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**AGENDA  
REGULAR MEETING  
FREDERICK COUNTY BOARD OF SUPERVISORS  
WEDNESDAY, JUNE 25, 2014  
7:00 P.M.  
BOARD ROOM, COUNTY ADMINISTRATION BUILDING  
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**5:00 P.M. – Closed Session:**

There will be a Closed Session in Accordance with the *Code of Virginia*, 1950, as Amended, Section 2.2-3711, Subsection A, (1) to Discuss Personnel Matters, Specifically, the Annual Evaluation of the County Administrator and Section 2.2-3711, Subsection A (7), to Discuss Legal Matters for Consultation with Legal Counsel and Staff Regarding Specific Legal Matters Concerning the Russell 150 Community Development Authority Assessments and Requiring the Provision of Legal Advice by Such Counsel.

**7:00 P.M. – Regular Meeting - 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: D, F and G)

**Presentation of Resolution to H P Hood, Inc.**

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

**Board of Supervisors Comments**

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

1. Regular Meeting, May 28, 2014.

**County Officials:**

1. Employee of the Month Award. **(See Attached)**----- B
2. Committee Appointments. **(See Attached)**----- C
3. Resolution for Board of Supervisors Re-Authorization for Participation in Shenandoah Valley Electric Cooperative (SVEC) Rate Case.  
**(See Attached)**----- D
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. Finance Committee. **(See Attached)**----- H
4. Development Impact Model Oversight Committee. **(See Attached)**----- I

**Public Hearing:**

1. Twelve Month Outdoor Festival Permit Request of Trumpet Vine Farm (DeMarchi Spears). Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee; Paragraph D, Twelve Month Permits. All Events to be Held on the Grounds of Trumpet Vine Farm, 266 Vaucluse Road, Stephens City, Virginia. Property Owned by DeMarchi Spears. **(See Attached)**----- J
2. Amendment to the 2014-2015 Fiscal Year Budget - Pursuant to Section 15.2-2507 of the Code of Virginia, 1950, as Amended, the Board of Supervisors will Hold a Public Hearing to Amend the Fiscal Year 2014-2015 Budget to Reflect:

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Airport Capital Fund Supplemental Appropriation in the Amount of \$5,070,000. This Amount Represents Capital Projects Including Relocation of the South Apron and Land Acquisition.

Capital Project Fund Supplemental Appropriation in the Amount of \$7,206,953. This Amount Represents the Project Budget for the Replacement Round Hill Fire and Rescue Station and Event Center.

**(See Attached)** ----- **K**

**Planning Commission Business:**

**Public Hearing:**

1. UDA Centers and the 2030 Comprehensive Plan – The Board of Supervisors will Discuss a Proposed Amendment to the 2030 Comprehensive Plan; Frederick County UDA Centers and the 2030 Comprehensive Plan. This Amendment is a Follow Up to and in Support of, the UDA Center Design Cabinet Report and the Draft Traditional Neighborhood Design (TND) Ordinance Discussion. The Proposed Amendment Continues to Consolidate and Reinforce the UDA Center Discussion within the 2030 Comprehensive Plan and Further Strengthens Sound Planning Principles within the County’s Urban Areas. The Aim of this Proposed Amendment is to Illustrate Why UDA Centers in Frederick County are Important and to Highlight Who Would Benefit from Living in These Strategic Growth Areas. The Proposed Amendment Would Be Inserted Into the Plan Within Chapter I, Urban Areas. **(See Attached)**----- **L**

**Other Planning Items:**

1. 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, and May 14, 2014 Board Meetings.) (See Attached)**----- **M**
2. Discussion – Middletown Area Sewer and Water Direction:
  - (i) (Comprehensive Policy Plan Amendment (CPPA) - Middletown/LFCC - Future Expansion Area. **(Vote Postponed from May 28, 2014 Board Meeting.)**

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(ii) Reliance Road Request – Middletown Properties, LLC.

**(See Attached)** ----- **N**

3. Discussion – McCann-Slaughter Property – Draft Amendment to the 2030 Comprehensive Plan, Appendix I – Area Plans, - Northeast Frederick Land Use Plan. **(See Attached)**----- **O**

4. Request to Schedule Work Session Re: Comprehensive Policy Plan Amendment (CPPA) and Other Planning Items. **(See Attached)** ----- **P**

**Board Liaison Reports (If Any)**

**Citizen Comments**

**Board of Supervisors Comments**

**Adjourn**

A

**FREDERICK COUNTY BOARD OF  
SUPERVISORS' MINUTES**

**REGULAR MEETING**

**May 28, 2014**

A Regular Meeting of the Frederick County Board of Supervisors was held on Wednesday, May 28, 2014 at 7:00 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

**PRESENT**

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

**ABSENT**

Robert W. Wells

**CALL TO ORDER**

Chairman Shickle called the meeting to order.

**INVOCATION**

Reverend Ross Halbersma, New Hope Alliance Church, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Vice-Chairman DeHaven led the Pledge of Allegiance.

**ADOPTION OF AGENDA – APPROVED AS AMENDED**

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

Supervisor Fisher stated he would like to add the Shawnee District representative appointment to the Historic Resources Advisory Board to the Committee Appointments portion of the agenda.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the agenda as amended.

The above motion was approved by the following recorded vote:

|                         |     |
|-------------------------|-----|
| Richard C. Shickle      | Aye |
| Charles S. DeHaven, Jr. | Aye |

|                        |        |
|------------------------|--------|
| Christopher E. Collins | Aye    |
| Gene E. Fisher         | Aye    |
| Robert A. Hess         | Aye    |
| Gary A. Lofton         | Aye    |
| Robert W. Wells        | Absent |

**CONSENT AGENDA - APPROVED**

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

- Parks and Recreation Commission Report – **Tab F**; and
- Human Resources Committee Report – **Tab G**.

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

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

**CITIZEN COMMENTS**

**Dr. Carol Delacruz**, homeowner in the Shenandoah Community and Opequon District, appeared before the Board regarding private streets in the R-5 District and read the following statement:

*“Mr. Chairman, Supervisors, my name is Dr. Carol Delacruz, a homeowner of Shenandoah at Lake Frederick. I’d like to take a moment to acknowledge the fellow residents I see here tonight. Shenandoah residents, please raise your hands.*

- *All of us – those here tonight, and those not here, bought homes in a community planned for approximately 2,100 residences, with gated private streets.*
- *The plan for gated, private streets was an important part of our personal buying decision.*
- *Beginning in 2012, I was a member of the group of nine homeowners on a **Redevelopment Study Group** working with Lansdowne prior to their purchase of the Lake Frederick property. Although we differed on some details of the new development plan, we and Lansdowne were in agreement on two key points:*



1. In order to fulfill the promise of a 2,100 home community, the developer needed to address in parallel both the age-restricted and non-age restricted homebuyer markets:
2. Given the geography of the development and existing developed portion, it was imperative that we have **gated, private streets throughout the entire** development to provide the security existing homeowners expected, as well as a sense of cohesiveness and community among the age-restricted residents.

We presently have two age restricted sections with private streets, one is gated, the other, not as yet. As new age-restricted homes are built, and as non age-restricted homes are added, it is our hope and desire that our community will be one of **inclusion** not exclusion to maintain that sense of community, particularly within the age-restricted section. Imagine the **impact** on this sense of community, and on community governance, in a situation where roughly half of the age-restricted community has gated access and private streets and the other half has not gated access and a mix of private and public streets. Such a condition would create disjunction within our community, not to mention the challenges it would present for HOA governance.

The original developer was granted the **requisite ordinance for private streets throughout** our community of 2100 homes. The **only** change in our community is that it will now be comprised of both age-restricted and non age-restricted residents. **The roads will be the same.** In my opinion, resident age should not influence or be a determining factor as to whether we are permitted to continue with private roads throughout our development.

- Lansdowne is asking – on our behalf – that they be able to develop the mixed community of 2,100 residences with the gated, private streets that we all expected.
- That is important to us, the current residents, and it is very important to all residents, current and future.
- We ask the Board of Supervisors to bring this matter to conclusion by:
  - Scheduling public hearings on the private road request before the county;
  - Approving the requested ordinance change to allow for the application to install private streets in R5 communities; and
  - Approving Lansdowne’s application to install private streets throughout the Lake Frederick community.

Thank you.”

Kevin Walek, Opequon District, appeared before the Board and read the following:

“Comments for Kevin Walek:

- Mr. Chairman; Supervisors; all: I would like to thank you for providing us with this opportunity to come before you and speak this evening regarding the issue of Private streets for the Lake Frederick Community.
- My name is Kevin Walek. I am a retired attorney, having spent the last 28 years in the financial, regulatory world. Along with my wife, Margaret, a retired accounting manager, we are residents of Lake Frederick in the Opequon District.
- My wife and I welcome and embrace the diversity that a mixed age-restricted and non age-restricted community will bring. And, as has been underscored by many urban sociologists as early as Jane Jacobs, and Edward Banfield, in the long run, we believe it will enrich our lives and those of others in our community.
- We also support the developer’s desire to build out such a mixed community with gated

- access and private streets.*
- *As Dr. Delacruz previously indicated, we believe an integrated private street development will provide benefits to all homeowners; will eliminate complexities and avoid challenges in the governance and day-to-day management of the HOA.*
  - *In a broader demographic and economic perspective, we read with interest John Martin's reported comments at the recent spring dinner of the Northern Shenandoah Valley Regional Commission. In brief, Mr. Martin's key points were:*
    - *Aging baby boomers will fuel the area's economy in the short term but younger "life-style" seekers will become an increasing percentage of the area's population over the next two or three decades;*
    - *Boomers are re-defining what it's like to grow old; looking at the promise of aging, NOT the problems of aging;*
    - *Younger life-style seekers are looking for place first, career and job second. They want a sense of place and community, carefree living and sustainability.*
  - *That, I submit, is exactly the two classes of homebuyers our mixed community has been designed to address. And given these broad demographic trends, I submit that the Lake Frederick development may well be, if not should be, the model for future planned communities in Frederick County and the Northern Shenandoah.*
  - *Finally, allowing private streets for such a community will align both costs and benefits with the residents of the community. In an age where less and less transportation funding will be coming from the State, such an alignment is surely a more viable option than relying on the County's general taxpayers to fund the maintenance and repairs of public streets.*
  - *We respectfully request the Board of Supervisors to bring this matter to a conclusion by:*
    - *Scheduling public hearings on the private road request before the county;*
    - *Approving the requested ordinance change to allow for the application to install private streets in R5 communities; and*
    - *Approving Lansdowne's application to install private streets throughout the Lake Frederick community.*

*Thank you."*

**Dr. Richard Setton**, Opequon District and resident of Lake Frederick, read the following: “

- *I'm Dr. Richard Setton and I'm a resident of Lake Frederick in the Opequon District.*
- *About 35 years ago, I was the clinical director of the Woodstock office of the Northwestern Community Services Board, which was, at the time, based in Winchester.*

*I knew back then that this was the region in which I wanted to live, and I've been fortunate to be part of this area for the last 7 years.*

*I'm also now serving on the Board of Directors of Habitat for Humanity, Winchester-Frederick County, and I'm chairman of their Family Services Committee.*

- *We all have slightly different reasons for why we moved here, and like any diverse group,*

*we don't all agree on very many community topics. However, on the issue of having private streets, there is a clear – better than 90% -- consensus.*

- *Let me provide a somewhat broader historical and factual perspective on our request for private streets.*
- *For starters, we know that the county approved the private streets and gated access for about 2100 homes at Lake Frederick as early as the MDP for the property in 2001.*
- *The only change, and all that Lansdowne is requesting, is the ability to submit an application to the county to provide private streets for both restricted and non-restricted homes at Lake Frederick. If effect, at the highest level, not much else has changed in the plan since the early MDP.*
- *It will: a) still consist of some 2100 homes,  
b) the total paved street areas will be about the same,  
c) amenities will be approximately the same, and in some ways, even better.*
  
- *Importantly, the HOA and the residents are no strangers to the challenges and benefits of private streets. We currently have about 4.8 miles of private streets, all built to VDOT base standards. For several years, our HOA, in the absence of a fiscally viable developer, funded and managed snow removal for those streets. We have a solid grasp on the reserve requirements necessary for these streets, both from cost and reserve studies performed in 2011 (and updated in 2013) and from the considerable prior life experience and knowledge that our residents bring with them.*
- *Finally, let's not lose sight of the fact that almost 2/3rds of the streets upon completion will be private anyway, considering both the age-restricted sections and townhouse areas of the non-restricted portions. Our request, when approved, will simply enable the other 1/3<sup>rd</sup> of the streets to be integrated into a consistent framework for HOA governance.*
- *Therefore, representing the overwhelming majority of the residents at Lake Frederick, we urge the speedy approval of the developer's request. In that way, re-development can proceed expeditiously, and we, the residents as well as the county, can all benefit from this exceptional community and equally exceptional county in which we live."*

**Larry Atkinson**, Opequon District, appeared before the Board regarding the private roads information. He advised the issue tonight was not solely a Shenandoah issue, but a countywide issue. He went on to say tonight's focus should be about the county code change to permit private streets in all R-5 communities. He stated the residents bought expecting an age-restricted community. He asked if the board would vote tonight to allow the public hearing. He went on to ask if all developers have the opportunity to address these changes. He believed these proposed changes were adequate. He asked the Board to focus tonight on the code change and not the Lansdowne request. He concluded by urging the Board to hold

the public hearing.

**BOARD OF SUPERVISORS COMMENTS**

There were no Board of Supervisors comments.

**MINUTES - APPROVED**

Upon a motion by Supervisor Lofton, seconded by Supervisor Fisher, the Board approved the minutes from the May 14, 2014 meeting.

Supervisor Collins abstained from voting on the minutes.

The above motion was approved by the following recorded vote:

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

**COUNTY OFFICIALS**

**EMPLOYEE OF THE MONTH AWARD – TIMOTHY D. HILL APPROVED**

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board approved Timothy D. Hill as Employee of the Month for May 2014.

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

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

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

**WHEREAS**, 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 28<sup>th</sup> 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 this award.

The above motion was approved by the following recorded vote:

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

#### **COMMITTEE APPOINTMENTS**

#### **REAPPOINTMENT OF CLINT JONES AS SHAWNEE DISTRICT REPRESENTATIVE TO THE HISTORIC RESOURCES ADVISORY BOARD - APPROVED**

Upon a motion by Supervisor Fisher, seconded by Vice-Chairman DeHaven, the Board reappointed Clint Jones as Shawnee District representative to the Historic Resources Advisory Board. This is a four year appointment. Term expires May 22, 2018.

The above motion was approved by the following recorded vote:

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

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

**REAPPOINTMENT OF MARTIN J. CYBULSKI AS RED BUD DISTRICT REPRESENTATIVE TO THE PARKS AND RECREATION COMMISSION - APPROVED**

Upon a motion by Supervisor Collins, seconded by Supervisor Hess, the Board reappointed Martin Cybulski as Red Bud District representative to the Parks and Recreation Commission. This is a four year appointment. Term expires April 28, 2018.

The above motion was approved by the following recorded vote:

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

**REAPPOINTMENT OF DENNY PERRY AS MEMBER-AT-LARGE TO THE HISTORIC RESOURCES ADVISORY BOARD - APPROVED**

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board reappointed Denny Perry as member-at-large to the Historic Resources Advisory Board. This is a four year appointment. Term expires April 28, 2018.

The above motion was approved by the following recorded vote:

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

**REAPPOINTMENT OF KAREN L. KIMBLE AS SHAWNEE DISTRICT REPRESENTATIVE TO THE SOCIAL SERVICES BOARD - APPROVED**

Upon a motion by Supervisor Fisher, seconded by Vice-Chairman DeHaven, the Board reappointed Karen L. Kimble as Shawnee District representative to the Social Services Board.

This is a four year appointment. Term expires June 30, 2108.

The above motion was approved by the following recorded vote:

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

**APPOINTMENT OF THERESA GAINES, JAMES E. RICHARD, AND KAREN B. HELM TO THE WINCHESTER-FREDERICK COUNTY TOURISM BOARD - APPROVED**

Upon a motion by Supervisor Lofton, seconded by Supervisor Collins, the Board appointed Theresa Gaines, James E. Richard, and Karen B. Helm to the Winchester-Frederick County Tourism Board. 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  | Aye    |
| Gene E. Fisher          | Aye    |
| Robert A. Hess          | Aye    |
| Gary A. Lofton          | Aye    |
| Robert W. Wells         | Absent |

**REAPPOINTMENT OF RICH LARGENT AS FREDERICK COUNTY REPRESENTATIVE TO THE WINCHESTER REGIONAL AIRPORT AUTHORITY - APPROVED**

Upon a motion by Supervisor Fisher, seconded by Supervisor Hess, the Board reappointed Rich Largent as Frederick County 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  | Aye    |
| Gene E. Fisher          | Aye    |
| Robert A. Hess          | Aye    |
| Gary A. Lofton          | Aye    |
| Robert W. Wells         | Absent |

**RESOLUTION RE: FREDERICK COUNTY BOARD OF SUPERVISORS  
CONCURRENCE WITH FREDERICK COUNTY SCHOOL BOARD ELECTING  
TO PAY THE VRS BOARD CERTIFIED RATE. - APPROVED**

Upon a motion by Vice-Chairman DeHaven, the Board approved the resolution of 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(I) 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.

The above motion was approved by the following recorded vote:

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



**REQUEST FROM COMMISSIONER OF THE REVENUE FOR REFUNDS - APPROVED**

Administrator Riley advised these were requests from the Commissioner of the Revenue to authorize the following refunds:

1. Navy Federal Credit Union in the amount of \$6,559.40 for adjustment to business equipment filings for 2014. Upon receiving the requested detail listing, staff discovered exempt software for new systems in their recent expansion. Since Navy Federal Credit Union had already paid their entire bill in full, a refund is due. - **APPROVED**

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

The above motion was approved by the following recorded vote:

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

2. Partnership for Response & Recovery LLP in the amount of \$13,664.57 for adjustment to business license filing for part of 2013. The prorated refund resulted from Partnership for Response & Recovery LLP moving out of the County. - **APPROVED**

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

The above motion was approved by the following recorded vote:

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

3. Wheels LT in 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. - **APPROVED**

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

The above motion was approved by the following recorded vote:

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

### **COMMITTEE REPORTS**

#### **PARKS AND RECREATION COMMISSION – APPROVED UNDER CONSENT AGENDA**

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 4<sup>th</sup> 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 2.2-3711A(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.

**HUMAN RESOURCES COMMITTEE – APPROVED UNDER CONSENT**  
**AGENDA**

The HR Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, May 9, 2014 at 8:00 a.m. 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 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.

**PUBLIC WORKS COMMITTEE - APPROVED**

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 the 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 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.

Upon a motion by Supervisor Fisher, seconded by Supervisor Lofton, the Board approved the budget public hearing subject to staff verifying final costs.

The above motion was approved by the following recorded vote:

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

**FINANCE COMMITTEE - APPROVED**

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. Items 3,4,5,6,7,8,9, and 13 were approved on consent agenda.

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

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

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. - **APPROVED**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Collins, the Board approved the above request by the following recorded vote:

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

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. - **APPROVED**

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

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

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

3. 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. – **APPROVED UNDER CONSENT AGENDA.**
4. 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. – **APPROVED UNDER CONSENT AGENDA.**
5. The Sheriff requests a General Fund supplemental appropriation in the amount of \$2,398. This amount represents reimbursement from the Secret Service for supplies. No local funds required. See attached memo, p. 13. – **APPROVED UNDER CONSENT AGENDA.**
6. 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. – **APPROVED UNDER CONSENT AGENDA.**
7. 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. – **APPROVED UNDER CONSENT AGENDA.**
8. 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. – **APPROVED UNDER CONSENT AGENDA.**
9. 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. – **APPROVED UNDER CONSENT AGENDA.**
10. 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 on an automatic basis each year. -

**APPROVED**

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

approved the above request by the following recorded vote:

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

- 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. - **APPROVED**

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

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

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

13. 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. – **APPROVED UNDER CONSENT AGENDA.**
14. 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. 45-56.
3. The Finance Director provides the FY 2014 Fund Balance Report for the period ending May 16, 2014. See attached, p. 57.

#### **PUBLIC HEARING ITEMS**

**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. - APPROVED**

Administrator Riley advised this was a request for an outdoor festival permit for Sundown Fest. The event will take place 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.

Supervisor Hess noted this application had less specificity than any application he had seen.

**Alaya White** appeared before the Board on behalf of the application. He advised that he had addressed a number of issues in the county attorney's letter. He noted:

- The applicants did have permission from all property owners.
- They have applied for a business license.
- He had a copy of the ticket.
- They are still acquiring food vendors.
- He had a revised venue plan/map.
- Round Hill Fire & Rescue had been contacted.
- They had contacted the Sheriff's Department regarding traffic
- They provided a plan for traffic and parking on site.
- They are still looking for a non-profit to partner with for alcohol sales.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Hess, seconded by Supervisor Lofton, the Board approved the outdoor festival permit application subject to the county attorney receiving written verification of the responses noted from the applicant by Friday, May 30, 2014.

The above motion was approved by the following recorded vote:

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

Robert W. Wells

Absent

**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. - APPROVED**

Deputy Director of Public Works Joe Wilder appeared before the Board regarding this item. He advised there have been no changes since the May 20, 2014 draft sent to the board. He stated this is a proposed new Chapter 143 of the Frederick County Code for the new stormwater ordinance. He noted this ordinance had gone through a lot of changes since staff began working on this ordinance. He went on to say the state required localities to have this type of program. He stated the department would use existing staff to administer these new regulations. He noted there was a need to educate the development community regarding these proposed changes. The ordinance has been approved by the Department of Environmental Quality. Once the Board approves the ordinance then the Department of Environmental Quality would authorize Frederick County to operate the program.

Chairman Shickle stated that he saw the fees were included in the ordinance, but he thought past practice was to remove them from the actual ordinance so the code would not have to be changed if fees changed.

Deputy Director Wilder noted the proposed fees were set for a period of five years.

Vice-Chairman DeHaven asked if the ordinance could make reference to the state fee schedule instead of having the fees included in the ordinance.

County Attorney Williams responded that change could be made.

Deputy Director Wilder agreed with the suggested change.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Fisher, seconded by Supervisor DeHaven, the Board approved the ordinance adopting Chapter 143 and repealing Chapter 79 with the fees to be incorporated by reference.

### **§ 143-100 Purpose**

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

- A. The purpose of this ordinance is to establish minimum stormwater management and erosion and sediment control requirements which:
  1. Reduce flood damage to property; minimize the impacts of increased stormwater runoff from new land development;
  2. Maintain the hydraulic adequacy of existing and proposed culverts, bridges, dams, and other structures;
  3. Prevent, to the greatest extent feasible, an increase in nonpoint source pollution;
  4. Maintain the integrity of stream channels for their biological functions and drainage;
  5. Maintain natural drainage patterns to the extent practicable in order to promote existing hydrologic processes;
  6. Promote infiltration of stormwater to recharge groundwater resources;
  7. Minimize the impact of development upon stream erosion;
  8. Preserve and protect water supply facilities from increased flood discharges, stream erosion, and nonpoint source pollution;
  9. Establish provisions for long-term responsibility for and maintenance of stormwater management control devices and techniques to manage the quality and quantity of stormwater runoff; and
  10. Provide effective control of soil erosion and sediment deposition and to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources.
- B. This chapter supplements and is to be applied in conjunction with Frederick County building code, subdivision, and zoning ordinances as they apply to the development or subdivision of land within the county.

### § 143-105 Authority

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

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

### § 143-110 Definitions

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

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

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

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

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

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

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

"Board" means the Virginia State Water Control Board.

"Channel" means a natural or manmade waterway.

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

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

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

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

"Common plan of development" means the contiguous area of a proposed residential, commercial, or industrial subdivision where the timing of the development of any one or multiple lots or parcels may result in separate and distinct construction activities taking place at

different times on different schedules.

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

"Department" means the Department of Environmental Quality.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Initiation of stabilization activities" means:

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

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

"Karst area" means any land area predominantly underlain at the surface or shallow subsurface by limestone, dolomite, or other soluble bedrock regardless of any obvious surface karst features.

"Karst features" means sinkholes, sinking and losing streams, caves, large flow springs, and other such landscape features found in karst areas.

"Land disturbance" or "Land-disturbing activity" means any man-made change to the land surface that potentially changes its runoff characteristics, including, but not limited to clearing, grading, or excavation, except that the term shall not include those exemptions specified in § 62.1-44.15:34 and § 62.1-44.15:51, Code of Virginia and in this ordinance.

"Layout" means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.



"Localized flooding" means smaller scale flooding that may occur outside of a stormwater conveyance system. This may include high water, ponding, or standing water from stormwater runoff, which is likely to cause property damage or unsafe conditions.

"Main channel" means the portion of the stormwater conveyance system that contains the base flow and small frequent storm events.

"Major modification" means, for the purposes of this chapter, the modification or amendment of an existing state permit before its expiration that is not a minor modification as defined in this regulation.

"Manmade" means constructed by man.

"Measurable storm event" means a storm event resulting in an actual discharge from the construction site.

"Minor modification" means, for the purposes of this chapter, minor modification or amendment of an existing state permit before its expiration for the reasons listed at 40 CFR 122.63 and as specified in 9VAC25-870-640. Minor modification for the purposes of this chapter also means other modifications and amendments not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor state permit modification or amendment does not substantially alter state permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

"Natural channel design concepts" means the utilization of engineering analysis based on fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bank full storm event within its banks and allows larger flows to access its floodplain.

"Natural stream" means a tidal or non-tidal watercourse that is part of the natural topography. It usually maintains a continuous or seasonal flow during the year and is characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales shall not be considered natural streams; however, channels designed utilizing natural channel design concepts may be considered natural streams.

"Operator" means the owner or operator of any facility or activity subject to regulation under this Ordinance.

"Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

"Percent impervious" means the impervious area within the site divided by the area of the site multiplied by 100.

"Permit" or "VSMP authority permit" means an approval to conduct a land-disturbing activity issued by the Frederick County Public Works Department, the permit-issuing VSMP authority, for the initiation of a land-disturbing activity after evidence of coverage under the General Permit for Discharges of Stormwater from Construction Activities found in (9VAC25-880 et seq.) of the Virginia Stormwater Management Program Regulations has been provided. A person shall not conduct any land disturbing activity until he has submitted a permit application to the VSMP authority that includes a state VSMP permit registration statement, if such statement is required, a stormwater management plan or an executed agreement in lieu of a stormwater plan, and has obtained VSMP authority approval to begin land disturbance.

"Permittee" means the person to whom the Permit is issued.

"Person" means any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, governmental body, including federal, state, or local entity as applicable, any interstate body or any other legal entity.

"Point of discharge" means a location at which concentrated stormwater runoff is released.

"Post development" refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site.

"Predevelopment" refers to the conditions that exist at the time that plans for the land development of a tract of land are submitted to the plan approval VSMP authority. Where phased development or plan approval occurs (preliminary grading, demolition of existing structures, roads and utilities, etc.), the existing conditions at the time prior to the first item being submitted shall establish predevelopment conditions.

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

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

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

"Responsible land disturber" means an individual from the project or development team, who will be in charge and responsible for carrying out a land-disturbing activity covered by an agreement in lieu of a plan, when applicable, or an approved erosion and sediment control plan ,

who (i) holds a certificate of competence as a responsible land disturber, or (ii) holds a current certificate of competence from the Board in the area of inspection, or (iii) holds a current contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Section 54.1-400 et seq. of Chapter 4 of Title 54.1 of the Code of Virginia.

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

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

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

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

"Site" means the land or water area where any facility or activity is physically located or conducted, a parcel of land being developed, or a designated area of a parcel in which the land development project is located. Also, means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity.

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

"State" means the Commonwealth of Virginia.

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

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

"Stormwater" means precipitation that is discharged across the land surface or through

conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

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

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

"Stormwater discharge associated with construction activity" means a discharge of stormwater runoff from areas where land-disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

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

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

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

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

"Stormwater Pollution Prevention Plan Template" or "SWPPP Template" means a document intended to be used for single family residential construction land-disturbing activity that disturbs less than one acre of land and is part of a larger common plan of development to identify

all applicable requirements of the SWPPP that was developed for the larger common plan of development.

“Subdivision” means the same as defined in the Frederick County Subdivision Ordinance (Chapter 144 of Frederick County, Virginia Code).

"Surface waters" means:

1. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - a. That is used or could be used by interstate or foreign travelers for recreational or other purposes;
  - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - c. That is used or could be used for industrial purposes by industries in interstate commerce.
4. All impoundments of waters otherwise defined as surface waters under this definition;
5. Tributaries of waters identified in subdivisions 1 through 4 of this definition;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subdivisions 1 through 6 of this definition.

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

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

1. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
2. Individual service connections;
3. Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk that is hard surfaced;
4. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic

tank system;

5. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1 of the Code of Virginia;

6. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in regulation, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163 of the Code of Virginia;

7. Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;

8. Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Article 2 (§ 10.1-604 et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;

9. Disturbed land areas of less than 10,000 square feet in size; however, the governing body of the program authority may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;

10. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

11. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this chapter and the regulations adopted pursuant thereto; and

12. Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the *VESCP* authority.

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

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

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

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

“Virginia Stormwater Management Program authority” or “VSMP authority means a program approved by the board after September 13, 2011, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in the Act and associated regulations, and evaluation consistent with the requirements of the SWM Act and associated regulations.

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

1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
2. Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163 of the Code of Virginia;
3. Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures;
4. Land-disturbing activities that disturb less than one acre of land area except for activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance; however, the governing body of any locality that administers a VSMP may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;
5. Discharges to a sanitary sewer or a combined sewer system;
6. Activities under a State of federal reclamation program to return an abandoned property to an agricultural or open land use;
7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance

with this subsection;

8. Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VSMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of subsection A, including a registration statement that substantiates the occurrence of an emergency, is required within 30 days of commencing the land-disturbing activity.

“VSMP Construction General Permit” or “Construction General Permit” means the General Permit for Discharges of Stormwater from Construction Activities found in 9VAC25-880 of the Virginia Stormwater Management Program Regulations.

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

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

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

### **§ 143-125 Permits Required and Exemptions**

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

Reference: § 62.1-44.15:55

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

Reference: § 62.1-44.15:34(A)

### **§ 143-130 Permit Application**

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

1. Frederick County land disturbing permit application;



2. A Stormwater Pollution Prevention Plan (SWPPP) to include all required elements applicable to a VESCP land disturbing activity;
3. An erosion and sediment control plan and narrative to comply with Virginia erosion and sediment control requirements and Frederick County erosion and sediment control requirements as outlined in this regulation.
4. The performance bond(s) in compliance with § 143-240 and
5. The applicable permit fee.

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

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

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

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

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

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

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

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

- A. The standards contained within the Virginia Erosion and Sediment Control Regulations (VESCR), the Virginia Erosion and Sediment Control Handbook (VESCH) (latest edition), the Virginia Stormwater Management Handbook (VSMH) (latest edition), and any additional guidance provided by the VSMP Authority are to be used by the applicant in the preparation and submission of an erosion and sediment control plan, and by the VSMP Authority in considering the adequacy of a plan submittal. When the standards vary between the publications, the state regulations shall take precedence.
- B. The latest approved version of BMPs found on the Virginia Stormwater BMP Clearinghouse Website shall be utilized to effectively reduce the pollutant load and runoff volume as required in this chapter in accordance with the Virginia Runoff Reduction Method.  
Reference: 9VAC25-870-65
- C. The erosion and sediment control plan and stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface run-off.  
Reference: 9VAC25-870-55 (A)
- D. Proposed residential, commercial, or industrial subdivisions shall apply these stormwater management criteria to the development project as a whole. Individual lots or parcels shall not be considered separate development projects, but rather the entire subdivision shall be considered a single development project. Hydrologic parameters shall reflect the ultimate development and shall be used in all engineering calculations. Implementation of the plan may be phased or carried out by individual or separate applicants as referenced in § 143-130(C).
- E. Unless otherwise specified, the following shall apply to the hydrologic computations of this section:
1. The prescribed design storms are the one-year, two-year, and 10-year 24-hour storms using the site-specific rainfall precipitation frequency data recommended by the U.S. National Oceanic and Atmospheric Administration (NOAA) Atlas 14 and provided in the VA SWM Handbook.
  2. All hydrologic analyses shall be based on the existing watershed characteristics and how the ultimate development condition of the subject project will be addressed.
  3. The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) synthetic 24-hour rainfall distribution and models, including, but not limited to TR-55 and TR-20, hydrologic and hydraulic methods developed by the U.S. Army Corps of Engineers, or other NRCS standard hydrologic and hydraulic methods, shall be used to conduct the analyses described in this part.
  4. For purposes of computing predevelopment runoff, all pervious lands on the site shall be assumed to be in good hydrologic condition in accordance with the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) standards, regardless of conditions existing at the time of computation.
  5. Predevelopment and post development runoff characteristics and site hydrology shall be verified by site inspections, topographic surveys, available soil mapping or studies,

and calculations consistent with good engineering practices. Guidance provided in the Virginia Stormwater Management Handbook and by the Virginia Stormwater BMP Clearinghouse shall be considered appropriate practices.

Reference: 9VAC25-870-72

6. All proposed sediment control or stormwater impounding structures shall be designed in accordance with State standards.

Reference: 9VAC25-870-85

### **§ 143-148 Grandfathering provisions**

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

1. A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the locality to be equivalent thereto (i) was approved by the locality prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-870-10, (iii) will comply with the Part II C technical criteria of this chapter, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;

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

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

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

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

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

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

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

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

E. Nothing in this section shall preclude an operator from constructing to a more stringent

standard at his discretion.

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

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

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

- A. VESCP Land-Disturbing Activities:
  - 1. General SWPPP requirements as described in § 143-155; and
  - 2. An erosion and sediment control (ESC) plan or if single family residential construction an agreement in lieu of an ESC plan as described in § 143-160;
- B. VSMP Land-Disturbing Activities:
  - 1. General SWPPP requirements as described in § 143-155;
  - 2. An ESC plan or if single family residential construction an agreement in lieu of an ESC plan as described in § 143-160;
  - 3. A SWM plan as described in § 143-165; and
  - 4. A SWPPP plan as described in § 143-175.
- C. VSMP Land-Disturbing Activities part of a larger Common Plan of Development shall include:
  - 1. General SWPPP requirements as described in § 143-155;
  - 2. An ESC plan or if single family residential construction an agreement in lieu of an ESC plan as described in § 143-160; and
  - 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 compliance with all applicable elements of the approved SWPPP developed for the larger common plan of development.
- D. The requirements for a SWPPP as outlined in §9VAC25-870-54 shall be included with each plan submitted for review.

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

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

- A. In addition to the applicable components as provided in § 143-150, a Stormwater Pollution Prevention Plan (SWPPP) shall include the following general requirements:
  - 1. Contact information.
  - 2. The SWPPP Certification.
  - 3. The Operator Certification
  - 4. Certification of Compliance with all other applicable permits necessary for activities in state waters and wetlands or appropriate waivers of jurisdiction have been obtained.
- B. Prior to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of a Qualified Personnel to the Administrator. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the

approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in § 143-225.

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

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

Reference: 9VAC25-870-54 (G)

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

- A. As required in § 143-150, an erosion and sediment control plan shall be developed and referenced into the SWPPP.
- B. The erosion and sediment control plan shall be designed to control stormwater volume and velocity within the site to minimize soil erosion and to minimize sediment discharges from the site by incorporating the following performance goals to the maximum extent practicable:
1. The area of land disturbance at any one time shall be the minimum necessary to install and/or construct the proposed site improvements.
  2. The installation and/or construction of the proposed site improvements shall be phased to limit the duration of exposed soils to the minimum time needed to construct and/or install the improvements in the immediate vicinity of the disturbance.
  3. The disturbance and/or compaction of the existing native soils shall be minimized by directing construction traffic, material stockpiling, and other activities to only those areas of the site that are designated for proposed infrastructure (buildings, roads, parking areas, etc.).
  4. Disturbance of slopes 15% or steeper shall be avoided to the maximum extent practicable given the proposed site improvements. When disturbance of steep slopes is unavoidable, or the resulting grade of exposed soil is 15% or greater, the area shall be stabilized immediately with an approved soil stabilization matting.
  5. Existing topsoil shall be preserved to the maximum extent practical.
  6. The selection and design of erosion and sediment controls shall be based on the expected frequency, intensity, and duration of precipitation, and the corresponding expected volume of runoff and sediment erosion, sedimentation, and transport during the land-disturbing activity.
    - a. The volume and peak flow rate of runoff from the construction site should be estimated for the 2-year and/or 10-year design storms as required for the particular controls being considered using accepted NRCS hydrologic methods as described in the VESCH and the VSWMH, latest editions; and
    - b. The expected volume of sediment erosion, sedimentation, and transport during land-disturbing activities should be estimated considering the surface area, length, and slope of exposed soil, the soil horizons exposed by grading activities, and the range of soil particle sizes expected to be present.
  7. Provide 50-foot natural vegetated buffers around surface waters, and direct stormwater to vegetated areas where feasible. Where infeasible, alternate practices

that remove or filter sediment and maximize stormwater infiltration may be approved by Frederick County in accordance with state standards;

8. Sediment basins, when used in accordance with the requirements of the VESCH shall incorporate an outlet structure that discharges from the surface.

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

- C. When the land-disturbing activity is part of a larger common plan of development, the ESC plan shall demonstrate compliance with the approved SWPPP for the larger common plan of development , and shall contain the following:  
Information and/or statements demonstrating compliance with the minimum standards of the erosion and sediment control regulations of the Board (9VAC25-840).
  1. Compliance with the water quantity requirements of §§ 62.1-44.2 et seq. of the Code of Virginia shall be deemed to satisfy the requirements of 9VAC25-840-40(19) (Minimum Standard 19 of the Virginia Erosion and Sediment Control Regulations).
  2. A statement by the permittee that all erosion and sediment control measures shall be maintained and that the permittee will inspect the erosion and sediment control measures at least once in every two-week period and within 48 hours following rainstorm events of 0.25 inches or greater during construction to ensure continued compliance with the approved plan. Records of self-inspection shall be maintained on the site and available for review by county inspectors.
  3. The location, dimensions, and other information as required ensuring the proper construction and maintenance of all temporary erosion and sediment controls necessary to comply with the provisions of this chapter.
  4. Calculations for sediment traps, basins, outlet protection, etc. as applicable.
  5. A sequence of construction and clear delineation of the initial areas of land disturbance necessary for installation of the initial erosion and sediment control measures such as earthen dams, dikes, and diversions. The areas of initial land disturbance shall be the minimum necessary for installation of the initial erosion and sediment control measures and the delineation should include all areas necessary for such installation, including stockpiles, borrow areas, and staging areas. The sequence should also include the stabilization of these areas *immediately* upon reaching final grade.
  6. Clear delineation of the proposed areas of land disturbance and those areas to be protected from construction activity and traffic, including the following:
    - a. Minimize the disturbance of slopes 15% or greater; and
    - b. Minimize soil compaction and, unless infeasible, preserve topsoil.
  7. Requirement that final stabilization of disturbed areas shall be initiated immediately upon reaching final grade on any portion of the site, and that temporary stabilization shall be initiated immediately upon areas that may not be at final grade but will remain dormant for longer than 14 days. Stabilization shall be applied within 7 days of initiating stabilization activities.
  8. A comprehensive drainage plan including:
    - a. The existing and proposed drainage patterns on the site;
    - b. All contributing drainage areas to permanent stormwater practices and temporary sediment controls;

- c. Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains ;
  - d. Land cover such as forest meadow, and other vegetative areas;
  - e. Current land use including existing structures, roads, and locations of known utilities and easements;
  - f. Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
  - g. Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
  - h. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to forest or reforestation, buffers, impervious cover, managed turf (lawns), and easements.
10. The location of any stormwater management practices and sequence of construction.
11. Temporary natural vegetated buffers in accordance with the requirements of the VSMP Construction General Permit. These buffers shall be delineated on the ESC Plan and protected with accepted signage, safety fence, or other barrier.
- D. In lieu of the plan described in subsections A and B of this section, single family residential construction that is not part of a larger common plan of development, including additions or modifications to an existing single-family detached residential structures, may execute an ESC Agreement in Lieu of an Erosion and Sediment Control Plan with the Administrator.
- E. In lieu of the plan described in subsections A and B of this section, single family residential construction that disturbs less than 1 acre and is part of a larger common plan of development, may execute a SWPPP Template with the Administrator that demonstrates compliance with the practices and strategies identified for the lot or parcel in the larger common plan of development SWPPP.
- F. In regard to the erosion and sediment control minimum standards, the following changes are effective within Frederick County (references are to 9VAC25-840-40):
- 1. Subsection 6.b. Surface run-off from disturbed areas that are comprised of flow from drainage areas greater than or equal to three acres shall be controlled by a sediment basin. The minimum storage capacity of a sediment basin shall be 134 cubic yards per acre of drainage area. The outfall system shall, at a minimum, maintain the structural integrity of the basin during a 100-year-storm of twenty-four hour duration. Runoff coefficients used in runoff calculations shall correspond to a bare earth condition or those expected to exist while the sediment basin is utilized.
  - 2. Subsection 14 - Regulation of Watercourse Crossing - All applicable federal, state and local regulations pertaining to working in or crossing live watercourses shall be met. Prior to obtaining a land disturbance permit, copies of all applicable environmental permits, including but not limited to wetland disturbance, stream crossing, stormwater discharge permits, shall be submitted with the application.
  - 3. Subsection 17 - Vehicular Sediment Tracking - Where construction vehicle access routes intersect paved or public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto paved or public road surface; the road surface shall be cleaned thoroughly at the end of each day. Sediment shall be removed from roads by shoveling or sweeping and transported to a sediment disposal area. Street washing shall be allowed only after sediment is removed in this manner.

This provision shall apply to individual development lots as well as to larger land-disturbing activities.

4. In subdivisions, the owner/developer of the subdivision shall be responsible for compliance with the standard set forth in section 3 until the streets are taken into the Virginia Department of Transportation's Secondary Road System for maintenance, and the plan submitted for approval shall include a detailed plan or narrative to ensure transport of sediment onto subdivision streets does not occur during any phase of construction, including but not limited to construction of all infrastructure, utilities, and building construction. In addition, if individual lots or sections in a subdivision are being developed by a different owner, such owner shall be jointly and severally responsible with the owner/developer of the subdivision for achieving compliance with this minimum standard, and the erosion and sediment control plan, or "agreement in lieu of a plan," submitted for approval shall include a detailed plan or narrative to ensure transport of sediment onto the applicable roads does not occur during any phase of construction, including but not limited to construction of all infrastructure, utilities, and building construction.
5. The provision found in Subsection 19b (1) is deleted.
6. In order to assure proper stormwater drainage and site stabilization, the following policies are hereby adopted concerning all development. Prior to release of building permits, the following infrastructure shall be completed and stabilized within the subdivision, subsection or phase as shown on the approved plan:
  - a. Stormwater conveyance systems, including but not limited to culverts, road surface, curb and gutter, stormwater structures, drainage swales and ditches, channel linings and all cleared areas shall be stabilized, etc.
  - b. Submittal of a certified as-built plan of the subdivision, subsection or phase, which includes but is not limited to stormwater conveyance systems, curb and gutter, drainage swales and ditches, stormwater/sediment ponds, graded areas, etc. A letter from the engineer-of-record shall be included with the as-built plan which states that the subdivision has been constructed in accordance with the approved plan.
  - c. A proposed overall lot grading plan is required by Frederick County prior to the release of building permit(s) for subdivisions. This plan shall meet the intent of the original site plan submitted by the developer. It is required that the developer provide the builder/owner a copy of the original engineered site grading plan for the particular subdivision.
  - d. It will be necessary to submit a certified as-built plan for all lots on which proposed lot grading plans were required. This certified as-built plan shall indicate the following: properly annotated boundary lines; setback lines; proposed house footprint; offsets to house; existing grading; spot shots as necessary to show positive drainage; proposed driveway; proposed floor elevation to include basement, first floor and garage; and erosion and sediment controls, if required. The as-built plan shall be accompanied by a document prepared by a professional engineer or a certified land surveyor certifying that the as-built conditions meet the intent of the approved site grading plan. The proposed lot grading plan and the as-built survey shall be submitted to the Public Works Department prior to release of the final certificate of occupancy.



7. Before adopting or revising regulations, the County shall give due notice and conduct a public hearing on the proposed or revised regulations, except that a public hearing shall not be required when the County is amending its program to conform to revisions in the state program. However, a public hearing shall be held if the County proposes or revises regulations that are more stringent than the state program.
8. Pursuant to § 62.1-44.15:53 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The erosion control program of the County shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.
9. The County hereby designates the Department of Public Works as the plan-approving authority.
10. The program and regulations provided for in this chapter shall be made available for public inspection at the office of the Department of Public Works.

### **§ 143-165 Stormwater Management (SWM) Plan Requirements**

- A. As required in § 143-150, a stormwater management plan shall be developed and referenced into the SWPPP.
- B. In addition to the plan requirements outlined in § 143-155 and § 143-160, the stormwater management plan shall include the following:
  1. A general description of the proposed stormwater management facilities, including:
    - a. Contact information including name, address, telephone number and parcel number of the property or properties affected;
    - b. Narrative that includes a description of current site conditions and final site conditions or if allowed by the VSMP authority, the information provided and documented during the review process that addresses the current and final site conditions;
    - c. General description of the proposed stormwater management facilities and mechanism through which the facilities will be operated/ maintained after construction is complete; Information on type of stormwater facilities;
    - d. The location of stormwater facilities, including geographic coordinates;
    - e. The named surface waters to which the facility eventually drains;
    - f. Information on proposed stormwater management facilities, including (i) type of facilities; (ii) location, including geographic coordinates; (iii) acres treated; and (iv) surface waters or karst features into which facility will discharge;
    - g. Hydrologic/hydraulic computations, including runoff characteristics;
    - h. Documentation/calculations verifying compliance with water quality and quantity requirements of the regulations;
    - i. Map or maps of site that depicts topography of the site and includes:
      1. Contributing drainage areas;
      2. Existing streams, ponds, culverts, ditches, wetlands, other water bodies, floodplains;
    - j. Soil types, geologic formations if karst features are present in the area, forest cover, other vegetative areas;

- k. Current land use including existing structures, roads, locations of known utilities and easements;
  - l. Sufficient information on adjoining parcels to assess impacts of stormwater from the site on these parcels;
  - m. Limits of clearing and grading, proposed drainage patterns on the site;
  - n. Proposed buildings, roads, parking areas, utilities, stormwater management facilities;
  - o. Proposed land use with tabulation of percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads and easements.
  - p. A stormwater management plan for a land disturbing activity shall apply the stormwater management technical criteria set for the in the part to the entire land disturbing activity. Individual lots in new residential, commercial, or industrial developments shall not be considered separate land-disturbing activities.
  - q. A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.
  - r. Information on type/ location of stormwater discharges, information on features to which stormwater is discharged, including surface waters or karst features if present, and predevelopment/ post development drainage areas.
2. All necessary documentation and calculations supporting the design and construction of the proposed stormwater management structures, including sufficient details such as cross sections, profiles, dimensions, grades, and other information as needed to ensure that the BMP facilities are built in accordance with the approved plans and BMP Design Standards and Specifications;
  3. Runoff Reduction Method Compliance Spreadsheet Summary Sheet.
  4. A landscaping plan prepared by an individual familiar with the selection of appropriate vegetation for the particular BMP (emergent and upland vegetation for wetlands, woody and/or herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater management facilities, etc.). The landscaping plan must also describe the maintenance of vegetation at the site and what practices should be employed to ensure that adequate vegetative cover is preserved.
  5. Identification of all easements provided for inspection and maintenance of stormwater management facilities in accordance with specifications in the Stormwater Management Design Manuals and Frederick County requirements.
  6. When Applicable, a copy of the Frederick County *SWM BMP Operation and Maintenance Agreement* to be recorded in the local land records prior to plan approval. This may be submitted prior to plan approval.
  7. When stormwater facilities are proposed on individual residential lots, a copy of the proposed *Residential Lot BMP Inspection and Maintenance Agreement* to be signed by the property owner upon settlement. This must be submitted prior to plan approval.
  8. If an applicant intends to meet the water quality requirements of subsection C of this section through the use of off-site compliance options, the a letter of availability from the off-site provider must be included, and the use of the off-site options shall be in

accordance with the VSMP Regulations Offsite Compliance Options (9VAC25-870-69).

- C. Stormwater management (SWM) plans shall demonstrate compliance with the following:
  - 1. Stormwater runoff quality and runoff volume reduction criteria for new development. Reference: 9VAC25-870-63.
  - 2. Stormwater runoff quality criteria for development on prior developed lands. Reference: 9VAC25-870-63.
  - 3. Channel protection criteria. Reference: 9VAC25-870-66.
  - 4. Flood protection criteria. Reference: 9VAC25-870-66.
  - 5. Requirements for identifying, evaluating, and addressing increased volumes of sheet flow resulting from pervious or disconnected impervious areas or from physical spreading of concentrated flow through level spreaders. Reference: 9VAC25-870-66.
- D. Prior to release of the stormwater plan surety bond, two (2) sets of the construction record drawing or as-built of permanent stormwater management facilities, also referred to as "as-built plans," in accordance with county requirements shall be submitted to the Administrator. The construction as-built shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1. of the Code of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan.  
Reference: 9VAC25-870-108, 9VAC25-870-55 (D).
- E. Single family residential construction that is less than one acre of disturbance and part of a larger common plan of development may execute and implement a BMP Implementation Plan as part of the SWPPP Template in order to demonstrate compliance with the practices and strategies identified in the larger common plan of development SWPPP.
- F. Stormwater Management Facility Maintenance Agreements: Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance agreement that must be approved by the Administrator and recorded in the land records prior to issuance of a land-disturbing permit and contain the following provisions:
  - 1. A copy of the County Frederick County BMP Operation and Maintenance Agreement proposed for recordation in the local land records prior to plan approval to be signed by the property owner upon settlement shall be submitted with the plans. Reference: 9VAC25-870-112.
  - 2. Responsibility for the operation and maintenance of stormwater management facilities shall remain with the property owner or an owner's association and shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements shall be made to pass the responsibility to successors in title. Reference: 9VAC25-870-112.
  - 3. Maintenance agreements shall be in accordance with the Frederick County requirements (BMP Inspection & Maintenance Program) and provide for all necessary access for inspections. Reference: Va. Code § 62.1-44.15:39; 9VAC25-870-112.
  - 4. Except as provided in item 5 below, maintenance agreements shall be enforceable (by the Administrator). Reference: 9VAC25-870-112.

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

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

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

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

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

- A. Upon receipt of a plan for a land-disturbing permit and accompanying plans as required by § 143-150, the Administrator shall determine the completeness of the application and notify the applicant within **15** calendar days if the submittal is considered incomplete.
- B. Once the applicant has been notified of a complete submittal, the Administrator shall have an additional **60** calendar days from the date of the communication for the review of the plans to determine compliance with the requirements of this ordinance, and to communicate to the applicant the approval or disapproval of the plans.
- C. If a determination of completeness is not made and communicated to the applicant within the **15** calendar days, the plans shall be deemed complete as of the date of submission and a total of **60** calendar days from the date of submission shall be allowed for the review of the plans.
- D. If the plans are not approved, the reasons for not approving the plans shall be provided in writing to the applicant.
- E. The Administrator shall review within **45** calendar days of the date of resubmission any plans that have been previously disapproved.

- F. Unless otherwise indicated in the application, electronic communication shall be considered communication in writing.

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

### **§ 143-190 Pre-Construction Meeting Required**

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

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

- A. Permit Issuance: Once the requirements for obtaining a Frederick County Land-Disturbing Permit and coverage under the state general permit for discharges from construction activity (if applicable) have been met, including the receipt or verification of payment of all required permit fees in accordance with the fee schedule of § 143-235, the Administrator will issue a Frederick County Land-Disturbing Permit and a VSMP Authority permit.
- B. No transfer, assignment, or sale of the rights granted by virtue of a Frederick County Land-Disturbing Permit shall be made unless a written notice of transfer and corresponding permit modification fee is filed with the Administrator and the transferee certifies agreement to comply with all obligations and conditions of the permit. The Administrator may require modification or revocation and reissuance of the VSMP Authority Permit to change the name of the permittee and incorporate such other requirements as may be necessary for the transfer.
- C. If land-disturbing activity has not commenced within 180 days of land-disturbing or VSMP Authority permit issuance or cease for more than 180 days, the Administrator may evaluate the existing approved ESC plan to determine whether the plan still satisfies local and state erosion and sediment control criteria and to verify that all design factors are still valid. If the previously filed ESC plan is determined to be inadequate a modified plan shall be submitted and approved prior to the resumption of land-disturbing activity.  
**Reference:** 9VAC25-840-80(B).
- D. VSMP Authority Permits are effective for a fixed permit cycle of 5 years. Activities requiring a VSMP permit may obtain coverage at any time during the 5-year permit cycle and must be renewed if the permit has not been terminated prior to the end of the cycle. The annual permit maintenance fees in § 143-235 apply until the permit coverage is terminated or renewed.
- E. Land-disturbing activities for which VSMP Permit coverage was issued between July 1, 2009 and June 30, 2014 for that permit cycle may remain subject to the technical criteria of Part II C of the Virginia Stormwater Regulations for two additional permit cycles provided coverage under the original VSMP Permit is maintained. After two permit cycles have passed, or should the original VSMP Permit coverage not be maintained,

portions of the project not under construction shall become subject to any new technical criteria adopted by the VSMP Authority after the original VSMP Permit coverage was issued.

- F. Land-disturbing activities for which VSMP Permit coverage was issued between July 1, 2009 and June 30, 2014 for that permit cycle may elect to modify the permit by paying the appropriate permit modification fee and request approval for compliance with the technical criteria of Part II B for any remaining portions of the project.

**Reference:** Va. Code §62.1-44.15:24; 9VAC25-870-47.

### **§ 143-200 Variances/Exceptions**

- A. Frederick County may grant exceptions or modify the ESC requirements of land-disturbing activities if the requirements are deemed inappropriate or too restrictive for site conditions by granting a variance. A variance may be granted under the following conditions:
  - 1. At the time of plan submission, an applicant may request a variance from the requirements of an erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed shall be documented in the plan.
  - 2. During construction, the person responsible for implementing the approved plan may request a variance in writing from the Administrator. The Administrator shall respond in writing either approving or disapproving such a request. If the Administrator does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.
  - 3. The Administrator shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.
- B. The Administrator may grant exceptions to the Technical Criteria of **§ 143-165: SWM Plan Requirements**. An exception may be granted provided that:
  - 1. the exception is the minimum necessary to afford relief,
  - 2. reasonable and appropriate conditions shall be imposed as necessary upon any exception granted so that the intent of this chapter is preserved,
  - 3. granting the exception will not confer any special privileges that are denied in other similar circumstances,
  - 4. exception requests are not based upon conditions or circumstances that are self-imposed or self-created, and
  - 5. economic hardship alone is not sufficient reason to grant an exception from these requirements.
- C. Under no circumstance shall an exception to the requirement that the land-disturbing activity obtain required VSMP permits be granted, nor shall the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website be approved.
- D. Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options available as described in § 143-165 (B)(8) have been considered and found not available.

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

## § 143-205 Amendments to Approved Plans

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

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

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

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

- C. Amendments to an approved SWPPP Plan may be required in order to reflect changes in the implementation of an approved ESC or SWM Plan. In addition to the requirements of subsection A and B of this section, the site operator shall document the implementation of the provisions of the SWPPP as follows:
1. The operator shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance that may have a significant effect on the discharge of pollutants from the construction activity and that has not been previously addressed in the SWPPP.
  2. The SWPPP must be amended if during inspections or investigations by the operator's qualified personnel, or by the Administrator, state or federal officials, it is determined that the existing control measures are ineffective in minimizing pollutants in stormwater discharges from the construction site.
  3. Where revisions to the SWPPP include additional or modified control measures designed to correct problems identified, and where such revisions to the SWPPP require the Administrator's approval, the additional control measures shall be completed within seven calendar days of approval or prior to the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, the situation shall be documented in the SWPPP and alternative control measures shall be implemented as soon as practicable.

4. Revisions to the SWPPP must be dated and signed in accordance with Section III of the VSMP permit. Changes to any component of an approved SWPPP with VSMP Permit coverage that result in changes to stormwater management plans or that require additional review by the Administrator shall be subject to permit modification fees set out in § 143-235.

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

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

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

- A. The VSMP Authority will inspect all regulated land-disturbing activities to ensure compliance with the approved ESC Plan in accordance with the County and state requirements. The owner, permittee or person responsible for carrying out the plan or agreement may be given notice of the inspection.  
**Reference: Va. Code § 62.1-44.15:58.**
- B. The County requires that stormwater management facilities are inspected and the construction of such facilities are certified in accordance with sub-section D of § 143-210. The VSMP Authority may also inspect the construction of permanent stormwater management facilities at critical stages of construction and in accordance with the Virginia BMP Design Specifications to ensure compliance with the approved plans.  
**Reference: Va. Code § 62.1-44.15:37.**
- C. The right-of-entry for the VSMP Authority to conduct such inspections shall be expressly reserved in the permit. The permit holder, or his duly designated representative, shall be afforded the opportunity to accompany the inspectors.  
**Reference: § 62.1-44.15:39 Right of entry.**
- D. The County will accept the submittal of inspection reports certifying that the stormwater management facilities are being constructed in accordance with the approved plan conducted by:
  1. a person who is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to Article 1 (§54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia;
  2. a person who works under the direction and oversight of the licensed professional engineer, architect, landscape architect, or land surveyor; or
  3. a person who holds a certificate of competence in Stormwater Inspection from the Board.**Reference: Va. Code § 62.1-44.15:37.**
- E. The VSMP Authority will inspect all regulated land-disturbing activities covered by a VSMP Authority Permit to ensure the operator is conducting and documenting the operator inspections as required by the County and is appropriately updating the PP plan as required by the County. The owner, permittee or person responsible for carrying out the plan or agreement may be given notice of the inspection.  
**Reference: A, B, & C above; 9VAC25-870-114(A)**



- F. All land-disturbing activities covered by a VSMP Permit shall be inspected by the operator in accordance with the requirements of the County. The operator shall maintain records of inspections and maintenance in order to determine whether the measures required in the ESC plan are effective in controlling erosion and sedimentation and to ensure compliance with the approved plan. Records shall be made available to the Administrator or the VSMP Authority inspector upon request.
- G. Prior to the release of any performance bonds or termination of the VSMP Authority Permit, the applicant shall submit the required as-built drawings for the stormwater management facilities as described in § 143-165;  
**Reference:** 9VAC25-870-108.
- H. A. On a fiscal year basis (July 1 to June 30), a VSMP authority shall report to the department by October 1 of each year in a format provided by the department. The information to be provided shall include the following:
  - 1. Information on each permanent stormwater management facility completed during the fiscal year to include type of stormwater management facility, geographic coordinates, acres treated, and the surface waters or karst features into which the stormwater management facility will discharge;
  - 2. Number and type of enforcement actions during the fiscal year; and
  - 3. Number of exceptions granted during the fiscal year.
  - 4. A VSMP authority shall keep records in accordance with the following:
    - 5. Project records, including approved stormwater management plans, shall be kept for three years after state permit termination or project completion.
    - 6. Stormwater management facility inspection records shall be documented and retained for at least five years from the date of inspection.
    - 7. Construction record drawings shall be maintained in perpetuity or until a stormwater management facility is removed.
    - 8. All registration statements submitted in accordance with 9VAC25-870-59 shall be documented and retained for at least three years from the date of project completion or state permit termination.

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

- A. Owners of stormwater management facilities shall be responsible for conducting inspections and performing maintenance in accordance with the recorded Stormwater BMP Maintenance Agreement as described in § 143-165 and in accordance with county requirements. In regards to individual residential lots, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator. Provisions for this are addresses in Frederick County’s SWP BMP Inspection and Maintenance Program manual.
- B. If a recorded instrument is not required pursuant to section 143-215.A, the Administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which

they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator.

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

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

### § 143-225 Enforcement

- 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 and the county may revoke existing permits or approvals until a revised stormwater management final plan has been submitted and approved.

C. Commencing Land-Disturbing Activities without an Approved Plan or a Permit

- 1. If land-disturbing activities have commenced without an approved plan, agreement in lieu of a plan, or a VSMP Authority Permit where required, a stop work order may be issued requiring that all land-disturbing activities be stopped until an approved plan, an agreement in lieu of a plan or any required permits are obtained.
- 2. The stop work order shall remain in effect for a period of seven calendar days from the date of service pending application by the Administrator or alleged violator for appropriate relief to the circuit court of the jurisdiction wherein the violation is alleged to have occurred. If the alleged violator has not obtained an approved plan, agreement in lieu of a plan or any required permits within seven days from the date of service of the order, the director may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan, agreement in lieu of a plan or any required permits have been obtained. The order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the county.
- 3. The owner may appeal the issuance of an order to the circuit court.

D. Maintenance of permanent stormwater facilities

- 1. If during periodic inspections to ensure that stormwater management facilities are being adequately maintained as designed, the VSMP Authority identifies operational deficiencies and/or determines that the owner of the stormwater management facility has failed to perform maintenance or conduct maintenance inspections in accordance with the recorded SWM BMP Maintenance and Inspection agreement, the VSMP

Authority shall notify the person or organization responsible for carrying out the requirements of the agreement. The notice shall specify the deficiencies, the corrective actions required to restore the facility, and the time frame within which the corrective actions shall be completed.

2. If the individual or organization fails to comply with the notice within the time specified, the VSMP Authority may initiate informal and/or formal administrative enforcement procedures including but not limited to directives issued by the Board in accordance with Va. Code § 62.1-44.15:25, or civil or criminal penalties in accordance with this ordinance and Va. Code §§ 62.1-44.15:48 and 62.1-44.15:63.
- E. Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the VSMP Authority or any provisions of this chapter may be compelled in a proceeding instituted in any appropriate court by the VSMP Authority to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Nothing in this section shall prevent the VSMP Authority from taking additional enforcement action permitted by state law.
- F. Any person who violates any provision of this chapter or of any regulations or ordinances, or standards and specifications adopted or approved hereunder, including those adopted pursuant to the a VSMP permit, or who fails, neglects or refuses to comply with any order of the VSMP Authority, the Department, the Board, or court, other than any violation that relates solely to the erosion and sediment control requirements of any of the foregoing, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.

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

1. Violations for which a penalty may be imposed under this subsection shall include but not be limited to the following:
  - a. no permit registration,
  - b. no SWPPP,
  - c. incomplete SWPPP;
  - d. SWPPP not available for review;
  - e. failure to install stormwater BMP or Erosion and Sediment Controls;
  - f. stormwater BMP facilities improperly installed or maintained;
  - g. operational deficiencies;
  - h. failure to conduct required inspections;
  - i. incomplete, improper, or missed inspections; and
  - j. discharges not in compliance with the requirements of the VSMP Construction General Permit.
  - k. no approved Erosion and Sediment Control Plan
2. The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.
3. In imposing a civil penalty pursuant to this subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
4. Any civil penalties assessed by a court as a result of a summons issued by Frederick County shall be paid into the treasury of the Frederick County to be used for the

purpose of minimizing, preventing, managing, or mitigating pollution of the waters of Frederick County and abating environmental pollution therein in such manner as the court may, by order, direct.

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

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

### § 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.

### **§ 143-235 Fees**

The Board of Supervisors, by resolution, may establish a schedule of fees for the application, modification, transfer and maintenance of stormwater/ erosion and sediment control permits and plans.

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

### **§ 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).

The above motion was approved by the following recorded vote:

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

### **PLANNING COMMISSION BUSINESS**

#### **PUBLIC HEARINGS**

**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. - APPROVED**

Vice-Chairman DeHaven advised that he would be abstaining from consideration of this item due to a conflict of interest.

Zoning Administrator Mark Cheran appeared before the Board regarding this item. He advised this was a request to create a new Agricultural and Forestal District in the Gainesboro Magisterial District. The proposed district would be known as the Green Springs Agricultural and Forestal District. The Agricultural District Advisory Committee recommended approval of this new district at their April 21, 2014 meeting. The Planning Commission also recommended approval.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Hess, seconded by Supervisor Collins, the Board approved the establishment of the Green Springs Agricultural and 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 District, fronting Glaise 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 the 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 contributed to the conservation and preservation of agricultural and forestall 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 Spring Agricultural & Forestal District to consist of 385.63 acres +/- in the Gainesboro Magisterial District with an expiration and renewal date of May 1<sup>st</sup>, 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 28<sup>th</sup> day of May, 2014 by the following recorded vote:

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

**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. - APPROVED**

Zoning Administrator Mark Cheran appeared before the Board regarding this item. He advised this was a request for an addition to the South Timber Ridge Agricultural and Forestal District. The proposed addition contains a total of 85 acres +/- and is located in the Gainesboro Magisterial District. The Agricultural District Advisory Committee recommended approval of this addition at its April 21, 2014 meeting. The Planning Commission also recommended approval.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Hess, seconded by Vice-Chairman DeHaven, the Board approved the addition to the South Timber Ridge Agricultural and 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 709) 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 this proposal to increase the South Timber Ridge Agricultural & Forestal District on April 21, 2014; and

**WHEREAS**, the Planning Commission held a public hearing and recommended approval of 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 +/- acres, to total 979 acres in the Gainesboro Magisterial District, with an expiration and renewal date of May 1<sup>st</sup>, 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 28<sup>th</sup> day of May, 2014 by the following recorded vote:

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

**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. - APPROVED**

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised this was a proposed revision to Frederick County Code Chapter 165 Zoning to allow for a waiver of the master development plan requirement if an applicant chooses to process a detailed site plan in lieu of a master development plan.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Collins, seconded by Supervisor Hess, the Board approved the ordinance 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;

**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.**

**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           |

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;
- (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.

**(7) 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:

- (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.
- (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.
- (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.**

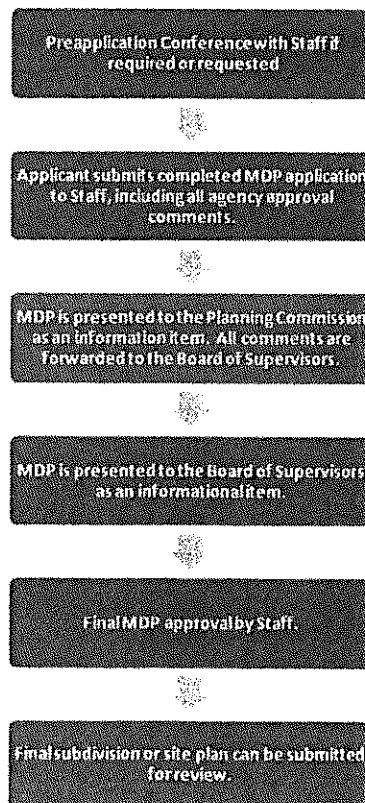
Applicants shall submit the number of copies of the preliminary MDP to the Department of Planning and Development specified by the Department of Planning and Development MDP application, together with completed application materials required by the Department of Planning and Development.

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



**§ 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.

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

Passed this 28<sup>th</sup> day of May, 2014 by the following recorded vote:

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

**OTHER PLANNING ITEMS**

**2<sup>ND</sup> DISCUSSION – COMPREHENSIVE POLICY PLAN AMENDMENT (CPPA)  
– MIDDLETOWN/LFCC SWSA – FUTURE EXPANSION AREA. – POSTPONED  
ACTION UNTIL JUNE 25, 2014 MEETING.**

Deputy Director of Planning Michael Ruddy appeared before the Board regarding this item. He advised this was a discussion of the future study of the Middletown/Lord Fairfax Community College Sewer and Water Service Area expansion. He advised that staff was seeking Board direction regarding this item.

Chairman Shickle advised that he had been approached by another landowner about being included in the proposed study area. He supported the original request, but would like to have time to explore the property owner's request to be included.

Supervisor Lofton stated this was an excellent opportunity to make some good decision and he would like to see the request considered.

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the board postponed this item until the June 25, 2014 meeting.

Supervisor Fisher stated there were more details he would like to have from the Frederick County Sanitation Authority regarding this request.

Supervisor Lofton stated he hoped the owner knows what the Board is trying to accomplish.

**Evan Wyatt**, Greenway Engineering, appeared before the Board on behalf of the applicant. He understood the proposal would be coming back up with the possibility of other parcels being included.

There being no further discussion, the motion to postpone was approved by the following recorded vote:

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

Robert W. Wells

Absent

**DISCUSSION – PRIVATE STREETS IN THE R5 ZONING DISTRICT. – SENT FORWARD FOR PUBLIC HEARING AT THE JULY 9, 2014 MEETING.**

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised that staff received a second request to allow private streets in the R-5 zoning district. Currently, private streets are only permitted in the R-5 District within age-restricted communities. She noted the Board considered this item in late 2012 and early 2013, but did not send this proposal forward for public hearing. This second request has been reviewed by the Transportation Committee for consideration. No recommendation was returned to the Board. The Development Review and Regulations Committee and Planning Commission expressed concern over permitting private streets within the R-5 district. She concluded by saying staff was seeking direction from the Board regarding this item.

Supervisor Hess asked about the 1,000 lot threshold.

Senior Planner Perkins responded this addition was offered by the applicant. She went on to say that new R-5 developments would have to be 1,000 lots in order to utilize this provision.

Supervisor Lofton stated the ordinance talks about public streets and notes a right-of-way of 20 feet. He wondered how wide the streets would be. He went on to say age-restricted private streets do not seem to have the same impacts as non-age restricted.

Supervisor DeHaven felt this went to marketability of the development.

Supervisor Hess stated there were a number of old subdivisions with private streets. He went on to say this created a nightmare for those developments because the deed of dedication often does not give the homeowners' association the power to levy assessments for the roads. He concluded by saying if that was allowed he did not see it as a problem.

Chairman Shickle stated this issue was a challenge “we” inherited. He went on to say at the end of the day it depends on whether or not the developer stays in it for the long haul. He noted this particular developer’s track record appeared to be good, but there were no guarantees.

Supervisor Collins stated the proposed ordinance continues to bother him and he does not like it. He noted age-restricted communities have limited traffic and that is why he was concerned if this provision was opened to every R-5 development. He concluded by saying the Board needs to be concerned about future developments.

Supervisor Lofton stated there were a lot of things the Sheriff cannot enforce if a development’s streets are private. He noted this was something that would need to be addressed.

Supervisor Fisher stated this had been a peculiar development issue. He went on to say if the roads were constructed correctly they could last a long time. He concluded by saying he supported sending it to public hearing.

Upon a motion by Supervisor Fisher, seconded by Supervisor Collins, the Board sent this amendment forward for public hearing at the July 9, 2014 meeting.

**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 28<sup>th</sup> day of May, 2014 by the following recorded vote:

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

**DISCUSSION – SETBACK REQUIREMENTS FOR MULTIFAMILY RESIDENTIAL BUILDINGS. – SENT FORWARD FOR PUBLIC HEARING**

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised this was a proposed revision to the front setback for multifamily residential buildings. She noted this was a new housing type added in 2013. The text of the ordinance currently requires a 35 foot setback. The Development Review and Regulations Committee recommended a reduction to 20 feet. The Planning Commission discussed this item and it is being brought to the Board as staff is seeking direction.

Supervisor Collis asked if this was part of allowing town centers in Frederick County.

Senior Planner Perkins responded no. This is for high density residential developments with no commercial component.

Supervisor Collins asked if it could apply to a town center development.

Senior Planner Perkins responded, if approved, the reduced setback would apply.

Vice-Chairman DeHaven stated he was okay with the reduction to 20 feet to allow for

parking in the rear. He believed the market would decide if this reduced setback was appropriate.

Supervisor Hess agreed with Vice-Chairman DeHaven's comments.

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

**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 28<sup>th</sup> day of May, 2014 by the following recorded vote:

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

#### **BOARD LIAISON REPORTS**

There were no Board liaison reports.



## CITIZEN COMMENTS

**Ken Hunter**, Back Creek District, read the following letter:

1. *Who owns Shawnee land?*
2. *Why is it a political subdivision?*
3. *Deed dated 3 May 1998 shows Frederick County is owner.*
4. *335 lots were conveyed to Frederick County on 17 Jan 1995? Why and for what purpose Jan 17 letter enclosed?*
5. *Where are the more than two file cabinets full of Shawnee land historical documents left in the safe keeping of the county At 50 tomahawk trail?*
6. *Moratorium on all building within Shawnee land until a study is done according to Federal standards on the population density and septic issues?*
7. *7 county employees that work here part time but are supposed to be here full time. Why does Shawnee land have the 1.5 million dollar burden just for employee's wages and benefit package? What are there hours of operation? You as a board say you are stewards of the tax payer's dollar. I would like to see Shawnee land have a real manager and not what it presently there a friend or relative of someone working for Frederick County I strongly suspect? It shows in the non engineering or lack of anything that is done. I can give many examples if you want me to. All services need to be contracted out such as snow, grass mowing and maintenance. If the county would give me 1.5 million dollar a year I would fix everything in Shawnee land plus mow the lawns and shovel property owner's snow in the winter.*
8. *The county Web site for Shawnee land should have photo's and past work history Bios' about each employee? And planned improvements.*
9. *I would like to see a vote tonight on the four individuals who drive tax payers' vehicles 24/7 on the tax payers all diesel vehicles? Mr. Reilly states the four are given vehicles because of the nature and recall of their job to the county and the residents. I would like to know the recall procedure because everyone I have asked doesn't know the recall procedure for any employees? What is the recall procedure for these folks? What constitutes an emergency in the eyes of the BOS that should warrant a vehicle 24/7 on the tax payers'? Here at Shawneeland we have had murders, deaths, and the dam overflowed, snow, ice, and yet no manager was ever called to Shawnee land? The cost of letting employees use four vehicles is over \$200,000 burden on tax payers not including fuel and maintenance costs.*
10. *Why doesn't the Shawnee land manager answer his e-mail to concerned residents of issues there at Shawnee land? He refuses to answer any e-mails or give his work cell number out to anyone up here? Why does he have a cell phone and internet capabilities on the tax payers if he refuses to answer me and other folks?*
11. *Why does county employees have e-mail when they don't respond to questions about Frederick county especially when it's with in there area of expertise? Example the individual that is responsible for the audit? Why does she have an e-mail account just wondering?*
12. *Request address of all county vehicle fueling sites?"*

## BOARD OF SUPERVISORS COMMENTS

There were no Board of Supervisors comments.

**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. (8:40 P.M.)**

B

# Employee of the Month Resolution

for:

## George A. Hosby

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,

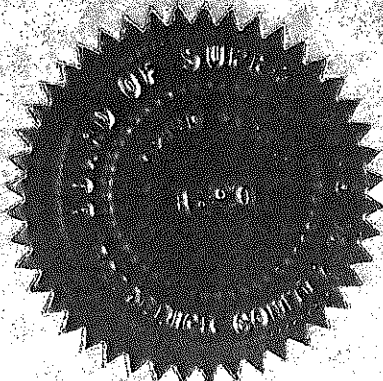
WHEREAS, George A. Hosby who serves the Northwestern Regional Adult Detention Center was nominated for Employee of the Month; and,

WHEREAS, George A. Hosby, an Officer who can best be described as an all-round solid performer. He is very dedicated to his chosen profession, is very motivated, always gives 100% at whatever task he is assigned and is always pleasant in dealing with others. Officer Hosby has demonstrated that he is readily available to fill-in during periods of staff shortages and portrays a sound understanding this his availability can easily make a difference in a safe and secure workplace for all the officers; and,

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 25<sup>th</sup> day of June, 2014, that George A. Hosby is hereby recognized as the Frederick County Employee of the Month for June 2014; and,

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

BE IT FURTHER RESOLVED, that George A. Hosby is hereby entitled to all of the rights and privileges associated with his award.



County of Frederick, VA  
Board of Supervisors

-----  
Richard C. Shickle, Chairman



Dedication

***County of Frederick***

Employee of the Month

June 2014

***George A. Hosby***



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

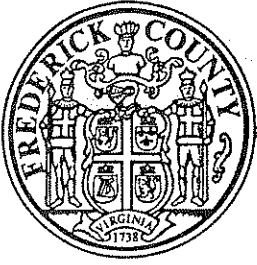
**SUBJ:** Employee of the Month Nominations

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

**George Hosby, CO II** – Mr. Hosby can best be described as an all-round solid performer. He is very dedicated to his chosen profession as a Correctional Officer. Officer Hosby has demonstrated that he is readily available to fill-in during periods of staff shortages. He portrays a sound understanding that his availability can easily make a difference in a safe and secure workplace for all Officers. Officer Hosby is very motivated; his supervisors attest that he always gives 100% at whatever task he is assigned...and he is always pleasant in dealing with others.

C



John R. Riley, Jr.  
County Administrator

540/665-5666  
Fax 540/667-0370  
E-mail:

jrliley@co.frederick.va.us

**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** John R. Riley, Jr., County Administrator  
**DATE:** June 18, 2014  
**RE:** Committee Appointments

Listed below are the vacancies/appointments due through August, 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

**JUNE 2014**



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)

Beverly 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

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

**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.)*

**AUGUST 2014**

Conservation Easement Authority

Gene Fisher – Board of Supervisors Representative  
Term Expires: 08/24/14  
Three year term

Diane Kearns – County Representative  
P. O. Box 2368  
Winchester, VA 22604  
Phone: (540)667-3390  
Term Expires: 08/24/14  
Three year term

*(The Conservation Easement Authority was established in August, 2005. The Authority consists of seven citizen members, one member from the Board of Supervisors and one member from the Planning Commission. **Members shall be knowledgeable in one or more of the following fields: conservation, biology, real estate and/or rural land appraisal, accounting, farming, or forestry.** Members serve a three year term and are eligible for reappointment.)*

Lord Fairfax Emergency Medical Services Council (EMS)

Larry Oliver – Paid Frederick County EMS Provider Representative  
P. O. Box 1175  
Front Royal, VA 22630  
Office: (540)665-6388  
Home: (540)635-3847  
Term Expires: 08/30/14  
Three year term

*(Mr. Oliver is eligible for reappointment if it is the desire of the Board. Members serve a three year term and are limited to three consecutive terms.)*

**Frederick-Winchester Service Authority (FWSA)**

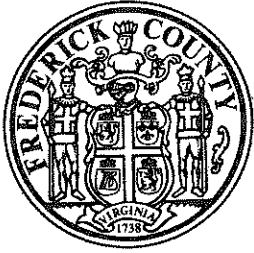
Wellington "Wendy" H. Jones – Frederick County Representative  
299 Lake Serene Drive  
Winchester, VA 22603  
Home: (540)662-1154  
Term Expires: 08/31/14  
Three year term

James R. Wilkins, III – Member-At-Large (Joint Appointment)  
13 South Loudoun Street  
Winchester, VA 22601  
Home: (540)722-0779  
Term Expires: 08/31/14  
Three year term

*(The county has three representatives on the Service Authority as is in accordance with the Joint Agreement and Memorandum of Understanding with the City of Winchester. The member-at-large seat is a joint appointment by both localities; therefore, any recommendation for appointment/reappointment is submitted to the City of Winchester for similar action.)*

JRR/tjp

D



## **BOARD OF SUPERVISORS**

### **RESOLUTION** **June 25, 2014**

**WHEREAS**, Shenandoah Valley Electric Cooperative (SVEC) has filed an application with the State Corporation Commission (the Commission), Case Number PUE-2013-00132, for an increase in electric rates charged to and rate schedules applicable to its member-owners; and

**WHEREAS**, as a condition imposed by the Commission on SVEC's 2010 acquisition of a portion of Allegheny Energy's Virginia electric distribution service territory, including a portion of Frederick County, the Commission required SVEC, over a reasonable transition period following the service territory acquisition, to adopt a Board of Directors structure that would include, relevant to Frederick County, one Director from Frederick or Clarke County and one Director from Frederick or Clarke County or the City of Winchester; and

**WHEREAS**, four years have passed since SVEC's service territory acquisition and SVEC has yet to include on its Board of Directors the Frederick-Clarke-Winchester Director, resulting in an imbalance on its Board of Directors, with some jurisdictions having three times as many members as Frederick County; and

**WHEREAS**, SVEC has otherwise not set out an adequate basis for its requested rate increase and changes to its rate schedules; and

**WHEREAS**, SVEC's requested rate increase and rate schedules may be detrimental to economic development in Frederick County;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Supervisors of Frederick County, Virginia hereby authorizes and approves the filing of such documents on its behalf, by the County Attorney, and the submission of such testimony and exhibits, by the County Administrator and/or other County staff, with the State Corporation Commission, as may be necessary to set forth the matters identified in this Resolution and as may be otherwise necessary to protect the interests of Frederick County member-owners of Shenandoah Valley Electric Cooperative; and

**BE IT RESOLVED THAT** the Board of Supervisors further ratifies and adopts any actions that the County Attorney and/or the County Administrator, including through their duly authorized staff, have to date taken with regard to SVEC's requested increase in rates and change in rate schedules, in State Corporation Commission Case Number

PUE-2013-00132.

Enacted this 25<sup>th</sup> day of June, 2014.

Richard C. Shickle, Chairman \_\_\_\_\_

Gary A. Lofton \_\_\_\_\_

Robert A. Hess \_\_\_\_\_

Robert W. Wells \_\_\_\_\_

Christopher E. Collins \_\_\_\_\_

Gene E. Fisher \_\_\_\_\_

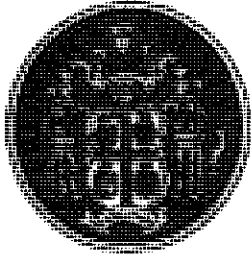
Charles S. DeHaven, Jr. \_\_\_\_\_

A COPY ATTEST

\_\_\_\_\_  
John R. Riley, Jr.  
County Administrator  
County of Frederick, Virginia

Resolution No. 062-14

E



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

TO: Frederick County Board of Supervisors  
CC: John R. Riley, Jr., County Administrator  
FROM: Roderick B. Williams, County Attorney  
DATE: June 16, 2014  
RE: Commissioner of Revenue Refund Requests

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

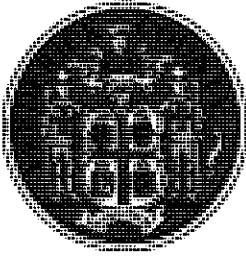
1. D L Peterson Trust – \$14,669.64
2. G E Capital Auto Lease – \$3,022.38
3. Toyota Motor Credit Corp – \$3,095.05
4. Ford Motor Credit Corp – \$5,018.32

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

Roderick B. Williams  
County Attorney

Attachments





COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

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

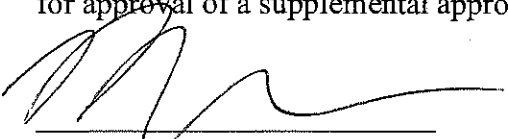
CC: John R. Riley, Jr., County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: June 2, 2014

RE: Refund – D L Peterson Trust

I am in receipt of the Commissioner's request, dated May 23, 2014, to authorize the Treasurer to refund D L Peterson Trust for three accounts the amount of \$14,669.64, for proration of personal property taxes and registration fees in the normal course of business for 2012 and 2013. This refund was a result of the company's vehicles being reported from one office in the company and the verification of titling and situs being made later, elsewhere in the company. Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request for approval of a supplemental appropriation, as indicated in the Commissioner's memorandum.

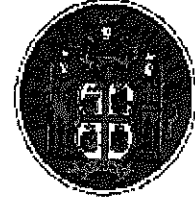


\_\_\_\_\_  
Roderick B. Williams  
County Attorney

Attachment



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



May 23, 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 D L Peterson Trust

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

Please approve a refund of \$14,669.64 for proration and registration fees on personal property taxes for 2012 and 2013 in the name of D L Peterson Trust for three accounts. This refund results from the normal proration of personal property for this large leasing company in the regular course of business. Their vehicles are reported from one location and the verification of titling and situs is made elsewhere in their company – thus the timing difference.

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 \$14,669.64.

Date: 5/20/14

Cash Register: COUNTY OF FREDERICK

Time: 15:15:11

Customer Name: D L PETERSON TRUST Total Transactions: 865  
Customer Transactions: 55

Options: 2=Edit 4=Delete 5=View

| Opt | Dept   | Trans | Ticket No.  | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| -   | PP2012 | 1     | 00121100009 | \$257.58-  | \$ .00      | \$257.58-   |
| -   | PP2012 | 2     | 00121100010 | \$386.37-  | \$ .00      | \$386.37-   |
| -   | PP2012 | 3     | 00121100013 | \$61.16-   | \$ .00      | \$61.16-    |
| -   | PP2012 | 4     | 00121100014 | \$183.46-  | \$ .00      | \$183.46-   |
| -   | PP2012 | 5     | 00121100016 | \$30.58-   | \$ .00      | \$30.58-    |
| -   | PP2012 | 6     | 00121100063 | \$288.56-  | \$ .00      | \$288.56-   |
| -   | PP2012 | 7     | 00121100064 | \$577.12-  | \$ .00      | \$577.12-   |
| -   | PP2012 | 8     | 00121100072 | \$280.66-  | \$ .00      | \$280.66-   |
| -   | PP2012 | 9     | 00121100076 | \$46.78-   | \$ .00      | \$46.78-    |
| -   | PP2012 | 10    | 00121100078 | \$120.69-  | \$ .00      | \$120.69-   |
| -   | PP2012 | 11    | 00121100084 | \$214.45-  | \$ .00      | \$214.45-   |
| -   | PP2012 | 12    | 00121110015 | \$36.45-   | \$ .00      | \$36.45-    |

Multiple Pages

Total Paid : \$10,872.97

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

Needs Board Approval  
(PP + VL)

|                 |       |
|-----------------|-------|
| 10,872.97       | 2012  |
| - 3,100.18      | 2013  |
| 696.49          | 12+13 |
| <hr/> 14,669.64 |       |

Date: 5/21/14

Cash Register: COUNTY OF FREDERICK

Time: 10:12:20

=====  
 Customer Name: D L PETERSON TRUST  
 Total Transactions: 865  
 Customer Transactions: 8  
 =====

Options: 2=Edit 4=Delete 5=View

| Opt | Dept   | Trans | Ticket No.  | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| -   | PP2013 | 1     | 00122790001 | \$458.66-  | \$ .00      | \$458.66-   |
| -   | PP2013 | 2     | 00122790002 | \$550.39-  | \$ .00      | \$550.39-   |
| -   | PP2013 | 3     | 00122790003 | \$87.99-   | \$ .00      | \$87.99-    |
| -   | PP2013 | 4     | 00122790004 | \$527.92-  | \$ .00      | \$527.92-   |
| -   | PP2013 | 5     | 00122790007 | \$194.81-  | \$ .00      | \$194.81-   |
| -   | PP2013 | 6     | 00122790008 | \$292.21-  | \$ .00      | \$292.21-   |
| -   | PP2013 | 7     | 00122790009 | \$395.28-  | \$ .00      | \$395.28-   |
| -   | PP2013 | 8     | 00122790010 | \$592.92-  | \$ .00      | \$592.92-   |

Total Paid : \$3,100.18

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

*Needs Board Approval*

Date: 5/21/14

Cash Register: COUNTY OF FREDERICK

Time: 10:22:34

Customer Name: D L PETERSON TRUST  
 Total Transactions: 865  
 Customer Transactions: 5

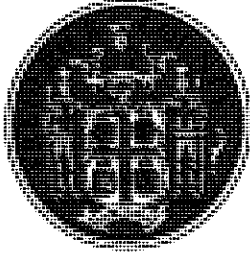
Options: 2=Edit 4=Delete 5=View

| Opt | Dept   | Trans | Ticket No.  | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| -   | PP2012 | 1     | 00121120001 | \$79.18-   | \$ .00      | \$79.18-    |
| -   | PP2012 | 2     | 00121120002 | \$237.53-  | \$ .00      | \$237.53-   |
| -   | PP2013 | 3     | 00122770001 | \$177.39-  | \$ .00      | \$177.39-   |
| -   | PP2013 | 4     | 00122770002 | \$177.39-  | \$ .00      | \$177.39-   |
| -   | VL2013 | 5     | 00171350001 | \$25.00-   | \$ .00      | \$25.00-    |

Total Paid : \$696.49

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

*Needs Board Approval*



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

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

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

FROM: Roderick B. Williams, County Attorney

DATE: June 2, 2014

RE: Refund – G E Capital Auto Lease

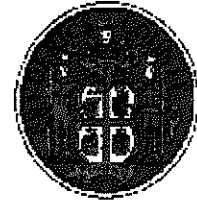
I am in receipt of the Commissioner's request, dated May 29, 2014, to authorize the Treasurer to refund G E Capital Auto Lease the amount of \$3,022.38, for proration of personal property taxes and registration fee in the normal course of business for 2013. This refund was a result of the company's vehicles being reported from one office in the company and the verification of titling and situs being made later, elsewhere in the company. Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request for approval of a supplemental appropriation, as indicated in the Commissioner's memorandum.

  
\_\_\_\_\_  
Roderick B. Williams  
County Attorney

Attachment



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



May 29, 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 G E Capital Auto Lease

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

Please approve a refund of \$3,022.38 for prorations and one registration fee on personal property taxes for 2013 in the name of G E Capital Auto Lease. This refund results from the normal proration of personal property for this large leasing company in the regular course of business. Their vehicles are reported from one location and the verification of titling and situs is made elsewhere in their company – thus the timing difference.

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 \$3,022.38.

Date: 5/29/14

Cash Register: COUNTY OF FREDERICK

Time: 09:49:20

|                                       |                           |
|---------------------------------------|---------------------------|
| Customer Name: G E CAPITAL AUTO LEASE | Total Transactions: 881   |
|                                       | Customer Transactions: 13 |

Options: 2=Edit 4=Delete 5=View

| Opt | Dept   | Trans | Ticket No.  | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| -   | PP2013 | 1     | 00184820005 | \$263.66-  | \$ .00      | \$263.66-   |
| -   | PP2013 | 2     | 00184820006 | \$263.65-  | \$ .00      | \$263.65-   |
| -   | PP2013 | 3     | 00184820017 | \$221.74-  | \$ .00      | \$221.74-   |
| -   | PP2013 | 4     | 00184820018 | \$221.74-  | \$ .00      | \$221.74-   |
| -   | PP2013 | 5     | 00184820044 | \$317.72-  | \$ .00      | \$317.72-   |
| -   | PP2013 | 6     | 00184820048 | \$243.51-  | \$ .00      | \$243.51-   |
| -   | PP2013 | 7     | 00184820056 | \$216.17-  | \$ .00      | \$216.17-   |
| -   | PP2013 | 8     | 00184820063 | \$345.47-  | \$ .00      | \$345.47-   |
| -   | PP2013 | 9     | 00184820064 | \$518.20-  | \$ .00      | \$518.20-   |
| -   | PP2013 | 10    | 00184820078 | \$295.24-  | \$ .00      | \$295.24-   |
| -   | PP2013 | 11    | 00184820082 | \$55.28-   | \$ .00      | \$55.28-    |
| -   | VL2013 | 12    | 00256240001 | \$25.00-   | \$5.00-     | \$30.00-    |

Multiple Pages

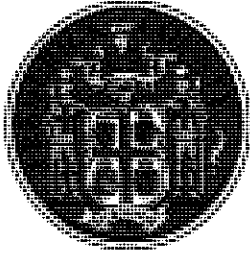
Total Paid : \$3,022.38

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

*Needs Board Approval*

*PP + VL's*





COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

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

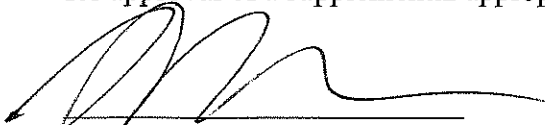
CC: John R. Riley, Jr., County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: June 2, 2014

RE: Refund – Toyota Motor Credit Corp

I am in receipt of the Commissioner's request, dated May 29, 2014, to authorize the Treasurer to refund Toyota Motor Credit Corporation the amount of \$3,095.05, for proration of personal property taxes in the normal course of business for 2012, 2013 and 2014. This refund was a result of the company's vehicles being reported from one office in the company and the verification of titling and situs being made later, elsewhere in the company. 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.



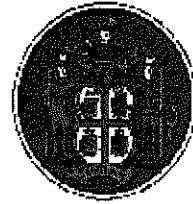
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Roderick B. Williams  
County Attorney

Attachment



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



May 29, 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 Toyota Motor Credit Corp

A handwritten signature in cursive script that reads "E. Murphy".

Please approve a refund of \$3,095.05 for proration on personal property taxes for 2012, 2013 and 2014 in the name of Toyota Motor Credit Corp. This refund results from the normal proration of personal property for this large leasing company in the regular course of business. Their vehicles are reported from one location and the verification of titling and situs is made elsewhere in their company – thus the timing difference.

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 \$3,095.05.

Date: 5/28/14

Cash Register: COUNTY OF FREDERICK

Time: 16:32:06

Customer Name: TOYOTA MOTOR CREDIT CORP

Total Transactions: 881  
Customer Transactions: 11

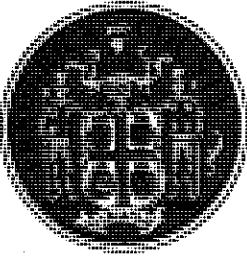
Options: 2=Edit 4=Delete 5=View

| Opt | Dept   | Trans | Ticket No.  | Tax Amount | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|------------|-------------|-------------|
| -   | PP2012 | 1     | 00535240093 | \$202.50-  | \$ .00      | \$202.50-   |
| -   | PP2012 | 2     | 00535240094 | \$243.00-  | \$ .00      | \$243.00-   |
| -   | PP2012 | 3     | 00535240095 | \$202.50-  | \$ .00      | \$202.50-   |
| -   | PP2012 | 4     | 00535240096 | \$243.00-  | \$ .00      | \$243.00-   |
| -   | PP2013 | 5     | 00540360069 | \$235.71-  | \$ .00      | \$235.71-   |
| -   | PP2013 | 6     | 00540360070 | \$235.71-  | \$ .00      | \$235.71-   |
| -   | PP2013 | 7     | 00540360071 | \$157.14-  | \$ .00      | \$157.14-   |
| -   | PP2014 | 8     | 00557660005 | \$195.34-  | \$ .00      | \$195.34-   |
| -   | PP2014 | 9     | 00557660006 | \$234.41-  | \$ .00      | \$234.41-   |
| -   | PP2014 | 10    | 00557660025 | \$455.62-  | \$ .00      | \$455.62-   |
| -   | PP2014 | 11    | 00557660026 | \$690.12-  | \$ .00      | \$690.12-   |

Total Paid : \$3,095.05

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

*Needs Board Approval*



COUNTY OF FREDERICK

**Roderick B. Williams**  
County Attorney

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

**MEMORANDUM**

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

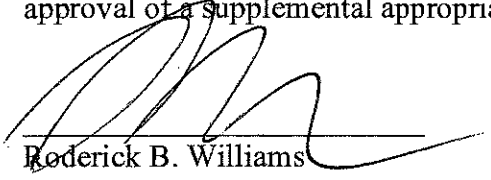
CC: John R. Riley, Jr., County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: June 16, 2014

RE: Refund – Ford Motor Credit Corp

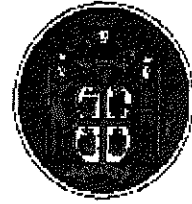
I am in receipt of the Commissioner's request, dated June 13, 2014, to authorize the Treasurer to refund Ford Motor Credit Corp the amount of \$5,018.32, for proration of personal property taxes and vehicle license fee in the normal course of business for 2013 and 2014. This refund was a result of the company's vehicles being reported from one location in the company and the verification of titling and situs being made elsewhere in the company. Pursuant to the provisions of Section 58.1-3981(A) of the Code of Virginia (1950, as amended), I hereby note my consent to the proposed action. The Board of Supervisors will also need to act on the request for approval of a supplemental appropriation, as indicated in the Commissioner's memorandum.

  
Roderick B. Williams  
County Attorney

Attachment



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



June 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 Ford Motor Credit Corp

Please approve a refund of \$5,018.32 for proration on personal property taxes and one vehicle license fee for 2013 and 2014 in the name of Ford Motor Credit Corp. This refund results from the normal proration of personal property for this large leasing company in the regular course of business. Their vehicles are reported from one location and the verification of titling and situs is made elsewhere in their company – thus the timing difference.

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 \$5,018.32.

Date: 6/10/14

Cash Register: COUNTY OF FREDERICK

Time: 16:38:37

Customer Name: FORD MOTOR CREDIT CO

Total Transactions: 27  
Customer Transactions: 8

Options: 2=Edit 4=Delete 5=View

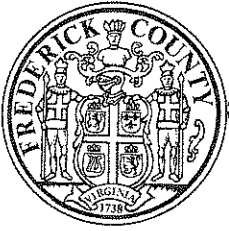
| Opt | Dept   | Trans | Ticket No.  | Tax Amount  | Penalty/Int | Amount Paid |
|-----|--------|-------|-------------|-------------|-------------|-------------|
| -   | PP2013 | 1     | 00174710006 | \$248.34-   | \$ .00      | \$248.34-   |
| -   | PP2014 | 2     | 00179930003 | \$363.69-   | \$ .00      | \$363.69-   |
| -   | PP2014 | 3     | 00179930004 | \$545.53-   | \$ .00      | \$545.53-   |
| -   | PP2014 | 4     | 00179930005 | \$1,109.91- | \$ .00      | \$1,109.91- |
| -   | PP2014 | 5     | 00179930006 | \$1,109.90- | \$ .00      | \$1,109.90- |
| -   | PP2014 | 6     | 00179930009 | \$646.38-   | \$ .00      | \$646.38-   |
| -   | PP2014 | 7     | 00179930010 | \$969.57-   | \$ .00      | \$969.57-   |
| -   | VL2014 | 8     | 00248070001 | \$25.00-    | \$ .00      | \$25.00-    |

Total Paid : \$5,018.32

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

*Needs Board Approval*

F



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

# MEMO

**To:** John R. Riley, Jr., County Administrator  
**From:** Jason L. Robertson, Director, Parks & Recreation Dept.  
**Subject:** Parks and Recreation Commission Action  
**Date:** June 11, 2014

The Parks and Recreation Commission met on June 10, 2014. Members present were: Kevin Anderson, Patrick Anderson, Greg Brondos, Jr., Gary Longerbeam, Ronald Madagan and Charles Sandy, Jr.. Members absent were: Randy Carter, Marty Cybulski and Christopher Collins

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Policy Changes - Mr. Brondos moved to accept the Policy Change policy as submitted, second by Mr. Madagan, motion carried unanimously (6-0). Please find attached a copy of the approved policy change.
2. Public Relations Committee - New Department Logo – The Public Relations Committee recommended a new department logo, second by Mr. Madagan, motion carried unanimously (6-0). Please find attached a copy of the new logo.
3. Buildings & Grounds Committee - Eagle Scout Project – The Buildings and Grounds Committee recommended approval of Cody Smith's Eagle Scout project to replace an existing wire fence with a split rail/wire fence around the sediment basin of the Clearbrook Park Lake, second by Mr. Longerbeam, motion carried unanimously (6-0).

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



**POLICY CHANGES**  
**100.16**

**PURPOSE:**

To provide a procedure for systematically updating department policies on a year-round basis to provide the most effective operation.

**GOAL:**

To keep department policies relevant and provide staff an opportunity to adjust policies.

**POLICY:**

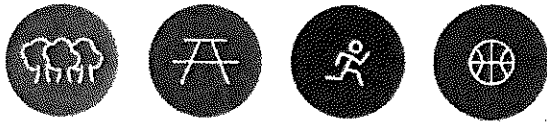
Any staff member may submit suggestions for a policy or policy revision. In doing so, staff must submit the suggested change to their immediate supervisor in writing. The supervisor, in turn, will make written comments relative to the suggested changes and forward the change, within five working days, to their immediate supervisor. This procedure will be followed to the level of Division Superintendent. The Superintendent will then review the suggested policy change within ten working days and forward the recommendation to the Director for consideration with written comments, in support of the policy or specific reasons for non-support of the change.

Those request received by the Director will be acted upon within fifteen business days. The staff member submitting the policy or policy revision will be notified of the department position on the recommendation. All policy changes recommended by the Director will be reviewed by the Parks and Recreation Commission. The Director may authorize a policy change prior to review by the Parks and Recreation Commission for policies if deemed necessary.

All requests should follow the format listed: Purpose, Goal, Policy.

Staff members initiating policy changes should include facts which support consideration of the suggested change.

*Approved: June 2014*



FREDERICK COUNTY  
PARKS & RECREATION

G



County of Frederick

Paula A. Nofsinger  
Director of Human Resources

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

TO: Board of Supervisors  
FROM: Paula Nofsinger, Director of Human Resources  
DATE: June 16, 2014  
SUBJECT: Human Resources Committee Report

The HR Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, June 13, 2014, at 8:00am. Committee members present were: Supervisor Robert Hess, Supervisor Chris Collins, Citizen Member Don Butler, Citizen Member Dorrie Greene, and Citizen Member Beth Lewin. Also present were: EDC Director Patrick Barker and DSS Representatives Delsie Butts and Melody Williams. Supervisor Robert Wells was absent.

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

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

The Committee recommends approval of Correctional Officer George Hosby as the Employee of the Month for June 2014.

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

**1. Presentation by the Director of EDC, Patrick Barker.**

At the request of the Committee, Mr. Barker presented an overview of the objectives and responsibilities of the Economic Development Commission. The presentation also provided the Committee an understanding of his department's role, authority, projects, and topics of importance within his department. Presentation Attached.

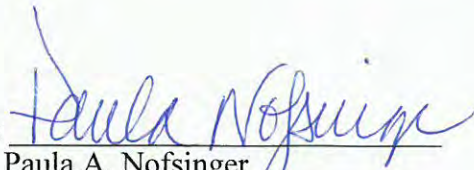
**There being no further business, the meeting was adjourned.**

The next HR Committee meeting is scheduled for Friday, July 11, 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

# Employee of the Month Resolution

for:

## George A. Hosby

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, George A. Hosby who serves the Northwestern Regional Adult Detention Center was nominated for Employee of the Month; and,

WHEREAS, George A. Hosby, an Officer who can best be described as an all-round solid performer. He is very dedicated to his chosen profession, is very motivated, always gives 100% at whatever task he is assigned and is always pleasant in dealing with others. Officer Hosby has demonstrated that he is readily available to fill-in during periods of staff shortages and portrays a sound understanding this his availability can easily make a difference in a safe and secure workplace for all the officers; and,

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 25<sup>th</sup> day of June, 2014, that George A. Hosby is hereby recognized as the Frederick County Employee of the Month for June 2014; and,

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

BE IT FURTHER RESOLVED, that George A. Hosby is hereby entitled to all of the rights and privileges associated with his award.



County of Frederick, VA  
Board of Supervisors

-----  
Richard C. Shickle, Chairman



Dedication

***County of Frederick***

Employee of the Month

June 2014


***George A. Hosby***



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

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

**George Hosby, CO II** – Mr. Hosby can best be described as an all-round solid performer. He is very dedicated to his chosen profession as a Correctional Officer. Officer Hosby has demonstrated that he is readily available to fill-in during periods of staff shortages. He portrays a sound understanding that his availability can easily make a difference in a safe and secure workplace for all Officers. Officer Hosby is very motivated; his supervisors attest that he always gives 100% at whatever task he is assigned...and he is always pleasant in dealing with others.

# ECONOMIC DEVELOPMENT

## FREDERICK COUNTY, VIRGINIA



*Frederick County EDA*  
**June 2014**



# WHAT DOES EDA DO



- Works as a catalyst to enhance the economy of the Frederick County by promoting quality balanced business development.
- Provides a wide array of information and free services designed to help businesses expand or locate operations in the Frederick County, Virginia, area.

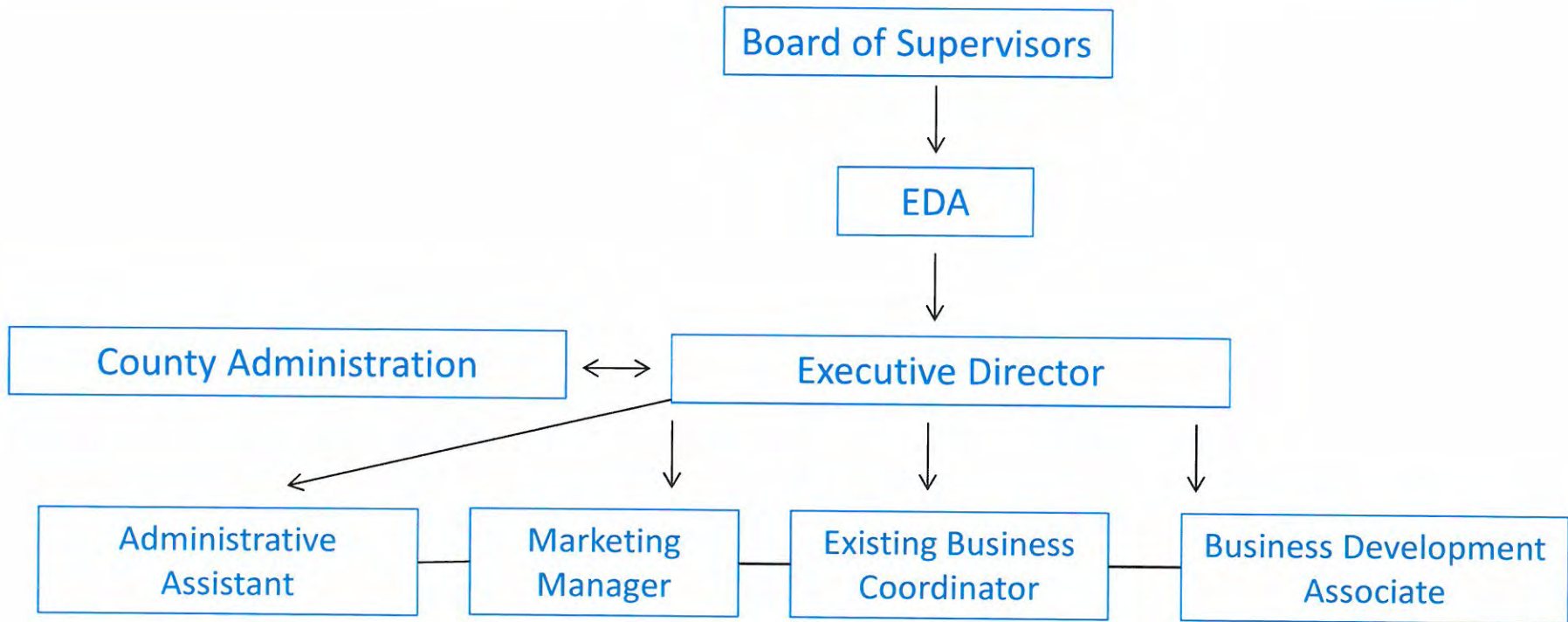
# WHAT DOES EDA DO



- Services are available at no cost to clients, and include:
  - Retention and expansion programs
  - Real estate location assistance
  - Local, regional, and state market information
  - Information on zoning, taxes, and government processes
  - Establishing contact with County permitting agencies and obtaining answers to questions that arise
  - Providing orientation information for employees relocating to the community

# WHO IS EDA

## ECONOMIC DEVELOPMENT FREDERICK COUNTY, VIRGINIA



# WHO IS EDA

**ECONOMIC DEVELOPMENT**  
FREDERICK COUNTY, VIRGINIA

- Patrick Barker, CEcD, Executive Director
- Wendy May, Marketing Manager
- Sally Michaels, Existing Business Coordinator
- Brandie Place, Business Development Associate
- Donna McIlwee, Administrative Assistant

# WHO IS EDA

**ECONOMIC DEVELOPMENT**  
FREDERICK COUNTY, VIRGINIA

- Patrick Barker, CEcD, Executive Director
  - Performs strategic planning
  - Leads reactive & proactive client management
  - Manages project negotiation (new & existing)
  - Conducts advanced data analysis
- Wendy May, Marketing Manager
- Sally Michaels, Existing Business Coordinator
- Brandie Place, Business Development Associate
- Donna McIlwee, Administrative Assistant

# WHO IS EDA

## ECONOMIC DEVELOPMENT

FREDERICK COUNTY, VIRGINIA

- Patrick Barker, CEcD, Executive Director
- Wendy May, Marketing Manager
  - Manages web presence and all publications
  - Creates direct marketing materials
  - Handles all press releases and social media
- Sally Michaels, Existing Business Coordinator
- Brandie Place, Business Development Associate
- Donna McIlwee, Administrative Assistant

# WHO IS EDA

**ECONOMIC DEVELOPMENT**  
FREDERICK COUNTY, VIRGINIA

- Patrick Barker, CEcD, Executive Director
- Wendy May, Marketing Manager
- Sally Michaels, Existing Business Coordinator
  - Manages existing business call team
  - Leads career awareness campaign
  - Handles business forums
- Brandie Place, Business Development Associate
- Donna McIlwee, Administrative Assistant

# WHO IS EDA

## ECONOMIC DEVELOPMENT

FREDERICK COUNTY, VIRGINIA

- Patrick Barker, CEcD, Executive Director
- Wendy May, Marketing Manager
- Sally Michaels, Existing Business Coordinator
- Brandie Place, Business Development Associate
  - Planning and researching external companies and external SS/CRE
  - Executes mid game communication
  - Maintains proactive client database
- Donna McIlwee, Administrative Assistant



# WHO IS EDA

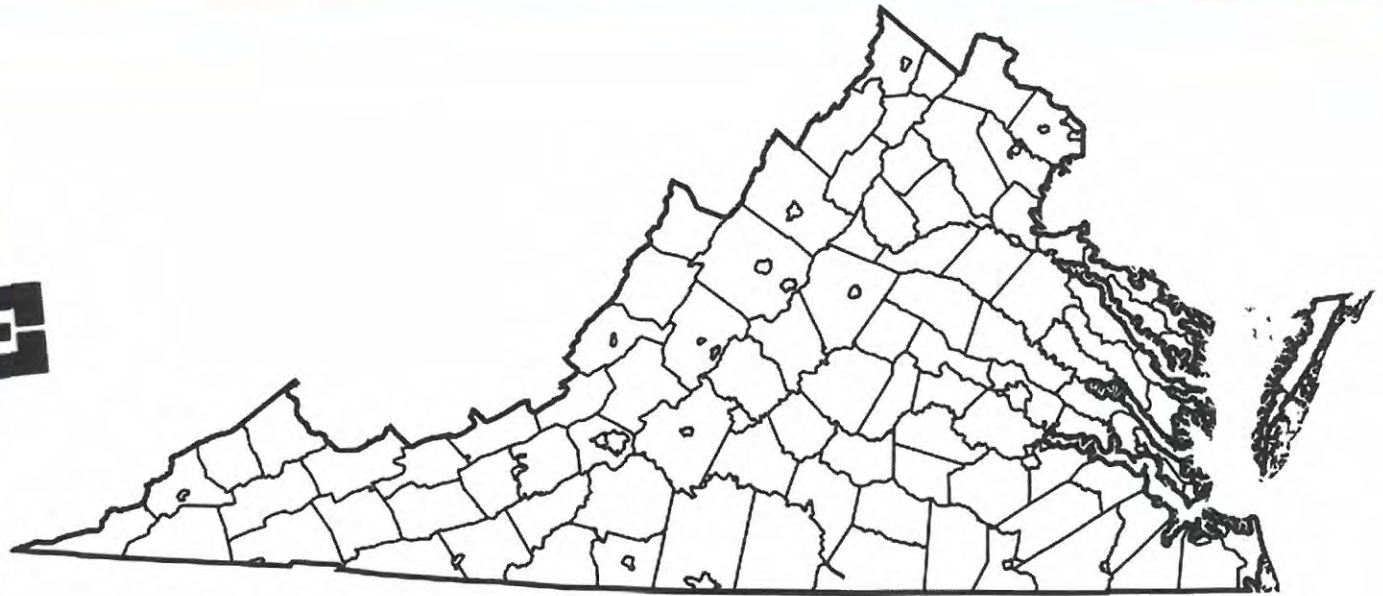
## ECONOMIC DEVELOPMENT

FREDERICK COUNTY, VIRGINIA

- Patrick Barker, CEcD, Executive Director
- Wendy May, Marketing Manager
- Sally Michaels, Existing Business Coordinator
- Brandie Place, Business Development Associate
- Donna McIlwee, Administrative Assistant
  - Manages first impressions
  - Processes financial records
  - Handles special projects, as requested
  - Supports staff, as needed

# DECADE OF PERFORMANCE

## ECONOMIC DEVELOPMENT FREDERICK COUNTY, VIRGINIA



- Top tier among all Counties last 10 years
  - #12 in Capital investment secured | \$730M+
  - #6 in New jobs created | 4,800+ jobs



# CALL TEAM

## ECONOMIC DEVELOPMENT FREDERICK COUNTY, VIRGINIA



**HELPS BUSINESS**

**&**

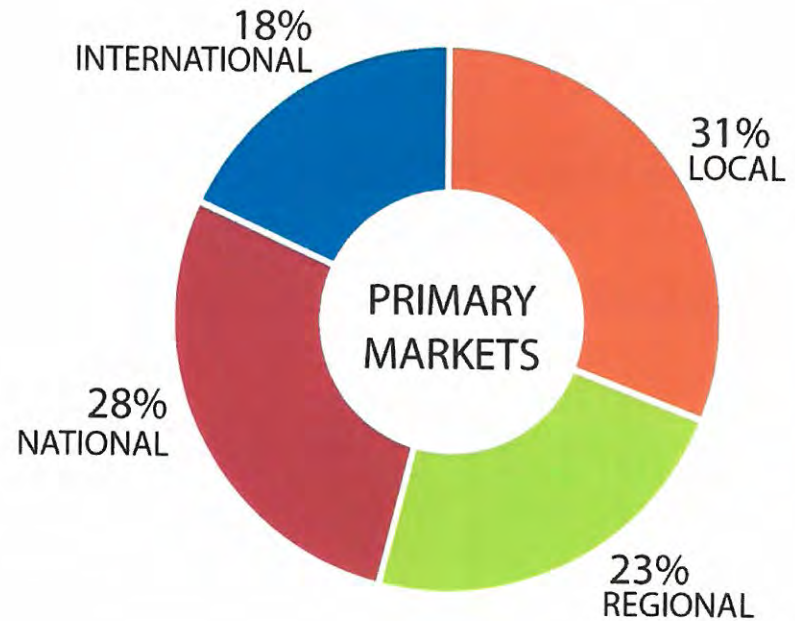
**THE COMMUNITY**

- Stay up-to-date on available expansion and workforce development assistance
- Give feedback on issues

- Help identify gaps in workforce & business assistance
- Assist in identifying industry trends and broad issues affecting businesses



# WHAT DO CALL TEAM REPORTS TELL US?



90%



HAVE CREATED  
NEW PRODUCTS  
RECENTLY

68%



EXPERIENCING  
GROWTH IN  
PRIMARY MARKET

39%



EXPANSION  
PLANS IN NEXT  
3 YEARS

# CAREER AWARENESS

## ECONOMIC DEVELOPMENT FREDERICK COUNTY, VIRGINIA



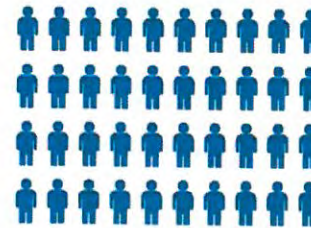
### PARTICIPATION SINCE 2000



**40+**  
BUSINESSES



**1,250+**  
TEACHERS



**5,150+**  
STUDENTS



# PROACTIVE MARKETING

## ECONOMIC DEVELOPMENT FREDERICK COUNTY, VIRGINIA

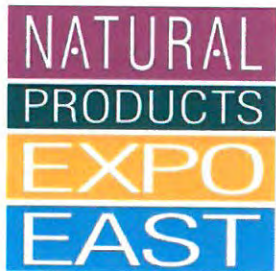
- Current Contacts | 870+
  - Company Contacts from Trade Shows,
  - Marketing Trips
  - VEDP
  - Site Selectors/Corp Real Estate contacts

### TARGETED BUSINESSES

| BUSINESS SERVICES | DEFENSE & ADVANCED SECURITY | LIFE SCIENCES | FOOD PROCESSING | ASSEMBLY      | EXISTING BUSINESS |
|-------------------|-----------------------------|---------------|-----------------|---------------|-------------------|
|                   | Manufacturing               | Manufacturing | Manufacturing   | Manufacturing | Manufacturing     |
|                   | R&D                         | R&D           |                 |               | Back Office       |
| Software          | Software                    |               |                 |               |                   |
| Back Office       | Back Office                 |               |                 |               |                   |

### NICHE INDUSTRY TARGETS

|                               |                                    |                                   |                  |                                |                   |
|-------------------------------|------------------------------------|-----------------------------------|------------------|--------------------------------|-------------------|
| IT Service Centers            | Small & Medium-scale Manufacturing | Medical Device Manufacturing      | Packaged Foods   | Medical Focus                  | Plastics          |
| Regional Headquarters         | Life Sciences Applications         | Biotech & Pharmaceutical Research | Perishable Foods | Computer & Electronic Products | Printing          |
| Data Centers                  | Software Development               |                                   | Organic Foods    | Plastic Products               | Metal Fabrication |
| Call Centers (high value add) | Business Services                  |                                   | Beverages        | Fabricated Metal Products      | Food Processing   |
| Back Office Services          |                                    |                                   |                  |                                | Business Services |
| Software Design               |                                    |                                   |                  |                                |                   |



THE  
**SITE  
SELECTORS**  
GUILD



**BIO** International  
Convention  
*The Global Event for Biotechnology*



# MATERIALS

# ECONOMIC DEVELOPMENT FREDERICK COUNTY, VIRGINIA



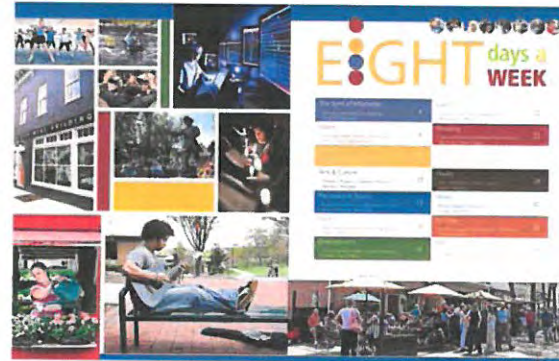
APRIL 2012

Winchester is growing. Companies continue to locate here because of the abundant, skilled and affordable workforce, extensive transportation network, multiple utilities, and an internationally recognized business retention program. There are just a few of the reasons why economic development related announcements that make Winchester a great choice to grow or expand a business.

### FREDERICK COUNTY IS FIRST IN STATE TO OFFER BUSINESS ONE STOP

[View online at: www.virginia.gov/ed](#)

Frederick County is VA's first state locality to implement an online process for people wanting to start a new business. Called Virginia's Business One Stop (BOS), the new web portal allows for online submission of local business licenses by integrating the various application requirements of the county. For a local business license and having people with the required paperwork to get a new business started.



### A YEAR IN REVIEW | 2013

**EXPANDING** Existing businesses, like H.P. Hood, contributed to the announcement of \$110 million in capital investment in 2013.

## WINCHESTER VA FREDERICK COUNTY

|  |   |  |
|--|---|--|
| <p><b>EXISTING BUSINESS EXPANSIONS</b></p> <p>Aspenwood, Inc. Added 100,000 sq. ft. of space to its existing 1,000,000 sq. ft. facility in Winchester, VA.</p> | <p><b>NEW BUSINESS LOCATIONS</b></p> <p>2 new business locations in Winchester, VA. One is a new 100,000 sq. ft. facility in Winchester, VA. The other is a new 100,000 sq. ft. facility in Winchester, VA.</p> | <p><b>ACQUISITIONS</b></p> <p>Frederick County has acquired 100,000 sq. ft. of space in Winchester, VA. This acquisition will be used for the production of...</p> |
| <p><b>REDEVELOPMENT</b></p> <p>100,000 sq. ft. of space in Winchester, VA. This space will be used for the production of...</p>                                | <p><b>WINCHESTER DEVELOPMENT</b></p> <p>100,000 sq. ft. of space in Winchester, VA. This space will be used for the production of...</p>  | <p><b>REDEVELOPMENT</b></p> <p>100,000 sq. ft. of space in Winchester, VA. This space will be used for the production of...</p>                                    |

**LEARN MORE!**

## WINCHESTER FREDERICK COUNTY VIRGINIA EDC

1-800-555-5555 | 540-665-0973 | Contact Us

Site Selection | Doing Business | Living Here | Data Center | Contact | Search

**Welcome to Winchester, Virginia**

We are pleased that you have decided to take a closer look at Winchester, Virginia. Winchester is one of the most beautiful and business-oriented in the United States. Winchester is a vibrant business culture and the heart of the region.

**In The News**

- 10/10 - Winchester, Virginia, Off-Topic in Commonwealth Open House
- 10/10 - Winchester, Virginia, A \$100 Million Investment in the U.S. Growth Market
- 10/10 - Winchester, Virginia, Full Growth Rate, National Report
- 10/10 - Winchester, Virginia, Full Growth Rate, National Report
- 10/10 - Winchester, Virginia, Full Growth Rate, National Report
- 10/10 - Winchester, Virginia, Full Growth Rate, National Report

**AVAILABLE PROPERTY**

**BUILD A REPORT**

**CAREER OPPORTUNITIES**

**FAQS**

**DATA CENTER**

**TOP 10 CITY**  
FOR REAL ESTATE

# CONSULTANT SURVEY

## ECONOMIC DEVELOPMENT FREDERICK COUNTY, VIRGINIA

### CORPORATE SURVEY 2013\*

Site selection factors

2013

2012

#### Ranking

|  |      |            |
|--|------|------------|
| 1. Availability of skilled labor         | 95.1 | 89.4 (3)** |
| 2. Highway accessibility                 | 93.5 | 90.1 (2)   |
| 3. Labor costs ●                         | 90.8 | 90.8 (1)   |
| 4. Occupancy or construction costs       | 87.4 | 82.8 (5)   |
| 5. Availability of advanced ICT services | 84.6 | 85.1 (4)   |
| 6. Available buildings ●                 | 83.3 | 78.4 (8)   |
| 7. Corporate tax rate                    | 82.4 | 79.3 (7)   |
| 8. State and local incentives            | 81.9 | 71.1 (13)  |
| 9. Low union profile                     | 81.4 | 73.5 (10)  |
| 10. Energy availability and costs ●      | 80.8 | 81.3 (6)   |
| 11. Tax exemptions                       | 80.6 | 75.4 (9)   |
| 11T. Right-to-work state                 | 80.6 | 72.6 (11)  |



# HOW DOES THE EDA SELL THE COUNTY

**ECONOMIC DEVELOPMENT**  
FREDERICK COUNTY, VIRGINIA

- All the basics and more...
  - **THE MORE :Your Move. Our Commitment.**
    - Our strategy, Our Brand.
  - Central to this strategy is our community's proven track record
    - Welcoming new quality companies
    - And more importantly providing continual resources and assistance to secure their future



# KEY ISSUES

## ECONOMIC DEVELOPMENT

FREDERICK COUNTY, VIRGINIA

- Staffing
  - Lack of internal advancement possibilities
  - Absence of Research Manager
    - Identify business leads
    - Discover analytical business advantages
  - Salary survey findings
- Operations
  - Product delivery concerns
    - Workforce and business sites
  - Cost factor
    - Within Virginia
  - Global and National economy

# PROFESSIONAL DEVELOPMENT

## ECONOMIC DEVELOPMENT FREDERICK COUNTY, VIRGINIA

- Strongly prefer employees to commit to professional development
  - Certification for economic development or related field
  - Participate in webinars related to position
- Encourage attendance at state economic development activities
  - Virginia Economic Developers Association
  - Virginia Economic Development Partnership

THANK YOU

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H



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:** June 18, 2014  
**SUBJECT:** Finance Committee Report & Recommendations

---

The Finance Committee met in the First Floor Conference Room at 107 North Kent Street on Wednesday, June 18, 2014 at 8:00 a.m. All voting members were present. Non-voting liaison, C. William Orndoff, was absent. Items 2 and 7 were hand carried and added to the agenda. (b) Items 1, 3, 4 were approved under consent agenda.

1. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of \$848.15. This amount represents funds reimbursed from the Secret Service. No local funds required. See attached memo, p. 4 – 5.
2. The Sheriff requests an FY15 General Fund supplemental appropriation in the amount of \$98,824. This amount represents a grant from the Attorney General. No local funds required. See attached memo, p. 6. The committee recommends approval.
3. (b) The NRADC Superintendent requests a Jail Fund supplemental appropriation in the amount of \$43,457.99. This amount represents an insurance claim for damages sustained to the HVAC during severe cold weather. See attached information, p. 7 – 12.

4. (C) The Landfill Manager requests an FY 15 Landfill Fund supplemental appropriation in the amount of \$85,000. This amount represents salaries and fringes for two positions that were inadvertently omitted from the FY 15 budget. See attached information, p. 13.
5. The Winchester Regional Airport Director requests an FY 15 Airport Capital Fund supplemental appropriation in the amount of \$5,070,000 (requires public hearing) and an FY15 General Fund supplemental appropriation in the amount of \$80,282. This amount represents funds for capital projects and land acquisitions. See attached information, p. 14 – 17. The committee recommends approval.
6. The County Administrator requests approval of a \$1,000 donation for a brick in the Korean War Memorial to be located in Jim Barnett Park. See attached information, p. 18 – 21. The committee recommends approval.
7. The County Administrator requests an amendment to the Snowden Bridge Boulevard revenue sharing resolution to reflect a \$35,000 increase, making the total amended amount \$4,068,350. See attached information, p. 22 – 29. The committee recommends approval.
8. Staff requests review of Outside Agency contributions for FY 15. See attached information, p. 30. The committee forwarded the Discovery Museum, Our Health and Handley Library to budget work session for further discussion. The committee also instructed staff to delay LFCC awaiting scholarship information.
9. Staff requests approval of the borrowing resolution and amount. See attached resolution, p. 31. The committee recommends approval of the resolution to include the amount of \$25 million and the addition of language regarding payoff.

10. The County Administrator is seeking a recommendation for a Capital Project Fund supplemental appropriation in the amount of \$7,217,104 (requires public hearing) for the total project cost of the Round Hill Fire & Rescue Station and Event Center. A recommendation is also requested on the financing options. See attached information, p. 32 – 60. The committee recommends approval of the supplemental appropriation in the amount of \$7,217,104 and forwards the financing options with no recommendation. (Mrs. Slaughter voted no.)

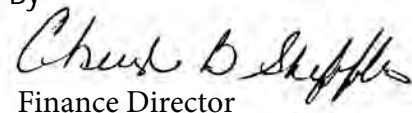
**INFORMATION ONLY**

1. The Finance Director provides a Fund 10 Transfer Report for FY 2014. See attached, p. 61 – 62.
2. The Finance Director provides FY 2014 financial statements for the period ending May 31, 2014. See attached, p. 63 – 73.
3. The Finance Director provides the FY 2014 Fund Balance Report for the period ending June 11, 2014. See attached, p. 74.

Respectfully submitted,

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

By

  
Finance Director



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 15, 2014  
SUBJECT : Reimbursement – Secret Service

---

We are requesting the two reimbursements received in the Treasurer's Office (see attached email) totaling \$848.15 be appropriated into our operating budget line of 3102-5409-000-000.

Thank you.

*10FL 3-010-019110-0058  
C.S. 5/15/14*

RTW/asw

**Angela Williamson**

---

**From:** Angela Whitacre  
**Sent:** Thursday, May 15, 2014 9:27 AM  
**To:** Angela Williamson  
**Subject:** deposits

I have 2 deposits from Customs and Border Patrol. One is for \$390.15(USSJOPSREIM314193652ENDFEB) and one is for \$458.00(USSJOPSREIM314193652ENDMAR). These are usually reimbursements. Just let me know where you want me to post them to. Thanks for your help! Angela

Angela Fritts Whitacre, MGD, MS  
Deputy Treasurer  
County of Frederick, Virginia  
107 North Kent Street  
Winchester, Virginia 22601  
(540) 665-5607

5

# 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

June 16, 2014

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

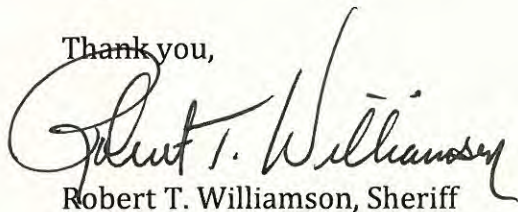
REF: Attorney General Grant

Dear Ms. Shiffler:

The Office of Virginia Attorney General has awarded the Frederick County Sheriff's Office a grant in the amount of \$98,824.00 for financial support for surveillance and investigation. This grant is an up-front grant - money is being provided prior to expenditures.

We are requesting a supplemental appropriation to our operating budget in the amount of \$98,824.00. Any consideration you can give this request would be greatly appreciated.

Thank you,

  
Robert T. Williamson, Sheriff

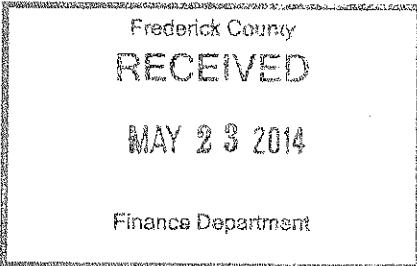
RTW/asw

# Northwestern Regional Adult Detention Center

James F. Whitley - Superintendent



141 Fort Collier Road, Winchester, VA 22603  
(540) 665-6374 (540) 665-1615 FAX



## MEMORANDUM

TO: Cheryl Shiffler, Frederick County Finance Director

FROM: James F. Whitley, Superintendent *gfw*

DATE: May 23, 2014

SUBJECT: Insurance Reimbursement

---

Request that a total of \$43,457.99 be appropriated to the following Jail line item:

Line item 4-011-033010-3004-01

This amount represents VACORP insurance reimbursements for damages sustained to the Jail during severe cold weather in January 2014, causing cooling and heating coils to freeze and burst.

Thank you for your consideration of this request.

C.S. 5/27/14 3-011-018990-0001

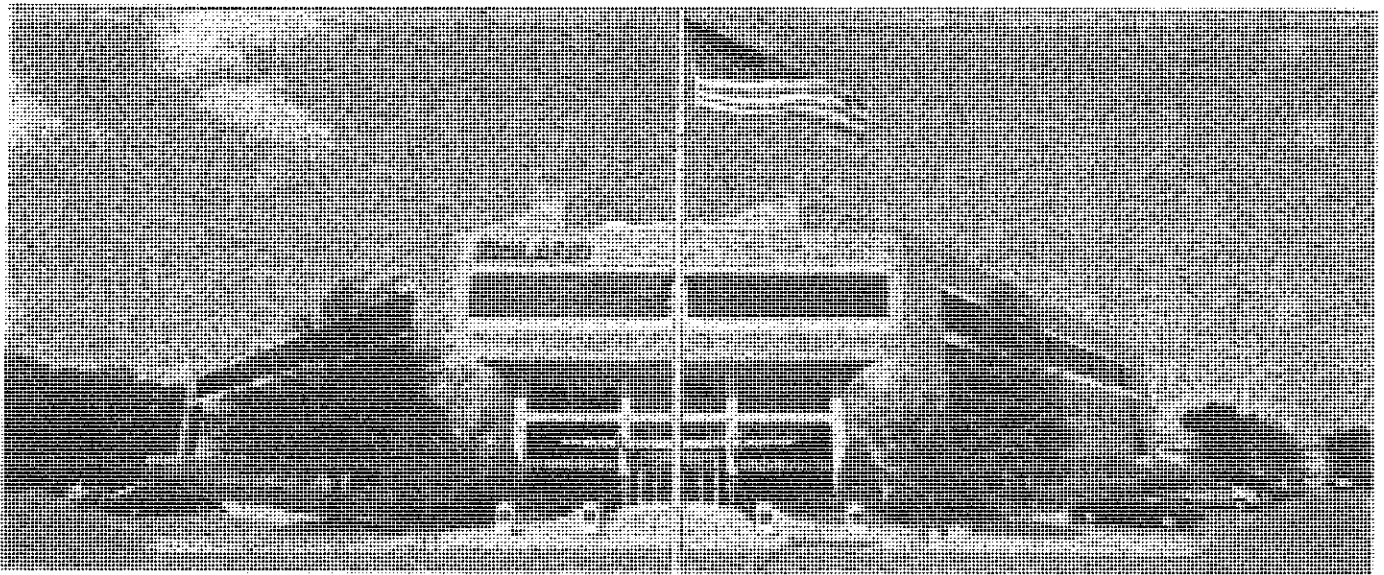
# **BOLAND**

We Are Not Comfortable Until You Are

*Sole provider  
for Trane  
in this area*

## Proposal

**Northwestern Regional Adult Detention Center  
141 Ft. Collier Rd.  
Winchester, VA 22603  
Failed Coil Replacements**



**Provided by:**

**Boland Trane Services, Inc.  
30 West Watkins Mill Road  
Gaithersburg, MD 20878**

**March 24, 2014**

*Boland is the leading provider of HVAC systems, services and solutions for commercial, institutional and industrial buildings in the Washington Metropolitan area. Boland's status as an MSCA STAR contractor distinguishes Boland as one of the top 1 % contractors in the United States.*



**TRANE**



**SUMMARY:**

Boland proposes to replace three (3) hot water coils and two (2) chilled water coils that have suffered freeze damage. The coils are located in Rooftop Air Handling Units serving the Administration, Booking and Pod 2 areas.

Detailed scope of work consists of:

1. Provided crane service required to remove old coils and lift new coils into position.
2. Disconnect and remove a total of five (5) coil assemblies and dispose of same.
3. Install new coils in above mentioned Air Handling Units (AHU).
4. Connect new coils to existing piping in each AHU.
5. Insulate piping where the insulation has been disturbed during the coil replacement.
6. Verify full functionality of coils that have been installed

**Exclusions ( not stated above ):**

1. Handling of any materials deemed to be of a hazardous nature.
2. Reworking of any existing code violations.
3. Reworking of any existing unforeseen deficiencies not mentioned above.
4. Reworking or upgrades to building automation or life safety systems.
5. Cutting, Patching or painting.
6. Repairs or replacing of any existing central building control system.
7. Work outside of Normal Business Hours ( Mon - Fri : 7am - 5pm )

*Note: Extraordinary and or unusual failures are not covered unless specifically stated in this proposal. If Boland encounters latent defects and/or unusual failures etc., we will stop work and advise you of our recommendations.*

WE PROPOSE hereby to furnish material & labor - in accordance with above specifications, for the sum of:



**Fifty-nine thousand, nine hundred and ninety dollars & 00/100 Dollars (\$59990.00)**

Prices quoted above are estimates. Boland reserves the right to revise this quote as the work progresses and we acquire knowledge not available at the time of quote. Customer will be advised at that time of any change and before work progresses

Authorized Signature \_\_\_\_\_  
Jim Bauer

Project Engineer Karl Bertson

Note: This proposal may be withdrawn by us if not accepted within 30 days.

**ACCEPTANCE OF PROPOSAL** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Payment will be made as outlined above

Date of Acceptance 5-8-14

Signature 

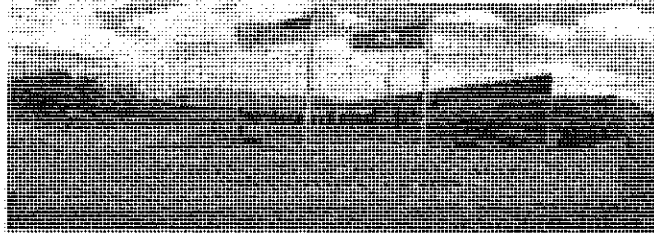
PO \_\_\_\_\_

**GENERAL TERMS AND CONDITIONS**

1. Boland Services will complete all work in a workmanlike manner according to standard trade practices and will guarantee our technical service for 90 days from completion, subject to the exclusions and conditions set out below.
2. All Trane parts supplied by Boland Services are warranted for a period of one year from date of purchase to be free from defects in material and workmanship, provided that no warranty is made against corrosion or deterioration, or with respect to suitability of substitute materials used because of government regulations.
  - a. Provided further, no warranty, parts or labor, is made, unless the A/C system has been properly "cleaned up" and checked out before start up in accordance with Boland Services' recommendations and instructions and/or unless Trane compressor is rebuilt according to the Trane Company instructions and specifications.
  - b. The owner/operator has the responsibility and obligation to supply proper and adequate power to the equipment covered by this warranty and to operate it properly according to the manufacturer's instructions. This part or labor warranty does not apply if failure is caused by power deficiency, lightning, single phasing, phase reversal, negligent operation or maintenance, or circumstances beyond Boland Services' control.
3. We certify that we will perform Eddy Current Testing in a professional manner using qualified personnel and accepted testing practices recommended by the American Society of Nondestructive Testing (A.S.N.T.). Eddy Current Testing indicates the general condition of the tubes at the time of the testing but cannot specifically identify all tube defects or be used to predict tube life. Also, tube conditions will change with time during normal operation. Therefore, Boland Services cannot be responsible for financial or other damage, which may result from any errors, which might be made during the test, interpretation of test results or operation or failure of tubes it has tested.
4. No liability whatever shall attach to Boland Services until the products or services have been paid for and then said liability shall be limited to the purchase price. Payment terms for services or materials provided hereunder will be under 30 days unless contrary terms appear on the face hereof or unless otherwise expressly agreed in writing by Boland Services. Boland Services reserves the right to add to any accounts outstanding for more than 30 days a service charge of 1.5% per month, an annual rate of 18%.
5. **THIS WARRANTY AND LIABILITY SET FORTH IN THE PRIOR PARAGRAPHS ARE IN LIEU OF ALL OTHER WARRANTIES AND LIABILITIES EXPRESSED OR IMPLIED IN LAW OR IN FACT, INCLUDING IMPLIED WARRANTIES OR MERCHANTABILITY AND FITNESS FOR PARTICULAR USE.**
6. Return of Materials -- Returned parts or materials must be accompanied by the delivery ticket and when so returned buyer agrees to pay Boland Services a restocking charge.
7. Asbestos Rider -- This proposal is conditioned on the inclusion of the following contract language: 1. The work shall not include the detection, abatement, encapsulation or removal of asbestos or products or materials or equipment containing asbestos. 2. This clause shall govern over any conflicting or inconsistent clause of the General Contract, general conditions of the contract, Special conditions, technical conditions, plans or specifications. 3. In the event that Boland Services encounters any asbestos product or material in the course of performing its work the contractor shall have the right to discontinue its work and remove its employees from the project, or that portion of the project wherein such product or materials, and any hazards connected therewith are abated, encapsulated or removed and/or it is determined that no hazard exists; further, Boland Services shall receive an extension of time to complete its work and compensation for delays encountered and compensation for any change in the sequence or method of its work occasioned as a consequence of said encounter.
8. Boland Services does not warrant or compensate the owner for refrigerant. If the owner wants a refrigerant charge removed from the job site, Boland Services will attempt to recycle for an additional cost. If the gas is non-recyclable, owner will be responsible for final disposition.
9. When applicable, the terms of Executive Order 11246 and 41 C.F.R. parts 60-1.4a, 60-250.5(a), and 60-741.5(a) apply to this purchase.

NORTHWESTERN REGIONAL ADULT DETENTION CENTER

141 Fort Collier Road, Winchester, VA 22603



**To:** Mr. Walt Wharram, Onsite Claims Manager  
**From:** Mark Kinder, Maintenance Supervisor  
**Date:** 4/18/2014  
**Subject:** Damaged AHU Coils

---

On January 08, 2014, we noticed that we had difficulty maintaining temperatures in the Main Jail in the morning hours. Upon inspection, it was discovered that the loop water coils in Air Handling Unit (AHU) 3 (Booking area) and AHU 1 (Administrative area) were frozen and had busted in multiple end loops. We closed off six (6) coils in AHU3 and four (4) in AHU1. This stopped the leaking and allowed us to restore heated loop water to the remainder of the jail.

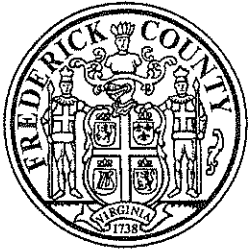
We found that the Freeze Stat alarm was tripped in the new Tracer SC system for these units, but commanded no shut down action of the supply air fan. The previous Tracer Summit system Freeze Stat alarm prompted the supply air fan to shut down, with only a manual restart. We informed the Boland's Trane programmer of our issues and on his next visit, he programmed a shut down command in the new Tracer SC controller to prevent less than freezing air to pass through all our Main Jail AHUs.

On January 13, 2014, outside air temperatures warmed and we had to turn on the cooling chillers, which showed a leak in AHU 11 cooling coil. We had to turn off the coil valves, but not before the leak over spilled into the POD 2 Visitation area. This was a cooling only AHU. This caused us have to replace over twenty (20) ceiling tiles due to the leak. When I explained to the Bolands programmer that the supply fans didn't shut down, even though the Freeze Stat alarm was in alert, he told me that no command was requested to be programmed into the new controller. The project manager acknowledged that it was an oversight on Trane's part not to include the shut down command with a Freeze Alert alarm, due to fact they didn't look deep enough into the old programming.



Bolands Trane started the control upgrade the week of November 5, 2013 with the intent to improve our ability to control our HVAC systems in the Main Jail. We were advised that the new system would provide the same controls as the older controls being replaced, but would include enhancements to provide WEB Based Access.

After discussion of the damages, Bolands Trane submitted a quote for \$59,990 to repair the coils that were damaged.



MEMORANDUM

TO: Cheryl Shiffler, Finance Director

FROM: Steve Frye, Landfill Manager *SF*

THROUGH: Ed Strawsnyder, Director of Public Works *ES*

SUBJECT: Supplemental Appropriation

DATE: June 06, 2014



---

Due to an oversight in the FY2014/2015 budget proposal, we are requesting a Supplemental Appropriation in the amount of \$85,000.00 to the following line items:

12-4204-1001-068, Laborer II, with a base salary of \$22,165

12-4204-1001-095, Landfill Technician II, with a base salary of \$31,401

These total \$53,566. The difference in the amounts (\$31,434) will cover the benefits for both positions. These line items have been in the budget for the past three (3) consecutive years and were overlooked at the time while going over the FY14/15 budget. Due to the current amount of services the landfill provides, we are in dire need of filling these positions as of July 1, 2014.

Please feel free to contact me if you have any further questions or concerns regarding this matter.

Thank You,

Steve Frye

bln



# Winchester Regional Airport Authority

## **BUDGET AMENDMENT**

City & County Revenue Shares Adjusted Based On Weldon Cooper Center population estimate for 2013 published 1/27/2014

### **FY 2015 - Proposed Budget**

### **CAPITAL IMPROVEMENT FUND**

Submitted:

County of Frederick

City of Winchester

Counties of Clarke, Shenandoah & Warren

**January 19, 2014**

**January 19, 2014**

April 2014 Amendment Submitted:

County of Frederick

City of Winchester

**April 4, 2014**

**April 4, 2014**

# FY 2015 AMENDED FISCAL YEAR BUDGET REQUEST

## AIRPORT AUTHORITY CAPITAL OUTLAY

**ACQUIRE LAND - BUFFLUCK ROAD:**

Land Acquisition of numerous parcels along Bufflick Road identified on the current Airport Property Map are included in the Airport Twenty-Year Master Plan and is to be acquired fee simple to meet Federal Aviation Administration design standards for Runway 14 Safety Area and for Noise Abatement. Under the Federal Aviation Administration's Part 77 Surface Requirements, the Airport is required to own fee simple property within the Primary Surfaces. This requirement is also included in the Code of Virginia 15.2.

**RUNWAY 14 APPROACH LAND ACQUISITION ENVIRONMENTAL ASSESSMENT:**

Over the past several years, the Airport Authority has been acquiring land adjacent to the airfield with the goal of securing fee simple ownership of the Runway Protection zone and to secure easement rights to remove and control obstructions to the airport's airspace.

The original environmental assessment for this action was completed in the early 1990's. Due to its age and changes to aviation (the implementation of GPS) the Federal Aviation Administration is requiring that the environmental effort be revisited to update based on changes that have occurred since the early 1990s.

**NORTH SIDE CONNECTOR - DESIGN PHASE:**

This project proposes to construct a new taxiway connector and a short partial parallel taxiway on the northwest side of the airfield. The connector would access the runway at the end of Runway 14 and the parallel taxiway would connect to the proposed future apron and hangar development area on the northside of the airfield. This project is part of the airport Twenty-Year Master Plan adopted in October 2005.

**MAINTENANCE ITEMS:** This item will provide for the general maintenance of eligible Airport facilities including vegetation, lighting and navigation equipment, pavement upkeep and airfield maintenance. Most maintenance items are funded on a State/Local level on a 80/20 basis.

|               | FY 2013<br>BUDGET | FY 2014<br>BUDGET | FY 2015<br>BUDGET |
|---------------|-------------------|-------------------|-------------------|
| <b>COSTS:</b> |                   |                   |                   |
| Personnel     | 0                 | 0                 | 0                 |
| Operating     | 0                 | 0                 | 0                 |
| Capital       | 4,589,210         | 4,959,210         | 5,070,000         |
| <b>TOTAL</b>  | <b>4,589,210</b>  | <b>4,959,210</b>  | <b>5,070,000</b>  |

**TAXIWAY "A" RELOCATION - SECTION 1 - CONSTRUCTION PHASE**

The relocation of Taxiway "A" is part of the overall airport upgrade to meet FAA safety design standards for Group III aircraft. Relocation will improve the serviceability of the airport regarding ground movement of aircraft. Group III aircraft consists of larger corporate jets. This project is part of the Twenty Year Master Plan updated and adopted October 2005. This project was originally budgeted in FY 2014 however due to unavailable Federal funds it has been moved to FY 2015. Receipt of Federal funding is anticipated to be received in FY 2015 during the months of July or August 2014. Due to the size and cost of the entire project it will be done over multiple years in phases.

**NEW GENERAL AVIATION TERMINAL BUILDING STUDY**

The existing terminal building constructed in 1988/1989 has reached the point of needing major rehabilitation. Preliminary study conducted in 2007 resulted in an estimated rehabilitation cost of over \$2.5 million vs. a new building estimated at \$3.5 million. In order to determine the size and layout feasible for our general aviation operations the Virginia Department of Aviation requires a terminal study which would include viable locations for a new building. The relocation of Taxiway "A" decreases the minimum clearance requirement needed for transient parking of Group III aircraft on the existing terminal building site.

**GOALS:**

Provide a safe, efficient all weather facility to meet current and future demands for air transportation as the community continues with economic development and growth. Continue development in accordance with the Twenty-Year Master Plan adopted October 2005.

|                     | FY 2013<br>BUDGET | FY 2014<br>BUDGET | FY 2015<br>BUDGET |
|---------------------|-------------------|-------------------|-------------------|
| <b>REVENUES:</b>    |                   |                   |                   |
| Other Jurisdictions | 57,916            | 103,616           | 39,118            |
| State/Federal       | 4,423,626         | 4,633,276         | 4,950,600         |
| County Funding      | 107,668           | 222,318           | <b>80,282</b>     |
| <b>TOTAL</b>        | <b>4,589,210</b>  | <b>4,959,210</b>  | <b>5,070,000</b>  |

## FY 2015 - AMENDED CAPITAL IMPROVEMENT REVENUES

### Winchester Regional Airport

**\*\*Amended April 2014 with adjusted population estimates**

#### REVENUE SOURCE

| Description  | FEDERAL                   | STATE          | LOCAL          | TOTAL            |
|--|---------------------------|----------------|----------------|------------------|
| New General Aviation Terminal Building - Study           | 0                         | 40,000         | 10,000         | 50,000           |
| North Side - Connector (Design)                          | 270,000                   | 24,000         | 6,000          | 300,000          |
| Rehabilitate & Relocate South Apron - Construction Phase | 3,150,000                 | 280,000        | 70,000         | 3,500,000        |
| Environmental Assessment                                 | 225,000                   | 20,000         | 5,000          | 250,000          |
| Acquire Land - Parcel 64 A 69: Robertson                 | 211,500                   | 18,800         | 4,700          | 235,000          |
| Acquire Land - Parcel 64 A 63: Hopewell Fishel           | 157,500                   | 14,000         | 3,500          | 175,000          |
| Acquire Land - Parcel 64 A 70: Marston & Haynes          | 234,000                   | 20,800         | 5,200          | 260,000          |
| Acquire Land - Parcel 64 A 71: Marston & Haynes          | 225,000                   | 20,000         | 5,000          | 250,000          |
| State Eligible Annual Maintenance Repairs                | Funding 80/20 State/Local | 0              | 28,000         | 35,000           |
|  | Annual State allotment    | 0              | 12,000         | 15,000           |
| <b>Total Revenue Breakdown</b>                           | <b>4,473,000</b>          | <b>477,600</b> | <b>119,400</b> | <b>5,070,000</b> |

| <b>Local Revenue Breakdown</b>         |                |
|--|----------------|
| Contribution Clarke County             | 2,500          |
| Contribution Warren County             | 5,000          |
| Contribution Shenandoah County         | 5,000          |
| <b>Frederick Co/City of Winchester</b> | <b>106,900</b> |
| Local Revenue                          | <b>119,400</b> |

| County | City   |
|--------|--------|
| 75.1%  | 24.9%  |
| 80,282 | 26,618 |

|        |      |       |
|--------|------|-------|
| County | City | Total |
|--------|------|-------|

## FY 2015 - AMENDED CAPITAL IMPROVEMENT EXPENDITURES

\*\*Amended April 2014 with adjusted population estimates

### Winchester Regional Airport

| Description |  | DETAIL AMOUNT  | TOTAL AMOUNT       |                    |
|-------------|--|--|--------------------|--------------------|
|             | New General Aviation Terminal Building - Study           | New GA Terminal Building Study   | \$50,000           | \$50,000           |
|             | North Side - Connector (Design)                          | North Side Connector - Design Phase  | \$300,000          | \$300,000          |
|             | Rehabilitate & Relocate South Apron - Construction Phase | Section 1 of the Taxiway "A" relocation & rehabilitation of the south apron - construction. Design completed in FY 2014 - Federal funds available in July 2014 | \$3,500,000        | \$3,500,000        |
|             | Environmental Assessment                                 | For future land acquisition on Runway 14 approach ends to ensure compliance with current FAA standards   | \$250,000          | \$250,000          |
| 17          | Acquire Land - Parcel 64 A 69: Robertson                 | Acquire land Bufflick Road   | \$235,000          | \$235,000          |
|             | Acquire Land - Parcel 64 A 63: Hopewell Fishel           | Acquire land Bufflick Road   | \$175,000          | \$175,000          |
|             | Acquire Land - Parcel 64 A 70: Marston & Haynes          | Acquire land Bufflick Road   | \$260,000          | \$260,000          |
|             | Acquire Land - Parcel 64 A 71: Marston & Haynes          | Acquire land Bufflick Road   | \$250,000          | \$250,000          |
|             | State Eligible Annual Maintenance Repairs                | General Repairs  | \$35,000           | \$35,000           |
|             |  | F & E repairs, lighting supplies, etc  | \$15,000           | \$15,000           |
|             | <b>TOTAL</b>   |  | <b>\$5,070,000</b> | <b>\$5,070,000</b> |



John R. Riley, Jr.  
County Administrator


540/665-5666

Fax 540/667-0370

E-mail:

jriley@co.frederick.va.us

**MEMORANDUM**

|                 |   |
|-----------------|---|
| <b>TO:</b>      | Finance Committee   |
| <b>FROM:</b>    | John R. Riley, Jr., County Administrator  |
| <b>SUBJECT:</b> | Korean War Memorial   |
| <b>DATE:</b>    | June 5, 2014  |

We have been approached by representatives from the Shenandoah Valley Chapter #313 Korean War Veterans Association, Inc. regarding the purchase of a brick for their "Path of Honor". This will be part of the Korean War Memorial to be located in Jim Barnett Park, 1001 E. Cork Street, Winchester.

You will find attached a copy of the proposed text for the brick. We would propose a donation of \$1,000 for the 8"x16" brick. Please be advised that we have sufficient funds within the current budget to accommodate this request, but are seeking Finance Committee and Board concurrence for this expenditure.

Should you have any questions or require additional information, please do not hesitate to contact me.

JRR/jet

Attachment

**SHENANDOAH VALLEY CHAPTER #313  
KOREAN WAR VETERANS ASSOCIATION, INC.**

Winchester, Virginia

**BUY A BRICK FOR THE KOREAN WAR VETERANS MEMORIAL  
IN THE JIM BARNETT PARK, WINCHESTER, VA**

**"PATH OF HONOR"**

\$100.00 per 4" X 8" BRICK – Two or Three Lines of  
Personalized Text, Limit 16 Characters per Line

\$1000.00 per 8" X 16" BRICK – Two or Three Lines of  
Personalized Text, Limit 16 Characters per Line

|   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|--|
| I | N |   | H | O | N | O | R |   | O | F |   | T | H | E |  |
| H | E | R | O | E | S |   | O | F |   | T | H | E |   |   |  |
| F | O | R | G | O | T | T | E | N |   | W | A | R |   |   |  |

ALL BRICKS ARE TAX DEDUCTIBLE

Name: Frederick County Board of Supervisors

Address: 107 N. Kent Street

City & State: Winchester, VA Zip: 22601

Phone: 540-665-6382 E-Mail: jriley@fcva.us

Please enclose your check # \_\_\_\_\_ In the Amount of \$ 1,000.<sup>00</sup>

Payable to: SVC #313 - KWVA Memorial Fund & Mail this form to:

Mr. Stephen T. Culbert, Memorial Fund Treasurer  
Korean War Veterans Association  
306 Ridge Rd., Winchester, VA 22602

**The Shenandoah Valley Chapter #313  
Korean War Veterans Association, Inc.**

*represents Korean War Veterans from Winchester and the following counties:*

Frederick, Shenandoah, Warren, Clarke, Berkeley, Morgan, Jefferson, Hardy and Hampshire



## KOREAN WAR VETERANS

What They Did

### • Saved A Country From Communism

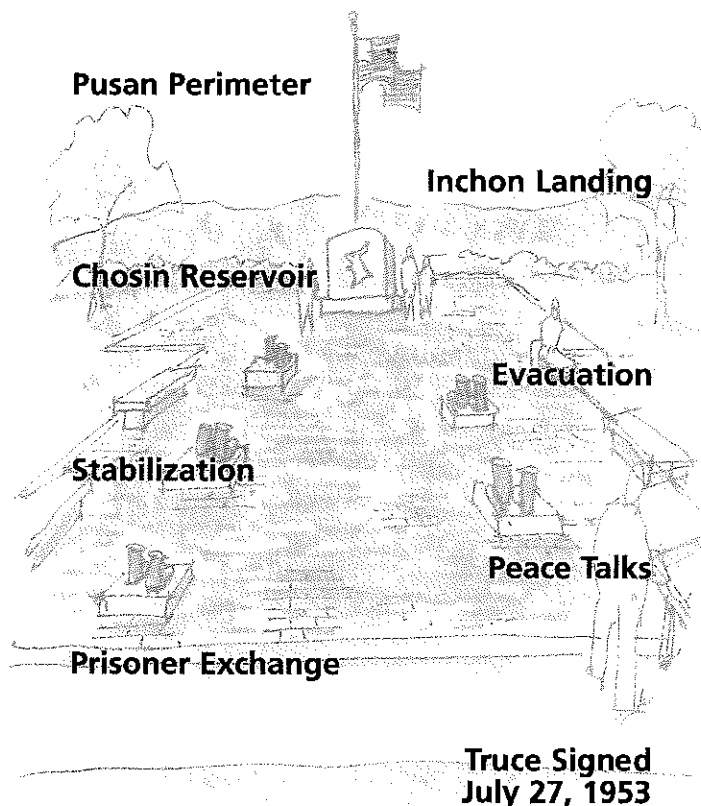
After an unprovoked invasion by North Korean forces, there followed three years of bitter fighting up and down the Korean peninsula. Cities were destroyed, villages decimated and agricultural life uprooted leaving South Korea with little more than hope and an innate will of survival. War casualties were high among the civilian population and the Korean military forces. The United States military had by far the largest number of troops in Korea, 348,000 at peak level, more than the combined forces of all the other U.N. nations. All Services of the U.S. were represented.

### • Sixty Years of Rebuilding A Nation

Since the Truce Agreement signing July 27, 1953, Republic of Korea has become a major world power. Their economy is now the tenth largest in the world, and they are fifth largest automobile manufacturer. In ship building they lead in supertankers and oil drilling platforms; a major manufacture of steel. A world leader in supplying computer chips and electronic devices. The cities and transportation facilities are ultra modern.

## HISTORY

June 25, 1950  
North Korea Invades



## COST TO THE U.S.

Military Casualties

- Killed in Action .....33,627
- Wounded and Hospitalized .....102,492
- Missing in Action .....8,000
- Prisoners of War .....7,000



## SHENANDOAH VALLEY

Sixty-two Killed in Action  
WINCHESTER  
and counties of  
FREDERICK (VA)  
CLARKE (VA)  
WARREN (VA)  
SHENANDOAH (VA)  
JEFFERSON (WV)  
BERKELEY (WV)  
HARDY (WV)  
HAMPSHIRE (WV)  
MORGAN (WV)

## CHAPTER 313 KOREAN WAR VETERANS

The Shenandoah Valley Chapter 313 was chartered March 2008. As word was passed around the membership increased and includes Veterans from Frederick County and the surrounding contiguous counties of Virginia and West Virginia. Membership includes representatives of the Army, Marines, Navy, Air Force and Coast Guard.

This active organization has participated in the annual Apple Blossom Parade of Winchester, makes visitations to hospitalized Korean veterans, takes part in National Celebrations and Commemorative programs, participants in Honor Guards for memorial services, has members in State and National Headquarters of the Korean Veterans and participates in various local programs and charities. There is a monthly meeting often featuring guest speakers. The Chapter also meets for social events.

The Shenandoah Valley Chapter 313, Korean War Veterans Association is recognized as a tax-exempt organization under Section 501(c) 19.

## CONTRIBUTIONS

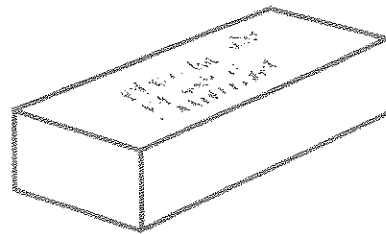
If you wish to make a contribution to this Memorial you may do so as a:

- Monetary gift
- Memorial Brick

*Contributions made payable to:*

Shenandoah Valley Chapter #313  
KOREAN WAR VETERANS ASSOCIATION  
P.O. Box 3244  
Winchester, VA 22604

### MEMORIAL BRICKS



4"x8" @ \$100.00  
*Suitable for free engraving*

## *Visit The* KOREAN WAR MEMORIAL

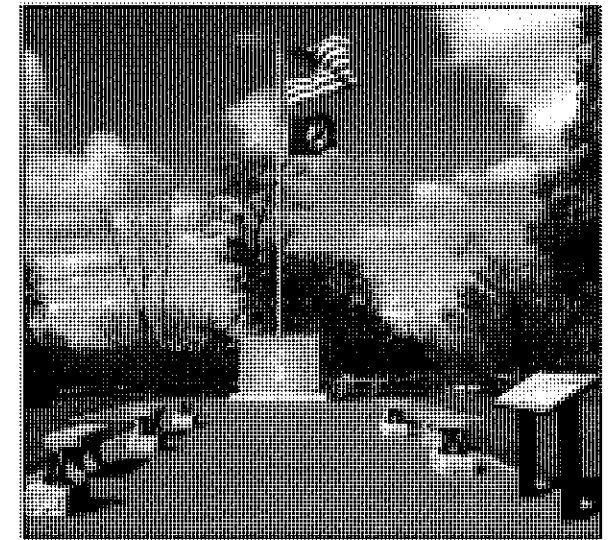


Photo by Rick Foster

**JIM BARNETT PARK**  
1001 E. Cork Street  
Winchester, VA



John R. Riley, Jr.  
County Administrator

540/665-5666

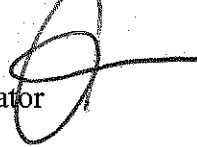
Fax 540/667-0370

E-mail:

jriley@co.frederick.va.us

**MEMORANDUM**

**TO:** Finance Committee

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

**RE:** Snowden Bridge Blvd. Revenue Sharing Application

**DATE:** June 17, 2014

On November 13, 2013 the Board of Supervisors approved a resolution of support for Fiscal Year 2015 in the amount of \$4,033,350.00 for the above referenced project. I was advised yesterday that due to a misunderstanding regarding VDOT charges on the above referenced project application, the revenue sharing resolution approved by the Board of Supervisors stated an incorrect dollar amount. The approved resolution should have stated \$4,068,350.00, which is \$35,000 more than originally approved. For your reference, I have attached copies of the original application and resolution are attached.

I was advised on Monday, June 16, 2014 of the need to amend the Board's action in order to reflect the correct amount of \$4,068,350.00. In order to correct this error, a letter is being sent to VDOT certifying that the corrected amount of \$4,068,350.00 is needed for this project and a revised resolution will be presented for the Board of Supervisors' consideration at their meeting on June 25, 2014. VDOT staff indicates this will adequately address the issue and the revenue sharing application remains on track for approval.

Staff is seeking a recommendation from the Finance Committee regarding the amended resolution to include the amended amount of \$4,068,350.00.

I apologize for not getting this item on the committee's agenda, but as previously noted, we were not apprised of this issue until Monday, June 16, 2014. Due to the time sensitive nature of this request, we felt it important to get it before the committee and the board as soon as possible.

Attachments

June 17, 2014

Mr. Steven Damron  
Programming Specialist Senior  
VDOT - Staunton District  
Program & Investment Management Section  
811 Commerce Road  
Staunton, VA 24401-9029

**RE: UPC 105633 Snowden Bridge Revenue Sharing Project**

Dear Mr. Damron:

Due to a misunderstanding regarding VDOT charges on the project application, the revenue sharing resolution approved by the Board of Supervisors for this application stated the wrong dollar amount by \$35,000.00. The approved resolution stated \$4,033,350.00 when it should have stated \$4,068,350.00. For reference, copies of the original application and resolution are attached.

This letter is to certify that the actual amount desired is \$4,068,350.00. In addition to this letter, an updated resolution is being prepared.

Please let me know if any additional feedback or information is needed.

Sincerely,

John R. Riley Jr.  
County Administrator



**RESOLUTION OF SUPPORT  
FREDERICK COUNTY BOARD OF SUPERVISORS  
“REVENUE SHARING PROGRAM” FOR  
FISCAL YEAR 2015**

**Action:**

BOARD OF SUPERVISORS: June 25, 2014     APPROVED     DENIED

**WHEREAS**, the County of Frederick desires to submit an application for an allocation of funds of up to \$4,068,350 through the Virginia Department of Transportation Fiscal Year 2015, Revenue Sharing Program; and

**WHEREAS**, \$4,068,350 of these funds are requested to fund Snowden Bridge Boulevard – Phase 1; and

**NOW, THEREFORE, BE IT ORDAINED**, the Frederick County Board of Supervisors supports this application for an allocation of up to \$4,068,350 through the Virginia Department of Transportation “Revenue Sharing Program”.

**ADOPTED**, this 25th day of June 2014.

This resolution was approved by the following recorded vote:

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

**A COPY ATTEST**

\_\_\_\_\_  
John R. Riley, Jr.  
Frederick County Administrator



**RESOLUTION OF SUPPORT  
FREDERICK COUNTY BOARD OF SUPERVISORS  
“REVENUE SHARING PROGRAM” FOR  
FISCAL YEAR 2015**

**Action:**

BOARD OF SUPERVISORS: November 13, 2013     APPROVED     DENIED

**WHEREAS**, the County of Frederick desires to submit an application for an allocation of funds of up to \$4,033,350 through the Virginia Department of Transportation Fiscal Year 2015, Revenue Sharing Program; and

**WHEREAS**, \$4,033,350 of these funds are requested to fund Snowden Bridge Boulevard – Phase 1; and

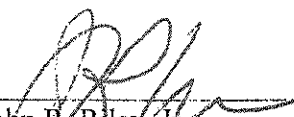
**NOW, THEREFORE, BE IT ORDAINED**, the Frederick County Board of Supervisors supports this application for an allocation of up to \$4,033,350 through the Virginia Department of Transportation “Revenue Sharing Program”.

**ADOPTED**, this 13th day of November 2013.

This resolution was approved by the following recorded vote:

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

**A COPY ATTEST**

  
\_\_\_\_\_  
John R. Riley, Jr.  
Frederick County Administrator

PDRes#33-13  
BOS Res. #021-13

**VDOT REVENUE SHARING APPLICATION INFORMATION**

**SNOWDEN BRIDGE BOULEVARD**

Frederick County, VA

**PROJECT INFORMATION**

Locality's Priority # 1 Route # \_\_\_\_\_ and local road name Snowden Bridge Boulevard - Ph 1

State Project Number \_\_\_\_\_ UPC # \_\_\_\_\_

Type of Project Construction Project will be accelerated. Project in Frederick Co Comprehensive Plan.

Current Ad Date 1/1/15 Advanced Ad date 7/1/14

Scope of Work: Construction of 4 lane roadway and multi-use trail on new alignment with bridge over CSX to provide access to Graystone Industrial Park.

Description of Work Scope: Grading, paving, storm drainage, water main, utility relocation, and bridge construction

From: 0.37 mi east of Route 11 To: 0.890 mi. east of Rte 11

Length: 0.852 miles

Is this project in another locality? NO

**PROJECT ESTIMATE**

| PHASE        | Total Estimated Project Cost | Estimated Eligible Project Costs | Estimated Eligible VDOT Project Expenses | Estimated Reimbursements to Locality |
|--------------|------------------------------|----------------------------------|--|--------------------------------------|
| PE           | \$0                          | \$0                              | \$0                                      | \$0                                  |
| RW           | \$0                          | \$0                              | \$0                                      | \$0                                  |
| CN           | \$8,136,700                  | \$8,136,700                      | \$35,000                                 | \$4,033,350                          |
| <b>TOTAL</b> | <b>\$8,136,700</b>           | <b>\$8,136,700</b>               | <b>\$35,000</b>                          | <b>\$4,033,350</b>                   |

**LOCALLY ADMINISTERED PROJECT**

|           |  |
|-----------|--|
| PE Phase: | No - Reimbursement will not be requested |
| RW Phase: | No - Reimbursement will not be requested |
| CN Phase: | Yes - Reimbursement will be requested    |

**PROJECT FINANCIAL INFORMATION**

VDOT Revenue Sharing match funds up to \$1M requested for CONSTRUCTION project FY 2014: \$0

VDOT Revenue Sharing match funds over to \$1M requested for CONSTRUCTION project FY 2014: \$4,033,350

VDOT Revenue Sharing match funds up to \$1M requested for MAINTENANCE project FY 2014: \$0

VDOT Revenue Sharing match funds up to \$1M requested for MAINTENANCE project FY 2014: \$0

VDOT Revenue Sharing matching TOTAL request: \$4,033,350

Locality Revenue Sharing matching TOTAL: \$4,033,350

Project has previously received Revenue Sharing state funds: NO

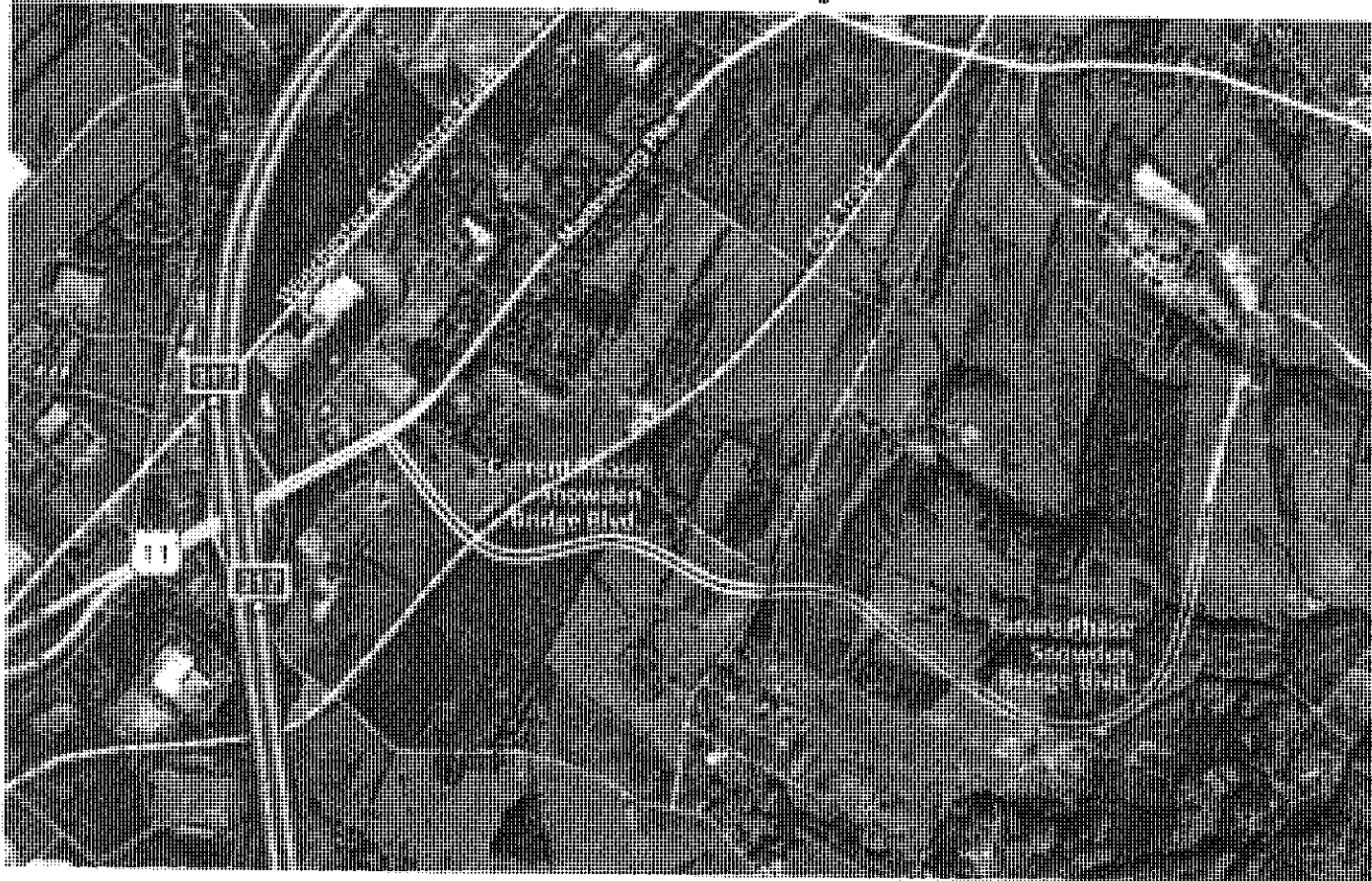
Total of other State / Federal / Local funds: \$1,300,000

List types of other funds: developer funding

Total of other State / Federal / Local funds: \$4,103,350

Total funding to be programmed on Project \$8,136,700

**Project Location Map**  
**SNOWDEN BRIDGE BOULEVARD**  
**Frederick County, VA**



Map Source: Mapquest.com  
Not to scale



**REVENUE SHARING DETAILED APPLICATION FOR FUNDS**  
SEPARATE APPLICATION REQUIRED FOR EACH PROJECT TO BE CONSIDERED

FY: 2014-15 County Frederick County of Frederick County District: Staunton  
# of Applications Locality is submitting: 1

PLEASE NOTE: Projects receiving funding under this program are to be initiated and a portion of the Revenue Sharing funds expended within one year of the allocation.

**PROJECT INFORMATION** (Please TAB from field to field)

Locality's Priority #: 1 Route #: \_\_\_\_\_ and local road name, if available: Snowden Bridge Blvd PHASE I  
State Project Number: \_\_\_\_\_ UPC #: \_\_\_\_\_

Type of Project: Construction If Type of Project is "Maintenance", has appropriate analysis been provided confirming the pavement or structure is below VDOT maintenance performance targets? >select<  
If Type of Project is "Construction", will the requested funds accelerate advertisement of the project that is already in the Six-Year Improvement Plan or in the locality's capital plan? Yes  
If this is a Construction project AND the advertisement date will be accelerated, please fill in dates below:  
Current Advertisement Date: 01/01/2016 Advanced Advertisement Date: 07/01/2014

Scope of Work: New Road  
Description of Work/Scope: Construction of 4 lane roadway and multi use trail on new alignment with bridge over CSX.  
From: .37 mi east of Route 11 To: .890 mi east of Route 11  
Length: \_\_\_\_\_ (miles)  
Is this project in another locality? No If yes, please identify the locality and reason for request on the line below.

**PROJECT ESTIMATES** (Please TAB from field to field)

| PHASE | *Total Estimated Project Cost | Sections below pertain to Revenue Sharing funded portion only: |   |   |
|-------|-------------------------------|--|---|---|
|       |                               | **Estimated Eligible Project Costs                             | ***Estimated Eligible VDOT Project Expenses | ****Estimated Reimbursement to Locality |
| PE    | \$ 0                          | \$ 0   | \$ 0  | \$ 0                                    |
| RW    | \$ 0                          | \$ 0   | \$ 0  | \$ 0                                    |
| CN    | \$ 8,136,700                  | \$ 8,136,700   | \$ 35,000                                   | \$ 4,068,350                            |
| TOTAL | \$8,136,700                   | \$8,136,700  | \$35,000                                    | \$4,068,350                             |

**LOCALLY ADMINISTERED PROJECT** - Please answer on each line corresponding to each phase for this project below

Please note that indicating any phase of project work to be administered by the locality and reimbursed using Revenue Sharing Program funding constitutes a "Locally Administered Project". Submission of this application represents the locality's request to administer the project work.

PE Phase: No; Reimbursement will NOT be Requested  
RW Phase: No; Reimbursement will NOT be Requested  
CN Phase: Yes; Reimbursement will be Requested

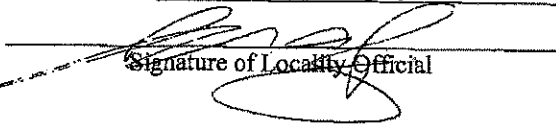
**PROJECT FINANCIAL INFORMATION** (Please TAB from field to field)

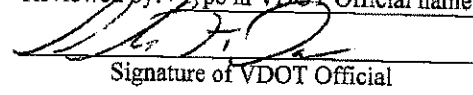
VDOT Revenue Sharing matching funds UP TO \$1M requested for CONSTRUCTION project FY 2014: \$ 1,000,000  
VDOT Revenue Sharing matching funds OVER \$1M requested for CONSTRUCTION project FY 2014: \$ 3,068,350  
VDOT Revenue Sharing matching funds UP TO \$1M requested for MAINTENANCE project FY 2014: \$ 0  
VDOT Revenue Sharing matching funds OVER \$1M requested for MAINTENANCE project FY 2014: \$ 0  
VDOT Revenue Sharing matching TOTAL request (this application) (right click on "\$0" to the right & "Update Field" for total) \$4,068,350

Note: CONSTRUCTION projects total or combined CONSTRUCTION & MAINTENANCE projects total requested must not exceed \$10M; Also, MAINTENANCE projects total requested must not exceed \$5M

Project has previously received Revenue Sharing state funds: No If Yes, FY(s): \_\_\_\_\_ Totaling: \$ 0  
Total of other State / Federal / Local funds (enter amount to the right): \$ 1,300,000  
List types of other funds: Economic Development Access funds to be relinquished upon successful revenue sharing award  
Total funding to be programmed on Project (should equal total estimated cost above): (right click on "\$0" & "Update Field" for total) \$9,436,700

**COMMENTS**

Submitted by: John A. Bishop - Deputy Director - Transportation  
  
Signature of Locality Official  
Date: 10/31/2013

Reviewed by: >type in VDOT Official name & title<  
  
Signature of VDOT Official  
Date: 11-01-2013

**SUMMARY OF PROJECTS - Designation of Funds Form  
FY 2014 Revenue Sharing Program**

\$10 million maximum allocation per locality and  
no more than \$5 million of that amount may be allocated to maintenance projects

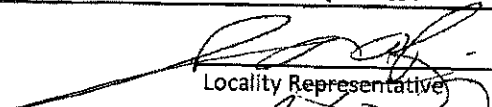
**CONSTRUCTION FUNDS BEING REQUESTED:**

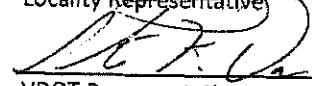
| Locality's Priority                        | Route # | Road Name           | Requested State Match up to \$1M for Construction | Requested State Match Over \$1M for Construction | TOTAL CONSTRUCTION FUNDS REQUESTED FOR PROJECT |
|--|---------|---------------------|---|--|--|
| 1  | NA      | Snowden Bridge Blvd | \$1,000,000                                       | \$3,068,350                                      | \$4,068,350                                    |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
|  |         |                     |   |  | \$0  |
| <b>TOTAL CONSTRUCTION FUNDS REQUESTED:</b> |         |                     | \$1,000,000                                       | \$3,068,350                                      | \$4,068,350                                    |

**MAINTENANCE FUNDS BEING REQUESTED:** (cannot exceed \$5 million and is part of total \$10M)

| Locality's Priority                       | Route # | Road Name | Requested State Match up to \$1M for Maintenance | Requested State Match Over \$1M for Maintenance | TOTAL MAINTENANCE FUNDS REQUESTED FOR PROJECT |
|---|---------|-----------|--|---|---|
|   |         |           | \$0  | \$0   | \$0   |
|   |         |           | \$0  | \$0   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
|   |         |           |  |   | \$0   |
| <b>TOTAL MAINTENANCE FUNDS REQUESTED:</b> |         |           | \$0  | \$0   | \$0   |

|  |             |             |             |
|--|-------------|-------------|-------------|
| <b>GRAND TOTAL OF ALL FUNDS REQUESTED:</b> | \$1,000,000 | \$3,068,350 | \$4,068,350 |
|--|-------------|-------------|-------------|


  
 Locality Representative 10-31-13  
 Date Submitted


  
 VDOT Representative 11-01-2013  
 Date Reviewed



COUNTY of FREDERICK

Department of Planning and Development

540/665-5651

FAX: 540/665-6395

**MEMORANDUM**

**TO:** John R. Riley, Jr. County Administrator  
**FROM:** John A. Bishop AICP, Deputy Director - Transportation *JAB*  
**RE:** Snowden Bridge Blvd. Revenue Sharing Application  
**DATE:** June 19, 2014



I am pleased to report that on June 18, 2014 the Commonwealth Transportation Board approved our application for revenue sharing funds for the construction of Phase I of Snowden Bridge Blvd. for \$4,068,350. The project is noted on page 35 of the attached list of approvals.

JAB/pd

| Locality's Project #               |  | FY 2015 State Match |                    |   |                                |                | Project |
|------------------------------------|--|---------------------|--------------------|---|--------------------------------|----------------|---------|
| Priority                           | RoadName   | Requested           | Recommended        | Location  | Scope                          | Administration |         |
| <b>Staunton District</b>           |  |                     |                    |   |                                |                |         |
| <b>Augusta County</b>              |  |                     |                    |   |                                |                |         |
| <b>Construction Priority</b>       | <b>1</b> project   | <b>\$30,000</b>     | <b>\$30,000</b>    |   |                                |                |         |
| 1                                  | 0830-007-937<br>UPC 105705                                   | \$30,000            | \$30,000           | FR: Rte 340<br>TO: Dead End                                 | Pave Unpaved Road              | VDOT           |         |
| <b>Augusta County Total</b>        |  | <b>\$30,000</b>     | <b>\$30,000</b>    |   |                                |                |         |
| <b>Broadway (Town of)</b>          |  |                     |                    |   |                                |                |         |
| <b>Construction Priority</b>       | <b>1</b> project   | <b>\$225,000</b>    | <b>\$225,000</b>   |   |                                |                |         |
| 1                                  | RS15-177-R01<br>Holly Hill Street<br>UPC 105707              | \$225,000           | \$225,000          | FR: Turner Avenue<br>TO: Rte. 259                           | Sidewalk (new construction)    | Locality       |         |
| <b>Broadway (Town of) Total</b>    |  | <b>\$225,000</b>    | <b>\$225,000</b>   |   |                                |                |         |
| <b>Frederick County</b>            |  |                     |                    |   |                                |                |         |
| <b>Construction Priority</b>       | <b>1</b> project   | <b>\$4,068,350</b>  | <b>\$4,068,350</b> |   |                                |                |         |
| 1                                  | 0000-034-R15<br>Snowden Bridge Blvd<br>PHASE I<br>UPC 105633 | \$4,068,350         | \$4,068,350        | FR: .37 mi east of Route 11<br>TO: .890 mi east of Route 11 | New Road                       | Locality       |         |
| <b>Frederick County Total</b>      |  | <b>\$4,068,350</b>  | <b>\$4,068,350</b> |   |                                |                |         |
| <b>Front Royal (Town of)</b>       |  |                     |                    |   |                                |                |         |
| <b>Maintenance Priority</b>        | <b>1</b> project   | <b>\$130,000</b>    | <b>\$130,000</b>   |   |                                |                |         |
| 1                                  | 0000-112-R15<br>Fox Drive<br>UPC 105639                      | \$130,000           | \$130,000          | FR: Old Belmont<br>TO: Cul-De-Sac                           | Pavement Overlay (maintenance) | Locality       |         |
| <b>Front Royal (Town of) Total</b> |  | <b>\$130,000</b>    | <b>\$130,000</b>   |   |                                |                |         |

**OUTSIDE AGENCIES  
FY 2014-2015**

| Organization                      | FY 2015<br>Adopted<br>Budget | FY 2015<br>Request |
|-----------------------------------|------------------------------|--------------------|
| NW Works, Inc.                    | \$25,000                     | \$28,000           |
| Access Independence, Inc.         | \$11,000                     | \$12,000           |
| Tourism Program                   | \$100,500                    | \$100,500          |
| Courthouse Museum                 | \$25,000                     | \$25,000           |
| CLEAN, Inc.                       | \$10,000                     | \$15,000           |
| Youth Development Center          | \$22,000                     | \$30,000           |
| Lord Fairfax EMS Council, Inc.    | \$16,000                     | \$18,062           |
| Health Department                 | \$301,000                    | \$387,267          |
| Northwestern Community Services   | \$318,000                    | \$416,029          |
| Shenandoah Area Agency on Aging   | \$60,000                     | \$73,000           |
| The Laurel Center                 | \$6,000                      | \$8,000            |
| Lord Fairfax Community College    | \$56,000                     | \$81,091           |
| Youth Football Program            | \$3,000                      | \$5,000            |
| The Handley Library               | \$800,000                    | \$862,665          |
| Shenandoah Apple Blossom Festival | \$3,800                      | \$5,000            |
| NSV Regional Commission           | \$43,000                     | \$44,085           |
| Lord Fairfax SWCD                 | \$7,000                      | \$11,250           |
| Blue Ridge Legal Services         | \$0                          | \$5,756            |
| Discovery Museum                  | \$0                          | \$25,000           |
| Northern Va. 4-H Center           | \$0                          | \$3,825            |
| Our Health                        | \$0                          | \$25,000           |
|                                   |                              |                    |
| <b>Total</b>                      | <b>\$1,807,300</b>           | <b>\$2,181,530</b> |

-BORROWING RESOLUTION-

A RESOLUTION AUTHORIZING THE COUNTY TREASURER AND COUNTY ADMINISTRATOR TO ESTABLISH AND DRAW UPON A LINE OF CREDIT WITH BB&T BANK IN THE AMOUNT OF \$25 MILLION DOLLARS FOR THE PURPOSE OF RESOLVING CASH FLOW ISSUES.

WHEREAS, the General Assembly has not passed a budget for FY 2015; and

WHEREAS, should the State fail to pass a budget for FY 2015 by July 1, 2014, revenues expected from the State as part of the County's FY 2015 budget may not be forthcoming; and

WHEREAS, due to the schedule for collection of local taxes, the County may experience cash flow issues during the late summer and fall months of FY 2015; and

WHEREAS, the Treasurer and the Board of Supervisors wish to establish a line of credit of \$25 Million Dollars with BB&T Bank to permit the County's normal operation of business during a period of lowered cash flow experienced as a result of the State's failure to pass a budget for FY 2015; and there for it be

RESOLVED by the Frederick County Board of Supervisors this 25<sup>th</sup> day of June, 2014, that the Treasurer and the County Administrator be, and are hereby, authorized to execute all necessary documents to establish a line of credit in the amount of \$25 Million Dollars to be used as necessary to permit the normal operation of County government during periods of low cash flow experienced by the County as a result of the lack of a State budget for FY 2015, and that any amounts borrowed under such line of credit shall be paid by not later than the earlier of (i) thirty days after receipt from the state of the revenues for which funds were borrowed under the line of credit, or (ii) June 30, 2015.



John R. Riley, Jr.  
County Administrator

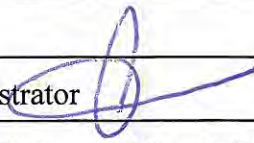
540/665-5666

Fax 540/667-0370

E-mail:

jriley@co.frederick.va.us

**MEMORANDUM**

|                 |   |
|-----------------|---|
| <b>TO:</b>      | Finance Committee   |
| <b>FROM:</b>    | John R. Riley, Jr., County Administrator  |
| <b>SUBJECT:</b> | New Round Hill Fire and Rescue Station and Event Center   |
| <b>DATE:</b>    | June 11, 2014   |

Staff and representatives from RaymondJames Public Finance will be present to discuss the proposed construction of the new Round Hill Fire and Rescue Station and Event Center. This item was initially discussed at the committee's February meeting. At that time, staff updated the committee on the project, proposed costs, and obtaining financing through the Virginia Resources Authority. At the conclusion of that meeting, the committee recommended and the Board approved the submittal of a site plan for this project to the Department of Planning and Development for approval.

Since that time, the project was put out for bid. Bids were received on May 15, 2014 with Caldwell Santmyer, Inc. submitting the low bid of \$6,199,898. The Public Works Committee reviewed the bids and included additional costs for communications and furniture and fixtures. The recommended project budget was \$6,904,000.

Public Works staff has worked with the bidder and developer to finalize costs and scope of work. A detailed cost estimate for bond financing was prepared and is attached for your information. The total project cost is \$7,217,104; however, with reimbursements and deductions, the County's required bond amount for this project would be \$3,869,693.00. This amount is for the construction of the fire station and associated site work only and reflects a reduction in the project cost via the developer's proffer contribution, developer's costs for road construction, and the Round Hill Fire Company's costs for the event center.

For the committee's reference, you will find attached:

- 1) A copy of the detailed site plan with the County's, developer's, and fire company's

responsibilities delineated.

- 2) Memorandum of Understanding Regarding Construction, Ownership, Use, Operations, and Maintenance of the Replacement Round Hill Fire and Rescue Station between the County of Frederick, Virginia, and Round Hill Community Fire and Rescue Company.
- 3) Proposed Ground Lease between Frederick County and the Round Hill Fire Company for the event center site.
- 4) Agreement between Frederick County and Round Hill Fire Company regarding construction cost allocation, County responsibilities, and fire company responsibilities.
- 5) Estimated debt service schedule of project financing options.

The Board of Supervisors has authorized a public hearing on a budget amendment for the project costs. It is staff's intent to seek financing through the Virginia Resources Authority. In speaking with bond counsel and our financial advisor, there are two options that could be pursued relative to this project. The two options to be considered are:

- 1) Submit an application for the County's share of this project in the amount of \$3,869,693.00 for the fire station component and associated site work; or
- 2) Submit an application to fund both the fire station and event center in the amount of \$5,600,541. (All agreements regarding reimbursements, payment schedules, etc. between the County and the fire company would remain in effect.)

Staff is seeking the following recommendations from the Finance Committee:

- 1) Recommendation regarding the request for a Capital Project Fund Supplemental Appropriation.
- 2) Recommendation regarding the authorization pursue the VRA financing and a preferred financing option.

Should you have any questions or require additional information, please do not hesitate to contact me.

JRR/jet

Attachments





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

U:\Rhonda\PWCOMMITTEE\CURYEARCOMREPORTS\5-20-14pwcomrep.doc

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       | \$ 7,627,676.00 |
| 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 |
| KIBE Building Corp.                  | \$ 7,168,093.00 |
| 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           |
|   | <b>Subtotal:</b>                           | <b>\$6,574,898</b> |
|   | Add five (5) percent contingency           | <u>\$328,745</u>   |
|   | <b>Total Project Budget:</b>               | <b>\$6,903,643</b> |
|   | <b>Recommended Budget:</b>                 | <b>\$6,904,000</b> |
|   | <b>Revised:</b>                            | <b>5/22/2014</b>   |

**Round Hill Fire Station  
Estimate for Bond Financing  
June 10, 2014**

1) **Subject:** Determine the amount of bond financing required for the New Round Hill Fire and Rescue Station Project. Included in this calculation will be design costs (actual) and construction costs subdivided between Frederick County, Round Hill Fire Company and Silverlake Developers. Construction costs for the buildings and site development were based on the low bid (\$6,199,898) submitted by Caldwell and Santmyer, Inc. Costs related to design and site development were proportioned between the county and fire company at the percentages of 62 and 38, respectively.

2) **Costs**

**a. Actual Design Cost:** The design teams included Moseley Architects, Greenway Engineering and Ruckman Engineering.

**\$ 386,289**

Frederick County                    \$239,499

Fire Company                         \$146,790

**b. Fire Station:** Three (3) bay fire station with 17,934 square feet owned and operated by Frederick County.

Frederick County                    **\$3,046,799**

**c. Event Center:** Building with 8,432 square feet owned and operated by the Fire Company.

Fire Company                         **\$1,373,464**

**d. Site Development Cost:** Site development cost is subdivided between Frederick County, Fire Company and the developer.

**Total: \$1,779,635**

**Frederick County and Fire Company:**

**\$1,163,072**

A proffer amount of \$1,000,000 was subtracted from the combined site development cost resulting in a total of \$163,072 to be proportionately distributed between Frederick County and the Fire Company. These amounts are \$101,105 and \$61,967 for Frederick County and the Fire Company, respectively.

**Developer:**

**\$616,563**

This amount was the result of negotiations with the developer for their portion of this project delineated on the attached map.

**e. Engineering Support including QA/QC**

This total was based on proposals received from the Moseley Architects, Greenway Engineering and Ruckman Engineering.

**Total: \$145,000**

**Frederick County                    \$89,900**

**Fire Company                         \$55,100**

**f. Communication: Telephone/Cable (Budget Estimate)**

**Frederick County                    \$140,000**

**g. Furniture, Fixtures and Equipment (Budget Estimate)**

**Frederick County                    \$50,000**

**h. Contingency Five (5) percent of Total Construction Cost:**

(0.05) [Building Cost plus Site Development Cost plus Engineering QA/QC plus other costs.]

**Frederick County**

0.05(\$3,046,799 + \$1,163,072(0.62) + \$89,900 + \$140,000 + \$50,000)

0.05(\$4,047,804) = **\$202,390**

**Round Hill Fire Station  
Estimate for Bond Financing  
June 10, 2014**

**Fire Company**

0.05(\$1,373,464 + \$1,163,072(0.38) + \$55,100)

0.05(1,870,531) = \$93,527

**5) Determine Required Bond Amount: Total Project Cost minus Reimbursement Deductions**

**Total Project Cost**

(Design) \$386,289 + (Construction) \$6,199,898 + (Contingency) \$295,917 + (Other) \$335,000

**Total Project Cost = \$7,217,104**

**Reimbursement Deductions**

|  |                                   |           |                  |
|--|-----------------------------------|-----------|------------------|
|  | Proffer:                          | \$        | 1,000,000        |
|  | Developer:                        | \$        | 616,563          |
|  | Fire Company Event Center:        | \$        | 1,373,464        |
|  | Fire Company Design:              | \$        | 146,790          |
|  | Fire Company Engineering Support: | \$        | 55,100           |
|  | Fire Company Contingency:         | \$        | 93,527           |
|  | Fire Company Site Development:    | \$        | 61,967           |
|  | <b>Total Deduction:</b>           | <b>\$</b> | <b>3,347,411</b> |
|  | <b>Required Bond Amount:</b>      | <b>\$</b> | <b>3,869,693</b> |

GREENWAY ENGINEERING, INC.



| DATE      | DESCRIPTION |
|-----------|-------------|
| 1/27/2014 | FINAL PLAN  |
| 1/16/14   | REVISED     |
| 1/16/14   | REVISED     |
| 1/16/14   | REVISED     |
| 1/16/14   | REVISED     |
| 1/16/14   | REVISED     |



ROUND HILL FIRE STATION  
SITE PLAN

GAINESBORO MAGISTRAL DISTRICT  
FREDERICK COUNTY, VIRGINIA

DATE: 1/23/2014

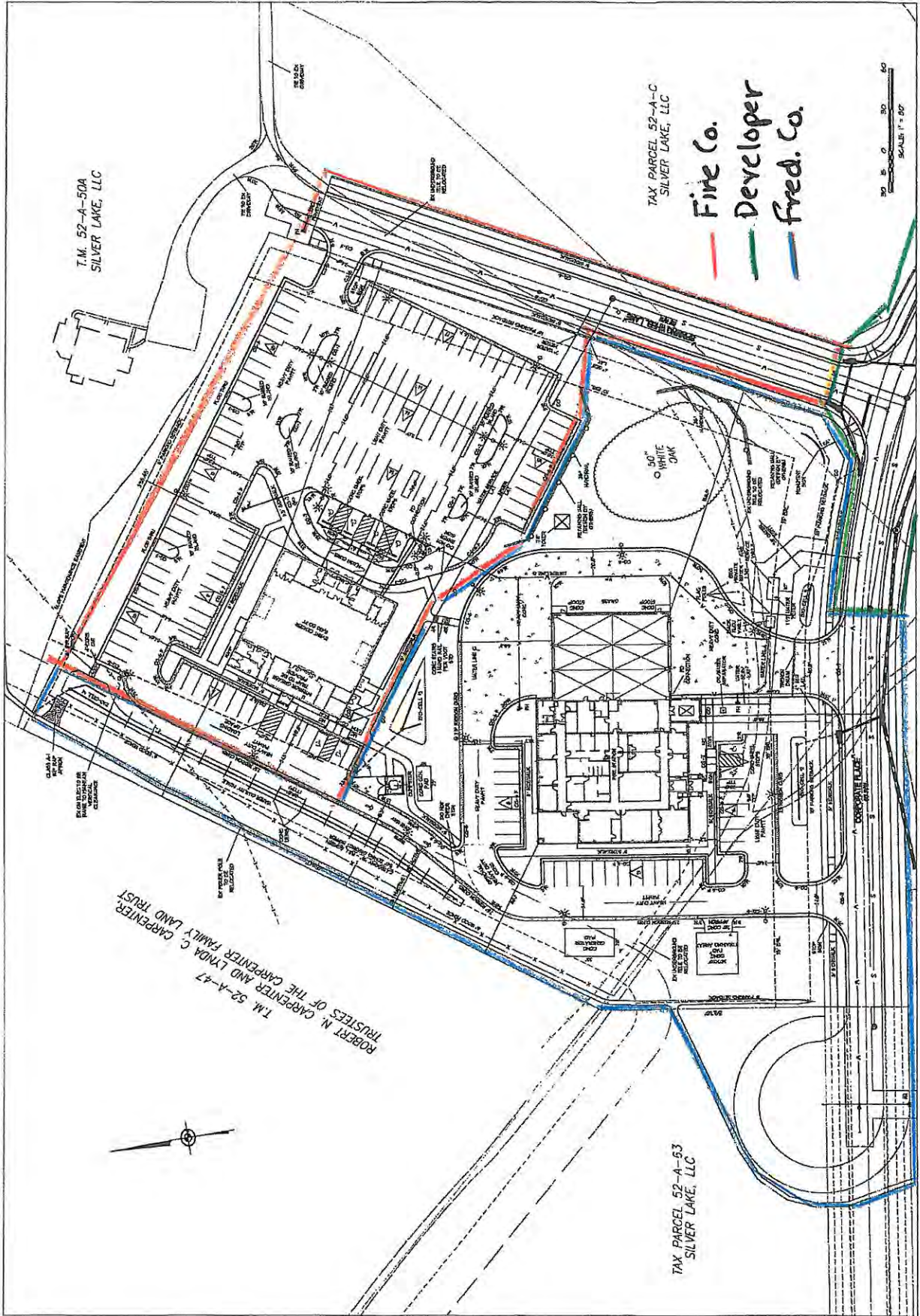
SCALE: 1" = 30'

DESIGNED BY: RNP

FILE NO. 10891

SHEET 11 OF 21

14-01



TAX PARCEL 52-A-C  
SILVER LAKE, LLC

Fire Co.  
Developer  
Fred. Co.

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

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

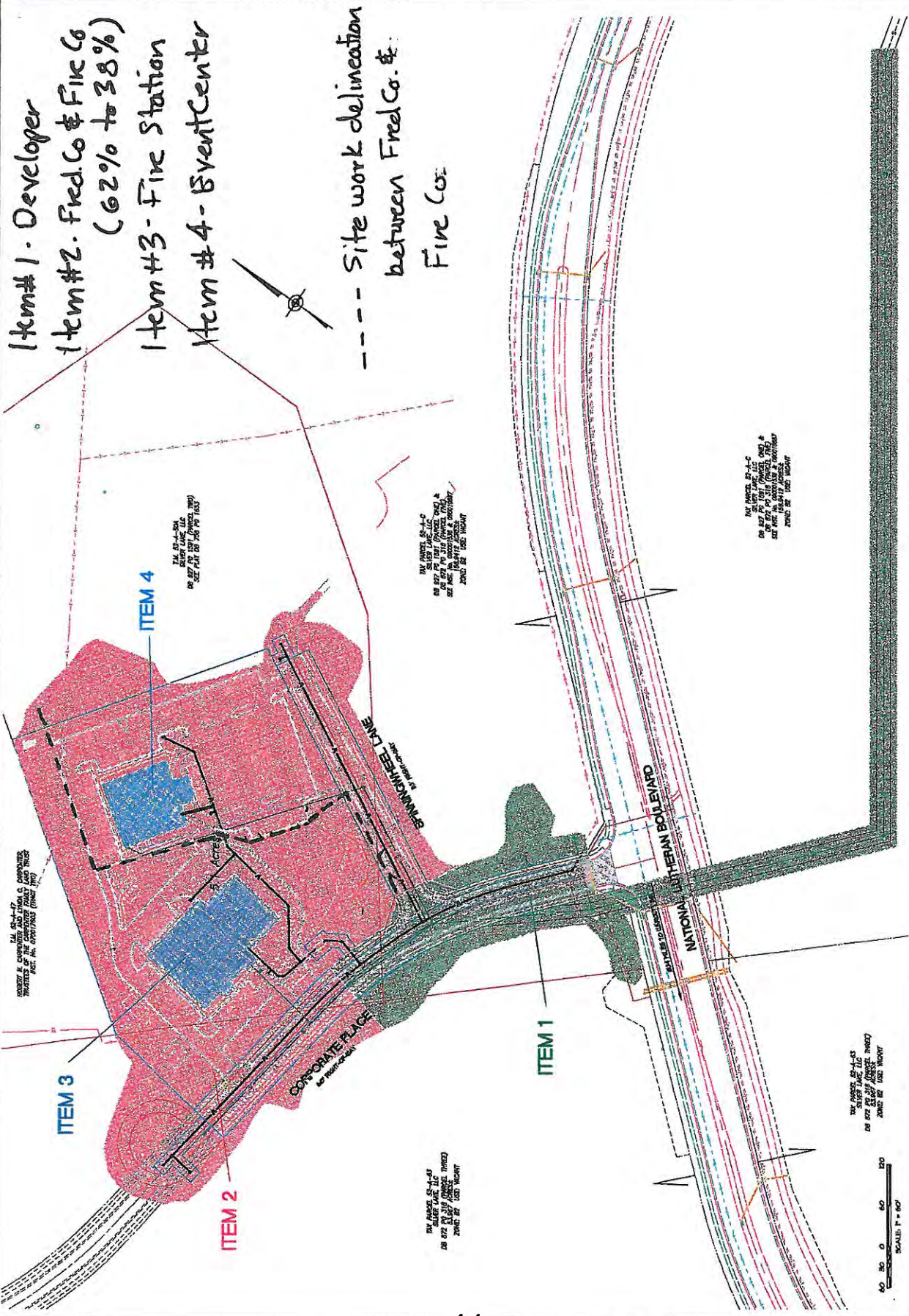
TAX PARCEL 52-A-63  
SILVER LAKE, LLC

|              |                         |
|--------------|-------------------------|
| Project Name | Round Hill Fire Station |
| Project No.  | 151                     |
| Revision     |                         |
| Drawn        |                         |
| Checked      |                         |
| Date         |                         |



**BID DEVELOPMENT EXHIBIT**  
**ROUND HILL FIRE STATION**  
 GAINESBORO MAGISTRAL DISTRICT  
 FREDERICK COUNTY, VIRGINIA

|             |          |
|-------------|----------|
| DATE        | 4/2/2014 |
| SCALE       | 1" = 60' |
| DESIGNED BY | MDP      |
| DATE NO.    | 00007    |
| SHEET       | 8 OF 13  |



- Item #1 - Developer
- Item #2 - Fred. Co. & Fire Co. (62% to 38%)
- Item #3 - Fire Station
- Item #4 - Event Center

--- Site work delineation between Fred Co. & Fire Co.

GEORGE K. CORPUS AND TRINA G. CORPUS, TRUSTEES OF THE COMPLETE TRUST LAND TRUST, LLC, ARE HEREBY NOTICED THAT THE PROPOSED DEVELOPMENT IS SUBJECT TO THE EXISTING ZONING REGULATIONS OF THE COUNTY OF FREDERICK, VIRGINIA.

THE ABOVE IS A DEVELOPMENT EXHIBIT FOR THE PROPOSED DEVELOPMENT OF THE ROUND HILL FIRE STATION, AS SHOWN ON THE ATTACHED PLANS. THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES AND IS NOW READY TO PROCEED WITH CONSTRUCTION OF THE PROJECT.

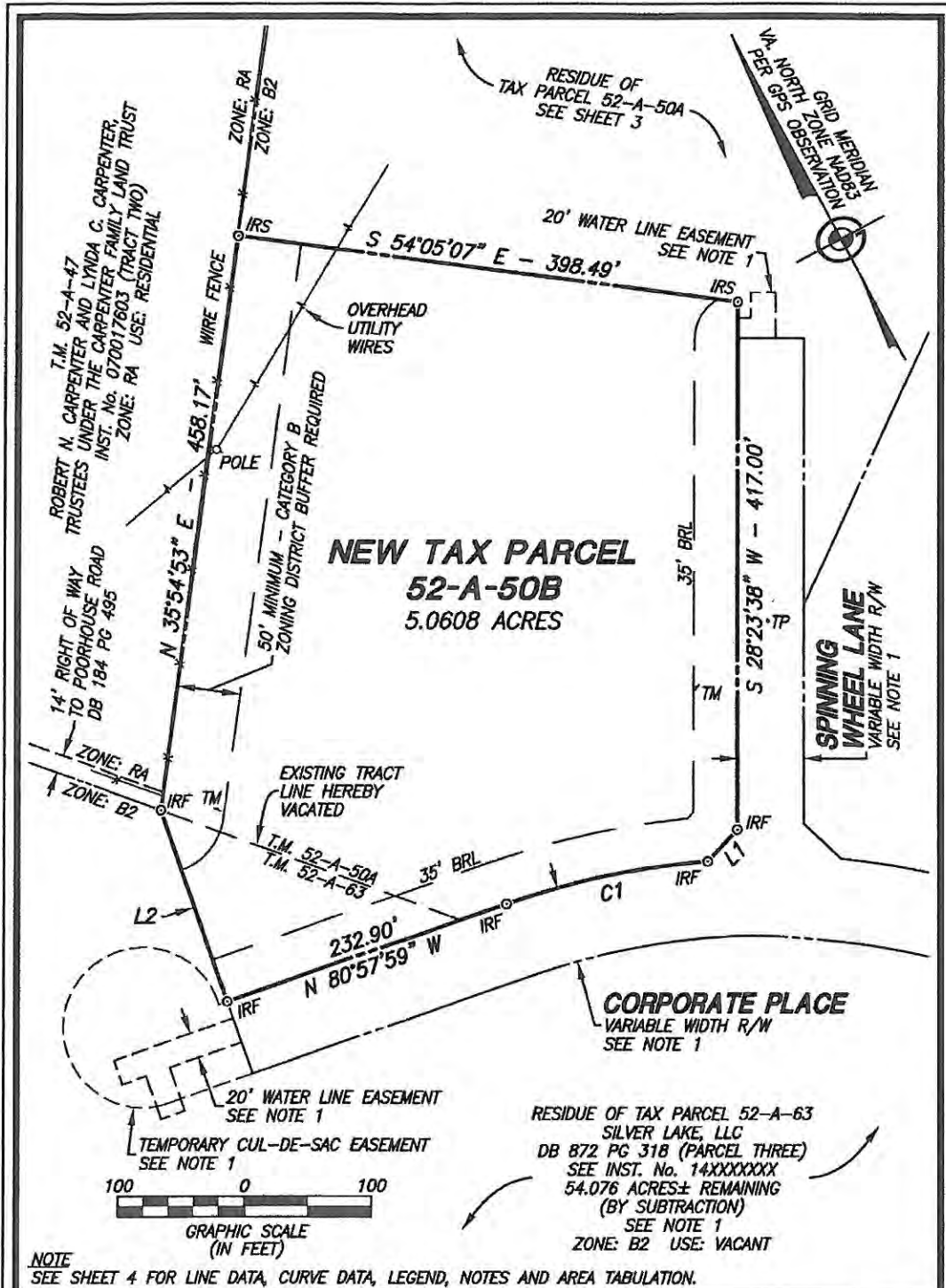
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**FINAL SUBDIVISION PLAT**  
OF A PORTION OF THE LANDS OF  
**SILVER LAKE, LLC**  
GAINESBORO MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA  
SCALE: 1" = 100'      DATE: FEBRUARY 21, 2014

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

Founded in 1971

COMMONWEALTH OF VIRGINIA  
**DRAFT**  
RICHARD A. EDENS  
Lic. No. 2550  
LAND SURVEYOR

4928S SHEET 2 OF 4  
SUB 14-04

**MEMORANDUM OF UNDERSTANDING  
REGARDING CONSTRUCTION, OWNERSHIP,  
USE, OPERATIONS, AND MAINTENANCE  
OF REPLACEMENT ROUND HILL FIRE AND RESCUE STATION**

**BETWEEN THE COUNTY OF FREDERICK, VIRGINIA  
AND ROUND HILL COMMUNITY FIRE AND RESCUE COMPANY**

Dated June \_\_, 2014

**INTRODUCTION**

This Memorandum of Understanding (“MOU”) has been developed as an agreement between the County of Frederick, Virginia (the “County”) and Round Hill Community Fire and Rescue Company (the “Company”) concerning the construction, ownership, use, operations, and maintenance of a replacement Round Hill Fire and Rescue Station (the “Station”), to be located on Corporate Place near its intersection with National Lutheran Boulevard, approximately one-quarter mile north of U.S. Route 50 (Northwestern Pike) in the Gainesboro Magisterial District of Frederick County (the “Site”).

**I. CONSTRUCTION AND PHYSICAL CHARACTERISTICS**

The County presently intends to obtain financing for and cause the construction of the Station on the Site. The Station shall generally consist of approximately 14,000 square feet, with three stacking bays, bunk rooms, showers, kitchen area, conference room, and offices. The Station shall be located on the Site generally in a manner as shown as Item 3 on the Bid Development Exhibit, dated April 8, 2014, a copy of which is attached hereto as Addendum A. Nothing herein shall, however, obligate the County to construct or cause the construction of the Station and this agreement shall have no force and effect until such time as a certificate of occupancy is issued for the Station as described and the County gives the Company notice of such issuance.

**II. OWNERSHIP, OCCUPANCY, AND USE**

The County shall own the Station. After issuance of a certificate of occupancy for the Station and the County notifies the Company that the Station is ready for occupancy, within not more than 30 days after the County’s notification to the Company, the Company shall commence occupancy of the Station and the conduct of its fire and rescue operations from the Station. The Company shall use the Station only for: the conduct of its fire and rescue operations, that is, the storage, housing, and maintenance of fire and rescue equipment and the use of the Station by fire and rescue personnel, including volunteers, in connection therewith; a base for responding to

service calls; for training purposes; and for otherwise directly providing first response services. The County shall permit initial occupancy of the Station by the Company at no cost to the Company (except that the Company shall be responsible for the cost of moving any and all of its equipment into the Station) and shall continue to permit the Company to occupy the Station at no cost to the Company (except as provided herein) as long as the Company shall continue to comply with this MOU.

### III. MAINTENANCE AND UTILITIES

The Company shall be responsible for routine day-to-day maintenance and upkeep of the Station, including such activities as cleaning, minor repairs, mowing, and landscaping.

The County shall be responsible for other maintenance of the Station, including major repairs and painting and as needed replacement of capital items such as building fixtures, building mechanical equipment, and building structural items. The County shall be responsible for the payment of the costs of standard utility services for the Station (electric, gas, water, communications). With respect to communications utilities (telephone, cable, internet), the County may, at its option depending upon practicability, arrange for provision of such utilities in conjunction with the provision of such utilities to other County facilities.

### IV. STAFFING AND EQUIPMENT

Staffing of the Station by the County and the Company for fire and rescue operations shall be governed by separate existing and any to be determined agreements between the County and the Company. The acquisition and ownership of fire and rescue equipment for the Station, other than building fixtures, shall be governed by separate existing and any to be determined agreements between the County and the Company.

### V. EVENT CENTER

The County may, at its option, allow for the construction of an event center on a portion of the Site, which portion of the Site may be legally subdivided from the remainder of the Site. The event center shall be built according to such designs as have been prepared by Moseley Architects and used in the solicitation of bids open May 15, 2014. Arrangements with respect to the construction, ownership, occupancy, use, operations, and maintenance of an event center on a portion of the Site shall be addressed either through an amendment to this MOU or by separate agreement between the County, the Company, and any third party(ies) as may be necessary.

VI. TERMINATION

Either party may terminate this MOU upon six months written notice to the other, provided, however, that the termination of this MOU shall not affect the obligations and/or rights of the parties with respect to each other under any other agreement(s).

VII. ENTIRE AGREEMENT; AMENDMENT

This MOU constitutes the entire agreement of the parties regarding the subject matter hereof and any amendment to the terms of this MOU shall be effective only upon execution of a writing signed on behalf of both parties hereto.

VIII. AUTHORITY OF SIGNATORIES

Each signatory hereto represents and warrants that he is authorized on behalf of his respective party to bind his party to the terms of this MOU.

COUNTY OF FREDERICK, VIRGINIA

ROUND HILL COMMUNITY  
FIRE AND RESCUE COMPANY

By \_\_\_\_\_

By \_\_\_\_\_

Its \_\_\_\_\_

Its \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

## GROUND LEASE

THIS GROUND LEASE ("this Lease" or "the Lease") made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the COUNTY OF FREDERICK, VIRGINIA, a political subdivision of Virginia (the "County" or the "Lessor") and ROUND HILL COMMUNITY FIRE AND RESCUE COMPANY, a Virginia corporation (the "Company" or the "Lessee").

WHEREAS, the County owns certain real property intended for the provision of fire and rescue services within the first due area of the Company and intended to support the Company;

WHEREAS, said real property is sufficient for the placement of a fire and rescue station, to be owned by the County and operated by the Company, to serve the first due area of the Company and for the placement of an event center (the "Event Center") to be owned and operated by the Company;

WHEREAS, the Event Center is an important component of the Company's operations, for purposes of providing the Company with a means of financial support; and

WHEREAS, this Lease is intended to define the terms by which the Company may construct and operate the Event Center on said real property.

NOW, THEREFORE, in consideration of the foregoing recitals, of mutual promises of Lessor and Lessee, and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee agree as follows:

1. **DEMISE OF PREMISES:** The Lessor, in consideration of the rents reserved and the terms and conditions of this Lease, does hereby demise and lease unto Lessee, and Lessee does hereby take and hire from Lessor, the property (referred to in this Lease as the "Leased Premises") described in the attached exhibit PREMISES.

2. **TERM OF LEASE:** The term of this Lease shall be 99 years, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and terminating on the \_\_\_\_\_ day of \_\_\_\_\_, 2112, unless terminated sooner as provided herein.

3. **USE OF LEASED PREMISES**

- a. **FOR LESSEE'S CORPORATE PURPOSES:** Lessee shall use the Leased Premises and improvements thereon only for purposes of ownership and operation of the Event Center, said function being consistent with Lessee's organizational purposes.
- b. **RESPONSIBLE USE AND COMPLIANCE WITH LAW:** Lessee shall use the Leased Premises in a manner so as not to cause actual harm to others or create any nuisances, public or private; and shall dispose of any and all waste

in a safe and sanitary manner. Lessee shall maintain the Leased Premises and improvements thereon in good, safe, and habitable condition in all respects, except for normal wear and tear, in full compliance with all applicable laws and regulations, and in such condition as is required to maintain the insurance coverage required by Section 7(d) of this Lease.

- c. **RESPONSIBLE FOR OTHERS:** Lessee shall be responsible for the use of the Leased Premises by all of its members and invited guests and anyone else using the Leased Premises with Lessee's consent and shall make all such people aware of the spirit, intent and appropriate terms of this Lease.
- d. **INSPECTION:** Lessor may inspect any portion of the Leased Premises including the interior(s) of Lessee's improvements thereon, at reasonable times and manners and upon reasonable notice to Lessee. In the event of emergency, Lessor may inspect any portion of the Leased Premises including the interior(s) of Lessee's improvements thereon without notice provided the Lessor shall have made reasonable efforts to give advance notice to Lessee. This right of inspection shall not, under any circumstances, be deemed a duty of the Lessor to inspect.
- e. **LESSEE'S RIGHT TO PEACEFUL ENJOYMENT:** Lessee has the right to undisturbed enjoyment of the Leased Premises.

4. **GROUND LEASE RENT:** In consideration of the possession, continued use, and occupancy of the Leased Premises, Lessee shall pay to Lessor annual ground lease rent of one dollar (\$1.00), commencing upon execution of this Lease and thereafter each year on the anniversary of the commencement of this Lease. In the event that the Leased Premises and/or any of Lessee's Improvements should become subject to any property taxes, payment of such taxes shall be the responsibility of Lessee. Lessee shall be responsible for the cost of all utility services provided to the Leased Premises.

#### 5. IMPROVEMENTS

- a. **OWNERSHIP:** All buildings, structures, fixtures, modular units, and other improvements purchased by the Lessee or constructed or placed by the Lessee on any part of the Leased Premises at any time during the term of this Lease (the "Improvements") shall be property of the Lessee. Title to such Improvements shall be and remain vested in the Lessee during the term of this Lease.
- b. **CONSTRUCTION AND ALTERATION:** Any construction in connection with an existing or new Improvement is subject to the following conditions: (a) all costs shall be borne and paid for by the Lessee; (b) all construction

shall be performed in a workerlike manner and shall comply with all applicable laws and regulations; (c) all construction shall be consistent with the permitted uses set forth in Article 3; and (d) Lessee shall furnish to Lessor a copy of any plans and all building permits for such construction prior to commencing construction.

- c. PROHIBITION OF LIENS: No lien of any type shall attach to the Lessor's title or interest in the Leased Premises or to any other property owned by the Lessor. Lessee shall not permit any statutory or similar lien to be filed against the Leased Premises, the Improvements, or any interest of Lessor or Lessee, that remains more than sixty (60) days after it has been filed. Lessee shall cause any such lien to be discharged of record by payment, deposit, bond, order of a court of competent jurisdiction, or as otherwise permitted by law. If Lessee fails to cause such lien to be discharged within the 60-day period, then, in addition to any other right or remedy, Lessor may, but shall not be obligated to, discharge the lien by paying the amount in question. Lessee may, at Lessee's expense, contest the validity of any such asserted lien, provided Lessee has furnished a bond in an amount sufficient to release the Leased Premises from such lien. Any amounts paid by Lessor to discharge such liens shall be deemed to be additional Ground Lease Rent payable by Lessee upon demand.
- d. MAINTENANCE AND SERVICES: Lessee shall, at Lessee's sole expense, maintain the Leased Premises and all Improvements as required by Section 3(b) above. Lessor shall not be required to furnish any services or utilities, or to make any repairs to the Leased Premises or Improvements, and Lessee hereby assumes the sole responsibility for furnishing all services or utilities.
- e. DISPOSITION OF IMPROVEMENTS UPON EXPIRATION OF LEASE TERM: Upon the expiration of the term of this Lease or its earlier termination pursuant to the terms of this Lease, Lessee shall surrender the Improvements together with the Leased Premises to the Lessor. Ownership of the Improvements shall thereupon revert to Lessor.

6. FINANCING: Lessee may mortgage the Improvements only with the written consent of Lessor. Not less than thirty (30) days prior to the date on which Lessee requests Lessor's consent to a mortgage to be effective, Lessee shall furnish to Lessor copies of every document to be executed in connection with the transaction represented by such mortgage. Lessor may choose to consent to any mortgage, and in so doing shall designate such mortgage as a "Permitted Mortgage." Any mortgage of the Improvements shall be subject to this Lease, which shall constitute a covenant running with the land.

7. LIABILITY, INSURANCE, DAMAGE AND DESTRUCTION, EMINENT DOMAIN

- a. LESSEE'S LIABILITY: Lessee assumes sole responsibility and liability to all persons and authorities related to its possession, occupancy, and use of the Leased Premises.
- b. INDEMNIFICATION OF LESSOR: Lessee shall defend, indemnify, and hold Lessor harmless against all liability and claims of liability for injury or damage to person or property from any cause on or about the Leased Premises, including all reasonable costs, fees and expenses (including, without limitation, reasonable attorneys' fees) incurred by Lessor related to such liability or claims of liability. Lessee waives all claims against Lessor for such injury or damage. However, Lessor shall remain liable (and Lessee shall not indemnify and defend Lessor against such liability) for injury or damage due to the grossly negligent or intentional acts or omissions of Lessor or Lessor's agents or employees.
- c. PAYMENT BY LESSOR: In the event the Lessor shall be required to pay any sum that is the Lessee's responsibility or liability, the Lessee shall reimburse the Lessor for such payment and for reasonable expenses caused thereby.
- d. INSURANCE: Lessee shall, at Lessee's sole expense, keep all Improvements continuously insured against loss or damage and extended coverage hazards for the full replacement value of such Improvements. Lessee shall, at Lessee's sole expense, maintain continuously in effect liability insurance covering the Leased Premises and Improvements in the amounts of not less than \_\_\_\_\_ dollars (\$\_\_\_\_\_) for injury to or death of any one person; and \_\_\_\_\_ dollars (\$\_\_\_\_\_) for injury to or death of any number of persons in one occurrence; and \_\_\_\_\_ dollars (\$\_\_\_\_\_) for property damage. The dollar amounts of this coverage shall be adjusted at two-year intervals, beginning on the date this Lease is signed, or upon Lessor's demand given not more often than annually, upon 30 days' notice to Lessee. This adjustment shall be equal to the percentage of change (positive or negative), over the period in question, of the Consumer Price Index for urban wage earners and clerical workers for the urban area in which the Leased Premises are located, or, if none, for urban areas the size of Winchester or such other index as reasonably measures adjustments in coverage amounts for the applicable type of insurance. Such index is maintained by the Office of Prices and Living Conditions of the Bureau of Labor Statistics of the U.S. Department of Labor. Such insurance shall specifically insure Lessee against



all liability assumed under this Lease, as well as all liability imposed by law, and shall also insure Lessor as an additional insured so as to create the same liability on the part of insurer as though separate policies had been written for Lessor and Lessee. Lessee shall provide Lessor with copies of all policies and renewals of policies. All policies shall also contain endorsements providing that they shall not be cancelled, reduced in amount or coverage or otherwise modified by the insurance carrier involved without at least thirty (30) days' prior written notice to Lessor. Lessor shall be entitled to participate in the settlement or adjustment of any losses covered by such policies of insurance.

- e. **DAMAGE OR DESTRUCTION:** Except as provided below, in the event of fire or other damage to the Improvements, Lessee shall take all steps necessary to ensure the repair of such damage and the restoration of the Improvements to their condition immediately prior to the damage. All such repairs and restoration shall be completed as promptly as possible. Lessee shall also promptly take all steps necessary to ensure that the Leased Premises are safe and that the damaged Improvements do not constitute a danger to persons or property. If Lessee, using reasonable judgment and relying on professional estimates, determines either (a) that full repair and restoration is physically impossible, or (b) that the available insurance proceeds will pay for less than eighty percent (80%) of the cost of repair and restoration (provided Lessee has fulfilled all the hazard insurance requirements set forth in Section 7(d) above), then Lessee may terminate this Lease by written notice to Lessor given not later than sixty (60) days after the event that caused the damage. However, such termination shall not be effective until forty-five (45) days after the date upon which the notice is received by Lessor. During this 45-day period Lessor may seek an adjustment from the insurer so as to increase the available insurance proceeds to an amount covering at least 80 percent of the cost of repair and restoration. If successful in securing such adjustment, Lessor may render Lessee's termination notice null and void by written notice to Lessee within such 45-day period.
- f. **EMINENT DOMAIN AND PUBLIC DEDICATION:** In the event of a taking of the Leased Premises, either in its entirety or to such extent that the Improvements are lost or damaged beyond repair, by reason of eminent domain or other action of public authority prior to the expiration of this Lease, the Lease shall terminate as of the date Lessee is required to give up possession of the Leased Premises or Improvements. The amount of any award(s) paid, regardless of whether the taking is of the entirety of the Leased Premises or to such extent that the Improvements are lost or damaged beyond repair, shall be allocated between Lessor and Lessee according to the portions

of the Improvements and of the Leased Premises other than the Improvements taken.

8. **SALE OR TRANSFER OF IMPROVEMENTS:** In the event that Lessee wishes to sell or transfer the Improvements, including through a sale or transfer of substantially all of Lessee's assets, then Lessee shall notify Lessor, in writing, of such wish and the intended sale price ("the Intent to Sell Notice") and the Lessor shall have the option, within 30 days after receipt of the Intent to Sell Notice, to purchase the Improvements for the same price as stated in the Intent to Sell Notice (if the intended transaction is a transfer without consideration, then Lessor shall have the right to opt for a transfer to it without consideration). If the Lessor does not so purchase or accept the Improvements within such period, then the Lessee may sell or transfer the Improvements to a third party with 60 day after Lessor's receipt of the Intent to Sell Notice for a sale price in an amount not less than that stated in the Intent to Sell Notice. Any party purchasing the Improvements or to whom the Improvements are transferred shall do so subject to the terms and conditions of this Lease, which shall constitute a covenant running with the land.

9. **ASSIGNMENT AND SUBLEASE:** Except as otherwise provided herein, Lessee shall not assign, sublease, sell, or otherwise convey any of Lessee's rights under this Lease without the prior written consent of the Lessor. Lessee agrees that Lessor shall have broad and full discretion to withhold such consent in order to further the mutual purposes and goals set forth in this Lease. If permission is granted, any assignment or sublease shall be subject to the terms and conditions of this Lease. In the case of a sublease, the rental or occupancy fee charged the sublessee shall not be more than that amount charged the Lessee by the Lessor, plus an amount approved by Lessor to cover costs to Lessee for the Improvements.

10. **DEFAULT:** It shall be an event of default if Lessee fails to abide by any other material term or condition in this Lease, and such failure is not cured by Lessee or a Permitted Mortgagee within sixty (60) days after notice of such failure is given by Lessor to Lessee and Permitted Mortgagee. However, in the case where the Lessee or Permitted Mortgagee has commenced to cure such default within such 60-day period and is continuing such cure with all due diligence but cannot by the exercise of due diligence cure such default within such period, such period shall be extended for such additional period as may be reasonably required under the circumstances to complete such cure. In the case of any of the events of default described above, Lessor may terminate this Lease. Upon termination of this Lease, Lessor may enter any part of the Leased Premises and repossess the entire Leased Premises, and expel Lessee and those claiming rights through Lessee and remove their effects without being guilty of any manner of trespass, and without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenant. If this Lease is terminated by Lessor, or if Lessor reenters the Leased Premises pursuant to an Event of Default, the Lessee agrees to pay and be liable for any unpaid Ground Lease Fee, damages which may be due or sustained prior to or in connection with such termination or reentry, and all reasonable costs, fees and expenses (including, without

limitation, reasonable attorneys' fees) incurred by Lessor in pursuit of its remedies under this Lease.

11. **RECORDING:** The parties agree that either of them may record this Lease or a Notice or Memorandum of Lease among the land records maintained in the Office of the Clerk of the Circuit Court of Frederick County, Virginia.

12. **NOTICES:** Whenever this Lease requires either party to give notice to the other, the notice shall be given in writing and delivered in person or mailed, by certified mail, return receipt requested, to the party at the address set forth below, or such other address designated by like written notice:

If to Lessor: County Administrator  
County of Frederick  
107 North Kent Street  
Winchester, VA 22601

If to Lessee: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. **WAIVER:** The waiver by Lessor at any given time of any term or condition of this Lease, or the failure of Lessor to take action with respect to any breach of any such term or condition, shall not be deemed to be a waiver of such term or condition with regard to any subsequent breach of such term or condition, or of any other term or condition of the Lease. Lessor may grant waivers in the terms of this Lease, but such waivers must be in writing and signed by Lessor before being effective and any such document shall expressly state that it is executed pursuant to the provisions contained in this Lease, and is not intended to vary the terms and conditions of this Lease.

14. **SEVERABILITY:** If any part of this Lease is unenforceable or invalid, such material shall be read out of this Lease and shall not affect the validity of any other part of this Lease or give rise to any cause of action of Lessee or Lessor against the other, and the remainder of this Lease shall be valid and enforced to the fullest extent permitted by law.

15. **MERGER; AMENDMENT:** This Lease sets forth the entire agreement between Lessor and Lessee with respect to the matters contained herein and supersedes all prior understandings, whether oral or written. This Lease may be altered or amended only by written agreement executed by Lessor and Lessee

16. **VENUE; GOVERNING LAW:** This Lease shall be interpreted in accordance with and governed by the laws of the Commonwealth of Virginia. Any dispute arising in

connection with this Lease shall be heard only in the federal or state courts of Frederick County, Virginia.

IN WITNESS WHEREOF, the parties have executed this lease on the day and year first above written.

LESSOR:

COUNTY OF FREDERICK, VIRGINIA

By \_\_\_\_\_

Its \_\_\_\_\_

LESSEE:

ROUND HILL COMMUNITY FIRE AND RESCUE COMPANY

By \_\_\_\_\_

Its \_\_\_\_\_

## AGREEMENT

THIS AGREEMENT, made and dated this \_\_\_\_\_ day of June, 2014, is made by and between the **COUNTY OF FREDERICK, VIRGINIA** (the “**County**”), a political subdivision of Virginia, and **ROUND HILL COMMUNITY FIRE AND RESCUE COMPANY** (the “**Company**”), a Virginia corporation.

### RECITALS:

- A. The Company provides fire and rescue services in the general vicinity of its current location at 769 Round Hill Road. The Company provides such services through volunteer personnel and the ownership of various apparatus.
- B. The County relies upon the Company to provide fire and rescue services and, in advancement of the Company’s provision of fire and rescue services, the County provides certain career staffing and financial support to the Company.
- C. The Company relies upon the career staffing and financial support it receives from the County and it also relies upon revenue it receives from activities it conducts at and from the use of the event center located at its current station location.
- D. The improvements (in particular, the fire station and event center) at the Company’s current location at 769 Round Hill Road are generally in excess of 50 years old and are in need of replacement.
- E. The County is the owner of the following lot(s) or parcel(s) of land (collectively, the “**Round Hill Property**”), located in the Gainesboro District of Frederick County, Virginia:
- i. That certain lot or parcel of land containing \_\_\_ acres, more or less, situated along Corporate Place (to be constructed), west of National Lutheran Boulevard, and more particularly described in the plat recorded with Instrument Number 13 \_\_\_\_\_ among the records of the Clerk of the Circuit Court of Frederick County, Virginia, Tax Parcel Number 52-\_\_.
  - ii. That certain lot or parcel of land containing \_\_\_ acres, more or less, situated along Corporate Place (to be constructed), west of National Lutheran Boulevard, and more particularly described in the plat recorded with Instrument Number 13 \_\_\_\_\_ among the records of the Clerk of the Circuit Court of Frederick County, Virginia, Tax Parcel Number 52-\_\_.
- F. The parties desire to arrange herein for the construction of the following (collectively, the “**Project**”):

- i. A certain street, designated as Corporate Place, said street extending westward from National Lutheran Boulevard for a distance of approximately 350 feet, more or less (“**Corporate Place**”).
- ii. A certain street, designated as Spinning Wheel Lane, said street extending northward from Corporate Place for a distance of approximately 50 feet, more or less (“**Spinning Wheel Lane**”).
- iii. Extension of all customary utilities to the Round Hill Property (the “**Utilities**”).
- iv. Site work and parking lots for the Round Hill Property (“**Site Work/Parking**”).
- v. A fire and rescue station, located on the Round Hill Property, to serve as a replacement for the Company’s existing fire and rescue station at 769 Round Hill Road (the “**Fire Station**”).
- vi. An event center, located on the Round Hill Property, to serve as a replacement for the Company’s existing event center at 769 Round Hill Road (the “**Event Center**”).

G. The County has issued an Invitation for Bids for the Project (the “**IFB**”) and received a qualifying low bid in response to the IFB.

H. The scope of the Project is generally shown on that certain exhibit titled “Bid Development Exhibit Round Hill Fire Station”, dated April 8, 2014, and prepared by Greenway Engineering, a copy of which is attached hereto marked Exhibit A and incorporated herein by reference as if set out in full. Corporate Place, Spinning Wheel Lane, Utilities, and Site Work/Parking are identified collectively as Items 1 and 2 on Exhibit A and in the response to the IFB, the Fire Station is identified as Item 3 on Exhibit A and in the response to the IFB, and the Event Center is identified as Item 4 on Exhibit A and in the response to the IFB.

I. The parties desire to finance the Project using funds that the County, the Company, and Silver Lake, LLC (the original developer of the Round Hill Property) will provide, this Agreement being intended to govern the provision of funds by the Company for the Project (the “**Company Project Funds**”). The funds to be provided by Silver Lake, LLC will be \$616,563, representing a portion of the cost of Item 1 in Recital H.

**NOW, THEREFORE, WITNESSETH:** That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid by each of the parties unto the other, the receipt and sufficiency of which is hereby acknowledged, the parties do agree as follows:

1. **RECITALS:** The Recitals are made a material part hereof and incorporated herein by reference as if set out in full.

2. **THE PROJECT:** The Company Project Funds shall be applied and expended in order to construct the Event Center and to cover a portion of the cost of Corporate Place, Spinning Wheel Lane, the Utilities, and Site Work/Parking.

3. **COUNTY RESPONSIBILITIES:**

a. The County shall act as fiscal agent and project manager for the Project. The County's responsibilities as fiscal agent and project manager shall include management and oversight of all roadway design, approvals and permitting, construction management, and reviewing and approving Project invoices.

b. The County shall give notice to the Company of the intended commencement of the Project not less than fifteen (15) days beforehand.

c. As project manager, the County shall supervise the Project, which shall be constructed in a good and workmanlike fashion and, as to roadways, in accordance with all applicable Virginia Department of Transportation ("VDOT") and local standards.

d. The County shall give written notice to the Company of any unforeseen engineering, environmental, and/or construction issues that are encountered during the Project within forty-eight (48) hours of discovery of such issues. Thereafter, the County shall promptly provide written notice to the Company of the intended remediation measures (the "**Remediation Work**") and the costs thereof prior to the commencement of the Remediation Work. Such notice shall set forth the date upon which the Remediation Work shall commence, which date shall be not less than five (5) days after the date that the County gives such notice to the Company. Following approval of the Remediation Work by the Company, or in the event that the Company fails to object to the Remediation Work within the five (5) day period referenced above, the Company shall provide payment of the costs of the Remediation Work pursuant to the provisions of Section 4(e) of this Agreement. In the event the Company objects to the Remediation Work during the five (5) day period referenced above, then the County and the Company shall submit such dispute to Greenway Engineering, whose decision shall be final and binding upon the County and the Company and the Company shall then pay, pursuant to the provisions of Section 4(e) of this Agreement, such amounts as are so determined.

4. **COMPANY RESPONSIBILITIES:**

a. The Company shall provide to the County funds as follows:

i. in an amount equal to that portion of the bid designated, by the bidder selected by County in response to the IFB, as being for the entirety of

the Event Center (referenced as Item 4 in Recital H), said amount being \$1,373,464, and

- ii. thirty-eight percent (38%) of the remainder, after deduction of the \$616,563 being paid by Silver Lake, LLC, of that portion of the bid designated, by the bidder selected by County in response to the IFB, as being for Corporate Place, Spinning Wheel Lane, Utilities, and Site Work/Parking (collectively referenced as Items 1 and 2 in Recital H), 38% of said remainder amount being \$441,967.

b. The Company shall provide to the County such funds as are necessary for all quality assurance and quality control work in connection with the Project. Said amounts are in addition to those set forth in Section 4(a) of this Agreement.

c. The Company shall provide to the County such funds as are owed for Remediation Work pursuant to the provisions of Section 3(d) of this Agreement. Said amounts, if any, are in addition to those set forth in Section 4(a) of this Agreement.

d. The Company shall provide to the County funds to cover any change orders that may become necessary.

e. The Company shall provide to the County the funds identified in a, b, c, and d of this section within 30 days following billing to the Company by the County based upon contractor invoices received by the County for the respective portions of the Project.

5. **CONSTRUCTION DEADLINES**

a. The County agrees that the Project shall commence within ninety (90) days after, and only after, final funding approval by the County Board of Supervisors.

b. The County agrees that the Project shall achieve substantial completion within 365 days after the date of the County's notice to proceed to the contractor for the Project.

6. **NOTICES:** All notices, demands, or other communications that may be necessary or proper hereunder shall be deemed duly given if personally delivered, or when deposited in the United States mail, postage prepaid, first class, registered or certified, return receipt requested, addressed respectively as follows, or to such other address designated by notice given pursuant hereto:

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



with a copy to: Roderick B. Williams, Esq.  
County Attorney  
107 North Kent Street  
Winchester, VA 22601

Company: —  
—  
—

with a copy to: ?

7. **ENTIRE AGREEMENT; AMENDMENTS.**

a. This Agreement constitutes the entire agreement of the parties and supersedes any prior understandings, whether oral or written, of the parties regarding the subject matter of this Agreement and no amendment of this Agreement shall be effective unless made in a writing signed by the parties.

b. This Agreement shall be binding upon and the obligations and benefits shall accrue to the parties hereto and their successors and assigns.

8. **GOVERNING LAW; VENUE:** This Agreement shall be governed by and interpreted according to the laws of the Commonwealth of Virginia and any dispute hereunder shall be heard only in the Circuit Court of Frederick County, Virginia.

WITNESS the following signatures:

COUNTY OF FREDERICK, VIRGINIA

By \_\_\_\_\_

ROUND HILL COMMUNITY FIRE  
AND RESCUE COMPANY

By \_\_\_\_\_

**Frederick County**  
**Fire Station & Community Center Project - Spring 2014 VRA Tax-Exempt Issue**  
**Rates as of May 15, 2014**

|  | <b>22 Years</b>    | <b>County Portion</b> | <b>Fire Station Portion</b> |
|--|--------------------|-----------------------|-----------------------------|
| Amortization                                   |                    |                       |                             |
| Project Proceeds                               | \$7,217,104        | \$5,486,256           | \$1,730,848                 |
| Amount Proffered                               | -\$1,000,000       | -\$1,000,000          | \$0                         |
| Developer Reimbursement                        | -\$616,563         | -\$616,563            | \$0                         |
| Cost of Issuance                               | \$115,344          | \$85,173              | \$30,171                    |
| Capital Reserve Fund (Subordinate Series only) | \$26,720           | \$18,400              | \$8,320                     |
| Underwriter's Discount                         | \$21,540           | \$14,900              | \$6,640                     |
| VRA Up front fee                               | \$6,731            | \$4,656               | \$2,075                     |
| Premium Paid by Investors                      | -\$385,876         | -\$267,822            | -\$118,054                  |
| <b>Par Amount Borrowed</b>                     | <b>\$5,385,000</b> | <b>\$3,725,000</b>    | <b>\$1,660,000</b>          |
| <b>Total Interest Cost</b>                     | <b>3.12%</b>       | <b>3.12%</b>          | <b>3.12%</b>                |

|                                    | <b>Debt Service (Includes Ongoing VRA Fee)</b> | <b>County Portion of Debt Service (Includes Ongoing VRA Fee)</b> | <b>Fire Station Portion of Debt Service (Includes Ongoing VRA Fee)</b> |
|------------------------------------|--|--|--|
| <b>Fiscal Year</b>                 |  |  |  |
| 6/30/2015                          | \$152,418                                      | \$105,511  | \$46,907   |
| 6/30/2016                          | \$214,338                                      | \$148,375  | \$65,963   |
| 6/30/2017                          | \$395,522                                      | \$270,797  | \$124,725  |
| 6/30/2018                          | \$392,138                                      | \$270,088  | \$122,050  |
| 6/30/2019                          | \$387,872                                      | \$268,697  | \$119,175  |
| 6/30/2020                          | \$390,347                                      | \$268,500  | \$121,847  |
| 6/30/2021                          | \$388,188                                      | \$268,572  | \$119,616  |
| 6/30/2022                          | \$390,069                                      | \$272,909  | \$117,159  |
| 6/30/2023                          | \$390,738                                      | \$271,388  | \$119,350  |
| 6/30/2024                          | \$385,347                                      | \$264,238  | \$121,109  |
| 6/30/2025                          | \$389,494                                      | \$271,728  | \$117,766  |
| 6/30/2026                          | \$387,225                                      | \$268,181  | \$119,044  |
| 6/30/2027                          | \$384,469                                      | \$269,275  | \$115,194  |
| 6/30/2028                          | \$381,650                                      | \$265,309  | \$116,341  |
| 6/30/2029                          | \$385,716                                      | \$262,788  | \$122,928  |
| 6/30/2030                          | \$386,281                                      | \$266,341  | \$119,941  |
| 6/30/2031                          | \$381,225                                      | \$264,391  | \$116,834  |
| 6/30/2032                          | \$385,228                                      | \$266,772  | \$118,456  |
| 6/30/2033                          | \$378,256                                      | \$263,456  | \$114,800  |
| 6/30/2034                          | \$390,309                                      | \$269,478  | \$120,831  |
| 6/30/2035                          | \$381,731                                      | \$265,075  | \$116,656  |
| 6/30/2036                          | \$382,447                                      | \$265,163  | \$117,284  |
| <b>Total Debt Service</b>          | <b>\$8,101,006</b>                             | <b>\$5,607,030</b>   | <b>\$2,493,976</b>   |
| Total Principal Paid               | \$5,385,000                                    | \$3,725,000  | \$1,660,000  |
| Total Interest Paid                | \$2,628,722                                    | \$1,821,585  | \$807,137  |
| Total VRA Administrative Fees Paid | \$87,284                                       | \$60,446   | \$26,838   |
| <b>Total Debt Service</b>          | <b>\$8,101,006</b>                             | <b>\$5,607,030</b>   | <b>\$2,493,976</b>   |

## **Replacement Round Hill Fire Station & Event Center Debt Service Assumptions**

The following assumptions were used to generate the attached debt service schedule for the replacement Round Hill Fire Station & Event Center:

1. The interest rates are as of May 15, 2014, the last VRA sale date results. The VRA is to update our rates next Tuesday so we will have that for our meeting on Wednesday morning but we need to provide the VRA the basis financing costs.
2. We have assumed that all of the funds would be drawn at closing and no interest income would be earned. once we have a better idea of your construction draws we can “fine tune” this number. However, with current reinvestment rates so low this project will not generate a significant amount of interest earnings on unexpended project funds;
3. We have assumed that the County has received the \$1,000,000 proffer and will use these funds totally for its share of the Project. In addition, we have assumed the County is comfortable that the developer will be able to reimburse the county for its cost without impacting the Project funds so not interim financing is needed for this cost. again all of these costs are to benefit the county;
4. We have assumed the first interest payment from the county and the Volunteers will be October 1, 2014 and then every six month. the first principal payment will be due October 1, 2016 or about one year after construction is completed. Principal will be due annually and will be amortized over a 20 year period from the date of the first principal payment on October 1, 2016.; and
5. All cost of issuance were taken from the last VRA issuance worksheet which will change when they provide us new numbers. in addition to the VRA costs we have included \$60,000 for local costs for bond counsel and Financial Advisory costs.

| DATE      | DEPARTMENT/GENERAL FUND            | REASON FOR TRANSFER                        | FROM | TO   | ACCT | CODE | AMOUNT      |
|-----------|------------------------------------|--|------|------|------|------|-------------|
| 5/12/2014 | HUMAN RESOURCES                    | EOM-MAY                                    | 1203 | 3002 | 000  | 000  | (200.00)    |
|           | HUMAN RESOURCES                    |  | 1203 | 1007 | 000  | 003  | 200.00      |
| 5/12/2014 | TREASURER                          | ADVERTISING FOR TAX SALES                  | 1213 | 3002 | 000  | 002  | (3,000.00)  |
|           | TREASURER                          |  | 1213 | 3007 | 000  | 000  | 3,000.00    |
| 5/12/2014 | ANIMAL SHELTER                     | SUPPLEMENT REMAINDER OF YEAR               | 4305 | 5102 | 000  | 000  | (2,000.00)  |
|           | ANIMAL SHELTER                     |  | 4305 | 3004 | 000  | 002  | 2,000.00    |
| 5/12/2014 | FIRE AND RESCUE                    | TO COVER LINE ITEM                         | 3505 | 3006 | 000  | 000  | (620.00)    |
|           | FIRE AND RESCUE                    |  | 3505 | 3005 | 000  | 000  | 620.00      |
| 5/13/2014 | SHERIFF                            | COST OF TRANSPORTING GOVT.SURPLUS VEHICLE  | 3102 | 3004 | 000  | 002  | (7,400.00)  |
|           | SHERIFF                            |  | 3102 | 3002 | 000  | 000  | 7,400.00    |
| 5/13/2014 | SHERIFF                            | TO COVER EXPENDITURES                      | 3102 | 5401 | 000  | 000  | (2,000.00)  |
|           | SHERIFF                            |  | 3102 | 3010 | 000  | 000  | 2,000.00    |
| 5/15/2014 | COUNTY OFFICE BUILDINGS/COURTHOUSE | JANITORIAL SUPPLIES FOR CAB                | 4304 | 5405 | 000  | 005  | (2,200.00)  |
|           | COUNTY OFFICE BUILDINGS/COURTHOUSE |  | 4304 | 5405 | 000  | 000  | 2,200.00    |
| 5/15/2014 | INFORMATION TECHNOLOGY             | WIRELESS AND PHONE EQUIPMENT               | 1220 | 3005 | 000  | 000  | (20,000.00) |
|           | INFORMATION TECHNOLOGY             |  | 1220 | 5413 | 000  | 003  | 20,000.00   |
| 5/16/2014 | FIRE AND RESCUE                    | SALARY ADJUSTMENTS 5/14                    | 3505 | 1001 | 000  | 060  | 300.00      |
|           | FIRE AND RESCUE                    |  | 3505 | 1007 | 000  | 001  | (300.00)    |
|           | FIRE AND RESCUE                    |  | 3505 | 1001 | 000  | 064  | 11,053.00   |
|           | FIRE AND RESCUE                    |  | 3505 | 1007 | 000  | 001  | (11,053.00) |
| 5/19/2014 | INSPECTIONS                        | ADDITIONAL MAINTENANCE ON VEHICLES         | 3401 | 5204 | 000  | 000  | (1,000.00)  |
|           | INSPECTIONS                        |  | 3401 | 3004 | 000  | 002  | 1,000.00    |
| 5/19/2014 | ANIMAL SHELTER                     | SUPPLEMENT LINE ITEM FOR REMAINDER OF FY14 | 4305 | 5402 | 000  | 001  | (500.00)    |
|           | ANIMAL SHELTER                     |  | 4305 | 5402 | 000  | 003  | 500.00      |
| 5/21/2014 | COMMONWEALTH'S ATTORNEY            | REQUEST OF TRANSFER TO BALANCE             | 2201 | 5409 | 000  | 000  | (180.90)    |
|           | COMMONWEALTH'S ATTORNEY            |  | 2201 | 5408 | 000  | 001  | 180.90      |
|           | COMMONWEALTH'S ATTORNEY            |  | 2201 | 5409 | 000  | 002  | (35.82)     |
|           | COMMONWEALTH'S ATTORNEY            |  | 2201 | 3004 | 000  | 000  | 35.82       |
|           | COMMONWEALTH'S ATTORNEY            |  | 2201 | 3007 | 000  | 000  | (500.00)    |
|           | COMMONWEALTH'S ATTORNEY            |  | 2201 | 5506 | 000  | 000  | 500.00      |
|           | COMMONWEALTH'S ATTORNEY            |  | 2201 | 5410 | 000  | 000  | (300.00)    |
|           | COMMONWEALTH'S ATTORNEY            |  | 2201 | 5506 | 000  | 000  | 300.00      |
|           | COMMONWEALTH'S ATTORNEY            |  | 2201 | 5204 | 000  | 000  | (880.00)    |
|           | COMMONWEALTH'S ATTORNEY            |  | 2201 | 5506 | 000  | 000  | 880.00      |
| 5/27/2014 | INSPECTIONS                        | FUNDS TO ORDER NEW CODE BOOKS              | 3401 | 4003 | 000  | 002  | (2,600.00)  |
|           | INSPECTIONS                        |  | 3401 | 5411 | 000  | 000  | 2,600.00    |
| 5/28/2014 | COUNTY OFFICE BUILDINGS/COURTHOUSE | DIAGNOSTIC SCREEN/CHILLER                  | 4304 | 5101 | 000  | 006  | (686.00)    |
|           | COUNTY OFFICE BUILDINGS/COURTHOUSE |  | 4304 | 3004 | 000  | 007  | 686.00      |
| 5/28/2014 | CLEARBROOK PARK                    | GRAVEL FOR PARKING LOTS                    | 7109 | 3004 | 000  | 003  | 1,121.54    |
|           | SHERANDO PARK                      |  | 7110 | 3004 | 000  | 003  | (1,121.54)  |
| 5/28/2014 | ANIMAL SHELTER                     | SUPPLEMENT LINE FOR FY14                   | 4305 | 3004 | 000  | 003  | (800.00)    |
|           | ANIMAL SHELTER                     |  | 4305 | 5407 | 000  | 000  | 800.00      |
| 5/29/2014 | PUBLIC SAFETY COMMUNICATION        | LAPTOPS AND OTHER ITEMS                    | 3506 | 5204 | 000  | 000  | (5,000.00)  |
|           | PUBLIC SAFETY COMMUNICATION        |  | 3506 | 5413 | 000  | 000  | 5,000.00    |
| 5/29/2014 | ELECTORAL BOARD AND OFFICIALS      | PAY FOR NEW PRECINCT SIGN                  | 1301 | 5204 | 000  | 000  | (2,400.00)  |
|           | ELECTORAL BOARD AND OFFICIALS      |  | 1301 | 5401 | 000  | 000  | 2,400.00    |
| 5/29/2104 | COUNTY ATTORNEY                    | UNPLANNED TRAVEL/TAX MEETING               | 1202 | 3002 | 000  | 000  | (137.04)    |
|           | COUNTY ATTORNEY                    |  | 1202 | 5506 | 000  | 000  | 137.04      |
| 5/30/2014 | COMMISSIONER OF THE REVENUE        | NEW PRINTER AS400 COMPATIBLE               | 1209 | 5506 | 000  | 000  | (3,000.00)  |
|           | COMMISSIONER OF THE REVENUE        |  | 1209 | 5401 | 000  | 000  | 3,000.00    |
| 5/30/2014 | COMMISSIONER OF THE REVENUE        | OFFICE SUPPLIES-MISC.                      | 1209 | 3006 | 000  | 000  | (523.00)    |
|           | COMMISSIONER OF THE REVENUE        |  | 1209 | 5401 | 000  | 000  | 523.00      |
|           | COMMISSIONER OF THE REVENUE        |  | 1209 | 3010 | 000  | 000  | (517.72)    |
|           | COMMISSIONER OF THE REVENUE        |  | 1209 | 5401 | 000  | 000  | 517.72      |
| 5/30/2014 | COMMISSIONER OF THE REVENUE        | OFFICE TONER & CHAIRS                      | 1209 | 3004 | 000  | 002  | (3,077.50)  |
|           | COMMISSIONER OF THE REVENUE        |  | 1209 | 5401 | 000  | 000  | 3,077.50    |
| 5/30/2014 | COMMISSIONER OF THE REVENUE        | VARIOUS OFFICE CHAIRS AND MATERIALS        | 1209 | 5401 | 000  | 000  | 10,000.00   |
|           | REASSESSMENT/BOARD OF ASSESSORS    |  | 1210 | 5204 | 000  | 000  | (10,000.00) |
| 5/30/2014 | REASSESSMENT/BOARD OF ASSESSORS    | VEHICLE MAINTENANCE&INSPECTION             | 1210 | 3006 | 000  | 000  | (2,210.00)  |
|           | REASSESSMENT/BOARD OF ASSESSORS    |  | 1210 | 3004 | 000  | 002  | 2,210.00    |
| 5/31/2014 | JUVENILE COURT PROBATION           | COST OF DESK, CHAIRS, & CLOCKS             | 3303 | 8002 | 000  | 000  | (2,500.00)  |
|           | JUVENILE COURT PROBATION           |  | 3303 | 5401 | 000  | 000  | 2,500.00    |
| 6/2/2014  | INFORMATION TECHNOLOGY             | GIS TRAINING REQUEST                       | 1220 | 3005 | 000  | 000  | (1,680.00)  |
|           | INFORMATION TECHNOLOGY             |  | 1220 | 5506 | 000  | 002  | 1,680.00    |
| 6/2/2014  | COMMISSIONER OF THE REVENUE        | TELEPHONE AND POSTAL COST                  | 1209 | 5801 | 000  | 000  | (1,200.00)  |
|           | COMMISSIONER OF THE REVENUE        |  | 1209 | 5204 | 000  | 000  | 1,200.00    |
| 6/2/2014  | CLEARBROOK PARK                    | COST OF PLAYGROUND MULCH                   | 7109 | 5103 | 000  | 000  | (1,901.60)  |
|           | CLEARBROOK PARK                    |  | 7109 | 5413 | 000  | 000  | 1,901.60    |
| 6/2/2014  | CLEARBROOK PARK                    | COVER COST OF POOL TILE REPAIR             | 7109 | 5103 | 000  | 000  | (400.00)    |
|           | CLEARBROOK PARK                    |  | 7109 | 3004 | 000  | 003  | 400.00      |
| 6/3/2014  | MAINTENANCE ADMINISTRATION         | NEW TIRES 2006 FORD MAINTENANCE TRUCK      | 4301 | 5401 | 000  | 000  | (300.00)    |
|           | MAINTENANCE ADMINISTRATION         |  | 4301 | 3004 | 000  | 002  | 300.00      |

| DATE     | DEPARTMENT/GENERAL FUND             | REASON FOR TRANSFER                                | FROM | TO   | ACCT | CODE | AMOUNT     |
|----------|-------------------------------------|--|------|------|------|------|------------|
| 6/3/2014 | MAINTENANCE ADMINISTRATION          | TIRES 2006 FORD,AIR CONDITIONING SERVICE 2007 FORD | 4301 | 5401 | 000  | 005  | (487.46)   |
|          | MAINTENANCE ADMINISTRATION          |  | 4301 | 3004 | 000  | 002  | 487.46     |
| 6/3/2014 | VICTIM WITNESS                      | TO COVER OFFICE SUPPLIES                           | 2202 | 5506 | 000  | 000  | (1,000.00) |
|          | VICTIM WITNESS                      |  | 2202 | 5401 | 000  | 000  | 1,000.00   |
| 6/4/2014 | FIRE AND RESCUE                     | TO COVER INE ITEM EXPENSES                         | 3505 | 3006 | 000  | 000  | (700.00)   |
|          | FIRE AND RESCUE                     |  | 3505 | 3004 | 000  | 001  | 700.00     |
| 6/4/2014 | FIRE AND RESCUE                     | TO COVER VEHICLE INSTALLATION                      | 3505 | 5408 | 000  | 000  | (3,000.00) |
|          | FIRE AND RESCUE                     |  | 3505 | 3010 | 000  | 000  | 3,000.00   |
| 6/4/2014 | FIRE AND RESCUE                     | TO COVER YEAR END                                  | 3505 | 5204 | 000  | 000  | (62.00)    |
|          | FIRE AND RESCUE                     |  | 3505 | 5299 | 000  | 000  | 62.00      |
| 6/4/2014 | FIRE AND RESCUE                     | PURCHASE MOUNTING EQUIPMENT                        | 3505 | 3007 | 000  | 000  | (1,000.00) |
|          | FIRE AND RESCUE                     |  | 3505 | 5407 | 000  | 000  | 1,000.00   |
| 6/5/2014 | PARKS AND RECREATION ADMINISTRATION | COST OF BACKGROUND CHECKS                          | 7101 | 3002 | 000  | 000  | (591.75)   |
|          | PARKS AND RECREATION ADMINISTRATION |  | 7101 | 5415 | 000  | 000  | 591.75     |
| 6/5/2014 | SHERIFF                             | COST OF REPAIRS TO EQUIPMENT                       | 3102 | 3004 | 000  | 002  | (1,000.00) |
|          | SHERIFF                             |  | 3102 | 3004 | 000  | 001  | 1,000.00   |
| 6/5/2014 | CLEARBROOK PARK                     | ELECTRICAL REPAIRS AT CLEARBROOK                   | 7109 | 5101 | 000  | 000  | (577.40)   |
|          | CLEARBROOK PARK                     |  | 7109 | 3010 | 000  | 000  | 577.40     |
| 6/5/2014 | AGRICULTURE                         | FUNDS NEEDED FOR TRAVEL                            | 8301 | 5204 | 000  | 000  | (192.50)   |
|          | AGRICULTURE                         |  | 8301 | 5506 | 000  | 000  | 192.50     |
|          | AGRICULTURE                         |  | 8301 | 5401 | 000  | 000  | (114.41)   |
|          | AGRICULTURE                         |  | 8301 | 5506 | 000  | 000  | 114.41     |
| 6/5/2014 | SHERIFF                             | RENTAL CAR EXPENSES-SURVEILLANCE                   | 3102 | 5413 | 000  | 008  | (1,000.00) |
|          | SHERIFF                             |  | 3102 | 3010 | 000  | 000  | 1,000.00   |
| 6/5/2014 | PARKS AND RECREATION ADMINISTRATION | SOCIAL SERVICE BACKGROUND CHECK                    | 7101 | 3002 | 000  | 000  | (351.00)   |
|          | PARKS AND RECREATION ADMINISTRATION |  | 7101 | 5415 | 000  | 000  | 351.00     |
| 6/5/2014 | CLEARBROOK PARK                     | TO COVER COST OF LANDFILL DUMPING FEES             | 7109 | 5101 | 000  | 000  | (7.32)     |
|          | CLEARBROOK PARK                     |  | 7109 | 3004 | 000  | 003  | 7.32       |
| 6/5/2014 | PARKS MAINTENANCE                   | TO COVER COST OF SAFETY BOOTS                      | 7103 | 5414 | 000  | 000  | (886.35)   |
|          | CLEARBROOK PARK                     |  | 7109 | 5414 | 000  | 000  | 886.35     |
| 6/5/2014 | RECREATION CENTERS AND PLAYGROUNDS  | TO COVER COST OF UNIFORMS                          | 7104 | 5412 | 000  | 000  | (1,158.11) |
|          | RECREATION CENTERS AND PLAYGROUNDS  |  | 7104 | 5410 | 000  | 000  | 1,158.11   |
| 6/5/2014 | SHERIFF                             | TO COVER CURRENT EXPENDITURES                      | 3102 | 8005 | 000  | 000  | (1,078.40) |
|          | SHERIFF                             |  | 3102 | 5408 | 000  | 000  | 1,078.40   |
| 6/5/2014 | SHERIFF                             | TO COVER PURCHASES IN CURRENT YEAR                 | 3102 | 3004 | 000  | 002  | (2,700.00) |
|          | SHERIFF                             |  | 3102 | 5408 | 000  | 000  | 2,700.00   |
| 6/5/2014 | PARKS MAINTENANCE                   | WATER SAFETY & CPR CERTIFICATION                   | 7103 | 5414 | 000  | 000  | (714.03)   |
|          | PARKS MAINTENANCE                   |  | 7103 | 5506 | 000  | 000  | 714.03     |
| 6/6/2014 | INFORMATION TECHNOLOGY              | EDC PHONE SYSTEM EQUIPMENT                         | 1220 | 3005 | 000  | 000  | (8,915.80) |
|          | INFORMATION TECHNOLOGY              |  | 1220 | 8007 | 000  | 003  | 8,915.80   |

County of Frederick  
General Fund  
May 31, 2014

| ASSETS                              | FY14<br><u>5/31/14</u>       | FY13<br><u>5/31/13</u>       | Increase<br><u>(Decrease)</u>    |
|-------------------------------------|------------------------------|------------------------------|----------------------------------|
| Cash and Cash Equivalents           | 67,097,374.18                | 61,872,260.58                | 5,225,113.60 *A                  |
| Petty Cash                          | 1,555.00                     | 1,555.00                     | 0.00                             |
| Receivables:                        |                              |                              |                                  |
| Taxes, Commonwealth, Reimb. P/P     | 69,153,776.76                | 65,595,017.33                | 3,558,759.43                     |
| Streetlights                        | 21,054.98                    | 19,882.32                    | 1,172.66                         |
| Commonwealth, Federal, 45 day Taxes | 12,103.59                    | 48,015.68                    | (35,912.09)                      |
| Due from Fred. Co. San. Auth.       | 734,939.23                   | 734,939.23                   | 0.00                             |
| Prepaid Postage                     | 4,260.09                     | 2,764.28                     | 1,495.81                         |
| GL controls (est.rev / est. exp)    | <u>(11,901,626.54)</u>       | <u>(12,678,867.75)</u>       | <u>777,241.21</u> (1) Attached   |
| <b>TOTAL ASSETS</b>                 | <b><u>125,123,437.29</u></b> | <b><u>115,595,566.67</u></b> | <b><u>9,527,870.62</u></b>       |
| <b>LIABILITIES</b>                  |                              |                              |                                  |
| Accrued Liabilities                 | 325,247.05                   | 589,425.03                   | (264,177.98) *B                  |
| Performance Bonds Payable           | 430,888.66                   | 1,486,407.72                 | (1,055,519.06) *C                |
| Taxes Collected in Advance          | 771,676.16                   | 157,529.38                   | 614,146.78 *D                    |
| Deferred Revenue                    | <u>69,187,249.33</u>         | <u>65,663,160.33</u>         | <u>3,524,089.00</u> *E           |
| <b>TOTAL LIABILITIES</b>            | <b>70,715,061.20</b>         | <b>67,896,522.46</b>         | <b>2,818,538.74</b>              |
| <b>EQUITY</b>                       |                              |                              |                                  |
| Fund Balance                        |                              |                              |                                  |
| Reserved:                           |                              |                              |                                  |
| Encumbrance General Fund            | 260,861.71                   | 749,233.46                   | (488,371.75) (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) *F                  |
| Animal Shelter                      | 335,530.02                   | 325,780.61                   | 9,749.41                         |
| Proffers                            | 2,796,108.30                 | 1,615,662.27                 | 1,180,446.03 (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>48,822,301.91</u>         | <u>42,543,882.79</u>         | <u>6,278,419.12</u> (4) Attached |
| <b>TOTAL EQUITY</b>                 | <b><u>54,408,376.09</u></b>  | <b><u>47,699,044.21</u></b>  | <b><u>6,709,331.88</u></b>       |
| <b>TOTAL LIAB. &amp; EQUITY</b>     | <b><u>125,123,437.29</u></b> | <b><u>115,595,566.67</u></b> | <b><u>9,527,870.62</u></b>       |

**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 Real Estate tax payment from lending institution.
- \*E Deferred revenue includes taxes receivable, street lights, misc. charges, dog tags, and motor vehicle registration fees.
- \*F 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         | 130,292,517  | 122,938,972  | 7,353,544      |
| Appropriations      | (60,684,525) | (60,143,152) | (541,373)      |
| Est.Tr.to Other fds | (81,770,479) | (76,223,922) | (5,546,558)    |
| Encumbrances        | 260,862      | 749,233      | (488,372)      |
|                     | (11,901,627) | (12,678,868) | 777,241        |

**(2) General Fund Outstanding Purchase Orders @5/31/14**

| DEPARTMENT           | Amount            | Description   |
|----------------------|-------------------|---|
| Board of Supervisors | 6,806.35          | Portable Audio/Video Equipment  |
| Fire & Rescue        | 6,485.56          | Lightbars & Misc. Equipment   |
|                      | 41,761.74         | Uniforms  |
|                      | 1,114.51          | Motorola Radios   |
|                      | 11,948.96         | APX Dual Band&VHF Radio System  |
|                      | 3,763.98          | Honda Generator   |
|                      | 33,508.56         | 2014 Ford F250  |
|                      | 4,775.00          | Equipment Allows Firefighter to Escape Potentially Fatal Situation While in a Fire. |
| Inspections          | 23,530.54         | 2014 Ford Escape  |
| IT                   | 9,099.18          | Cisco Aironet Wireless  |
| Parks                | 22,083.00         | Chemicals for Pools   |
|                      | 4,507.50          | Staff Uniforms  |
|                      | 1,354.49          | Infield Mix   |
|                      | 5,822.40          | Mulch   |
| Refuse Collection    | 5,960.00          | Concrete Wall/Slab for Gainesboro Citizens Site                                     |
| Sheriff              | 43,963.94         | Sungard OSSI Software   |
|                      | 1,980.00          | Body Armour   |
|                      | 3,440.80          | DARE T-Shirts   |
|                      | 9,185.00          | Digital Stand Alone Camera  |
|                      | 2,930.20          | Fusees Road Flares  |
|                      | 7,560.00          | Cross Match Scan  |
|                      | 9,280.00          | Body Wire Recording Devise for Undercover Investigations                            |
| <b>Total</b>         | <b>260,861.71</b> |   |

| (3) Proffer Information | SCHOOLS      | PARKS      | FIRE & RESCUE | Designated Other Projects | TOTAL        |
|-------------------------|--------------|------------|---------------|---------------------------|--------------|
| Balance @5/31/14        | 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  |
| <b>Total</b>                  | <b>885,992.04</b>   |

**Other Proffers @5/31/14**

| (4) Fund Balance Adjusted         |                      |
|-----------------------------------|----------------------|
| Ending Balance 5/31/14            | 28,271,933.98        |
| Revenue 5/14                      | 114,577,135.35       |
| Expenditures 5/14                 | (53,406,888.27)      |
| Transfers 5/14                    | (40,619,879.15)      |
| <b>5/14 Adjusted Fund Balance</b> | <b>48,822,301.91</b> |

County of Frederick  
 Comparative Statement of Revenues, Expenditures  
 and Changes in Fund Balance  
 May 31, 2014

| <b>REVENUES:</b>   | <u>Appropriated</u>    | FY14<br>5/31/14<br><u>Actual</u> | FY13<br>5/31/13<br><u>Actual</u> | YTD<br>Actual<br><u>Variance</u> |
|--|------------------------|----------------------------------|----------------------------------|----------------------------------|
| General Property Taxes   | 87,168,379.00          | 67,669,072.96                    | 66,938,730.03                    | 730,342.93 <b>(1)</b>            |
| Other local taxes  | 28,429,460.00          | 24,865,832.23                    | 23,874,777.09                    | 991,055.14 <b>(2)</b>            |
| Permits & Privilege fees   | 971,610.00             | 1,212,557.91                     | 1,047,734.38                     | 164,823.53 <b>(3)</b>            |
| Revenue from use of money<br>and property  | 168,609.20             | 151,873.22                       | 438,663.55                       | (286,790.33) <b>(4)</b>          |
| Charges for Services   | 2,312,630.00           | 1,877,890.32                     | 1,962,111.85                     | (84,221.53)                      |
| Miscellaneous  | 554,915.03             | 424,644.02                       | 521,808.82                       | (97,164.80)                      |
| Recovered Costs  | 970,774.21             | 3,301,994.61                     | 1,921,441.60                     | 1,380,553.01 <b>(5)</b>          |
| Intergovernmental:   |                        |                                  |                                  |                                  |
| Commonwealth   | 9,698,741.11           | 14,987,589.31                    | 13,923,118.14                    | 1,064,471.17 <b>(6)</b>          |
| Federal  | 17,398.00              | 85,680.77                        | 207,096.56                       | (121,415.79) <b>(7)</b>          |
| Transfers  | 0.00                   | 0.00                             | 0.00                             | 0.00                             |
| <b>TOTAL REVENUES</b>  | <b>130,292,516.55</b>  | <b>114,577,135.35</b>            | <b>110,835,482.02</b>            | <b>3,741,653.33</b>              |
| <br><b>EXPENDITURES:</b>   |                        |                                  |                                  |                                  |
| General Administration   | 10,014,988.04          | 8,713,096.31                     | 8,551,124.35                     | 161,971.96                       |
| Judicial Administration  | 2,291,848.06           | 1,853,608.09                     | 1,812,457.55                     | 41,150.54                        |
| Public Safety  | 29,615,436.65          | 25,749,411.81                    | 23,260,286.59                    | 2,489,125.22                     |
| Public Works   | 4,548,102.42           | 3,678,855.77                     | 3,213,469.22                     | 465,386.55                       |
| Health and Welfare   | 6,938,816.00           | 5,613,277.80                     | 5,597,820.61                     | 15,457.19                        |
| Education  | 56,493.00              | 56,493.00                        | 56,493.00                        | 0.00                             |
| Parks, Recreation, Culture   | 5,380,967.22           | 4,531,139.23                     | 4,401,259.07                     | 129,880.16                       |
| Community Development  | 3,881,422.58           | 3,211,006.26                     | 1,532,673.31                     | 1,678,332.95                     |
| <b>TOTAL EXPENDITURES</b>  | <b>62,728,073.97</b>   | <b>53,406,888.27</b>             | <b>48,425,583.70</b>             | <b>4,981,304.57 <b>(8)</b></b>   |
| <br><b>OTHER FINANCING SOURCES ( USES):</b>  |                        |                                  |                                  |                                  |
| Operating transfers from / to  | 79,726,930.83          | 40,619,879.15                    | 41,608,617.10                    | (988,737.95) <b>(9)</b>          |
| <b>Excess (deficiency)of revenues &amp; other<br/>sources over expenditures<br/>&amp; other uses</b> | <b>(12,162,488.25)</b> | <b>20,550,367.93</b>             | <b>20,801,281.22</b>             | <b>250,913.29</b>                |
| <br><b>Fund Balance per General Ledger</b>   |                        | <b>28,271,933.98</b>             | <b>21,767,601.57</b>             | <b>6,504,332.41</b>              |
| <b>Fund Balance Adjusted to reflect<br/>Income Statement 5/31/14</b>                                 |                        | <b>48,822,301.91</b>             | <b>42,568,882.79</b>             | <b>6,253,419.12</b>              |



| <b>(1)General Property Taxes</b>     | <b>FY14</b> | <b>FY13</b> | <b>Increase/Decrease</b> |
|--------------------------------------|-------------|-------------|--------------------------|
| Real Estate Taxes                    | 39,278,894  | 39,579,115  | (300,221)                |
| Public Services                      | 1,113,589   | 1,481,927   | (368,337)                |
| Personal Property                    | 26,038,908  | 24,738,993  | 1,299,915                |
| Penalties and Interest               | 923,072     | 851,432     | 71,640                   |
| Credit Card Chgs./Delinq.Advertising | (19,775)    | (18,122)    | (1,652)                  |
| Adm.Fees For Liens&Distress          | 334,385     | 305,386     | 28,999                   |
|                                      | 67,669,073  | 66,938,730  | 730,343                  |

**(2) Other Local Taxes**

|                             |                      |                      |                   |
|-----------------------------|----------------------|----------------------|-------------------|
| Local Sales and Use Tax     | 8,954,084.65         | 8,132,325.02         | 821,759.63        |
| Communications Sales Tax    | 1,015,941.22         | 1,048,913.52         | (32,972.30)       |
| Utility Taxes               | 2,562,394.02         | 2,500,032.55         | 62,361.47         |
| Business Licenses           | 5,642,926.48         | 5,629,093.70         | 13,832.78         |
| Auto Rental Tax             | 92,756.21            | 87,878.03            | 4,878.18          |
| Motor Vehicle Licenses Fees | 1,338,590.79         | 1,344,520.01         | (5,929.22)        |
| Bank Stock Taxes            | 367,468.00           | 351,832.00           | 15,636.00         |
| Recordation Taxes           | 1,046,147.90         | 1,120,805.23         | (74,657.33)       |
| Meals Tax                   | 3,448,593.64         | 3,281,194.95         | 167,398.69        |
| Lodging Tax                 | 359,767.65           | 337,878.48           | 21,889.17         |
| Street Lights               | 29,550.11            | 32,398.92            | (2,848.81)        |
| Star Fort Fees              | 7,611.56             | 7,904.68             | (293.12)          |
| <b>Total</b>                | <b>24,865,832.23</b> | <b>23,874,777.09</b> | <b>991,055.14</b> |

**(3)Permits&Privileges**

|                                |                     |                     |                   |
|--------------------------------|---------------------|---------------------|-------------------|
| Dog Licenses                   | 42,839.00           | 39,195.00           | 3,644.00          |
| Land Use Application Fees      | 4,800.00            | 7,325.00            | (2,525.00)        |
| Transfer Fees                  | 2,277.44            | 2,268.90            | 8.54              |
| Development Review Fees        | 318,510.05          | 294,004.04          | 24,506.01         |
| Building Permits               | 645,005.27          | 529,300.29          | 115,704.98        |
| 2% State Fees                  | 7,509.87            | 2,878.38            | 4,631.49          |
| Electrical Permits             | 66,559.00           | 54,241.00           | 12,318.00         |
| Plumbing Permits               | 10,849.00           | 9,450.00            | 1,399.00          |
| Mechanical Permits             | 46,850.14           | 49,730.17           | (2,880.03)        |
| Sign Permits                   | 2,738.14            | 2,991.60            | (253.46)          |
| Permits for Commercial Burning | 400.00              | 400.00              | -                 |
| Explosive Storage Permits      | 500.00              | 700.00              | (200.00)          |
| Blasting Permits               | 435.00              | 360.00              | 75.00             |
| Annual Burning Permits         | -                   | 100.00              | (100.00)          |
| Instutional Inspections Permit | 15.00               | -                   | 15.00             |
| Land Disturbance Permits       | 60,320.00           | 54,140.00           | 6,180.00          |
| 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          |
| <b>Total</b>                   | <b>1,212,557.91</b> | <b>1,047,734.38</b> | <b>164,823.53</b> |

**(4) Revenue from use of**

|          |            |            |                 |
|----------|------------|------------|-----------------|
| Money    | 94,523.78  | 83,141.87  | 11,381.91       |
| Property | 57,349.44  | 355,521.68 | (298,172.24) *1 |
|          | 151,873.22 | 438,663.55 | (286,790.33)    |

\*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                           | 1,100.00     | 1,150.00     | (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             | 12,229.03    | 12,997.88    | (768.85)          |
| Clarke County Container Fees            | 40,809.08    | 41,929.37    | (1,120.29)        |
| City of Winchester Container Fees       | 31,156.96    | 15,997.41    | 15,159.55         |
| Refuse Disposal Fees                    | 55,905.25    | 48,339.28    | 7,565.97          |
| Recycling Revenue                       | 82,688.40    | 96,459.09    | (13,770.69)       |
| Sheriff Restitution                     | 134.36       | 63.74        | 70.62             |
| Fire&Rescue Merchandise (Resale)        | 78.00        | 345.38       | (267.38)          |
| Container Fees Bowman Library           | 1,412.56     | 960.73       | 451.83            |
| Restitution Victim Witness              | 4,677.43     | 2,549.37     | 2,128.06          |
| Reimb.of Expenses Gen.District Court    | 24,303.02    | 31,065.28    | (6,762.26)        |
| Reimb.Public Works Salaries             | 547.76       | 41,682.00    | (41,134.24)       |
| Winchester EDC                          | 72,000.00    | 72,000.00    | -                 |
| Reimb.Task Force                        | 52,463.02    | 52,080.29    | 382.73            |
| C&P Jail                                | -            | (60.00)      | 60.00             |
| EDC/Recovered Costs                     | 1,400.00     | 880.00       | 520.00            |
| Sign Deposits Planning                  | 50.00        | (50.00)      | 100.00            |
| Reimbursement Elections                 | 2,640.65     | 4,043.36     | (1,402.71)        |
| Westminster Canterbury Lieu of Taxes    | 12,225.05    | 12,260.55    | (35.50)           |
| Reimbursement Street Signs              | 1,394.40     | 2,471.89     | (1,077.49)        |
| Grounds Maintenance Frederick Co.School | 178,314.54   | 111,661.37   | 66,653.17         |
| Comcast PEG Grant                       | 63,116.00    | 61,784.00    | 1,332.00          |
| Proffer-Other                           | 1,055,000.00 | 345,000.00   | 710,000.00        |
| Fire School Programs                    | 18,341.00    | 16,275.00    | 2,066.00          |
| Proffer Sovereign Village               | 36,587.30    | 18,293.65    | 18,293.65         |
| Proffer Lynnehaven                      | -            | 16,891.55    | (16,891.55)       |
| Proffer Redbud Run                      | 122,626.00   | 122,626.00   | -                 |
| Clerks Reimbursement to County          | 11,131.51    | 11,317.70    | (186.19)          |
| Proffer Canter Estates                  | 16,351.88    | -            | 16,351.88         |
| Proffer Village at Harvest Ridge        | 12,312.00    | 13,851.00    | (1,539.00)        |
| Proffer Snowden Bridge                  | 522,452.51   | 450,019.38   | 72,433.13         |
| Proffer Meadows Edge Racey Tract        | 493,528.00   | 110,792.00   | 382,736.00        |
| Sheriff Reimbursement                   | 153,634.96   | 52,622.99    | 101,011.97        |
| Proffer Cedar Meadows Proffer           | 34,167.00    | 4,881.00     | 29,286.00         |
| Proffer Westbury Commons                | -            | 2,000.00     | (2,000.00)        |
| Total                                   | 3,301,994.61 | 1,921,441.60 | 1,380,553.01      |

\*1 \$330,000 FY13 Transportation Proffer from BPG Properties for Rt.11 Corridor  
\$1,000,000 FY14 The Village at Orchard Ridge Proffer for Development of the New Fire&Rescue Station.

| (6) Commonwealth Revenue           | 5/31/2014     | 5/31/2013     |                   |
|------------------------------------|---------------|---------------|-------------------|
|                                    | 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.         | 377,572.23    | 368,401.05    | 9,171.18          |
| Shared Expenses Sheriff            | 1,995,550.30  | 1,917,422.10  | 78,128.20         |
| Shared Expenses Comm.of Rev.       | 175,932.96    | 168,260.41    | 7,672.55          |
| Shared Expenses Treasurer          | 143,411.87    | 127,721.00    | 15,690.87         |
| Shared Expenses Registrar          | -             | 42,574.36     | (42,574.36)       |
| Shared Expenses Clerk              | 363,948.15    | 349,796.91    | 14,151.24         |
| Public Assistance Grants           | 2,939,554.43  | 2,800,192.46  | 139,361.97        |
| Four-For-Life-Funds                | 81,150.16     | 80,544.88     | 605.28            |
| 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                  | 22,467.94     | 34,768.32     | (12,300.38)       |
| State Grant-Emergency Services     | 7,156.25      | -             | 7,156.25          |
| DCJS & Sheriff State Grants        | 82,777.94     | 67,707.79     | 15,070.15         |
| JJC Grant Juvenile Justice         | 128,358.00    | 122,392.00    | 5,966.00          |
| Rent/Lease Payments                | 261,286.19    | 234,737.88    | 26,548.31         |
| 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      | 227,251.95    | (220,653.62)      |
| Wireless 911 Grant                 | 53,887.37     | 82,126.00     | (28,238.63)       |
| State Forfeited Asset Funds        | 12,522.23     | 32,906.84     | (20,384.61)       |
| Victim Witness Commonwealth Office | 75,166.50     | 75,166.75     | (0.25)            |
| Social Services VOCA Grant         | -             | 3,325.00      | (3,325.00)        |
| F/R OEMS Reimb.                    | 2,543.64      | 10,782.00     | (8,238.36)        |
| IT/GIS Grant                       | 25,000.00     | -             | 25,000.00         |
| Total                              | 14,987,589.31 | 13,923,118.14 | 1,064,471.17      |

**County of Frederick**

**General Fund**

**May 31, 2014**

| <b>(7) Federal Revenue</b> | 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     | 45,173.00 | 182,318.76 | (137,145.76)      |
| Total                      | 85,680.77 | 207,096.56 | (121,415.79)      |

**(8) Expenditures**

Expenditures increased \$4,981,304.57 in total. **Public Safety** increased \$2,489,125.22 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, (13) marked 2014 police sedans for \$330,995.60, 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 (2) 2014 Ford F-250 Trucks at a total cost of \$66,279. Contributions to Fire Departments and Rescue Squads increased \$404,704.74, 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 \$465,386.55 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 \$1,678,332.95 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 \$988,737.95. See chart below:

| <b>(Transfers Decreased \$988,737.95)</b> | 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                       | 1,445,517.81  | 1,441,661.70  | 3,856.11          |
| 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                     | (41,857.10)   | 577,705.22    | (619,562.32) *3   |
| Total                                     | 40,619,879.15 | 41,608,617.10 | (988,737.95)      |

\*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  
 May 31, 2014

| ASSETS                              | FY2014<br><u>5/31/14</u>   | FY2013<br><u>5/31/13</u>   | Increase<br><u>(Decrease)</u> |
|-------------------------------------|----------------------------|----------------------------|-------------------------------|
| Cash                                | 4,963,005.72               | 5,017,433.39               | (54,427.67) *1                |
| GL controls(est.rev/est.exp)        | <u>(518,361.25)</u>        | <u>(1,290,087.81)</u>      | <u>771,726.56</u>             |
| <b>TOTAL ASSETS</b>                 | <b><u>4,444,644.47</u></b> | <b><u>3,727,345.58</u></b> | <b><u>717,298.89</u></b>      |
| <br>                                |                            |                            |                               |
| LIABILITIES                         |                            |                            |                               |
| Accrued Operating Reserve Costs     | <u>2,077,528.07</u>        | <u>2,004,040.97</u>        | <u>73,487.10</u>              |
| <b>TOTAL LIABILITIES</b>            | <b><u>2,077,528.07</u></b> | <b><u>2,004,040.97</u></b> | <b><u>73,487.10</u></b>       |
| <br>                                |                            |                            |                               |
| EQUITY                              |                            |                            |                               |
| Fund Balance Reserved               |                            |                            |                               |
| Encumbrances Undesignated           | 20,923.11                  | 207,273.26                 | (186,350.15)                  |
| Fund Balance                        | <u>2,346,193.29</u>        | <u>1,516,031.35</u>        | <u>830,161.94</u> *2          |
| <b>TOTAL EQUITY</b>                 | <b><u>2,367,116.40</u></b> | <b><u>1,723,304.61</u></b> | <b><u>643,811.79</u></b>      |
| <b>TOTAL LIABILITY &amp; EQUITY</b> | <b><u>4,444,644.47</u></b> | <b><u>3,727,345.58</u></b> | <b><u>717,298.89</u></b>      |

**NOTES:**

\*1 Cash decreased \$54,427.67. Refer to the following page for comparative statement of revenues, expenditures, and changes in fund balance.

\*2 Fund balance increased \$830,161.94. The beginning balance of \$1,989,535.81 includes adjusting entries, budget controls for FY14(\$521,421.00), and the year to date revenue less expenditures of \$878,078.48.

| <b>Current Unrecorded Accounts Receivable-</b> | <u>FY2014</u>     |
|--|-------------------|
| Prisoner Billing:                              | 29,922.89         |
| Compensation Board Reimbursement 5/14          | <u>465,371.98</u> |
| <b>Total</b>                                   | <b>495,294.87</b> |

County of Frederick  
 Comparative Statement of Revenues, Expenditures  
 and Changes in Fund Balance  
 5/31/2014

**FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER**

| <b>REVENUES:</b>   | <u>Appropriated</u>  | FY2014<br>5/31/14<br><u>Actual</u> | FY2013<br>5/31/13<br><u>Actual</u> | YTD Actual<br><u>Variance</u> |
|--|----------------------|------------------------------------|------------------------------------|-------------------------------|
| Interest   | -                    | 7,990.84                           | 18,660.72                          | (10,669.88)                   |
| Sale of Salvage&Surplus  | -                    | 76.00                              | -                                  | 76.00                         |
| Supervision Fees   | 45,000.00            | 32,763.30                          | 41,319.50                          | (8,556.20)                    |
| Drug Testing Fees  | 5,500.00             | 1,545.00                           | 5,368.46                           | (3,823.46)                    |
| Work Release Fees  | 384,616.00           | 292,410.61                         | 316,053.27                         | (23,642.66)                   |
| 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            | 60,444.13                          | 42,884.38                          | 17,559.75                     |
| Phone Commissions  | 120,000.00           | 105,277.09                         | 90,880.52                          | 14,396.57                     |
| Food & Staff Reimbursement                                       | 100,000.00           | 93,826.25                          | 89,828.20                          | 3,998.05                      |
| Elec.Monitoring Part.Fees  | 83,767.00            | 85,936.48                          | 49,907.75                          | 36,028.73                     |
| Employee Meal Supplements  | 200.00               | 42.50                              | 0.00                               | 42.50                         |
| Share of Jail Cost Commonwealth                                  | 997,975.00           | 509,680.00                         | 788,642.44                         | (278,962.44)                  |
| Medical & Health Reimb.  | 57,600.00            | 54,926.60                          | 47,176.60                          | 7,750.00                      |
| Shared Expenses CFW Jail   | 4,947,976.00         | 4,426,416.86                       | 4,328,819.33                       | 97,597.53                     |
| 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                           | 19,196.00                          | (12,572.00)                   |
| 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                    |
| <b>TOTAL REVENUES</b>  | <b>18,126,633.00</b> | <b>16,413,784.98</b>               | <b>15,797,737.15</b>               | <b>616,047.83</b>             |
| <b>EXPENDITURES:</b>   | <b>18,665,917.36</b> | <b>15,535,706.50</b>               | <b>15,477,780.43</b>               | <b>57,926.07</b>              |
| <b>Excess(Deficiency)of revenues over expenditures</b>           |                      | <b>878,078.48</b>                  | <b>319,956.72</b>                  | <b>558,121.76</b>             |
| <b>FUND BALANCE PER GENERAL LEDGER</b>                           |                      | <b>1,468,114.81</b>                | <b>1,196,074.63</b>                | <b>272,040.18</b>             |
| <b>Fund Balance Adjusted To Reflect Income Statement 5/31/14</b> |                      | <b>2,346,193.29</b>                | <b>1,516,031.35</b>                | <b>830,161.94</b>             |

County of Frederick  
Fund 12 Landfill  
May 31, 2014

| ASSETS                            | FY2014<br>5/31/14           | FY2013<br>5/31/13           | Increase<br>(Decrease)     |
|-----------------------------------|-----------------------------|-----------------------------|----------------------------|
| Cash                              | 31,256,438.70               | 29,530,232.28               | 1,726,206.42 *1            |
| Receivables:                      |                             |                             |                            |
| Accounts Receivable               |                             |                             |                            |
| Fees                              | 671,419.19                  | 555,733.86                  | 115,685.33 *2              |
| Accounts Receivable Other         | 351.00                      | 224.00                      | 127.00                     |
| 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>(1,056,948.00)</u>       | <u>(4,552,937.00)</u>       | <u>3,495,989.00</u>        |
| <b>TOTAL ASSETS</b>               | <b><u>50,763,279.65</u></b> | <b><u>46,421,921.40</u></b> | <b><u>4,341,358.25</u></b> |
| <b>LIABILITIES</b>                |                             |                             |                            |
| 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>351.00</u>               | <u>224.00</u>               | <u>127.00</u>              |
| <b>TOTAL LIABILITIES</b>          | <b><u>12,069,048.32</u></b> | <b><u>11,947,302.43</u></b> | <b><u>121,745.89</u></b>   |
| <b>EQUITY</b>                     |                             |                             |                            |
| Fund Balance                      |                             |                             |                            |
| Reserved:                         |                             |                             |                            |
| Encumbrances                      | 1,456,285.00                | 48,775.17                   | 1,407,509.83 *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>27,379,504.33</u>        | <u>24,567,401.80</u>        | <u>2,812,102.53</u> *5     |
| <b>TOTAL EQUITY</b>               | <b><u>38,694,231.33</u></b> | <b><u>34,474,618.97</u></b> | <b><u>4,219,612.36</u></b> |
| <b>TOTAL LIABILITY AND EQUITY</b> | <b><u>50,763,279.65</u></b> | <b><u>46,421,921.40</u></b> | <b><u>4,341,358.25</u></b> |

**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 \$115,685.33. The changes for 5/14 were \$470,910.04 compared to \$428,094.28 at 5/13 for an increase of \$42,815.76. The delinquent fees for 5/14 were \$197,158.91 compared to \$125,071.45 at 5/13 for an increase of \$72,087.46.

\*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 5/14 was \$1,456,285 and includes \$193,956 for a 2014 Caterpillar model 963D with track loader, \$34,400 for a storage shed, \$1,217,929 for Landfill improvements roadway, leachate lagoon, drainage improvements project and \$10,000 for a used Toyota industrial forklift.

\*5 Fund balance increased \$2,812,102.53. 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 \$2,373,896.38.

County of Frederick  
 Comparative Statement of Revenue, Expenditures  
 and Changes in Fund Balance  
 5/31/14

| <b>FUND 12 LANDFILL REVENUES</b>                      | <u>Appropriated</u> | FY14<br>5/31/14<br><u>Actual</u> | FY13<br>5/31/13<br><u>Actual</u> | YTD<br>Actual<br><u>Variance</u> |
|---|---------------------|----------------------------------|----------------------------------|----------------------------------|
| Interest Charge                                       | 0.00                | 3,193.47                         | 5,716.04                         | (2,522.57)                       |
| Interest on Bank Deposits                             | 40,000.00           | 54,651.11                        | 46,708.76                        | 7,942.35                         |
| Salvage and Surplus                                   | 0.00                | 103,351.90                       | 119,084.30                       | (15,732.40)                      |
| Sanitary Landfill Fees                                | 4,632,600.00        | 4,078,415.71                     | 3,900,269.36                     | 178,146.35                       |
| Charges to County                                     | 0.00                | 298,077.98                       | 300,660.43                       | (2,582.45)                       |
| Charges to Winchester                                 | 0.00                | 83,175.08                        | 87,056.52                        | (3,881.44)                       |
| Tire Recycling  | 70,000.00           | 112,122.58                       | 89,962.84                        | 22,159.74                        |
| Reg. Recycling Electronics                            | 40,000.00           | 38,472.60                        | 42,108.00                        | (3,635.40)                       |
| 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                | 113,973.30                       | 0.00                             | 113,973.30                       |
| Landfill Gas To Electricity                           | 403,660.00          | 546,074.56                       | 437,237.57                       | 108,836.99                       |
| Waste Oil Recycling                                   | 0.00                | 19,963.37                        | 13,622.79                        | 6,340.58                         |
| State Reimbursement Tire Operation                    | 0.00                | 0.00                             | 6,120.00                         | (6,120.00)                       |
| <b>TOTAL REVENUES</b>                                 | <u>5,306,260.00</u> | <u>5,459,548.36</u>              | <u>5,061,738.11</u>              | <u>397,810.25</u>                |
| Operating Expenditures                                | 4,928,993.00        | 2,877,821.98                     | 2,908,311.87                     | (30,489.89)                      |
| Capital Expenditures                                  | 2,890,500.00        | 207,830.00                       | 936,382.99                       | (728,552.99)                     |
| <b>TOTAL Expenditures</b>                             | <u>7,819,493.00</u> | <u>3,085,651.98</u>              | <u>3,844,694.86</u>              | <u>(759,042.88)</u>              |
| <b>Excess(deficiency)of revenue over expenditures</b> |                     | 2,373,896.38                     | 1,217,043.25                     | 1,156,853.13                     |
| <b>Fund Balance Per General Ledger</b>                |                     | <u>25,005,607.95</u>             | <u>23,350,358.55</u>             | <u>1,655,249.40</u>              |
| <b>FUND BALANCE ADJUSTED</b>                          |                     | 27,379,504.33                    | 24,567,401.80                    | 2,812,102.53                     |



**County of Frederick, VA**  
**Report on Unreserved Fund Balance**  
**June 11, 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 VJCCA 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)   |
| 4 For Life                                      | (10,776)    |
| DSS local contribution                          | 6,000       |
| Navy Federal Credit Union refund (COR)          | (6,559)     |
| Partnership for Respons & Recovery refund (COR) | (13,665)    |
| Wheels LT refund (COR)                          | (3,472)     |
|   | (5,301,089) |

**Fund Balance, June 11, 2014** **28,271,934**

**I**



## MEMORANDUM

**TO:** Board of Supervisors

**FROM:** Eric R. Lawrence, AICP, Planning Director *ERL*

**SUBJECT:** **Development Impact Model – Oversight Committee  
Report from Meeting on June 5, 2014**

**DATE:** June 16, 2014

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The Development Impact Model – Oversight Committee (DIM-OC) met on Thursday, June 5, 2014 at 8:30 AM.

Members Present

J.P. Carr  
Robert Hess  
Dr. John Lamanna  
Gary Lofton  
H. Paige Manual  
Stephen Pettler  
Roger Thomas  
Kris Tierney

Members Absent

Brian Madigan

Patrick Barker, Eric Lawrence, Wayne Lee, and Al Orndorff were present.

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

The DIM-OC reviewed the critical inputs for the Annual Update of the Development Impact Model (DIM). The inputs are essential in order to maintain an updated DIM. It is important to note that the DIM is a planning tool which projects anticipated operational and capital facility costs associated with land use planning, although the DIM is also

commonly referenced as the model utilized to project the capital facility costs associated with development and rezoning proposals.

Upon approval of the DIM-OC's recommendation, staff will use the updated model in the consideration of land use planning analysis and for future rezoning petitions. The critical input spreadsheet (*Attachment #1*) and resulting projected capital facilities costs (*Attachment #2*) are attached for your information.

Upon utilizing the critical input updated figures, the DIM projects the following impacts on the County's capital facilities:

|                             |   | <b>NEW</b>         |           |
|-----------------------------|---|--------------------|-----------|
|                             |   | <b><u>FY15</u></b> | FY14      |
| Single Family Dwelling Unit | = | <b>\$ 19,583</b>   | \$ 19,600 |
| Town Home Dwelling Unit     | = | <b>\$ 13,437</b>   | \$ 13,062 |
| Apartment Dwelling Unit     | = | <b>\$ 12,697</b>   | \$ 11,339 |

***By majority vote, the DIM-OC recommends the use of the critical inputs, and for their incorporation into model.***

**\*\*\* Informational Purposes Only \*\*\***

The DIM-OC reviewed the past years' extensive effort to evaluate the Development Impact Model, and the policies currently in effect for how the DIM is utilized during the rezoning application process. This evaluation was at the recommendation of the Board's Business Friendly Committee.

It was noted that the DIM projects that a single family home will generate \$133,511 in demands for county services over 20 years, yet the same home would contribute less than \$74,000 directly to the county in terms of tax contributions from real estate and personal property.

The DIM-OC discussed how the DIM was used during the rezoning process and recognized that during rezoning considerations the DIM solely considers capital costs, and not revenue contributions. The DIM-OC evaluated potential policy amendments to enable revenue credits to be included during the rezoning process. The revenue credits considered were associated with residential and commercial development when a development proposal had a mix of uses. Ultimately, the DIM-OC recommended against such revenue credits. The DIM-OC also evaluated credits for proffered transportation

improvements, and endorsed such credits when the improvements exceeded what was identified in a Transportation Impact Analysis as necessary to offset projected impacts. The Board did ultimately, in January 2014, amend the policy to enable the transportation credits.

Please contact staff should you have questions.

ERL/pd

**Attachments: Critical Input Spreadsheet (Attachment #1)**  
**Projected Capital Facilities Cost (Attachment #2)**

**Annual Review / Update Critical Inputs**

| <b>Inputs</b>   | <b>Updated Model Values<br/>for FY15</b> | <b>FY14 Current Model<br/>Values</b> | <b>Source of FY15 info</b>           |
|---|--|--------------------------------------|--------------------------------------|
| POPULATION  | 81,207                                   | 80,118                               | Weldon Cooper Center, 1/26/2013      |
| Number of Dwelling Units                                |  |                                      |                                      |
| SINGLE FAMILY-DETACHED                                  | 26,265                                   | 26,020                               | Fred Co. CAMA File+ new CO           |
| SINGLE FAMILY-ATTACHED                                  | 2,845                                    | 2,793                                | Fred Co. CAMA File+ new CO           |
| MULTIFAMILY   | 924                                      | 924                                  | Fred Co. CAMA File+ new CO           |
| MOBILE HOME/OTHER                                       | 2,070                                    | 2,064                                | Fred Co. CAMA File+ new CO           |
| AGRICULTURE/OTHER JOBS                                  | 466                                      | 464                                  | VEC, 3rd quarter, average employment |
| INDUSTRIAL JOBS   | 9,727                                    | 9,131                                | VEC, 3rd quarter, average employment |
| RETAIL/SERVICE JOBS                                     | 9,932                                    | 9,106                                | VEC, 3rd quarter, average employment |
| OFFICE/INSTITUTIONAL JOBS                               | 7,062                                    | 6,466                                | VEC, 3rd quarter, average employment |
| PARK ACRES  | 405                                      | 405                                  | Frederick County Parks & Recreation  |
| RES SHERIFF CALLS                                       | 44,197                                   | 43,211                               | Frederick County Sheriff's Office    |
| NONRES SHERIFF CALLS                                    | 37,502                                   | 34,306                               | Frederick County Sheriff's Office    |
| RES FIRE CALLS  | 7,117                                    | 8,019                                | Frederick County Fire & Rescue       |
| NONRES FIRE CALLS                                       | 1,008                                    | 1,212                                | Frederick County Fire & Rescue       |
| OTHER FIRE CALLS  | 1,347                                    | 500                                  | Frederick County Fire & Rescue       |
| Residential Average Weekday Vehicle Trips Ends per Unit |  |                                      |                                      |
| Single Family-Detached                                  | 9.57                                     | 9.57                                 | (ITE) Trip Generation Manual (2003)  |
| Single Family-Attached                                  | 5.86                                     | 5.86                                 | (ITE) Trip Generation Manual (2003)  |
| Multifamily   | 6.59                                     | 6.59                                 | (ITE) Trip Generation Manual (2003)  |
| Mobile Home/Other                                       | 4.99                                     | 4.99                                 | (ITE) Trip Generation Manual (2003)  |

**Annual Review / Update Critical Inputs**

| <b>Inputs</b>  | <b>Updated Model Values<br/>for FY15</b> | <b>FY14 Current Model<br/>Values</b> | <b>Source of FY15 info</b>          |
|--|--|--------------------------------------|-------------------------------------|
| <b>Non-Residential Average Weekday Vehicle Trips Ends per Unit</b> |  |                                      |                                     |
| Office   | 15.59                                    | 15.59                                | (ITE) Trip Generation Manual (2003) |
| Retail   | 68.17                                    | 68.17                                | (ITE) Trip Generation Manual (2003) |
| Ind./Flex  | 12.76                                    | 12.76                                | (ITE) Trip Generation Manual (2003) |
| <b>Person per Dwelling Unit</b>                                    |  |                                      |                                     |
| Single Family-Detached   | 2.77                                     | 2.77                                 | US Census                           |
| Single Family - Attached   | 2.30                                     | 2.30                                 | US Census                           |
| Multifamily  | 2.12                                     | 2.12                                 | US Census                           |
| Mobile Home/Other  | 2.43                                     | 2.43                                 | US Census                           |
| <b>School Children per Dwelling Unit</b>                           |  |                                      |                                     |
| <b>Single Family-Detached</b>                                      |  |                                      |                                     |
| Elementary   | 0.193                                    | 0.203                                | Frederick County Public Schools     |
| Middle   | 0.095                                    | 0.103                                | Frederick County Public Schools     |
| High   | 0.109                                    | 0.123                                | Frederick County Public Schools     |
| <b>Single Family-Attached</b>                                      |  |                                      |                                     |
| Elementary   | 0.125                                    | 0.132                                | Frederick County Public Schools     |
| Middle   | 0.070                                    | 0.067                                | Frederick County Public Schools     |
| High   | 0.070                                    | 0.080                                | Frederick County Public Schools     |
| <b>Multifamily</b>   |  |                                      |                                     |
| Elementary   | 0.134                                    | 0.128                                | Frederick County Public Schools     |
| Middle   | 0.055                                    | 0.052                                | Frederick County Public Schools     |
| High   | 0.067                                    | 0.062                                | Frederick County Public Schools     |

**Annual Review / Update Critical Inputs**

| <b>Inputs</b>                            | <b>Updated Model Values<br/>for FY15</b> | <b>FY14 Current Model<br/>Values</b> | <b>Source of FY15 info</b>                |
|--|--|--------------------------------------|---|
| School Children per Dwelling Unit (cont) |  |                                      |   |
| Mobile Home/Other                        |  |                                      |   |
| Elementary                               | 0.138                                    | 0.157                                | Frederick County Public Schools           |
| Middle                                   | 0.097                                    | 0.086                                | Frederick County Public Schools           |
| High                                     | 0.068                                    | 0.080                                | Frederick County Public Schools           |
| Schools                                  |  |                                      |   |
| ELEMENTARY ENROLLMENT                    | 5,965                                    | 5,985                                | Virginia Department of Education, 9/30/13 |
| MIDDLE ENROLLMENT                        | 3,111                                    | 3,110                                | Virginia Department of Education, 9/30/13 |
| HIGH ENROLLMENT                          | 3,972                                    | 3,971                                | Virginia Department of Education, 9/30/13 |
| Prototype Elementary School              |  |                                      |   |
| Capacity (student program capacity)      | 850                                      | 850                                  | Frederick County Public Schools           |
| Current Cost                             | \$23,475,000                             | \$23,475,000                         | Capital Facility Improvement Plan         |
| Prototype Middle School                  |  |                                      |   |
| Capacity (student program capacity)      | 900                                      | 850                                  | Frederick County Public Schools           |
| Current Cost                             | \$49,500,000                             | \$38,930,000                         | Capital Facility Improvement Plan         |
| Prototype High School                    |  |                                      |   |
| Capacity (student program capacity)      | 1,250                                    | 1,250                                | Frederick County Public Schools           |
| Current Cost                             | \$70,000,000                             | \$64,140,000                         | Capital Facility Improvement Plan         |



**Annual Review / Update Critical Inputs**

| <b>Inputs</b>                            | <b>Updated Model Values<br/>for FY15</b> | <b>FY14 Current Model<br/>Values</b> | <b>Source of FY15 info</b>          |
|--|--|--------------------------------------|-------------------------------------|
| Transportation Facility                  |  |                                      |                                     |
| Growth Related Percentage                |  | 50%                                  | Frederick County Public Schools     |
| Current Cost                             |  | \$0                                  | Capital Facility Improvement Plan   |
| Admin Office Expansion                   |  |                                      |                                     |
| Growth Related Percentage                | 50%                                      | 50%                                  | Frederick County Public Schools     |
| Current Cost                             | \$14,510,000                             | \$14,510,000                         | Capital Facility Improvement Plan   |
| Fire Station                             |  |                                      |                                     |
| Station Call Capacity                    | 1,500                                    | 1,500                                | Frederick County Fire & Rescue      |
| Current Cost                             | \$4,305,000                              | \$4,305,000                          | Capital Facility Improvement Plan   |
| Parks & Recreation (Base Line Inventory) |  |                                      |                                     |
| Regional Park Land                       | 391 Acres                                | 391 Acres                            | Frederick County Parks & Recreation |
| Community Park Land                      | 14 Acres                                 | 14 Acres                             | Frederick County Parks & Recreation |
| Trails                                   | 3.00 Miles                               | 3.00 Miles                           | Frederick County Parks & Recreation |
| Shelters                                 | 18 Facilities                            | 18 Facilities                        | Frederick County Parks & Recreation |
| Baseball Fields                          | 8 Fields                                 | 8 Fields                             | Frederick County Parks & Recreation |
| Softball Fields                          | 5 Fields                                 | 5 Fields                             | Frederick County Parks & Recreation |
| Playground/Picnic Area                   | 20 Fields                                | 20 Fields                            | Frederick County Parks & Recreation |
| Picnic areas at regional parks           | 20 Facilities                            | 20 Facilities                        | Frederick County Parks & Recreation |
| Tennis Court                             | 6 Courts                                 | 6 Courts                             | Frederick County Parks & Recreation |
| Basketball Courts                        | 5 Facilities                             | 5 Facilities                         | Frederick County Parks & Recreation |
| Swimming Pool                            | 2 Facilities                             | 2 Facilities                         | Frederick County Parks & Recreation |
| Soccer Fields                            | 6 Fields                                 | 6 Fields                             | Frederick County Parks & Recreation |
| Volleyball Courts                        | 3 Courts                                 | 3 Courts                             | Frederick County Parks & Recreation |
| Horeshoe Courts                          | 0 Courts                                 | 0 Courts                             | Frederick County Parks & Recreation |

**Annual Review / Update Critical Inputs**

| <b>Inputs</b>                                | <b>Updated Model Values for FY15</b> | <b>FY14 Current Model Values</b> | <b>Source of FY15 info</b>          |
|--|--------------------------------------|----------------------------------|-------------------------------------|
| <b>Parks &amp; Recreation (Current Cost)</b> |                                      |                                  |                                     |
| Regional Park Land                           | \$6,000 Per Acre                     | \$6,000 Per Acre                 | Capital Facility Improvement Plan   |
| Community Park Land                          | \$72,000 Per Acre                    | \$72,000 Per Acre                | Capital Facility Improvement Plan   |
| Trails                                       | \$211,220 Per Mile                   | \$211,220 Per Mile               | Capital Facility Improvement Plan   |
| Shelters                                     | \$42,322 Per Shelter                 | \$42,322 Per Shelter             | Capital Facility Improvement Plan   |
| Baseball Fields                              | \$275,000 Per Field                  | \$275,000 Per Field              | Capital Facility Improvement Plan   |
| Softball Fields                              | \$250,000 Per Field                  | \$250,000 Per Field              | Capital Facility Improvement Plan   |
| Playground/Picnic Area                       | \$150,000 Per Facility               | \$150,000 Per Facility           | Capital Facility Improvement Plan   |
| Picnic areas at regional parks               | \$804,243 Per Facility               | \$700,000 Per Facility           | Capital Facility Improvement Plan   |
| Tennis Court                                 | \$56,250 Per Court                   | \$56,250 Per Court               | Capital Facility Improvement Plan   |
| Basketball Courts                            | \$112,500 Per Court                  | \$112,500 Per Court              | Capital Facility Improvement Plan   |
| Swimming Pool w/ Field House                 | \$15,163,000 Per Facility            | \$15,163,000 Per Facility        | Capital Facility Improvement Plan   |
| Growth Related Percentage                    | 30%                                  | 30%                              | Frederick County Parks & Recreation |
| Soccer Fields                                | \$1,121,998 Per Field                | \$1,121,998 Per Field            | Capital Facility Improvement Plan   |
| Multi-Generational Community Center          | \$8,802,605 Per Facility             | \$8,802,605 Per Facility         | Capital Facility Improvement Plan   |
| Growth Related Percentage                    | 80%                                  | 80%                              | Frederick County Parks & Recreation |
| <b>New Regional Library</b>                  |                                      |                                  |                                     |
| Growth Related Percentage                    | 28.5%                                | 28.5%                            | Handley Regional Library            |
| Additional Units Served (persons)            | 16,000                               | 16,000                           | Handley Regional Library            |
| Current Cost                                 | \$5,400,000 Per Facility             | \$5,400,000 Per Facility         | Capital Facility Improvement Plan   |
| <b>New Rural Branch Library</b>              |                                      |                                  |                                     |
| Growth Related Percentage                    | 29.0%                                | 29.0%                            | Handley Regional Library            |
| Additional Units Served (persons)            | 8,000                                | 8,000                            | Handley Regional Library            |
| Current Cost                                 | \$2,279,575 Per Facility             | \$2,279,575 Per Facility         | Capital Facility Improvement Plan   |

## Development Impact Model

On October 12, 2005, the Frederick County Board of Supervisors directed staff to use the Development Impact Model (DIM) to project the capital fiscal impacts that would be associated with any rezoning petitions containing residential development, replacing the existing Capital Facilities Fiscal Impact Model. The DIM was created by an economic consultant who evaluated and analyzed development within the County in an effort to assist the County in planning for future capital facility requirements. Critical inputs to the DIM are to be reviewed and updated annually to assure that the fiscal projections accurately reflect County capital expenditures. **PENDING The Board of Supervisors authorized use of the annual model update on June 25, 2014.**

The DIM projects that, on average, residential development has a negative fiscal impact on the County's capital expenditures. As such, all rezoning petitions with a residential component submitted after July 1, 2014 will be expected to demonstrate how the proposal will mitigate the following projected capital facility impacts:

|                             |             |
|-----------------------------|-------------|
| Single Family Dwelling Unit | = \$ 19,583 |
| Town Home Dwelling Unit     | = \$ 13,437 |
| Apartment Dwelling Unit     | = \$ 12,697 |

The following is a breakdown of the projected impacts per dwelling unit for each capital facility.

| Capital facility     | Single Family | Town home | Apartment |
|----------------------|---------------|-----------|-----------|
| Fire And Rescue      | \$554         | \$412     | \$418     |
| General Government   | \$43          | \$33      | \$33      |
| Public Safety        | \$0           | \$0       | \$0       |
| Library              | \$496         | \$379     | \$379     |
| Parks and Recreation | \$1,742       | \$1,332   | \$1,332   |
| School Construction  | \$16,747      | \$11,281  | \$10,535  |
| Total                | \$19,583      | \$13,437  | \$12,697  |

The projected capital expenditures depicted above do not include a credit for future real estate taxes. A "read-only" copy of the Development Impact Model is available on the public workstation within the Planning and Development's office. A user manual is also available.

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

(Please Print Clearly)



### APPLICANT INFORMATION

Name of Applicant: Trumpet Vine Farm (DeMarchi Spears)

Telephone Number(s): 540 868 1413  home  office  cell 540-664-8079  home  office  cell

Address: 266 Vancluse Rd Stephens City Va 22655

Contact Email: demarchispears@yahoo.com

### FESTIVAL EVENT ORGANIZATIONAL INFORMATION

|                       |  |
|-----------------------|--|
| <b>Festival Event</b> | Name of Festival: <u>12 month Permit</u> |
|-----------------------|--|

|                                      |   |
|--------------------------------------|---|
| Cost of Admission to Festival: _____ | Business License Obtained: <input type="checkbox"/> Yes <input type="checkbox"/> No |
|--------------------------------------|---|

| Date(s) | Start Time | End Time | Maximum No. of Tickets Offered For Sale Per Day | Estimated No. of Attendees Per Day |
|---------|------------|----------|---|------------------------------------|
|         |            |          |   |                                    |
|         |            |          |   |                                    |
|         |            |          |   |                                    |

|                 |   |
|-----------------|---|
| <b>Location</b> | Address: <u>266 Vancluse Rd, Stephens City Va 22655</u> |
|-----------------|---|

|                          |  |
|--------------------------|--|
| <b>Owner of Property</b> | Name(s): <u>DeMarchi Spears</u><br>Address: <u>(see above)</u><br><small>(*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.)</small> |
|--------------------------|--|

|                 |   |
|-----------------|---|
| <b>Promoter</b> | Name(s): <u>DeMarchi Spears</u><br>Address: <u>(see above)</u><br><small>(*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.)</small> |
|-----------------|---|

|                         |  |
|-------------------------|--|
| <b>Financial Backer</b> | Name(s): <u>DeMarchi Spears</u><br>Address: <u>(see above)</u> |
|-------------------------|--|

|                  |   |
|------------------|---|
| <b>Performer</b> | Name of Person(s) or Group(s): <u>T.B.D.</u><br>_____<br>_____<br><small>(*NOTE: Applicant may need to update information as performers are booked for festival event.)</small> |
|------------------|---|

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

N/A

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).

Porta potties will be provided and Ample Trash Cans provided

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).

T.B.D. For each event.

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.

Middle town & Stephens City Fire dept will be notified per event

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.

Same as above

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

Parking will around event area. Ample parking provided by Farm

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.

TBD per each event. Generally Lighting is usually from Tent & string lights parcel of property is large enough that lighting will not extend onto neibony property.

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

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

ABC permits will be handled per each event & Info will be provided to County

(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**

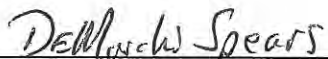
Applicant makes the following statements:

- 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

  
\_\_\_\_\_  
Printed Name of Applicant

Date: 5/27/14

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

Known events to date.

Trumpet Vine Farm

DeMarsch Farms

540664-8079

\* June 28<sup>th</sup> 2014

Birthday party 100-120 people

\* July 26<sup>th</sup> 2014

Wedding 150 people

\* Sept 20<sup>th</sup> 2014

Wedding 150 people





Post Office Box 582  
Stephens City, Virginia 22655

June 18, 2014

Mr. Richard C. Shickle  
292 Green Spring Road  
Winchester, Virginia 22603

Ref: Winchester Star advertisement June 11, 2014  
12 month festival permit at the Trumpet Vine Farm  
Mr. DeMarchi Spears.

Sir:

I am the land owner adjacent to the Trumpet Vine Farm in the Back Creek District of the county. I am opposed to the granting of this permit.

Mr. Spears has constructed a "gazebo/pavillon/dance floor" adjacent to my property line and directly in back of my residence. I do not know if this structure meets setback requirements or if building permits were issued. My first knowledge of the application was by reading the Newspaper, I have never been contacted by Mr. Spears or any of his agents.

This is a financially rewarding enterprise not supported by existing Rural Agriculture zoning.

I am asking you for a NO vote in this matter.

Sincerely yours,

William H. Pfah

cc: Mr. John R. Riley, Jr.

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# BOARD OF SUPERVISORS

## RESOLUTION FISCAL YEAR 2014-2015 BUDGET AMENDMENT

**WHEREAS**, Pursuant to Section 15.2-2507 of the *Code of Virginia*, 1950, as Amended, the Frederick County Board of Supervisors, meeting in regular session and public hearing held on June 25, 2014, took the following action:

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors that the FY 2014-2015 Budget be Amended to Reflect:

Airport Capital Fund Supplemental Appropriation in the Amount of \$5,070,000. This Amount Represents Capital Projects Including the Relocation of the South Apron and Land Acquisition.

Capital Project Fund Supplemental Appropriation in the Amount of \$7,206,953. This Amount Represents the Project Budget for the Replacement Round Hill Fire and Rescue Station and Event Center.

Upon motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, the above was \_\_\_\_\_ by the following recorded vote:

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

**A COPY ATTEST:**

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

Attachments

Res. No. 064-14

Original: Cheryl B. Shiffler, Finance Director  
cc: C. William Orndoff, Jr., Treasurer  
Renny Manual, Airport Director  
Harvey E. Strawsnyder, Jr., PE, Public Works Director

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# Winchester Regional Airport Authority

## **BUDGET AMENDMENT**

City & County Revenue Shares Adjusted Based On Weldon Cooper Center population estimate for 2013 published 1/27/2014

## **FY 2015 - Proposed Budget**

## **CAPITAL IMPROVEMENT FUND**

Submitted:

County of Frederick

City of Winchester

Counties of Clarke, Shenandoah & Warren

**January 19, 2014**

**January 19, 2014**

April 2014 Amendment Submitted:

County of Frederick

City of Winchester

**April 4, 2014**

**April 4, 2014**

# FY 2015 AMENDED FISCAL YEAR BUDGET REQUEST

## AIRPORT AUTHORITY CAPITAL OUTLAY

### ACQUIRE LAND - BUFFLICK ROAD:

Land Acquisition of numerous parcels along Bufflick Road identified on the current Airport Property Map are included in the Airport Twenty-Year Master Plan and is to be acquired fee simple to meet Federal Aviation Administration design standards for Runway 14 Safety Area and for Noise Abatement. Under the Federal Aviation Administration's Part 77 Surface Requirements, the Airport is required to own fee simple property within the Primary Surfaces. This requirement is also included in the Code of Virginia 15.2.

### RUNWAY 14 APPROACH LAND ACQUISITION ENVIRONMENTAL ASSESSMENT:

Over the past several years, the Airport Authority has been acquiring land adjacent to the airfield with the goal of securing fee simple ownership of the Runway Protection zone and to secure easement rights to remove and control obstructions to the airport's airspace.

The original environmental assessment for this action was completed in the early 1990's. Due to its age and changes to aviation (the implementation of GPS) the Federal Aviation Administration is requiring that the environmental effort be revisited to update based on changes that have occurred since the early 1990s.

### NORTH SIDE CONNECTOR - DESIGN PHASE:

This project proposes to construct a new taxiway connector and a short partial parallel taxiway on the northwest side of the airfield. The connector would access the runway at the end of Runway 14 and the parallel taxiway would connect to the proposed future apron and hangar development area on the northside of the airfield. This project is part of the airport Twenty-Year Master Plan adopted in October 2005.

MAINTENANCE ITEMS: This item will provide for the general maintenance of eligible Airport facilities including vegetation, lighting and navigation equipment, pavement upkeep and airfield maintenance. Most maintenance items are funded on a State/Local level on a 80/20 basis.

|               | FY 2013<br>BUDGET | FY 2014<br>BUDGET | FY 2015<br>BUDGET |
|---------------|-------------------|-------------------|-------------------|
| <b>COSTS:</b> |                   |                   |                   |
| Personnel     | 0                 | 0                 | 0                 |
| Operating     | 0                 | 0                 | 0                 |
| Capital       | 4,589,210         | 4,959,210         | 5,070,000         |
| <b>TOTAL</b>  | <b>4,589,210</b>  | <b>4,959,210</b>  | <b>5,070,000</b>  |

### TAXIWAY "A" RELOCATION - SECTION 1 - CONSTRUCTION PHASE

The relocation of Taxiway "A" is part of the overall airport upgrade to meet FAA safety design standards for Group III aircraft. Relocation will improve the serviceability of the airport regarding ground movement of aircraft. Group III aircraft consists of larger corporate jets. This project is part of the Twenty Year Master Plan updated and adopted October 2005. This project was originally budgeted in FY 2014 however due to unavailable Federal funds it has been moved to FY 2015. Receipt of Federal funding is anticipated to be received in FY 2015 during the months of July or August 2014. Due to the size and cost of the entire project it will be done over multiple years in phases.

### NEW GENERAL AVIATION TERMINAL BUILDING STUDY

The existing terminal building constructed in 1988/1989 has reached the point of needing major rehabilitation. Preliminary study conducted in 2007 resulted in an estimated rehabilitation cost of over \$2.5 million vs. a new building estimated at \$3.5 million. In order to determine the size and layout feasible for our general aviation operations the Virginia Department of Aviation requires a terminal study which would include viable locations for a new building. The relocation of Taxiway "A" decreases the minimum clearance requirement needed for transient parking of Group III aircraft on the existing terminal building site.

### GOALS:

Provide a safe, efficient all weather facility to meet current and future demands for air transportation as the community continues with economic development and growth. Continue development in accordance with the Twenty-Year Master Plan adopted October 2005.

|                     | FY 2013<br>BUDGET | FY 2014<br>BUDGET | FY 2015<br>BUDGET |
|---------------------|-------------------|-------------------|-------------------|
| <b>REVENUES:</b>    |                   |                   |                   |
| Other Jurisdictions | 57,916            | 103,616           | 39,118            |
| State/Federal       | 4,423,626         | 4,633,276         | 4,950,600         |
| County Funding      | 107,668           | 222,318           | 80,282            |
| <b>TOTAL</b>        | <b>4,589,210</b>  | <b>4,959,210</b>  | <b>5,070,000</b>  |

# FY 2015 - AMENDED CAPITAL IMPROVEMENT REVENUES

## Winchester Regional Airport

**\*\*Amended April 2014 with adjusted population estimates**

| Description  |                           | REVENUE SOURCE   |                |                |                  |
|--|---------------------------|------------------|----------------|----------------|------------------|
|  |                           | FEDERAL          | STATE          | LOCAL          | TOTAL            |
| New General Aviation Terminal Building - Study           | 80/20 State/Local         | 0                | 40,000         | 10,000         | 50,000           |
| North Side - Connector (Design)                          | 90/8/2 FAA/State/Local    | 270,000          | 24,000         | 6,000          | 300,000          |
| Rehabilitate & Relocate South Apron - Construction Phase | 90/8/2 FAA/State/Local    | 3,150,000        | 280,000        | 70,000         | 3,500,000        |
| Environmental Assessment                                 | 90/8/2 FAA/State/Local    | 225,000          | 20,000         | 5,000          | 250,000          |
| Acquire Land - Parcel 64 A 69: Robertson                 | 90/8/2 FAA/State/Local    | 211,500          | 18,800         | 4,700          | 235,000          |
| Acquire Land - Parcel 64 A 63: Hopewell Fishel           | 90/8/2 FAA/State/Local    | 157,500          | 14,000         | 3,500          | 175,000          |
| Acquire Land - Parcel 64 A 70: Marston & Haynes          | 90/8/2 FAA/State/Local    | 234,000          | 20,800         | 5,200          | 260,000          |
| Acquire Land - Parcel 64 A 71: Marston & Haynes          | 90/8/2 FAA/State/Local    | 225,000          | 20,000         | 5,000          | 250,000          |
| State Eligible Annual Maintenance Repairs                | Funding 80/20 State/Local | 0                | 28,000         | 7,000          | 35,000           |
|  | Annual State allotment    | 0                | 12,000         | 3,000          | 15,000           |
| <b>Total Revenue Breakdown</b>                           |                           | <b>4,473,000</b> | <b>477,600</b> | <b>119,400</b> | <b>5,070,000</b> |

| Local Revenue Breakdown         |                |
|---------------------------------|----------------|
| Contribution Clarke County      | 2,500          |
| Contribution Warren County      | 5,000          |
| Contribution Shenandoah County  | 5,000          |
| Frederick Co/City of Winchester | 106,900        |
| Local Revenue                   | <b>119,400</b> |

| County | City   |
|--------|--------|
| 75.1%  | 24.9%  |
| 80,282 | 26,618 |

|        |      |       |
|--------|------|-------|
| County | City | Total |
|--------|------|-------|

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## FY 2015 - AMENDED CAPITAL IMPROVEMENT EXPENDITURES

\*\*Amended April 2014 with adjusted population estimates

### Winchester Regional Airport

| Description  |  | DETAIL AMOUNT  | TOTAL AMOUNT       |                    |
|--------------|--|--|--------------------|--------------------|
|              | New General Aviation Terminal Building - Study           | New GA Terminal Building Study   | \$50,000           | \$50,000           |
|              | North Side - Connector (Design)                          | North Side Connector - Design Phase  | \$300,000          | \$300,000          |
|              | Rehabilitate & Relocate South Apron - Construction Phase | Section 1 of the Taxiway "A" relocation & rehabilitation of the south apron - construction. Design completed in FY 2014 - Federal funds available in July 2014 | \$3,500,000        | \$3,500,000        |
|              | Environmental Assessment                                 | For future land acquisition on Runway 14 approach ends to ensure compliance with current FAA standards   | \$250,000          | \$250,000          |
|              | Acquire Land - Parcel 64 A 69: Robertson                 | Acquire land Bufflick Road   | \$235,000          | \$235,000          |
|              | Acquire Land - Parcel 64 A 63: Hopewell Fishel           | Acquire land Bufflick Road   | \$175,000          | \$175,000          |
|              | Acquire Land - Parcel 64 A 70: Marston & Haynes          | Acquire land Bufflick Road   | \$260,000          | \$260,000          |
|              | Acquire Land - Parcel 64 A 71: Marston & Haynes          | Acquire land Bufflick Road   | \$250,000          | \$250,000          |
|              | State Eligible Annual Maintenance Repairs                | General Repairs  | \$35,000           | \$35,000           |
|              |  | F & E repairs, lighting supplies, etc  | \$15,000           | \$15,000           |
| <b>TOTAL</b> |  |  | <b>\$5,070,000</b> | <b>\$5,070,000</b> |





John R. Riley, Jr.  
County Administrator

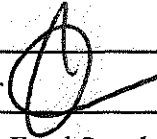
540/665-5666

Fax 540/667-0370

E-mail:

jriley@co.frederick.va.us

**MEMORANDUM**

|                 |   |
|-----------------|---|
| <b>TO:</b>      | Board of Supervisors  |
| <b>FROM:</b>    | John R. Riley, Jr., County Administrator  |
| <b>SUBJECT:</b> | Round Hill Fire Station - Capital Project Fund Supplemental Appropriation   |
| <b>DATE:</b>    | July 19, 2014   |

The Finance Committee recommended advertisement and approval of a Capital Project Fund Supplemental Appropriation for the construction of the new Round Hill fire station and event center. At the conclusion of the budget amendment public hearing, staff is seeking Board approval of the supplemental appropriation.

In addition to approval of the appropriation, staff is seeking action from the Board on an authorization resolution which would allow the County to pursue financing through the Virginia Resources Authority. The Finance Committee did not forward a recommendation on a preferred financing option; however, there are two options that could be pursued relative to this project. The two options to be considered are:

- 1) Submit an application for the County's share of this project in the amount of \$4,200,000 which would include \$3,869,693.00 for the fire station component and associated site work and \$330,307.00 for cost of issuance and any discount; or
- 2) Submit an application to fund both the fire station and event center in the amount of \$5,900,000, which would include \$5,600,541.00 and \$299,459.00 for cost of issuance and any discount.

Included as part of each authorizing resolution is a reimbursement resolution (paragraph 13), which would allow the County to reimburse itself for costs incurred between now and the bond closing date, tentatively set for August 13, 2014. Board action on the authorizing resolution would approve the reimbursement component as well.

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

JRR/jet

**CERTIFICATE OF CLERK**

The undersigned Clerk of the Board of Supervisors of the County of Frederick, Virginia, hereby certifies that:

1. A regular meeting (the "Meeting") of the Board of Supervisors of the County of Frederick, Virginia (the "Board"), was held on June 25, 2014, at which the following members were present and absent:

PRESENT:

ABSENT:

2. A Resolution entitled "A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA APPROVING THE LEASE FINANCING OF FIRE AND RESCUE FACILITIES AND AUTHORIZING THE LEASING OF CERTAIN COUNTY-OWNED PROPERTY, THE EXECUTION AND DELIVERY OF A PRIME LEASE AND A LOCAL LEASE ACQUISITION AGREEMENT AND FINANCING LEASE, AND OTHER RELATED ACTIONS" was duly adopted at the Meeting by the recorded affirmative vote of a majority of all of the members elected to the Board, the ayes and nays being recorded in the minutes of the Meeting as shown below:

MEMBER

VOTE

3. Attached hereto is a true and correct copy of the foregoing resolution as recorded in full in the minutes of the Meeting.

---

Clerk of the Board of Supervisors  
of the County of Frederick, Virginia

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA APPROVING THE LEASE FINANCING OF FIRE AND RESCUE FACILITIES AND AUTHORIZING THE LEASING OF CERTAIN COUNTY-OWNED PROPERTY, THE EXECUTION AND DELIVERY OF A PRIME LEASE AND A LOCAL LEASE ACQUISITION AGREEMENT AND FINANCING LEASE, AND OTHER RELATED ACTIONS**

**WHEREAS**, the Board of Supervisors (the "Board") of the County of Frederick, Virginia (the "County"), intends to finance the construction and equipping of fire and rescue facilities, consisting primarily of a fire station for the Round Hill Community Fire and Rescue Company (the "Project");

**WHEREAS**, the Board has determined that it is in the best interest of the County to enter into a lease arrangement in order to obtain funds to finance the Project;

**WHEREAS**, the Board is authorized, pursuant to Section 15.2-1800 of the Code of Virginia of 1950, as amended, to lease any improved or unimproved real estate held by the County;

**WHEREAS**, Virginia Resources Authority ("VRA") intends to issue its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2014B or such other series of bonds as VRA and the County may determined (the "VRA Bonds") and, subject to VRA credit approval, to provide a portion of the proceeds to the County to finance the Project pursuant to the terms of a Local Lease Acquisition Agreement and Financing Lease (the "Financing Lease"), between the County and VRA;

**WHEREAS**, the County will enter into a Prime Lease (the "Prime Lease") with VRA whereby the County will lease the Project and the real estate on which the Project will be located (the "Real Estate") to VRA;

**WHEREAS**, the County will enter into the Financing Lease with VRA pursuant to which VRA will lease the Real Estate and the Project back to the County and the County will make rental payments corresponding in amount and timing to the debt service on the portion of the VRA Bonds issued to finance the Project (the "Rental Payments");

**WHEREAS**, pursuant to the Financing Lease the County will undertake and complete the Project;

**WHEREAS**, the County intends to pay the Rental Payments out of appropriations from the County's General Fund;

**WHEREAS**, the Financing Lease shall indicate that approximately \$3,869,693 plus an amount sufficient to pay local costs of issuance (or such other amount as requested by the County and approved by VRA prior to the pricing of the VRA Bonds) is the amount of proceeds requested (the "Proceeds Requested") from VRA;

**WHEREAS**, VRA has advised the County that VRA's objective is to pay the County an amount which, in VRA's judgment, reflects the market value of the Rental Payments under the Financing Lease (the "VRA Purchase Price Objective"), taking into consideration the Proceeds Requested and such factors as the purchase price to be received by VRA for the VRA Bonds, the issuance costs of the VRA Bonds (consisting of the underwriters' discount and other costs incurred by VRA (collectively, the "VRA Costs")) and other market conditions relating to the sale of the VRA Bonds;

**WHEREAS**, such factors may result in the County receiving an amount other than the par amount of the aggregate principal components of the Rental Payments under the Financing Lease and consequently (i) the aggregate principal components of the Rental Payments under the Financing Lease may be greater than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized aggregate amount of the principal components of the Rental Payments under the Financing Lease does not equal or exceed the sum of the Proceeds Requested plus the amount of the VRA Costs and any original issue discount, the amount to be paid to the County, given the VRA Purchase Price Objective and market conditions, will be less than the Proceeds Requested; and

**WHEREAS**, the Prime Lease and the Financing Lease and an Addendum between the County and the Round Hill Community Fire and Rescue Company amending the Fire and Rescue Joint Agreement, dated as of September 26, 2007 are referred to herein as the "Documents." Copies of the Documents are on file with the County Administrator.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA:

1. **Approval of Lease-Leaseback Arrangement.** The lease-leaseback arrangement with VRA to accomplish the financing of the Project is hereby approved. The leasing of the Real Estate and the Project by the County, as lessor, to VRA, as lessee, pursuant to the terms of the Prime Lease is hereby approved. The leasing of the Real Estate and the Project by VRA, as lessor, to the County, as lessee, pursuant to the terms of the Financing Lease is hereby approved.

2. **Approval of the Terms of the Rental Payments.** The Rental Payments set forth in the Financing Lease shall be composed of principal and interest components reflecting an original aggregate principal amount not to exceed \$4,200,000 and a true interest cost not to exceed 6.0% per annum (exclusive of "Supplemental Interest" as provided in the Financing Lease and taking into account any original issue discount or premium); and the final maturity shall be not later than 25 years from the date of the first Rental Payment under the Financing Lease. It is determined to be in the best interest of the County to enter into the Financing Lease with VRA, subject to the terms and conditions set forth in this Resolution. Given the VRA Purchase Price Objective and market conditions, it may become necessary to enter into the Financing Lease with aggregate principal components of the Rental Payments greater than the Proceeds Requested. If the limitation on the maximum aggregate principal components of Rental Payments on the Financing Lease set forth in this paragraph 2 restricts VRA's ability to generate the Proceeds Requested, taking into account the VRA Costs, the VRA Purchase Price Objective and market conditions, the County Administrator is authorized to accept a purchase price at an amount less than the Proceeds Requested. The County Administrator is authorized to

accept the interest component of Rental Payments based on the interest rate or rates established by VRA. The actions of the County Administrator in accepting the final terms of the Financing Lease, including its purchase price and the Rental Payments shall be conclusive, and no further action shall be necessary on the part of the Board.

3. **Other Payments under Financing Lease.** Subject to paragraphs 7 and 8 below, the County agrees to pay all amounts required by the Financing Lease in addition to Rental Payments, including the "Supplemental Interest," as provided in the Financing Lease.

4. **Execution and Recordation of Documents.** The Chairman and the County Administrator, either of whom may act, are authorized and directed to execute the Documents and deliver them to the other parties thereto. The Clerk of the Board of Supervisors and any Deputy Clerk, any of whom may act, are authorized to affix the seal of the County, or a facsimile thereof, to the Documents, if required, and to attest such seal. The Chairman and the County Administrator, either of whom may act, are further authorized to cause the Prime Lease and the Financing Lease, to be recorded in the Clerk's Office of the Circuit Court of Frederick County.

5. **Form of Documents.** The Documents shall be in substantially the forms on file with the County Administrator, which Documents are hereby approved with such completions, omissions, insertions and changes as may be approved by the Chairman and the County Administrator, either of whom may act. The execution and delivery of the Documents by the Chairman and the County Administrator, or either of them, will constitute conclusive evidence of the approval of any such completions, omissions, insertions, and changes, including acceptance of the final terms of the Financing Lease.

6. **Essentiality of the Project and Real Estate.** The Project and the Real Estate are hereby declared to be essential to the efficient operation of the County, and the County anticipates that the Project and the Real Estate will continue to be essential to the operation of the County during the term of the Financing Lease.

7. **Annual Budget.** While recognizing that it is not empowered to make any binding commitment to make Rental Payments and any other payments required under the Financing Lease beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Financing Lease. The Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Financing Lease an amount sufficient to pay the Rental Payments and all other payments coming due under the Financing Lease during such fiscal year. If at any time during any fiscal year of the County throughout the term of the Financing Lease, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the Rental Payments and any other payments required under the Financing Lease, the Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

8. **Rental Payments Subject to Appropriation.** The County's obligation to make the Rental Payments and all other payments pursuant to the Financing Lease is hereby specifically stated to be subject to annual appropriation therefor by the Board, and nothing in this Resolution or the Documents shall constitute a pledge of the full faith and credit or taxing power of the County or compel the Board to make any such appropriation.

9. **Disclosure Documents.** The County authorizes and consents to the inclusion of information with respect to the County in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both to be prepared in connection with the sale of the VRA Bonds. If appropriate, such disclosure documents shall be distributed in such manner and at such times as VRA shall determine. The County Administrator is authorized and directed to take whatever actions are necessary and/or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

10. **Tax Documents.** The County Administrator and the County's Director of Finance, either of whom may act, are hereby authorized to execute a Nonarbitrage Certificate and Tax Compliance Agreement and/or any related document (the "Tax Documents") setting forth the expected use and investment of the proceeds of the VRA Bonds to be received pursuant to the Documents and containing such covenants as may be necessary in order for the County and VRA to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), with respect to the VRA Bonds and the Documents including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The County covenants that the proceeds of the VRA Bonds to be received pursuant to the Documents will be invested and expended as set forth in the Tax Documents, to be delivered simultaneously with the issuance and delivery of the Financing Lease and that the County shall comply with the other covenants and representations contained therein.

11. **Other Actions.** All other actions of the officers of the County in conformity with the purpose and intent of this Resolution are hereby approved and confirmed. The officers of the County are hereby authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the actions contemplated by this Resolution or the execution and delivery of the Documents.

12. **SNAP Investment Authorization.** The County has heretofore received and reviewed the Information Statement (the "Information Statement") describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "Contract"), and the County has determined to authorize the County Administrator and the Treasurer, or either of them, to utilize SNAP in connection with the investment of the proceeds of the lease-leaseback transaction if the County Administrator and the Treasurer determine that the utilization of SNAP is in the best interest of the County. The Board acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

13. **Reimbursement.** The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150-2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Project

from the proceeds of its debt or other financings. The maximum amount of debt or other financings expected to be issued in one or more series for the Project is \$4,200,000.

**14. Effective Date.** This resolution shall take effect immediately.

**CERTIFICATE OF CLERK**

The undersigned Clerk of the Board of Supervisors of the County of Frederick, Virginia, hereby certifies that:

1. A regular meeting (the "Meeting") of the Board of Supervisors of the County of Frederick, Virginia (the "Board"), was held on June 25, 2014, at which the following members were present and absent:

PRESENT:

ABSENT:

2. A Resolution entitled "A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA APPROVING THE LEASE FINANCING OF FIRE AND RESCUE FACILITIES AND A COMMUNITY CENTER AND AUTHORIZING THE LEASING OF CERTAIN COUNTY-OWNED PROPERTY, THE EXECUTION AND DELIVERY OF A PRIME LEASE AND A LOCAL LEASE ACQUISITION AGREEMENT AND FINANCING LEASE, AND OTHER RELATED ACTIONS" was duly adopted at the Meeting by the recorded affirmative vote of a majority of all of the members elected to the Board, the ayes and nays being recorded in the minutes of the Meeting as shown below:

MEMBER

VOTE

3. Attached hereto is a true and correct copy of the foregoing resolution as recorded in full in the minutes of the Meeting.

---

Clerk of the Board of Supervisors  
of the County of Frederick, Virginia



**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA APPROVING THE LEASE FINANCING OF FIRE AND RESCUE FACILITIES AND A COMMUNITY CENTER AND AUTHORIZING THE LEASING OF CERTAIN COUNTY-OWNED PROPERTY, THE EXECUTION AND DELIVERY OF A PRIME LEASE AND A LOCAL LEASE ACQUISITION AGREEMENT AND FINANCING LEASE, AND OTHER RELATED ACTIONS**

**WHEREAS**, the Board of Supervisors (the "Board") of the County of Frederick, Virginia (the "County"), intends to finance the construction and equipping of fire and rescue facilities, consisting primarily of a fire station and a building to be used as a community center for the Round Hill Community Fire and Rescue Company (the "Projects");

**WHEREAS**, the Board has determined that it is in the best interest of the County to enter into a lease arrangement in order to obtain funds to finance the Projects;

**WHEREAS**, the Board is authorized, pursuant to Section 15.2-1800 of the Code of Virginia of 1950, as amended, to lease any improved or unimproved real estate held by the County;

**WHEREAS**, Virginia Resources Authority ("VRA") intends to issue its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2014B or such other series of bonds as VRA and the County may determine (the "VRA Bonds") and, subject to VRA credit approval, to provide a portion of the proceeds to the County to finance the Projects pursuant to the terms of a Local Lease Acquisition Agreement and Financing Lease (the "Financing Lease"), between the County and VRA;

**WHEREAS**, the County will enter into a Prime Lease (the "Prime Lease") with VRA whereby the County will lease the Projects and the real estate on which the Projects will be located (the "Real Estate") to VRA;

**WHEREAS**, the County will enter into the Financing Lease with VRA pursuant to which VRA will lease the Real Estate and the Projects back to the County and the County will make rental payments corresponding in amount and timing to the debt service on the portion of the VRA Bonds issued to finance the Projects (the "Rental Payments");

**WHEREAS**, pursuant to the Financing Lease the County will undertake and complete the Projects;

**WHEREAS**, the County intends to pay the Rental Payments out of appropriations from the County's General Fund;

**WHEREAS**, the Financing Lease shall indicate that approximately \$5,600,541 plus an amount sufficient to pay local costs of issuance (or such other amount as requested by the County and approved by VRA prior to the pricing of the VRA Bonds) is the amount of proceeds requested (the "Proceeds Requested") from VRA;

**WHEREAS**, VRA has advised the County that VRA's objective is to pay the County an amount which, in VRA's judgment, reflects the market value of the Rental Payments under the Financing Lease (the "VRA Purchase Price Objective"), taking into consideration the Proceeds Requested and such factors as the purchase price to be received by VRA for the VRA Bonds, the issuance costs of the VRA Bonds (consisting of the underwriters' discount and other costs incurred by VRA (collectively, the "VRA Costs")) and other market conditions relating to the sale of the VRA Bonds;

**WHEREAS**, such factors may result in the County receiving an amount other than the par amount of the aggregate principal components of the Rental Payments under the Financing Lease and consequently (i) the aggregate principal components of the Rental Payments under the Financing Lease may be greater than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized aggregate amount of the principal components of the Rental Payments under the Financing Lease does not equal or exceed the sum of the Proceeds Requested plus the amount of the VRA Costs and any original issue discount, the amount to be paid to the County, given the VRA Purchase Price Objective and market conditions, will be less than the Proceeds Requested; and

**WHEREAS**, the Prime Lease and the Financing Lease and an Addendum between the County and the Round Hill Community Fire and Rescue Company amending the Fire and Rescue Joint Agreement, dated as of September 26, 2007 are referred to herein as the "Documents." Copies of the Documents are on file with the County Administrator.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA:

1. **Approval of Lease-Leaseback Arrangement.** The lease-leaseback arrangement with VRA to accomplish the financing of the Projects is hereby approved. The leasing of the Real Estate and the Projects by the County, as lessor, to VRA, as lessee, pursuant to the terms of the Prime Lease is hereby approved. The leasing of the Real Estate and the Projects by VRA, as lessor, to the County, as lessee, pursuant to the terms of the Financing Lease is hereby approved.

2. **Approval of the Terms of the Rental Payments.** The Rental Payments set forth in the Financing Lease shall be composed of principal and interest components reflecting an original aggregate principal amount not to exceed \$5,900,000 and a true interest cost not to exceed 6.0% per annum (exclusive of "Supplemental Interest" as provided in the Financing Lease and taking into account any original issue discount or premium); and the final maturity shall be not later than 25 years from the date of the first Rental Payment under the Financing Lease.

It is determined to be in the best interest of the County to enter into the Financing Lease with VRA, subject to the terms and conditions set forth in this Resolution. Given the VRA Purchase Price Objective and market conditions, it may become necessary to enter into the Financing Lease with aggregate principal components of the Rental Payments greater than the Proceeds Requested. If the limitation on the maximum aggregate principal components of Rental Payments on the Financing Lease set forth in this paragraph 2 restricts VRA's ability to generate the Proceeds Requested, taking into account the VRA Costs, the VRA Purchase Price

Objective and market conditions, the County Administrator is authorized to accept a purchase price at an amount less than the Proceeds Requested. The County Administrator is authorized to accept the interest component of Rental Payments based on the interest rate or rates established by VRA. The actions of the County Administrator in accepting the final terms of the Financing Lease, including its purchase price and the Rental Payments shall be conclusive, and no further action shall be necessary on the part of the Board.

3. **Other Payments under Financing Lease.** Subject to paragraphs 7 and 8 below, the County agrees to pay all amounts required by the Financing Lease in addition to Rental Payments, including the "Supplemental Interest," as provided in the Financing Lease.

4. **Execution and Recordation of Documents.** The Chairman and the County Administrator, either of whom may act, are authorized and directed to execute the Documents and deliver them to the other parties thereto. The Clerk of the Board of Supervisors and any Deputy Clerk, any of whom may act, are authorized to affix the seal of the County, or a facsimile thereof, to the Documents, if required, and to attest such seal. The Chairman and the County Administrator, either of whom may act, are further authorized to cause the Prime Lease and the Financing Lease, to be recorded in the Clerk's Office of the Circuit Court of Frederick County.

5. **Form of Documents.** The Documents shall be in substantially the forms on file with the County Administrator, which Documents are hereby approved with such completions, omissions, insertions and changes as may be approved by the Chairman and the County Administrator, either of whom may act. The execution and delivery of the Documents by the Chairman and the County Administrator, or either of them, will constitute conclusive evidence of the approval of any such completions, omissions, insertions, and changes, including acceptance of the final terms of the Financing Lease.

6. **Essentiality of the Projects and Real Estate.** The Projects and the Real Estate are hereby declared to be essential to the efficient operation of the County, and the County anticipates that the Projects and the Real Estate will continue to be essential to the operation of the County during the term of the Financing Lease.

7. **Annual Budget.** While recognizing that it is not empowered to make any binding commitment to make Rental Payments and any other payments required under the Financing Lease beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Financing Lease. The Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Financing Lease an amount sufficient to pay the Rental Payments and all other payments coming due under the Financing Lease during such fiscal year. If at any time during any fiscal year of the County throughout the term of the Financing Lease, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the Rental Payments and any other payments required under the Financing Lease, the Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next

scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

**8. Rental Payments Subject to Appropriation.** The County's obligation to make the Rental Payments and all other payments pursuant to the Financing Lease is hereby specifically stated to be subject to annual appropriation therefor by the Board, and nothing in this Resolution or the Documents shall constitute a pledge of the full faith and credit or taxing power of the County or compel the Board to make any such appropriation.

**9. Disclosure Documents.** The County authorizes and consents to the inclusion of information with respect to the County in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both to be prepared in connection with the sale of the VRA Bonds. If appropriate, such disclosure documents shall be distributed in such manner and at such times as VRA shall determine. The County Administrator is authorized and directed to take whatever actions are necessary and/or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

**10. Tax Documents.** The County Administrator and the County's Director of Finance, either of whom may act, are hereby authorized to execute a Nonarbitrage Certificate and Tax Compliance Agreement and/or any related document (the "Tax Documents") setting forth the expected use and investment of the proceeds of the VRA Bonds to be received pursuant to the Documents and containing such covenants as may be necessary in order for the County and VRA to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), with respect to the VRA Bonds and the Documents including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The County covenants that the proceeds of the VRA Bonds to be received pursuant to the Documents will be invested and expended as set forth in the Tax Documents, to be delivered simultaneously with the issuance and delivery of the Financing Lease and that the County shall comply with the other covenants and representations contained therein.

**11. Other Actions.** All other actions of the officers of the County in conformity with the purpose and intent of this Resolution are hereby approved and confirmed. The officers of the County are hereby authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the actions contemplated by this Resolution or the execution and delivery of the Documents.

**12. SNAP Investment Authorization.** The County has heretofore received and reviewed the Information Statement (the "Information Statement") describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "Contract"), and the County has determined to authorize the County Administrator and the Treasurer, or either of them, to utilize SNAP in connection with the investment of the proceeds of the lease-leaseback transaction if the County Administrator and the Treasurer determine that the utilization of SNAP is in the best interest of the County. The Board acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

13. **Reimbursement.** The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150-2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Projects from the proceeds of its debt or other financings. The maximum amount of debt or other financings expected to be issued in one or more series for the Projects is \$5,725,000.

14. **Effective Date.** This resolution shall take effect immediately.


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## MEMORANDUM

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**TO:** Frederick County Board of Supervisors

**FROM:** Michael T. Ruddy, AICP  
Deputy Director 

**RE:** UDA Centers and the 2030 Comprehensive Plan – Public Hearing

**DATE:** June 16, 2014

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The UDA (Urban Development Area) Centers and the 2030 Comprehensive Plan proposed amendment to the 2030 Comprehensive Plan is presented to the Board of Supervisors as a public hearing item. **Approval of the proposed amendment by the Board of Supervisors is being sought at this point.** A recommendation of approval of the UDA Centers and the 2030 Comprehensive Plan amendment was received from the Planning Commission following their May 21, 2014 meeting. Previously, at your April 9, 2014 meeting, the Board of Supervisors gave direction to move the UDA Centers and the 2030 Comprehensive Plan amendment through the public hearing process.

The attached language is offered as a potential addition to the 2030 Comprehensive Plan. The proposed addition would be inserted into the Plan within Chapter I, Urban Areas and would be titled UDA Centers and the 2030 Comprehensive Plan. This amendment clarifies what a UDA Center is within the Comprehensive Plan.

**UDA Centers are areas designated to direct growth in a compact and highly efficient form within the Urban Areas. UDA Centers are located at strategic locations within the urban areas and should absorb a portion of the anticipated community growth with the maximum efficiency and effectiveness.**

The aim of this proposed amendment is to illustrate why UDA Centers in Frederick County are important and to highlight who would benefit from living in these strategic growth areas. The general consensus is that this amendment consolidates and reinforces the UDA Center discussion within the 2030 Comprehensive Plan and further strengthens sound planning principles within the County's urban areas. Further, the amendment supports the types of projects that the development community has indicated may be desirable, should the market ultimately decide that such a choice is warranted in Frederick County. An illustrative was previously provided as an illustration of potential development styles and scales that may work well in Frederick County.

Background.

The Comprehensive Plans and Programs Committee (CPPC) initiated the proposed amendment as a result of the ongoing discussion of this subject, most recently at the December 6, 2013 Board of Supervisors work session on this subject. During the work session questions were asked about the density, intensity, and marketability of this type of development. There was also a belief that the County should further qualify why this was important to Frederick County. A narrative is included which seeks to answer the questions asked during the work session.

The CPPC endorsed the proposed amendment at their March 10, 2013 meeting. It is hoped that the Urban Center Design Cabinet Report and the TND (Traditional Neighborhood Design) Ordinance will be re-evaluated and will also move forward. A discussion was also held on this topic at the 2014 Planning Commission Retreat.

The Planning Commission held a public hearing for the UDA Centers and the 2030 Comprehensive Plan proposed amendment at their meeting on May 21, 2014. One citizen, a resident of the Gainesboro District, was not in favor of high-density, high-efficiency housing and expressed his concerns this type of housing model may negatively impose upon citizens and force them to give up both liberties and freedoms. He stated it was not the way of life most people chose when they moved to Frederick County or lived here for many years. Commission members supported the amendment, pointing out Frederick County has already identified those urban areas where growth should occur and the proposed amendment provides greater flexibility with how these areas are to be developed. It was noted the proposal offers considerable design flexibility for various housing types intermixed with commercial which will help create areas within the county that are walkable, sustainable, and offer opportunities for people of all ages. They believed this was a step in the right direction. The Chairman pointed out this particular effort is a long-term proposal for Frederick County and would not be accomplished in a short period of time. The Planning Commission recommended approval of the UDA Centers and the 2030 Comprehensive Plan by a majority vote. The vote was as follows:

**YES (TO REC. APPROVAL):** Unger, Marston, Crockett, Thomas, Molden, Kenney, Dunlap, Mohn, Wilmot

**NO:** Ambrogi, Manuel, Triplett

(Note: Commissioner Oates was absent from the meeting.)

The UDA Centers and the 2030 Comprehensive Plan amendment are being presented to the Board of Supervisors as a public hearing item. Approval of the proposed amendment by the Board of Supervisors is being sought at this point. Please contact me if you have any further questions.

MTR/pd/rsa

Attachments



## UDA Centers discussion points.

### Why?

UDA Centers are an integral part of Frederick County's overall growth management strategy. Located at very important locations within the County's Urban Areas, UDA Centers are strategic growth areas that will absorb a greater amount of the anticipated community growth in an efficient and effective way, providing relief and protection for the County's Rural Areas, and encouraging a variety of housing choices within the urban areas.

### Who? From where does the community growth come: internal or external growth.

Over the past two decades, the amount of residential development in Frederick County has grown, increasing at a relatively consistent rate of approximately three percent a year. Supporting this growth was a period of significant expansion in the County's commercial and industrial base.

According to the 2000 Census and more recent studies performed by the Economic Development Commission, Frederick County remains an in-commute location. That is more people come to the county daily for work and not to live which would create demand for public service.

On the other hand, the main contributor to the population growth was the migration of people from outside the Winchester Metropolitan Statistic Area (MSA) to Frederick County for a higher quality of life including lower housing costs, and a lower tax rate.

Frederick County has also become an attractive place to live for retirees. Excellent examples of communities supporting this trend have recently been developed. A major factor is also the Winchester Medical Center, as well as the presence of cultural activities in the arts.

Notwithstanding the above, Frederick County should seek to be a community that provides a variety of opportunities for existing residents, young and old, for the next 50 years. As the community continues to grow, a greater number of residents will be those who also grew up in Frederick County. We are educating the next generation, how do we keep them in the community? Once graduated, often the kids don't return to Winchester. Why? Not only because of a lack of employment opportunities, but also amenities (next generation wants walk ability which does not currently exist). If the educated workforce leaves, why would business locate here? Urban Centers, with their entertainment, employment, residential, transportation, and educational opportunities, the top five attributes of Urban Centers, will further those opportunities and require a long term vision for the centers to come to fruition.

**The County's planning efforts enable residents, both current and future, recent graduates and recent retirees, to choose from an array of housing types that suit their needs and provide affordable housing opportunities. Implementation of this effort will ensure that the needs of all residents are met.**

## **FREDERICK COUNTY UDA CENTERS UDA CENTERS AND THE 2030 COMPREHENSIVE PLAN**

***(Proposed addition to be inserted into the 2030  
Comprehensive Plan within Chapter I, Urban Areas).***

### **FUTURE FOCUS**

Frederick County seeks to focus growth in strategic areas where community facilities and public services are more readily available and can be provided in a more economical and sustainable manner.

Frederick County has identified locations which promote higher urban densities and a more compact form of development. These strategic growth areas within the Urban Areas are known as **UDA** Centers.

**Residential densities higher than those previously experienced within the UDA would accommodate residents interested in living in more urban settings, with the highest densities located within specifically designated areas within UDA Centers.**

Potential locations are strategically situated to take advantage of existing development patterns and infrastructure locations.

**UDA** Centers are designated to direct growth in a compact and highly efficient form within the Urban Areas, thereby reducing development pressures in the Rural Areas.

Within the Urban Area, and particularly the **UDA** Centers, there is a higher expectation in design standards to create a quality urban community that successfully and sustainably accommodates the growth of the community. This enables a more sustainable form of development and encourages the creation of a sense of community.

**Frederick County strives to meet and exceed its residents' desires for living, working, and enjoying, through proactive community planning, and enhancements to the Urban Development Areas.**

### **COMMUNITY BENEFITS**

**UDA** Centers should feature a variety of housing choices, high quality retail, community facilities as focal points, employment opportunities, and provide for land uses that are connected by an attractive, efficient, multimodal transportation system. The mixing of uses provides a greater choice in mobility. Further, focusing development around walkable centers affords people the opportunity to work, live, shop, and play in locations that are near each other.

The County should continue to establish policies which result in high quality residential neighborhoods which are able to accommodate a growing population and expanding workforce. **Policies should recognize the interests of the residents entering and retiring from the workforce.**

A goal of the Neighborhood Villages and UDA Centers is to create new neighborhoods with a balance between residential, employment, and service uses.

Proactive planning efforts are essential in both the Urban and Rural Areas to ensure that the County is able to deal with its future residential growth in a cost-effective and attractive manner, **and meet market demand.**

## **POLICIES/IMPLEMENTATION**

**POLICY:** AS FREDERICK COUNTY CONTINUES TO GROW, IT IS ESSENTIAL THAT THE VISION OF THE COMPREHENSIVE PLAN FOR THE URBAN AREAS MEET EXPECTED GROWTH IN A SUSTAINABLE MANNER. GROWTH SHOULD PRIMARILY BE FOCUSED WITHIN THE URBAN AREAS. MORE INTENSIVE DEVELOPMENT SHOULD BE FOCUSED IN UDA CENTERS, PARTICULARLY MEETING THE RESIDENTIAL NEEDS OF THE YOUNG ADULTS, THE RETIREMENT GENERATION, AND WORKFORCE NEEDED FOR BUSINESS DEVELOPMENT

### **IMPLEMENTATION:**

- Focus new residential growth within the Urban Development Area and at higher densities within **UDA** Centers.
- **Enact** suitable planning and land use policies which will enable the County to identify where future residential growth should be accommodated.
- Provide County residents, both current and future, an array of housing types and opportunities that suit their needs and provide affordable housing opportunities.

**POLICY:** UDA CENTERS, LOCATED AT STRATEGIC LOCATIONS WITHIN THE URBAN AREAS, SHOULD ABSORB A PORTION OF THE ANTICIPATED COMMUNITY GROWTH WITH THE MAXIMUM EFFICIENCY AND EFFECTIVENESS.

### **IMPLEMENTATION:**

- Higher density residential development is encouraged in close proximity to or mixed with commercial areas to enhance walkable access to employment, shopping, and entertainment – **a lifestyle attractive to young adults and the newly retired.** The County's strategic growth areas, the UDA Centers and Neighborhood Villages, are the most desirable locations for this type of development.
- Residential housing types and design guidelines should be flexible to accommodate evolving demographic trends, and to ensure that housing choices are maximized.
- UDA Centers enable the County to plan for and provide services in defined areas where they can reach the majority of the population **at less cost to the taxpayer.**
- Focusing growth and services to the urban areas, and more specifically to the UDA Centers, will allow the County to develop community facilities that become focal points to the residential areas. Focusing new residential development around walkable centers allows people to work, go to school, live, shop, and play in locations that are near each other.

# UDA *Centers*

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This summary is provided in an effort to capture and support the current discussion with regards to UDA Centers in Frederick County. If you have any further questions, planning staff is always available to discuss this item. Please contact the Planning Department at (540)665-5651.

**Frederick County is currently considering the following amendment to the 2030 Comprehensive Plan:**

## UDA Centers and the 2030 Comprehensive Plan

- an amendment that consolidates and reinforces the UDA Center discussion within the 2030 Comprehensive Plan and further strengthens sound planning principles within the County's urban areas.

## What are UDA Centers?

**UDA Centers are areas designated to direct growth in a compact and highly efficient form within Frederick County's urban areas.**

**UDA Centers are located at strategic locations within the urban areas and should absorb a portion of the anticipated community growth with the maximum efficiency and effectiveness.**

Frederick County strives to meet and exceed its residents' desires for living, working, and enjoying, through proactive community planning, and enhancements to the Urban Development Areas, such as UDA Centers.

## What is the vision for UDA Centers?

### UDA Centers are envisioned to feature...

A variety of housing choices

High quality retail

The mixing of land uses

Community facilities as focal points

Employment opportunities

Land uses that are connected by an attractive, efficient, multimodal transportation system

Greater choices in mobility

### UDA Centers are envisioned to create new neighborhoods.

Focusing development around walkable UDA centers affords people the opportunity to work, live, shop, and play in locations that are near each other.

UDA Centers are designed to meet the residential needs of the young adults, the retirement generation, and workforce needed for business development.

Successful examples from other communities exist throughout the region and may be used to illustrate how Frederick County's UDA Centers may be designed.

Successful Examples...



## West Broad Village – Henrico County, VA



For more information...

[www.Westbroadvillage.com](http://www.Westbroadvillage.com)

**Whole Foods**

**REI Southern University**

**Children's Museum of Richmond**

**Aloft The Flats**

## Lansdowne Town Center – Loudoun County, VA



For more information...

[www.Shoplansdowntowncenter.com](http://www.Shoplansdowntowncenter.com)

Harris Teeter

CVS Starbucks

Burapa Thai Pike's Fish House

Lansdowne Village Greens



## Villages at Leesburg – Leesburg, VA



For more information...

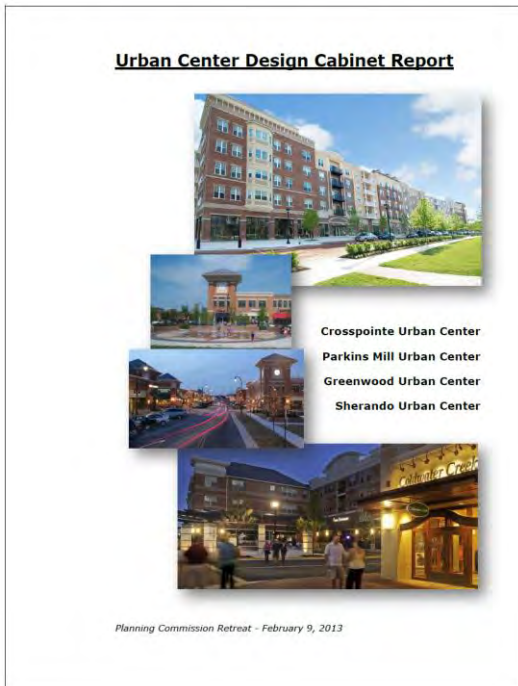
[www.Villageatleesburg.com](http://www.Villageatleesburg.com)

Wegman's  
Cobb Theatres LA Fitness  
King Pinz Orvis Charmin Charlies  
The Metroplitan

Following the approval of the UDA Centers and the 2030 Comprehensive Plan amendment summarized in this overview, Frederick County may then consider the following two items that were developed in recent years in support of planning the County’s urban areas; The UDA Center Design Cabinet Report and the Traditional Neighborhood Development District (TND). These two items would be directed through the public process.

UDA Center Design Cabinet Report

Draft Traditional Neighborhood Development District (TND) Ordinance



DRAFT Traditional Neighborhood Development District (TND) 11/20/2013

ARTICLE V  
 PLANNED DEVELOPMENT DISTRICTS

Part 503 - Traditional Neighborhood Development District (TND)

§ 165-503.01 Intent.

The purpose of the Traditional Neighborhood Development District (TND) is to allow development of compatible mixed-use, pedestrian-oriented, activity centers containing a mix and integration of uses, including business, retail, residential, cultural, educational, and other public and private uses in areas consistent with the Comprehensive Plan to create unified livable communities. This district is meant to allow the implementation of the urban centers and neighborhood village concepts of the Comprehensive Plan. Specific objectives of this district include:

1. Nonresidential uses, civic uses and open spaces mixed with diverse residential land uses. The TND should feature a variety of housing choices, high quality retail, community facilities as focal points and employment opportunities all connected by an attractive, efficient, multimodal transportation center.
2. Densities that promote a compact and efficient use of land.
3. A mix of different types of land uses in a compatible manner, both vertically and horizontally with a consistent coordination and compatible architectural character and urban design concepts.
4. Close proximity of dwellings, shops, recreation and workplaces so that ordinary activities can occur within a walking distance of most dwellings.
5. Civic buildings and parks, plazas, squares, and open space or recreational uses that act as focal points centrally located for the community and provide places of assembly or services for residents.
6. Generally rectilinear patterns of streets and blocks.
7. Pedestrian-oriented circulation system with a continuity of streets, sidewalks, and blocks so all parts of the community are easily accessible by pedestrians, motor vehicles and bicycles.
8. Well configured squares, greens, landscaped streets, and parks distributed within the Community Center and neighborhoods that are dedicated to collective social activity, recreation, and visual enjoyment.
9. On-street parking and centralized parking facilities to collectively support principal uses in the Community Center.

Existing environmental features are to be preserved and integrated into the plan of development. The major land uses are to be linked by way of pedestrian linkages, trails and greenways that tie together the businesses, residences and open spaces into accessible patterns of development. The

May 13, 2014

June Wilmot

Frederick County Planning Commission Chairman

107 N. Kent St., Winchester, VA 22601



Ms. Wilmont;

I will be unable to attend the upcoming June 21 Planning Commission meeting however understand this public hearing will address an amendment to the Comp Plan that will incorporate the proposed Urban Development Area (UDA) Design Standards that was the subject of the Development Consults exercise last year.

The UDA Center policy was drafted as an amendment to the County's 2030 Comprehensive Plan, and is a follow up to and in support of the UDA Design Cabinet Report and the draft Traditional Neighborhood Design (TND) Ordinance discussed by the Development Consults.

The proposed amendment continues to consolidate and reinforce the UDA Centers discussion within the 2030 Comprehensive Plan and further strengthens sound planning principles within the County's urban areas. The proposed amendment illustrates why UDA Centers in Frederick County are important and to highlight who would benefit from living in these strategic growth areas.

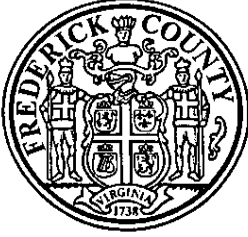
The fact that the Board has authorized these changes to move forward is important to me and I wanted to send a brief statement in support of this amendment.

Respectfully,

Gillian Greenfield

Member of the Development Consultants Subcommittee

540-974-3927 | [Gillian.Greenfield@OakcrestCommercial.com](mailto:Gillian.Greenfield@OakcrestCommercial.com)



# RESOLUTION

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**Action:**

PLANNING COMMISSION: May 21, 2014 - Recommended Approval

BOARD OF SUPERVISORS: June 25, 2014  APPROVED  DENIED

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**RESOLUTION TO ADOPT AN AMENDMENT TO THE  
2030 COMPREHENSIVE PLAN,  
CHAPTER I, URBAN AREAS – UDA CENTERS and the 2030  
COMPREHENSIVE PLAN**

**WHEREAS**, The 2030 Comprehensive Plan, The Plan, was adopted by the Board of Supervisors on July 14, 2011; and

**WHEREAS**, Chapter 1, Urban Areas, describes those areas anticipated for more intensive development within the Urban Development Area (UDA) and Sewer and Water Service Area (SWSA) and promotes new neighborhoods with a balance between residential, employment, and service uses; and

**WHEREAS**, UDA Centers are areas designated to direct growth in a compact and highly efficient form within the Urban Areas. UDA Centers are located at strategic locations within the urban areas and should absorb a portion of the anticipated community growth with the maximum efficiency and effectiveness; and

**WHEREAS**, the UDA Centers and the 2030 Comprehensive Plan amendment seeks to further illustrate the role of UDA Centers in Frederick County, strengthen sound planning principles, and increase the choice available to property owners and developers located within the Urban Areas; and

**WHEREAS**, the Frederick County Planning Commission held a public hearing on this proposed amendment on May 21, 2014 and recommended approval; and

**WHEREAS**, the Frederick County Board of Supervisors held a public hearing on this proposed amendment on June 25, 2014; and

**WHEREAS**, the Frederick County Board of Supervisors finds that the adoption of this amendment to the 2030 Comprehensive Plan - Chapter I, Urban Areas; UDA Centers and the 2030 Comprehensive Plan, to be in the best interest of the public health, safety, welfare and future of Frederick County, and in good planning practice; and

**NOW, THEREFORE, BE IT RESOLVED** by the Frederick County Board of Supervisors that **THE AMENDMENT TO THE 2030 COMPREHENSIVE PLAN, CHAPTER I - URBAN AREAS; UDA CENTERS AND THE 2030 COMPREHENSIVE PLAN** is adopted. This amendment continues to promote sound planning principles within the County's Urban Areas.

Passed this 25th day of June, 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**

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John R. Riley, Jr.  
Frederick County Administrator

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**CONDITIONAL USE PERMIT #02-14**

**JESSICA M. NEFF**

**Staff Report for the Board of Supervisors**

**Prepared: June 11, 2014**

Staff Contact: Mark Cheran, Zoning Administrator

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

|                              | <u>Reviewed</u> | <u>Action</u>                         |
|------------------------------|-----------------|---------------------------------------|
| <b>Planning Commission:</b>  | 04/02/14        | Recommended Approval                  |
| <b>Board of Supervisors:</b> | 04/23/14        | Public Hearing Held- Action Postponed |
|                              | 05/14/14        | Public Meeting Held-Action Postponed  |
|                              | 06/25/14        | Pending                               |

**EXECUTIVE SUMMARY:** This is a request for a Kennel - Dog Boarding.

The Board of Supervisors previously held the public hearing on this proposed Conditional Use Permit (CUP). The Board of Supervisors postponed action until June 25, 2014.

The following conditions have been drafted to address concerns raised during previous meetings. Should the Board grant this CUP, the following conditions should accompany the approval.

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 not 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 of the kennel house shall be reviewed by the County prior to any construction activity or operation of 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.

***Board action concerning this application is appropriate.***

**LOCATION:** The property is located at 461 Laurel Grove Road.

**MAGISTERIAL DISTRICT:** Back Creek

**PROPERTY ID NUMBER:** 73-9-3

**PROPERTY ZONING & PRESENT USE:**

Zoned: RA (Rural Areas)                      Land Use: Residential

**ADJOINING PROPERTY ZONING & USE:**

|                         |   |
|-------------------------|---|
| North: RA (Rural Areas) | Land Use: Residential                                       |
| South: RA (Rural Areas) | Land Use: Vacant  |
| East: RA (Rural Areas)  | Land Use: Vacant  |
| West: RA (Rural Areas)  | Land Use: VPI Agricultural Research and<br>Extension Center |

**PROPOSED USE:** Kennel - Dog Boarding.

**REVIEW EVALUATIONS:**

**Virginia Department of Transportation:** The application for a Conditional Use Permit for this property appears to have little measurable impact on Route 629, the VDOT facility which would provide access to the property. Present entrance is adequate for proposed improvements. Should



business ever expand in the future, entrance may need to be upgraded.

**Frederick County Fire and Rescue:** Plans approved.

**Frederick County Fire Marshall:** Plans approved as long as there is at least one working smoke detector and 1-5lb 2A/10BC fire extinguisher within 75 feet of the areas being occupied by the dogs.

**Frederick County Inspections:** The building shall comply with The Virginia Uniform Statewide Building Code, The International Existing Building Code 2009 and section 304 - B, Business Use Group of the International Building Code/2009. Other Code that applies is ICC/ANSI A117.1-03 Accessible and Usable Buildings and Facilities and 2009 International Energy Code. If new kennel construction exceeds 200 square feet, a building permit would be required.

**Frederick-Winchester Health Department:** The Health Department has no objection to the request as stated. This does not grant approval for additional employees. Applicant may not dispose of canine waste via the septic tank drainfield on site.

**Winchester Regional Airport:** We have reviewed the referenced conditional use permit request proposal. While the site does lie within the airspace operations of the Winchester Regional Airport, it is outside of the close in part 77 surfaces and should not impact airport operations.

**Frederick County Sanitation Authority:** No comments.

**City of Winchester:** No comments.

**Planning and Zoning:** Kennels are a permitted use in the RA (Rural Areas) Zoning District with an approved Conditional Use Permit (CUP) [Code of Frederick County §165-401.03.K]. This proposed use will take place on a 7+/- acre parcel; surrounded by properties that are zoned RA. The 2030 Comprehensive Policy Plan of Frederick County (Comprehensive Plan) identifies this area of the County to remain rural in nature and is not part of any land use study.

The Zoning Ordinance defines a Kennel: “**As a place prepared to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation.**” The Zoning Ordinance requires that kennels be subject to additional performance standards in order to mitigate negative impacts to adjoining residential properties to include, **all dogs to be confined within a secure structure and a Category C Buffer.** There will be no employees with this proposed kennel per the Frederick County Health Department. The properties immediately adjacent to this proposed CUP are currently zoned RA Zoning District, with the nearest residential dwelling being approximately 600 feet from this proposed dog kennel. Therefore, the

intent of the Category C Buffer can be met, as 400 feet is required for a no screen Category C Buffer.

The applicant will be constructing a 20 x 30 square foot enclosed kennel with a fenced area for the dogs, at the rear of the property. The applicant has indicated that no more than twenty-eight (28) dogs will be on the property at any given time. All dogs must be confined indoors with the exception of when they are walked or exercised, and will not be let outdoors prior to 8:00 a.m. Dogs must be confined indoors by 9:00 p.m.

In reviewing this application, the following conditions are considered appropriate reflective of the applicant's request, review agency comments, and/or in an effort to mitigate any potential impacts as noted.

All review agency comments shall be complied with at all times.

No more than twenty-eight (28) dogs on the property at any given time. **(The applicant has requested the number of dogs with this kennel)**

This CUP is solely to enable the boarding of dogs on this property. **(The applicant does not want to breed dogs)**

No employees other than those residing on the property shall be allowed. **(This condition is per the Frederick County Health Department)**

All dogs shall be controlled so as not to create a nuisance to any adjoining properties by roaming free or barking.

All dogs must be confined indoors by 9:00 p.m. and not be let outdoors prior to 8:00 a.m. **(This condition is to help mitigate any impacts to adjoining properties)**

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.

Any expansion or modification of this use will require an approval of a new CUP.

**STAFF CONCLUSIONS FOR THE 04/02/14 PLANNING COMMISSION MEETING:**

The request complies with applicable policies and ordinances. The Planning staff recommends approval of the CUP, with the following eight (8) conditions:

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 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. All dogs must be confined indoors by 9:00 p.m. and are not to be let outdoors prior to 8:00 a.m.
7. 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.
8. Any expansion or modification of this use will require the approval of a new CUP.

**PLANNING COMMISSION SUMMARY & ACTION OF THE 4/02/14 MEETING:**

The applicant said there will be no dog breeding, solely boarding; the dogs will be inside at all times, except when walked or exercised; and the kennel building will be a free-standing garage constructed with wider than normal walls to provide noise insulation and the walls and attic will be insulated for better heating and air conditioning.

Two neighboring residents spoke in opposition to the proposed kennel. Both residents were concerned about the devaluation of their property; they were concerned about noise from barking dogs disrupting the quiet of their neighborhood; they were concerned about odors and how dog waste would be disposed; and they were concerned about water runoff. They did not believe their residential neighborhood was a practical location for the operation of this business.

Commission members were concerned about noise from dog barking. They advised the applicant there were a number of different construction techniques for sound abatement in a building. Those construction techniques involved a benefit/cost ratio standpoint that needed to be considered by the applicant. They also pointed out that when dogs are outside, they will bark and there was no way to muzzle them. They encouraged the applicant to be mindful about the conditions of the permit and the possibility the permit could be revoked, if the operation becomes a public nuisance. Other Commissioners pointed out this location is a somewhat remote agricultural area buffered by cornfields and large stands of trees. They mentioned the adjoining State agricultural research center where there is spraying taking place, noise from tractors, and the various types of farm animals being raised in this area. The applicant stated that the kennel

building will be constructed with wider walls to provide for better noise insulation.

By a unanimous vote, the Planning Commission recommended approval of the conditional use permit with the conditions as recommended by the staff, 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. All dogs must be confined indoors by 9:00 p.m. and not let outdoors prior to 8:00 a.m.
7. 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.
8. Any expansion or modification of this use will require approval of a new conditional use permit.

(Note: Commissioner Crockett was absent from the meeting.)

Two citizens spoke in opposition to this use at the April 2, 2014, Planning Commission Meeting. One of the concerns was the devaluation of properties located near kennels. Staff contacted the Commissioner of Revenue Office with the concern of devaluation of properties located near kennels. The Commissioners Office had no issues of devaluation of properties near kennels or with approved Conditional Use Permits in general. The noise and control of the dogs is addressed by Condition #5 of the Conditional Use Permit. Furthermore, the kennel building will be a free-standing garage constructed with wider than normal walls to provide noise insulation and the walls and attic will be insulated for better heating and air conditioning. The applicant has contacted a company for the disposal of dog waste.

**BOARD OF SUPERVISORS SUMMARY & ACTION OF THE 04/23/14 MEETING:**

The Board of Supervisors held a public hearing on this proposed Conditional Use Permit (CUP) for a kennel. Several adjoining property owners spoke in opposition to this kennel, and two (2) letters of opposition were received. The Board of Supervisors voted to postpone any action on this CUP until their May 14, 2014, meeting. This action was to allow the applicant to address some of the concerns voiced by the adjoining property owners.

**ACTIONS SINCE THE BOARD OF SUPERVISORS 4/23/14 MEETING:**

The applicant has met with staff to modify the conditions of this CUP, to address the adjoining property owners concerns. The modified conditions are located below in bold print:

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 a noise-abatement construction material to reduce any dog barking so as to not 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 of 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 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 a new CUP.

**BOARD OF SUPERVISORS SUMMARY & ACTION OF THE 5/14/14 MEETING:**

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.

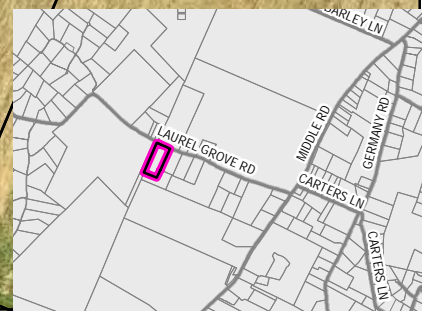
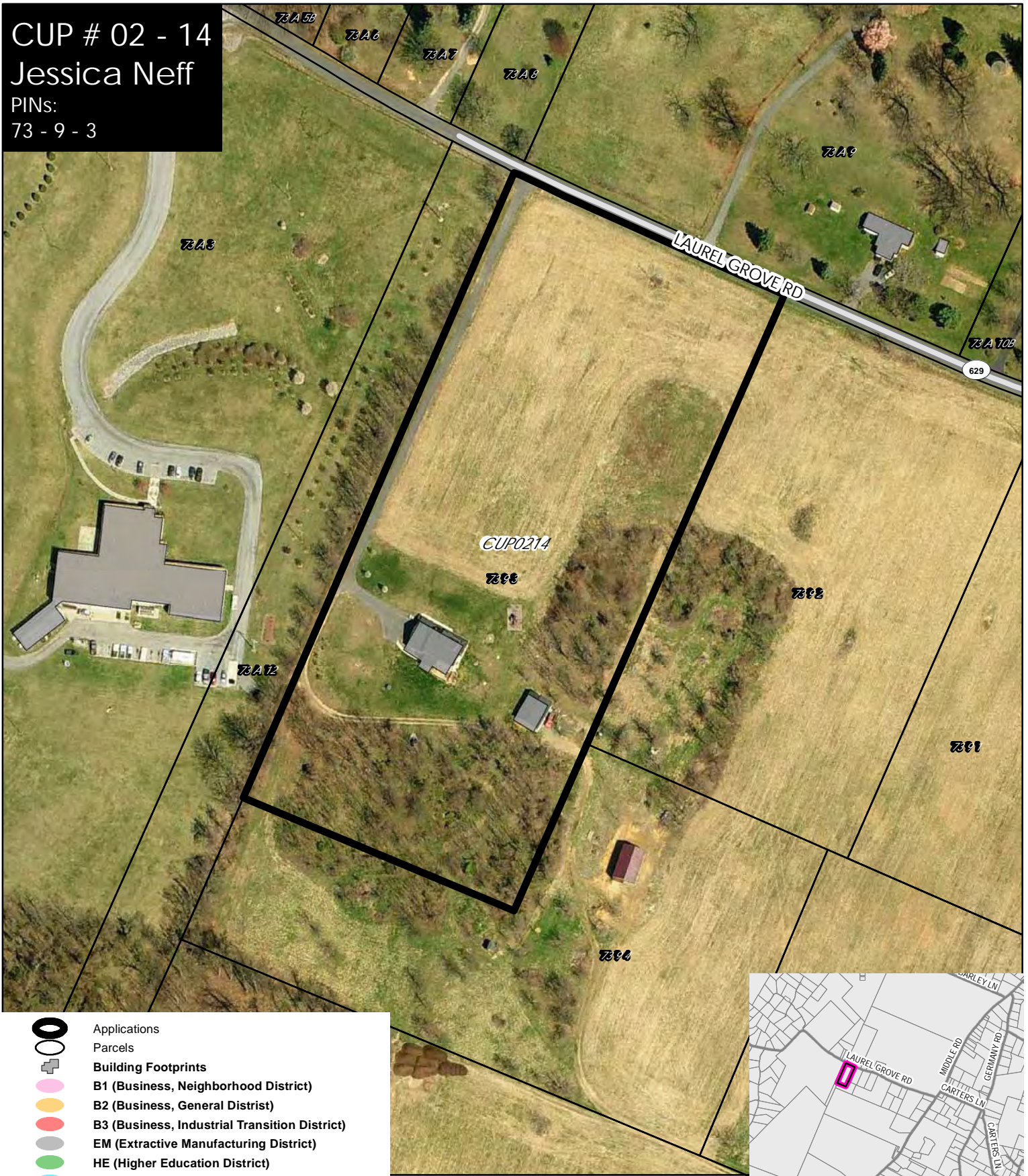
With regard to decreased property values, Supervisor Lofton stated he had received a paper from a realtor stating property values would decline if this kennel were permitted; however, he did not see any comparable sales or other empirical data that would support this claim. He went on to say he had contacted 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 Revenue has no data to show dog kennels decrease property values.

After two failed motions the Board of Supervisors postponed any action until 6/25/14 meeting.

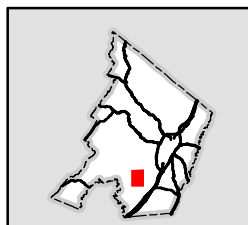
# CUP # 02 - 14

## Jessica Neff

PINs:  
73 - 9 - 3

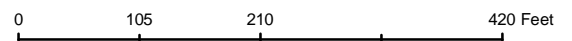


-  Applications
-  Parcels
-  Building Footprints
-  B1 (Business, Neighborhood District)
-  B2 (Business, General District)
-  B3 (Business, Industrial Transition District)
-  EM (Extractive Manufacturing District)
-  HE (Higher Education District)
-  M1 (Industrial, Light District)
-  M2 (Industrial,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



CUP # 02 - 14  
Jessica Neff  
PINs:  
73 - 9 - 3

Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: March 11, 2014  
Staff: macheran



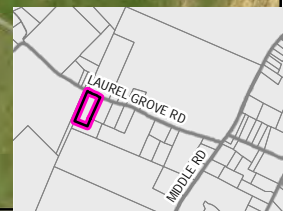
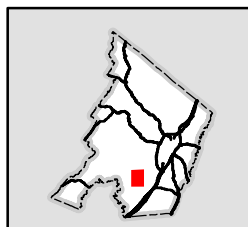
# CUP # 02 - 14

## Jessica Neff

PINs:  
73 - 9 - 3

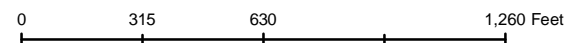


- Applications
- Parcels
- Building Footprints
- B1 (Business, Neighborhood District)
- B2 (Business, General District)
- B3 (Business, Industrial Transition District)
- EM (Extractive Manufacturing District)
- HE (Higher Education District)
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- R4 (Residential Planned Community District)
- R5 (Residential Recreational Community District)
- RA (Rural Area District)
- RP (Residential Performance District)

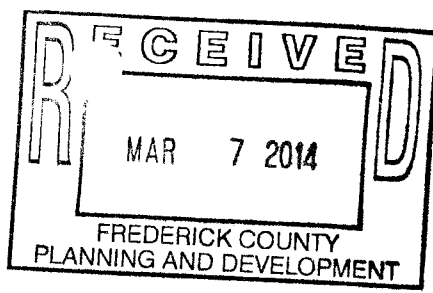
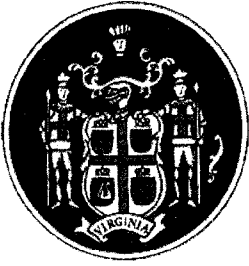


CUP # 02 - 14  
Jessica Neff  
PINs:  
73 - 9 - 3

Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: March 11, 2014  
Staff: macheran







|                    |         |
|--------------------|---------|
| Submittal Deadline | 3/7/14  |
| P/C Meeting        | 4/2/14  |
| BOS Meeting        | 4/23/14 |

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

1. Applicant (check one): Property Owner  Other

NAME: Jessica M. Neff

ADDRESS: 461 Laurel Grove Rd. Winchester VA 22602

TELEPHONE: 540 664-5628

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

Jessica Neff

Jason Neff

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

461 Laurel Grove Rd. Winchester VA 22602

Route 629 - Apple Hill Subdivision

4. The property has a road frontage of 379.62 feet and a depth of 867.29 feet and consists of 7.645 acres. (Please be exact)

5. The property is owned by Jason + Jessica Neff as evidenced by deed from Walter + Margaret Miller (previous owner) recorded in deed book no. 754 on page 432, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number (P.I.N.) 73-9-3-4  
Magisterial District Rock Creek Magisterial District  
Current Zoning A9

CWP # 02-14  
 Jessica Neff  
 PIN 73-9-3.

7. Adjoining Property:

|       | USE                           | ZONING |
|-------|-------------------------------|--------|
| North | RESIDENTIAL                   | RA     |
| East  | VACANT                        | RA     |
| South | VACANT                        | RA     |
| West  | <del>RESIDENTIAL</del> VACANT | RA     |

8. The type of use proposed is (consult with the Planning Dept. before completing):

Dog Boarding Kennel

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

1 or 2 Kennel houses along w/ fenced in yard.

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

These people will be notified by mail of this application:

| Name and Property Identification Number | Address                                       | Mailing Address                               |
|---|---|---|
| Dogwood Knoll LC<br>73-A-9              | 444 Laurel Grove Road<br>Winchester, VA 22602 | 678 Laurel Grove Road<br>Winchester, VA 22602 |

| Name                                  | Address                                       | Mailing Address                       |
|---------------------------------------|---|---------------------------------------|
| Alison H. Smith Agricultural Research | 595 Laurel Grove Rd.<br>Winchester VA 22602   |                                       |
| KSS LC<br>73-A-12                     | 448 Laurel Grove Road<br>Winchester, VA 22602 | P.O. Box 2368<br>Winchester, VA 22604 |

|            |                                    |
|------------|------------------------------------|
| Name       | Bowers, Gareeta Loy                |
| Property # | Bowers, Ray<br>496 Laurel Grove Rd |
| Name       |                                    |
| Property # |                                    |
| Name       |                                    |
| Property # |                                    |
| Name       |                                    |
| Property # |                                    |

Please verify  
 MNC

12. Additional comments, if any: would like to run kennels for those going  
on vacation and need a temporary name for their dogs while away.  
Dogs will be inside and in fenced yard during supervised  
play time. Required all dogs to be current on vaccinations.  
NO BLEEDING COTTAGE OCCUPANCY SIGN - PER APPLICANT

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

Signature of Applicant Jessie M. Huff  
Signature of Owner Jessie M. Huff  
Owners' Mailing Address 441 Laurel Grove Rd. Winchester VA 22602  
Owners' Telephone No. 540-664-5628

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



A

Driveway to building and handicap drop off Parking

Handicap P-Spot

PROPOSED BUILDING AREA

Fenced Yard

461

**CONDITIONAL USE PERMIT  
PUBLIC HEARING**

CUP #02-14

FREDERICK COUNTY PLANNING DEPARTMENT  
[WWW.FCVA.US](http://WWW.FCVA.US)

**540-665-5651**

03.27.2014

April 2, 2014

Thank you for the opportunity to address the Planning Commission- My name is Sheila Pinner and I am here tonight with my husband Jack Pinner. We are residents of Laurel Grove Rd. We are very close (across the street and within sight) of the proposed indoor boarding kennel. We are also here tonight to express our concerns and opposition to the proposed kennel.

Since receiving Ms. Neff's letter of March 10, 2014 regarding her proposed indoor boarding kennel, I have been researching the effects the proposed kennel would have on us as property owners.

I have been focused on a debate going on in neighboring Clarke County involving the proposed approval of a dog kennel. In an article written in the Winchester Star, former supervisor and realtor A. R. Dunning "Pete" Dunning read a letter from the county Commissioner of Revenue, Donna M. Peake, who said homeowners there would lose 15 to 20 percent of the value of their homes if the kennel is built next to their properties. I do understand that this involves a different property.

I immediately began contacting local realtors and county offices for information. I would note in addition there are thousands of sites on the internet from every state which address devaluing of property by having a kennel near your property. I was speechless when I read over and over again that a kennel could have a negative effect of anywhere from 15 to 50 percent on property values. The realtors I surveyed did support the point of view that my property would be devalued. No one can guarantee that my property value will not be affected.

Two questions which I would like to have an answer to:

Will the property owner's conditional permit transfer if the property is sold? I have been told VA (Frederick County) would require a new permit. Is this correct? Could a new property owner expand the business on a renewal of the same permit?

I understand from realtors I asked that VA (Frederick and surrounding counties) does not have a nuisance disclosure requirement if you sell your property. Is this correct? My understanding is that VA has a disclosure form which states on it that you do not have to disclose a neighboring nuisance if you sell your home.

**But, word of mouth would travel.** Realtors know what is located in a community. Most buyers would speak to neighbors to find out about the area. One realtor made the comment "who could sell a home next door to a kennel? Common sense tells me most folks would look elsewhere".

My other concerns are obvious:

**Noise (you can easily hear more than one dog as far as ½ mile – what about 28 dogs?)**

**Traffic – Rt. 629 has been close to completely paved in the last few years – this has added more traffic traveling all hours of the day and night (neighbors have had mail and paper boxes constantly destroyed due to traffic increase). This will only increase with an operating business on the road. What hours would the kennel have for drop off and pick up? It is proposed as a 24 hour operation. 28 dogs and 28 owners in 28 vehicles that could travel on our residentially zoned road in one morning and a new group of 28 owners in 28 vehicles with 28 dogs dropped off that afternoon would be 56 additional vehicles on the road in a day, extreme but possible.**

**What arrangements have been made for parking? Would this face the front of the property?**

**What about the odor of taking care of this number of animals? Are there proposals for adequate disposal of waste? Will there be a septic system? Will there be runoff? What are the county requirements if any?**

**Will the entire facility be fenced or just the walking and exercise areas? What is required?**

**Has there been a noise impact study? I have read much on the proper authorities coming out to investigate a barking dog and measuring the noise levels? What recourse is open to property owners once the permit is issued?**

**Is this just the first phase of a proposed kennel? What are the restrictions as far as expansion?**

**Are their required site visits from county or state? Who regulates the conditions of the permit?**

**What kind of precedent would this set for other proposed money making businesses in a rural, residential area? Fourteen (14) kennels for 28 dogs. Is this just the start?**

My husband and I feel that this is not a local need. There are other kennels in the area offering the same service. No amount of convenience is worth the detrimental effect to surrounding homes.

Ms. Neff states in her letter that this is a dream of hers to work with and help animals.

My husband and I have had a dream since we built on family property over 42 years ago. Most of our neighbors have been on Laurel Grove as long as we have or longer. We dreamed of having a wonderful retirement and being able to enjoy the serenity and the beauty of nature surrounding our home. I do not believe looking out from any front facing window in my home to a dog boarding kennel would add to this serene environment.

Sheila Pinner  
408 Laurel Grove Rd.  
Winchester, VA 22602  
(540) 869-4476



To: [mcheran@co.frederick.va.us](mailto:mcheran@co.frederick.va.us); [rhess@fcva.us](mailto:rhess@fcva.us); [rshickle@fcva.us](mailto:rshickle@fcva.us); [cdehaven@fcva.us](mailto:cdehaven@fcva.us); [gfisher@fcva.us](mailto:gfisher@fcva.us); [rwells@fcva.us](mailto:rwells@fcva.us); [glofton@fcva.us](mailto:glofton@fcva.us); [ccollins@fcva.us](mailto:ccollins@fcva.us)

Subject: BOS 4/23/14 Public Hearing on CUP 02-14 -- **Opposition of Scott and Bethanne Berman to Conditional Use Permit #02-14 (“CUP”)/Jessica M. Neff**

To: Members of the Frederick County Board of Supervisors (“BOS”) and the Frederick County Planning Staff

From: Scott and Bethanne Berman

Our home is located at 247 Laurel Grove Road, TM # 7383 as shown on the **attached** Planning Department Map created March 11, 2014. We have resided in our home for 15 years. Based on the scale of the attached Map, our home is approximately 1,890 feet from the proposed site of Jessica Neff’s Kennel. The proposed Kennel site and our home are both located on a ridge of essentially equivalent elevation, meaning that noise from the proposed Kennel will readily travel to our home.

Consistent with comments presented at the April 2 Planning Commission Hearing, **we oppose the approval of a CUP for the Kennel** based on the following concerns:

1. The Kennel, clearly a commercial use increasing vehicle traffic on Laurel Grove Road, will be a use inconsistent with the residential nature of the neighborhood.
2. The presence of the Kennel will reduce the value of our property and of our neighbors’ properties.
3. The Kennel, as presently planned consistent with the Planning Commission’s “Conditions,” will constitute a nuisance to the neighborhood.

We respectfully submit that no CUP, regardless of the “Conditions” imposed, should be granted for the establishment of the Kennel. **If**, however, a CUP is to be granted, then, as set forth on Page 3 of the Staff Report to the BOS, the Zoning Ordinance **requires** that this proposed Kennel be subject to “performance standards” to assure the mitigation of the **negative impacts** which will result to us and our neighbors.

Further, Page 6 of the Staff Report suggests that the Commissioner of Revenue apparently has “no issues” concerning devaluation of properties located near kennels with approved CUPs. This establishes that protection against devaluation of our and our neighbors’ properties is dependent upon this Board adopting specific, enforceable Conditions to mitigate the damaging effects of the proposed Kennel.

We understand that the Planning Commission has recommended only the following eight (8) Conditions, which we respectfully suggest must be substantially strengthened and made more specific:

1. All review agency comments shall be complied with at all times.

**We believe the only significant agency comment to be the Health Department’s statement that “Applicant may not dispose of canine waste via the septic tank drainfield on site.” Page 6 of the Staff Report states merely that “The Applicant has contacted a company for the disposal of dog waste.”**

**We understand that while there may not be established regulations for average waste produced per dog per day, nevertheless we understand there to be a “low” estimate of 5 gallons per day per dog and a “high” estimate of 10 gallons per day per dog, which would produce a range of 140-280 gallons**

per day of wastewater assuming the Kennel operates at the Planning Commission's maximum of twenty-eight (28) dogs.

**We request that the Board, as a Condition of any CUP, require the Applicant to provide a written plan confirming:**

- a. **projected wastewater usage for the Kennel under maximum capacity;**
  - b. **projected system for containing and storing both wastewater and solid waste; and**
  - c. **the frequency of waste pumping/waste removal, with confirmation of a contract with a waste hauler.**
2. No more than twenty-eight (28) dogs shall be permitted on the property at any given time.

**Given the waste containment and disposal issues of Condition 1 above and the control and noise issues of Condition 5 below, we submit that the maximum number of dogs not be permitted to exceed \_\_\_\_\_ at any given time.**

3. This CUP is solely to enable the boarding of dogs on this property.

**The Applicant's Application notes the desire to operate the Kennel "for those going on vacation and need a temporary home for their dogs while away." Therefore, we request that this Condition be expanded to provide that no dogs shall be maintained in the Kennel for a time period exceeding 28 consecutive days.**

4. No employees other than those residing on the property shall be allowed.

**In order to assure the performance of Conditions 5 and 6 below, we request that there be a Requirement that at least one person residing on the property shall remain on site at all times that any dogs are housed in the Kennel.**

5. All dogs shall be controlled so as not to create a nuisance to any adjoining properties by roaming free or barking.

**As we understand it, Section 48-23 "Unreasonable noise unlawful" of the Frederick County Code provides merely that it shall be unlawful, after written notice by the Sheriff to the custodian of a dog for such custodian to allow such dog to make unreasonably loud noises as are plainly audible to adjoining residents for property owners so as to unreasonably annoy or disturb such residents or property owners. Since Section 48-23 requires prior written notice from the Sheriff, and since this Section contains no specific criteria assisting its enforcement, the Board must set specific Conditions on the proposed Kennel.**

Pages 3 and 6 of the Staff Report note that the proposed 20 x 30 square foot free-standing garage that is to serve as the Kennel will be constructed with wider than normal walls to provide noise insulation. However, while the Planning Commission noted concerns for noise abatement, Condition 5 provides no standards.

Obviously, noise mitigation of dog barking (both inside and outside of the kennel structure) must be achieved, in order to make Condition 5 meaningful and enforceable. To assure performance, we suggest:

- a. specific noise-abatement construction standards, with the use of specific sound absorbing materials, must be imposed upon the proposed kennel garage structure, since the facility apparently will not consist of concrete walls or a standard wood type roof construction.

The type of construction should provide at least a nominal 50-55 STC performance which equates to a nominal 45-50 dBA noise reduction at the typical dog bark frequency range.

Further, the building requirements should address the “composite performance” provided by walls, roof, doors, windows and any ventilation openings, as typically windows and doors represent the “weakest path” to abating noise. Noise emanation from the facility should be addressed by reducing openings represented by windows, doors and/or ventilation systems.

- b. a specific size/dimension should be imposed on the “exercise yard,” and a fencing Requirement of a minimum of six (6) feet in height, with all fencing to be maintained throughout the life of the CUP.
- c. general experience establishes that individual dogs under control of a person generally do not bark. Generally, one dog or a few dogs under the control of individuals during outdoor activities may not bark, and if barking occurs, the dogs could be brought indoors.

Therefore, we suggest a Limitation as to the number of dogs that will be permitted to be outside of the kennel structure at any one time should be established, along with a Requirement that the dogs be supervised/controlled while outside. We suggest that no more than 5 supervised dogs be permitted to be outside at any one time, and that no more than 2 unsupervised dogs be permitted to be outside at any one time.

6. All dogs must be confined indoors by 9:00 p.m. and not let outdoors prior to 8:00 a.m.

Without strengthening Condition 5 as suggested above, this Condition literally permits the Applicant to maintain 100% of the dogs outdoors,

**everyday, during the 13 hour period of 8:00 a.m. to 9:00 p.m. The Board must impose specific Requirements to avoid the creation of a nuisance.**

7. 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.

**No comment, other than the Zoning Ordinance defines a “Cottage Occupation” as “an occupation or profession customarily carried on in a dwelling unit or an accessory building which ‘...is clearly incidental and secondary to the use of the dwelling unit for residential purposes.’” The presence of twenty-eight (28) dogs (each generating a fee on a daily basis), 24 hours per day and 7 days per week, “stretches” the logical definition of a “Cottage Occupation,” and makes the residential use of Ms. Neff’s property (and the residential use of our and our neighbors’ properties) incidental and secondary to the Kennel itself.**

8. Any expansion or modification of this use will require the approval of a new CUP.

**In addition, we suggest that any CUP be restricted solely to the Applicant (Jessica M. Neff), and that the operation of the Kennel under the CUP not be transferable to any other person or entity without the prior approval of the Board as an amendment to the CUP Conditions.**

**Page 3 of the Staff Report references a 400 foot distance as being required for a “no screen Category C Buffer.” Page 5 of the Staff Report notes comments of Planning Commissioners that the Kennel location is buffered by corn fields and large stands of trees. Given, however, that there is no guarantee of the continued existence of the corn fields or the trees, and given the siting of the Kennel on the ridge, we suggest that supplemental screening through Applicant’s planting of Evergreen trees along the southeastern boundary of Applicant’s property be required.**

Thank you for your consideration of our concerns, which we look forward to discussing further during the April 23 Public Hearing.

Respectfully submitted,

Scott and Bethanne Berman



# RESOLUTION

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**Action:**

PLANNING COMMISSION: April 2, 2014 - Recommended Approval  
BOARD OF SUPERVISORS: April 23, 2014 - Public Hearing Held  
June 25, 2014  APPROVED  DENIED

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## RESOLUTION

### CONDITIONAL USE PERMIT #02-14

#### JESSICA M. NEFF

**WHEREAS, Conditional Use Permit #02-14 of Jessica M. Neff**, submitted by Jessica M. Neff, for a Kennel – Dog Boarding was considered. The property is located at 461 Laurel Grove Road. The property is further identified with Property Identification Number 73-9-3 in the Back Creek Magisterial District. The conditional use as a kennel is permissible; and,

**WHEREAS**, the Frederick County Planning Commission held a public hearing on the Conditional Use Permit on April 2, 2014, and recommended approval of the Conditional Use Permit with conditions; and,

**WHEREAS**, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on April 23, 2014; and,

**WHEREAS**, with regard to traffic, it is not a deterrent to this application, as there are currently approximately 600 vehicle trips per day on Laurel Grove Road, such that, if 28 people dropped off and picked up dogs at the kennel each day, this would equate to an additional 56 vehicle trips per day, which would be a less than 10% increase in traffic; and,

**WHEREAS**, with regard to any dogs being left unattended at the kennel, customer expectations are most likely to prevent this, as customers are not likely to use the kennel if their dogs are left unattended; and,

**WHEREAS**, with regard to property values, the Board of Supervisors has received no data on comparable sales or other empirical data that would support a claim of decreased property values as a

result of proximity to a kennel, and the Commissioner of the Revenue has no data to show dog kennels decrease property values; and,

**WHEREAS**, with regard to any dog barking noise coming from the kennel, whether any dog barking noise would be discernible as coming from the kennel would be difficult to determine, as there are other dogs in the neighborhood, and as well, at and nearby other kennels in the County, dog barking noise is not necessarily audible; and,

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

**NOW, THEREFORE, BE IT RESOLVED** by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit Application #02-14 – Jessica M. Neff for a Kennel – Dog Boarding is permitted on the parcel identified by Property Identification Number (PIN) 73-9-3 with the following conditions:

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 board on board 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 not exceed 50 dba. A professional engineering 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 of the kennel house shall be reviewed by the County prior to any construction activity or operation of 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 Conditional Use Permit.

Enacted this 25th day of June, 2014.

Richard C. Shickle, Chairman \_\_\_\_\_

Gary A. Lofton \_\_\_\_\_

Robert A. Hess \_\_\_\_\_

Robert W. Wells \_\_\_\_\_

Christopher E. Collins \_\_\_\_\_

Gene E. Fisher \_\_\_\_\_

Charles S. DeHaven, Jr. \_\_\_\_\_

A COPY ATTEST

\_\_\_\_\_  
John R. Riley, Jr.  
Frederick County Administrator


**N**





## MEMORANDUM

**TO:** Board of Supervisors

**FROM:** Michael T. Ruddy, AICP  
Deputy Director 

**DATE:** June 16, 2014

**RE:** **Discussion: Middletown Area Sewer and Water Direction**

- i) **Comprehensive Policy Plan Amendment (CPPA); Middletown/Lord Fairfax SWSA - Future Expansion Area.**
- ii) **Reliance Road Request – Middletown Properties, LLC.**

Two items relating to the provision of sewer and water in the vicinity of the Town of Middletown are presented to the Board of Supervisors for further direction. Staff is seeking direction to move both items through the public hearing process.

**Item i)** is the Middletown/Lord Fairfax SWSA - Future Expansion Area Comprehensive Policy Plan Amendment (CPPA). **Item ii)** is a request from Middletown Properties, LLC for the ability to serve an approximately 41 acre sewer and water area in support of the Reliance Road Land Use Study.

### **Item i)**

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 had requested that this item be brought back to the Board of Supervisors for their consideration. The Board of Supervisors delayed providing direction at their May meeting to allow an opportunity to continue discussion on this item with the Frederick County Sanitation Authority (FCSA) and adjacent property owners.

**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.

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 during the Planning Commission discussion, it is the property owner's 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, the Town of Middletown, and the 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.

**Item ii)**

Middletown Properties, LLC contacted Frederick County requesting that the Board of Supervisors allow water and sewer to their property consistent with the Reliance Road Land Use Study. Middletown Properties, LLC owns approximately 41 acres at the Middletown Exit of Interstate 81, east of the interchange. About 10 acres of the property is already zoned B2 (Business General).

The following is an excerpt from the Reliance Road Area Land Use Plan.

*The land use plan is envisioned to guide land use decisions for an area of approximately 311 acres over the next 20 to 30 years. Recognizing the Town's current water availability, development within the study area will initially be limited until an additional water supply is more readily available. Additionally, policy enabling the Town to provide water and sewer service to the County properties would require Board approval.*

Please see the attached letter, dated June 5, 2014. In addition, staff has attached the Reliance Road Area Land Use Plan for your review.

Staff is seeking direction on this request.

Please contact the Planning Department should you have any questions regarding the information provided for the above two items.

Attachments

MTR/pd

## APPENDIX I - AREA PLANS

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### 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

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### **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

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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

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### **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.

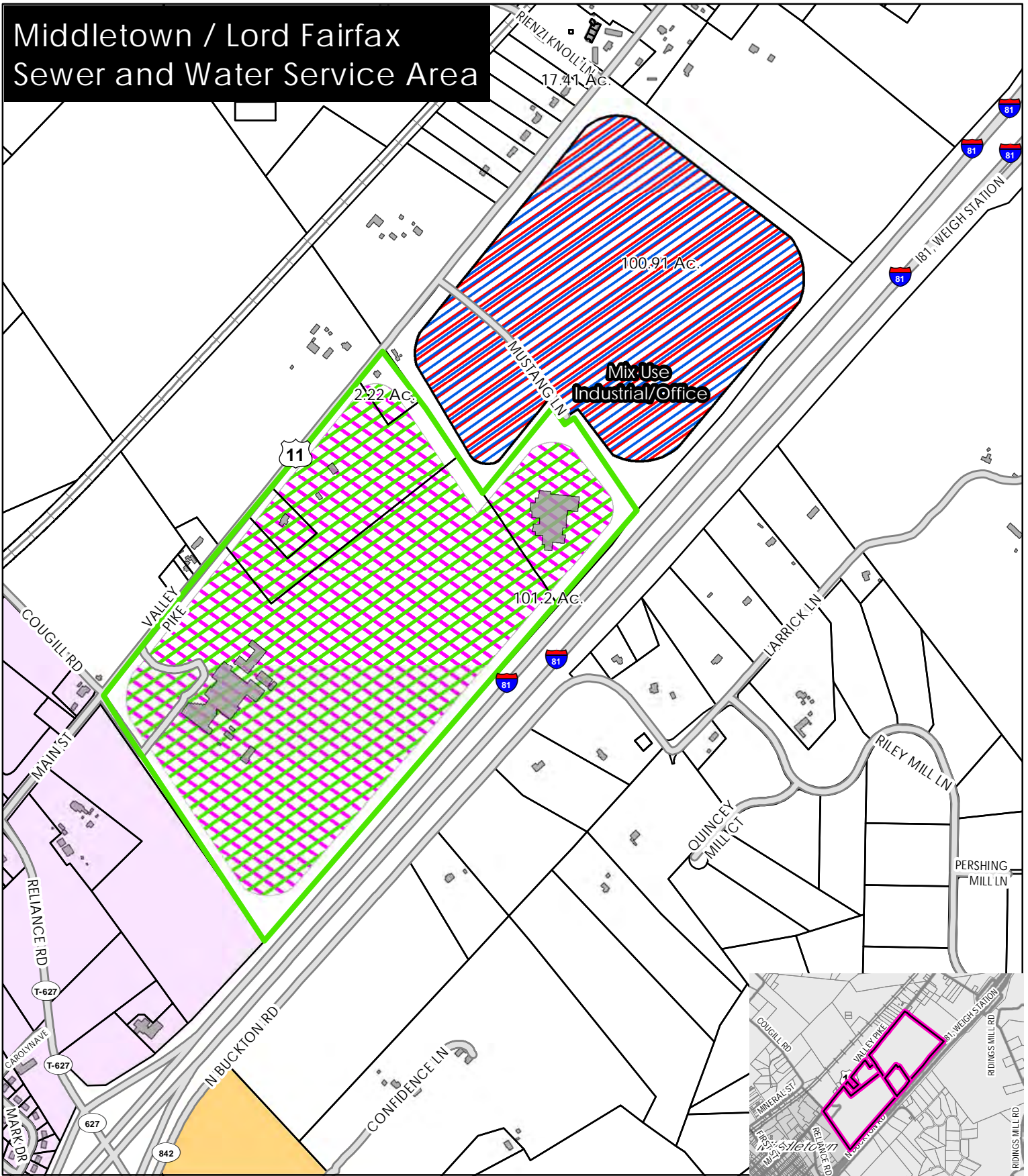
## APPENDIX I - AREA PLANS





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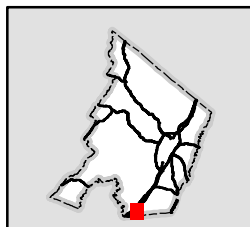
The area to the west of the Middletown/Lord Fairfax SWSA is not envisioned to be included in the Area Plan. Route 11, Valley Pike, will continue to be the western boundary of the Middletown/Lord Fairfax SWSA. The land in this area to the west of Route 11, Valley Pike, is rural in character and maintaining 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

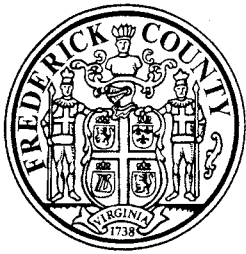


Middletown / Lord Fairfax  
Sewer and Water Service Area  
Future Expansion Area Admendment  
Draft Approved TBD

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;

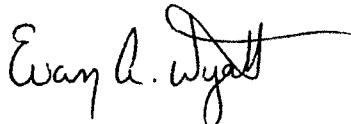
The purpose of this letter is to request placing the referenced request back on the Planning Commission and Board of Supervisor agendas for consideration of approval. As you know, Greenway Engineering has been working on behalf of the Hester Group to seek approval of an expansion of the Middletown/Lord 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 written in a cursive style with a long horizontal flourish extending to the right.

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](http://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 FCSA



**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.

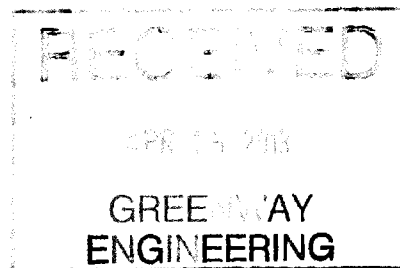
However, if sewer is not available at the time of the request; improvements of the treatment plant will be necessary, incurring additional expenditures.

Regards,

A handwritten signature in black ink that reads "Charles Harbaugh IV". The signature is fluid and cursive, with the last name being particularly prominent.

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](http://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."*

June 5, 2014



Richard Shickle  
Frederick County Board of Supervisors  
107 North Kent Street  
Winchester, Va. 22601

Subject: Water and Sewer for Reliance Road Land Use Study

Dick,

Middletown Properties, LLC. owns approximately 41 acres at the Middletown exit off Interstate 81. This property is bordered by Reliance Road and Buckton Road and surrounds our Interstate Exxon Station. About 10 acres of this property is already zoned B-2.


Walter Aikens and Robert Claytor of Middletown Properties request that the Frederick County Board of Supervisors allow water and sewer to this property consistent with the Reliance Road Land Use Study. We have submitted several plans to use this property for a travel center with hotels and restaurants and office buildings. We feel this would be a positive addition to the Frederick County tax base and provide services to our citizens and to the interstate traveler.

This could be the first of several steps to develop this exit. I have about 85 acres adjacent to this property to the South and Robbie Molden has about 90 acres adjacent to the East.

We would be happy to provide any additional information that you need.

Thank you for your consideration on this request.

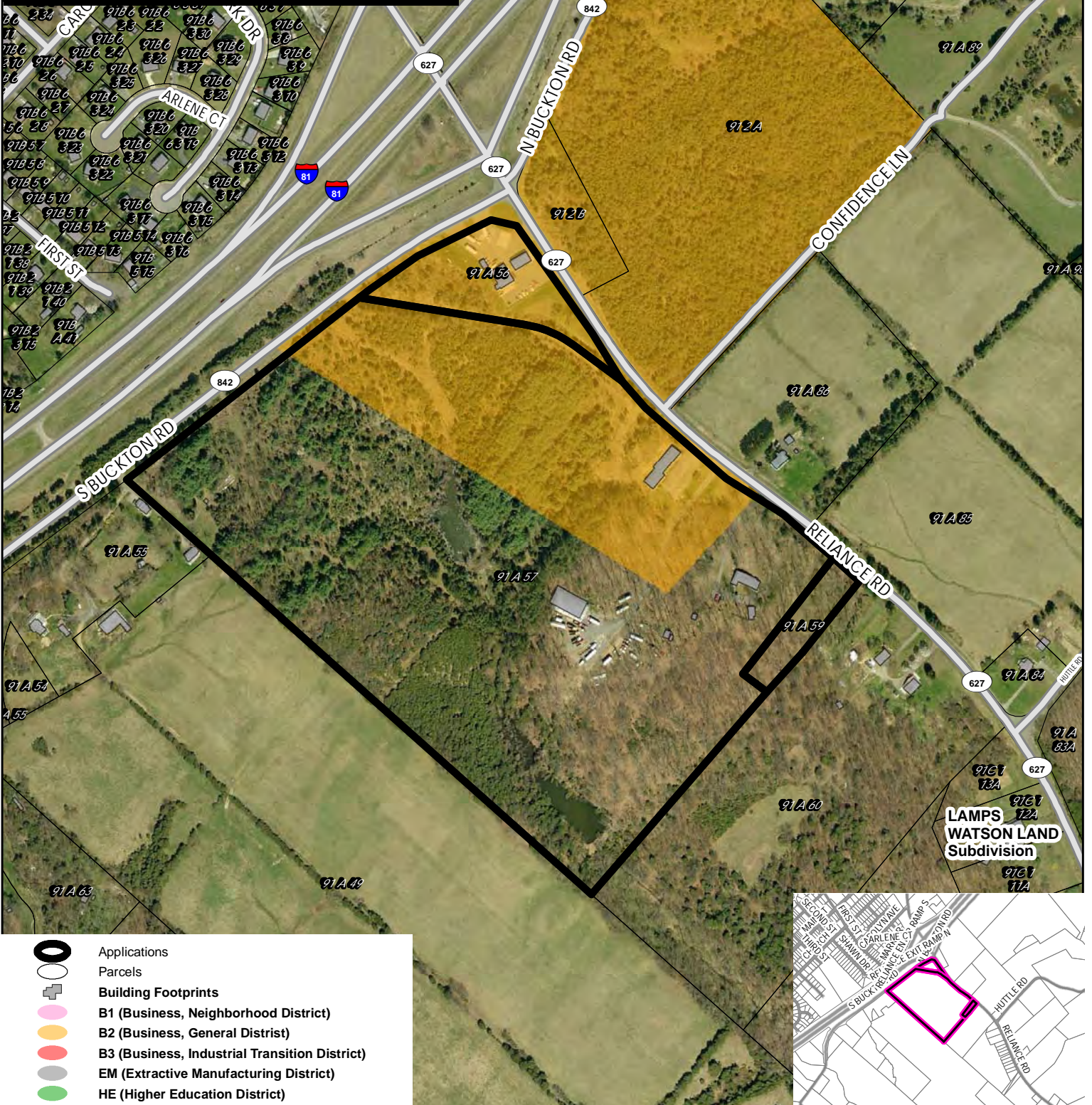
Sincerely,

  
Robert Claytor  
Middletown Properties, LLC.



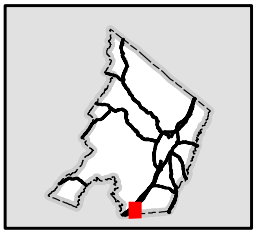
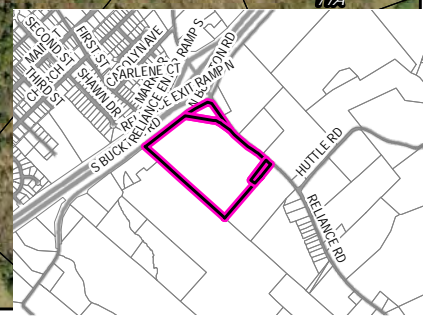
# Middletown Properties, LLC

PINs:  
 91 - A - 56, 91 - A - 57,  
 91 - A - 59



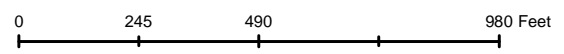
**LAMPS  
 WATSON LAND  
 Subdivision**

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



**Middletown  
 Properties, LLC**  
 PINs:  
 91 - A - 56, 91 - A - 57,  
 91 - A - 59

Note:  
 Frederick County Dept of  
 Planning & Development  
 107 N Kent St  
 Suite 202  
 Winchester, VA 22601  
 540 - 665 - 5651  
 Map Created: June 17, 2014  
 Staff: mruddy



APPENDIX I - AREA PLANS

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**RELIANCE ROAD AREA LAND USE PLAN**

## APPENDIX I - AREA PLANS

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### RELiance ROAD AREA LAND USE PLAN

In spring 2010, the Town of Middletown expressed interest in expanding its boundaries to incorporate approximately 250 acres of land on the east side of I-81, Exit 302, following Reliance Road. Shortly thereafter, the Reliance Road Steering Committee (RRSC) was convened. The RRSC was composed of representatives from the Town Council and the Board of Supervisors.

The RRSC met various times over the ensuing months. The Town representatives also held a community meeting and met with individual property owners within the study area to gain an understanding of the interest of the property owners in terms of the Town's desired boundary line adjustment with the County, as well as future land use opportunities; these meetings were summarized and presented to the RRSC by Town representatives. It was noted that while approximately 37 acres of B2 Business General Zoning exists within the study area, only one site has been developed and benefits from the Town's water and sewer system: the 2.7 acre site occupied by an existing Exxon service station.

The RRSC also evaluated the existing transportation network in addition to water and sewer availability. The RRSC considered the Foresight Middletown plan (adopted into the Town's Comprehensive Plan in 2005), which promoted the implementation of a technology park east of the interstate. The results of these findings led to the crafting of the Reliance Road Area Land Use Plan as a means to illustrate the potential land uses, and the supporting transportation and public water and sewer for the area, to foster further discussions.

The land use plan is envisioned to guide land use decisions for an area of approximately 311 acres over the next 20 to 30 years. Recognizing the Town's current water availability, development within the study area will initially be limited until an additional water supply is more readily available. Additionally, policy enabling the Town to provide water and sewer service to the County properties would require Board approval.

### **Land Use**

The proximity of the study area to I-81, Exit 302, enhances the opportunities for land uses that benefit from the interstate. As such, commercial and technology uses would be most beneficial at this location.

The plan calls for the establishment of approximately 44 acres of commercial uses that serve the travelling public, such as hotels, gasoline service stations, and restaurants. The commercial opportunities would be located immediately east of the interstate interchange, on the north and south sides of Reliance Road. This is also the area where public water and sewer presently serves

## APPENDIX I - AREA PLANS

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the existing Exxon service station. These land uses could be implemented through the B2 Business General Zoning District.

Technology uses are envisioned both north and south of Reliance Road, covering approximately 259 acres. Based on the targeted businesses identified by the Winchester-Frederick County Economic Development Commission, the technology uses would include economic sectors such as: Advanced Security, Assembly, Business Services, and Life Sciences. These land uses would be implemented through the OM Office Manufacturing Zoning District.

In recognition of the continuation of the agricultural and large lot residential land uses adjacent to the study area, efforts should be implemented through the rezoning and development process that mitigate and lessen the adverse impacts that the commercial and technological uses may introduce. Mitigation techniques such as 100-foot distance buffers and landscape screening would be expected.

### **Transportation**

While the existence of I-81, Exit 302, is a strong asset to the areas' transportation network, the actual configuration of the interchange and its close proximity of Buckton Road is not conducive to accommodating future traffic demands. In order for the interchange to operate efficiently and effectively in the future, it is essential to migrate the existing intersection of Reliance and Buckton Roads further east, creating a greater separation distance from the I-81 northbound on/off ramps. Increasing this separation distance will avoid significant degradation of the interchange similar to what has occurred at Exit 307 in Stephens City.

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 Reliance Road should be managed and limited. The plan calls for limiting Reliance Road access to three points: a managed access entrance point in the vicinity of Confidence Lane, and two appropriately spaced roundabout or signalized intersections.

The initial access point onto Reliance Road would be established with the relocation of Buckton Road. A second access point onto Reliance Road would be established with the relocation of Huttle Road, to create a single intersection on Reliance Road for relocated Huttle Road and a new road servicing the southern land area.

## APPENDIX I - AREA PLANS

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These three Reliance Road access points would facilitate traffic movement to/from Reliance Road to the various future land uses to the north and south. It may also be appropriate to utilize a roundabout at the relocated Buckton Road intersection with Reliance Road as a means to define where the developed portion of Reliance Road ends and the rural land uses of the County begin. A similar technique was suggested by the Foresight Middletown plan as a means to create an entrance to the developed area.

Finally, the Foresight Middletown plan calls for Reliance Road within the Town limits to be a boulevard with a landscaped median; the Reliance Road Area Land Use Plan carries this design concept forward east of the interstate.

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.

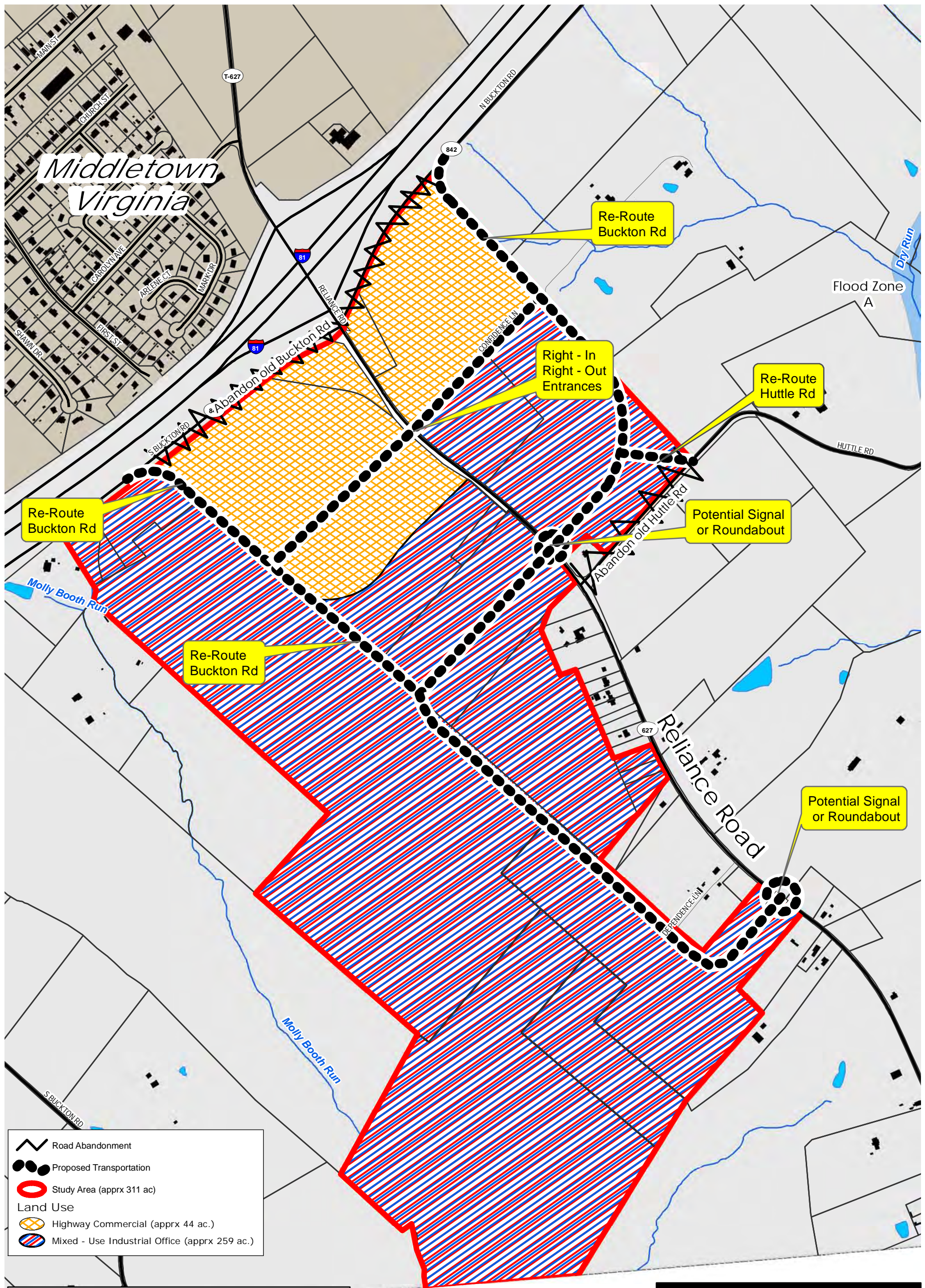
### **Water and Sewer**

The Town recently completed an upgrade to its wastewater treatment facility which enables it to treat upwards of 400,000 gpd. Reflective of the slowing economy and the Town's limited water availability, the wastewater facility is currently operating at less than 30 percent capacity; the facility is available to service future wastewater demands.

Existing limitations in water availability and the conveyance lines under the interstate may hinder development in the near future. As the Town secures additional water availability, upgrades to the conveyance system could easily be undertaken.

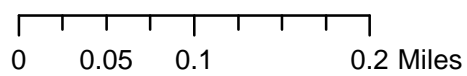
Reflective of current water availability, the Town is positioned to dedicate up to 18,000 gpd of water to development on the east side of I-81. This available water resource could facilitate an initial expansion of the commercial land uses to include a hotel, expanded gasoline service station/convenience center, and a restaurant. Any additional commercial uses would certainly warrant additional water resources.

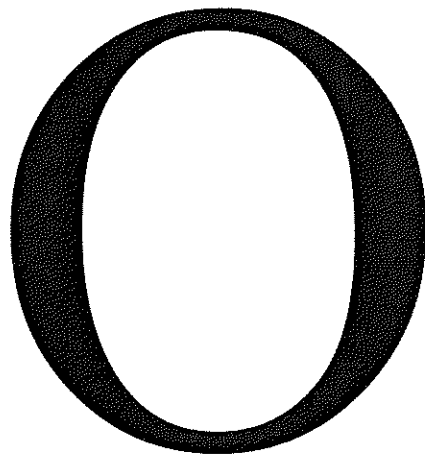
Development of the technology park land uses will be limited until additional water resources are identified and available. Technology uses that require limited water resources would certainly be more desirable initially, until the expanded water supply has been secured and accessible.



- 1) There is potential that additional through lanes would be needed depending upon the scope of development.
- 2) This change would require a traffic study under chapter 527. This study would give the needed information to refine roadway system improvement expectations.

## Area Plan Reliance Road Area Land Use Plan








## MEMORANDUM

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**TO:** Frederick County Board of Supervisors

**FROM:** Michael T. Ruddy, AICP  
Deputy Director 

**RE:** McCann-Slaughter Properties - Discussion  
**A Draft Amendment to the 2030 Comprehensive Plan, Appendix I – Area Plans,  
The Northeast Frederick Land Use Plan**

**DATE:** June 16, 2014

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This Draft Amendment to the Northeast Frederick Land Use Plan (NELUP), an Area Plan contained within Appendix I of the 2030 Comprehensive Plan, is presented to the Board of Supervisors as a discussion item. Ultimately, staff will be seeking direction from the Board of Supervisors to move the draft amendment through the public hearing process.

### **The McCann-Slaughter Properties**

The McCann Slaughter parcels contain approximately 160 acres, near the intersection of Martinsburg Pike and Old Charlestown Road, on both sides of McCann Road, and adjacent to the CSX Railroad. The properties are collectively designated in the 2030 Comprehensive Plan for various types of land uses, including Developmentally Sensitive Areas and Industrial. Future Route 37 traverses parcel 44-A-25B and the properties are located within the Sewer and Water Service Area (SWSA).

### **Background**

At their November 13, 2013 meeting, the Board of Supervisors adopted a resolution directing staff to undertake a land use study to evaluate the future land use of the McCann-Slaughter properties, and surrounding area, near the intersection of Martinsburg Pike (Route 11) and Old Charlestown Road (Route 761). The Comprehensive Plans and Programs Committee (CPPC), at their December meeting, initiated the review of this request.

The review of this item continued in 2014 and involved the Historic Resources Advisory Board (HRAB) who invited interested groups to participate in their meetings. The HRAB recommended that the land use designation remain as a DSA at this time. Their recommendation is included as an attachment to this item.



Ultimately, the CPPC recommended the following balanced approach as an amendment to the Northeast Land Use Plan (notwithstanding the recommendations of the HRAB):

- The recommendations of the HRAB.
- Protection of the environmental features of the site.
- Preservation of those areas identified with DSA's and development limited to those areas to the south of the DSA's and south of McCann's Road.
- Utilizing McCann's Road and other historical features, such as Milburn Road, as features to be protected and potentially used in a manner that promotes their historical context (an extension of the historical trail system in the area).
- An O.M. (Mixed Use Office/Industrial) land use designation.
- If an alternative land use designation is deemed to be appropriate, access to be provided via a new north south road that would generally be parallel to the west side of the existing railroad. This road would connect into proposed development to the south. No access would be permitted to McCann's Lane for vehicular access to Martinsburg Pike or Milburn Road.

The Comprehensive Plans and Programs Committee (CPPC) felt strongly that an approach that balanced the various resources and land uses was appropriate. To that end, additional efforts were made to draft an amendment that was as thoughtful as possible when balancing the resources and land uses. Two members of the CPPC met with two members of the HRAB to discuss additional language that has ultimately been included in the draft amendment. This additional language has been shared with the CPPC and HRAB.

**The attached language is offered as a potential addition to the 2030 Comprehensive Plan, Appendix I – The Northeast Land Use Plan. The proposed addition would be inserted into Appendix I of the Plan within the Northeast Land Use Plan, immediately following the existing maps.**

Staff has also provided a summary of the CPPC and HRAB committee reviews to date. Please also find attached a copy of the Board approved resolution, a location map which depicts the long range land use for the area, the current Northeast Land Use Plan, and excerpts from the previous Northeast Land Use Plan.

The Planning Commission discussed the McCann-Slaughter properties at their meeting on May 21, 2014. There was discussion regarding McCann's Road and the intent for it to be a total buffer corridor of 50 feet, with 25-foot on each side measured from the centerline. In addition, the intention was for McCann's Road to remain as an existing gravel road within a prescriptive easement with no road improvements. The idea was to essentially preserve McCann's Road in its existing condition and for it to be used as a pedestrian/bicycle trail. Members of the Commission stated this property has had a considerable amount of discussion between all of the stake holders, including the CPPC,

the HRAB, and environmental representatives. They believed this approach was an interesting concept because of the many geographical, environmental, and historical aspects of the property, many of which have competing interests. It was believed the stakeholders had achieved a reasonably balanced approach for the use of the land, preserving key elements while allowing the appropriate form of development to go forward as well. (Note: Commissioner Oates was absent from the meeting.)

Please contact me if you have any further questions.

MTR/pd/rsa

Attachments

## 2030 COMPREHENSIVE PLAN

### APPENDIX I – AREA PLANS NORTHEAST FREDERICK LAND USE PLAN

#### McCANN-SLAUGHTER AMENDMENT

(DRAFT MAY 21, 2014)

The Comprehensive Plans and Programs Committee (CPPC), at their April 14, 2014 meeting, recommended that the following amendment be incorporated into the Northeast Land Use Plan:

The CPPC proposed the following balanced approach as an amendment to the Northeast Land Use Plan for the McCann-Slaughter properties located near the intersection of Martinsburg Pike (Route 11) and Old Charlestown Road (Route 761). This location has historically been identified as a Developmentally Sensitive Area (DSA) due to the environmental and historical features on and around the site, most notably Stephenson's Depot.

- Protection of the environmental features of the site.
- Preservation of those areas identified with DSA's and development limited to those areas to the south of the DSA's and south of McCann's Road.
- Utilizing McCann's Road and other historical features, such as Milburn Road, as features to be protected and potentially used in a manner that promotes their historical context (an extension of the historical trail system in the area).
- An O.M. (Mixed Use Office/Industrial) land use designation.
- Access to be provided via a new north south road that would generally be parallel to the west side of the existing railroad. This road would connect into proposed development to the south. No access would be permitted to McCann's Lane for vehicular access to Martinsburg Pike or Milburn Road.

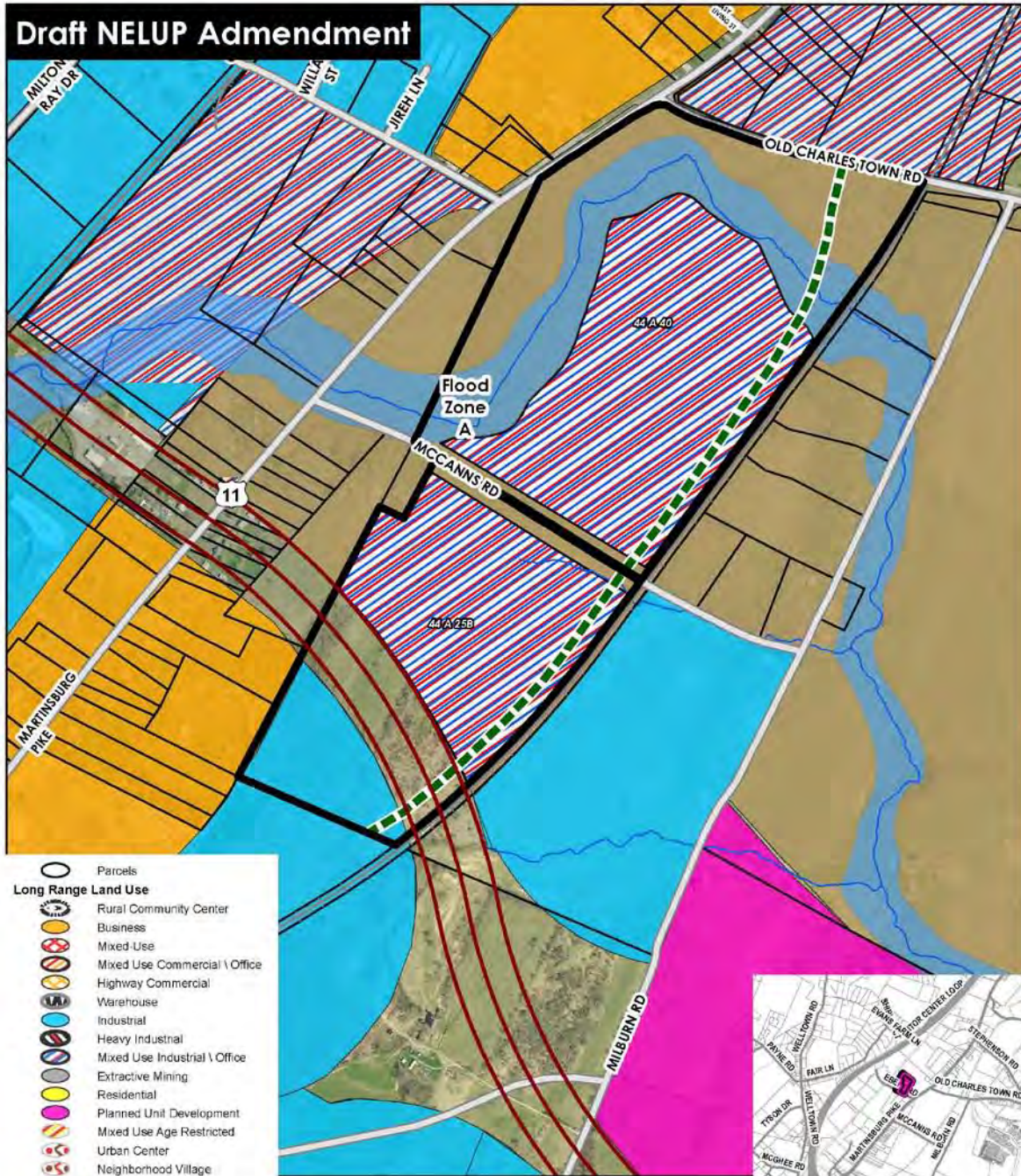
*Subsequently, the proposal was further evaluated to determine if other elements could be incorporated into the proposed amendment that would further ensure the environmental, historical, and development resources were protected, promoted, and sensitively integrated together in this balanced amendment to the Northeast Land Use Plan. To that end, the following items should be addressed with the future development of this area.*

- *A buffer adjacent to McCann's lane that is approximately 50' in width (25' from the centerline in each direction). Contained within this area; native landscape plantings and preservation of the existing hedgerows aimed at preserving this resource and its character, interpreting the historical landscape, and buffering the future development.*

- *A transitional buffer between the existing floodplain and future land uses that promotes environmental best management practices and buffers the historical DSA from the future land uses (landscaping, building height transitions, view sheds). This buffer may include areas of the identified environmental resources.*
- *The ability to include a small area of neighborhood commercial land use in support of the proposed OM land use. This would be located in the northern portion of the OM land use adjacent to the future road.*
- *An interpretive trail head/parking area in the northern portion of this area adjacent to the proposed road could be incorporated into the design of the project, potentially in conjunction with a small area of neighborhood commercial. The interpretation may be reflective of the environmental and historical resources of the site and area.*
- *The CPPC recommended the OM land use designation extends to the center of the stream. (A subsequent evaluation of this indicated it would be more appropriate to have the edge of the ultimate floodplain be the common boundary as a floodplain is, by definition in the 2030 Comprehensive Plan, an identified Developmentally Sensitive Area).*
- *The location and design of the road should be sensitive to the environmental and historical resources and should have minimal impact.*
- *Historical signage consistent with currently used signage should be provided.*
- *Historically relevant features, such as split rail fences, should be considered as a feature of the future development. But care should be taken to ensure the character of the resource isn't changed.*
- *Appropriate traffic controls should be provided on McCann's Lane to ensure that it is used only for pedestrian and bicycle users.*

*In general, balance was maintained as the overarching theme of the discussion of the CPPC, and subsequently, the discussion of the ad-hoc CPPC/HRAB group.*

# Draft NELUP Admendment

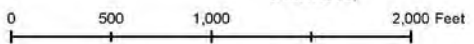


- Long Range Land Use**
- Parcels
  - Rural Community Center
  - Business
  - Mixed Use
  - Mixed Use Commercial \ Office
  - Highway Commercial
  - Warehouse
  - Industrial
  - Heavy Industrial
  - Mixed Use Industrial \ Office
  - Extractive Mining
  - Residential
  - Planned Unit Development
  - Mixed Use Age Restricted
  - Urban Center
  - Neighborhood Village
  - Recreation
  - Commercial Recreation
  - Open Space
  - Natural Resources & Recreation
  - Park
  - Historic \ DSA
  - Fire & Rescue
  - Institutional
  - School



## Draft NELUP Amendment

Note:  
 Frederick County Dept of  
 Planning & Development  
 107 N Kent St  
 Suite 202  
 Winchester, VA 22601  
 540 - 665 - 5651  
 Map Created: May 7, 2014  
 Staff: muddy



## **Committee Review Background.**

### **CPPC December 16, 2013 Meeting**

The CPPC discussed this request and proposed the study be coordinated with the HRAB, given the historical context of the Developmentally Sensitive Areas (DSA's) in this area. It is believed that the HRAB would be able to provide the appropriate guidance and input on the land use in this area from a historical perspective. Notwithstanding the historical background associated with Stephenson's Depot, the site also contains a significant amount of environmental features that are protected within the DSA designation. The floodplain and its associated issues were discussed. The location of the environmental features also creates a barrier to Martinsburg Pike, Route 11, and Old Charlestown Road.

The Applicant's representative presented a sketch of the proposed layout for a potential commercial/industrial development with access being provided from the north and from the south via a new north/south road connecting with adjacent projects and minimizing the impact on the Milburn Road corridor and McCann's Road. An O.M. land use designation was proposed by the Applicant's representative as being the most acceptable land use designation along with recognition that those DSA's identified on the site could be incorporated into the land use plan.

Any update to the Northeast Land Use Plan should consider the following points as the basis for the narrative:

- The recommendations of the HRAB.
- Protection of the environmental features of the site.
- Preservation of those areas identified with DSA's and development limited to those areas to the south of the DSA's and south of McCann's Road.
- Utilizing McCann's Road and other historical features, such as Milburn Road, as features to be protected and potentially used in a manner that promotes their historical context (an extension of the historical trail system in the area).
- An O.M. (Mixed Use Office/Industrial) land use designation (if appropriate).

The CPPC approached this as an amendment to the Northeast Land Use Plan. It was recognized that the Northeast Land Use Plan is a series of four detailed land use maps that do not contain a descriptive narrative. The CPPC felt that if the land use were to change in this location, it should be accompanied by a descriptive narrative that is clear on what the future land uses should be, where they should be, and that any performance conditions, such as areas of preservation and methods of access, should be stated.

The CPPC were very eager to receive the recommendations of the HRAB before they finalized their recommendations for a change in the land use. In addition, the CPPC wanted to see some of the points discussed at their December meeting listed in bullet form to provide a summary of the potential

The CPPC also identified several approaches to update the Northeast Land Use Plan for this area; 1) updating the four land use maps, 2) updating the four land use maps and adding a narrative specific to this proposed change, and 3) updating the four land use maps and reinstating text describing the Northeast Land Use Plan as a whole. The CPPC's initial preference was option 2. Recent proposed amendments to the North East Land Use Plan could be consolidated into this update.

## **HRAB December 17, 2013 Meeting Summary**

The Historic Resources Advisory Board (HRAB) has been asked to provide a comment pertaining to a requested Comprehensive Plan Amendment for the McCann-Slaughter property.

The Study of Civil War Sites in the Shenandoah Valley published by the National Park Service identifies these properties as core battlefield area for the Battle of Third Winchester (Opequon) with retained integrity.

The Applicant's representative presented a sketch of the proposed layout for a potential industrial park. The HRAB questioned if the requested industrial park could be laid out in a sensitive way, preserving the viewsheds and the significant portions of the property. The location of the existing historic markers was also considered and the impact the land use change would have on the viewsheds associated with the markers. The HRAB also inquired if the use of tax credits and the preservation of the property would be worth as much as the potential industrial land. The Applicant responded that it would not.

After further discussion, the HRAB questioned why the DSA needed to be removed. The DSA was originally created and shown on this property because of its historic nature and the HRAB wanted to know what had changed and why the Board should consider a change in land use. The HRAB was concerned with the removal of the DSA because this is the last bit of core battlefield within this area. The battlefield areas keep being eroded, first with the rezoning of Stephenson's Village and then Graystone. The group also discussed the recently adopted 2030 Comprehensive Plan and the fact that one goal was to preserve battlefield areas. There are policies in place that support the preservation of core battlefield areas. The HRAB also wanted comments from the Shenandoah Valley Battlefield Foundation regarding the scale of the project and the impact it would have; it was rested that the foundation be invited to the next HRAB meeting.

After the discussion, the HRAB requested that the Applicant consider retaining DSA on the most significant portions of the property and consider office land use on the balance. The HRAB ultimately was comfortable with the requested land (low impact/sensitive industrial) use change so long as the discussed trail network was included and the most significant part of the battlefield remains in DSA. The HRAB then requested to see the text that is formulated by the CPPC that will be forwarded to the Board of Supervisors for their review.

## **HRAB February 17, 2014 Meeting Summary**

The HRAB further discussed the discussions to date of The Comprehensive Plans and Programs Committee (CPPC) who discussed this amendment at their January and February meetings. The recommendations of the HRAB were summarized in the comment letter provided by the HRAB and attached, dated March 10, 2014.

## **The HRAB recommendation (02/18/14).**

### **Historic Resources Advisory Board Concerns**

*(Please see the letter provided by the HRAB in the attachments to this agenda).*

The Study of Civil War Sites in the Shenandoah Valley published by the National Park Service identifies these properties as core battlefield area for the Battle of Second Winchester and the Battle of Third Winchester (Opequon), with retained integrity.

After reviewing this information and the applicant's materials the Historic Resource Advisory Board (HRAB) recommended denial of the Comprehensive Plan Amendment for the McCann Slaughter Properties. The HRAB stated that the Historic Chapter of the 2030 Comprehensive Plan supports the preservation of the County's battlefield. Specifically, the plan states the following:

“As commercial and residential developments continue to locate and expand in Frederick County, there is a need for balance to maintain the historic integrity, both structurally and scenically, between surviving historic resources and landscapes and new development. This balance can be achieved by recognizing both the current development needs of the community and the historic and rural character of Frederick County's past”.

The HRAB also felt that the Developmentally Sensitive Designation was placed over this area because of the historic nature of the area and that there wasn't sufficient evidence presented to the committee that justified support for removing the designation. . Also, at the HRAB's February 2014 meeting a representative from the Shenandoah Valley Battlefield Foundation (SVBF) stated that the foundation has expressed interest in preserving the site and that additional materials may be available that provides more detail regarding the historic importance of this site. The HRAB stated that should additional information regarding the history on the site be made available, the Board could revisit the subject.

### **CPPC April 14, 2014 Meeting**

The CPPC looked to complete their evaluation of a land use study for the McCann-Slaughter properties, and surrounding area, near the intersection of Martinsburg Pike (Route 11) and Old Charlestown Road (Route 761). Previously, the CPPC discussed this request and identified several approaches to update the Northeast Land Use Plan for this area. The CPPC proposed the study be coordinated with the HRAB. The HRAB has made a recommendation on this request.

Mr. Ruddy presented an overview of this request, an update on the status of this request, and described the input received previously from the CPPC and more recently from the HRAB. The HRAB had recommended denial of the Comprehensive Plan Amendment for the McCann Slaughter Properties. The HRAB stated that should additional information regarding the history on the site be made available, the Board could revisit the subject.

Mr. Ruddy further discussed the options available to the CPPC as listed in the agenda.

- 1) Support the recommendation of the HRAB.
- 2) Propose the approach discussed by the CPPC at your earlier meetings, prior to the input of and notwithstanding the recommendations of the HRAB, where the CPPC described the following scenario:
  - The recommendations of the HRAB.
  - Protection of the environmental features of the site.
  - Preservation of those areas identified with DSA's and development limited to those areas to the south of the DSA's and south of McCann's Road.



- Utilizing McCann's Road and other historical features, such as Milburn Road, as features to be protected and potentially used in a manner that promotes their historical context (an extension of the historical trail system in the area).
- An O.M. (Mixed Use Office/Industrial) land use designation.
- If an alternative land use designation is deemed to be appropriate, access to be provided via a new north south road that would generally be parallel to the west side of the existing railroad. This road would connect into proposed development to the south. No access would be permitted to McCann's Lane for vehicular access to Martinsburg Pike or Milburn Road.

3) An alternative recommendation to the above of the CPPC.

Members of the CPPC discussed the features of the site in more detail and reflected on the recommendation of the HRAB. The Applicant's representative, Mr. Oates, described the environmental features of the site, the discussion of the HRAB, and the Applicant's desired future land use and potential development plan.

Balance was the overarching theme of the discussion of the CPPC. It was recognized that balance was emphasized in the 2030 Comprehensive Plan and in an earlier planning document, the Battlefield Network Plan, which also sought to achieve a balanced approach to future land uses that were respectful of the identified DSA's associated with Stephenson's Depot.

In making their recommendation, the CPPC expressed their desire to achieve a balance between the DSA designation, the recommendation of the HRAB, and the other land uses envisioned by the property owner, the OM (Office-Manufacturing) land use designation.

**The CPPC recommended that the scenario described as item 2 in the agenda package be forwarded to the Planning Commission for their consideration. The motion was made by Jim Golladay, seconded by Kay Dawson, and unanimously approved by the CPPC members present.**

Following the recommendation, the CPPC recognized the importance of the openness of the planning process. A suggestion was made to have members of the CPPC meet with members of the HRAB to further evaluate the details of the proposal to ensure the historic elements of the property were protected and any areas of development were as sensitive to the historic resources as possible.

# BATTLEFIELD NETWORK PLAN

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## FREDERICK COUNTY, VIRGINIA

Produced by the Frederick County  
Department of Planning and Development

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107 North Kent Street, Winchester, VA 22601

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February 1997



## **Strategies For Star Fort And Other Forts**

**Work with the Middlesex Artillery group to create a battlefield park site at Star Fort.**

**Use Star Fort as a demonstration project to increase public awareness of the battlefield effort.**

**Work with owners of Fort Collier, Fort Milroy and other forts around Winchester to find ways to preserve additional forts.**

**Work closely with the Middlesex Artillery to prepare a resource management plan for Star Fort as soon as possible.**

**Provide pedestrian trails and bikeways connecting the different forts.**

**Work closely with developers of surrounding land to provide support for the fort sites.**

## **Stephenson Depot**

During the Second Battle of Winchester, Stephenson Depot was the site of the most critical action. The Confederates used the railroad embankment south of the Depot and the ridge behind it as artillery emplacements that were assaulted unsuccessfully by the Union troops several times.

While Jubal Early's forces attacked the Union troops positioned at Star Fort, Fort Milroy, West Lunette, and Fort Collier on June 14 with great success, Confederate General Richard S. Ewell assumed that General Robert Milroy would attempt a retreat during the night. Therefore, he ordered General Edward Johnson to prevent the Union escape by cutting off the Charles Town Road. At about 10:00 p.m., Johnson marched with two brigades and eight guns north to Berryville Pike and west to Jordan Springs Road, where he turned north toward Stephenson's Depot.

At approximately 1:00 a.m. on the morning of June 15th, Milroy and his officers decided to abandon Fort Milroy and Star Fort and try to

make their way to Harpers Ferry on the old Charles Town Road. After spiking all of their cannons and destroying their carriages, the Union soldiers massed in the low ground between the two forts and then moved down the railroad and the Valley Pike towards the Charles Town crossroads, just south of Stephenson's Depot.

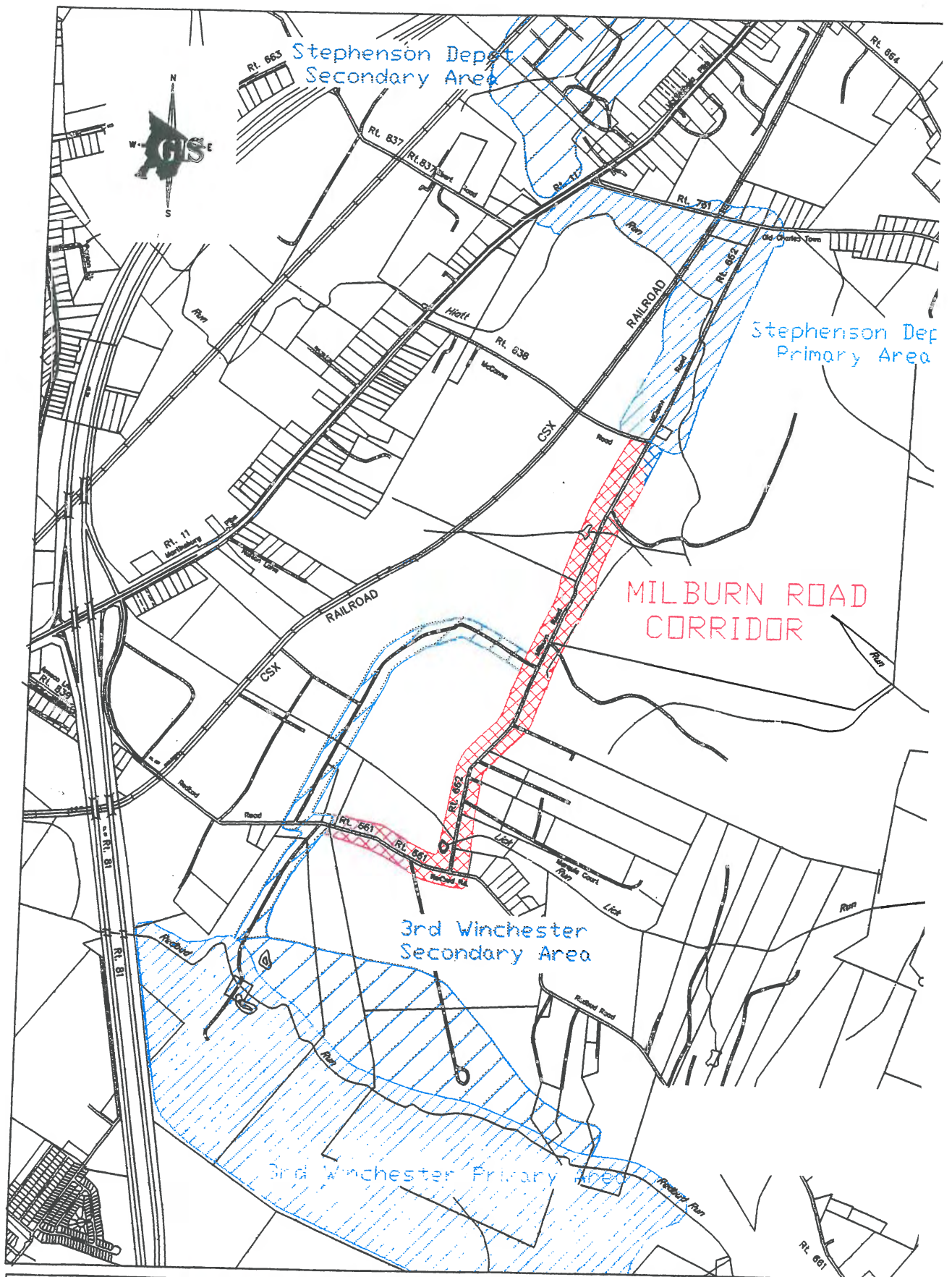
At about dawn on the morning of the 15th, Johnson's skirmishers encountered the head of the retreating Union column near the intersection of the Valley Pike and old Charles Town Road. Johnson deployed his regiments along Milburn Road and placed one artillery piece directly on the Charles Town Road railroad bridge and one beside it. Johnson deployed his remaining artillery pieces on the high ground east of Milburn Road. Milroy set up his column to the right of the Valley Pike and prepared to fight his way through. The Union forces made several desperate but uncoordinated attacks against the railroad bridge and were unable to make a dent in the line of the Confederates, who were now being steadily reinforced. The Confederate Stonewall brigade advanced to cut off the Valley Pike. Seeing no way out, Union regiments hoisted the white flag of surrender. Between 2,500 and 3,000 Union soldiers surrendered. Milroy and his staff managed to escape to the west.

The Union losses from June 12 to June 15 were: 95 killed, 373 wounded, and 3,974 missing and captured out of a total force of approximately 7,000. The Confederate losses paled in comparison. They had 47 killed, 219 wounded, and 3 missing.

The Second Battle of Winchester was part of General Lee's second invasion of the North. The Confederate forces defeated and nearly destroyed an entire Union division under General Robert Milroy at Stephenson's Depot. The Confederate victory at Second Winchester offered high hopes for the success of Lee's second invasion of the North that culminated with the Battle of Gettysburg. The Second Battle of Winchester also marked General Ewell's first engagement as a



*Milburn Road at Stephenson Depot*



# MILBURN ROAD CORRIDOR

Connecting the 3rd Winchester and Stephenson Depot Battlefield Primary and Secondary Areas

Corps Commander. His tactical successes at Second Winchester had influence on his tactics at Gettysburg two weeks later.

Despite intensive development along Route 11 North, the Stephenson Depot Battlefield remains pristine and rural in character. The modern railroad bridge and embankment are located today in the same location where they existed during the battle. Milburn Road connects Stephenson Depot to the Third Winchester sites along a route that looks today much as it did during the Civil War.

### **Strategies For Stephenson Depot**

**Work with the landowner to preserve key areas while allowing some development. Provide planning assistance.**

**New more intensive uses in the core area should provide means to protect viewsheds as a part of their development plans.**

**Use Milburn Road as a primary travel connection between Stephenson Depot and Third Winchester. Work with land owners to preserve views along Milburn Road using buffers, vegetation and easements.**

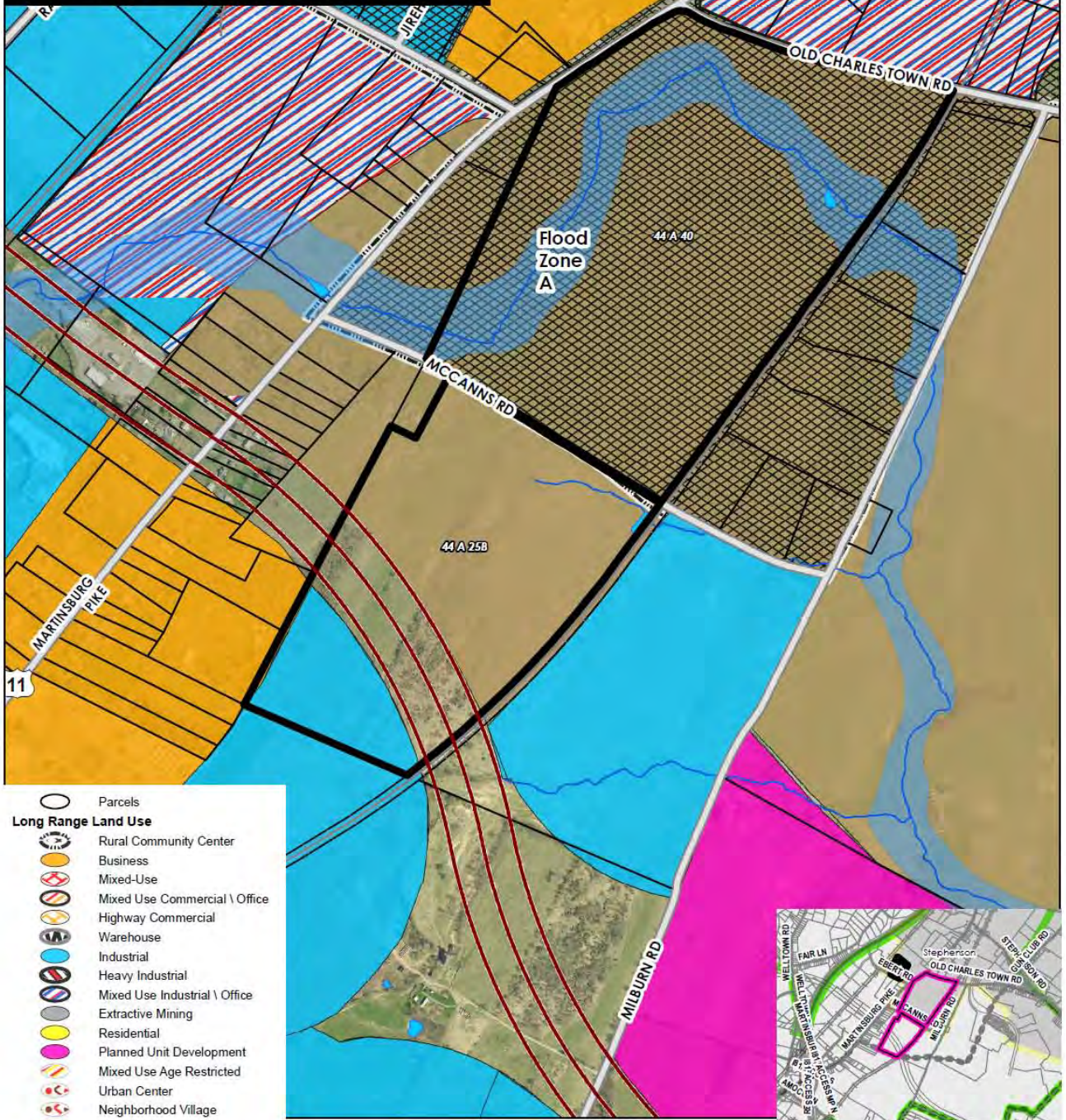
### **Old Town Winchester**

The City of Winchester was chartered by act of the Virginia Assembly in 1752, fourteen years after Frederick County was chartered. During the Civil War, no eastern city was more critically involved than Winchester, with the city changing hands over 70 times during the war. At the time of the Civil War, the population of Winchester was about 4,000, including 706 slaves and 665 free African Americans.

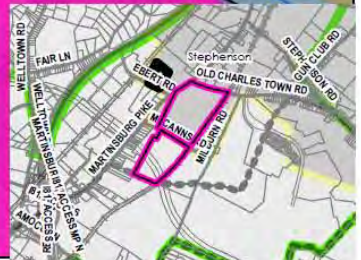
According to war-time diarist, Julia Chase, the Confederates reached Winchester on November 8, 1861 and the Union army initially arrived on March 14, 1862. From this point on, Winchester was primarily in Union hands. Although there were a large number of unionists within the town, relations between the townspeople and the Union occupiers were not good.

During the Civil War, many buildings in Old Town Winchester served as field hospitals for both sides, including the County Courthouse and the Taylor Hotel (McCrorys building). As early as March, 1862, the County Courthouse was filled to capacity with wounded. Confederate General Thomas J. "Stonewall" Jackson and Union General Philip

# McCann-Slaughter Properties CPPA Resolution

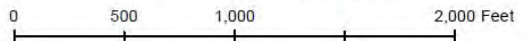


- Long Range Land Use**
- Parcels
  - Rural Community Center
  - Business
  - Mixed-Use
  - Mixed Use Commercial \ Office
  - Highway Commercial
  - Warehouse
  - Industrial
  - Heavy Industrial
  - Mixed Use Industrial \ Office
  - Extractive Mining
  - Residential
  - Planned Unit Development
  - Mixed Use Age Restricted
  - Urban Center
  - Neighborhood Village
  - Recreation
  - Commercial Recreation
  - Open Space
  - Natural Resources & Recreation
  - Park
  - Historic \ DSA
  - Fire & Rescue
  - Institutional
  - School



## McCann-Slaughter Properties CPPA Resolution

Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: October 31, 2013  
Staff: mruddy



**RESOLUTION**

**Action:**

BOARD OF SUPERVISORS: November 13, 2013  APPROVED  DENIED

**DIRECTING STAFF TO UNDERTAKE A LAND USE  
STUDY TO EVALUATE THE FUTURE LAND USE OF THE MCCANN-  
SLAUGHTER PROPERTIES, AND SURROUNDING AREA, NEAR THE  
INTERSECTION OF MARTINSBURG PIKE (ROUTE 11) AND  
OLD CHARLESTOWN ROAD (ROUTE 761)**

**WHEREAS,** The McCann-Slaughter parcels are identified by Property Identification Numbers 44-A-40 and 44-A-25B, in the Stonewall Magisterial District; and

**WHEREAS,** The McCann-Slaughter parcels contain approximately 160 acres, near the intersection of Martinsburg Pike and Old Charlestown Road, on both sides of McCann Road, and adjacent to the CSX Railroad; and

**WHEREAS,** The properties are collectively designated in the 2030 Comprehensive Plan for various types of land uses, including Developmentally Sensitive Areas and Industrial. Future Route 37 traverses parcel 44-A-25B and the properties are located with the Sewer and Water Service Area (SWSA); and

**WHEREAS,** The request for consideration of this land use study for the McCann-Slaughter properties was sponsored and presented to the Board of Supervisors by the Stonewall Magisterial District Supervisor on October 9, 2013; and

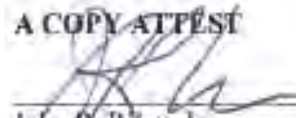
**WHEREAS,** The Board of Supervisors supported the Stonewall Magisterial District Supervisor's request to place a Resolution on the next available Board of Supervisors' agenda;

**NOW, THEREFORE, BE IT ORDAINED** that the Board of Supervisors directs the Planning Commission to study and return to the Board of Supervisors a Comprehensive Plan study, specifically pertaining to the future land uses of the McCann-Slaughter parcels, identified by Property Identification Numbers 44-A-40 and 44-A-25B, and surrounding area.

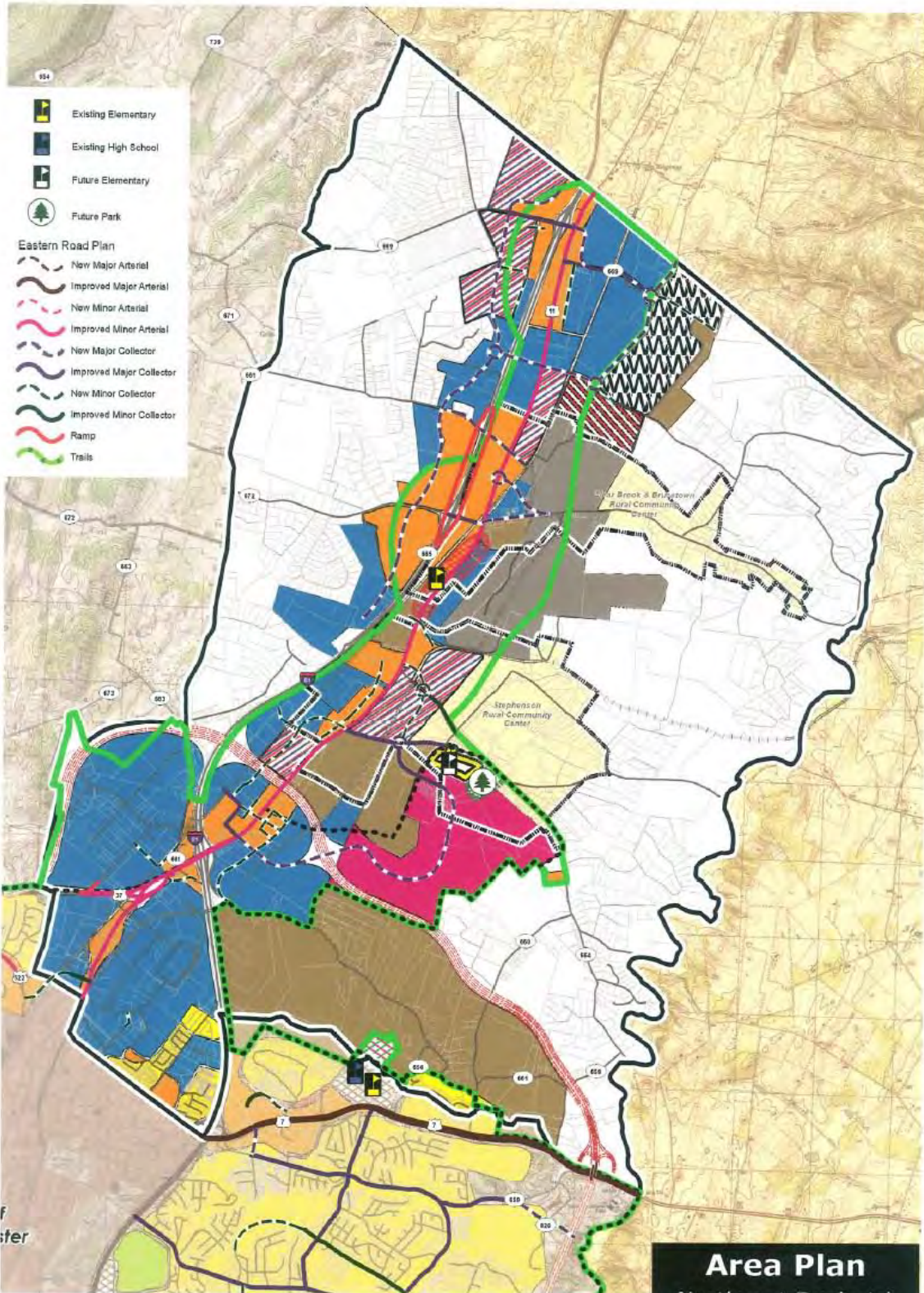
Passed this 13<sup>th</sup> day of November, 2013 by the following recorded vote:

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

**A COPY ATTEST**

  
\_\_\_\_\_  
John W. Riley, Jr.  
Frederick County Administrator





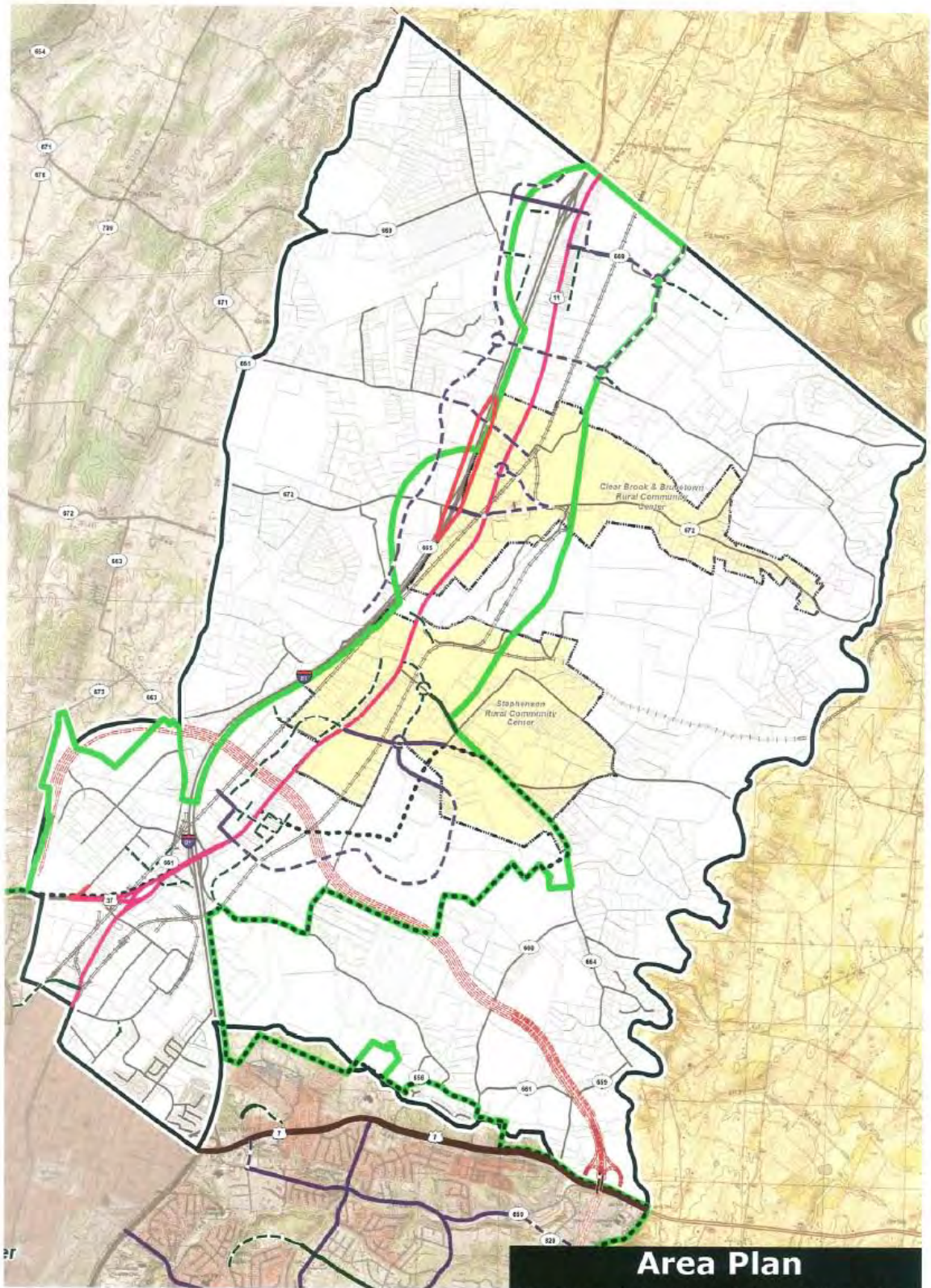
- Urban Development Area
  - Sewer and Water Service Area
  - Future Rt 37 Bypass
- Land Use Legend**
- |                               |                               |                                |
|-------------------------------|-------------------------------|--------------------------------|
| Business                      | Heavy Industrial              | Urban Center                   |
| Mixed-Use                     | Mixed Use Industrial \ Office | Neighborhood Village           |
| Mixed Use Commercial \ Office | Extractive Mining             | Commercial Recreation          |
| Highway Commercial            | Residential                   | Recreation                     |
| Industrial                    | Planned Unit Development      | Natural Resources & Recreation |
| Warehouse                     | Mixed Use Age Restricted      | Park                           |

## Area Plan

### Northeast Frederick Land Use Plan

2030 Comprehensive Policy Plan Map  
Approved: July 14th, 2011

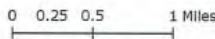
0 0.25 0.5 1 1.5 Miles

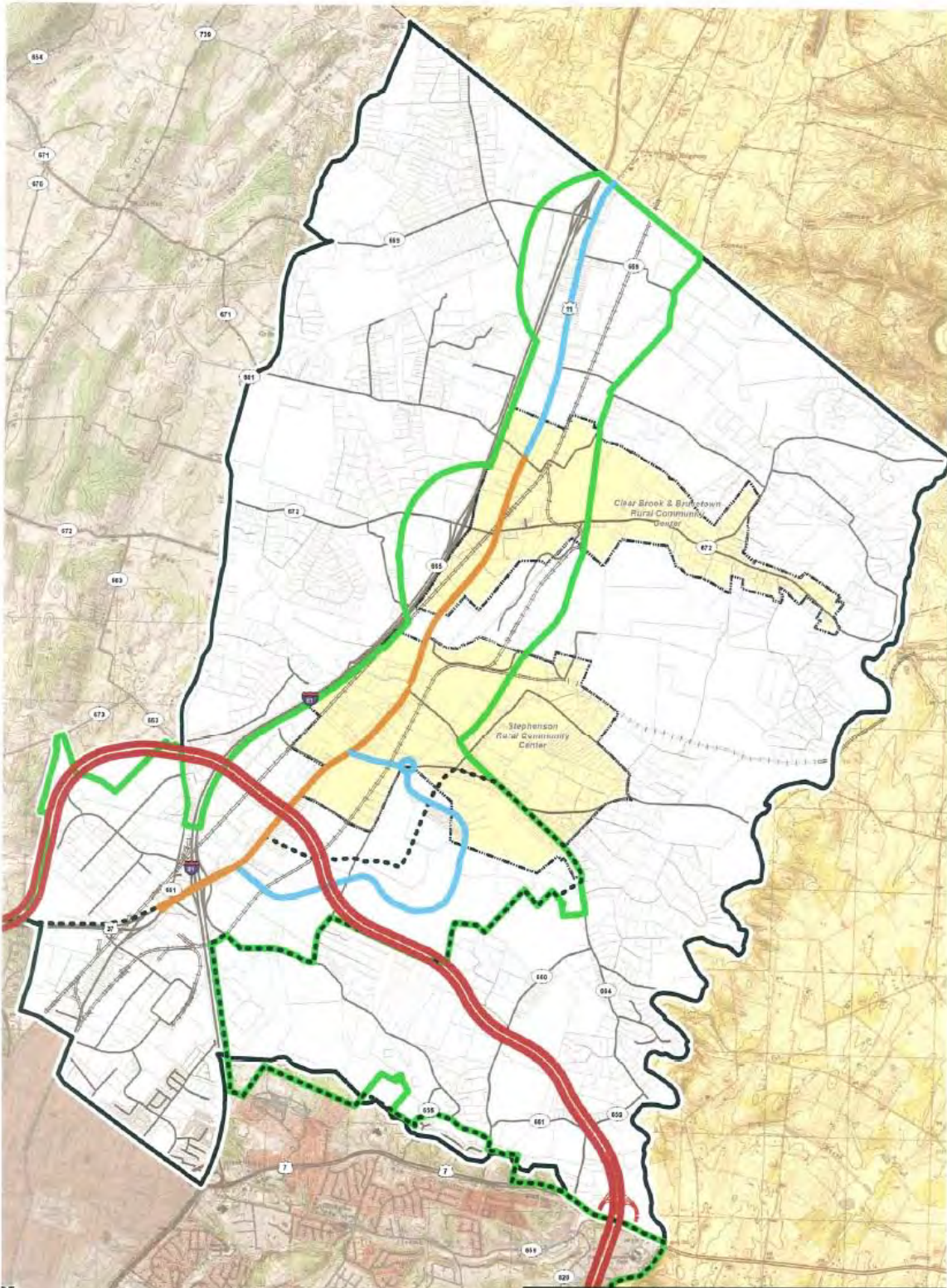


**Area Plan**  
 Northeast Frederick Land Use Plan  
 Transportation Map

Urban Development Area Sewer and Water Service Area

- |                         |                          |        |
|-------------------------|--------------------------|--------|
| New Major Arterial      | New Major Collector      | Ramp   |
| Improved Major Arterial | Improved Major Collector | Trails |
| New Minor Arterial      | New Minor Collector      |        |
| Improved Minor Arterial | Improved Minor Collector |        |



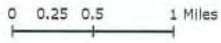


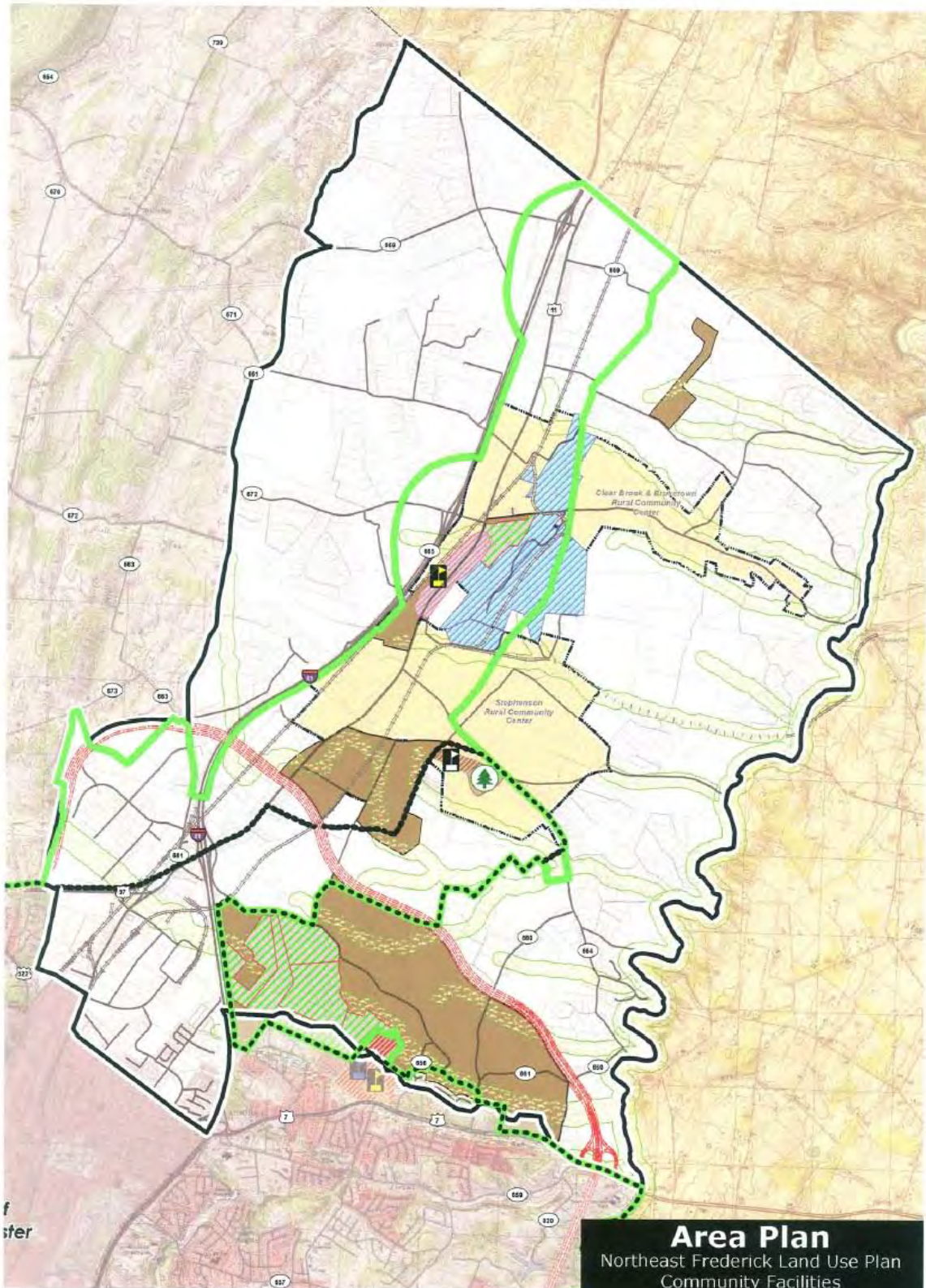
 Urban Development Area
  Sewer and Water Service Area

**Proposed Lane Divides**

-  4 Lane Limited Access w/ CD Lanes (if required)
-  6 Lane Divided
-  4 Lane Divided

**Area Plan**  
 Northeast Frederick Land Use Plan  
 Transportation Map - Lane Divides





**Area Plan**  
 Northeast Frederick Land Use Plan  
 Community Facilities  
 Natural and Recreational  
 Resources Plan

Urban Development Area    Sewer and Water Service Area  
 Future Rt 37 Bypass

- |                      |                          |                             |                                     |
|----------------------|--------------------------|-----------------------------|-------------------------------------|
| <b>Facilities</b>    | Future Elementary        | <b>Community Facilities</b> | Park                                |
| Existing Elementary  | Future Elementary School | Elementary School           | Future Park                         |
| Existing High School | Future Park              | Future Elementary School    | Water Resources Area                |
|                      |                          | Middle School               | Natural Resource & Recreation Areas |
|                      |                          | High School                 | Developmentally Sensitive Areas     |
|                      |                          | Fire & Rescue Station       | Rural Community Center              |



2030 Comprehensive Policy Plan Map  
 Approved: July 14th, 2011

0 0.25 0.5 1 Miles

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## MEMORANDUM

**TO:** Frederick County Board of Supervisors  
John R. Riley, Jr., County Administrator

**FROM:** Eric R. Lawrence, AICP, Planning Director *ERL*

**SUBJECT:** Request for Scheduling a Work Session

**DATE:** June 16, 2014

Staff requests the scheduling of a work session with the Board of Supervisors to review the CPPA Comprehensive Policy Plan Amendment application and other planning items. The Planning Commission will be invited to participate in the work session.

Staff would suggest the following dates for this 12:00 PM lunch work session (Lunch will be provided):

Monday, July 14, 2014  
Tuesday, July 15, 2014

Monday, July 28, 2014  
Tuesday, July 29, 2014  
Wednesday, July 30, 2014

Please let staff know which date would best work with your schedule. Thank you.

ERL/pd