Residential Recreational Community) District with a waiver.

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 changes to allow the use of private streets for all types of developments in the R5 (Residential Recreational Community) District with a waiver.

Passed this 28th day of May, 2014 by the following recorded vote:

This resolution was approved by the following recorded vote:

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

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator

Q



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Candice E. Perkins, AICP, Senior Planner *Cep*

SUBJECT: Discussion- Setback Requirements for Multifamily Residential Buildings

DATE: May 19, 2014

Changes to the RP (Residential Performance) Zoning District were approved by the Board of Supervisors in January of 2013. One change to the ordinance was the addition of a new housing type called "multifamily residential buildings." This multifamily housing type allows for high density (up to 20 units per acre) in areas designated by the Comprehensive Plan as neighborhood villages, urban centers or other areas planned for high-density residential. During the discussion and public hearing process, a high-density residential streetscape section schematic was provided of how this housing type could be developed. The schematic depicted a multifamily building with a front setback of 12-20 feet. The text adopted for multifamily residential buildings requires a 35-foot front setback which is contrary to what was shown during the initial discussions. An applicant is now trying to implement this housing type and they have requested the setback be re-evaluated to reduce the 35-foot front setback to 15 feet.

The DRRC reviewed this proposed change at their March 2014 meeting. The DRRC initially discussed a change to reduce the setback from 35 feet to 15 feet, but felt that 15 feet was too close to a public street. The committee expressed comfort with reducing the setback from 35 feet to 20 feet because it would provide a comfortable distance to the public road while still allowing the buildings to be closer to the road, which is common in high density and TND developments. The 20-foot setback would fit the maximum shown in the schematic.

This item was discussed by the Planning Commission at their May 7, 2014 meeting. A comment was made that the proposed revision should specifically state if the setback was measured from the centerline or right-of-way and whether the resulting structure might be too close to a sidewalk. Staff noted the 20 feet would be measured from the edge of the right-of-way. Staff pointed out this housing type is only permitted within areas planned for high-density residential development and is not allowed everywhere. (Note: Commissioners Mohn, Dunlap, and Unger were absent from the meeting.)

The attached document shows the existing ordinance with the proposed changes supported by the DRRC and the Planning Commission (with strikethroughs for text eliminated and bold italic

for text added). This item is presented for discussion. **Staff is seeking direction from the Board of Supervisors on this Zoning Ordinance text amendment;** attached is a resolution directing the item to public hearing should the Board of Supervisors deem it appropriate.

-
- Attachment:**
- 1. Proposed Revisions (deletions shown in strikethrough and additions show in bold underlined italics).**
 - 2. High Density Residential Streetscape Section Schematic**
 - 3. Resolution**

CEP/pd/rsa

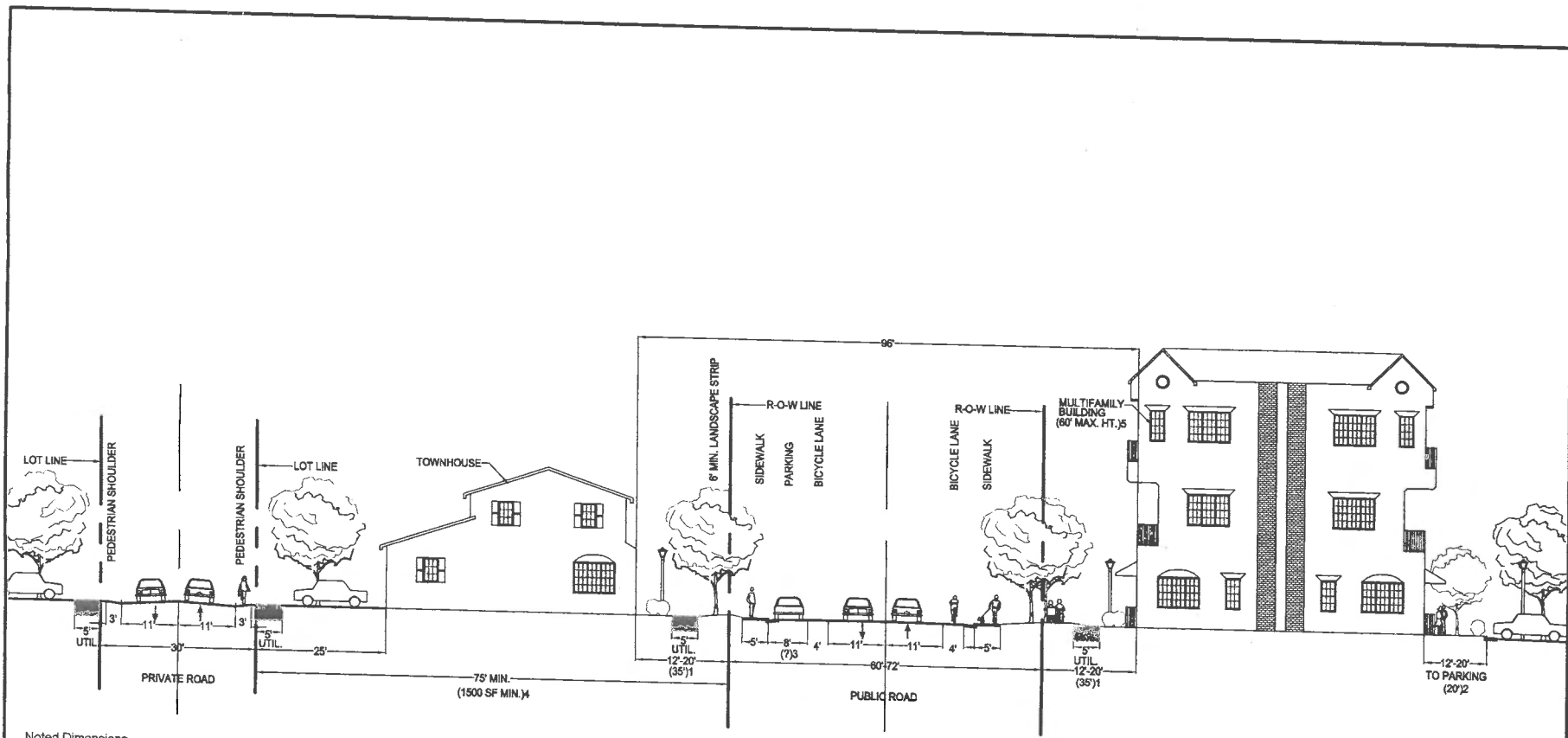
**ARTICLE IV
AGRICULTURAL AND RESIDENTIAL DISTRICTS**

Part 402 – RP Residential Performance District

§ 165-402.09 Dimensional requirements.

J. Multifamily residential buildings. This housing type consists of multifamily buildings with a minimum of four dwelling unit entrances sharing an internal corridor per floor. The entire dwelling unit does not necessarily have to be on the same floor. External corridors are not permitted. Multifamily residential building shall only be located in areas designated in the Comprehensive Plan as neighborhood villages, urban centers or other areas planned for high density residential. Dimensional requirements shall be as follows:

A. Lot Dimensions	
A1 Maximum site impervious surface ratio	.60
B. Building Setbacks	
B1 From public road <u>or private road</u> right-of-way	35 feet <u>20 feet</u>
B2 From off street parking lot or driveway	20 feet <u>10 feet</u>
B3 Side (perimeter)	50 feet
B4 Rear (perimeter)	50 feet
B5 Rear for balconies and decks	20 feet
B6 Minimum on-site building spacing: Minimum on-site building spacing. Buildings placed side to side shall have a minimum distance of 20 feet between buildings; buildings placed side to back shall have a minimum distance of 35 feet between buildings. Buildings back to back shall have a minimum distance of 50 feet between buildings.	
C. Minimum Parking	
C1 Required off street parking	2 per unit
D. Height	
D1 Principal Building (max): 60 feet provided that a multifamily residential building may be erected to a maximum of 80 feet if it is set back from road right-of-ways and from lit lines in addition to each of the required minimum yard dimensions, a distance of not less than one foot for each one foot of height that it exceeds the 60 foot limit.	
D2 Accessory Building (max)	20 feet



Noted Dimensions

- 1-165-402.09.K(4)(a)[1]: The current setback requirement is 35'.
- 2-165-402.09.K(4)(a)[2]: The current separation distance to parking is 20'.
- 3-On-street parking will act as a traffic calming measure, reduce mass parking areas, and provide guest parking.
- 4-The "75'" dimension generally conforms to the current area requirements for townhouse lots.
- 5-165-402-09.L(8)(a): The current building height is limited to 40'.

In General

- 165-203.02.D: Distance buffers between residential and commercial zoning will inhibit development of the "new urbanism" concepts.
- 165-402.05: Current zoning limits parcels with more than 10 and less than 100 acres to a maximum density of 5.5 dwellings per acre.
- 165-402.06: Current zoning limits parcels with more than 50 acres to a maximum of 50% multifamily housing types.
- 165-402.09.K(5)(b): Current zoning requires a 50' spacing between buildings in the rear of the buildings. This appears to prohibit "back-to-back" townhomes.

PROJECT:

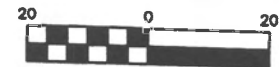
**HIGH DENSITY RESIDENTIAL
STREETSCAPE SECTION**

PAINTER-LEWIS, P.L.C.

116 NORTH BRADDOCK STREET
WINCHESTER, VIRGINIA 22601
Telephone: (540) 662-5792
Facsimile: (540) 662-5793
Email: office@painterlewis.com



SURVEY:	C.I.:
NA	NA
DRAWN BY:	JOB NO.:
P-L	1201007
SCALE:	DATE:
SHOWN	10/24/12
SHEET:	



Scale in Feet



Action:

BOARD OF SUPERVISORS: May 28, 2014 APPROVED DENIED

RESOLUTION

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

**PART 402 – RP RESIDENTIAL PERFORMANCE DISTRICT
ARTICLE IV – AGRICULTURAL AND RESIDENTIAL DISTRICTS
§165-402.09 DIMENSIONAL REQUIREMENTS
§ 165-402.09J MULTIFAMILY RESIDENTIAL BUILDINGS**

WHEREAS, the Frederick County Planning Department has received a request to reduce the front setback for Multifamily Residential Buildings from 35 feet to 20 feet; and

WHEREAS, The Development Review and Regulations Committee (DRRC) reviewed the change at their March 2014 meeting and recommended that the front setback for Multifamily Residential Buildings be reduced from 35 feet to 20 feet and forwarded that recommendation to the Planning Commission and Board of Supervisors; and

WHEREAS, the Planning Commission discussed the proposed changes at their regularly scheduled meeting on May 7, 2014 and agreed with the proposed changes; and

WHEREAS, the Board of Supervisors discussed the proposed changes at their regularly scheduled meeting on May 28, 2014; and

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

NOW, THEREFORE, BE IT REQUESTED by the Frederick County Board of Supervisors that the Frederick County Planning Commission shall hold a public hearing to reduce the front setback for Multifamily Residential Buildings from 35 feet to 20 feet.

Passed this 28th day of May, 2014 by the following recorded vote:

This resolution was approved by the following recorded vote:

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

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator