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**AGENDA  
REGULAR MEETING  
FREDERICK COUNTY BOARD OF SUPERVISORS  
WEDNESDAY, AUGUST 13, 2014  
7:00 P.M.  
BOARD ROOM, COUNTY ADMINISTRATION BUILDING  
107 NORTH KENT STREET, WINCHESTER, VIRGINIA**

**Call To Order**

**Invocation**

**Pledge of Allegiance**

**Adoption of Agenda:**

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

**Consent Agenda:**

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

**American Heart Association's Fit-Friendly Worksite Recognition Presentation**

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

**Board of Supervisors Comments**

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

1. Regular Meeting, July 9, 2014.
2. Budget Work Session, July 16, 2014.

**County Officials:**

1. Employee of the Month Award. **(See Attached)**----- B

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2. National Park Service Site Manager Amy Bracewell to Address the Board  
Re: Update on Activities and Developments at Cedar Creek and  
Belle Grove National Historic Park. **(See Attached)** ----- **C**
3. Committee Appointments. **(See Attached)**----- **D**
4. Request from Commissioner of the Revenue for Refund.  
**(See Attached)** ----- **E**

**Committee Reports:**

1. Human Resources. **(See Attached)**----- **F**
2. Finance Committee. **(See Attached)**----- **G**

**Public Hearing:**

1. Outdoor Festival Permit Request of Concern Hotline – 15<sup>th</sup> Annual Friday  
Fish Fry. Pursuant to the Frederick County Code, Chapter 86, Festivals;  
Section 86-3, Permit Required; Application; Issuance or Denial; Fee, for  
an Outdoor Festival Permit. Festival to be Held on Friday, September 5,  
2014, from 4:00 P.M. to 9:00 P.M.; on the Grounds of Grove's Winchester  
Harley-Davidson, 140 Independence Drive, Winchester, Virginia. Property  
Owned by Jobalie, LLC. **(See Attached)**----- **H**

**Planning Commission Business:**

**Public Hearing:**

1. 2030 Comprehensive Plan Amendment - McCann-Slaughter Properties.  
A Proposed Amendment to the Northeast Frederick Land Use Plan (NELUP),  
Contained within Appendix I of the 2030 Comprehensive Plan. 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 Property  
Identification Numbers are 44-A-40 and 44-A-25B in the Stonewall  
Magisterial District. The Properties are Collectively Designated in the  
2030 Comprehensive Plan for Various Types of Land Uses, Including  
Developmentally Sensitive Areas (DSA) and Industrial. The Proposal  
Would Allow Mixed Use Office Manufacturing Land Uses on a Portion of the

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Property and Maintain the DSA on the Balance of the Property.

**(See Attached)** ----- I

2. 2030 Comprehensive Plan Amendment, CPPA; LFCC/Middletown SWSA, Future Expansion Area – Following on from the Recently Approved LFCC/Middletown SWSA which Created a 138-Acre SWSA in the Area Surrounding, and Including the Lord Fairfax Community College, the Proposed Future Expansion Area, Previously Identified as Phase 2, Includes an Additional 100 Acres of Business Development Land Uses in Support of the College, and an Expansion of the Middletown/Lord Fairfax SWSA to be Served by Frederick County Sanitation Authority (FCSA). The Property Identification Number is 84-A-78 in the Back Creek Magisterial District. **(See Attached)** ----- J
3. 2030 Comprehensive Plan Amendment, (CPPA); Reliance Road Sewer and Water Service Area (SWSA) Designation-Middletown LLC Properties and Molden Properties. Middletown Properties LLC Owns Approximately 41 Acres at the Middletown Exit off Interstate 81, East of the Interchange and is Identified with Property Identification Numbers 91-A-56, 91-A-57, and 91-A-59 in the Opequon Magisterial District. Molden Properties has 90 Acres to the East and is Identified with Property Identification Numbers 91-A-47, 91-A-47A, and 91-A-67 in the Opequon Magisterial District. Additional Properties within the Reliance Road Study Area May be Added to Ensure a Contiguous SWSA. **(See Attached)**----- K
4. Rezoning #01-14 Cowperwood/FEMA, Submitted by Greenway Engineering Inc., to Rezone 1.24+/-Acres of a 18.34-Acre Property from RA (Rural Area) District to B2 (Business General) District with Proffers. The Balance of the Property is to Remain 16.53+/- M1 (Industrial Light) District, and 0.57+/- RA (Rural Area) District. The Property is Located on the West Side of Martinsburg Pike (Route 11 North) and is Located Approximately 0.6 Miles North of Interstate 81 Exit 317 and is Identified by Property Identification Number 43-A-111 in the Stonewall Magisterial District. **(See Attached)** ----- L

**Other Planning Items:**

1. Master Development Plan #06-14 – Lake Frederick, Revision 1. **(See Attached)** ----- M
2. Road Resolution – Shady Elm Farms Subdivision. **(See Attached)**----- N

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**Board Liaison Reports (If Any)**

**Citizen Comments**

**Board of Supervisors Comments**

**Adjourn**

A

**FREDERICK COUNTY BOARD OF  
SUPERVISORS' MINUTES**

**REGULAR MEETING**

**July 9, 2014**

A Regular Meeting of the Frederick County Board of Supervisors was held on Wednesday, July 9, 2014 at 6:00 P.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

**PRESENT**

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

**CALL TO ORDER**

Chairman Shickle called the meeting to order.

**CLOSED SESSION**

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Frederick County Board of Supervisors convened in closed session pursuant to Virginia Code Section 2.2-3711 A (1) to discuss personnel matters, specifically, the process for filling the upcoming vacancy in the county administrator's position.

The above motion was approved by the following recorded vote:

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

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

The above motion was approved by the following recorded vote:

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

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

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board certified that to the best of each board member's knowledge the Board discussed only matters involving personnel specifically, the process for filling the upcoming vacancy in the county administrator's position, pursuant to Virginia Code Section 2.2.-3711 A (1).

The above motion was approved by the following recorded vote:

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

### **INVOCATION**

Supervisor Collins delivered the invocation.

### **PLEDGE OF ALLEGIANCE**

Vice-Chairman DeHaven led the Pledge of Allegiance.

### **ADOPTION OF AGENDA – APPROVED**

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

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

### **CITIZEN COMMENTS**

There were no citizen comments.

### **BOARD OF SUPERVISORS COMMENTS**

There were no Board of Supervisor comments.

### **MINUTES - APPROVED**

Upon a motion by Supervisor Lofton, seconded by Supervisor Wells, the Board approved the minutes from the June 25, 2014 regular meeting by the following recorded vote:

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

### **COUNTY OFFICIALS**

#### **EMPLOYEE OF THE MONTH AWARD – GEORGE A. HOSBY APPROVED**

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board approved George A. Hosby as employee of the month for June 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**, George A. Hosby who serves the Northwester 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-around 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 that 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 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	Aye

#### **COMMITTEE APPOINTMENTS**

#### **APPOINTMENT OF PRIYA PATAL TO THE WINCHESTER-FREDERICK COUNTY CONVENTION AND VISITORS BUREAU - APPROVED**

Upon a motion by Supervisor Lofton, seconded by Supervisor Fisher, the Board appointed Priya Patel to the Winchester-Frederick County Convention and Visitors Bureau to fill the unexpired term of Rainee Simpson. Term expires June 30, 2015.

The above motion was approved by the following recorded vote:

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

**APPOINTMENT OF STEPHEN PETTLER AND PHILIP A. LEMIEUX TO THE  
DEVELOPMENT IMPACT MODEL OVERSIGHT COMMITTEE - APPROVED**

Upon a motion by Supervisor Hess, seconded by Supervisor Wells, the Board appointed Stephens Pettler and Philip A. Lemieux as Top of Virginia Building Association representatives to the Development Impact Model Oversight Committee. This is a one year appointment. Term expires June 28, 2015.

The above motion was approved by the following recorded vote:

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

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

Administrator Riley advised this was a request from the Commissioner of the Revenue to authorize the Treasurer to refund a taxpayer the amount of \$2,792.54 for half of 2011, all of 2012, 2013, and 2014 real estate taxes, based on the proper filing of proof of 100% permanent and total disability directly due to military service, as required under the Virginia Code change as a result of the Constitutional amendment that took effect for 2011.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the above refund request and supplement 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

Aye

**REQUEST TO SCHEDULE WORK SESSION WITH THE FREDERICK  
COUNTY ECONOMIC DEVELOPMENT AUTHORITY – WORK SESSION  
SCHEDULED**

The Board of Supervisors scheduled a work session with the Economic Development Authority for Tuesday, August 19, 2014 at noon.

**COMMITTEE REPORTS**

**PUBLIC WORKS COMMITTEE - APPROVED**

The Public Works Committee met on Tuesday, June, 24, 2014 at 8:00 a.m. All members were present except Bob Wells. The following items were discussed:

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

**1. Proposed Increases in Building Inspection Fees**

The committee unanimously endorsed minor increases in building inspection fees. The proposed increases are reflected in the attached summary along with a brief explanation from the Building Official, Mr. John Trenary. (**Attachment 1**)

Upon a motion by Supervisor Fisher, seconded by Supervisor Hess, the Board approved the increased building inspection fees.

The above motion was approved by the following recorded vote:

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

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

**1. Carry Forward Requests**

The committee reviewed and unanimously endorsed carry forward requests from the following budgets: landfill, road administration, animal shelter, and Shawneeland. These requests are explained in the attached memorandums. For the most part, these requests are

related to projects or purchases which could not be initiated or completed in the current fiscal year. (**Attachment 2**)

## **2. Discussion with the Fire Marshal Regarding Fee Increases**

The committee engaged the fire marshal in a discussion centered on their role in assisting the building inspection department related to plan review and inspections of fire safety issues such as sprinkler systems, emergency lighting, etc. Basically, it was concluded that the building official through the inspection department has the legal responsibility for issuing building permits and certificates of occupancy. The fire marshal's office has the legal responsibility for enforcing the fire code after the building is occupied. The committee concluded that even though there was some duplication of effort during the initial permitting and construction phases, it was advantageous to Frederick County to have both departments involved in the review and inspection of fire safety items.

The fire marshal indicated that he plans to present proposed fees for inspections related to occupied structures at a future public works committee meeting.

## **3. Miscellaneous Reports**

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

## **PUBLIC HEARING**

### **ORDINANCE AMENDING THE SPECIAL ASSESSMENT FOR THE RUSSELL 150 COMMUNITY DEVELOPMENT AUTHORITY AND AUTHORIZING THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BY AND AMONG THE BOARD OF SUPERVISORS, THE RUSSELL 150 LANDOWNER, AND THE RUSSELL 150 COMMUNITY DEVELOPMENT AUTHORITY - APPROVED**

County Attorney Rod Williams addressed the Board regarding this item. He advised this was a proposed ordinance to amend the 2006 special assessment ordinance for the Russell 150 Community Development Authority. He briefly reviewed the history of the community development authority. He went on to say this proposed ordinance would amend the CDA special assessment amount to reflect the remaining outstanding balance. He concluded by saying

this proposed amendment would facilitate payment of the special assessments.

**Roger Wiley**, CDA legal counsel, appeared before the Board regarding this item. He stated that he had had the opportunity to review the documents the Board was being asked to approve. He went on to say the CDA Board met earlier in the afternoon and approved the amended MOU and authorized its chairman to sign.

**Ty Lawson**, attorney for the property owner and bond holder, appeared before the Board on behalf of his clients. He stated they were here tonight seeking an approval to amend the MOU and to correct erroneous assessments. He noted that in May 2013, the Board, upon recommendation of the CDA, approved an amended term sheet. This was done to correct the numbers. He stated the key tonight was for the Board to approve the ordinance to allow for the amended MOU. He noted there were no public dollars associated with this project or this action. He concluded by asking the Board to approve the amended MOU.

**C. William Orndoff, Jr.**, Frederick County Treasurer, appeared before the Board regarding this item. He stated it was important for his office to equally apply all county ordinances and the Code of Virginia fair and equitably to all taxpayers. He went onto to say this proposal, as presented, deviated from these principles and he could not support it.

Chairman Shickle convened the public hearing.

**Robin Casey**, City of Winchester, stated her family owned property in the Shawnee Magisterial District. She stated that this proposal should ensure that all real estate and property taxes and fees need to be paid. She went on to say that, as a community resident, tax revenue needs to be used to build the community. She concluded by saying that all parties need to act in accordance with this.

There being no further public comments, Chairman Shickle closed the public hearing.

Supervisor Hess suggested a word change to the ordinance. He stated he would like to see the word “erroneously” changed to “be in need of correction”.

Mr. Wiley stated erroneous is the basis upon which the CDA and the Board of Supervisors have the authority to change the assessments.

Supervisor Hess accepted the explanation. He then noted the words “Amendment” in section 3 should be replaced by the word “ordinance”.

Chairman Shickle stated he was seeking a motion on the proposed ordinance and the change to Section 3 noted by Supervisor Hess.

Upon a motion by Supervisor Lofton, seconded by Supervisor Fisher, the Board approved the Ordinance amending the special assessment for the Russell 150 Community Development Authority and authorizing the first amendment to the Memorandum of Understanding by and among the Board of Supervisors, the Russell 150 landowner, and The Russell 150 Community Development Authority, with changes as previously noted.

**WHEREAS**, the Board of Supervisors of the County of Frederick, Virginia (the “Board”) created the Russell 150 Community Development Authority (the “CDA”) by Ordinance enacted March 9, 2005; and,

**WHEREAS**, the CDA previously, in 2006, requested that the Board establish special assessments on the property within the CDA District; and,

**WHEREAS**, pursuant to that request, by Ordinance enacted May 24, 2006, the Board established special assessments (the “Special Assessments”) on the property within the CDA District and authorized entry into a Memorandum of Understanding (the “Memorandum of Understanding”) among the Board, Russell 150, LC, as the original owner and developer of the property within the CDA District, and the CDA, such Memorandum of Understanding setting forth certain agreements with Russell 150, LC and with the CDA; and,

**WHEREAS**, the CDA issued bonds (the “Bonds”) to finance certain public improvements to benefit property within the CDA District; and,

**WHEREAS**, the Bonds were to be repaid exclusively from the Special Assessments, and no County tax revenues or other County funds have been or will be expended for that purpose; and,

**WHEREAS**, Russell 150, LC defaulted on certain of its obligations with respect to the Special Assessments, the Memorandum of Understanding and the property within the CDA District, resulting in delinquencies in the payment of real property taxes and the Special Assessments, and resulting in the purchase of the Property, at a court-ordered sale, by R150 SPE, LLC, which entity therefore takes the place of Russell 150, LC for purposes of the CDA, the Special Assessments, the Memorandum of Understanding, and the Bonds; and,

**WHEREAS**, a portion of the original principal amount of the Bonds has been redeemed, but a balance of \$5,749,000 remains outstanding; and,

**WHEREAS**, MMA Realty Capital, LLC, having previously executed a debt service reserve fund deficiency agreement, as security for the repayment of the Bonds, paid to the indenture trustee for the Bonds amount totaling \$2,062,053 as amounts necessary to maintain the debt service reserve fund requirement for the bonds (the “Guarantor Advances”); and,

**WHEREAS**, those events have caused the amounts of the Special Assessments originally imposed to become erroneously high and in need of correction; and,

**WHEREAS**, the original Special Assessments, now erroneous, have not been paid, and an amount in excess of \$5,000,000 of them is being carried as delinquent on the books of the County Treasurer on behalf of the CDA, which has requested that they be removed and replaced with revised assessments in the correct amounts; and,

**WHEREAS**, as a result, no funds are currently available to repay the Bonds or the Guarantor Advances; and,

**WHEREAS**, the amendment of the Special Assessments and the amendment of the Memorandum of Understanding will facilitate payment of the Special Assessments and, as such, will benefit the citizens of the County by promoting increased employment opportunities, a strengthened economic base, increased tax revenues, and additional business opportunities not currently available in the local area.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA:**

1. **Approval of First Amendment to the Memorandum of Understanding.** The First Amendment to the Memorandum of Understanding, including the accompanying Schedule 1 – Revised Special Assessment Roll and Exhibit A – Term Sheet, is approved in substantially the form presented to the Board at this meeting, with such changes and corrections (including, without limitation, changes in the date thereof) that do not materially adversely affect the County’s interests as may be approved by the County Administrator or the Chairman of the Board of Supervisors, whose approval shall be evidenced conclusively by the execution and delivery of the First Amendment to the Memorandum of Understanding. The County

Administrator and the Chairman of the Board of Supervisors, or either of them, is authorized and directed to execute and deliver the First Amendment to the Memorandum of Understanding.

2. **Special Assessment.** By agreement among the Board, R150 SPE, LLC, and the CDA, pursuant to the Memorandum of Understanding, the Special Assessments to pay the costs of certain public improvements to benefit property within the CDA District are hereby amended and apportioned in accordance with the Schedule 1 – Revised Special Assessment Roll and Exhibit A – Term Sheet, accompanying the First Amendment to the Memorandum of Understanding, in substantially the form presented to the Board at this meeting. The CDA shall cause notice of the Special Assessments, as amended, to be reported to the County’s Treasurer or other County official responsible for the collection of taxes. The Special Assessments, as amended shall be liens on the taxable real property in the CDA District in accordance with the provisions of Virginia Code Sections 15.2-2404 et seq.

3. **No Effect on Real Property Taxes or Administrative Expenses.** Nothing in this Ordinance shall in any way affect the assessment or collection of regular County real property taxes on the real property within the CDA District, including but not limited to delinquent regular County real property taxes on the real property within the CDA District, which shall remain due and owing, including penalties and interest thereon, until paid. This Ordinance in no way operates to forgive or abate any past, current, or future regular County real property taxes on the real property within the CDA District, including penalties and interest thereon. Furthermore, nothing in this Ordinance shall in any way affect the assessment or collection of administrative expenses (not to exceed \$10,000 for first year of the Special Assessments and \$7,500 per year thereafter) incurred in the assessment and collection of the Special Assessments, as provided for in paragraph 4(f) of the Memorandum of Understanding dated May 1, 2007.

4. **Subsequent Resolution.** The Board may make such additional changes or amendments to the Memorandum of Understanding as it determines to be necessary or appropriate by subsequent resolution.

5. **Severability.** If any part, section, clause or phrase of this Ordinance, or any individual assessment levied hereby, is declared to be unconstitutional or invalid for any reason, such decision shall not affect the validity of any other portion hereof or any other assessment hereunder.

6. **Effective Date.** This Ordinance shall be effective immediately.

Enacted this 9<sup>th</sup> day of July, 2014.

Supervisor Fisher stated no county tax revenue had been expended for this project and there were no public funds tied to the action being taken by the Board.

Supervisor Collins stated he had struggled with this for some time. He went on to say he

wanted to make sure the public understands the special assessments are not monies due to the County. He stated the County was not forgiving taxes due the County. He noted the real estate taxes and any associated penalties would be paid. He concluded by saying this action cleans up a mess.

Supervisor Wells agreed with Supervisor Collins. He went on to say if the Board did not do something then we would be looking at a property that would not be developed. He concluded by saying this is what is best for the County.

Chairman Shickle stated he never thought it was reasonable that people who owed money to themselves should pay penalties on this money.

There being no further discussion, the Board approved the ordinance by the following recorded vote:

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

#### **PLANNING COMMISSION BUSINESS**

#### **PUBLIC HEARING**

**ORDINANCE AMENDMENT TO THE FREDERICK COUNTY CODE –  
CHAPTER 165 ZONING, ARTICLE V PLANNED DEVELOPMENT  
DISTRICTS, PART 502-R5 RESIDENTIAL RECREATIONAL COMMUNITY  
DISTRICT, SECTION 165-502.05 DESIGN REQUIREMENTS. PROPOSED  
REVISION TO REMOVE THE REQUIREMENT FOR R-5 COMMUNITIES  
MUST BE “AGE RESTRICTED COMMUNITIES” TO QUALIFY FOR  
PRIVATE STREETS, INCLUSION OF ADDITIONAL DESIGN STANDARDS  
FOR PRIVATE ROADS, AND MAINTENANCE RESPONSIBILITIES OF THE  
PRIVATE ROADS BY THE PROPERTY OWNERS ASSOCIATION. -  
APPROVED**

Senior Planner Candice Perkins appeared before the Board regarding this item. She

advised this was a proposed ordinance amendment to allow private streets in the R5 zoning district. She stated currently private streets are only allowed in age-restricted communities in the R5 District. She concluded by saying the Planning Commission recommended approval.

**Ty Lawson**, attorney for the applicant, provided comments on the staff report and highlighted the design standards. He stated the design standards came about as a result of the last Planning Commission meeting. He stated the applicant endorsed and appreciated the inclusion of these standards as part of the ordinance. He advised the applicant was requesting this amendment to allow property owners in the R5 District to install private streets. He concluded by saying the applicant believed this was a good ordinance.

Supervisor Collins asked how many lots were available in the subdivision.

**Hobie Mitchell**, CEO of Lansdowne Group, responded 2,135 units had been approved.

Supervisor Lofton asked about the sequence of events, particularly which would come first the house or the road.

Mr. Mitchell responded that during construction of the houses is when most of the degradation of the roads occurs.

Supervisor Lofton stated he was looking for assurance if the houses are being built and there is another downturn in the economy then the developer would bond the roads to make sure they are completed to each home.

Senior Planner Perkins responded that with this proposal a bond would be required before the plats are approved.

Chairman Shickle convened the public hearing.

**Michael Reyman**, Opequon District, read the following statement:

*"Mr. Chairman, Supervisors. My name is Michael Reyman and I reside at Lake Frederick in Opequon District."*

*Two years ago this Friday, nine Shenandoah homeowners held our initial meeting with Lansdowne Development as they began their due-diligence process prior to acquiring the Lake Frederick property. We spent over two hours hearing their market assessments and their initial thoughts on developing a mixed community of both age-restricted and non-age-restricted neighborhoods. At the conclusion of that meeting, I – as team leader of our homeowners group – summarized the three things we believed Lansdowne must accomplish to satisfy existing homeowners interests as they pursued their development vision for the property:*

- First, the age-restricted portion of the development must be of sufficient size to afford all the amenities and obligations of the then current MDP;*
- Second, the key to that affordability was finding creative solutions to the operations and maintenance costs of the large and incomplete clubhouse and community center amenities;*
- And third, a gated-access solution must be developed for the east side of the lake so that ALL age-restricted residents would enjoy the gated community design we bought into.*

*The first two items were quickly accomplished. Lansdowne brought in Shea Homes who committed to purchasing a substantially larger number of age-restricted lots than in Lansdowne's initial market assessment. And Shea brought along their Blue Star subsidiary with a proven track record of successfully managing amenities such as ours for the benefit of active adult communities.*

*The gated-access, or private street, issue has, frankly, taken longer than any of us anticipated. And while that process has been frustrating at times, we do recognize and appreciate the careful deliberation that the County Supervisors, Commissions, Committees, and Planning Staff needed to give the issue. It was and is the right and appropriate approach to determining what is in the best interests of all parties.*

*But now, the questions have been asked, the answers have been given, and its time to act. Approving the requested ordinance change will enable our developer to apply to the county for permission to deliver what we the current residents stated as a fundamental requirement of the redevelopment plan for our community.*

*And so we urge you to complete the process began two years ago and enact the proposed ordinance change before you. Thank you once again, on behalf of all Shenandoah homeowners, for the consideration and effort the Supervisors, Commissions, Committees and County Staff have given to the issue."*

**Richard Setton**, Opequon District, appeared before the Board and read the following statement:

*"My name is Dr. Richard Setton and I am a resident of Lake Frederick in the Opequon District.*

*First, and with the utmost respect and sincerity, I would like to thank the Board for the roles you play in representing the residents of Frederick County. Your questions and comments in this matter have been informed, thoughtful and helpful, and it's clear that we always need to explore in depth in order to understand the implications of our decisions.*

*When I explored the 2009 core values of the Board, I found, in part, a mission 'dedicated to providing responsible stewardship for county funds to insure that citizens receive the best services possible for the funds expended' as well as 'expanding a commercial and industrial tax base in order to insure a viable and thriving economy.'*

*I believe that our community meets the very intent of those core values, and that the county approved MDP in 2001 recognized this very fact. Continuing to permit private streets to the entire development will enhance both the best services possible as well as an ongoing thriving economy.*

*Our community will consist of some 2100 homes to families who have already enhanced that tax base, and who are no strangers to the challenges, benefits and pride of a gated community.*

*Our current and proposed streets are all built to the VDOT standards proposed by the Planning Commission, we understand the requirements of a reserve that will sustain future street maintenance expenses, and we bring a wealth of previous life experience and knowledge to the management of community affairs.*

*I'm aware that the county had previous negative experiences that supported your questioning our request, but I believe that each situation must be measured and evaluated on its own merits, and the merits attached to this community are substantial.*

*What I'm saying is, don't equate our community's status with those failed others of the past. There are significant facts that are clearly different, and we ask that you examine those differences, not just the similarities. While our previous developer was unable to complete the project as planned, one only needs to visit our community to see that there has been no loss of quality, of substance and of pride, all of which have conveyed to the new developer, Lansdowne – a testament to the differences between Lake Frederick and earlier communities who were unable to maintain these standards.*

*After all is said and done, it's time to act on the substantial merits of this request.*

*Lastly, thank you for giving us the benefit of another of your core values – 'A Board that understands the importance of clear communication and a willingness to listen.'*

**Kevin Walek**, Opequon District, read the following statement:

*"Mr. Chairman; Supervisors; all. My name is Kevin Walek and I reside at Lake Frederick in Opequon District.*

*I would like to again thank you for providing this opportunity to come before you and speak to you regarding the issue of Private streets for the Lake Frederick Community.*

*Let me summarize some key elements of my wife's and my support for the ordinance change recommendation sent to you by the planning commission:*

- *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.*

*We believe the recommended ordinance changes will be key to properly integrating the demographic and socio-economic considerations that brought us to this area, and were recently underscored by John Martin speaking to the Northern Shenandoah Valley Regional Commission. Specifically:*

- *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 plan and community, carefree living and sustainability.*

*Thus 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 will relieve the County's general taxpayers the burden of funding the maintenance and repairs of public streets therein.*

*As previous speakers have noted, approving the recommended ordinance change will enable our developer to apply to the county for permission to deliver what we, the current residents, stated as a fundamental requirement of the redevelopment plan for our community.*

*And so we urge you complete the process begun two years ago and enact the proposed ordinance change before you. Thank you once again, on behalf of Shenandoah homeowners, for the consideration and effort the Supervisors, Commissions, Committees, and County Staff have given this issue."*

**Larry Atkinson**, Opequon District and resident of Lake Frederick, asked the Board to vote for the proposed ordinance changes. He asked that the Board's deliberations be guided by the comments of Planning Commissioner Thomas, who stated if the proposed ordinance is not extremely specific "we will not get what we want". He asked that any changes adopted be very clear about their intent:

- *Do not differentiate between age-restricted and non-age-restricted communities;*
- *Adopt the Planning Commission changes; and*
- *Adopt language that requires the homeowners' association provide sufficient, reasonable*

analysis that the community can meet all future obligations.

**Dr. Carol Delacruz**, Opequon District and resident of Lake Frederick, provided the following statement:

*"Mr. Chairman, Board, my name is Dr. Carol Delacruz, a resident of Shenandoah at Lake Frederick in the Opequon district.*

*I appeared before you in May and before the planning commission in June, so I will not repeat what I said at those meetings.*

*My colleagues mentioned many reasons why we feel so strongly that our community should be gated in its entirety. HOA governance, snow removal, community unity, to mention a few.*

*We presently ALREADY have two age restricted sections with private streets, one is gated, the other, not as yet.*

*As you know, the original developer applied for and was granted the necessary **ordinance for private streets throughout** our community of 2100 homes. And, as stated previously we expect at completion of the current development plan, 72% of those streets will remain private. 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.** We may not have teenagers in our section or small children, **but** some have adult children, siblings or other living with them: Also, I would like to dispel any misconceptions about our use of the road. We are an **ACTIVE** adult community, most have two cars, some have motorcycles, and many have boats. We travel, play golf, bicycle, kayak, work, volunteer, and engage in multiple clubs and activities **every day**. In other words, our daily lives will not be that much different from our new neighbors, nor will be the use of our roads.*

- Also, and perhaps even more important is the issue of **SAFETY**. We are a unique community, in that we are located adjacent to a PUBLIC fishing lake. This lake has 24/7 access and is **not** supervised in any way. We hear people on the lake at all hours and (as I have an older dog that requires frequent walking) I have seen non resident cars driving through our community at various times of the day and night. There is no legitimate reason for them to be there as there is no access to the main road.*
- The currently un-gated section is in close proximity to the lake entrance. We feel that gating this section to limit unauthorized vehicles driving through is critical to our privacy and safety.*
- Therefore, I urge you to enact the proposed ordinance change before you. Thank you once again for the opportunity to come before you, and for the consideration and effort you have given to this issue."*

**Tim Donovan**, Opequon District and resident of Lake Frederick, read the following statement:

*"Mr. Chairman; Supervisors. My name is Tim Donovan and I reside at Lake Frederick in Opequon District.*

*In the past 18 months, many residents of Shenandoah have come before the County to support Lansdowne's request for an ordinance change that would allow them to apply for providing private streets and gated-access to both the age-restricted and non-age-restricted neighborhoods of the Lake Frederick Development.*

*In February 2013, we presented the County with a petition of support signed by over 80% of Shenandoah residents. At multiple meetings and public hearings, we have spoken of our personal reasons for buying into a gated-access community, of our understanding of the HOA's financial obligations associated with private streets, and of the financial planning we have done to assure we can meet those and all other obligations of the HOA.*

*We have spoken of the long-standing approvals for a private street, gated-access community at Lake Frederick since 2001. We have pointed out that over 70% of the roads in the community will be private under existing County approvals, and we have described the challenges the HOA would face managing a community with a mix of private and public streets. Finally we have spoken of how this development differs from other R5 communities the County has been required to deal with in the past and how it can and will establish a new model for future residential development.*

*After more than 18 months of consideration by the County's Board, Commissions, and Committees, the Planning Commission on June 28<sup>th</sup> overcame the final hurdle to the enactment of the requested ordinance change by defining the specific construction standards the private streets must meet in order to be acceptable to the County. And I would personally like to recognize Planning Commission Vice-Chairman Roger Thomas for his efforts to define the standards that would be acceptable to all parties and would also protect the interest of all parties.*

*We have worked cooperatively with the developer on the private street, gated access issue for two years, and on all other issues affecting the current and future obligations of homeowners and the HOA. And so we urge you to complete the process by enacting the proposed ordinance change on private streets before you. On behalf of all Shenandoah homeowners, we thank you again for the consideration and effort the County has given to this issue."*

There being no further comments, Chairman Shickle closed the public hearing.

Supervisor Collins stated he would like to amend the ordinance, specifically section b (1) to read "The plan for the development shall include 1,000 or more planned lots and 33% must be sold."

County Attorney Williams responded there were two concerns with the proposed

amendment. First was advertising, because this amendment would be more restrictive, the ordinance would need to be re-advertised. Second, the definition of “sold” to whom, etc.

Supervisor Collins withdrew his amendment. He explained that the proposal of 33% of lots be sold would not affect this development, because the developer has sold 35% of his lots.

Chairman Shickle expressed concern about land locking adjacent properties through the use of private streets, if one development has private streets and an adjacent development has public streets.

Planning Director Eric Lawrence responded that public streets must be contiguous. Traffic cannot go through private streets in order to access public streets. He went on to say this proposed amendment would enable a developer to come in with a waiver request. This would allow staff to look at surrounding properties to make sure they are not land locked.

Upon a motion by Supervisor Wells, seconded by Supervisor Hess, the Board approved the Board approved an ordinance amending the Frederick County Code Chapter 165 Zoning, Part 502 – R5 Residential Recreational Community District, Article V – Planned Development Districts, §165-502.05 Design Requirements.

Supervisor Collins expressed concerns about this proposed ordinance amendment. He stated he had no doubt this developer could implement this appropriately, but he was concerned about future developments.

**WHEREAS**, an ordinance to amend Chapter 165, Zoning to allow the use of private streets for all types of developments in the R5 (Residential Recreational Community) District with a Board of Supervisors waiver was considered; and

**WHEREAS**, the Planning Commission held a public hearing on this ordinance on June 18, 2014; and

**WHEREAS**, the Board of Supervisors held a public hearing on this ordinance on July 9, 2014; and

**WHEREAS**, the Frederick County Board of Supervisors finds that the adoption of this ordinance to be in the best interest of the public health, safety, welfare, and in good zoning practice; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Frederick County Board of Supervisors that **Chapter 165 Zoning is amended to update Article V – Planned Development District, Part 502 – R5 (Residential Recreational Community) District §165-502.05 Design Requirements to allow the use of private streets for all types of developments in the R5 (Residential Community) District with a Board of Supervisors waiver.**

## **ARTICLE V PLANNED DEVELOPMENT DISTRICTS**

### **Part 502 – R5 Residential Recreational Community District**

#### **§ 165-502.05 Design requirements.**

- F. Open space. A minimum of 35% of the gross area of any proposed development shall be designated as common open space. This open space shall be for purposes of environmental protection and for the common use of residents of the development. No more than 50% of the required open space shall be within lakes and ponds, wetlands or steep slopes. The Board of Supervisors may allow a larger amount of steep slopes to be utilized where the developer can demonstrate a viable plan for the use of these areas. ~~Where age-restricted~~ **When** communities are approved with private streets, a minimum of 45% of open space shall be required.
- K. Streets. The residential recreational community development shall be provided with a complete system of public streets dedicated to the Virginia Department of Transportation. The road system shall conform with the Frederick County Comprehensive Policy Plan and with road improvement plans adopted by the County.
- (1) Within any portion of a residential recreational community ~~which qualifies as an age-restricted community~~, the Board of Supervisors may **waive the public street requirement and** allow for the installation of private streets, provided that ~~all streets conform to the construction details and materials of the Virginia Department of Transportation Standards and that~~ a program for the perpetual maintenance of all streets is provided which is acceptable to the Board of Supervisors and the Transportation Planner. **All private streets shall meet the following VDOT standards:**
- i. All structural section design standards;**
  - ii. Material composition and quality standards;**
  - iii. Construction standards, techniques, and workmanship quality standards;**
  - iv. Drainage and storm water management systems;**
  - v. All the design, testing and materials, and in-place quality testing and as-built drawings for the road system must be certified by the developer, the builder, and a registered professional engineer in the State of Virginia, that the roads meet all of VDOT structural and quality standards, and the plans are submitted to the Frederick County Engineer and the Frederick County Planning Department.**
- (a) Three classes of private streets shall be permitted ~~in age-restricted communities and~~ shall be identified on a MDP as follows:

- [1] Greenways. All private streets with a projected ADT of over 3,000 shall have a minimum right-of-way of 50 feet and shall have no direct lot frontage. Greenways shall be lined on both sides with street trees having a minimum caliper of two inches at the time of planting, spaced not more than 50 feet apart. Along the portions of right-of-way which abut mature woodland, the Planning Director may waive the requirement for street trees. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 30 miles per hour (mph).
- [2] Neighborhood collectors. All private streets with a projected ADT of over 400 shall have a minimum right-of-way of 50 feet and may have lot frontage. Neighborhood collectors shall be lined on both sides with street trees having a minimum caliper of two inches at the time of planting, spaced not more than 50 feet apart. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 30 mph.
- [3] Local streets. All private streets with a projected ADT of 400 or less shall have a minimum right-of-way of 30 feet and may have lot frontage. Local streets shall be lined with street trees having a minimum caliper of two inches at the time of planting, spaced not more than 50 feet apart. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 20 mph.
- ~~(b) The subdivision design plans and final subdivision plats for all lots contained within an age-restricted community that utilize private roads shall include the following language:~~
- ~~The proposed private streets will not be maintained by the Virginia Department of Transportation or the County of Frederick. The maintenance and improvement of said private streets shall be the sole responsibility of the owners of the lots within the age-restricted community which are provided access via the private streets.~~
- (b) ***Developments utilizing private streets shall meet the following conditions:***
- [1] The plan for the development shall include 1000 or more planned lots.***
- [2] The subdivision design plans and final subdivision plats for all lots that utilize private streets shall include language that states "The private streets within this development are not intended for inclusion in the system of state highways and will not be maintained by VDOT or Frederick County. Frederick County and VDOT have no, and will have no, responsibility for the maintenance, repair, or replacement of the private streets within this development. The maintenance and improvement of said private streets shall be the sole responsibility of the property owners' association".***
- [3] The developer shall establish a reserve fund dedicated solely for the maintenance of the private streets within the development. The reserve fund shall consist of a specified percentage of all dues collected from the residents as determined by the developer. The percentage may be reduced by the developer or the property owners' association only after a reserve study has been completed and said study shows that a lesser amount is necessary to maintain the private street system within the development. The property owners' association shall complete a capital reserve study on a bi-annual basis and such study will be***

used as the basis of the reserve funding. Such reserve study shall be held at the office of the property owners' association and available for review by the County, if requested.

[4] Sales brochures or other literature and documents, provided by the seller of lots served by such private streets, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private streets.

(2) Within R-5 residential recreation community developments approved prior to 1980, the Board of Supervisors may allow the extension of existing private roads if no other means of access is available.

(3) Within developments utilizing private streets, a certified professional engineer, licensed in the State of Virginia, shall be employed by the developer to monitor and supervise the materials used; the adequacy of the subgrade; the installation of drainage structures, curb and gutter and all concrete items; and all road, driveway and parking area construction activities, including material compaction, grading tolerances and compliance with the plans and specifications. Prior to bond release, the certified professional engineer, licensed in the State of Virginia, shall provide the county with certification that the bonded phase or section of construction met density requirements; that all material depths were verified for compliance; and that the road and parking areas have been constructed in strict accordance with the plans and specifications.

L. Curb and gutter. All public and private streets shall be provided with curb and gutter.

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

Passed this 9<sup>th</sup> day of July, 2010 by the following recorded vote:

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

**ORDINANCE AMENDMENT TO THE FREDERICK COUNTY CODE –  
CHAPTER 165 ZONING, ARTICLE VI AGRICULTURAL AND RESIDENTIAL  
DISTRICTS, PART 402-RP RESIDENTIAL PERFORMANCE DISTRICT,  
SECTION 165-402.09 DIMENSIONAL REQUIREMENTS. PROPOSED  
REVISION TO REDUCE THE MINIMUM FRONT SETBACK FOR  
MULTIFAMILY RESIDENTIAL BUILDINGS FROM 35 FEET TO 20 FEET. -  
DENIED**

Senior Planner Candice Perkins appeared before the Board regarding this item. She

advised this was a proposed ordinance amendment to revise the setback requirements for multi-family residential buildings. The proposed amendment would reduce the setback from 35 feet to 20 feet. The Planning Commission recommended approval.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Supervisor Hess moved to approve the ordinance amending the Frederick County Code Chapter 165, Zoning, Part 402 – RP Residential Performance District, Article IV – Agricultural and Residential Districts, §165-402.09 Dimensional Requirements, §165-409.09J Multifamily Residential Buildings. The motion was seconded by Supervisor Wells.

Supervisor Fisher stated he could not support this proposal because it was putting too many things into a box and it was unacceptable to him.

The above motion was defeated by the following recorded vote:

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

**OTHER PLANNING ITEMS**

**MASTER DEVELOPMENT PLAN #03-14 – MADISON VILLAGE –  
INFORMATION ONLY**

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised this was a master development plan for 46.26 acres zoned RP (Residential Performance) District with 640 residential units (townhouse and multifamily) and 5 acres of B2 (Business General) with commercial uses. She noted this property was rezoned in 2013 with proffers. The

signalized intersection at Route 522 conforms to the generalized development plan. She concluded by saying the master development plan conforms to the Zoning Ordinance and was presented as information only.

**MASTER DEVELOPMENT PLAN #04-14 – CLEARBROOK BUSINESS CENTER – INFORMATION ONLY**

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised this was a master development plan to develop 16.886 acres zoned B3 (Industrial Transition) District with commercial/industrial uses. The property was rezoned in 2006 with proffers. The site is accessed via a public street that intersects with Martinsburg Pike. She concluded by saying the master development plan conforms to the Zoning Ordinance and was presented for information only.

**MASTER DEVELOPMENT PLAN #05-14 – SNOWDEN BRIDGE STATION – INFORMATION ONLY**

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised this was a master development plan for 91.81 acres zoned M1 (Light Industrial) with industrial uses. The property was rezoned in 2005 and 2012 with proffers. The master development plan conforms to the proffers and was presented as information only.

**REQUEST TO AMEND SEWER AND WATER SERVICE AREA (SWSA) TO SERVE PROPOSED 4<sup>TH</sup> HIGH SCHOOL – SENT FORWARD FOR PUBLIC HEARING**

Director of Planning & Development Eric Lawrence appeared before the Board regarding this item. He advised this was a request for an amendment to the Sewer and Water Service Area to serve the proposed 4<sup>th</sup> high school site. The proposed property is 83 acres. Director Lawrence noted that Supervisor Fisher was willing to sponsor this request versus taking it through the normal study process. He concluded by saying staff was seeking direction to amend the

Comprehensive Plan to allow this expansion.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board voted to send this proposed amendment to the Sewer and Water Service Area forward for public hearing.

The above motion was approved by the following recorded vote:

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

#### **BOARD LIAISON REPORTS**

Chairman Shickle advised the Board that he had an outstanding request for a Joint Finance Committee meeting to discuss the Joint Judicial Center and he would report back once that meeting took place.

#### **CITIZEN COMMENTS**

**Kenny Bennett**, Back Creek District, appeared before the Board to appeal a zoning violation regarding living in a camper in Shawneeland. He stated that he was forced to live in the camper after he was laid off in 2009. He went on to say he was trying to do everything right, but zoning was causing his family real heartache. He asked what could be done to resolve this. He noted that he had water, septic, and electricity on the property.

#### **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. (8:35 P.M.)**

**FREDERICK COUNTY BOARD OF  
SUPERVISORS' MINUTES**

**BUDGET WORK SESSION**

**July 16, 2014**

A Budget Work Session of the Frederick County Board of Supervisors and Finance Committee was held on Wednesday, July 16, 2014 at 8:30 A.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

**PRESENT**

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

**ABSENT**

Christopher E. Collins

**OTHERS PRESENT**

Finance Committee members Angela Rudolph, and Judith McCann-Slaughter; John R. Riley, Jr., County Administrator; Kris C. Tierney, Assistant County Administrator; Jay E. Tibbs, Deputy County Administrator; Cheryl B. Shiffler, Finance Director; Sharon Kibler, Assistant Finance Director; Jennifer Place, Budget Analyst; Paula Nofsinger, Human Resources Director; Eric Lawrence, Director of Planning and Development; Dennis Linaburg, Fire Chief, Frederick County Superintendent of Schools Dr. David Sovine, Executive Director of Finance for Frederick County Public Schools Lisa Frye; Handley Regional Library Director John Huddy; and Ann White, Business Manager, Handley Regional Library.

**CALL TO ORDER**

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

Administrator Riley reviewed the agenda for the work session. He then introduced Superintendent David Sovine to address the requested salary increase for Frederick County Public School employees.

Dr. Sovine advised that the school board approved a salary initiative to provide all division employees a one-step increase to the existing salary scale, which equated to a 2.5% salary increase. He noted this was similar to what Frederick County government was proposing for their employees as well. He noted the School Board was requesting a \$1.5 million from the school capital projects fund to school operating to cover a portion of this proposed increase. This was done by delaying some of the school capital projects, but they would remain items to be addressed in the future. He went on to say, if this salary initiative was approved, then additional funding would be required in FY2016 to maintain this initiative. He concluded by saying, in addition to continuing the salary initiative, a number of other items would be reinstated in FY2016.

Executive Director of Finance Lisa Frye stated the starting salaries would remain the same. She noted that currently the division has veteran teachers with 10 years of experience getting paid \$2,000 more than starting teachers with no experience. She went on to say that surrounding localities are trying to increase the sagging area of their salary scales as well.

Dr. Sovine noted that even with this one step increase Frederick County remains behind the City of Winchester.

Supervisor Hess asked if the total request was for \$2.5 million with \$1.5 from school construction and \$1 million from the contingency fund.

Dr. Sovine responded yes.

Supervisor Lofton asked if the school board was comfortable that the delayed capital projects could be put off for one year.

Dr. Sovine responded yes. He noted staff had had numerous discussions about whether or not the projects can be delayed. He concluded by saying it is not with 100% certainty that they will not comeback for a request.

Administrator Riley then introduced Frederick County Finance Director Cheryl Shiffler to discuss the proposed merit increase.

Finance Director Shiffler reminded the Board that revenues had increased by \$3.4 million. Of that amount, \$2 million has been allocated, which left a balance of \$1.4 million. She advised that staff was proposing to use approximately \$600,000 for a merit increase with the remaining funds to be used to fund some of the outstanding budget requests which were cut as part of the budget process.

Upon a motion by Supervisor Hess, seconded by Supervisor Fisher, the Board approved the transfer of \$1.5 million from the School Construction Fund to School Operating and authorized the merit increases outlined by staff.

The above motion was approved by the following recorded vote:

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

Chairman Shickle stated he would like to see the information presented to the School Board regarding the merit increases. He went on to say there was very little information on the \$600,000 and he would like to know what it did or did not do. He asked if that information could come through the HR Committee.

The Board then discussed funding for Our Health, Handley Regional Library, and the Shenandoah Valley Discovery Museum.

Administrator Riley advised the adopted budget for Handley Regional Library was \$800,000, but their request for FY2015 was \$863,665. He noted the Board had heard from the library's supporters regarding need and benefit to the community. He stated the requested increase seemed reasonable.

Chairman Shickle believed this request was something that should be seriously considered.

Supervisor Wells stated, as the liaison to the Handley Regional Library Board, he had met with library staff to discuss their budget and areas of need. He believed with was a worthy increase.

Supervisor Lofton asked about potential reductions in service and how those reductions had worked.

John Huddy, Director of Handley Regional Library, stated the library board had to approve a budget with a shortfall. The board knows they will either need to raise the money or furlough or reduce staff or cut resources.

Ann White, Handley Library Business Manager, stated the library was operating under reduced hours and reduced staff. She went on to say the library system would like to retain its experienced employees.

In response to a question concerning how other localities were funding the library, Director Huddy advised Clarke County had given a slight increase and the City of Winchester was overpaying based on the current memorandum of understanding.

Ms. White advised the requested dollars did not restore the lost hours of operation.

Chairman Shickle asked Mr. Huddy if he could provide the Board with periodic updates to see where the library was left with levels of service or hours of operation.

Upon a motion by Supervisor Wells, seconded by Supervisor Fisher, the Board approved the Handley Regional Library's FY 2015 request in the amount of \$862,665.

Supervisor Fisher stated he saw this as an investment in the county's facility at Bowman Library, where the parking lot was expanded to handle overflow parking for special events. He concluded by saying the County needs to support its investment there.

There being no further discussion, the Board approved the funding request by the following recorded vote:

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

The Board then discussed the status of the Discovery Museum's request for funding.

Administrator Riley advised the museum had been funded at present level since 2008.

The agency requested \$25,000 for FY2015. The current status of that request is \$0.

Supervisor Lofton stated that representatives from the museum had stated the agency would operate in the black regardless of what Frederick County does with this funding request. He stated that he appreciated that spirit and wished them much success. He concluded by saying the funding from the County for FY2015 should remain at \$0.

The adopted budget of \$0 remained the same.

The Board then discussed the status of the request from Our Health.

Administrator Riley noted the agency had requested \$25,000 for FY2015. Currently, the budget was approved with \$0 for Our Health.

Chairman Shickle stated he believed this community endeavor had the monetary and volunteer support of the County when it was first created. There should be a reason why we created this entity, but then stopped funding it.

Supervisor Lofton stated sometimes the County can be a catalyst for an innovative program, but it should not continue as a life support for the program after it has existed for a number of years.

Administrator Riley stated he thought their request of \$25,000 was a small amount to provide services to people.

Assistant County Administrator Tierney advised that he was current a member of the Our Health board. He stated they were aware of the funding issue and were looking a more ways to become more self sustaining. He went on to say they are also facing cuts from Valley Health and realize they have to look at new revenue sources.

Supervisor Lofton noted the County already pays rent for the Child Advocacy Center along with funding a number of other partners that are located on the Our Health campus. He believed the budget request was asking the County to contribute yet again, since a portion of the contributions to other agencies was used to pay rent to Our Health.

Supervisor Hess stated there were probably some indirect costs that would fall to county government if Our Health did not exist.

Supervisor Fisher stated he would support the \$25,000 request.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board approved the \$25,000 request of Our Health, but would like to have future discussions about their budget.

Supervisor Hess stated he would approve a contribution of \$20,000 as a way of sending a message that we will be cutting back on their funding.

Supervisor Lofton stated he could not support requests going forward.

Supervisor Wells agreed with Supervisor Lofton.

Vice-Chairman DeHaven amended his motion to approve a \$20,000 contribution to Our Health, with future discussions to be held about their budget.

Supervisor Fisher seconded the motion.

The above motion was approved by the following recorded vote:

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

Chairman Shickle recused himself from the next item due to a conflict of interest.

The Board discussed an increased contribution to the Northern Shenandoah Valley Regional Commission.

Administrator Riley advised there was a slight difference between what was funded for the Northern Shenandoah Valley Regional Commission and their requested funding. The amount requested was \$1,085.00 higher. He stated there was money in the approved budget to cover this expense, but he wanted to bring it to the Board rather than unilaterally pay it.

Upon a motion by Supervisor Hess, seconded by Supervisor Lofton, the Board approved a funding increase for the Northern Shenandoah Valley Regional Commission in the amount of \$1,085.

The above motion was approved by the following recorded vote:

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

The next item was discussion of a borrowing resolution.

Finance Director Shiffler advised staff was seeking Board direction regarding the need for a borrowing resolution.

Chairman Shickle stated he had spoken to a financial advisor who said the locality would be viewed very negatively if it had a borrowing resolution in place. He went on to say he did not understand why, because it seemed like good business practice, but he would defer to the experts.

Administrator Riley stated that if the County were ever facing a similar situation as this year, with the State taking so long to adopt a budget, there would be no issue with the County getting it.

Supervisor Hess suggested staff find out the costs associated with this type of borrowing and that we have a process in place to apply should we need it in the future.

The Board took no action on this request.

The next discussion item was a supplemental appropriation for a staffing request for Star Tannery.

Administrator Riley reviewed the history of this request, to include multiple meetings with representatives from the Shenandoah County Board of Supervisors and county administration. He noted the situation in Star Tannery continues to decline.

Chief Linaburg advised that staff had tried to bolster the volunteer contingent in Star Tannery, but due to the station's geographic location, they have run out of ideas except 24/7 staffing of 2 people for a 24 hour period, seven days per week.

Vice-Chairman DeHaven asked if the station location was the right location to respond from long term.

Chief Linaburg responded that 80% of the calls in the area were EMS and it was getting harder to find EMS trained individuals. He acknowledged it was a rural location. He noted it took 25 minutes for any other station to respond. He concluded by saying the station is where it needs to be at this point.

Supervisor Wells asked about volunteer participation.

Chief Linaburg responded there were seven active members.

Chairman Shickle stated he did question the location of the facility. He asked if we could have paid Shenandoah County to serve us in that area. He concluded by asking what specifically was Frederick County sharing with Shenandoah County.

Upon a motion by Supervisor Wells, seconded by Supervisor Hess, the Board authorized the six career positions for Company 17, Star Tannery.

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

The final item for discussion was a request for a FY2015 supplemental appropriation for the Department of Social Services.

Administrator Riley advised the driving issue was initiated during discussions about the effects of Medicaid expansion on the county. The request before the Board was for additional staffing for the department. A total of seven new positions were being sought at a cost of \$329,000.

Linda Gibson, Assistant Director, and Delsie Butts, Administrative Services Manager, from the Department of Social Services appeared before the Board regarding this item.

Assistant Director Gibson stated the numbers first presented to the Board during the April work session were the current numbers. She went on to say the department was trying to put together a call center to handle the phone calls. She stated the department does not currently have the staff to serve the population and that it was next to physically impossible to get the job done with the current staff level. She noted that her department's programs put \$65 million back into the community. She stated the passage of the Affordable Care Act was enough to bump up the number of applicants. She went on to say they have current space to accommodate these new positions, with some minor renovations to the existing space.

Upon a motion by Supervisor Hess, seconded by Supervisor Lofton, the Board approved the creation of seven positions and authorized a supplemental appropriation up to \$471,000, with up to \$329,000 local dollars, for these positions.

The above motion was approved by the following recorded vote:

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

Robert W. Wells

Aye

Chairman Shickle stated he would like to see a list of the non-sustainable things that were approved today (e.g. salary related, school construction fund, fund balance funding, etc.).

**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. (8:35 P.M.)**

B

# Employee of the Month Resolution

for:

## Jane R. Anderson

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, Jane R. Anderson who serves the Commissioner of the Revenue's Office was nominated for Employee of the Month; and,

WHEREAS, Jane R. Anderson, Chief Deputy has saved the county money with providing an in-house reassessment accurately for many years in addition to assisting all the divisions within the Commissioner of the Revenue's Office in day to day operations. Jane is to be commended for her commitment to the Commissioner of the Revenue's Office; and,

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 13<sup>th</sup> day of August, 2014, that Jane R. Anderson is hereby recognized as the Frederick County Employee of the Month for July 2014; and,

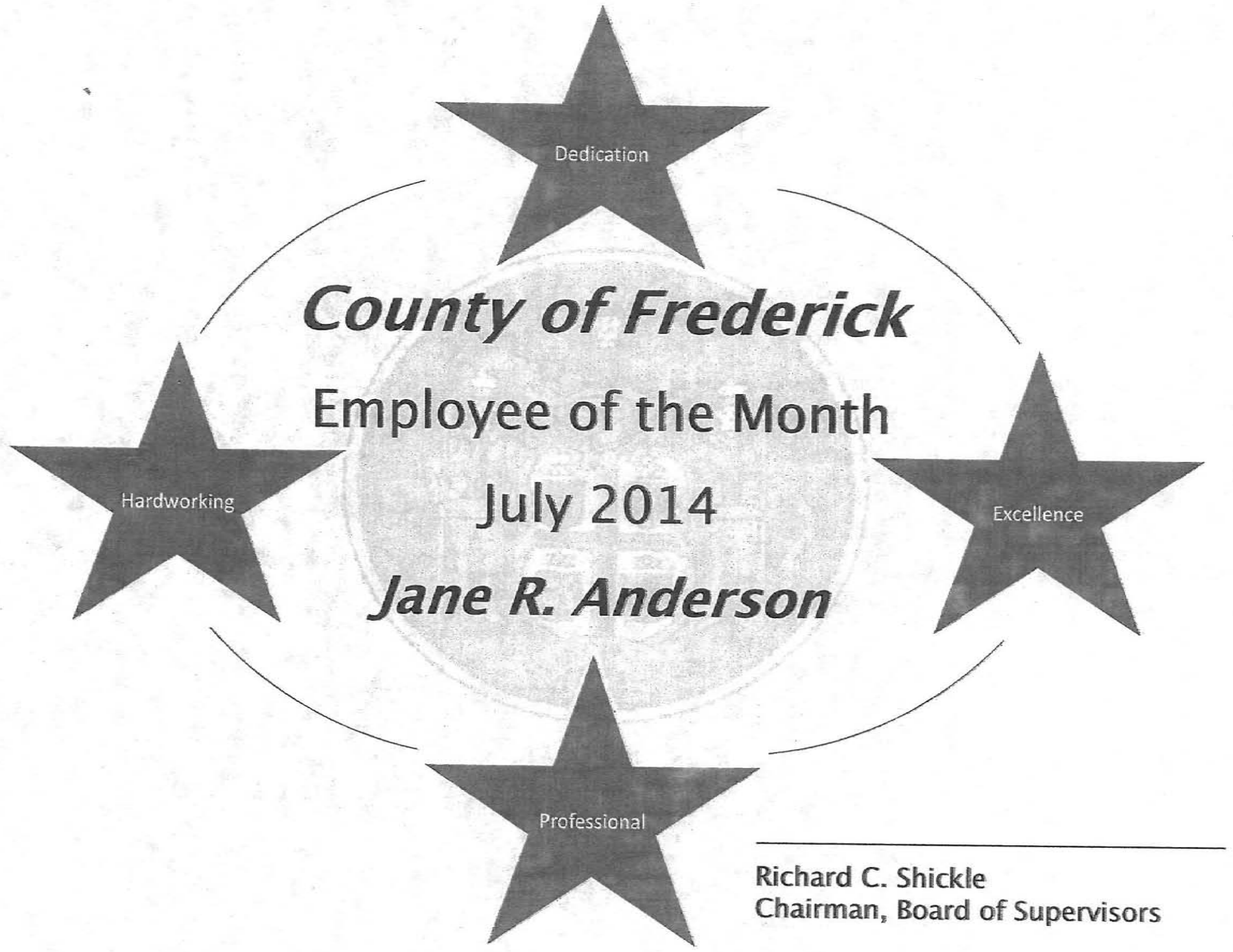
BE IT FURTHER RESOLVED that the Board of Supervisors extends gratitude to Jane R. Anderson for her outstanding performance and dedicated service and wishes her continued success in future endeavors; and,

BE IT FURTHER RESOLVED, that Jane R. Anderson is hereby entitled to all of the rights and privileges associated with her award.



County of Frederick, VA  
Board of Supervisors

-----  
Richard C. Shickle, Chairman



Dedication

***County of Frederick***

**Employee of the Month**

**July 2014**

***Jane R. Anderson***

Hardworking

Excellence

Professional

---

**Richard C. Shickle**  
**Chairman, Board of Supervisors**



## County of Frederick Employee of the Month Nomination Form

July EDM

Outstanding service can be demonstrated in many ways, but it always involves more than just good job performance. An employee can be outstanding for suggesting improvements that result in greater efficiency, improved service, or cost savings; for leadership in departmental activities, for the department's goals or for the goals of the county as a whole. Outstanding service includes job performance that clearly exceeds requirements.

The Board of Supervisors must discount generalities not supported by specific examples of activities which support the nomination. Remember, there is no way to know whether specifics are missing by accident or because they do not exist. If you believe an employee has made an outstanding contribution, give specific examples of what they have done.

Nominations are not judged on how well you write. However, they are judged on the facts presented.

Employee Name : JANE R ANDERSON

Department: Commissioner of the Revenue

Nomination Submitted By: ELLEN E MURPHY

Department: Commissioner of the Revenue

Nominator's Signature: Ellen E Murphy

Digitally signed by Ellen E Murphy  
DN: cn=Ellen E Murphy, o=ou, email=emurphy@co.frederick.va.us, c=US  
Date: 2014.06.10 15:23:11 -04'00'

Date: 06/10/2014

Reason for Nomination (please be specific, precise, and definite):

Jane Anderson is Chief Deputy of the Commissioner of the Revenue  
Mrs. Anderson has been responsible for saving the county money and providing accurate assessments by doing in-house reassessing  
Mrs. Anderson assists all divisions of the Commissioners office by: helping with running all annual books and supplements; assisting with DMV downloaded information; assisting with technical issues; and managing the real estate division not only for reassessment but for relief programs, updates, new construction, State Corporation Commissioner filings, and other duties.  
Mrs. Anderson even served on the "Day of Caring" by working on a home contruction  
Mrs. Anderson is always wiling to give her personal time for the county needs without hesitation!

HR Section: Received: 6/13/14 Emailed to HR Committee: \_\_\_\_\_

C



REPLY REFER TO:

## United States Department of the Interior

NATIONAL PARK SERVICE  
Cedar Creek and Belle Grove National Historical Park  
8693 Valley Pike  
Post Office Box 700  
Middletown, Virginia 22645

July 18, 2014

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

Dear Mr. Riley, Jr.,

Thank you for the opportunity to provide an update to the Frederick County Board of Supervisors on August 13 on the activities and developments at Cedar Creek and Belle Grove National Historical Park. The National Park Service (NPS) and all partner organizations have focused on several projects this past year to increase visitor awareness and understanding of the park. I have included a brief summary of these projects:

**National Park Service Park Brochure:** In collaboration with all land-owning park partners, the NPS has developed a new park brochure. This is the first time that Cedar Creek and Belle Grove NHP has had a unified park brochure that highlights the rich history and visitor activities at the park. The brochure is available at all of the visitor contact stations inside the park as well as in visitor centers in Winchester, Front Royal, and Strasburg.

**Summer Programs:** Summer visitation is in full swing at the park. The NPS Visitor Contact Station operates 7 days a week from 9:00am – 4:30pm. Belle Grove plantation is open to the public 7 days a week, Monday through Saturday from 10:00am – 4:00pm and on Sundays from 1:00pm – 5:00pm. The Cedar Creek Battlefield Foundation also maintains two visitor contact points at their Headquarters office on Route 11 and at Hupps Hill Battlefield Park in Strasburg, which is open Thursday through Tuesday from 9:00am until 5:00pm. The NPS is offering a variety of ranger programs daily including special “History at Sunset” programs on select Friday evenings throughout the summer. Schedules of programs are available online ([www.nps.gov/cebe](http://www.nps.gov/cebe)) or at the Visitor Contact Station in Middletown.

**Park Trails System:** The NPS and partner organizations are working together to develop a trails system throughout the park. The goal of this system is to provide connectivity to all areas of the park while highlighting the diverse history found in the Shenandoah Valley. The park is finalizing a Trail Development Strategy and Management Plan that identifies trail layout, surface and maintenance, desired users, and a long-term plan to connect the park trails to the larger network of community trails,

to include Middletown and Strasburg. The park is focusing on four pilot trail projects inside the park for this next year that will open up new lands and resources to the public.

**Highway Directional Signs:** The park has worked with DOT to install 13 new directional signs. New interstate signs for both northbound and southbound exits of exit 298 and 302 along I-81 are combined with off-ramp navigational signs, and visitor facility locational signs along Route 11. These new signs are the first navigational aids to be installed since the creation of the park in 2002.

**Battle of Cedar Creek 150<sup>th</sup> Anniversary Planning:** The park is busy planning for the 150<sup>th</sup> anniversary of the Battle of Cedar Creek on October 19, 2014. The Cedar Creek Battlefield Foundation and Belle Grove, Inc. are working together to provide a joint-ticketed event for the Civil War reenactments, living history programs, and other visitor activities on the main battlefield landscape. In addition to these programs, the park is actively planning a special commemoration ceremony on Saturday evening, October 18. The NPS will lead real-time programs on October 19 which will follow the movement of the battle as it occurred in 1864. The Shenandoah Valley Battlefields Foundation is hosting a sesquicentennial conference on August 2 that will explore the 1864 Shenandoah Valley Campaign and the burning of the Valley. The NPS is also planning a lecture series related to the 1864 campaign that will begin on August 14 and run through November. The lectures will take place throughout the Valley including venues in Winchester. All event information can be found at [www.nps.gov/cebe](http://www.nps.gov/cebe).

The NPS and park partners continue to work on a variety of other on-going projects for the preservation, protection, and enhancement of the park. Other projects include partnering with VDOT to conserve the historic Ramseur monument along Route 11, preservation of historic sites within the park, providing community outreach programs, and support to other historic sites and battlefields throughout the Shenandoah Valley.

Sincerely,

A handwritten signature in cursive script that reads "Amy Bracewell".

Amy Bracewell  
Site Manager

D



## COUNTY of FREDERICK

John R. Riley, Jr.  
County Administrator

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

jriley@co.frederick.va.us

### MEMORANDUM

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

Listed below are the vacancies/appointments due through October, 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**

##### Extension Leadership Council

William H. Grim – Opequon District Representative  
913 Salem Church Road  
Stephens City, VA 22655  
Home: (540)869-2765  
Term Expires: 01/24/16  
Four year term.

***(Mr. Grim has resigned per Extension Agent Mark Sutphin.)***

#### **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

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.)***

**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**

Frederick-Winchester Service Authority (FWSA)

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

***(Mr. Wilkins has notified staff he is willing to continue serving.)*** *(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.)*

#### **SEPTEMBER 2014**

##### Board of Building Appeals

Scott D. Simpson – County Representative  
180 Rome Drive  
Clearbrook, VA 22624  
Home: (540)974-6038  
Term Expires: 09/09/14  
Five year term

***(Staff has be unable to reach Mr. Simpson and has been advised he may have moved.)*** *(FYI - There are seven members on the Board of Building Appeals. One member serves as an alternate. Members serve a five year term. Members should, to the extent possible, represent different occupational or professional fields of the building industry. At least one member should be an experienced builder and one other member should be a licensed professional engineer or architect).*

##### Historic Resources Advisory Board

Mary M. Turner – Back Creek District Representative  
2344 Jones Road  
Winchester, VA 22602  
Office: (540)665-9692  
Term Expires: 09/14/14  
Four year term

#### **OCTOBER 2014**

##### Shawneeland Sanitary District Advisory Board

Michelle Landon  
226 Graywolf Trail  
Winchester, VA 22602

**Memorandum – Board of Supervisors**  
**August 6, 2014**  
**Page 4**

Home: (540)877-1838  
Term Expires: 10/08/14  
Two year term

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

JRR/tjp

U:\TJP\committeeappointments\MmosLettrs\BoardCommitteeAppts(081314BdMtg).docx

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

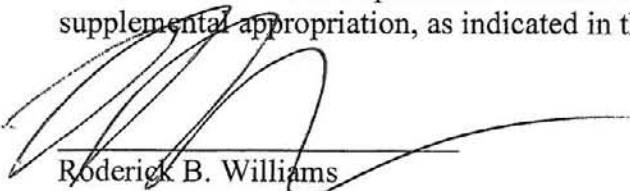
CC: John R. Riley, Jr., County Administrator

FROM: Roderick B. Williams, County Attorney

DATE: July 28, 2014

RE: Refund – Undisclosed Taxpayer – Disabled Veteran's Relief

I am in receipt of the Commissioner's request, dated July 3, 2014, to authorize the Treasurer to refund a taxpayer the amount of \$3,816.54 for part of 2011, all of 2012, 2013 and 2014 real estate taxes, based on proper filing of proof of 100% permanent and total disability directly due to military service, as required under the Virginia Code change as a result of the Constitutional amendment that took effect for 2011. Taxpayer's name cannot be made public because of applicable legal requirements as to privacy, but is known to the Commissioner, the Treasurer, and the County Attorney on a confidential basis. 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)



July 3, 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 *EMurphy*

RE: Exoneration Taxpayer name withheld – Veterans Admn rules.

Please approve a refund of \$3,816.54 for real estate taxes for part of 2011 and all of 2012, 2013, and 2014 for a taxpayer that qualified for the Disabled Veterans Relief on his residence. The taxpayer's name must be withheld by Veterans Administration rules because the relief is based on medical information that cannot be made public. Under the General Assembly legislation passed for 2011 and beyond the relief is retroactive to the effective date of the qualification of disability or January 1, 2011 whichever is later.

A copy of the treasurer's credit balance is provided with identifying information redacted.

The Commissioner's staff person has verified all required data establishing the disability and the paperwork is in the care of the Commissioner of the Revenue. This is a separate refund and veteran from the one requested on June 24, 2014.

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

Exoneration is \$3,816.54.

Date: 7/02/14

Cash Register: COUNTY OF FREDERICK

Time: 13:50:55

Customer Name:!

Total Transactions: 57

Customer Transactions: 6

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
-	RE2011	1	00125820002	\$360.51-	\$ .00	\$360.51-
-	RE2012	2	00126400001	\$663.47-	\$ .00	\$663.47-
-	RE2012	3	00126400002	\$663.47-	\$ .00	\$663.47-
-	RE2013	4	00124750001	\$709.70-	\$ .00	\$709.70-
-	RE2013	5	00124750002	\$709.69-	\$ .00	\$709.69-
-	RE2014	6	00126180001	\$709.70-	\$ .00	\$709.70-

Total Paid : \$3,816.54

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

Needs Board Approval

F



**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: July 18, 2014

SUBJECT: Human Resources Committee Report

The HR Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, July 11<sup>th</sup>, 2014, at 8:00am. Committee members present were: Supervisor Robert Hess, Supervisor Chris Collins, Supervisor Robert Wells, Citizen Member Don Butler, Citizen Member Dorrie Greene, and Citizen Member Beth Lewin. Also present were: Assistant County Administrator Kris Tierney, Commissioner of the Revenue Ellen Murphy and DSS Representative Melody Williams.

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

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

The Committee recommends approval of Chief Deputy COR Jane Anderson as the Employee of the Month for July 2014.

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

**1. Presentation by the Commissioner of the Revenue, Ellen Murphy.**

At the request of the Committee, Ms. Murphy presented an overview of the objectives and responsibilities of the Commissioner of the Revenue's Office. The presentation also provided the Committee an understanding of her department's role, authority, projects, and topics of importance within her department. Presentation Attached.

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

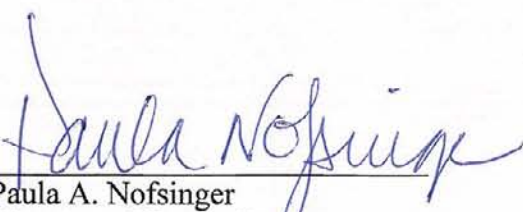
The next HR Committee meeting is scheduled for Friday, August 1<sup>st</sup>, 2014.

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:

## Jane R. Anderson

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, Jane R. Anderson who serves the Commissioner of the Revenue's Office was nominated for Employee of the Month; and,

WHEREAS, Jane R. Anderson, Chief Deputy has saved the county money with providing an in-house reassessment accurately for many years in addition to assisting all the divisions within the Commissioner of the Revenue's Office in day to day operations. Jane is to be commended for her commitment to the Commissioner of the Revenue's Office; and,

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 13<sup>th</sup> day of August, 2014, that Jane R. Anderson is hereby recognized as the Frederick County Employee of the Month for July 2014; and,

BE IT FURTHER RESOLVED that the Board of Supervisors extends gratitude to Jane R. Anderson for her outstanding performance and dedicated service and wishes her continued success in future endeavors; and,

BE IT FURTHER RESOLVED, that Jane R. Anderson is hereby entitled to all of the rights and privileges associated with her award.



County of Frederick, VA  
Board of Supervisors

-----  
Richard C. Shickle, Chairman



Dedication

***County of Frederick***

**Employee of the Month**

**July 2014**

***Jane R. Anderson***

Hardworking

Excellence

Professional

---

**Richard C. Shickle**  
**Chairman, Board of Supervisors**



## County of Frederick Employee of the Month Nomination Form

July EDM

Outstanding service can be demonstrated in many ways, but it always involves more than just good job performance. An employee can be outstanding for suggesting improvements that result in greater efficiency, improved service, or cost savings; for leadership in departmental activities, for the department's goals or for the goals of the county as a whole. Outstanding service includes job performance that clearly exceeds requirements.

The Board of Supervisors must discount generalities not supported by specific examples of activities which support the nomination. Remember, there is no way to know whether specifics are missing by accident or because they do not exist. If you believe an employee has made an outstanding contribution, give specific examples of what they have done.

Nominations are not judged on how well you write. However, they are judged on the facts presented.

Employee Name : JANE R ANDERSON

Department: Commissioner of the Revenue

Nomination Submitted By: ELLEN E MURPHY

Department: Commissioner of the Revenue

Nominator's Signature: Ellen E Murphy

Digitally signed by Ellen E Murphy  
DN: cn=Ellen E Murphy, o=Co, email=emurphy@co.frederick.va.us, c=US  
Date: 2014.06.10 15:23:11 -0400

Date: 06/10/2014

Reason for Nomination (please be specific, precise, and definite):

Jane Anderson is Chief Deputy of the Commissioner of the Revenue  
Mrs. Anderson has been responsible for saving the county money and providing accurate assessments by doing in-house reassessing  
Mrs. Anderson assists all divisions of the Commissioners office by: helping with running all annual books and supplements; assisting with DMV downloaded information; assisting with technical issues; and managing the real estate division not only for reassessment but for relief programs, updates, new construction, State Corporation Commissioner filings, and other duties.  
Mrs. Anderson even served on the "Day of Caring" by working on a home contruction  
Mrs. Anderson is always willing to give her personal time for the county needs without hesitation!

HR Section: Received:

6/13/14

Emailed to HR Committee:



# Commissioner of the Revenue

PRESENTATION TO **HR COMMITTEE**

JULY 11, 2014



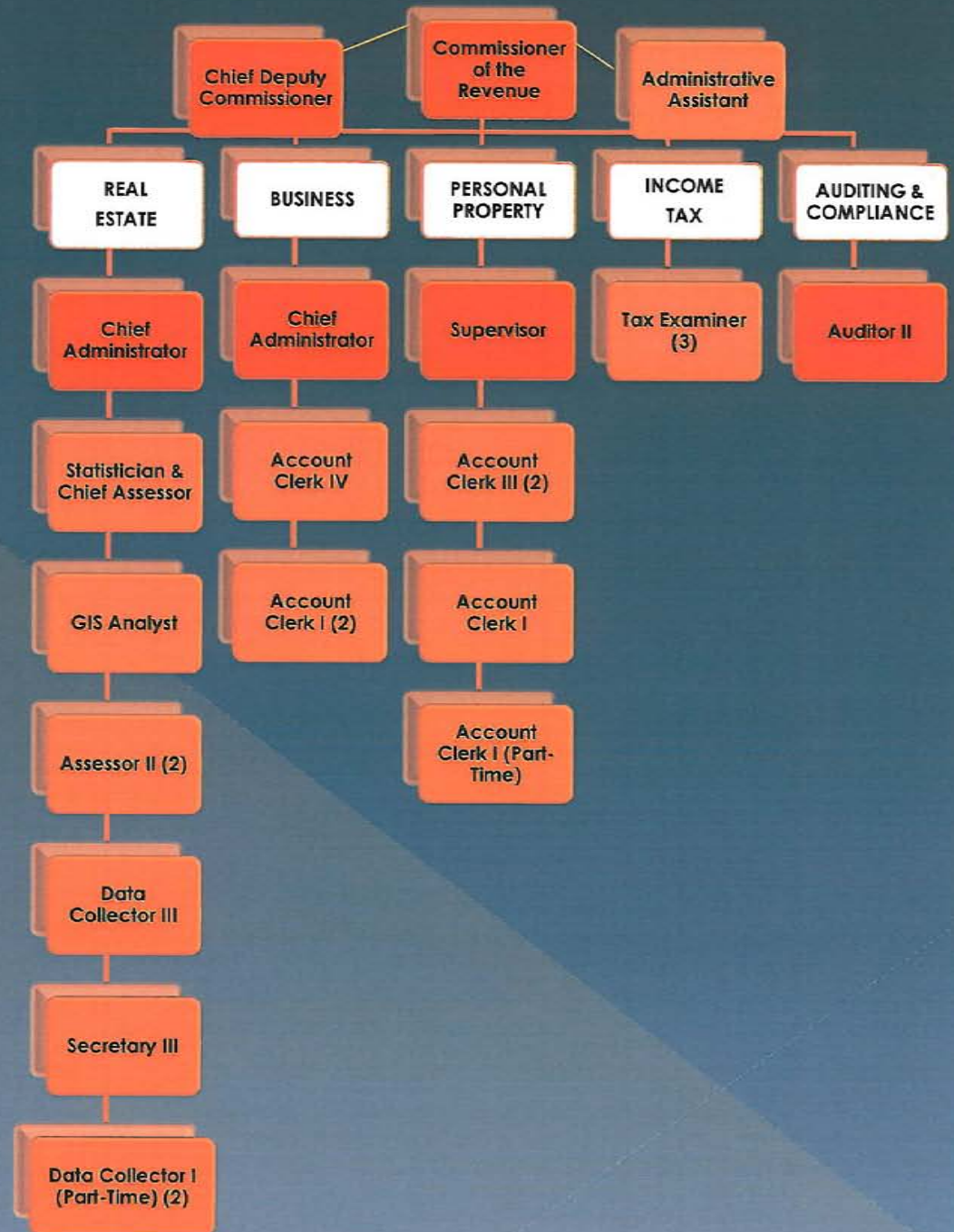


**We apologize to the HR Committee for the length of this presentation but the office of the Commissioner of the Revenue is divided into Real Estate, Business, Personal Property, Auditing & Compliance, and Income Tax. Each Division has its own discrete responsibilities and basically functions as an individual Department.**

# ORGANIZATION BY JOBS

Actual no. of employees = 18 full-time  
including the Commissioner + 3 part-time

NOTE: The Chief Deputy Commissioner is also the Chief Administrator of the Real Estate Division. The Personal Property Supervisor, Auditor, and Account Clerk IV are also the Tax Examiners.



# THE COMMISSIONER OF THE REVENUE

## Duties & Responsibilities

- **All taxable property** → find, assess, value, apply BOS tax rates (fairly & equitably)
- **Staff** → train, manage, educate
- **Financial data** → examine economic trends, valuation guide changes, RE sales, other data
- **Legislation** → monitor, lobby for/against
- **Statistical reports** → compile for local, state & organizational use
- **Budget** → prepare for COR, assist with County revenue projection, analyze State, COR Compensation Board
- **State** → Help rewrite SLEAC manual, Assist Department of Taxation with locality issues

# ADMINISTRATIVE ASSISTANT

## Duties & Responsibilities

- **Typical administrative duties** → correspondence, memos, mail, phones, meetings, calendaring, supplies, machine repair, maintenance requests, etc.
- **Writing** → create, discuss & update COR website, forms, online programs & letters for mass mailing
- **Conferences/Seminars & Classes** → assist staff with registrations, textbooks, travel & reimbursements
- **Presentations/Handouts** → create for public & media (PowerPoint, brochures, display boards etc.)
- **Expenses** → track budget, pay vendors, collect receipts & reconcile monthly credit card statement
- **County Code** → work with County Attorney re: Code changes & legislative issue impacts
- **FOIA** → coordinate responses
- **Records** → manage records scanning, retention & destruction

## ADMINISTRATION - 2013



■ COR  
Administrative  
Duties

# ALL COR DIVISIONS

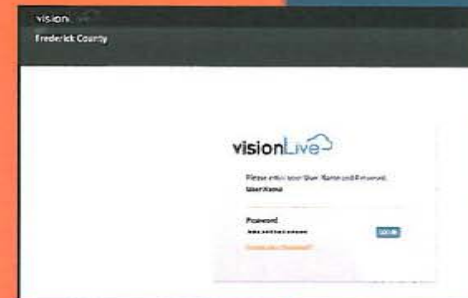
## GENERAL RESPONSIBILITIES

- **Accounts/Records** → open, adjust, update & close
- **Assess** → all real property, manufacturers, processors, businesses & personal property
- **Programs, Forms, Methodologies** → develop new/streamline current to improve & save money
- **Files & Records** → maintain either in hard copy or by scanning
- **Codes of VA & FC, Other Laws & Regulations** → review & apply
- **County Attorney** → work with re: FC Code & Court cases
- **Deadlines** → meet all mandated due dates & deadlines
- **Customer Service** → provide the highest quality of courteous, efficient, timely & diligent service
- **Confidentiality** → follow COR policy and FOIA rules regarding the release or confidentiality of public records / information

# ALL COR DIVISIONS

## PROGRAM/SYSTEM KNOWLEDGE

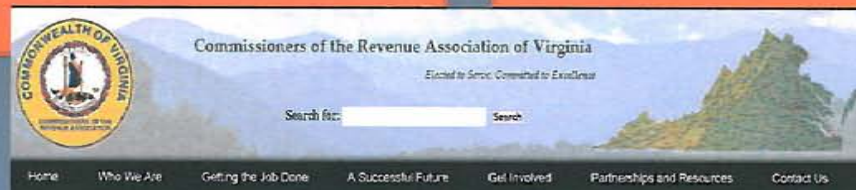
- Microsoft, Cisco, Internet Browsers
- AS400, BAI
- GIS, Pictometry, CAMRA, Autocad
- Cryptzone, Encryption
- VisionLive, Adobe Dreamweaver, Adobe Acrobat
- VA Court Records Mgmt System
- CIS (SCC's Clerk Information System)
- Works (Finance)
- DMV, GIF, COIN (Compensation Board)
- Laserfiche Weblink, Quick Fields
- MRIS, Web Query, Visual Web Ripper
- IRMS (VA Tax), IRS Code, VA Tax Code
- LIS (VA Legislative System)



## **COR & Staff are members of or attend the following organizations, associations, committees & meetings:**

- **BAI Users Group**
- **CAMRA Users Group**
- **VAMLIS**
- **CEA**
- **TDR**
- **Ag District Committee**
- **Farm Bureau**
- **Finance Committee**
- **Shen Model Land Use**

- **CORVA**
- **West Central COR**
- **VALTA**
- **VALECO**
- **IAAO**
- **VAAO**
- **ITWG Committee**
- **Web Committee**
- **Fun Committee**



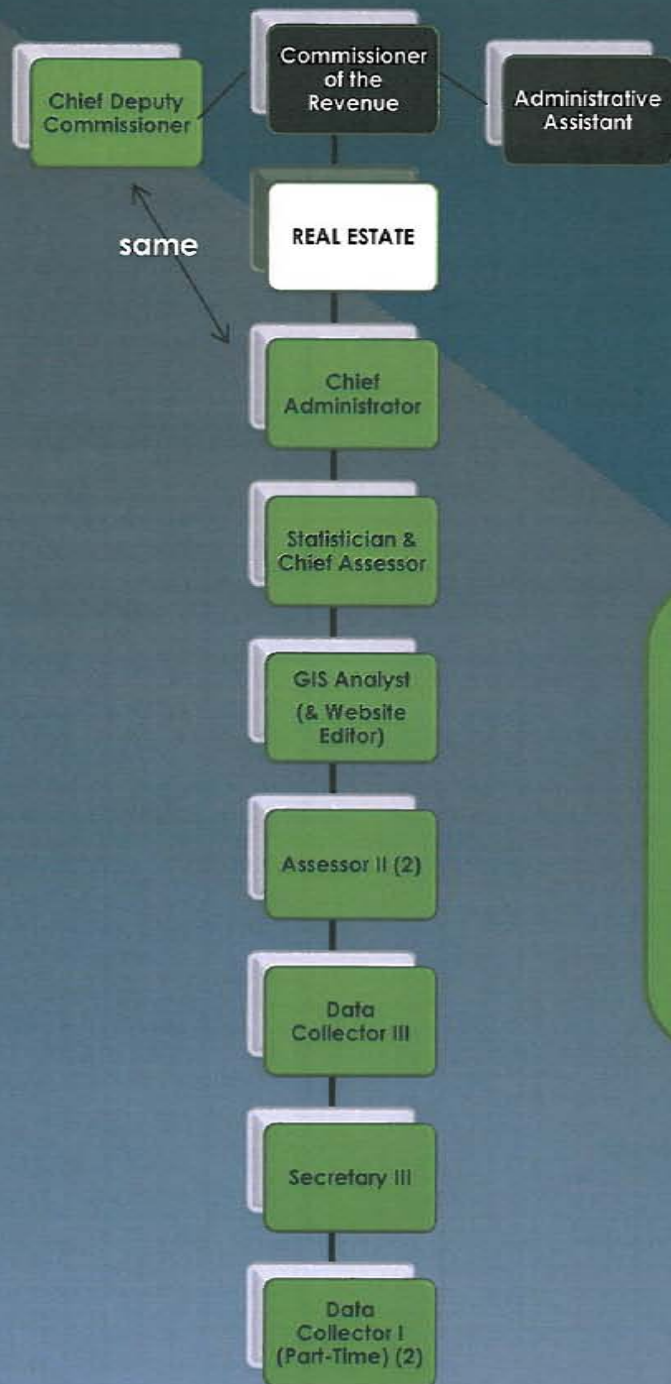
## **COURSES, CLASSES, PRESENTATIONS & TRAINING (past year)**

**DPOR Workshop**  
**Personal Property II (Advanced)**  
**Laserfiche User Regional Training**  
**CAMRA Users Seminar**  
**Customer Service**  
**Real Estate Appraisal**  
**Tax Exemptions in VA**  
**Lobbying 101**  
**VA Tech Income Tax Seminar**  
**Industrial Property Appraisal**  
**Business Personal Property**  
**Business PP – Pollution Control**  
**Equipment, Exemptions & Appeals**  
**DMV Download Process**  
**Records Mgmt Edition in Laserfiche**  
**Short-Term Rental Tax**  
**Roles & Responsibilities of COR I**  
**FOIA Workshop**  
**Accessing & Utilizing 2010 Census Data**  
**for GIS**  
**Business One Stop**

### **Training**

Knowledge  
useful abilities...  
backbone of co  
quired for a tr  
oday

**Food Trucks – That's How We Roll**  
**Cost Analysis Valuation System (PP)**  
**Military Bases & Business License**  
**Statistical Analysis**  
**Land Use**  
**Move It Here/Move It There: Utilizing**  
**DMV Downloads**  
**M&T vs. Business PP**  
**Tales, Tips & Safety of Field Audits**  
**Valuation of Manufactured Housing**  
**Query I Training**  
**Residential Modeling Concepts**  
**Advanced Basic PP Auditing**  
**Taxation of Business**  
**Discovery Tool – Visual Web Ripper**  
**Library of VA – Records Management**  
**Arc GIS Desktop & Online Integration**  
**Imagery/Lidar Data Mgmt & Use**  
**Mobile GIS Data Collection w/ High**  
**Accuracy**  
**VAAO Seminars**

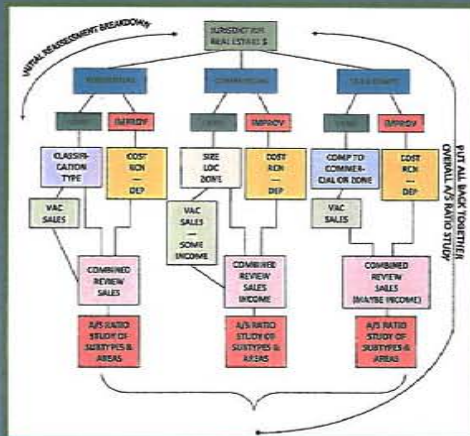


## REAL ESTATE DIVISION

Responsible for taxation of all residential, agricultural, industrial & commercial real property in the County at 100% of fair market value (State verified)

# ASSESSMENT

- **Reassessment** → conduct every 2 yrs
- **Initial Assessment** → ongoing for new construction & changes
- **Records** → update for deed changes, transfers, surveys & other owner adjustments
- **Notice** → sent to property owners via mass mailing

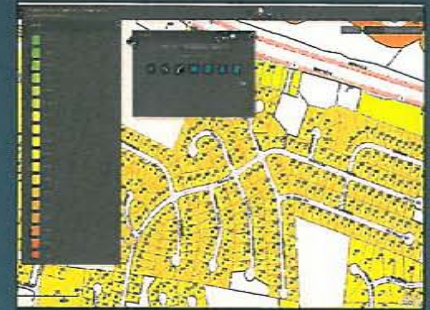


## RATE & STATISTICS

- **RE Statistics** → use tools & models to generate, specifically for valuation calculations
- **Comparables/Sales Ratio** → view
- **Cost/Values** → analyze
- **Calculations** → 3 measures of value & choose
- **Rate** → set

## MAPPING

- **Updates** → digitally make changes to County on parcels
- **Maps** → merge database & files to create (by completion, by value etc.)
- **Organize Assessors** → divide parcels to provide assessor with field work assignments/area maps
- **Public Inquiries** → respond to requests for printed maps, parcel information/rules



## APPEALS

- **Applications** → review appeals
- **Assessor hearings** → schedule, hold & make determination
- **Board of Equalization (BOE) Hearings** → assist with second-level of hearings
- **BOE Changes** → implement any (increase or decrease)

## FIELD WORK, DATA COLLECTION & RATIO STUDY

- **Inspect** → exterior of all structures & improvements (for condition, age, physical deterioration, additions & deletions etc.)
- **Photograph/Measure/Record** → size, type, construction quality, square foot, number of rooms, flood plain, power lines, road type, new data etc.
- **Notice** → leave hanger or send public a notice
- **Changes** → apply taxpayer changes after verified
- **Considerations** → planning program (*i.e.*, TDR, CEA)
- **Appraise/Value** → all real property



## LAND USE

- **Tax deferral** → for land that is agricultural, horticultural, forestry, open space, or conservation easement
- **Verify** → land use qualifies
- **Rollback Taxes** → do when use changes to more intensive
- **Attend /Monitor** → Agricultural District meetings
- **Consider** → SLEAC values & rules and attend State meetings

# TAX RELIEF PROGRAMS

Administer tax relief programs for:

- **Senior Citizens**
- **Disabled: Permanently & Totally**
- **Disabled Veterans: 100% Service Connected, Totally & Permanently (or Surviving Spouses)**



## WEBSITE EDITOR

- **Design/Update** → COR's website to timely provide access to forms, documents, programs & information
- **Compliance** → follow County policies re: content, design, organization & technical aspects of pages/links and ensure secure & legally compliant
- **Audience** → ensure website is user friendly & easy to navigate

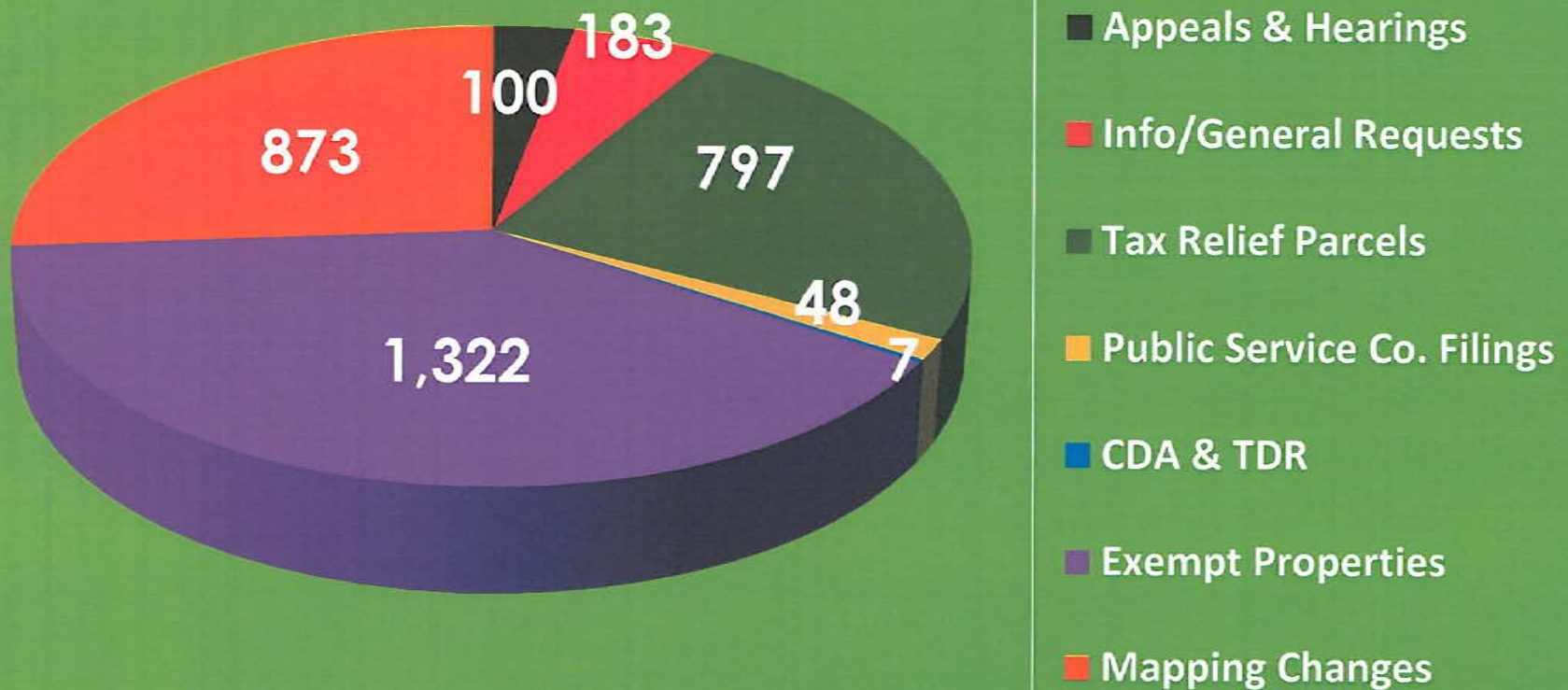


## REAL ESTATE - Number of Parcels Assessed - 2013

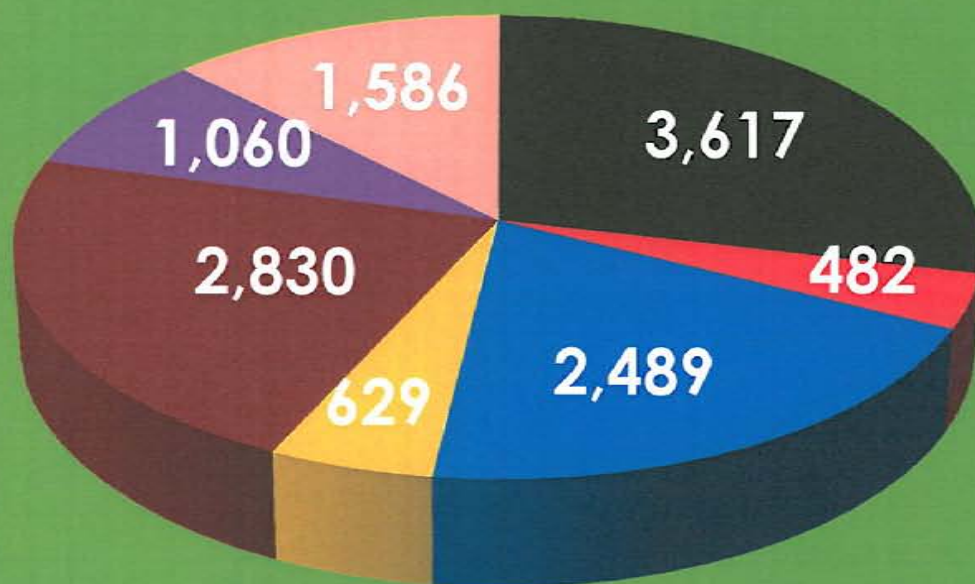


■ Taxable &  
Exempt  
Parcels

## REAL ESTATE - Number of Other Assessments or Adjustments Generated – 2013



## REAL ESTATE - Number of Other Assessments or Adjustments Generated – 2013



■ Deeds, Transfers, Changes

■ New Construction Parcels

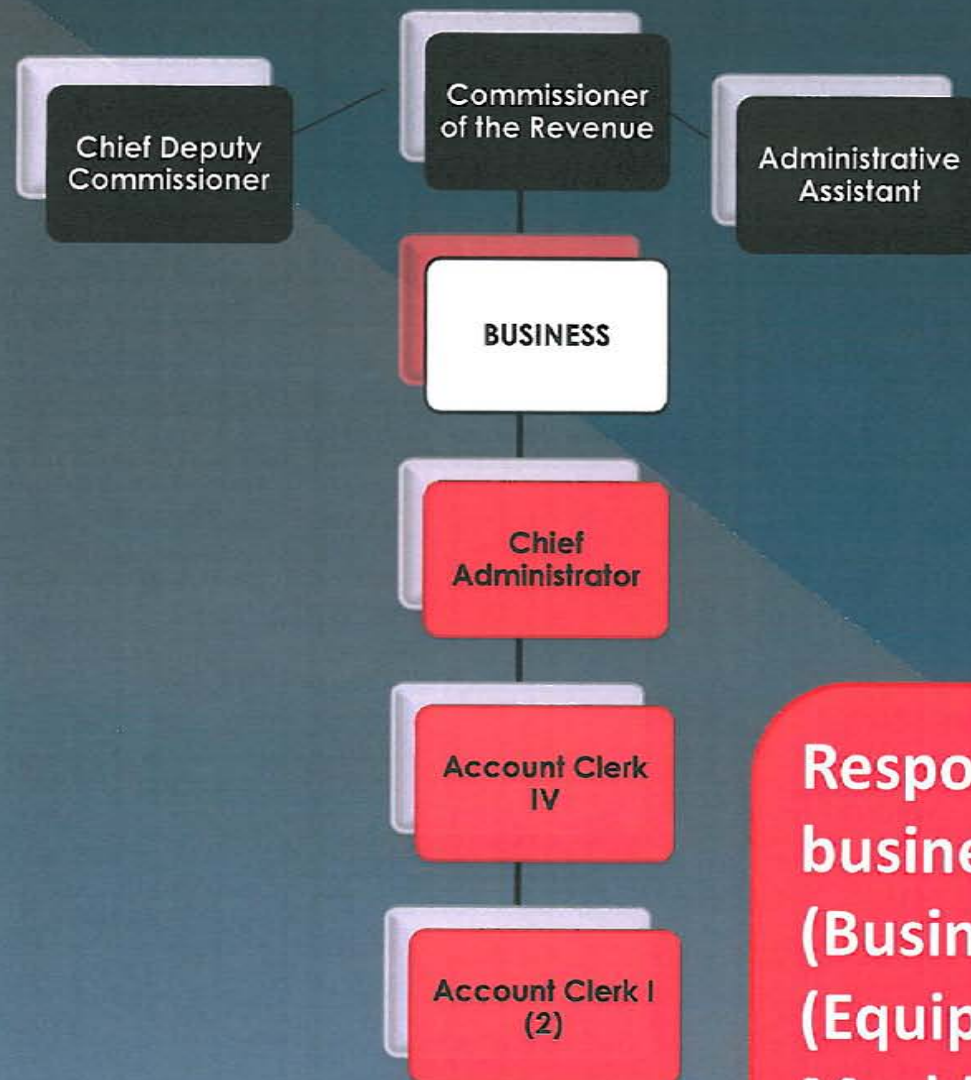
■ Land Use Parcels

■ Street Lights

■ Sanitary Districts (2)

■ Building Permits Reviewed

■ Abatements



## BUSINESS DIVISION

Responsible for taxation of all business-related taxes: BPOL (Business License), BE / M&T (Equipment, Furnishings, Machinery & Tools), Short-Term Rental, Meals, Lodging & Utility

## Business License

- **Educate** → potential & new business owners
- **Application** → explain multi-step process
- **Licenses** → issue new (ongoing) & renewed (annually)

<b>2014 COUNTY OF FREDERICK, VIRGINIA</b>	
<b>BUSINESS LICENSE</b>	
Account #: 0123456	License Effective: 1-1-2014 Thru 12-31-2014
Category: Service	
This is to certify that	
YOUR COMPANY NAME HERE	
has complied with all requirements to operate a business in Frederick County as described in Frederick County Code Chapter 155.	
Physical Location: 123 Main St.	Display where visible by the public
Commissioner of the Revenue	

## Business Equipment, Furnishings, and Machinery & Tools

- **Annual BE Filings** → explain, review, analyze, calculate & process
- **Designation** → if manufacturing, business equipment, or processing
- **Property** → review & value equipment, furnishings & tools
- **Site visits** → conduct



## Compliance

- **Discovery** → use multiple ways to determine non-compliant businesses
- **Comparison** → manipulate program to drop data into different modules to compare with AS400 info
- **Pursue** → non-filers via call, letter, notice, summons, desk audit
- **Work** → with Chief Auditor

## Meals & Lodging

- **Register** → businesses (ongoing)
- **Filings** → process monthly
- **Non-compliant** → follow-up with non-filing accounts



## Short-Term Rental Business

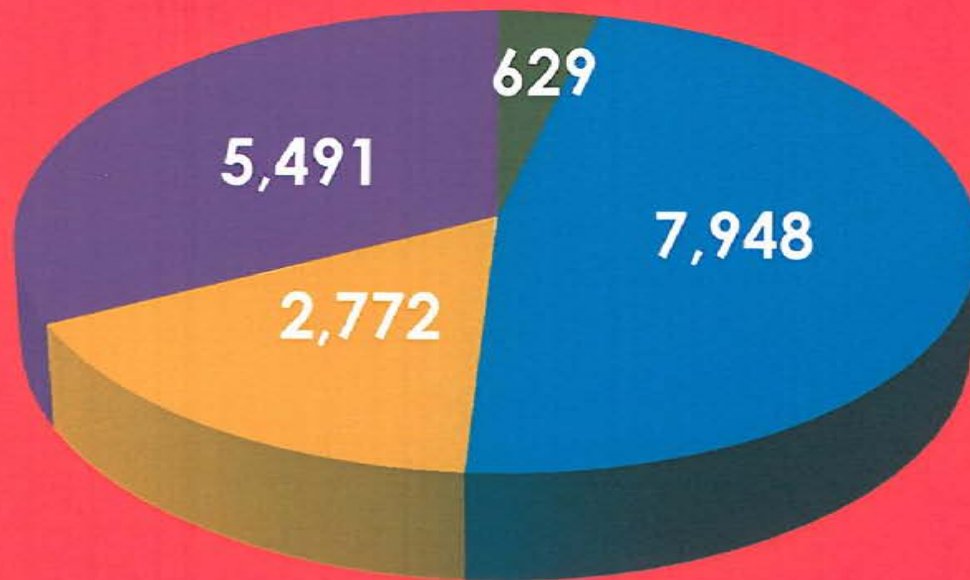
- **Register** → businesses (annually)
- **Verify** → qualification
- **Filings** → process quarterly



## Utility Taxes

- **Filings** → process annual filings of businesses that provide a utility service in Frederick County separate from business license
- **Payments** → record tax payments & transmit to Treasurer

## BUSINESS DIVISION - Number of Assessments or Adjustments Generated - 2013



- Abatements (includes all)
- Business Licenses (created, renewed, or adjusted)
- Meals, Lodging & Short-Term Rental (monthly or quarterly filings)
- Business Personal Property (including supplements, excluding abatements)

Chief Deputy  
Commissioner

Commissioner  
of the Revenue

Administrative  
Assistant

**PERSONAL  
PROPERTY**

Supervisor

Account Clerk III  
(2)

Account Clerk I

Account Clerk I  
(Part-Time)

# PERSONAL PROPERTY DIVISION

Responsible for assessing all personal property for taxes & license fees: all-size cars & trucks, motorcycles, trailers, motor homes, mobile homes, airplanes & boats

## ACCOUNT RECORDS

- **Records** → adjust to reflect owner purchase, sale, acquisition, disposal or transfer and pro-rate accordingly
- **Move-ins/Move-outs** → process based on owner info, DMV weekly reports, post office notices, other locality contacts
- **Comparison** → review and compare semi-annual & annual DMV reports of all vehicles



## ASSESS & VALUE

- **PP Tax** → assess tax for all
- **License Fee** → assess for DMV-tagged, on-the-road & non-exempt vehicles
- **Manually Value** → current year & 1994/earlier vehicles, trailers, motorcycles & boats
- **Apportion** → calculate apportioned tax for interstate trucks & trailers and charge rate on those "for hire"



## ADJUSTMENTS

- **Personal Property Tax Relief** → calculate & apply
- **Tax exempt** → Verify & record exempt PP for exempt organizations, service-members & qualifying fire/rescue volunteers
- **Adjustments** → value high mileage, classic, or other special conditions (increase or decrease)

## BILLING

- **Accounts** → confirm, balance & post, including prorated abatements
- **Supplemental Bills** → issue for PP that is discovered, purchased, acquired, or moved in -- but not on record for normal bill cycle



## COMPLIANCE

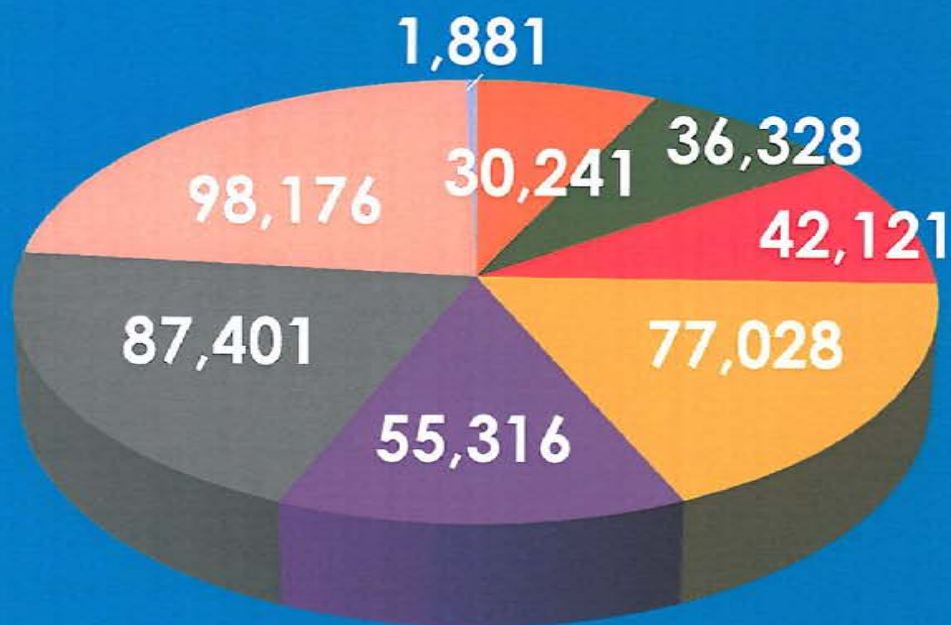
- **Reports of Non-Compliance** → investigate inquiries (calls & letters) re: unlicensed, unregistered & out-of-state vehicles
- **Registration Lists** → compare to account records registration lists of airplanes from Winchester Regional Airport & of boats from VA Game & Inland Fisheries



## APPEALS

- **Application for Review** → examine appeal & submitted documents
- **Valuations** → confirm pricing guide or percentage-of-cost valuations
- **Determination** → make a fair & equitable determination using arms-length cost, insurance & police reports, and photos

## PERSONAL PROPERTY DIVISION - Number of Assessments or Adjustments Generated - 2013



- Abatements
- Prorated Assessments
- DMV Items\*
- Items Assessed by NADA
- Items Assessed In-House
- Tax Relief (PPTRA) Applied
- Vehicle Registrations Assessed
- Appeals

(\*Includes: adds, deletes, jurisdiction, address)

Chief Deputy  
Commissioner

Commissioner  
of the  
Revenue

Administrative  
Assistant

**AUDITING &  
COMPLIANCE**

Auditor II

Business Div.  
Staff

# AUDITING & COMPLIANCE

Responsible for examination &  
verification of accounts, records &  
filings, including site inspections

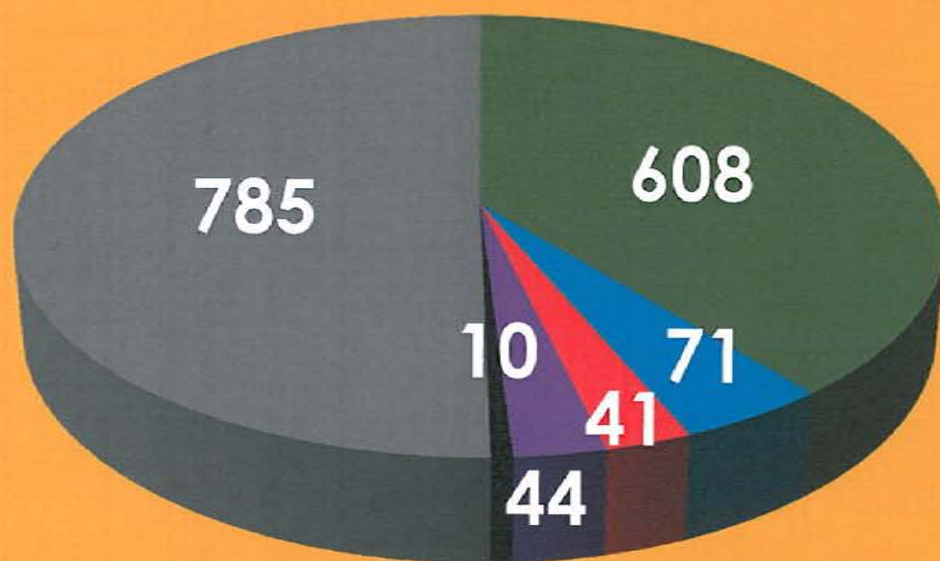


## AUDITING & COMPLIANCE

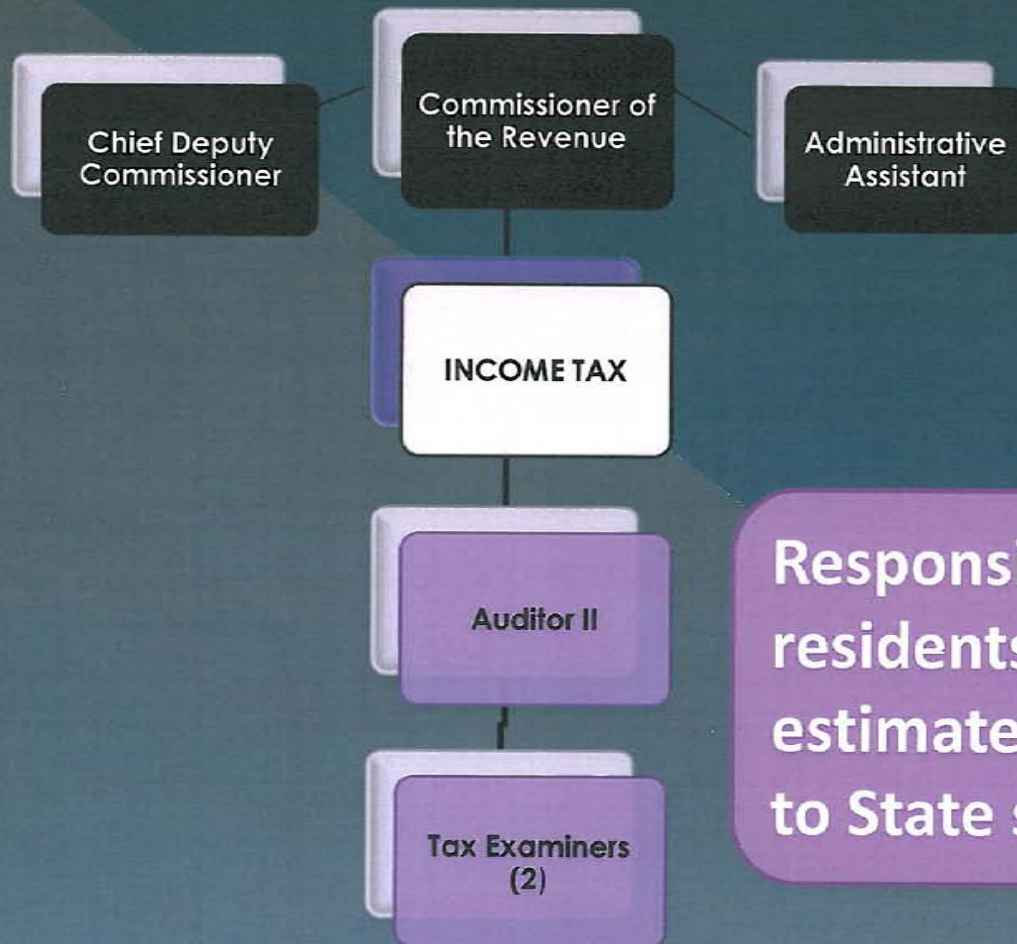
- **Site visits** → conduct visits to businesses, manufacturers & processors
- **Audits** → perform desk audits of all tax programs & filings
- **Analysis** → analyze Dep't of Taxation monthly reports & compare against databases
- **Meetings** → meet with State agencies (*e.g.*, ABC), sales tax auditors & Dep't of Taxation
- **Contractors** → process lists of contractors, subcontractors, and 1099 employees
- **Annual Reporting** → review reporting of lessors & residents
- **Extensions** → process extension requests for filing Tangible Personal Property return
- **Appeals** → handle tax appeals, including by manufacturers and other businesses
- **Non-Compliance** → follow up on any report of potential non-compliance



## AUDIT / COMPLIANCE - 2013



- Desk Audits
- Field/Site Visits
- New Business Discovery
- Monthly Report Analysis
- State Appeals
- PPTRA Letters re: Business Use Vehicles



## INCOME TAX

Responsible for assisting County residents with VA income tax & estimated payments, and posting to State system (IRMS)



## INCOME TAX

- **VA State Income Tax** → provide forms, assistance, and tax return preparation for Frederick County residents
- **Tax Returns** → review each tax return mailed to COR and forward to the Department of Taxation
- **VA Estimated Tax** → process initial payment made with the first voucher
- **VA Sales Tax** → assist with registration and forms
- **Payments** → transmit all monies to Treasurer

**2014 FORM 702ES - Voucher 1**  
 Don't forget to check the box if you are a new taxpayer or if you are a new address.

☐ Check here if this is the first time you have filed Form 702ES or if this is a new address.

0000300000 7628668 114057

First Name, Middle Name, Last Name: \_\_\_\_\_  
 Social Security Number: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_  
 Date of Death: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_  
 Date of Death: \_\_\_\_\_

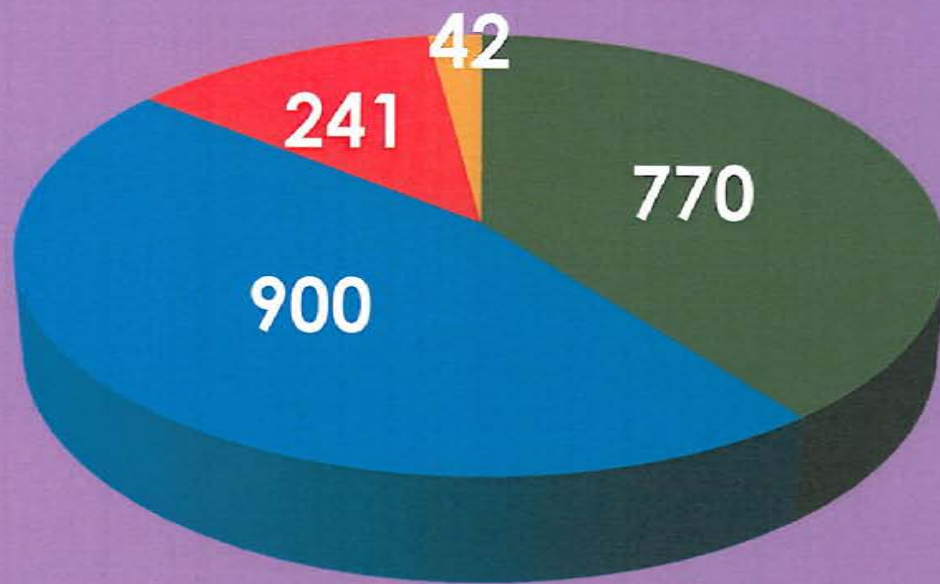
Make your check payable to the Treasurer of the state of Maryland or to the Treasurer of the county in which the individual resides.

☐ If this is your first payment for this taxable year, CHECK BOX and mail payment to your Commissioner of the Revenue, Director of Finance or Director of Tax Administration.

State of other vouchers to the Treasurer: \_\_\_\_\_  
 Address on file and on this document: \_\_\_\_\_

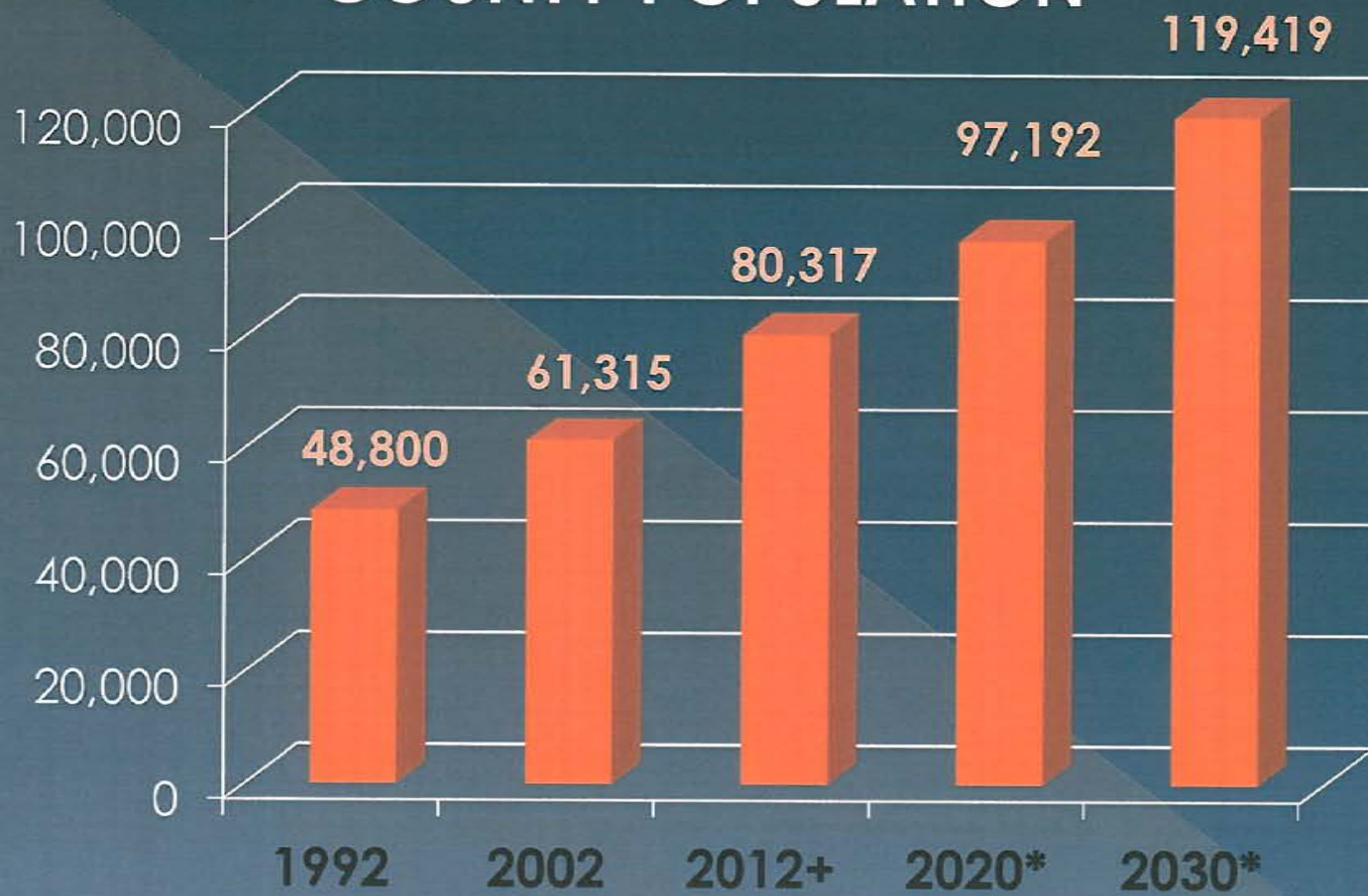
Amount of payment: \_\_\_\_\_,00

# INCOME TAX - 2013



- VA Income Tax Returns
- VA Estimated Tax Vouchers
- VA Income Tax Assistance
- VA Sales Tax Assistance

# COUNTY POPULATION



+ Growing Ahead of Projection

\* Estimated Projection

# CHALLENGES FOR COR

***PUBLIC PERCEPTION:*** We are a taxing entity with the nature of our work being service to the public. However, there is somewhat of a pre-disposition not to like us. Budgets and taxation are often not understood. And even though services provided to the taxpayers cost money (tax dollars), they frequently are not sympathetic regarding assessment for taxation and billing procedures. It takes a certain type of employee who can present a sometimes unfriendly public with efficient and courteous service while providing a thorough and equitable assessment of all taxable revenue within our domain.

# CHALLENGES FOR COR

## ***STAFFING NEEDS:***

**Real Estate** – New construction building permits have greatly risen in the County recently. Reassessment for 2015 is well underway. While most localities who do in-house reassessment have one staff for reassessment and a separate staff to carry out the day-to-day real estate work (e.g., land use, tax relief, deed transfers, public inquiries, and new construction), we do it ALL simultaneously and save our taxpayers money. The staff/parcel ratio suggested by the IAAO, and what most other localities follow, is generally 1 assessor to 3500 parcels during a reassessment cycle. Currently, our ratio is 1 assessor to 12,500 parcels, with the help of 2 part-time data collectors in the field. Thus, RE is challenged by an increase in workload with no parallel increase in staff.

**Other County Departments** – Other Departments being short-handed also creates a challenge for the Commissioner's office. For instance, we have several programming projects pending that require either changes to existing online programs or the creation of new ones (e.g., PP Change of Address, PP Add/Remove Vehicle Registration, BE Annual Filing, Compliance Modules to send mass mailings to specific categories of accounts or to check accounts with an EIN rather than SSN). Once completed, they would result in (1) improving the processes for citizens, and (2) certain programs being automated versus done manually by staff, thus freeing time to pursue other work (e.g., discovery).

# CHALLENGES (continued)

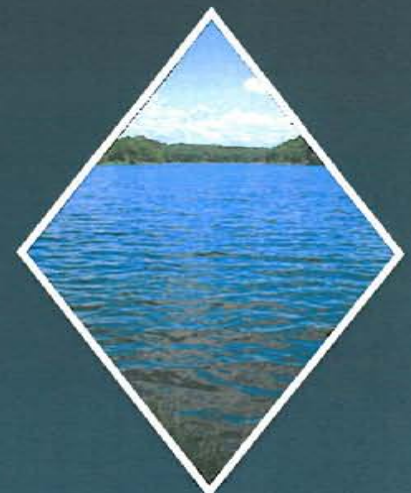
**EDUCATION:** While determining the best method may be a challenge in itself, we would like to educate the citizens of Frederick County as follows:

- The public is confused when it comes to understanding the difference between the duties of the Commissioner of the Revenue versus those of the Treasurer's office. Especially during the two annual billing seasons, Personal Property staff spend an inordinate amount of time answering calls that only result in getting transferred to the Treasurer (billing, due date, late fees, payment options, DMV stops, Treasurer online program, etc.).
- Also, business staff spend extra time providing information to County citizens that actually goes beyond the scope of their job – for example, explaining to potential business owners the requirements of owning a business including the options available to even set up a business (*i.e.*, sole proprietor, partnership, LLC, corporation) – explaining to current business owners the requirements of compliance – or directing residents to the proper entity for help who have called COR, for example, about having hired a contractor that subsequently walked off the job.
- Real estate staff would like to be able to meet in communities to speak with taxpayers about reassessment (the process, the results etc.) PRIOR to their receipt of the Notice of Reassessment.

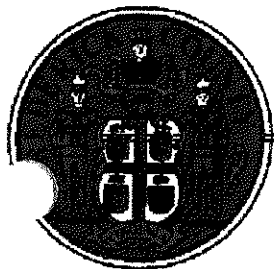
# CHALLENGES FOR COR

***THE FUTURE:*** As the population increases (projected to be 97,192 by the year 2020), EVERY division in the Commissioner's office is impacted as it affects real estate, industry, business, personal property, auditing, compliance, and income tax. As workloads increase, additional staff and additional space will be needed in order for COR to meet mandated deadlines (e.g., closing the books for billing, performing reassessment, processing renewed business licenses, conducting site visits, etc.) while efficiently and effectively serving the citizens of the County.

THANK YOU  
to the  
HR COMMITTEE  
from the  
Commissioner  
of the Revenue



G



## COUNTY of FREDERICK

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:** July 16, 2014  
**SUBJECT:** Finance Committee Report and Recommendations

---

The Finance Committee met in the First Floor Conference Room at 107 North Kent Street on Wednesday, July 16, 2014 at 8:00 a.m. Non-voting liaisons C. William Orndoff and Ellen Murphy were absent. A Finance Committee/Board of Supervisors budget work session followed at 8:30 a.m. in the Board of Supervisors meeting room.

1. The Sheriff requests an FY2014 General Fund supplemental appropriation in the amount of \$2,842.94. This amount represents funds received for the sale of unclaimed cattle. The Sheriff requests to use these funds for the DARE program. No local funds required. See attached memo, p. 4. The committee recommends approval.
2. The Sheriff requests an FY2014 General Fund budget transfer in the amount of \$53,520 to cover the cost of gasoline. Policy requires that transfers out of personnel line items be approved by the Board. See attached memo, p. 5. The committee recommends approval.
3. The Sheriff requests an FY2015 General Fund supplemental appropriation in the amount of \$53,693 to cover the annual maintenance contract for the Sungard/OSSI software. Local funds are required. See attached memo, p. 5. The committee recommends approval.
4. The Public Works Director requests an FY2015 Shawneeland Fund supplemental appropriation in the amount of \$80,000. This amount represents a carry forward of

funds from FY 2014 for services associated with the upgrade of the spillway at Lake Cherokee in Shawneeland. This request has been approved by the Public Works Committee. See attached memo, p. 6. The committee recommends approval.

5. The Fire & Rescue Chief requests an FY2015 General Fund supplemental appropriation in the amount of \$27,000. This amount represents year one of the SAFER grant for recruitment and retention. No local funds required. See attached information, p. 7 – 27. The committee recommends approval.

#### **INFORMATION ONLY**

1. The Finance Director provides a Fund 10 Transfer Report for FY 2014. See attached, p. 28 – 29.
2. The Finance Director provides a **preliminary** FY 2014 Fund Balance Report for the period ending June 30, 2014. See attached, p. 30.
3. The Government Finance Officers Association (GFOA) has awarded the County the Award for Outstanding Achievement for Excellence in Financial Reporting for the June 30, 2013 Comprehensive Annual Financial Report (CAFR). This is the 28th consecutive year that Frederick County has received this achievement. See attached, p. 31 – 32.
4. The Government Finance Officers Association (GFOA) has awarded the County the Award for Outstanding Achievement in Popular Annual Financial Reporting for the June 30, 2013 Popular Annual Financial Report (PAFR). This is the 7th consecutive year that Frederick County has received this award. See attached, p. 33 – 34.
5. The Sheriff provides information on the Internet Crimes Against Children grant received in the amount of \$73,532. See attached information, p. 35 – 38.

Finance Committee Report and Recommendations

July 16, 2014

Page | 3

Respectfully submitted,

FINANCE COMMITTEE

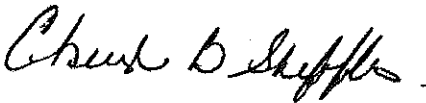
Charles DeHaven, Chairman

Richard Shickle

Gary Lofton

Judy McCann-Slaughter

Angela Rudolph

A handwritten signature in cursive script, reading "Charles B. Shickle". The signature is written in dark ink and is positioned below the typed names of the Finance Committee members.

# 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

**COPY**

TO : Angela Whitacre, Treasurer's Office  
FROM : Sheriff R. T. Williamson *RTW*  
SUBJECT : Sale of Unclaimed Property – Cattle  
DATE : June 19, 2014

---

Attached please find a check in the amount of \$2,842.94 from the Farmers Livestock Exchange, Inc. This amount represents the department's proceeds from the sale of unclaimed cattle. We are requesting this amount be posted to 3010-015020-0007.

A copy of this memo will be forwarded to Finance for appropriation.

Thank you.

RTW/asw

Attachment

Cc: Finance

C.S. 6/24/14

\* The gentleman who kept/led the cattle until they were sold - Mr Gary McDonald - is not seeking reimbursement

\* The man who used his personal vehicle/gasoline to transport the cattle to the sale is not seeking reimbursement (Tyler Renner)

Can this amount be appropriated into the DARE budget?

# FREDERICK COUNTY SHERIFF'S OFFICE

ROBERT T. WILLIAMSON  
Sheriff



MAJOR C.L. VANMETER  
Chief Deputy

1080 COVERSTONE DRIVE  
WINCHESTER, VIRGINIA 22602

540/662-6168  
FAX 540/504-6400

TO : Cheryl Shiffler, Director of Finance  
FROM : Sheriff R. T. Williamson *RTW*  
SUBJECT : Items for Finance Committee Agenda  
DATE : July 10, 2014

---

We would like to request the following items be placed on the next Finance Committee agenda:

- 1) Transfer of funds from vacancy savings to cover the cost of gasoline for April, May and June. (~~\$~~ 53,520.32)
- 2) Supplemental appropriation in the amount of \$53,692.97 to cover the increase in cost for Sungard/OSSI annual maintenance contract. When we submitted our budget for FY15, we based our funding request on the annual maintenance contract cost on the programs/software being utilized at that time. Since then the mobile data computers have been installed and are in use and the increase in the maintenance contract covers these systems. This covers licensing/software for 120 users.

Any consideration you may give these requests are greatly appreciated.

Thank you,

RTW/asw



COUNTY of FREDERICK

Sanitary District of Shawneeland

Kevin Alderman  
District Manager

Office: 540/877-1035  
Fax: 540/877-1361

MEMORANDUM

**TO:** Harvey E. Strawsnyder Jr., P.E., Director of Public Works

**FROM:** Kevin C. Alderman, District Manager, Shawneeland Sanitary District *KCA*

**SUBJECT:** Carry Forward of Funds from Fiscal Year 2013-2014 Budget to Fiscal Year 2014-2015 Budget

**DATE:** June 10, 2014

---

I am requesting that an amount of \$80,000.00 be carried forward from the Fiscal Year 2013-2014 Shawneeland Sanitary district budget line item 16-8108-3010-00-Other Contractual Services to line item 16-8108-3010-00-Other Contractual Services in the Fiscal Year 2014-2015 budget. This amount will be used for services associated with the upgrade of the spillway at Lake Cherokee in Shawneeland.

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

KCA/pms

Cc: file



COUNTY OF FREDERICK, VIRGINIA

FIRE AND RESCUE DEPARTMENT

1080 Coverstone Drive  
Winchester, VA 22602

Dennis D. Linaburg  
Fire Chief

MEMORANDUM

**TO:** Cheryl Shiffler, Director  
Finance Department

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

**SUBJECT:** Request for Supplemental Appropriation

**DATE:** July 10, 2014

---

Frederick County Fire and Rescue was awarded a Grant from Federal Emergency Management Agency (FEMA) through the Staffing for Adequate Fire and Emergency Response (SAFER) for a regional volunteer recruitment and retention campaign, which will include Winchester Fire and Rescue Department and Clarke County Fire and Rescue.

The four year \$99,000 Grant was awarded as a cooperative project among the three jurisdictions to promote volunteerism through a public awareness campaign. The \$99,000 reimbursement will be divided between the four years – first year \$27,000, second year \$24,000, third year \$24,000 and the fourth year \$24,000.

At this time we would like to request a Supplemental Appropriation in the amount of \$27,000.00 to cover the costs of advertising this campaign. These funds should be placed in the department Advertising line item 3505-3007-00. It is understood that reimbursement for this expense will be forth coming when we provide paid invoices to FEMA.

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

DDL:lab  
Cc: File



FEMA

Mr. Dennis Linaburg  
Frederick County Fire and Rescue Department  
1080 Coverstone Drive  
Winchester, Virginia 22602-4369

Re: Grant No.EMW-2013-FF-00509

Dear Mr. Linaburg:

On behalf of the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2013 Staffing for Adequate Fire and Emergency Response (SAFER) grants has been approved. FEMA's Grant Programs Directorate (GPD), in consultation with the U.S. Fire Administration (USFA), carries out the Federal responsibilities of administering your grant. The approved project costs total to \$99,000.00. The Federal share is \$99,000.00 of the approved amount and your share of the costs is \$0.00.

**Before you request and receive any of the Federal Grant funds awarded to you, you must establish acceptance of the Grant and Grant Agreement Articles through the Assistance to Firefighters Grant Programs' (AFG) e-grant system.** Please make sure you read and understand the articles as they outline the terms and conditions of your grant award. By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval, via amendment request, from FEMA. Maintain a copy of these documents for your official file.

If your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should request funds when you have an immediate cash need.

If you have any questions or concerns regarding the process to request your grant funds, please call 1-866-274-0960.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Kamole".

Brian E. Kamole  
Assistant Administrator  
Grant Programs Directorate

## Summary Award Memo

**SUMMARY OF ASSISTANCE ACTION**  
**STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANTS**  
**Application**

**INSTRUMENT:** GRANT  
**AGREEMENT NUMBER:** EMW-2013-FF-00509  
**GRANTEE:** Frederick County Fire and Rescue Department  
**AMOUNT:** \$99,000.00, Recruitment

**Project Description**

The purpose of the Staffing for Adequate Fire and Emergency Response program is to provide funding directly to fire departments and volunteer firefighter interest organizations in order to help them increase or maintain the number of trained, "front line" firefighters available in their communities.

After careful consideration, FEMA has determined that the recipient's project submitted as part of the recipient's application, and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Staffing for Adequate Fire and Emergency Response Grants program's purpose and worthy of award. The recipient shall perform the work described in the approved grant application as itemized in the request details section of the application and further described in the grant application narrative. These sections of the application are made a part of these grant agreement articles by reference. The recipient may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval, via amendment request, from FEMA.

**Grantee Concurrence**

By providing the Primary Contact's electronic signature and indicating acceptance of the award, the recipient accepts and agrees to abide by the terms and conditions of the grant as set forth in this document. Recipients agree that they will use the funds provided through the Fiscal Year 2013 Staffing for Adequate Fire and Emergency Response grant in accordance with these Articles of Agreement and the program guidelines provided in the Fiscal Year 2013 Staffing for Adequate Fire and Emergency Response program guidance. All documents submitted as part of the original grant application are made a part of this agreement by reference.

**Period of Performance**

06-MAY-14 to 05-MAY-18

**Amount Awarded**

The amount of the award is detailed in the attached Obligor Document for Award. The following are the budgeted estimates for object classes for this grant (including Federal share plus recipient match):

Personnel:	\$12,000.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Contractual	\$87,000.00
Construction	\$0.00
Other	\$0.00
Indirect Charges	\$0.00
Total	\$99,000.00

**NEGOTIATION COMMENTS IF APPLICABLE (max 4000 characters)**

Any questions pertaining to the award package, please contact the GPD Grants Management Specialist: Jacqueline Lee at [Jacqueline.Lee@dhs.gov](mailto:Jacqueline.Lee@dhs.gov)

3855 characters left

### System for Award Management (SAM)

**Prior to requesting federal funds, all recipients are required to register their entity information in the System for Award Management (SAM.gov).** As the recipient, you must register and maintain current information in SAM.gov until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that the recipient review and update the information at least annually after the initial registration, and more frequently for changes in your information. There is no charge to register in SAM.gov. Your registration must be completed on-line at <https://www.sam.gov/portal/public/SAM/>. It is your entity's responsibility to have a valid DUNS number at the time of registration.

### FEMA Officials

**Program Officer:** The Program Specialist is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application. If you have any programmatic questions regarding your grant, please call the AFG Help Desk at 866-274-0960 to be directed to a program specialist.

**Grants Assistance Officer:** The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters. The Officer conducts the final business review of all grant awards and permits the obligation of federal funds. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a Grants Management Specialist.

**Grants Operations POC:** The Grants Management Specialist shall be contacted to address all financial and administrative grant business matters for this grant award. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

### ADDITIONAL REQUIREMENTS (IF APPLICABLE) (max 4000 characters)

4000 characters left

U.S. Department of Homeland Security  
Washington, D.C. 20472



# FEMA

**STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) Grants**

**AGREEMENT NUMBER: EMW-2013-FF-00509**

**AMENDMENT NUMBER:**

Article I	Administrative Requirements
Article II	Lobbying Prohibitions
Article III	Financial Reporting
Article IV	GPD - Trafficking Victims Protection Act of 2000
Article V	GPD - Drug-Free Workplace Regulations
Article VI	Fly America Act of 1974
Article VII	Activities Conducted Abroad
Article VIII	Acknowledgement of Federal Funding from DHS
Article IX	Copyright
Article X	Use of DHS Seal, Logo and Flags
Article XI	DHS Specific Acknowledgements and Assurances
Article XII	Civil Rights Act of 1964
Article XIII	Civil Right Act of 1968
Article XIV	Americans with Disabilities Act of 1990
Article XV	Age Discrimination Act of 1975
Article XVI	Title IX of the Education Amendments of 1972
Article XVII	Rehabilitation Act of 1973
Article XVIII	Limited English Proficiency
Article XIX	Animal Welfare Act of 1966
Article XX	Clean Air Act of 1970 and Clean Water Act of 1977
Article XXI	Protection of Human Subjects
Article XXII	National Environmental Policy Act (NEPA) of 1969
Article XXIII	National Flood Insurance Act of 1968
Article XXIV	Flood Disaster Protection Act of 1973
Article XXV	Coastal Wetlands Planning, Protection, and Restoration Act of 1990
Article XXVI	USA Patriot Act of 2001

The administrative requirements that apply to most DHS award recipients through a grant or cooperative agreement arise from two sources: - Office of Management and Budget (OMB) Circular A-102, Uniform Administrative Requirements for Grants and

## Article II - Lobbying Prohibitions

### Article III - Financial Reporting

**Article IV - GPD - Trafficking Victims Protection Act of 2000**

## Article V - GPD - Drug-Free Workplace Regulations

### Article VI - Fly America Act of 1974

## Article VII - Activities Conducted Abroad

## Article VIII - Acknowledgement of Federal Funding from DHS

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All recipients of financial assistance will comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 44 CFR Part 19.

#### **Article XVII - Rehabilitation Act of 1973**

All recipients of financial assistance will comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

#### **Article XVIII - Limited English Proficiency**

All recipients of financial assistance will comply with the requirements of Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, recipients must take reasonable steps to ensure that LEP persons have meaningful access to your programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding LEP obligations, go to <http://www.lep.gov>.

#### **Article XIX - Animal Welfare Act of 1966**

All recipients of financial assistance will comply with the requirements of the Animal Welfare Act, as amended (7 U.S.C. §2131 et seq.), which requires that minimum standards of care and treatment be provided for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Recipients must establish appropriate policies and procedures for the humane care and use of animals based on the Guide for the Care and Use of Laboratory Animals and comply with the Public Health Service Policy and Government Principles Regarding the Care and Use of Animals.

#### **Article XX - Clean Air Act of 1970 and Clean Water Act of 1977**

All recipients of financial assistance will comply with the requirements of 42 U.S.C. § 7401 et seq. and Executive Order 11738, which provides for the protection and enhancement of the quality of the nation's air resources to promote public health and welfare and for restoring and maintaining the chemical, physical, and biological integrity of the nation's waters is considered research for other purposes.

#### **Article XXI - Protection of Human Subjects**

All recipients of financial assistance will comply with the requirements of the Federal regulations at 45 CFR Part 46, which requires that recipients comply with applicable provisions/law for the protection of human subjects for purposes of research. Recipients must also comply with the requirements in DHS Management Directive 026-04, Protection of Human Subjects, prior to implementing any work with human subjects. For purposes of 45 CFR Part 46, research means a systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to general knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part 46.

#### **Article XXII - National Environmental Policy Act (NEPA) of 1969**

All recipients of financial assistance will comply with the requirements of the National Environmental Policy Act (NEPA), as amended, 42 U.S.C. § 4331 et seq., which establishes national policy goals and procedures to protect and enhance the environment, including protection against natural disasters. To comply with NEPA for its grant-supported activities, DHS requires the environmental aspects of construction grants (and certain non-construction projects as specified by the Component and awarding office) to be reviewed and evaluated before final action on the application.

#### **Article XXIII - National Flood Insurance Act of 1968**

All recipients of financial assistance will comply with the requirements of Section 1306(c) of the National Flood Insurance Act, as amended, which provides for benefit payments under the Standard Flood Insurance Policy for demolition or relocation of a structure insured under the Act that is located along the shore of a lake or other body of water and that is certified by an appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels. These regulations are codified at 44 CFR Part 63.

#### **Article XXIV - Flood Disaster Protection Act of 1973**

All recipients of financial assistance will comply with the requirements of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. § 4001 et seq.), which provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in identified flood-prone communities in the United States, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within one year of the identification. The flood insurance purchase requirement applies to both public and private applicants for DHS support. Lists of flood prone areas that are eligible for flood insurance are published in the Federal Register by FEMA.

#### **Article XXV - Coastal Wetlands Planning, Protection, and Restoration Act of 1990**

All recipients of financial assistance will comply with the requirements of Executive Order 11990, which provides that federally funded construction and improvements minimize the destruction, loss, or degradation of wetlands. The Executive Order provides that, in furtherance of Section 101(b)(3) of NEPA (42 U.S.C. § 4331(b)(3)), Federal agencies, to the extent permitted by law, must avoid undertaking or assisting with new construction located in wetlands unless the head of the agency finds that there is no practicable alternative to such construction, and that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use. In making this finding, the head of the agency may take into account economic, environmental, and other pertinent factors. The public disclosure requirement described above also pertains to early public review of any plans or proposals for new construction in wetlands. This is codified at 44 CFR Part 9.

#### **Article XXVI - USA Patriot Act of 2001**

All recipients of financial assistance will comply with the requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c. Among other things, it prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose. The act also establishes restrictions on access to specified materials. "Restricted persons," as defined by the act, may not possess, ship, transport, or receive any biological agent or toxin that is listed as a select agent.

**FEDERAL EMERGENCY MANAGEMENT AGENCY  
OBLIGATING DOCUMENT FOR AWARD/AMENDMENT**

1. AGREEMENT NO. EMW-2013-FF-00509	2. AMENDMENT NO. 0	3. RECIPIENT NO. 54-6001290	4. TYPE OF ACTION AWARD	5. CONTROL NO. W497249N
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6. RECIPIENT NAME AND ADDRESS Frederick County Fire and Rescue Department 1080 Coverstone Drive Winchester Virginia, 22602-4369	7. ISSUING OFFICE AND ADDRESS Grant Programs Directorate 500 C Street, S.W. Washington DC, 20472 POC: Andrea Gordon 202-786-9462	8. PAYMENT OFFICE AND ADDRESS FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20472
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9. NAME OF RECIPIENT PROJECT OFFICER Dennis Linaburg	PHONE NO. 5406655618	10. NAME OF PROJECT COORDINATOR Catherine Patterson	PHONE NO. 1-866-274-0960
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11. EFFECTIVE DATE OF THIS ACTION 06-MAY-14	12. METHOD OF PAYMENT SF-270	13. ASSISTANCE ARRANGEMENT Cost Sharing	14. PERFORMANCE PERIOD From:06-MAY-14 To:05-MAY-18
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Budget Period  
From:21-OCT-13 To:30-SEP-14

15. DESCRIPTION OF ACTION

a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXXX-XXXXX- XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMMULATIVE NON- FEDERAL COMMITMENT
SAFER	97.083	2014-M3-C211-P4310000-4101-D	\$0.00	\$99,000.00	\$99,000.00	\$0.00
TOTALS			\$0.00	\$99,000.00	\$99,000.00	\$0.00

b. To describe changes other than funding data or financial changes, attach schedule and check here.  
N/A

16a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)

SAFER recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title) N/A	DATE N/A
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18. FEMA SIGNATORY OFFICIAL (Name and Title) Rosalie Vega	DATE 06-FEB-14
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## **Winchester Fire and Rescue Department, Frederick County Fire and Rescue Department and Clarke County**

### **PRESS RELEASE**

#### **For Immediate Release**

Contact: Chief Allen Baldwin, Winchester City Fire and Rescue Department and  
Chief Denny Linaburg, Frederick County Fire and Rescue Department and

#### **Winchester Fire and Rescue Department, Frederick County Fire and Rescue Department and Clarke County Regional Volunteer Recruitment Campaign Kick-Off**

**Winchester, Va., July 10, 2014...**

Frederick County was awarded a grant from the Federal Emergency Management Agency (FEMA) through the Staffing for Adequate Fire and Emergency Response (SAFER) for a regional marketing campaign that will serve to enhance diversity in recruitment and retention for Fire and Rescue and expand the existing Frederick County Fire and Rescue Explorer Post Program. The four year \$99,000 grant was awarded in 2014 as a cooperative project among the three jurisdictions. The grant is intended to promote volunteerism for fire and rescue and emergency response services in Clarke, Frederick and Winchester through public awareness campaign, local outreach events, youth oriented training opportunities and outreach to minority and underrepresented populations. Eighteen volunteer fire and rescue stations will benefit from the recruitment of additional volunteers in various capacities to include administrative, operational and auxiliary services. It would be good to add a quote here from one of the fire chiefs about the importance of recruiting volunteers.

"Find Your Courage" will launch during a special event at the Alamo Drafthouse Cinema in conjunction with the release of Disney's Planes: Fire and Rescue. On July 17, 2014 from 5pm-7pm a live remote will be held by 92.5 WINC FM at the ALAMO located at 181 Kernstown Commons Blvd. in Winchester whereby a variety of fire and rescue apparatus will be on display for the public. Citizens will have the opportunity to ask questions and to find out more about volunteering for Winchester, Frederick and Clarke County. Individuals and families are invited to visit the theatre, view the equipment and stay for the movie, which will begin at 7pm.

Winchester Fire and Rescue Department is comprised of four volunteer fire and rescue companies within the City of Winchester. Four volunteer companies typically recruit twenty to twenty-five volunteers on an annual basis. Winchester Fire and Rescue Department protects a population of 27,000 residents. It should be noted that daytime populations approach 70,000. In 2013, Winchester Fire and Rescue responded to a total of 5605 calls.

Frederick County Fire and Rescue Department includes a total of eleven volunteer fire and rescue companies comprised of approximately 550 operational, administrative and auxiliary volunteers. Depending upon station, the average number of volunteer members that join each company per year can range anywhere from three to eight. The Frederick County Fire and Rescue Department protects the region of 75,000 residents. In 2013, Frederick County Fire and Rescue Department responded to approximately     alarms.

Clarke County has approximately 14,500 residents. Clarke County has 120 active and responding members. Clarke County answered about 2500 calls in 2013.

### ***About Alamo***

Alamo Drafthouse Cinema in Winchester, VA offers a unique movie-going experience. The theater features first-run movies and specialty events with stadium seating, state-of-the-art sound, and all-digital projection. In addition, the Alamo offers a full restaurant menu and bar with service to your seat during the movie. Menu items include fresh-made pizza, salads, burgers and desserts as well as popcorn and candy. The full bar delivers specialty cocktails as well as 30 draft choices. Starting 15 years ago as a neighborhood theater in Austin, TX, Alamo Drafthouse Cinema is expanding quickly across the country with signature programming like free movies for kids all summer and audience participation events like sing-alongs and movie quote-alongs. Find out more about Alamo Drafthouse Cinema at [www.drafthouse.com/winchester](http://www.drafthouse.com/winchester).

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### ***About Disney Planes: Fire and Rescue***

Disney Planes: Fire and Rescue is the new comedy-adventure about second chances, featuring a dynamic crew of elite firefighting aircraft devoted to protecting historic Piston Peak National park from raging wildfire. When world-famous air racer Dusty learns that his engine is damaged and he may never race again, he must shift gears and is launched into the world of aerial firefighting. Dusty joins forces with veteran fire-and-rescue helicopter Blade Ranger and his courageous team, including spirited air tanker Dipper, heavy-lift helicopter Windlifter, ex-military transport Cabbie and a lively bunch of brave all-terrain vehicles known as the Smokejumpers. Together, the fearless team battles a massive wildfire and Dusty learns what it takes to become a true hero.

### ***About 92.5 WINC FM***

For additional information regarding the volunteer recruitment campaign, contact Frederick County's Fire and Rescue Volunteer Coordinator Christine Langley-Obaugh at 540-722-8358.

## **Project Description**

The Counties of Clarke and Frederick and the City of Winchester propose a joint, regional marketing campaign to for the recruitment and retention of volunteer firefighters. Eighteen (18) fire companies will benefit from this grant should it be funded. Three of the volunteer companies (Blue Ridge, Boyce and John H Enders) are located in Clarke County. These companies are more than 90 percent volunteer with career staff primarily providing EMS coverage. Eleven (11) companies (Stephens City, Middletown, Clearbrook, Gore, Round Hill, Gainesboro, Star Tannery, Greenwood, North Mountain, Reynolds Store and Millwood Station) are located in Frederick County. These companies are approximately 70 percent volunteer. Some of these stations have 24-hour career staffing, some have daytime staffing and one has no career staffing. The remaining four (4) companies (Friendship, Rouss, Shawnee and South End) are located in the City of Winchester. The numbers of volunteers within the Winchester companies has steadily declined over the last ten years, and now they supplement the career staff operationally and provide apparatus and facilities which help reduce the operating budget of the city department.

Each of the three departments (Clarke, Frederick and Winchester) experience high rates of turnover and with staffing levels significantly below the ideal staffing level required to comply with National Fire Protection Association (NFPA) standards 1710 or 1720.

The specific goal of this grant application is to provide money to replace money that was provided by a National Volunteer Fire Council (NVFC) Regional grant which recently ended. That grant provided money for multi-media advertising including billboard, TV and radio advertising. The grant supplemented local money budgeted for recruitment efforts. The NVFC grant generated some statistical analysis that were useful in our recruitment efforts and generated 89 inquiries from perspective volunteers over a 12 month period.. Should this grant proposal be successful, we would like to expand on the success of that grant and target specific groups through various media advertising.

This project will support enhancements to existing volunteer recruitment programs and expand them regionally. Specifically, funds will be used to develop a regional volunteer recruitment campaign consisting of the following elements:

- Video: several professionally-produced PSA videos targeting a variety of audiences (including minorities) for TV advertising as well as for presentation at job fairs or other recruitment events. The production cost is \$2000 and advertising cost is \$3000 per year for 4 years.
- Print: brochures, banners, and newspaper advertising. Cost of \$10,000 per year
- Electronic: website dedicated to recruitment and retention, including an on-line application, FAQs, a forum for perspective members and presentation of marketing videos. Each participating department would have access to applicants specific to its jurisdiction. The site

will advertise a regional recruitment hotline phone number to be established. Cost of \$5000 (over 4 years)

- Youth outreach: Expansion of the Boy Scouts of America Explorer Post 154 career program in firefighting by building capacity for training and mentoring participants. Cost of \$3000 per year to provide a stipend for adult leaders who would assist in the coordination of the post and provide training to its members
- Radio advertising including live "remotes" from community events, Cost of \$2000 per year
- Other marketing media including mass mailers and banners on mass transit vehicles. Cost of \$5000 per year.

Total cost of the proposal is \$99,000.

Frederick County is the only local jurisdiction who has a full time Volunteer Coordinator. With the expanded recruitment effort that is proposed, she will need assistance and input to manage this project. We anticipate developing a regional "recruitment and retention task force" composed of representation from each jurisdiction to assist her. The task force would be responsible for coordinating recruitment efforts in the area.

Our goal is to increase the total number of active volunteers by 25% over the next four years. In addition to recruitment, each jurisdiction must look at ways to improve retention of current personnel. Each jurisdiction currently provides various incentives to volunteers. Each department spends a great deal of money recruiting, training and equipping new members only to have them leave after one to two years of service. We need to investigate the reasons that people leave and correct those issues where possible. The proposed recruitment and retention task force will analysis what motivates people to join various companies and what causes them to leave. The task force can then develop procedures to maximize retention. They will also analyze the recruitment effort to identify which recruitment strategies are the most effective and cost efficient. No funds are being requested to accomplish this goal.

This project is critical to the communities it will serve as each is currently struggling to recruit and retain qualified volunteers and staff members to assure adequate coverage to assure appropriate response times and the ability to respond to multiple concurrent incidents. Without the pipeline of volunteer firefighters, many local departments would not be able to meet their staffing needs.

## **Impact on Daily Operations**

Winchester, Frederick and Clarke Counties are located in the Northern Shenandoah Valley of Virginia and 60 miles west of Washington DC. The area is a rapidly growing bedroom community of the Washington metropolitan area. There is a mixture of rural, suburban and urban areas throughout the region. Western Frederick County and most of Clarke County are predominantly rural. Agriculture maintains a strong influence in these areas. Orchard, crop and livestock production are common in the area. Industry and commerce are centered in and near the City of Winchester and its immediate suburbs. Several major highways, including Interstate 66 and Interstate 81 have attracted various industries to the area. The Virginia Inland Port is located just south of the area and also has contributed to numerous warehouse complexes locating in the area. Winchester is also the largest Commercial center in a 50 mile radius. There are numerous shopping centers, strip malls, a walking pedestrian mall and free standing retail outlets which draw shoppers to the area.

Tourism is also strong in the area drawing tourists to view the various historic landmarks and the beautiful Blue Ridge Mountains. The permanent population for the area is approximately 125,000 but the transient population caused by students, workers and tourists significantly increases the population, especially during normal business hours.

The area also is home to two colleges, various federal complexes (including FEMA), a regional airport, two interstate highways, and numerous historical landmarks. The area is also in the flight path of three international airports, Reagan, Dulles and BWI. The bulk of residential growth has occurred in and near Winchester including Eastern Frederick County.

The call volume experienced by the each station in the area varies from a low of less than 100 per year to over 2000 per year. Likewise the type and magnitude of incidents vary depending on the station's location. Each jurisdiction must be prepared to mitigate incidents that may occur and to do so in an efficient and cost effective manner. Local government has concluded that a combination of career and volunteer personnel providing emergency response is the most cost effective means of providing service. Each jurisdiction is committed to preserving the volunteer system in their jurisdiction.

As with most departments that provide fire suppression and EMS transport, EMS incidents provide the bulk of call volume. Approximately 2/3 of our incidents are EMS related. In recent years two large retirement communities have located in the area. This, along with an increase in assisted living complexes is severely taxing our EMS capabilities. We often experience periods where more than 50 percent of our available resources are committed to EMS incidents leaving a gap in resources available for other emergencies.

Career staffing in stations is generally limited to 2 to 3 firefighters per station. Some stations are staffed 24-hours per day while others are staffed during the daytime hours. Most stations house at least one EMS transport unit, an engine and a specialty piece such as a tanker, rescue engine or aerial. With the limited career staffing available, only one piece of apparatus can be staffed per station. Most apparatus respond with 2 or fewer firefighters. Without volunteer staffing, stations are not able to respond to multiple simultaneous incidents or with multiple apparatus on a single incident when needed. The use of second, third and fourth due apparatus to handle normal call volume is a common occurrence. Mutual aid is also heavily utilized.

The limited staffing places all responders in jeopardy. There are insufficient personnel to initiate fire attack until second or third due companies arrive on scene. There is also likelihood that those companies are engaged on other incidents requiring a response from companies which are further away. Response times for some apparatus on initial assignments can exceed 30 minutes. Because of the limited staffing, personnel are further put in danger because they are forced to work longer on incidents with limited rest or opportunity for rehab. With the increased number of apparatus responding from further away, personnel are more susceptible to being involved in motor vehicle crashes, especially while responding in the emergency mode. This is another source of potential injury.

In order to properly staff an Engine, EMS transport unit and specialty apparatus a minimum of 8 firefighters per shift per station would be required. Two additional firefighters would be required to provide relief for leave requests. With three shifts per station, that equates to 30 firefighters per station. In order to staff the 18 stations in the area, 540 firefighters would be needed. There are currently about 140. Hiring that many firefighters, given the call volume of many of the stations, is not realistic or cost effective. Increasing the number of ACTIVE volunteers is the best solution. This needs to be accomplished using a coordinated recruitment effort and identifying ways to minimize attrition.

It is difficult to define what constitutes an active volunteer. Frederick County, for example, has a LOSAP program which requires individuals to accumulate a certain amount of points to qualify as active. Using this criterion, the number of "active" volunteers in Frederick County in 2012 was 194, which equates to about 18 per station. Of that number, many achieved points for non operational duties and others are not cross trained to respond to Fire and EMS incidents. Most stations currently have less than 10 active responders responding on a regular basis. Career staff attempts to bridge the gap in service.

Our goal in completing this project is to recruit approximately 400 perspective new members over the next four years. Given the current attrition rate, we hope to achieve an increase in volunteer staffing of 25%.

## Financial Need

As with many jurisdictions across the nation, local governments in the area have had difficulty in meeting their financial obligations. Prior to the economic downturn which began in 2006, the area experienced explosive residential growth, especially in Frederick County. Infrastructure such as roads, utilities and schools were overtaxed and local government found itself in "catch up mode" to develop needed improvements. As the economy continued to suffer and unemployment skyrocketed, local government was reluctant to increase taxes to continue to fund needed infrastructure improvements. Localities experienced zero-growth budgets for five or more years, and many actually cut spending by 20 to 30 percent. As state budgets became tighter, programs once funded by state and/or federal funds became the responsibility of local government. With limited new funding solutions available, budgets for existing projects were further reduced. In Frederick County, all capitol purchases were cancelled or deferred. Funding to volunteer fire companies was reduced, and because of the tight economic times, fund raising efforts by the individual companies resulted in reduced revenue.

Compounding the problem was the increased cost of providing service. Fuel, utilities, and other operating costs increased. Call volume increased and companies had to make hard choices concerning which programs to cut. Recruitment and Retention and Public Education were among the programs hardest hit.

With the economy beginning to recover, government is again trying to play "catch up". In addition to completing projects initiated prior to the economic downturn, government must replace capitol items which were scheduled for replacement up to five years ago. Salary adjustments for current personnel and the hiring of additional personnel are also priorities facing localities. As with most localities, the school system eats up more than 50 percent of the entire budget and other local agencies must fight over the remaining money. Unfortunately, in our area local funding for volunteer agencies is not a high priority.

Several years ago Winchester initiated fee-for-service for EMS transport service. This program has allowed the city to increase funding to the volunteer companies and increase career staffing. Frederick County is scheduled to implement fee for service this year which will allow the county to better fund the volunteer stations and provide for some additional staffing. Unfortunately, this additional staffing will not be sufficient to meet the needs of the department. An increase in volunteer participation is also needed.

Frederick County is the only local jurisdiction to fund a full time volunteer coordinator and budget money for recruitment and retention projects. Our volunteer coordinator has done a good job in maintaining the number of volunteers within the county. Unfortunately, a high number of recruits fail to remain active more than a couple of years. Therefore, although

recruitment activities are effective, the overall number of volunteers has remained relatively stagnant.

Each year our training staff conducts a basic fire academy and a basic EMS academy. These academies are well attended, typically by new recruits who have joined companies throughout the year. Average enrollment in each academy is approximately 40 students. This indicates we are recruiting approximately 80 operational volunteers each year. The cost of recruiting these volunteers and providing this training is provided by local government.

Clarke County has faced similar budget constraints. Because of the rural nature of the county and limited tax base from industry and businesses, the majority of available funding comes from personal property and real estate taxes. Clarke's government has resisted growth and therefore had limited sources of revenue for new projects. Each of the volunteer fire companies are underfunded as compared to neighboring jurisdictions and career staffing is only provided at one of the three stations. Because of the high dependency on volunteers in the county, volunteer recruitment is more critical there than in either of the neighboring jurisdictions. Yet, volunteer recruitment remains unfunded. The only avenue available to the companies there is to rely on the efforts of neighboring jurisdictions, regional grants such as the NVFC grant or federal assistance through grants such as SAFER.

Thanks to fee-for-service, Winchester has been able to boost career staffing more than its neighbors. Winchester is land locked by Frederick County, and has limited ability to expand its tax base. The population within the city is growing older, as is its infrastructure. Major community improvement projects have been undertaken in recent years including the renovation of its pedestrian mall in the downtown area of the city. Volunteer staffing in the city has steadily declined in recent years to a point where only a handful of operational volunteers exist in each of the stations. The department has been in a state of transition in recent years due to a change in leadership. The city recently appointed a new chief who is committed to maintaining the combination system while also expanding career staffing. He has been supportive in participating in recruitment projects and has committed financially to several projects.

The need to recruit volunteers is a regional problem. Some improvements in recruitment efforts can be achieved through better coordination and utilization of local resources. Improved marketing of fire and rescue's needs have been demonstrated to improve recruitment efforts. With the influx of new residents to the area, many who come from areas not served by volunteers, continuation and expansion of our marketing efforts is essential to continued growth of the volunteer system. Achieving this goal requires financial assistance that can be provided through this grant opportunity.

## Cost Benefit

Several projects in the area are operated on a regional basis. The Clarke, Frederick, Winchester regional detention center and the Winchester Airport Authority are two examples of how jurisdictions have worked together to reduce operating costs.

Within the Fire and Rescue System we have used mutual and automatic aid for years to make best utilization of equipment and personnel resources. We operate a regional hazardous materials team and conduct joint training exercises. The Winchester regional training center is another example of how Fire and Rescue pool resources, and The Frederick County Basic Fire and EMS Academies are open to personnel regardless of jurisdiction. It is only logical that recruitment and retention efforts also become shared.

By conducting a single, coordinated recruitment drive serving three departments, cost efficiencies will be realized. Advertising through print and broadcast media is an expensive yet effective means of reaching a regional audience for purposes of volunteer recruitment. Professionally-produced marketing pieces in video and print are also costly. Owing to the high costs to run a professional marketing campaign to reach potential volunteer recruits, and because the regional media outlets cover all the areas served by the three departments participating in this proposal, it makes financial and logistical sense for the region's three fire and rescue departments to pool resources to conduct a regional recruitment campaign, and to set up a system to match recruits with appropriate local departments.

The proposed budget of \$99,000 is spread over a four year time period. Many of the materials produced by this proposal, including TV commercials, banners and brochures can be utilized long after completion of the media campaign. This further increases the cost effectiveness of the project.

We hope to recruit up to 100 volunteers per year with this project. Given that the cost per year is approximately 25,000, the cost per person to recruit these volunteers is \$250 per person. If the volunteer remains active for five years this further reduces the investment to \$50 per volunteer per year. We consider this a good cost-to-benefit ratio. It is certainly cheaper than the alternative- a career or predominantly career department.

We recognize that additional career staff are and will be necessary. However, for the foreseeable future, a proactive career/volunteer partnership is the best approach to providing emergency services in the area.

## Performance

Frederick County received a fire prevention and safety grant in 2004 for the purchase of a PET trailer and public education materials. That project was completed on time and without cost overruns. The equipment has been used extensively for nearly 10 years by various jurisdictions in the area. Individual companies within Frederick County have also received AFG grants for a variety of projects including SCBA, apparatus, PPE and an air compressor. Winchester has received grants for SCBA and PPE. Clarke County received a regional grant for communication equipment and individual companies there have received grants for PPE, SCBA, air monitoring equipment and a station generator. All grant recipients have completed their projects and there are no incomplete projects at this time. None of the area companies have received a safer grant for personnel or recruitment although Winchester and Frederick County have both submitted applications previously.

## Additional Information

Local government realizes that our tax base cannot support a totally career department, and that a combination department provides the best value to citizens. Emergency services in Clarke and Frederick County is predominately volunteer (Clarke is greater than 90% while Frederick is about 70%). Winchester is career supplemented by volunteers (20%). All departments have noticed a decrease in volunteer participation over the past ten years. In Clarke and Frederick Counties the number of volunteers has remained relatively stable, but the level of activity of the individual volunteer has decreased. In Winchester the number of volunteers has declined as well as their activity. Given the increase in call volume within the area, a greater number of volunteers is needed to maintain an adequate level of service delivery.

It is difficult to define what constitutes an active volunteer and how many volunteers are needed to adequately staff our fire stations. Stations report up to 100 volunteers on the roll, yet few have more than a handful regularly responding to incidents. A recent statistical analysis showed that the average number of volunteers that responded to 20 percent of the station's call volume was approximately 10, and there were fewer volunteers that met this criterion at the busier stations than the slower station.

As more people work further from home, the ability to provide volunteer staffing will become more difficult. We must use all tools at our disposal to attract and keep our volunteers. For this reason We ask that you support this grant proposal.

TRATION		4301	3004	000	002	404.39
OGY	ESI PROFESSIONAL SERVICES	1220	3005	000	000	(1,900.00)
OGY		1220	3002	000	000	1,900.00
	TRANSFER FOR CONTAINERS	4203	8006	000	000	3,979.00
CY		9301	5890	000	000	(7,779.00)
VICATIONS	RECLASSIFY LEASE FOR VESTA 4.0 PHONE SYSTEM	3506	8003	000	000	(200,200.00)
VICATIONS		3506	9001	000	000	200,200.00
NT COMMISSION	OPERATING SUPPLIES	8102	3006	000	000	(1,000.00)
NT COMMISSION		8102	5401	000	000	1,000.00
NT COMMISSION	OTHER OPERATING SUPPLIES	8102	3006	000	000	(2,000.00)
NT COMMISSION		8102	5413	000	000	2,000.00
NT COMMISSION	TELEPHONE EXPENSES	8102	3006	000	000	(600.00)
NT COMMISSION		8102	5204	000	000	600.00
	JUNE EMPLOYEE OF THE MONTH	1203	1003	000	000	(200.00)
		1203	1007	000	003	200.00
	FEEDER RANGER STATION/STRAIGHTEN POLE ON FIELD	7109	3004	000	001	(4,000.00)
		7109	3004	000	003	4,000.00
		7109	3004	000	002	(3,000.00)
		7109	3004	000	003	3,000.00
		7109	5101	000	000	(3,000.00)
		7109	3004	000	003	3,000.00
		7109	5103	000	000	(2,550.00)
		7109	3004	000	003	2,550.00
GS/COURTHOUSE	JANITORIAL SUPPLIES COURTHOUSE	4304	5407	000	000	(443.39)
GS/COURTHOUSE		4304	5405	000	000	443.39
TRATION	REPAIR 2007 FORD TRUCK	4301	5305	000	000	1.00
TRATION		4301	3004	000	002	191.00
	SCBA PARTS FOR REPAIR	3505	5410	000	000	(3,000.00)
		3505	5407	000	000	3,000.00
	STRAIGHTEN POLE & LIGHT BARS ON BASEBALL FIELD	7110	3010	000	000	(2,948.00)
		7110	3004	000	003	2,948.00
		7110	5101	000	000	(3,402.00)
		7110	3004	000	003	3,402.00
ADMINISTRATION	COPIER CHARGES	7101	3002	000	000	(679.99)
ADMINISTRATION		7101	9001	000	000	679.99
ADMINISTRATION		7101	3002	000	000	(137.34)
ADMINISTRATION		7101	9001	000	000	137.34
ADMINISTRATION		7101	5204	000	001	(404.14)
ADMINISTRATION		7101	9001	000	000	404.14
	COST OF BASES	7109	5103	000	000	(319.99)
		7109	5412	000	000	319.99
	COST OF PITCHING RUBBERS AND NETS	7110	5101	000	000	(79.33)
		7110	5412	000	000	76.33
	POOL SUPPLIES	7109	5103	000	000	(509.10)
		7109	5413	000	000	509.10
	SAFETY BOOTS	7103	5414	000	000	(79.33)
		7110	5410	000	000	79.33
	SWIM TEAM SHIRTS	7103	5414	000	000	(530.88)
		7103	5410	000	000	530.88
	GEAR CLEANING	3505	5410	000	000	(1,000.00)
		3505	3004	000	001	1,000.00

GS/COURTHOUSE		4304	3004	000	007	271.00
	NEW VEHICLE INSTALLATION	3505	3010	000	000	(3,000.00)
		3505	3004	000	002	3,000.00
REVENUE	JUNE TRAVEL & EDUCATION	1209	5305	000	000	(670.00)
REVENUE		1209	5506	000	000	670.00
REVENUE	KONICA MAINTENANCE CONTRACT	1209	3004	000	001	(284.00)
REVENUE		1209	3005	000	000	284.00
	EXPENSES FOR JUNE	3102	5204	000	000	(500.00)
		3102	3010	000	000	500.00
	EXPENSES HIGHER THAN ANTICIPATED	3102	5204	000	000	(1,500.00)
		3102	5410	000	000	1,500.00
	EXPENSES HIGHER THAN ANTICIPATED	4203	5407	000	000	(250.00)
		4203	5408	000	000	250.00
	PHYSICALS/TESTING	3102	5204	000	000	(1,000.00)
		3102	3001	000	000	1,000.00
GS/COURTHOUSE	PSB JANITORIAL SUPPLIES	4304	5403	000	005	(612.40)
GS/COURTHOUSE		4304	5405	000	005	612.40
	PURCHASE CRUISER	3102	5204	000	000	(25,000.00)
		3102	8005	000	000	25,000.00
	UPDATE 2006 BANKRUPTCY BOOKS	1202	3002	000	000	(243.10)
		1202	5411	000	000	243.10
	2ND QTR. DTF EXPENSES	3102	5204	000	000	(2,000.00)
		3102	5413	000	000	2,000.00
	AIRPORT OPERATING BUDGET POPULATION ADJUSTMENT	1224	5604	000	060	5,358.00
		9301	5890	000	000	(5,358.00)
	PURCHASE OF SINGLE AXLE TRAILER	4203	3004	000	001	(1,300.00)
		4203	5413	000	000	1,300.00
	FUND UNIFORMS LINE ITEM	4203	5405	000	000	(300.00)
		4203	5410	000	000	300.00
TRATION	CENTRAL STORE GAS COUNTY ADMINISTRATION BLDG.	4301	4003	000	002	(150.00)
TRATION		4301	4003	000	003	150.00
	FUEL PURCHASE AT BUS SHOP	7109	5408	000	000	(233.90)
		7109	4003	000	002	233.90
	TO COVER FUEL EXPENSES	3505	5401	000	000	(1,500.00)
		3505	4003	000	002	1,500.00
		3505	5408	000	000	(5,000.00)
		3505	4003	000	002	5,000.00
	COVER BAI USER FEES	1214	5506	000	000	(1,276.00)
		1214	5413	000	000	1,276.00
	PROFESSIONAL SERVICES	1101	5506	000	000	(1,500.00)
		1101	3002	000	000	1,500.00
		1101	3002	000	000	1,000.00
		1101	3002	000	000	500.00
R		1201	5506	000	000	(1,000.00)
		1224	3002	000	000	(500.00)
GS/COURTHOUSE	FUNDS TO PAY ELECTRIC BILL	4304	5102	000	005	(5,168.40)
GS/COURTHOUSE		4304	5101	000	005	5,168.40

County of Frederick, VA  
Report on Unreserved Fund Balance  
June 30, 2014 \*PRELIMINARY\*

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)
	<hr/> (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)
DL Peterson Trust refund (COR)	(14,670)
GE Capital Auto Lease refund (COR)	(3,022)
Toyota Motor Credit Corp refund (COR)	(3,095)
Ford Motor Credit Corp refund (COR)	(5,018)
	<hr/> (5,326,894)

**Year End Adjustments**

Remove FY14 Budget	11,684,446
	<hr/> 11,684,446

Fund Balance, June 30, 2014 \*PRELIMINARY\* 39,930,574



Government Finance Officers Association  
203 N. LaSalle Street - Suite 2700  
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806



June 17, 2014

John R. Riley, Jr.  
County Administrator  
County of Frederick  
107 North Kent Street  
Winchester

VA 22601

Dear Mr. Riley:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended **June 30, 2013** qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

The Certificate of Achievement plaque or medallion will be shipped to:

**Cheryl B. Shiffler**  
**Finance Director**

under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, [www.gfoa.org](http://www.gfoa.org).

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,  
Government Finance Officers Association

Stephen J. Gauthier, Director

Technical Services Center

...J/ds



Government Finance Officers Association  
203 N. LaSalle Street - Suite 2700  
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

06/17/2014

**NEWS RELEASE**

For Information contact:  
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **County of Frederick** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

**Finance Department, County of Frederick**

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.



Government Finance Officers Association  
203 North LaSalle Street, Suite 2700  
Chicago, Illinois 60601-1210  
312.977.9700 fax: 312.977.4806

July 1, 2014

Cheryl B. Shiffler  
Finance Director  
County of Frederick  
107 N. Kent  
Winchester, VA 22601

Dear Ms. Shiffler:

A panel of independent reviewers has completed its examination of your Popular Annual Financial Report (PAFR). We are pleased to notify you that your PAFR for the fiscal year ended June 30, 2013, has substantially met the requirements of the PAFR Program. In the absence of authoritative standards governing the presentation, these requirements were based on an evaluation of creativity, presentation, understandability and reader appeal. The report received a weighted average score of 75.00 percent or above from three of the four highest individual reviews.

The PAFR award is valid for one year. To continue your participation in the program, it will be necessary for you to submit your next PAFR to the Government Finance Officers Association within 6 months of the end of your entity's fiscal year. Enclosed is an application form to facilitate a timely submission. Four copies of this form should be submitted with four copies of your PAFR, accompanied by the appropriate fee.

Each entity submitting a report to the PAFR Program is provided with confidential comments and suggestions for possible improvements in next year's presentation. Your comments and suggestions, as well as the summary of grading sheet are enclosed. We urge you to carefully consider the suggestions offered by our reviewers as you prepare next year's report.

Continuing participants will find a certificate and brass medallion enclosed with these results. The brass medallion may be mounted on your ten-year plaque. First-time recipients will find a certificate enclosed with these results followed by a plaque in about 10 weeks. The award certificate commemorates your achievement and may be used for formal presentations.

Cheryl B. Shiffler  
July 1, 2014  
Page 2

We appreciated your participation in this program, and we sincerely hope that your example will encourage others in their efforts to achieve and maintain a well, presented PAFR. If we can be of further assistance, please contact Jim Phillips in the Technical Services Center.

Sincerely,

A handwritten signature in cursive script, reading "Stephen J. Gauthier". The signature is written in dark ink and is positioned above the printed name and title.

Stephen J. Gauthier, Director  
Technical Services Center



# COMMONWEALTH of VIRGINIA

## Department of Criminal Justice Services

Francine C. Ecker  
Director

June 16, 2014

1100 Bank Street  
Richmond, Virginia 23219  
(804) 786-4000  
TDD (804) 386-8732

Mr. John R. Riley, Jr.  
County Administrator  
Frederick County  
107 North Kent St., 2nd Fl.  
Winchester, VA 22601

Title: **Internet Crimes Against Children**

Dear Mr. Riley:

I am pleased to advise you that grant number **15-D2273AC15** for the above-referenced grant program has been approved for a total award of **\$73,532 in Special Funds**.

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

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

We appreciate your interest in this grant program and will be happy to assist you in any way we can to assure your project's success. If you have any questions, please call Heather Smolka at (804) 371-0635.

Sincerely,

A handwritten signature in black ink, appearing to read "Francine C. Ecker".

Francine C. Ecker  
Director

Enclosures

cc: The Hon. Robert Williamson, Sheriff  
Ms. Cheryl B. Shiffler, Finance Director  
Ms. Heather Smolka, DCJS Monitor

3-010-024040-0030

## Department of Criminal Justice Services

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

### Statement of Grant Award/Acceptance

Subgrantee: Frederick County

Date: June 16, 2014

Grant Period:

Grant Number:

From: 07/01/2014

Through: 06/30/2015

15-D2273AC15

Project Director	Project Administrator	Finance Officer
The Hon. Robert Williamson Sheriff Frederick County 1080 Coverstone Drive Winchester, VA 22602  Phone: (540) 504-6580 Email: rwilliam@fcva.us	Mr. John R. Riley, Jr. County Administrator Frederick County 107 North Kent Street, 2nd Floor Winchester, VA 22601  Phone: (540) 665-5666 Email: jriley@fcva.us	Ms. Cheryl B. Shiffler Finance Director Frederick County 107 North Kent Street, 2nd Floor Winchester, VA 22601  Phone: (540) 665-5610 Email: cshiffle@fcva.us

### Grant Award Budget

Budget Categories	DCJS Funds			Local	TOTALS
	Federal	General	Special		
Travel	\$0	\$0	\$0	\$0	\$0
Supplies/Other	\$0	\$0	\$0	\$0	\$0
Personnel	\$0	\$0	\$73,532	\$0	\$73,532
Indirect Cost	\$0	\$0	\$0	\$0	\$0
Equipment	\$0	\$0	\$0	\$0	\$0
Consultant	\$0	\$0	\$0	\$0	\$0
Totals	\$0	\$0	\$73,532	\$0	\$73,532

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



Francine C. Ecker, Director

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

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

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

# STATEMENT OF GRANT AWARD SPECIAL CONDITIONS

Department of Criminal Justice Services  
1100 Bank Street  
Richmond, Virginia 23219

## Internet Crimes Against Children (ICAC) Grant Program – Localities

Subgrantee: Frederick County

Grant Number: 15-D2273AC15

Title: Internet Crimes Against Children

Date: June 16, 2014

The following conditions are attached to and made a part of this grant award:

1. By signing the Statement of Grant Award/Acceptance, the grant recipient agrees:
  - to use the grant funds to carry out the activities described in the grant application, as modified by the terms and conditions attached to this award or by subsequent amendments approved by DCJS;
  - to adhere to the approved budget contained in this award and amendments made to it in accord with these terms and conditions;
  - and to comply with all terms, conditions and assurances either attached to this award or submitted with the grant application.
2. The Subgrantee agrees to submit such reports as requested by DCJS. Funds from this grant will not be disbursed, if any of the required Financial or Progress reports are overdue by more than 30 days unless you can show good cause for missing the reporting deadline.
3. Grant funds, including matching funds, may only be expended and/or obligated during the grant period. All legal obligations must be fulfilled no later than 90 days after the end of the grant period.
4. By accepting this grant, the recipient assures that funds made available through it will not be used to replace state or local funds that would, in the absence of this grant, be made available for the same purposes.
5. Subgrantee may follow their own established travel rates if they have an established travel policy. If a subgrantee does not have an established policy, then they must adhere to state travel policy. The state allows reimbursement for actual reasonable expenses. Please refer to the following IRS website for the most current mileage rate: <http://www.irs.gov/taxpros/article/0,,id=156624,00.html>. Transportation costs for air and rail must be at coach rates.
6. Within 60 days of the starting date of the grant, the subgrantee must initiate the project funded. If not started during this period, the subgrantee must report to the DCJS, by letter, the steps taken to initiate the project and the reasons for the delay, and the expected starting date. If the project is not operational within 90 days of the start date, the subgrantee must receive approval in writing from the DCJS for a new implementation date or the DCJS may cancel and terminate the project and redistribute the funds to another program.
7. No amendment to the approved budget may be made without the prior approval of DCJS. No more than two (2) budget amendments will be permitted during the grant period. Budget amendments must be requested using the online Grants Management Information System, (GMIS), accompanied with a narrative. No budget amendments will be allowed after April 30, 2015.
8. The subgrantee agrees to forward a copy to the DCJS of the scheduled audit of this grant award.
9. All purchases for goods and services must comply with the Virginia Public Procurement Act. Procurement transactions, whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. An exemption to this regulation requires the prior approval of the DCJS and is only given in unusual circumstances. Any request for exemption must be submitted in writing to the DCJS. Permission to make sole source procurements must be obtained from DCJS in advance.

10. Acceptance of this grant award by the local government applicant constitutes its agreement that it assumes full responsibility for the management of all aspects of the grant and the activities funded by the grant, including assuring proper fiscal management of and accounting for grant funds; assuring that personnel paid with grant funds are hired, supervised and evaluated in accord with the local government's established employment and personnel policies; and assuring that all terms, conditions and assurances—those submitted with the grant application, and those issued with this award—are complied with.
11. Any delegation of responsibility for carrying out grant-funded activities to an office or department not a part of the local government must be pursuant to a written memorandum of understanding by which the implementing office or department agrees to comply with all applicable grant terms, conditions and assurances. Any such delegation notwithstanding, the applicant acknowledges by its acceptance of the award its ultimate responsibility for compliance with all terms, conditions and assurances of the grant award.
12. **PROJECT INCOME:** Any funds generated as a direct result of DCJS grant funded projects are deemed project income. Project income must be reported on forms provided by DCJS. The following are examples of project income: Service fees; Client fees; Usage or Rental fees; sales of materials; income received from sale of seized and forfeited assets (cash, personal or real property included).
13. DCJS will require the same Quarterly data collection form with the specific data to be collected through each Grant Quarter reporting period. A reporting schedule will be included in the Statement of Grant Award documentation. If you have any questions regarding your reporting requirements, please contact DCJS Grant Monitor Heather Smolka at [Heather.Smolka@dcjs.virginia.gov](mailto:Heather.Smolka@dcjs.virginia.gov).
14. Prior to DCJS disbursing funds, the Subgrantee must comply with the following special conditions:

H



APPLICATION FOR OUTDOOR FESTIVAL PERMIT  
COUNTY OF FREDERICK, VIRGINIA



APPLICANT INFORMATION

Name of Applicant: Concern Hotline

Telephone Number(s): 540 536-1630 ☐ home ☒ office ☐ cell ☐ home ☐ office ☐ cell

Address: PO Box 2032 Winchester Va 22604 (mail)  
301 N. Cameron St. Ste 201 Winchester Va 22601 (physical)

FESTIVAL EVENT ORGANIZATIONAL INFORMATION

Festival Event Name of Festival: Concern Hotline's 15<sup>th</sup> Annual Friday Fish Fry

Cost of Admission to Festival: \_\_\_\_\_ Business License Obtained: ☐ Yes ☐ No

Date(s)	Start Time	End Time	Maximum No. of Tickets Offered For Sale Per Day	Estimated No. of Attendees Per Day
<u>Spt 5<sup>th</sup> 2014</u>	<u>4pm</u>	<u>9pm</u>	<u>2,500</u>	<u>2,000</u>

Location Address: Groves Run by Davison  
140 Independence Dr Winchester Va

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

Promoter Name(s): Concern Hotline  
Address: Box 2032 Winchester Va 22604  
(\*NOTE: For festivals other than not-for-profit, promoter may need to check with the Frederick County Commissioner of Revenue to determine compliance with County business license requirements; in addition, promoters who have repeat or ongoing business in Virginia may be required to register with the VA State Corporation Commission for legal authority to conduct business in Virginia.)

Financial Backer Name(s): Corporate and Individual Donors  
Address: \_\_\_\_\_

Performer Name of Person(s) or Group(s): New City Band; Cathy Kerns Karaoke  
Shrey-Laurence McKenna

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

# FESTIVAL EVENT LOGISTICS INFORMATION AND DOCUMENTATION

1. Attach a copy of the printed ticket or badge of admission to the festival, containing the date(s) and time(s) of such festival (may be marked as "sample"). ☒ copy attached OR ☐ copy to be provided as soon as available
2. Provide a plan for adequate sanitation facilities as well as garbage, trash, and sewage disposal for persons at the festival. This plan must meet the requirements of all state and local statutes, ordinances, and regulations, and must be approved by the VA Department of Health (Lord Fairfax Health District).  
6 portable toilets (4 standard, 2 handicapped) - Johnny Blue; 6 restrooms in store;  
2 handwashing stations; grey water tank; Dumpster and Trash Removal - Allied  
Waste
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).  
Health Permit Application attached
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.  
Killwood Station EMT on site - requested; Di-Fix in store;
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.  
Plan with Bill Pifer - FCFR - all appropriate Fire Extinguishers - ABC included;
6. Provide a plan for adequate parking facilities and traffic control in and around the festival area. (A diagram may be submitted.)  
Groves Parking Areas; Winchester Printers Areas - parking control  
provisions; 2 DOT signs on Rt 50 to alert drivers
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.  
2 Generator light stands without glow to outside property boundaries  
Outdoor permanent lighting at Dealership
8. State whether alcoholic beverages will be served: ☒ YES ☐ NO  
 If yes, provide details on how it will be controlled.  
ABC license obtained; ID bracelets obtained with proper ID prior  
to purchase of beverage; Security Guards at event (7) to supervise sales; Consumption  
Free shuttle to/from event by Charlottesville Service provided  
 (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.

Russell Holland

Signature of Applicant

Date: 7-18-14

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

7/25/13 - Tickets at Printers, same ticket  
Different date  
6th and price



Rain or Shine  
No Pets  
No Coolers

September 2nd ~ 4pm to 9pm

NORTHWESTERN COMMUNITY SERVICES

is proud to sponsor the 12th annual

14th  
Annual

**FRIDAY FISH FRY**

hosted by

**Grove's Winchester Harley-Davidson**

140 Independence Drive - Winchester, VA

**FREE** First Class Chauffeur Services To & From **SWEETS** Every 1/2 Hour!  
(FIRST CLASS CHAUFFEUR SERVICES WILL GO FROM SWEETS TO GROVE'S WINCHESTER HARLEY-DAVIDSON & BACK EVERY 1/2 HOUR DURING THE FISH FRY EVENT)

LIVE Entertainment by "The Legendary HellHounds" and "SHAG"

Moon Bounce provided by KidZone Entertainment - Drive Thru Convenience - KIDS 10 & UNDER FREE PIZZA!

15  
\$12 in Advance  
\$15 at the Gate



Drink Responsibly  
Drive Responsibly

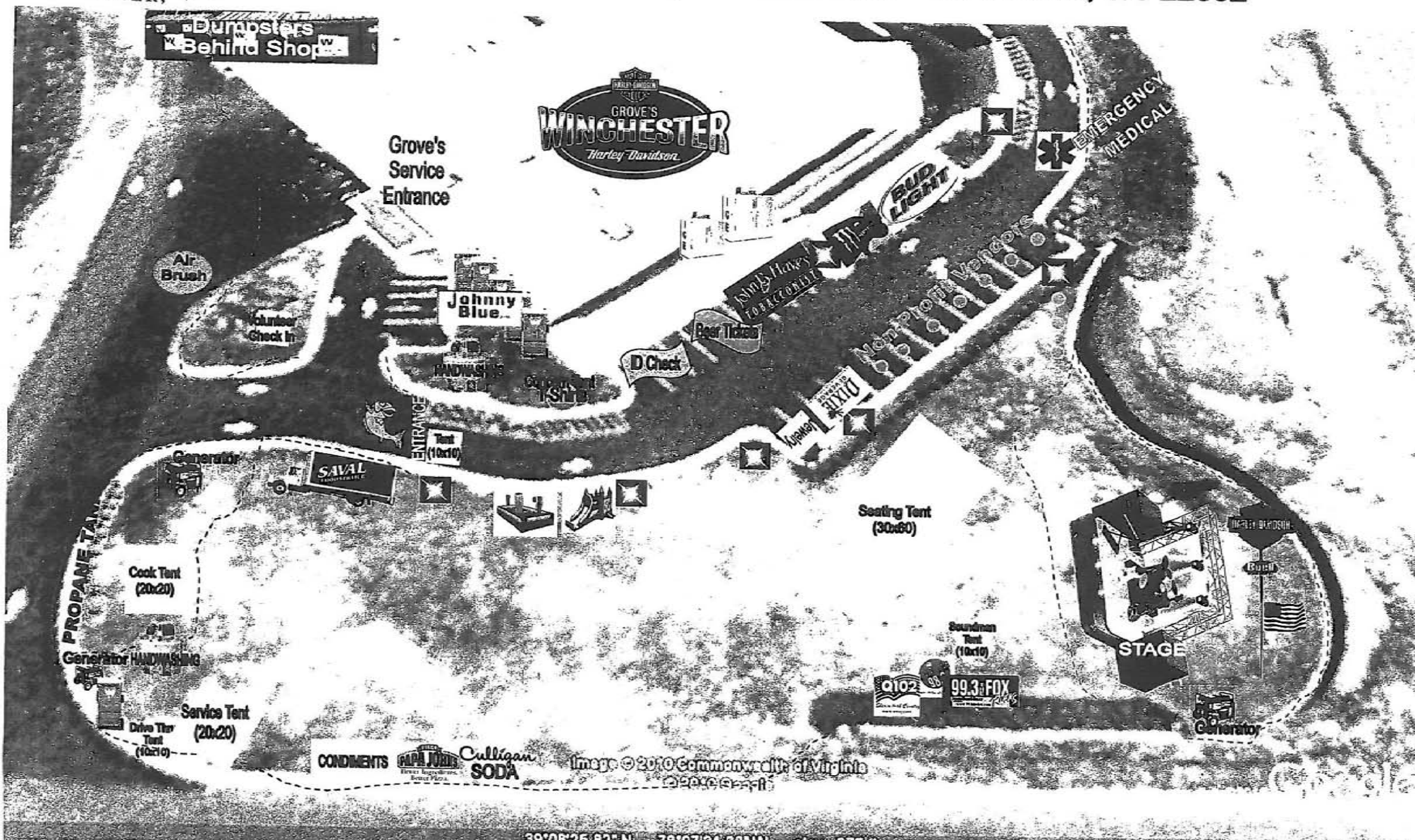




**FRIDAY  
SEPT. 7th  
4pm - 9pm**

# Event Map

**EVENT LOCATION**  
Grove's Winchester Harley-Davidson  
140 Independence Drive ~ Winchester, VA 22602




I



## MEMORANDUM

**TO:** Frederick County Board of Supervisors

**FROM:** Michael T. Ruddy, AICP  
Deputy Director 

**RE:** McCann-Slaughter Properties – Public Hearing  
**A Draft Amendment to the 2030 Comprehensive Plan, Appendix I – Area Plans, The Northeast Frederick Land Use Plan**

**DATE:** August 1, 2014

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 public hearing item. The Planning Commission unanimously recommended approval of the amendment to the Board of Supervisors at their meeting on July 16, 2014. ***This amendment is now presented for the Board's consideration.***

### **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).

### **Proposal**

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.

### **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 would 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 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.

In addition, a representative from the Virginia Department of Transportation (VDOT) was engaged in a discussion about the site's access with various alternatives being discussed and evaluated. The alternative approaches to site access are included in your agenda for direction as part of the land use plan revision.

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 stakeholders, 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, and preserving key elements while allowing the appropriate form of development to go forward as well. (Note: Commissioner Oates was absent from the meeting.)

The Planning Commission held a public hearing of this item at their meeting on July 16, 2014.

There were no citizen comments. No issues were raised by the Commission and they recommended approval by a unanimous vote. (Note: Commissioner Oates abstained.) The recommendation for approval incorporated the preferred alignment of the road as presented, adjacent to the DSA.

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.

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**

(BOS PUBLIC HEARING DRAFT AUGUST 1, 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 adjacent to the border of the Developmentally Sensitive Area (DSA) providing access from Old Charles Town Road to McCann's Lane and the southern portion of the property. Ultimately, Route 37 would divide the southern portion of the property. 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.*

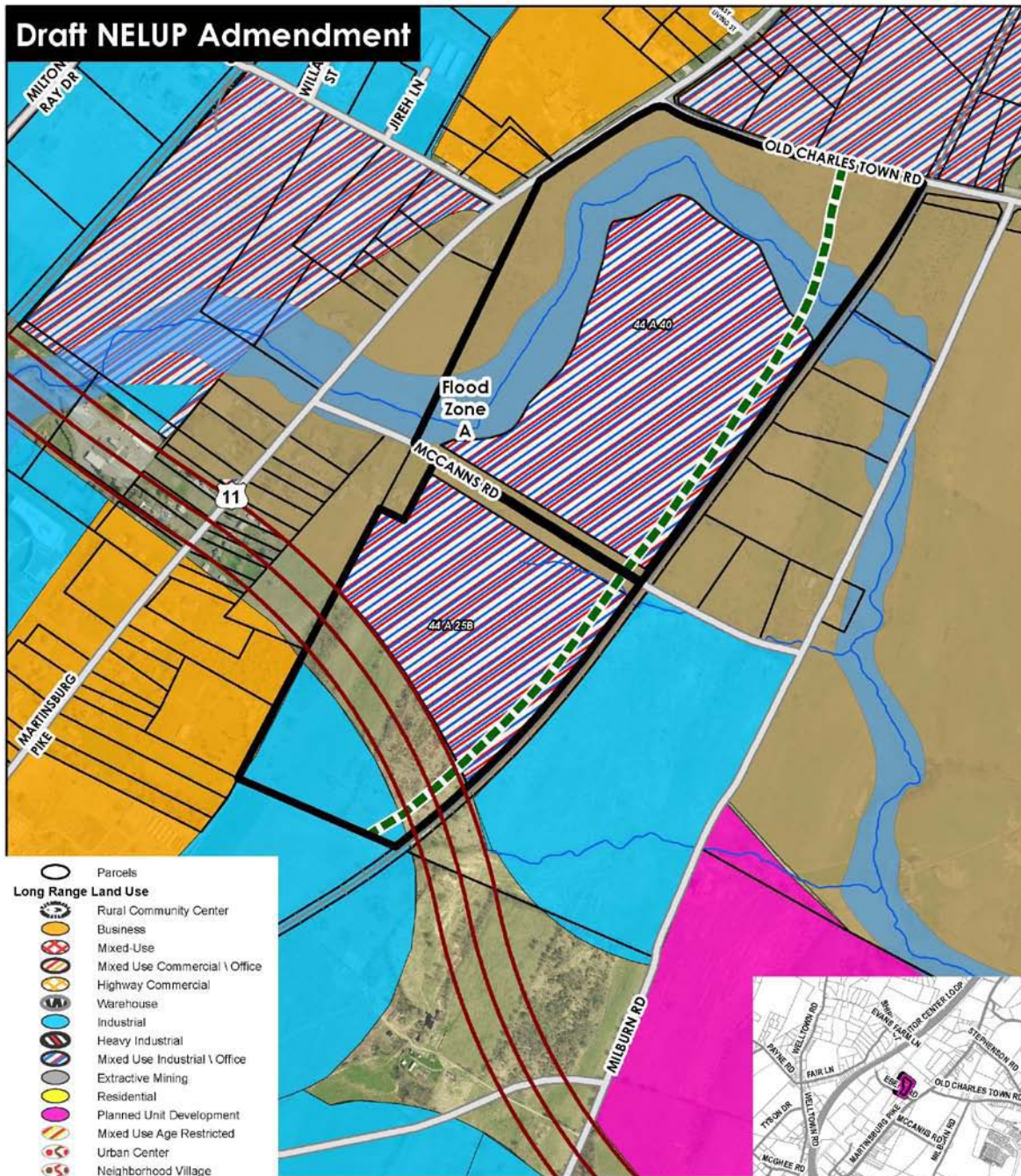
- *A buffer adjacent to McCann's lane that is approximately 50' in width (from the centerline). Contained within this area; native landscape plantings and preservation*

*of the existing hedgerows aimed at preserving this resource and its character, interpreting the historical landscape, and buffering the future development.*

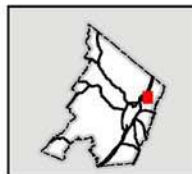
- A transitional buffer between the existing floodplain and future land uses that promotes environmental best management practices and buffers the historical DSA from the future land uses (landscaping, building height transitions, view sheds). This buffer may include areas of the identified environmental 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

0 500 1,000 2,000 Feet

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.

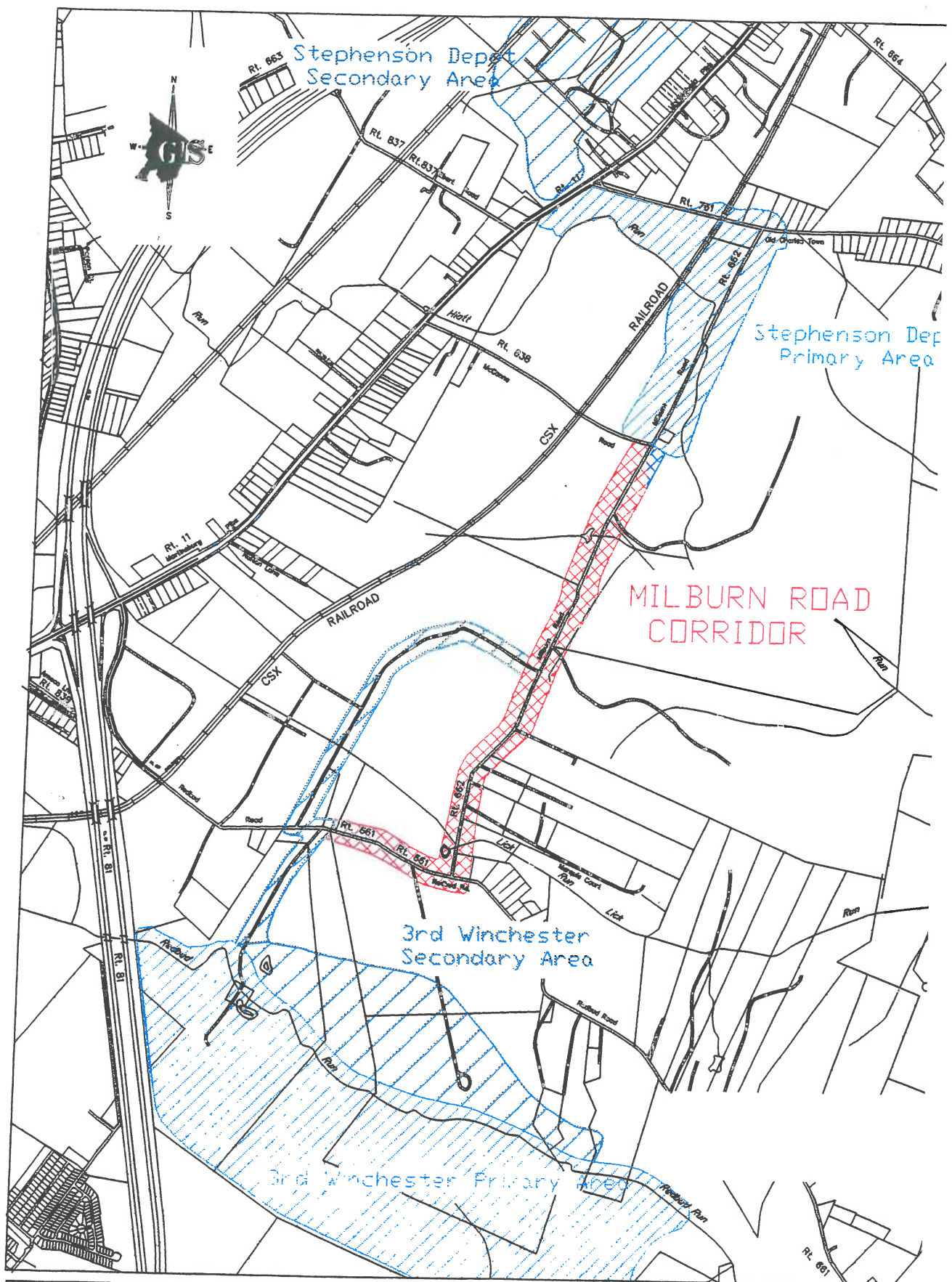
At about dawn on the morning of the 15th, Johnson's skirmishers encountered the head of the retreating Union column near the intersection of the Valley Pike and old Charles Town Road. Johnson deployed his regiments along Milburn Road and placed one artillery piece directly on the Charles Town Road railroad 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.**

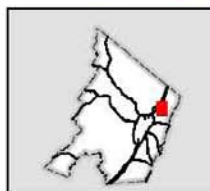
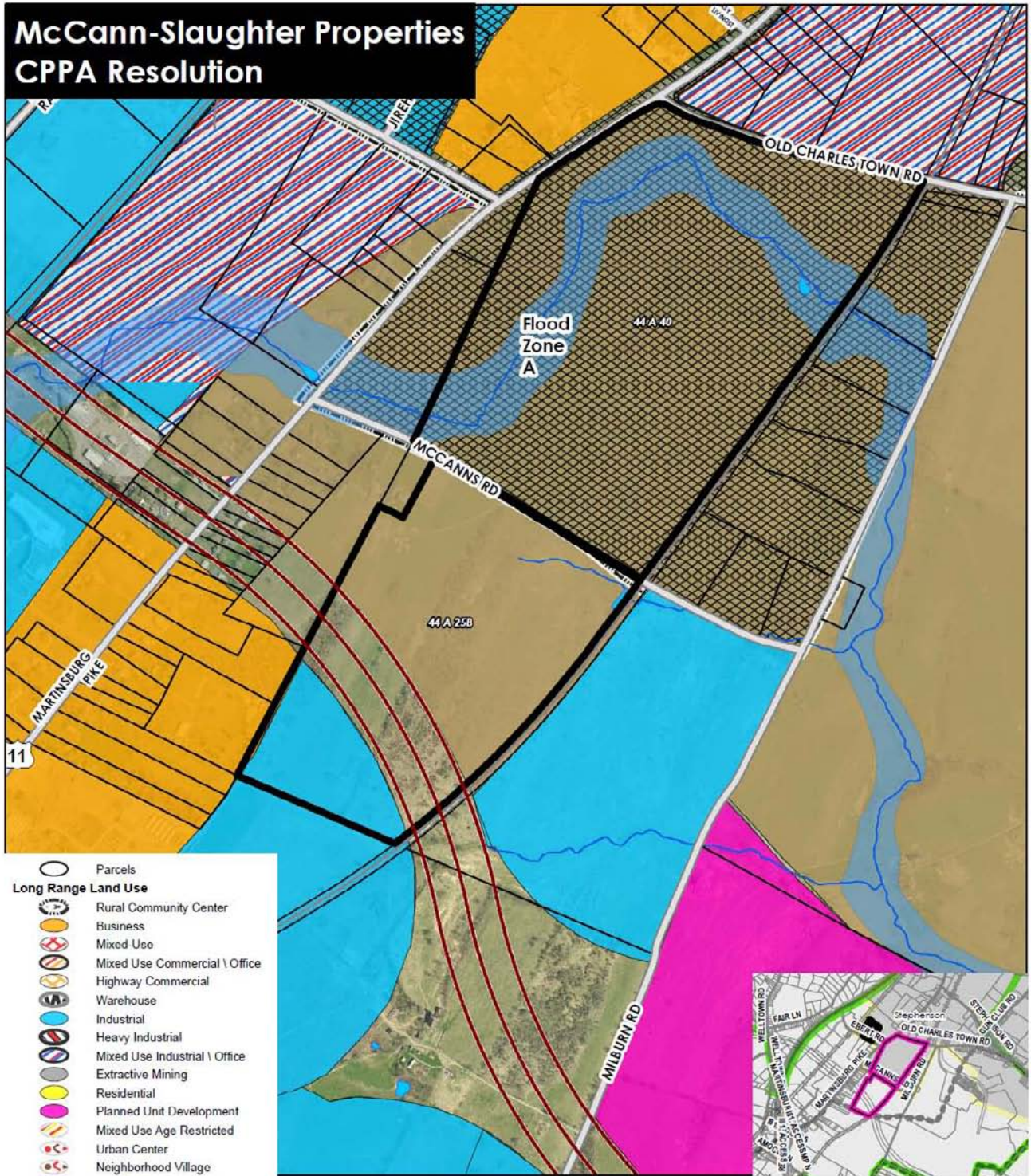
### **Old Town Winchester**

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



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



0 500 1,000 2,000 Feet

**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

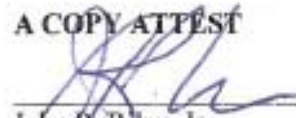
**WHEREAS,** The Board of Supervisors supported the Stonewall Magisterial District Supervisor's request to place a Resolution on the next available Board of Supervisors' agenda;

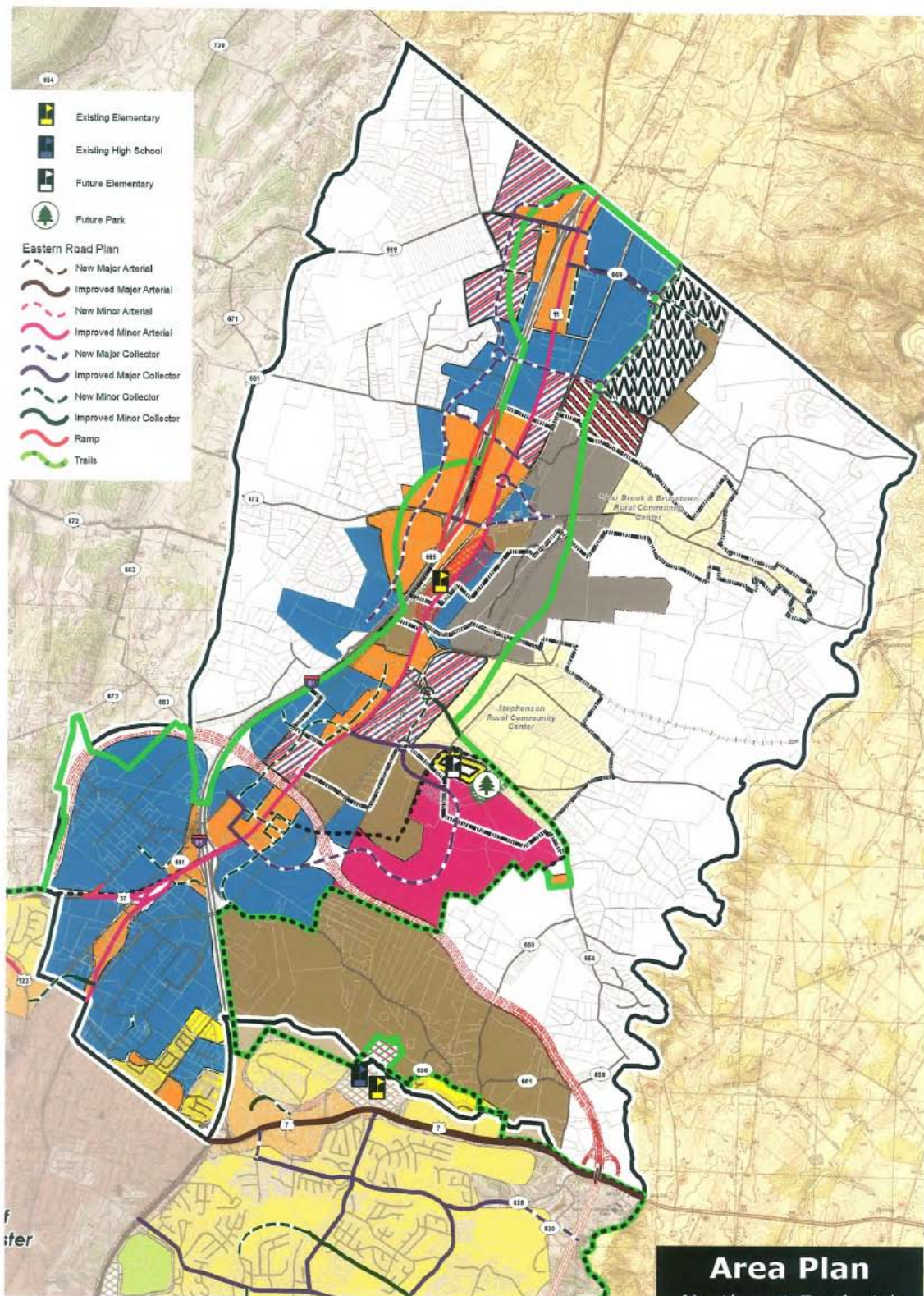
**NOW, THEREFORE, BE IT ORDAINED** that the Board of Supervisors directs the Planning Commission to study and return to the Board of Supervisors a Comprehensive Plan study, specifically pertaining to the future land uses of the McCann-Slaughter parcels, identified by Property Identification Numbers 44-A-40 and 44-A-25B, and surrounding area.

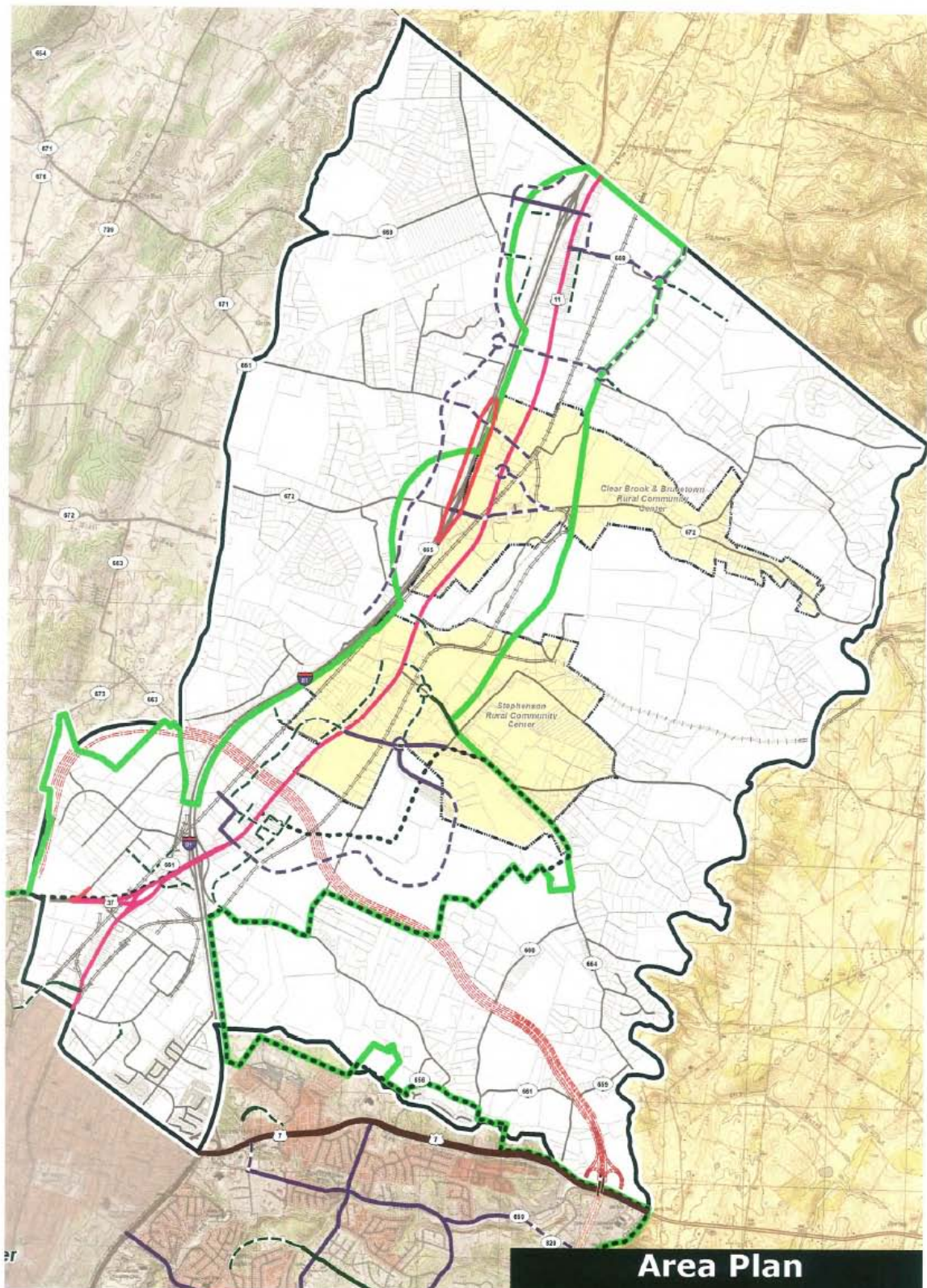
Passed this 13<sup>th</sup> day of November, 2013 by the following recorded vote:

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 R. Riley, Jr.  
Frederick County Administrator





Urban Development Area
 Sewer and Water Service Area

## Area Plan

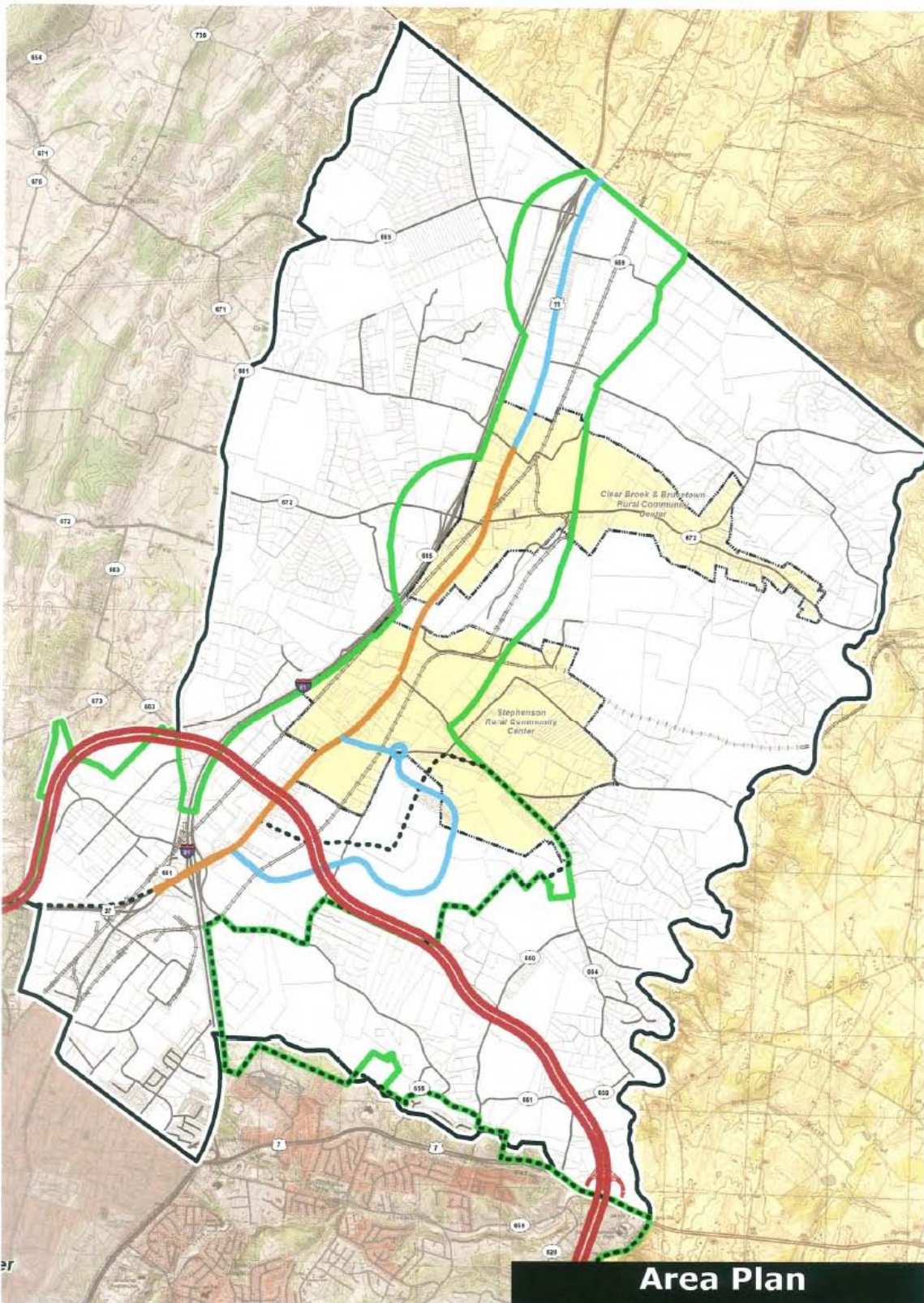
### Northeast Frederick Land Use Plan Transportation Map

- |                         |                          |        |
|-------------------------|--------------------------|--------|
| 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 |        |



2030 Comprehensive Policy Plan Map  
 Approved: July 14th, 2011

0 0.25 0.5 1 Miles



 Urban Development Area
  Sewer and Water Service Area


**Proposed Lane Divides**

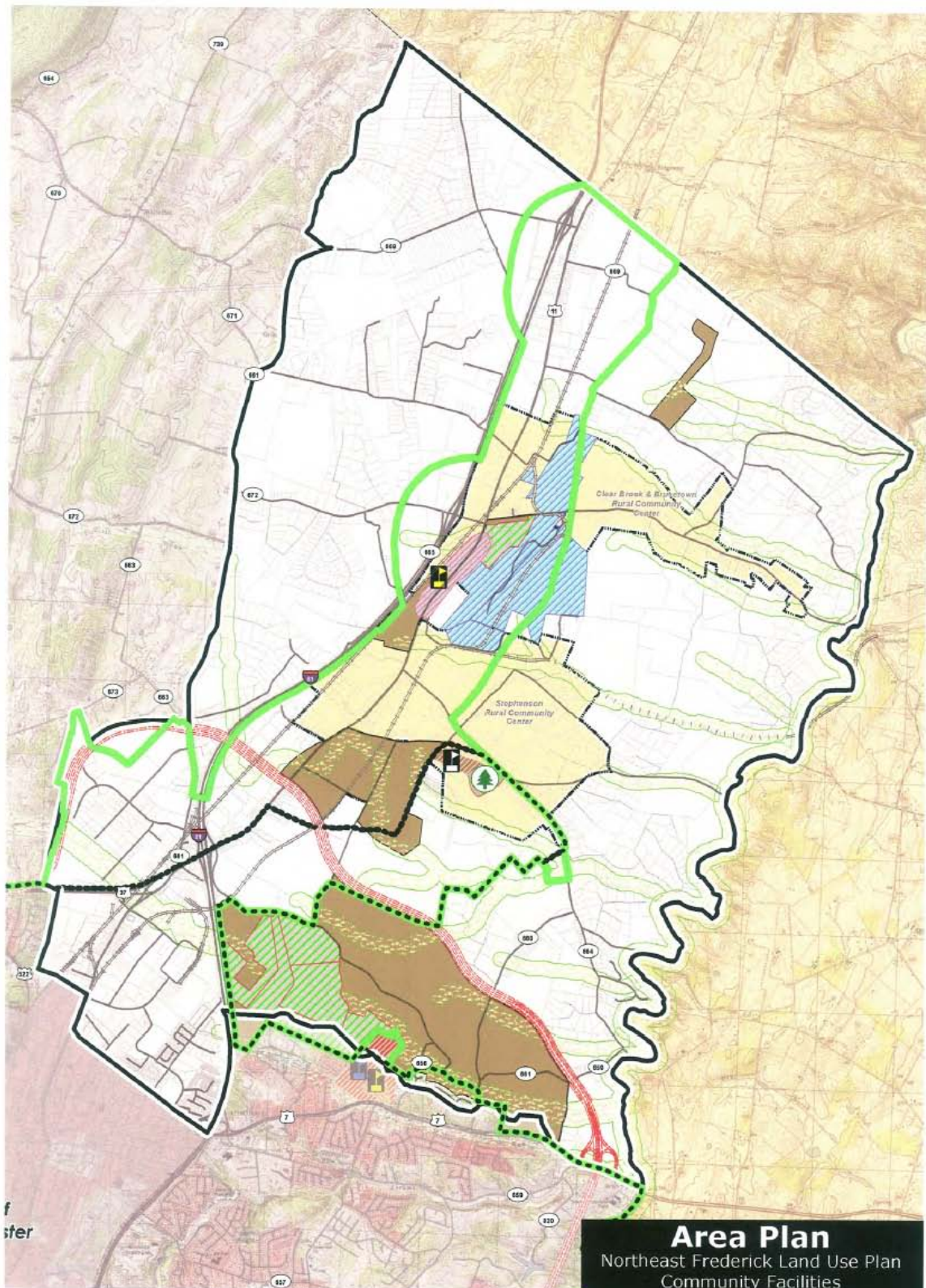
-  4 Lane Limited Access w/ CD Lanes (if required)
-  6 Lane Divided
-  4 Lane Divided

**Area Plan**  
 Northeast Frederick Land Use Plan  
 Transportation Map - Lane Divides



2030 Comprehensive Policy Plan Map  
 Approved: July 14th, 2011

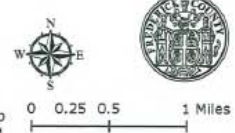
0 0.25 0.5 1 Miles  




# **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
- Facilities**
  - Existing Elementary
  - Future Elementary
  - Existing High School
  - Future Park
- Community Facilities**
  - Elementary School
  - Future Elementary School
  - Middle School
  - High School
  - Fire & Rescue Station
  - Park
  - Future Park
  - Water Resources Area
  - Natural Resource & Recreation Areas
  - Developmentally Sensitive Areas
  - Rural Community Center

2030 Comprehensive Policy Plan Map  
 Approved: July 14th, 2011





# RESOLUTION

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**Action:**

PLANNING COMMISSION: July 16, 2014      -      Recommended Approval

BOARD OF SUPERVISORS: August 13, 2014      ☐ APPROVED      ☐ DENIED

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**RESOLUTION TO ADOPT AN AMENDMENT TO THE  
2030 COMPREHENSIVE PLAN  
APPENDIX 1 – AREA PLANS  
THE NORTHEAST FREDERICK LAND USE PLAN (NELUP)**

**WHEREAS,** The 2030 Comprehensive Plan, The Plan, was adopted by the Board of Supervisors on April 20, 2011; and

**WHEREAS,** The McCann Slaughter parcels (PINs 44-A-40 and 25B) 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,** This amendment will preserve the integrity of the areas identified with Developmentally Sensitive Area (DSA), preserving historic and environmental areas, while permitting development south and east of the DSA and south of McCann Road; and

**WHEREAS,** This amendment will now include an OM (Mixed Use Office/Industrial) land use designation; and

**WHEREAS,** the Frederick County Planning Commission held a public hearing on this proposed amendment on July 16, 2014 and recommended approval; and

**WHEREAS,** the Frederick County Board of Supervisors held a public hearing on this proposed amendment on August 13, 2014; and

**WHEREAS,** the Frederick County Board of Supervisors finds that the adoption of this amendment to the 2030 Comprehensive Plan, Appendix I, 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, APPENDIX I**, is adopted.

This amendment will reduce the Developmentally Sensitive Area (DSA) with development limited to those areas to the south of the DSA and south of McCann Road; and will include an OM (Mixed Use Office/Industrial) land use designation.

Passed this 13th day of August, 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

J



## MEMORANDUM

**TO:** Frederick County Board of Supervisors

**FROM:** Michael T. Ruddy, AICP  
Deputy Director 

**DATE:** August 1, 2014

**RE:** **Public Hearing:**  
**2030 Comprehensive Plan Amendment (CPPA); Middletown/Lord Fairfax Sewer and Water Service Area (SWSA) –Expansion Area Request.**

Staff received direction from the Board of Supervisors to move two items relating to the provision of sewer and water in the vicinity of the Town of Middletown through the public hearing process. This is the first of the two items; the Middletown/Lord Fairfax Sewer and Water Service Area (SWSA) –Expansion Area Request.

**This amendment to the 2030 Comprehensive Plan would result in the expansion of the Middletown/Lord Fairfax Sewer and Water Service Area (SWSA) by approximately 100 acres and the application of an OM (mixed use industrial/office) business development land use designation. The properties within this SWSA would be served by the Frederick County Sanitation Authority (FCSA).**

### Sewer and Water Service.

Recently, the Board of Supervisors had discussed the general topic of sewer and water service in this area of Frederick County, the area immediately surrounding the Town of Middletown. 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. The Board indicated that the Frederick County Sanitation Authority (FCSA) should be the entity that provides the water and sewer services to properties that are located in Frederick County. The Board of Supervisors provided clear guidance on the provision of water and sewer and the expansion of the SWSA in this area.

### **Background**

The Middletown/Lord Fairfax Sewer and Water Service Area (SWSA) - Future Expansion Area draft amendment to the 2030 Comprehensive Plan was presented to the Board of Supervisors on several occasions for direction. The Board ultimately provided 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.

### **Review History.**

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. The major change since it was presented to the Board was the direction received that the Frederick County Sanitation Authority (FCSA) should be the entity that provides the water and sewer services to properties that are located in Frederick County. The Board of Supervisors provided clear guidance on the provision of water and sewer and the expansion of the SWSA in this area**

The Middletown/Lord Fairfax Sewer and Water Service Area (SWSA) - Future Expansion Area draft amendment to the 2030 Comprehensive Plan is being presented to the Board of Supervisors as a public hearing item. The Planning Commission held their public hearing on July 16, 2014. There were no citizen comments. Discussion revolved around how the FCSA would provide service without the infrastructure or capacity in this area. They surmised the City of Winchester and the Town of Middletown would have to work in conjunction with FCSA to supply services. The Commission liked the idea of this concept, but believed there were numerous issues to overcome before this could take place. The Commission voted unanimously to recommend approval.

Please contact the Planning Department should you have any questions regarding the information provided for the above two items.

Attachments

MTR/pd/rsa

## 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.~~ The Board of Supervisors, in approving this update to the area plan, expressly stated that the Frederick County Sanitation Authority (FCSA) will be the party responsible for providing water and sewer in this area.

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.

## APPENDIX I - AREA PLANS

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### **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.

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

## APPENDIX I - AREA PLANS

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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.

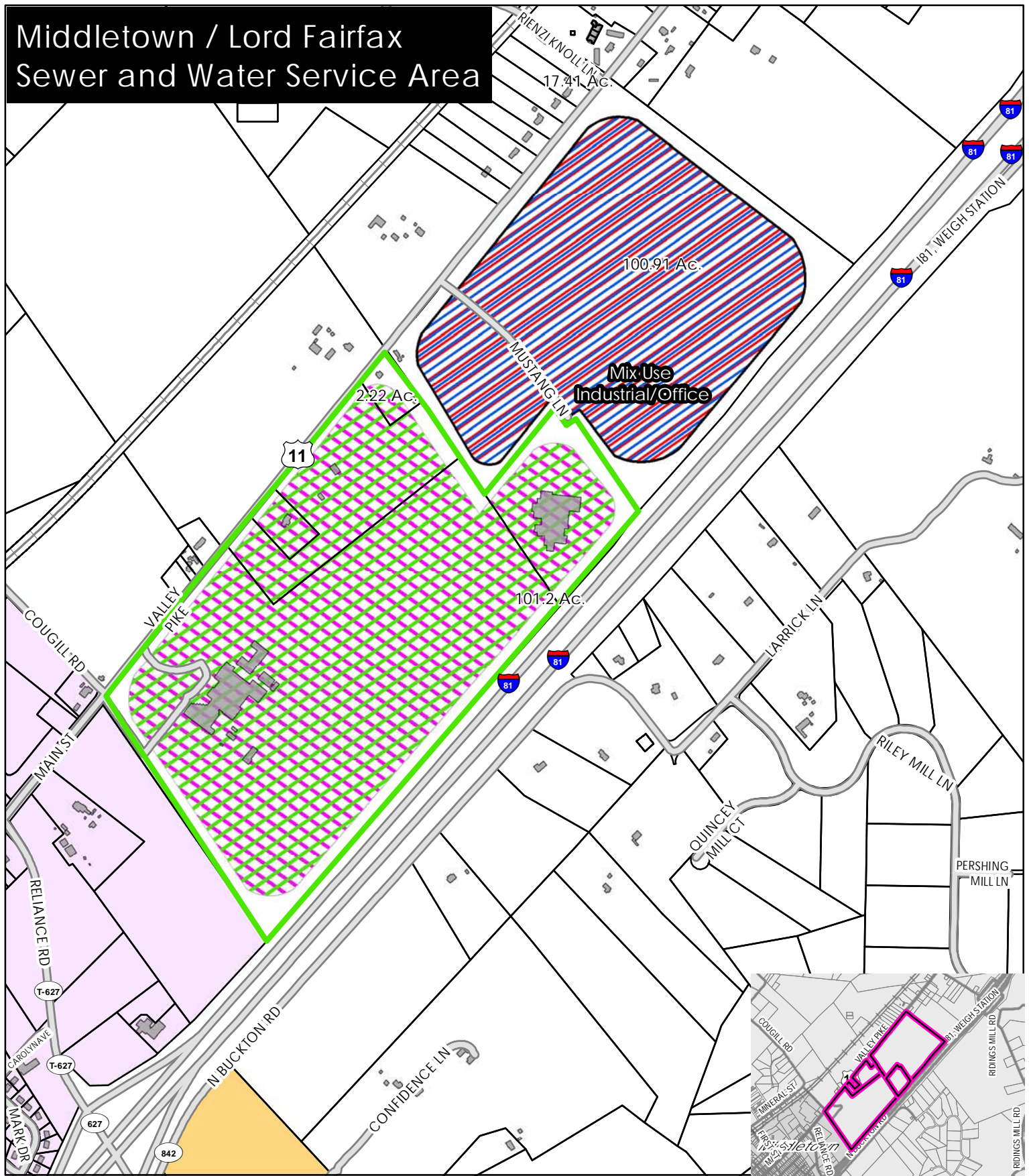
Residential land uses are not proposed in this area.

## APPENDIX I - AREA PLANS

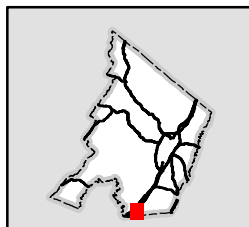
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The area to the west of the Middletown/Lord Fairfax SWSA is not envisioned to be included in the Area Plan. Route 11, Valley Pike, will continue to be the western boundary of the Middletown/Lord Fairfax SWSA. The land in this area to the west of Route 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: mrduddy



0 650 1,300 2,600 Feet



# RESOLUTION

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**Action:**

PLANNING COMMISSION: July 16, 2014      -      Recommended Approval

BOARD OF SUPERVISORS: August 13, 2014      ☐ APPROVED      ☐ DENIED

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**RESOLUTION TO ADOPT AN AMENDMENT TO APPENDIX I OF  
THE 2030 COMPREHENSIVE PLAN  
MIDDLETOWN/LORD FAIRFAX SEWER AND WATER SERVICE  
AREA**

**WHEREAS,** The 2030 Comprehensive Plan, The Plan, was adopted by the Board of Supervisors on April 20, 2011; and

**WHEREAS,** This amendment would result in the expansion of the Middletown/Lord Fairfax Sewer and Water Service Area (SWSA) by approximately 100 acres and the application of an OM (mixed use industrial/office) business development land use designation; and

**WHEREAS,** The properties within this SWSA would be served by the Frederick County Sanitation Authority (FCSA); and

**WHEREAS,** the Frederick County Planning Commission held a public hearing on this proposed amendment on July 16, 2014 and recommended approval; and

**WHEREAS,** the Frederick County Board of Supervisors held a public hearing on this proposed amendment on August 13, 2014; and

**WHEREAS,** the Frederick County Board of Supervisors finds that the adoption of this amendment to the 2030 Comprehensive Plan, Appendix I, 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, APPENDIX I**, is adopted.

This amendment expands the Middletown/Lord Fairfax Sewer and Water Service Area (SWSA) by approximately 100 acres and the application of an OM (mixed use industrial/office) business development land use designation.

Passed this 13th day of August, 2014 by the following recorded vote:

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

Gary A. Lofton      \_\_\_\_\_

Robert A. Hess      \_\_\_\_\_

Robert W. Wells      \_\_\_\_\_

Gene E. Fisher      \_\_\_\_\_

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

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

**A COPY ATTEST**


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

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## MEMORANDUM

**TO:** Frederick County Board of Supervisors

**FROM:** Michael T. Ruddy, AICP  
Deputy Director 

**DATE:** August 1, 2014

**RE:** **Public Hearing:**  
**2030 Comprehensive Plan Amendment (CPPA);**  
**Middletown/Reliance Road Land Use Plan Sewer and Water Service**  
**Area (SWSA) Designation Request.**  
**Middletown Properties, LLC, Molden Properties and the balance of**  
**the properties within the study area.**

---

The Middletown/Reliance Road Sewer and Water Service Area (SWSA) draft amendment to the 2030 Comprehensive Plan is presented to the Board of Supervisors for public hearing. The Planning Commission held a public hearing on July 16, 2014 and recommended approval with stipulation by a majority vote.

**This amendment would result in the creation of a Sewer and Water Service Area (SWSA) around the properties contained within the Reliance Road Land Use Study, approximately 311 acres. The properties within this SWSA would be served by the Frederick County Sanitation Authority (FCSA). This amendment would also modify the text of the land use plan to reflect this direction.**

Staff received direction from the Board of Supervisors to move two items relating to the provision of sewer and water in the vicinity of the Town of Middletown through the public hearing process. This is the second of the two items and it is based on a request from Middletown Properties, LLC for the ability to serve an approximate 41-acre sewer and water area in support of the Reliance Road Land Use Study. Subsequently, the Board of Supervisors received and endorsed a request from the Molden Properties to be included in the sewer and water area request.

**Sewer and Water Service.**

Recently, the Board of Supervisors had discussed the general topic of sewer and water service in this area of Frederick County, the area immediately surrounding the Town of Middletown. 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. The Board indicated that the Frederick County Sanitation Authority (FCSA) should be the entity that provides the water and sewer services to properties that are located in Frederick County. The Board of Supervisors provided clear guidance on the provision of water and sewer and the expansion of the SWSA in this area. The Board, as a consequence of moving the identified properties forward, incorporated the potential inclusion of all properties contained within the boundaries of the Reliance Road Study Area. As a result, all properties within the boundaries of the Reliance Road Land Use Plan Study Area are included into the boundary of the SWSA proposed with this amendment. *The Board may choose to amend the boundary of the proposed SWSA to an area that is smaller than that which has been identified.*

Please find attached with this agenda item a map depicting the proposed Middletown/Reliance Road Area Land Use Plan Sewer and Water Service Area (SWSA).

**The Properties.**

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). *It should be noted that by including this property in the SWSA, the property may develop under the current B2 (Business General) commercial standards without the need for a rezoning that would customarily enable the County to address the impacts associated with a rezoning.*

Molden properties also contacted Frederick County requesting consideration that the Board of Supervisors allows water and sewer to their property consistent with the Reliance Road Land Use Study.

As a result of the Board's direction on the above properties, Staff has included all of the properties within the land use study area into the proposed sewer and water service area to ensure a connected, contiguous, and consistent approach to the sewer and water service area designation. This is identified on the attached map. Again, an approach that includes fewer properties may be more acceptable following the review of this proposal.

**Proposed text amendment.**

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.*

The following is proposed as an amendment to the above text of the land use plan:

~~*Additionally, policy enabling the Town to provide water and sewer service to the County properties would require Board approval.*~~ The Board of Supervisors, in approving this update to the area plan, expressly stated that the Frederick County Sanitation Authority (FCSA) will be the party responsible for providing water and sewer in this area.

Please see the attached letters, dated June 5, 2014 and June 18, 2014. In addition, staff has attached the Reliance Road Area Land Use Plan for your review.

The Planning Commission held their public hearing on the Middletown/Reliance Road Sewer and Water Service Area (SWSA) draft amendment to the 2030 Comprehensive Plan, map and text change at their meeting on July 16, 2014. There was considerable discussion about the absence of any existing infrastructure in this area or any agreements with the Town of Middletown or the City of Winchester about access to water and how service would be provided. Members of the Commission were interested in receiving comments from the FCSA recognizing the proposed SWSA and stating whether or not they would be able to provide service and how they would provide that service; they believed it would give FCSA the opportunity to identify the source of water and how much capacity they could provide for this area. They questioned whether approval of the proposed SWSA would give property owners a false expectation that service would soon be available. A motion was made, seconded, and approved by a majority vote to recommend approval contingent upon the FCSA providing recognition that they are expected to provide sewer and water service to this area in the future and with comments on how they would provide this service, along with the timing for installation. There were no public comments.

The majority vote was as follows:

**YES (TO REC. APPROVAL w/ STIPULATION):** Unger, Marston, Ambrogi, Manuel, Crockett, Thomas, Dunlap

**NO:** Oates, Wilmot, Kenney, Triplett, Mohn

**ABSTAIN:** Molden

Please contact the Planning Department should you have any questions regarding the information provided for the above item.

Attachments

MTR/pd/rsa

## APPENDIX I - AREA PLANS

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### **RELIANCE ROAD AREA LAND USE PLAN**

- INCLUDING 2014 SEWER AND WATER SERVICE AREA (SWSA)  
DESIGNATION

## 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.~~ The Board of Supervisors, in approving this update to the area plan, expressly stated that the Frederick County Sanitation Authority (FCSA) will be the party responsible for providing water and sewer in this area.

## APPENDIX I - AREA PLANS

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### **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 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

## APPENDIX I - AREA PLANS

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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 Huttie Road, to create a single intersection on Reliance Road for relocated Huttie Road and a new road servicing the southern land area.

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.

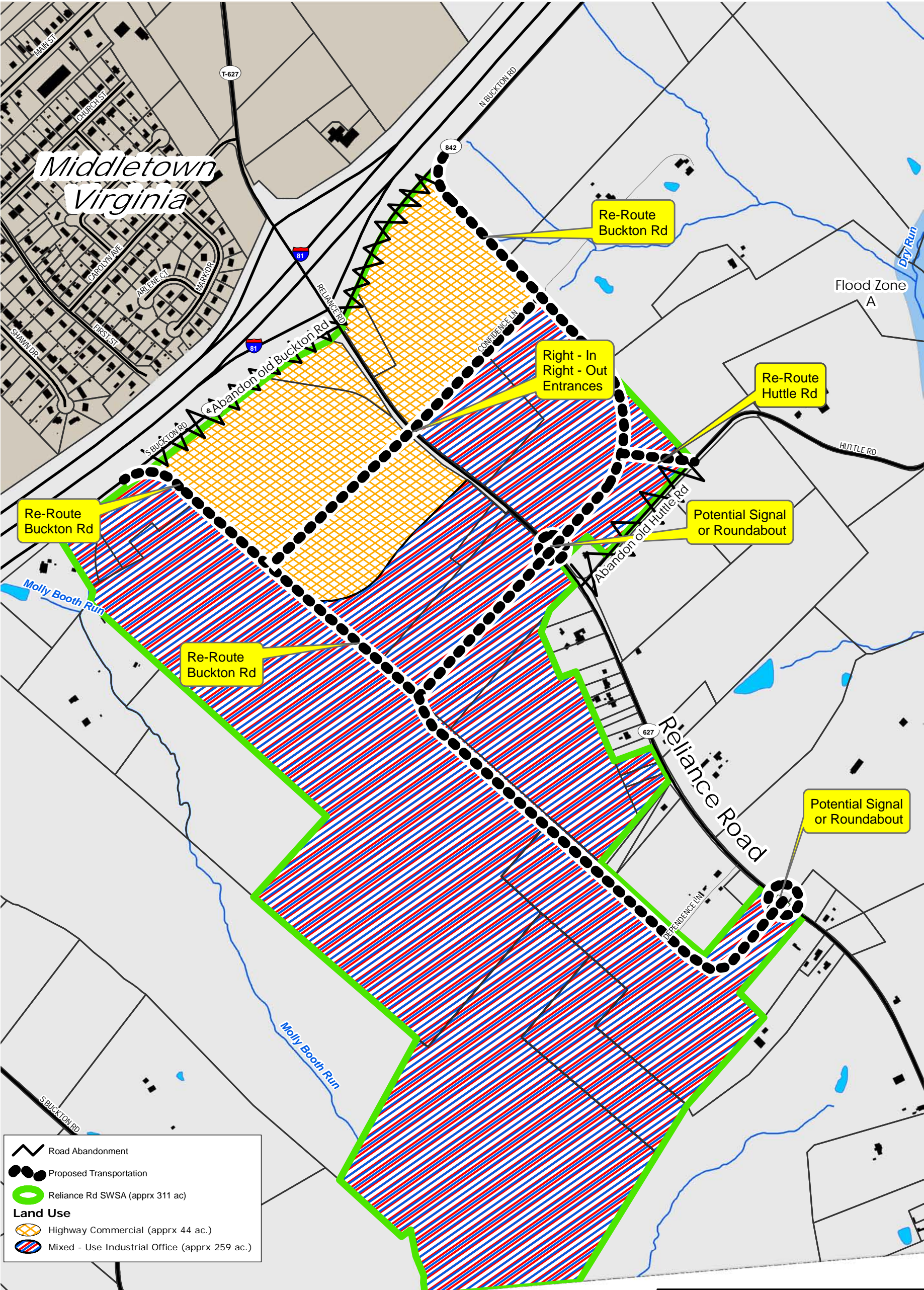
Existing limitations in water availability and the conveyance lines under the interstate may hinder development in the near future. As the Town secures additional water availability, upgrades to the conveyance system could easily be undertaken.

## APPENDIX I - AREA PLANS

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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.



~ Road Abandonment  
●●● Proposed Transportation  
○ Reliance Rd SWSA (apprx 311 ac.)

**Land Use**

■ Highway Commercial (apprx 44 ac.)  
■ Mixed - Use Industrial Office (apprx 259 ac.)

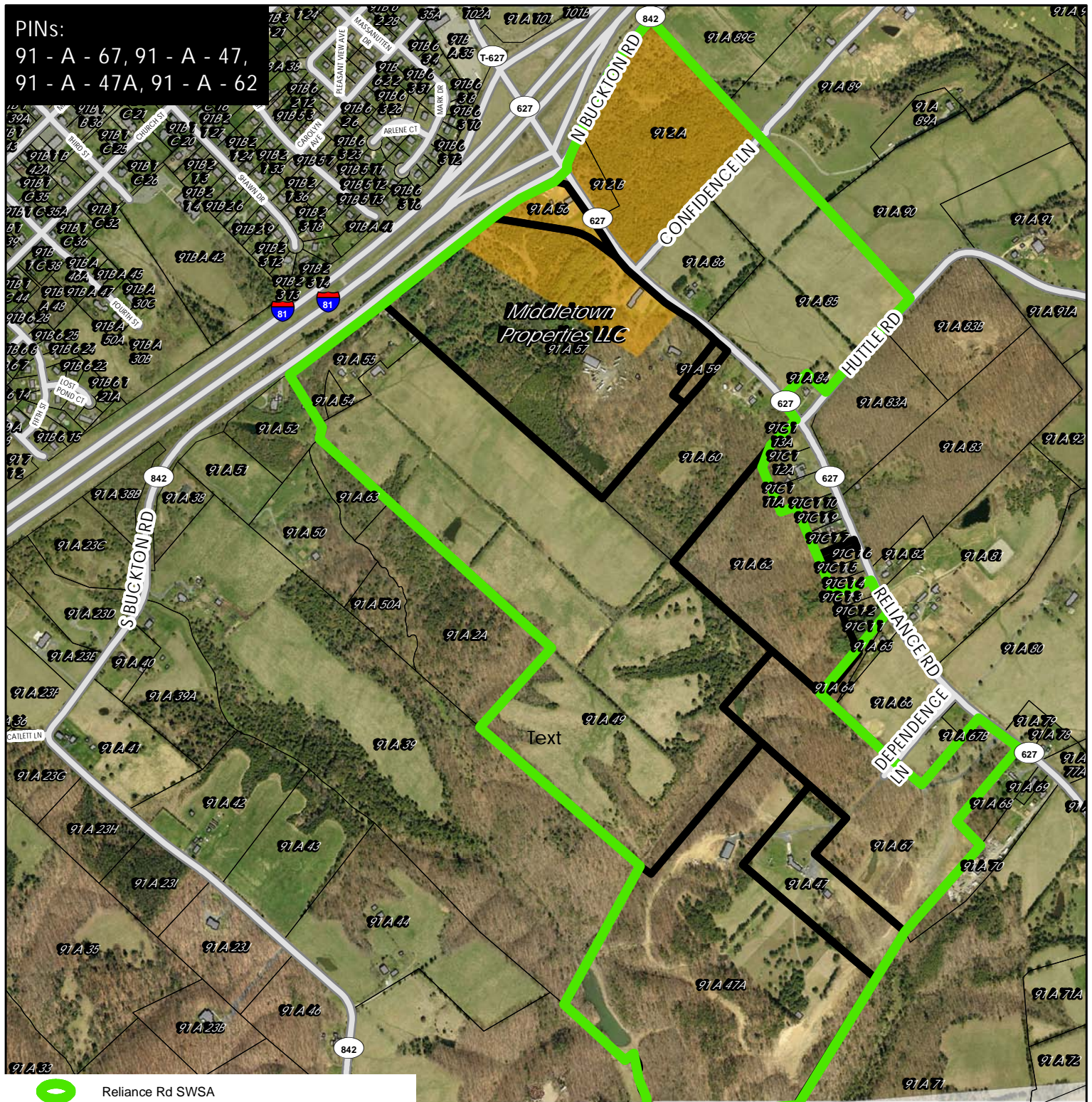
- 1) There is potential that additional through lanes would be needed depending upon the scope of development.
- 2) This change would require a traffic study under chapter 527. This study would give the needed information to refine roadway system improvement expectations.












**Area Plan**  
Reliance Road Area  
Land Use Plan

0 0.05 0.1 0.2 Miles

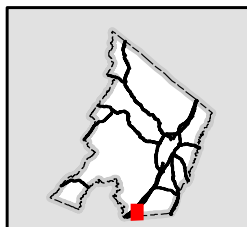


PINS:  
91 - A - 67, 91 - A - 47,  
91 - A - 47A, 91 - A - 62



-  Reliance Rd SWSA
-  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)

WARREN  
COUNTY  
VIRGINIA

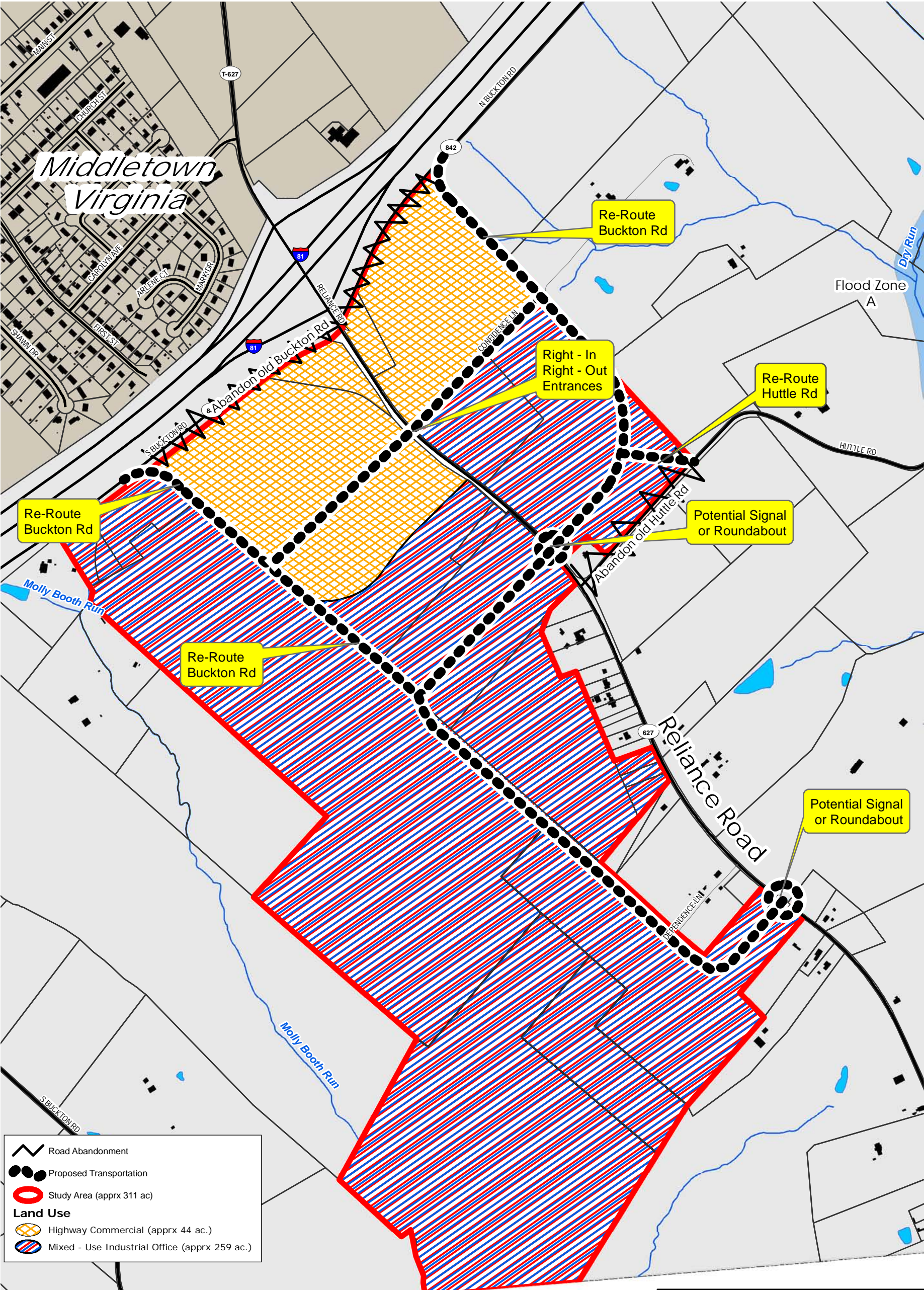


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91 - A - 47A, 91 - A - 62

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



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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

0 0.05 0.1 0.2 Miles



2030 Comprehensive Policy Plan Map  
Approved: December 14, 2011



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,

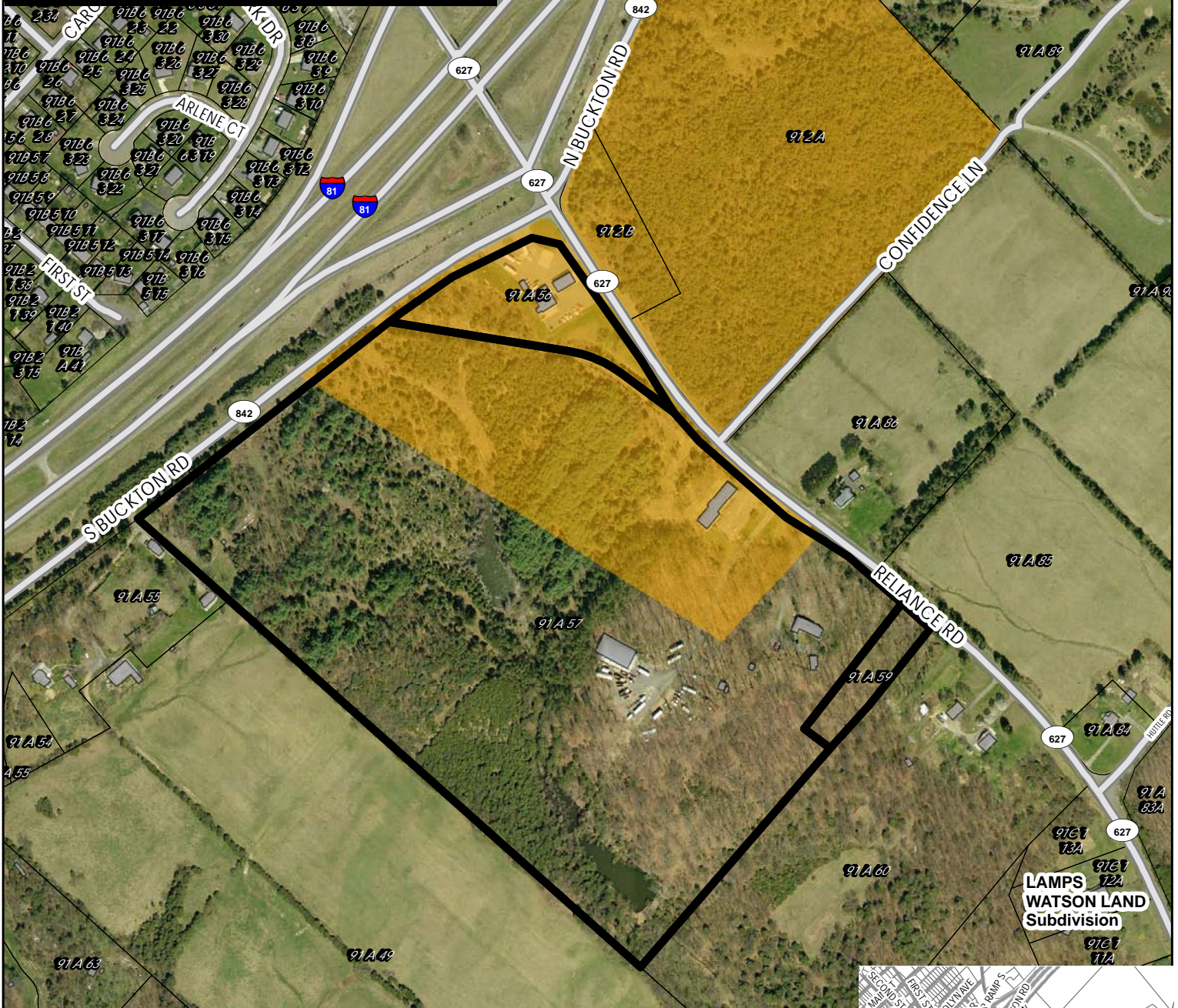
  
Robert Claytor  
Middletown Properties, LLC.

# Middletown Properties, LLC

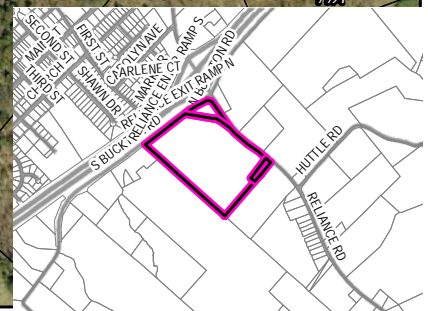
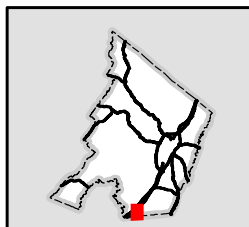
PINs:

91 - A - 56, 91 - A - 57,

91 - A - 59



- Applications
- Parcels
- Building Footprints
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- B2 (Business, General District)
- B3 (Business, Industrial Transition District)
- EM (Extractive Manufacturing District)
- HE (Higher Education District)
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- 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

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91 - A - 56, 91 - A - 57,  
91 - A - 59

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Planning & Development  
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Winchester, VA 22601  
540 - 665 - 5651  
Map Created: June 17, 2014  
Staff: mruddy



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June 18, 2014

Richard Shickle  
Frederick County Board of Supervisors  
107 North Kent St.  
Winchester, Va. 22601



Mr. Shickle

Robbie Molden and myself, Amy Molden own 96 Acres identified as property #'s: 91-A-67, 91-A-47A and 91-A-47. We also have a partnership in another 16 acre parcel of land with Cfar, LLC identified as 91-A-62. These properties adjoin the properties owned by Middletown Properties, LLC and CF, LLC properties.

These properties have future development with location close to interstate 81 and 66. We would like to be considered for water and sewer availability. This property would be compatible with Reliance Road use study and comprehensive plan.

Thank you for your time to review our request.

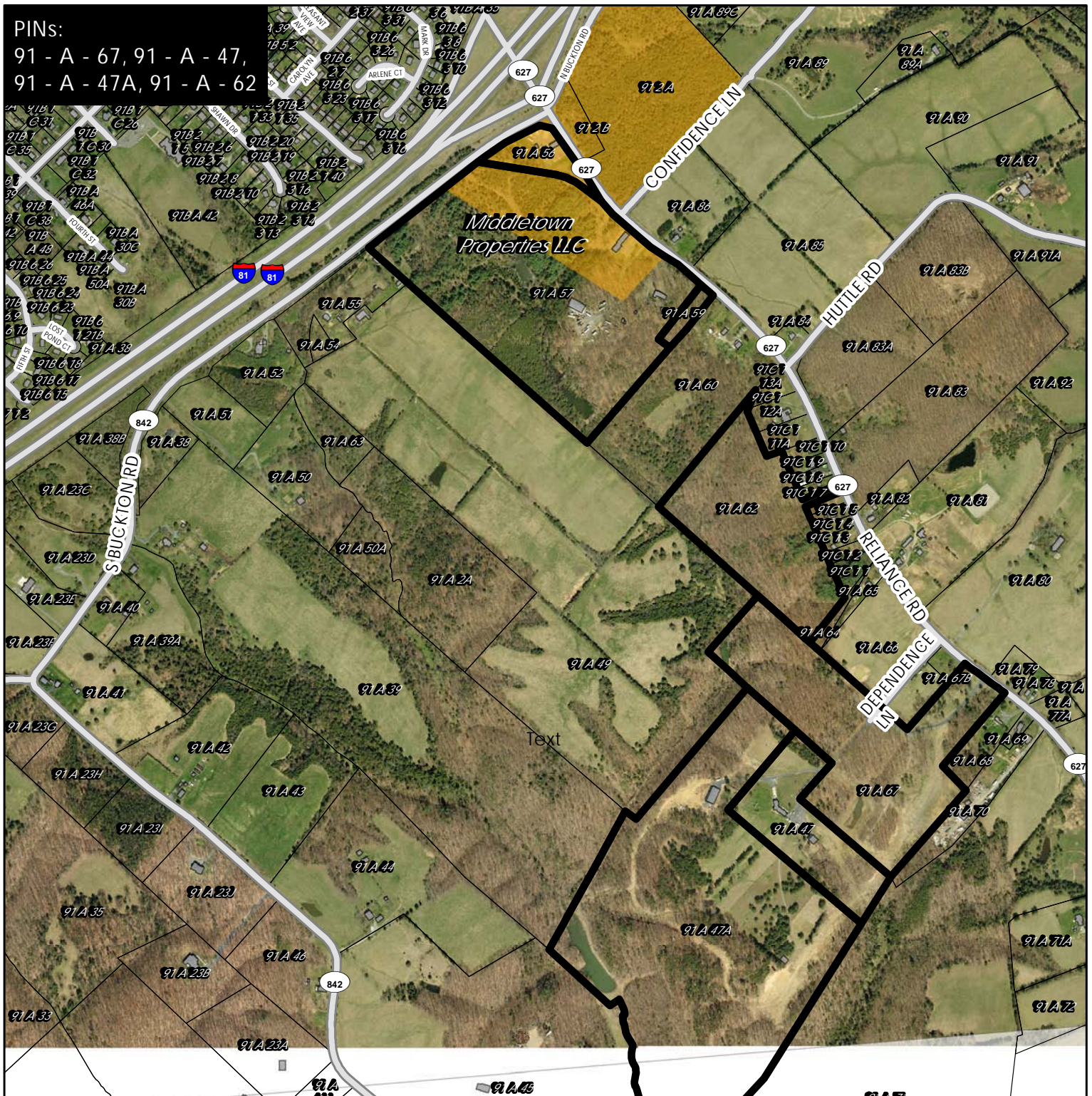
Sincerely,

Robert Molden  
Amy Molden

Handwritten signature of Robert Molden.

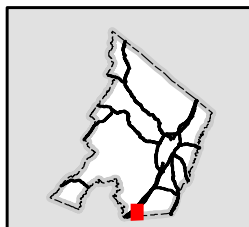
Handwritten signature of Amy Molden.

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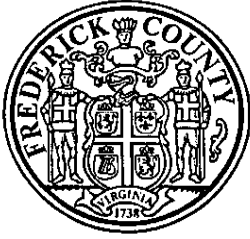


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Staff: mruddy



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# RESOLUTION

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**Action:**

PLANNING COMMISSION: July 16, 2014      -      Recommended Approval

BOARD OF SUPERVISORS: August 13, 2014      ☐ APPROVED      ☐ DENIED

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**RESOLUTION TO ADOPT AN AMENDMENT TO APPENDIX I OF  
THE 2030 COMPREHENSIVE PLAN  
RELiance ROAD AREA LAND USE PLAN  
SEWER AND WATER SERVICE AREA**

**WHEREAS**, The 2030 Comprehensive Plan, The Plan, was adopted by the Board of Supervisors on April 20, 2011; and

**WHEREAS**, The Board of Supervisors adopted the Reliance Road Area Land Use Plan as a part of the 2030 Comprehensive Plan on December 14, 2011; and

**WHEREAS**, This amendment would result in the creation of a sewer and water service area around the properties contained within the Reliance Road Land Use Study, totaling approximately 311 acres:

**WHEREAS**, The properties within this SWSA would be served by the Frederick County Sanitation Authority (FCSA) modifying the text of the Reliance Road Land Use Plan to reflect this direction; and

**WHEREAS**, the Frederick County Planning Commission held a public hearing on this proposed amendment on July 16, 2014 and recommended approval; and

**WHEREAS**, the Frederick County Board of Supervisors held a public hearing on this proposed amendment on August 13, 2014; and

**WHEREAS**, the Frederick County Board of Supervisors finds that the adoption of this amendment to the 2030 Comprehensive Plan, Appendix I, 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, APPENDIX I**, is adopted.

This amendment results in the creation of a Sewer and Water Service Area (SWSA) around the properties contained with the Reliance Road Land Use Study of approximately 311 acres, being served by the Frederick County Station Authority (FCSA), modifying the text of the land use plan to reflect this direction.

Passed this 13th day of August, 2014 by the following recorded vote:

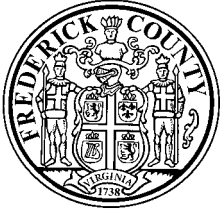
Richard C. Shickle, Chairman	_____	Gary A. Lofton	_____
Robert A. Hess	_____	Robert W. Wells	_____
Gene E. Fisher	_____	Charles S. DeHaven, Jr.	_____
Christopher E. Collins	_____		

**A COPY ATTEST**

---

John R. Riley, Jr.  
Frederick County Administrator

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## REZONING APPLICATION #01-14

### Cowperwood FEMA

### Staff Report for the Board of Supervisors

Prepared: July 28, 2014

Staff Contact: Michael T. Ruddy, AICP, Deputy Planning Director

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	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	07/16/14	Recommended Approval
Board of Supervisors:	08/13/14	Pending

**PROPOSAL:** To rezone 1.24+/- acres of an 18.34-acre property from RA (Rural Area) District to B2 (Business General) District with proffers. The balance of the property is to remain 16.53+/- M1 (Industrial, Light) District, and 0.57+/- RA (Rural Area) District.

**LOCATION:** The property is located on the west side of Martinsburg Pike (Route 11 North) and is located approximately 0.6 miles north of Interstate 81 Exit 317.

### **EXECUTIVE SUMMARY & PC RECOMMENDATION FOR THE 08/13/14 BOARD OF SUPERVISORS MEETING:**

This is a request to rezone a small portion, 1.24 acres, of a larger 18.34-acre tract for the purpose of enabling the property owner to subdivide the 1.24 acres from the parent tract as a new tax parcel. This would then allow the existing single family residence to be on the 1.24-acre parcel, and the FEMA Office complex on the balance of the property.

A Proffer Statement, dated February 14, 2014 and revised June 17, 2014, has been provided that limits the development on the 1.24-acre parcel to the existing single family detached dwelling, ensures the access to the property is via the existing entrance and does not permit any new connections to Martinsburg Pike, and dedicates the appropriate amount of right of way (20') for future improvements to Martinsburg Pike.

The proposed commercial land use is consistent with the future commercial land use identified in the 2030 Comprehensive Plan and the Northeast Land Use Plan and the property is within the Sewer and Water Service Area (SWSA). The impacts associated with the change of use have been limited by the scope of the proffer statement. Therefore, no additional impacts to Frederick County or the surrounding property owners are anticipated.

**The Planning Commission recommended approval of the 1.24-acre rezoning request from RA (Rural Area) District to B2 (Business General) District with proffers.**

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

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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 application. It may also be useful to others interested in this zoning matter. Unresolved issues concerning this application are noted by staff where relevant throughout this staff report.*

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	07 /16 /14	Recommended Approval
Board of Supervisors:	08/13/14	Pending

**PROPOSAL:** To rezone 1.24+/- acres of an 18.34-acre property from RA (Rural Area) District to B2 (Business, General) District with proffers. The balance of the property is to remain 16.53+/- M1 (Industrial, Light) District, and 0.57+/- RA (Rural Area) District.

**LOCATION:** The property is on the west side of Martinsburg Pike (Route 11 North) and is located approximately 0.6 miles north of Interstate 81 Exit 317.

**MAGISTERIAL DISTRICT:** Stonewall

**PROPERTY ID NUMBERS:** 43-A-111

**PROPERTY ZONING:** M1 (Light Industrial) and RA (Rural Area)

**PRESENT USE:** FEMA Office and Single Family Residence

**ADJOINING PROPERTY ZONING & PRESENT USE:**

North:	RA (Rural Areas)	Use:	Residential
South:	RP (Residential Performance)	Use:	Residential
East:	RP (Residential Performance)	Use:	Residential
West:	M1 (Light Industrial)	Use:	Office

**REVIEW EVALUATIONS:**

The impacts associated with the change of use have been limited by the scope of the proffer statement. Therefore, no additional impacts to Frederick County or the surrounding property owners are anticipated. Accordingly, the review agencies that reviewed the application were limited to the County Attorney, County Planning, and County Transportation.

**Frederick County Attorney:** The Proffer Statement is in a form to meet the requirements of the

Frederick County Zoning Ordinance and the Code of Virginia and is legally sufficient as a proffer statement.

### **Planning & Zoning:**

1) **Site History**

The 16.53-acre balance of this property that is presently zoned M1 (Light Industrial) was part of the Rutherford's Farm Industrial Park Rezoning approved in 2002.

The original Frederick County Zoning Map (U.S.G.S. Winchester Quadrangle) depicts the zoning for the 1.24-acre portion for which the rezoning is being requested as R-3 (Residential-General) District. On October 8, 1980, Parcel 43-A-111, in addition to Parcels 43-A-96, 43-A-98, 43-A-99, and a portion of 43-A-97, were rezoned from R-3 to A-2 during a Comprehensive Downzoning. The A-2 (Agricultural General) District zoning classification was modified to RA (Rural Areas) District on February 14, 1990 during the comprehensive amendment to the County's Zoning Ordinance.

2) **Comprehensive Policy Plan**

The proposed commercial land use is consistent with the future commercial land use identified in the 2030 Comprehensive Plan and the Northeast Land Use Plan and the property is within the Sewer and Water Service Area (SWSA).

3) **Site Suitability/Environment**

The site contains no identified environmental features or site development constraints. Therefore, the site would be suitable for commercial development in the future.

4) **Potential Impacts**

The impacts associated with the change of use have been limited by the scope of the proffer statement to the existing single family detached residence. Therefore, no additional impacts to Frederick County or the surrounding property owners are anticipated.

In anticipation of future transportation needs in the Martinsburg Pike Corridor (as identified in the Northeast Land Use Plan), the Applicant has worked with Transportation Planning and VDOT to enable the dedication of 20' of right of way across the property frontage, when needed. This is consistent with the anticipated future right of way needs associated with this project.

5) **Proffer Statement** (Dated February 14, 2014 and revised June 17, 2014)

Development on the 1.24 acre parcel has been limited to the existing single family detached dwelling. As this is proffered, this ensures that the potential impacts are limited.

The proffer statement limits access for the existing single family dwelling to the existing access drive, shared with FEMA. The proffer statement further expresses that additional connections to Martinsburg Pike along the frontage of the property is restricted.

The proffer statement dedicates the appropriate amount of right of way (20') for future improvements to Martinsburg Pike.

**STAFF CONCLUSIONS FOR THE 07/16/14 PLANNING COMMISSION MEETING:**

This is a request to rezone a small portion, 1.24 acres, of a larger 18.34-acre tract for the purpose of enabling the property owner to subdivide the 1.24 acres from the parent tract as a new tax parcel. This would then allow the existing single family residence to be on the 1.24-acre parcel and the FEMA Office complex on the balance of the property.

A Proffer Statement, dated February 14, 2014 and revised June 17, 2014, has been provided that limits the development on the 1.24-acre parcel to the existing single family detached dwelling, ensures the access to the property is via the existing entrance and does not permit any new connections to Martinsburg Pike, and dedicates the appropriate amount of right of way (20') for future improvements to Martinsburg Pike.

The proposed commercial land use is consistent with the future commercial land use identified in the 2030 Comprehensive Plan and the Northeast Land Use Plan and the property is within the Sewer and Water Service Area (SWSA). The impacts associated with the change of use have been limited by the scope of the proffer statement. Therefore, no additional impacts to Frederick County or the surrounding property owners are anticipated.

### **PLANNING COMMISSION SUMMARY & ACTION OF THE 7/16/14 MEETING:**

The applicant's representative, Mr. Evan A. Wyatt of Greenway Engineering, provided a detailed history of the applicant's pursuit in getting the residence severed from the balance of the FEMA property. Mr. Wyatt reported that back in 2006, a waiver exception to the minimum lot size was initially sought; however, the Board preferred the applicant come back with a rezoning. He said from 2008 until a year ago, momentum to pursue rezoning was lost due to the recession. More recently, this effort was again approached because the minimum lot size was no longer an issue, enabling subdivision of the property. Upon his consultation with the Planning Staff, the applicant noted the Comprehensive Plan calls for properties along the frontage of Route 11 to be commercially zoned over time. Therefore, he said this request is for B2 Zoning, to restrict by proffers the use of the property to residential, and will be followed by the subdivision of the parcel from the FEMA tract. The Planning Staff pointed out within this particular area, there are a variety of small, existing residential lots up and down Route 11; however, the future land use is identified as commercial. Subsequently, over time, these parcels will convert to the commercial designation and eventually, there will be a mass that would be sufficient enough to support a commercial project of substance.

One area resident spoke during the citizen comments portion of the public hearing. She assumed the business rezoning would give the property owners the ability to conduct a business on the property and she believed a business would negatively affect the appearance of the area and the quality of life for existing residents.

A member of the Commission asked if there were any by-right commercial uses the property owner could do, even though the proffer restricts the property to residential use. The staff replied the residents of the property could conduct a home occupation, but not a conditional use permit. No other issues were raised. The Planning Commission unanimously recommended approval of the rezoning with proffers.

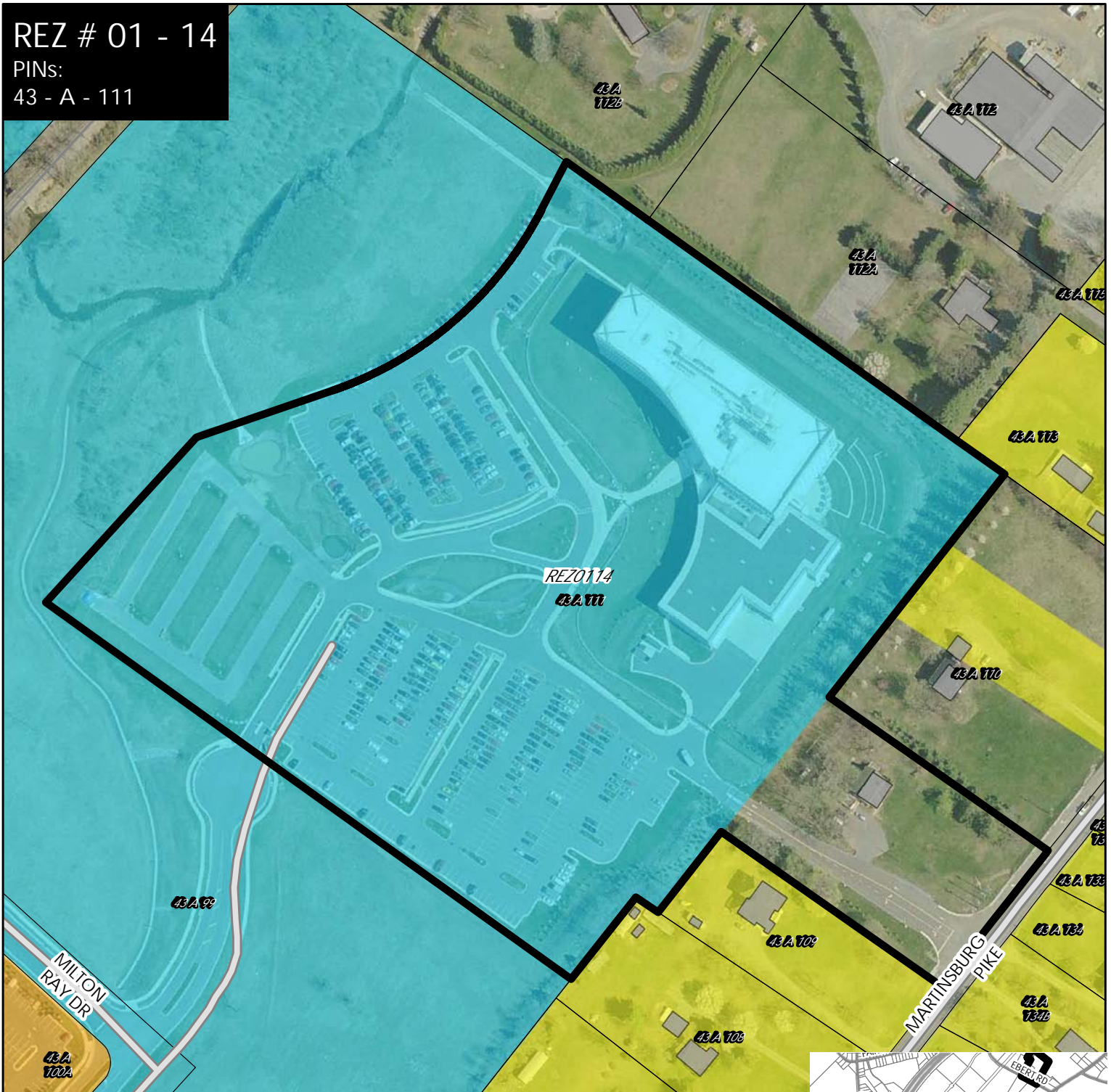
**Staff would recommend approval of the 1.24-acre rezoning request from RA (Rural Area) District to B2 (Business General) District with proffers.**

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

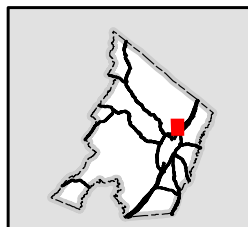
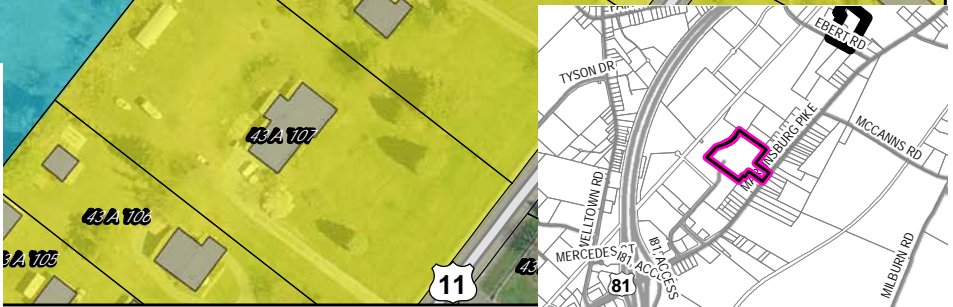
# REZ # 01 - 14

PINs:

43 - A - 111



- 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)



REZ # 01 - 14

PINs:  
43 - A - 111

Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: June 25, 2014  
Staff: mruddy



0 120 240 480 Feet

## **COWPERWOOD FEMA, LLC COMMERCIAL PROPERTY PROFFER STATEMENT**

REZONING: RZ#  
Rural Areas (RA) District to Business General (B2) District with  
Proffers

PROPERTY: 1.24± acre portion of 18.34± acre parcel  
Tax Parcel 43-A-111

RECORD OWNER: Cowperwood FEMA, LLC

APPLICANT: Cowperwood FEMA, LLC (here-in after the “**Owner**”)

PROJECT NAME: Cowperwood FEMA, LLC Commercial Property

ORIGINAL DATE  
OF PROFFERS: February 14, 2014

REVISION DATE: June 17, 2014

### **Preliminary Matters**

Pursuant to Section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned Owner hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application #\_\_\_\_\_ for the rezoning of 1.24±-acres of Rural Areas (RA) District to 1.24±-acres of Business General (B2) District with proffers; development of the subject property (“**Property**”) shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Owner and such be approved by the Frederick County Board of Supervisors in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon the Owner and any successors, or assigns of the Owner.

The Property, identified as Cowperwood FEMA, LLC Commercial Property and more particularly described as the land owned by Cowperwood FEMA, LLC., being a 1.24± acre portion of Tax Map Parcel 43-A-111 (tax parcel 43-A-111 acquired as Instrument No. 0600020794), as shown on the plat titled Rezoning Exhibit, by Richard A. Edens dated December 17, 2013.

**COWPERWOOD FEMA, LLC COMMERCIAL PROPERTY  
PROFFER STATEMENT**

**A.    Land Use**

- 1) The Owner hereby proffers to limit development of the Property to the existing single-family detached dwelling. This proffer allows for the expansion and/or repair of the existing single-family dwelling in accordance with all applicable state and local requirements provided that the structure remains as a single-family detached dwelling.

**B.    Transportation**


- 1) The Owner hereby proffers to dedicate a right-of-way area along the frontage of the Property that is 20' in width for the future widening of Martinsburg Pike (U.S. Route 11 North). The Owner will dedicate the 20'-wide right-of-way to VDOT at such time that it is requested by VDOT or Frederick County in writing for the Martinsburg Pike widening project.
- 2) The Owner hereby proffers to utilize the existing access drive located on tax parcel 43-A-111 for the existing single-family detached dwelling for access to the public street system, and proffers to restrict additional connections to Martinsburg Pike along the frontage of the Property.

OWNER NOTARIZED SIGNATURES ON FOLLOWING PAGES

**Signature**

The conditions proffered above shall be binding upon the successors and assigns of the Owner. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully Submitted:

By:   
Cowperwood FEMA, LLC  
Edward J. Sussi, Executive Vice President


6/19/14  
Date

State of New York,

City/County of NEW YORK To Wit:

The foregoing instrument was acknowledged before me this 19<sup>TH</sup> day of JUNE

2014 by EDWARD J. SUSSI, EXECUTIVE VICE PRESIDENT

  
Notary Public

My Commission Expires OCTOBER 27, 2014

NANETTE BRANNIGAN  
Notary Public, State of New York  
No. 31-4875068  
Qualified in New York County  
Term Expires October 27, 2014

# CURVE DATA

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	00°28'11"	11,499.20'	94.27'	47.13'	S 38°02'50" W	94.27'

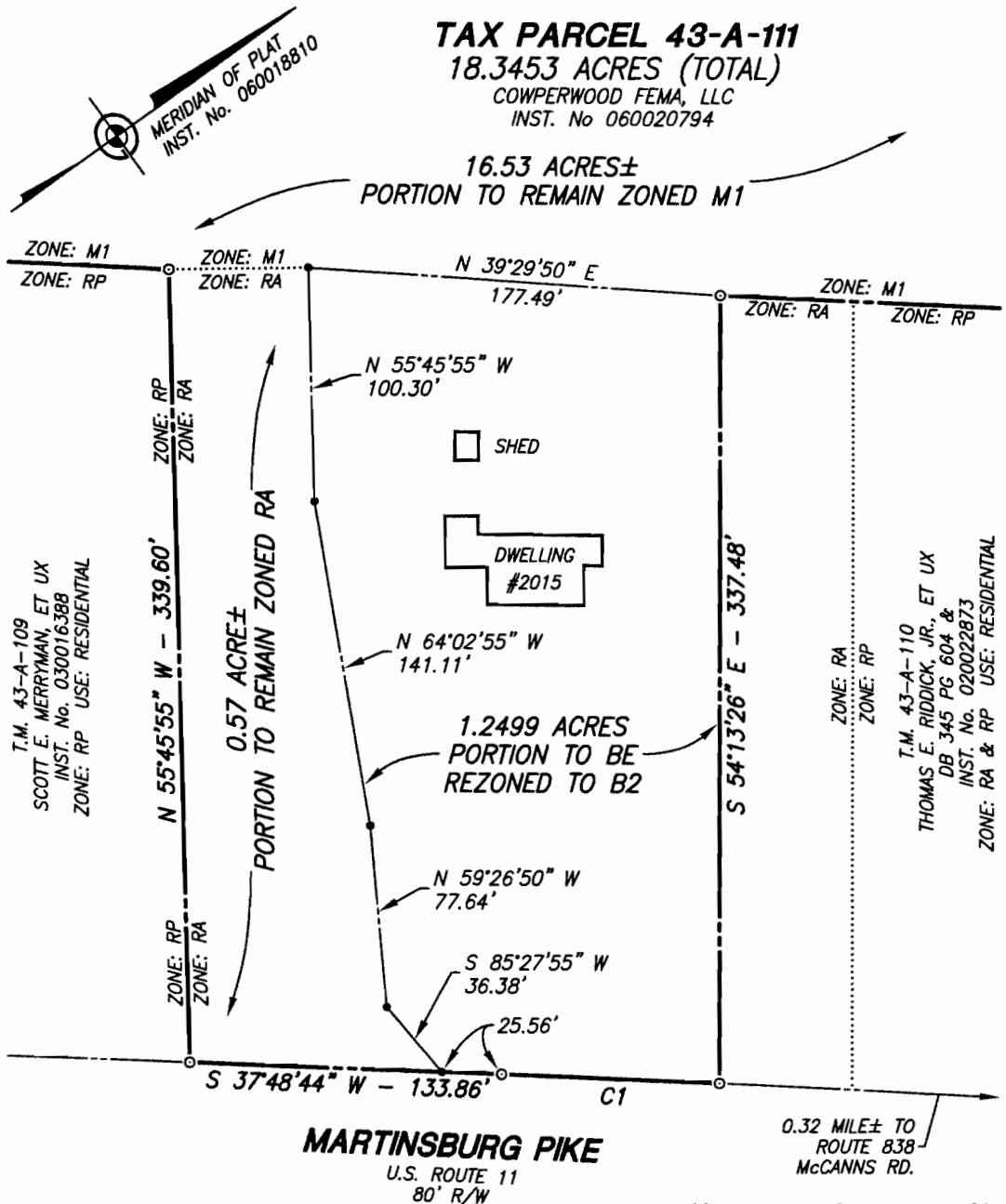
## TAX PARCEL 43-A-111

18.3453 ACRES (TOTAL)

COWPERWOOD FEMA, LLC

INST. No. 060020794

16.53 ACRES±  
PORTION TO REMAIN ZONED M1



### NOTE

THE BOUNDARY INFORMATION SHOWN HEREON HAS BEEN PREPARED FROM AVAILABLE RECORDS AND IS NOT PURPORTED TO BE A BOUNDARY SURVEY OF THE PARCEL OR ANY PORTION OF THE BOUNDARY LINES.



## REZONING EXHIBIT SHOWING A PORTION OF THE LAND OF

**COWPERWOOD FEMA, LLC**

STONEWALL MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 60'

DATE: DECEMBER 17, 2013

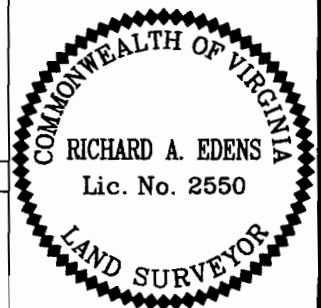


Engineers  
Surveyors

Founded in 1971

## GREENWAY ENGINEERING

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



2795J SHEET 1 OF 1

## Rezoning Comments



### Frederick County Attorney

**Mail to:**

Frederick County Attorney  
Co. Administration Bldg., 3<sup>rd</sup> Floor  
107 North Kent Street  
Winchester, Virginia 22601  
(540) 665-6383

**Hand deliver to:**

Frederick County Attorney  
Co. Administration Bldg., 3<sup>rd</sup> Floor  
107 North Kent Street  
Winchester, Virginia

**Applicant:** Please fill out the information as accurately as possible in order to assist the County Attorney's office with their review. **Attach a copy of your application form, location map, proffer statement, impact analysis, and any other pertinent information.**

Applicant's Name: Greenway Engineering, Inc.

Telephone: 540-662-4185

Mailing Address: 151 Windy Hill Lane  
Winchester, VA 22602

Location of property: West side of Martinsburg Pike (U.S. Route 11 North)  
approximately 0.6 miles north of Interstate 81 Exit 317

Current zoning: M-1 & RA

Zoning requested: M-1; RA & B2

Acreage: 1.24+/- B2

**County Attorney's Comments:**

*The Proffer Statement is in a form to meet the requirements of the Frederick County Zoning Ordinance and the Code of Virginia and is legally sufficient as a proffer statement.*

~~Assistant~~ County Attorney's  
Signature & Date: \_\_\_\_\_

*[Signature]*  
Rodarick B. Williams

*5/6/2014*

Notice to County Attorney - Please Return This Form to the Applicant

## Evan Wyatt

---

**From:** Mike Ruddy <[mruddy@fcva.us](mailto:mruddy@fcva.us)>  
**Sent:** Friday, May 16, 2014 3:50 PM  
**To:** Evan Wyatt  
**Cc:** John Bishop  
**Subject:** Cowperwood FEMA, LLC Rezoning

Good afternoon Evan.

Staff has had the opportunity to review the Cowperwood FEMA, LLC Rezoning application submitted to our office. This is 1.24 acre commercial B2 rezoning request represents a portion of the larger 18.34 acre parcel identified with PIN 43-A-111. The balance of the property retains its current zoning, 16.53 acres of M1 District and 0.57 acres of RA District. One item in the Proffer Statement, Transportation Proffer B. 1), should be modified to include Frederick County as an entity (along with VDOT) that may request in writing that the owner dedicate the 20'- wide right-of-way to VDOT for the Martinsburg Pike widening project.

We look forward to the official submission of this rezoning application.

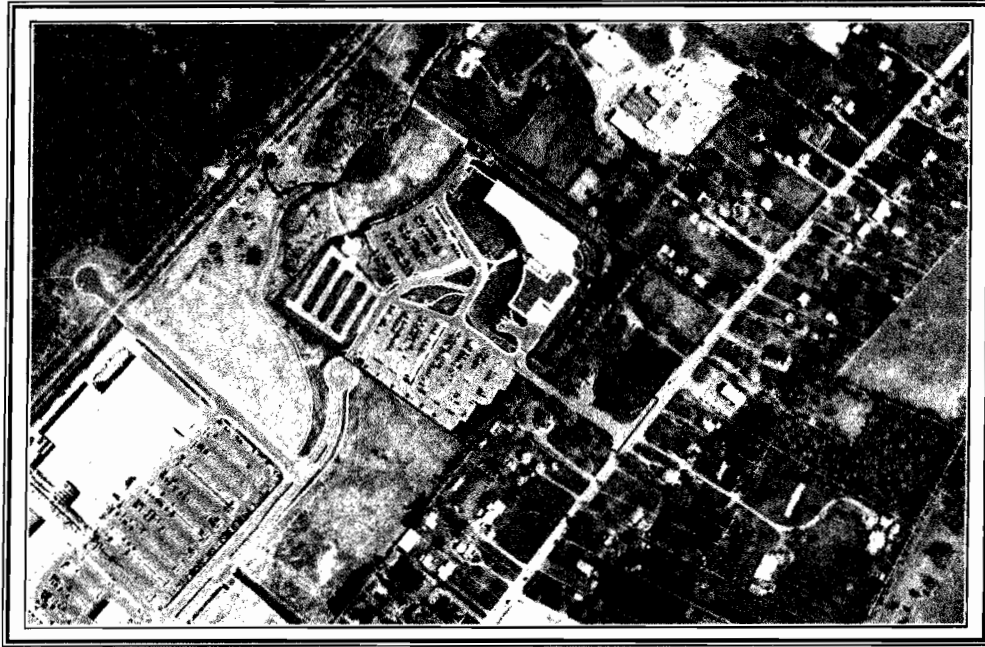
Sincerely,

Mike.

Michael T. Ruddy, AICP  
Deputy Director,  
Frederick County Department of Planning & Development  
107 N. Kent Street  
Winchester, VA 22601  
(540)665-5651  
[mruddy@fcva.us](mailto:mruddy@fcva.us)  
[www.fcva.us/planning](http://www.fcva.us/planning)

# **IMPACT ANALYSIS STATEMENT**

## **COWPERWOOD FEMA, LLC COMMERCIAL REZONING**



**February 14, 2014**

**Tax Parcel # 43-A-111 (18.34± acres)  
Rezoning Portion of Parcel 1.24± acres**

**Contact Person: Evan Wyatt, AICP**

ewyatt@greenwayeng.com  
T: 540.662.4185  
C: 540.974.2701  
151 Windy Hill Lane  
Winchester, VA 22602



## **COWPERWOOD FEMA, LLC REZONING**

### **INTRODUCTION**

This report has been prepared for the purpose of assessing the impact on Frederick County by the proffered rezoning of a 1.24± acre portion of Tax Parcel 43-A-111, owned by Cowperwood FEMA, LLC. Tax Parcel 43-A-111 is an 18.34± acre parcel, of which 16.53± acres is zoned M-1, Light Industrial District and 1.81± acres is zoned RA, Rural Areas District. Currently, the M-1 District portion of the property is developed as an office facility that is under a long-term lease with FEMA, and the RA District portion of the property is developed as a single-family detached residence and also contains an access driveway leading to the gated portion of the office facility portion of the property. This access driveway is limited to delivery traffic and also serves as an emergency access. Cowperwood FEMA, LLC desires to rezone a 1.24± acre portion of the RA District acreage that is outside of the access driveway to the B-2, Business General District. Subsequent to approval of the B-2 District zoning, the property owner desires to subdivide the 1.24± portion of the 18.34± property as a new tax parcel, which will contain the existing single family detached residence.

### **Basic information**

Location:	West side of Martinsburg Pike (U.S. Route 11 North) approximately 0.6 miles north of Interstate 81 Exit 317.
Magisterial District:	Stonewall District
Property ID Number:	43-A-111
Current Zoning:	M-1, Light Industrial District and RA, Rural Areas District
Current Use:	FEMA Office and Single-Family Residence
Proposed Use:	No new land uses are proposed. The 1.24± acre B-2 District portion is proposed to be subdivided subsequent to the rezoning process.
Proposed Zoning:	1.24± acre B-2 District portion of Tax Map Parcel 43-A-111.
Total Rezoning Area:	1.24± acres

## **COMPREHENSIVE POLICY PLAN**

### Sewer and Water Service Area

Tax Parcel 43-A-111 is currently located within the Sewer and Water Service Area (SWSA). Therefore, the rezoning of this property for commercial land use is appropriate based on current policy. The 1.24± acre subject property has access to public water and public sewer service. Therefore, the request to rezone the subject properties from RA, Rural Areas District to B-2, Business General District will not require the expansion of the SWSA or the extension of public water and sewer infrastructure to serve the subject properties. (Please refer to the UDA and SWSA Map Exhibit.)

### Northeast Frederick Land Use Plan

Tax Parcel 43-A-111 is a component of the Northeast Frederick Land Use Plan. This parcel is located along the Martinsburg Pike corridor, which is planned for future business land use. Therefore, the request to rezone the subject properties from RA, Rural Areas District to B-2, Business General District is consistent with the future land use identified in the Comprehensive Policy Plan.

## **SUITABILITY OF THE SITE**

### Floodplains

The 1.24± acre subject property is located on FEMA NFIP Map #51069C0210D, dated September 2, 2009. The FEMA NFIP map identifies the subject properties as a Zone X – Area outside the 0.2% annual chance floodplain. Therefore, the proposed rezoning will not impact existing floodplain areas.

### Wetlands

The National Wetlands Inventory Map (NWI) does not identify wetlands on the 1.24± acre portion of the property that is proposed to be rezoned to the B-2 District. The NWI identifies the nearest wetland area approximately 1/3-mile north of the subject site; therefore, the proposed rezoning will not impact defined wetland areas.

### Steep Slopes

The 1.24± acre subject property does not contain areas of steep slope. The subject property has gently sloping topographic relief that runs from a 690' elevation in the western portion of the property to a 683' elevation in the eastern portion of the property, which results in an approximate slope of 5%. Therefore, the proposed rezoning will not impact steep slopes.

### Mature Woodlands

The 1.24± acre subject property is developed as a single-family detached residence and does not contain areas of mature woodlands. Therefore, the proposed rezoning will not impact mature woodlands.

### Soil Types

The Soil Survey of Fredrick County, published by the USDA Soil Conservation Service was consulted to determine soil types contained in this tract. The subject site is located on map sheet number 24 and contains the following soil type:

5B: Carbo Silt Loam 2-7% slope

The USDA Soil Conservation Service identifies Carbo Silt Loam as prime agricultural soils in Table 5 – Prime Farmland Soils in the Soil Survey. The portion of the subject property proposed for rezoning is developed as a single-family detached residence; therefore, no agricultural activities will occur on the property.

### Construction Conditions

The USDA Soil Conservation Service identifies the Carbo Silt Loam as permeable soils with a high shrink-swell potential. Depth to bedrock, shrink swell, and permeability are identified as creating limitations for development. It should be noted that this soil type is prevalent within developed parcels in the vicinity of the portion of the subject site that is proposed to be rezoned.

### Lakes and Ponds

The 1.24± acre subject property does not contain lakes or ponds. Therefore, the proposed rezoning will not impact these environmental features.

### Sinkholes

There is no evidence of sinkholes within the 1.24± acre portion of the property that is proposed to be rezoned.

## **SURROUNDING PROPERTIES**

### Adjoining property zoning and present use:

North: Zoned RA, Rural Areas District

Use: Residential

South: Zoned RP Residential Performance District	Use: Residential
East: Zoned RP Residential Performance District	Use: Residential
West: Zoned M-1, Light Industrial District	Use: Office & Unimproved

### **TRAFFIC**

The 1.24± acre portion of the Cowperwood FEMA, LLC property that is proposed for rezoning is developed as a single-family detached residence. The remaining portion of Tax Map Parcel 43-A-111 is developed as a secured office and warehouse facility that is under a long-term lease agreement with FEMA. An access drive has been developed adjacent to the 1.24± acre subject property, which is gated to the west and provides for delivery service and emergency service access to the FEMA office and warehouse facility. The existing single-family detached residence is the only land use permitted to have ingress and egress over the access drive. Additionally, the Applicant's proffer statement limits the use of this property to the existing single-family detached residence. Therefore, the proposal to rezone the 1.24± acre portion of the Cowperwood FEMA, LLC property will not create any additional traffic impacts to the Martinsburg Pike (U.S. Route 11 North) corridor. As a result of these existing conditions, the County Transportation Director has advised that a traffic impact analysis statement is not required for this rezoning application.

The Northeast Frederick Land Use Plan identifies the ultimate condition of Martinsburg Pike as an Improved Minor Collector that will be a six lane divided roadway. Martinsburg Pike has a right-of-way width of 80 feet, of which, there is 40 feet from the centerline to the frontage of the subject property. Therefore, the Applicant's proffer statement provides for a 20-foot right-of-way dedication along the frontage of the subject property to accommodate the right-of-way needs for this future improvement.

### **SEWAGE CONVEYANCE AND TREATMENT**

The 1.24± acre portion of the Cowperwood FEMA, LLC property that is proposed for rezoning is developed as a single-family detached residence that uses an existing septic system. The office facility on the Cowperwood FEMA, LLC property was developed with public sewer, and a sanitary sewer easement has been established that provides for the ability for subject property to connect to public sewer in the future. The existing office facility was designed to direct effluent through an 8-inch sewer line to the Hiatt Run sewer pump station located adjacent to the Winchester and Western Railroad. This pump station directs effluent to the Opequon Wastewater Reclamation Facility, which has a flow capacity of 12.6 MGD. This regional pump station was sized accordingly to

accommodate the sewer needs of the subject site, as well as other land areas within this portion of the County.

### **WATER SUPPLY**

The 1.24± acre portion of the Cowperwood FEMA, LLC property that is proposed for rezoning is developed as a single-family detached residence that uses an existing well system. The office facility on the Cowperwood FEMA, LLC property was developed with public water, which established a tap on the existing 10" water transmission line that is located along Martinsburg Pike and constructed a 10" service line across the access drive that serves the subject property. The water service line has been looped to create adequate pressure and fire flow, which provides the ability for the subject property to connect to public water in the future.

### **DRAINAGE**

The topographic conditions of the 1.24± acre subject property direct stormwater from the high point in the western portion of the property to the low point in the eastern portion of the property adjacent to Martinsburg Pike. An existing drainage and stormwater management easement was established on the subject property during the development of the office facility. This area was improved to accommodate stormwater from the office facility and the existing residence. Therefore, the proposed rezoning will not have an adverse impact regarding stormwater discharge from the subject site that could impact adjoining properties or receiving systems.

### **EMERGENCY SERVICES**

The 1.24± acre subject property is located approximately 3 miles south of the Clearbrook Volunteer Fire and Rescue Station; therefore, response time from this facility to the existing residential dwelling is within a reasonable response time. This is an existing use; therefore, the proposed rezoning does not create any additional impacts to emergency services.

### **SOLID WASTE DISPOSAL**

The impact on solid waste disposal facilities can be projected from an average annual residential consumption of 5.4 cubic yards per household (Civil Engineering Reference Manual, 4<sup>th</sup> edition). The following figures demonstrate solid waste impacts from the existing residential dwelling on the subject property:

AV = 5.4 Cu. Yd. per household

AV = 5.4 Cu. Yd. x 1 residential unit

AV = 5.4 Cu. Yd.

The impact on solid waste associated with the existing residence is already calculated into the annual average solid waste assumptions for the Municipal Solid Waste area of the Regional Landfill, which currently averages 200,000 tons per year. Therefore, there are no additional impacts to solid waste disposal as a result of this rezoning application.

### **HISTORICAL SITES AND STRUCTURES**

The 1.24± acre subject property is located within the boundary of the Second Winchester Battlefield area designated by the National Park Service Civil War Sites in the Shenandoah Valley Report. However, this report does not identify the site as being located with a core battlefield area. Tax parcel 43-A-111 is completely developed, which includes an office facility, parking lots, and access drive, and a residence; therefore, there is no site integrity or historic value associated with this parcel.

### **OTHER COMMUNITY FACILITIES**

#### **Educational Facilities**

The proposed rezoning does not allow for new development in conjunction with this proffer statement; therefore, this request will not create additional impacts to the Frederick County Public School system.

#### **Parks and Recreation**

The proposed rezoning does not allow for new development in conjunction with this proffer statement; therefore, this request will not create additional impacts to the Frederick County public park system.

#### **Emergency Services**

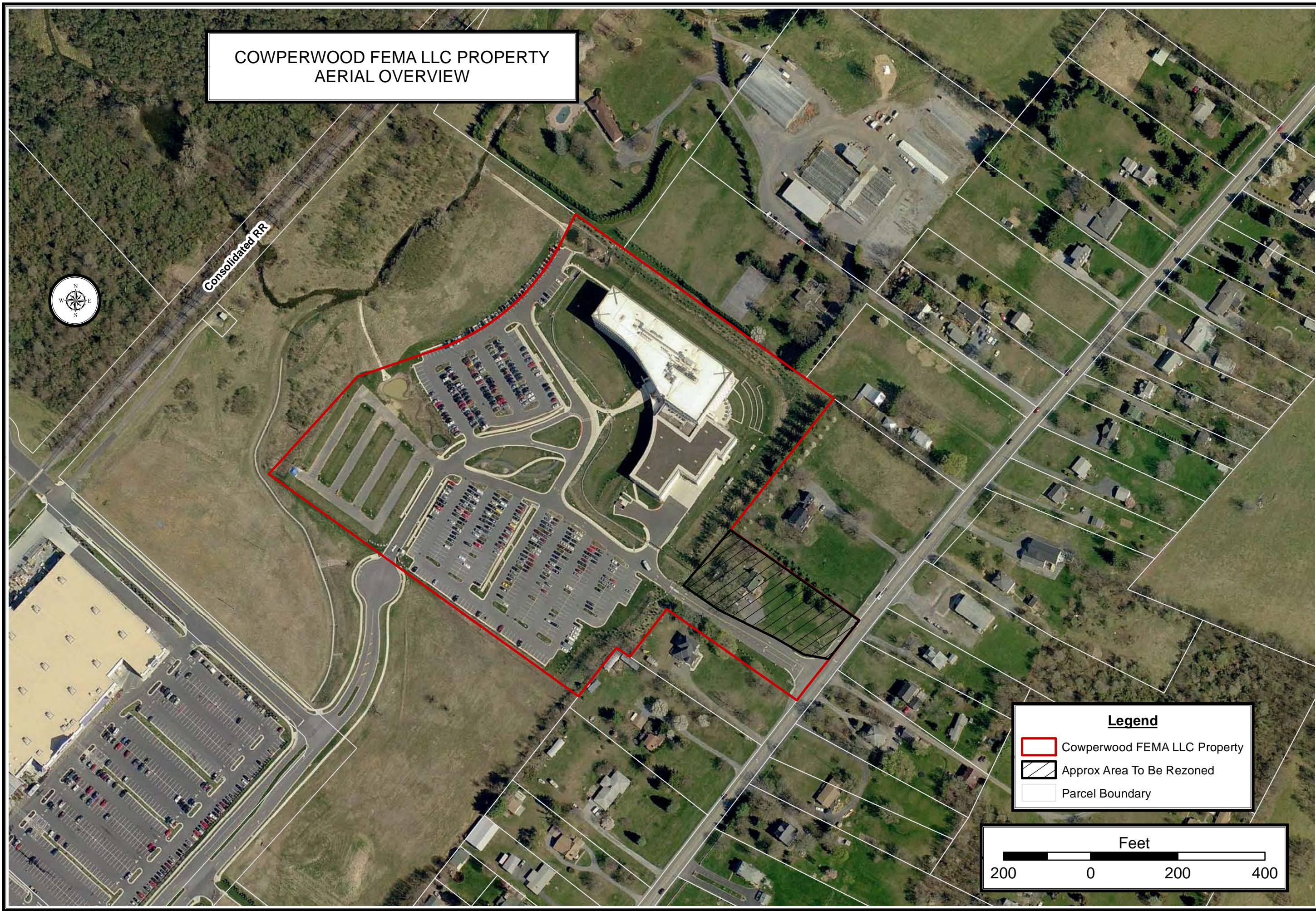
The 1.24± acre subject property is located approximately 3 miles south of the Clearbrook Volunteer Fire and Rescue Station; therefore, response time from this facility to the existing residential dwelling is within a reasonable response time. The proposed rezoning does not allow for new development in conjunction with this proffer statement; therefore, this request will not create additional impacts to emergency services.

#### **Libraries**

The proposed rezoning does not allow for new development in conjunction with this proffer statement; therefore, this request will not create additional impacts to the Frederick County library system.

Local Government

The proposed rezoning does not allow for new development in conjunction with this proffer statement; therefore, this request will not create additional impacts to other services provided by Frederick County.



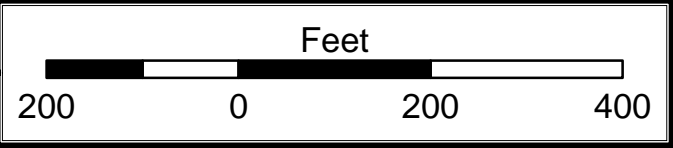
COWPERWOOD FEMA LLC PROPERTY  
AERIAL OVERVIEW



Consolidated RR

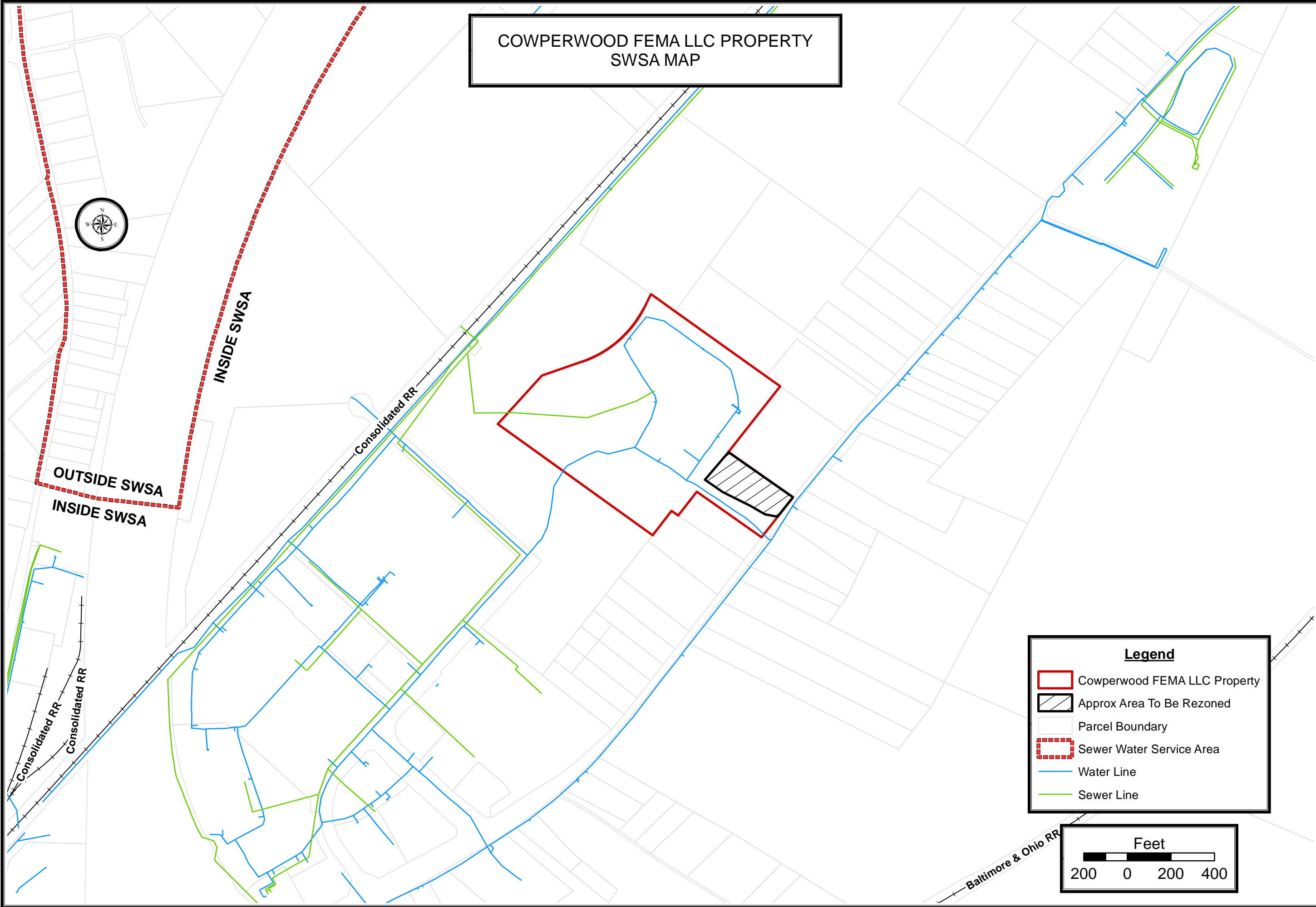
**Legend**

- Cowperwood FEMA LLC Property
- Approx Area To Be Rezoned
- Parcel Boundary




 <b>GREENWAY</b> ENGINEERING	
COWPERWOOD FEMA LLC PROPERTY REZONING AERIAL OVERVIEW	
COWPERWOOD FEMA LLC PROPERTY REZONING AERIAL OVERVIEW	STONEWALL MAGISTERIAL DISTRICT FREDERICK COUNTY, VIRGINIA
DATE: 2-2-2014	PROJECT ID: 2795J
DESIGNED BY: DWE	
SCALE: 1 Inch = 200 Feet	





COWPERWOOD FEMA LLC PROPERTY  
SWSA MAP



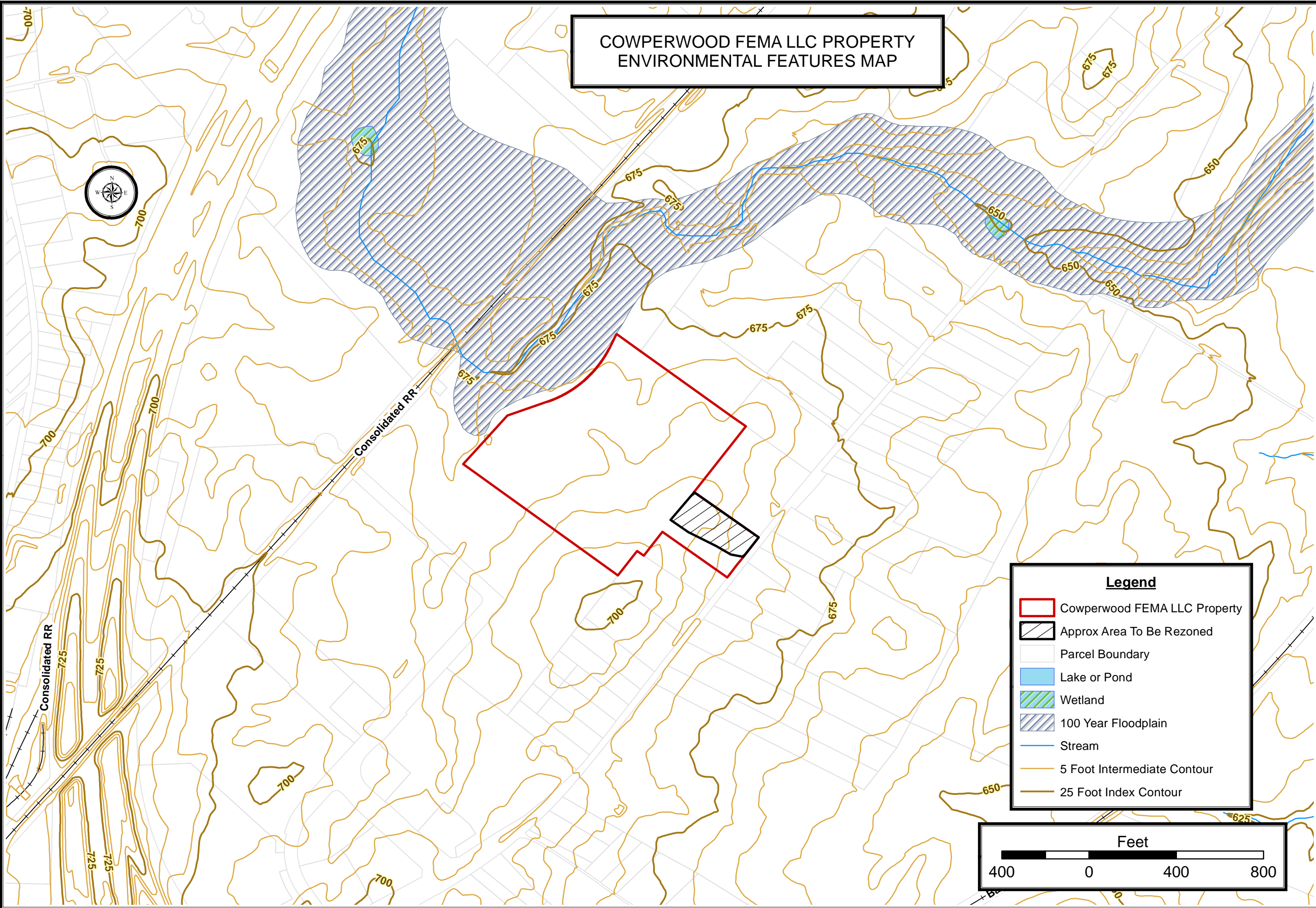
**GREENWAY**  
ENGINEERING

COWPERWOOD FEMA LLC PROPERTY

REZONING

SWSA MAP

COWPERWOOD FEMA LLC PROPERTY	REZONING	SWSA MAP
STONEWALL MAGISTERIAL DISTRICT	FREDERICK COUNTY, VIRGINIA	DATE: 2-2-2014 PROJECT ID: 2795J DESIGNED BY: DWE
SCALE: 1 Inch = 400 Feet		



COWPERWOOD FEMA LLC PROPERTY

REZONING

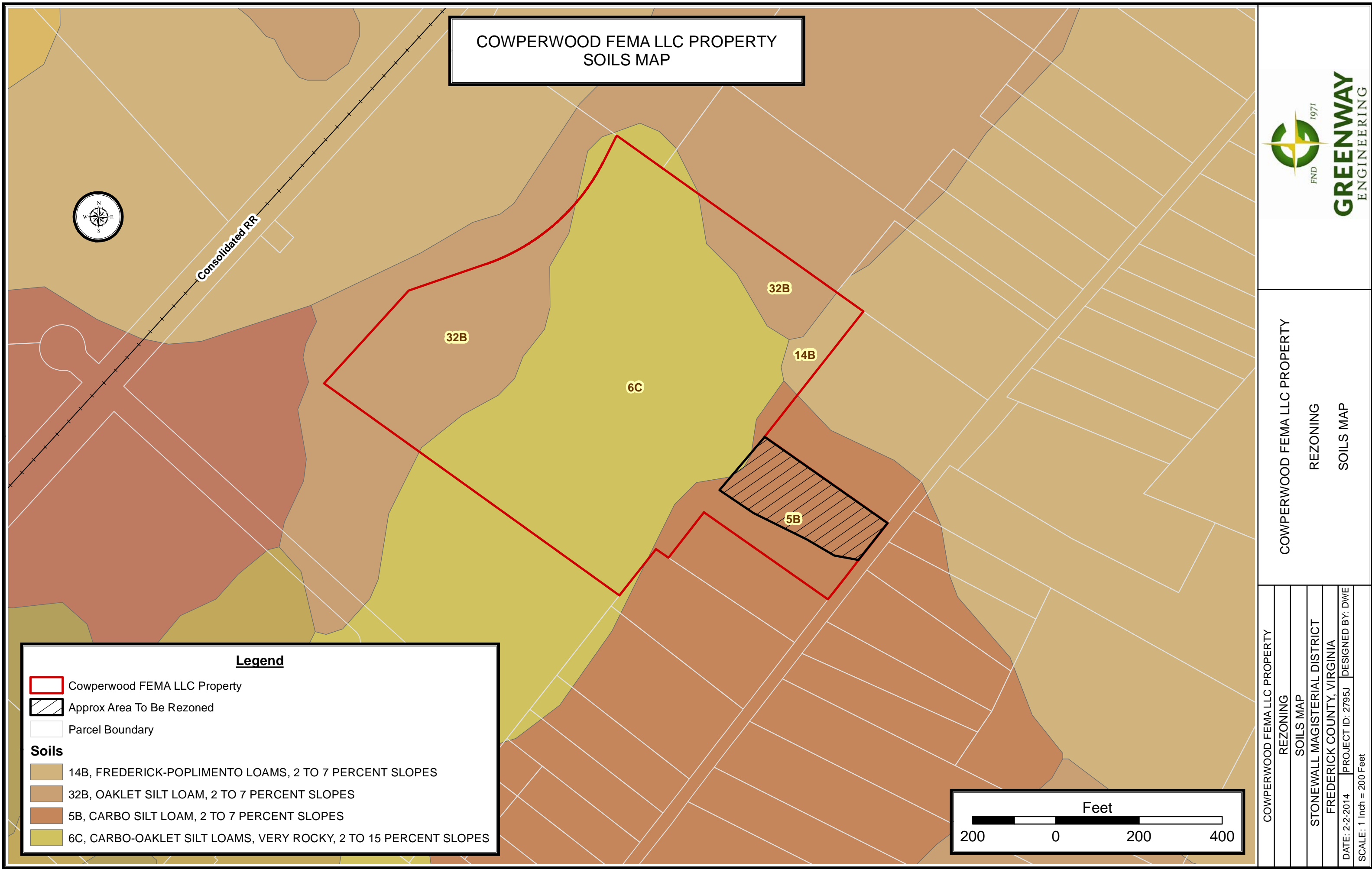
ENVIRONMENTAL FEATURES MAP

STONEWALL MAGISTERIAL DISTRICT

FREDERICK COUNTY, VIRGINIA

DATE: 2-2-2014 | PROJECT ID: 2795J | DESIGNED BY: DWE

SCALE: 1 Inch = 400 Feet



COWPERWOOD FEMA LLC PROPERTY  
SOILS MAP



COWPERWOOD FEMA LLC PROPERTY  
REZONING  
SOILS MAP

**Legend**

Cowperwood FEMA LLC Property

Approx Area To Be Rezoned

Parcel Boundary

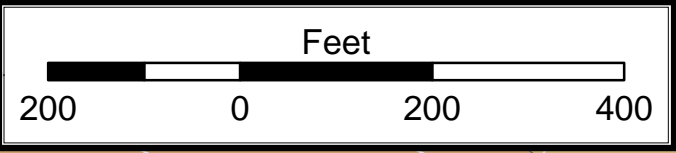
**Soils**

14B, FREDERICK-POPLIMENTO LOAMS, 2 TO 7 PERCENT SLOPES

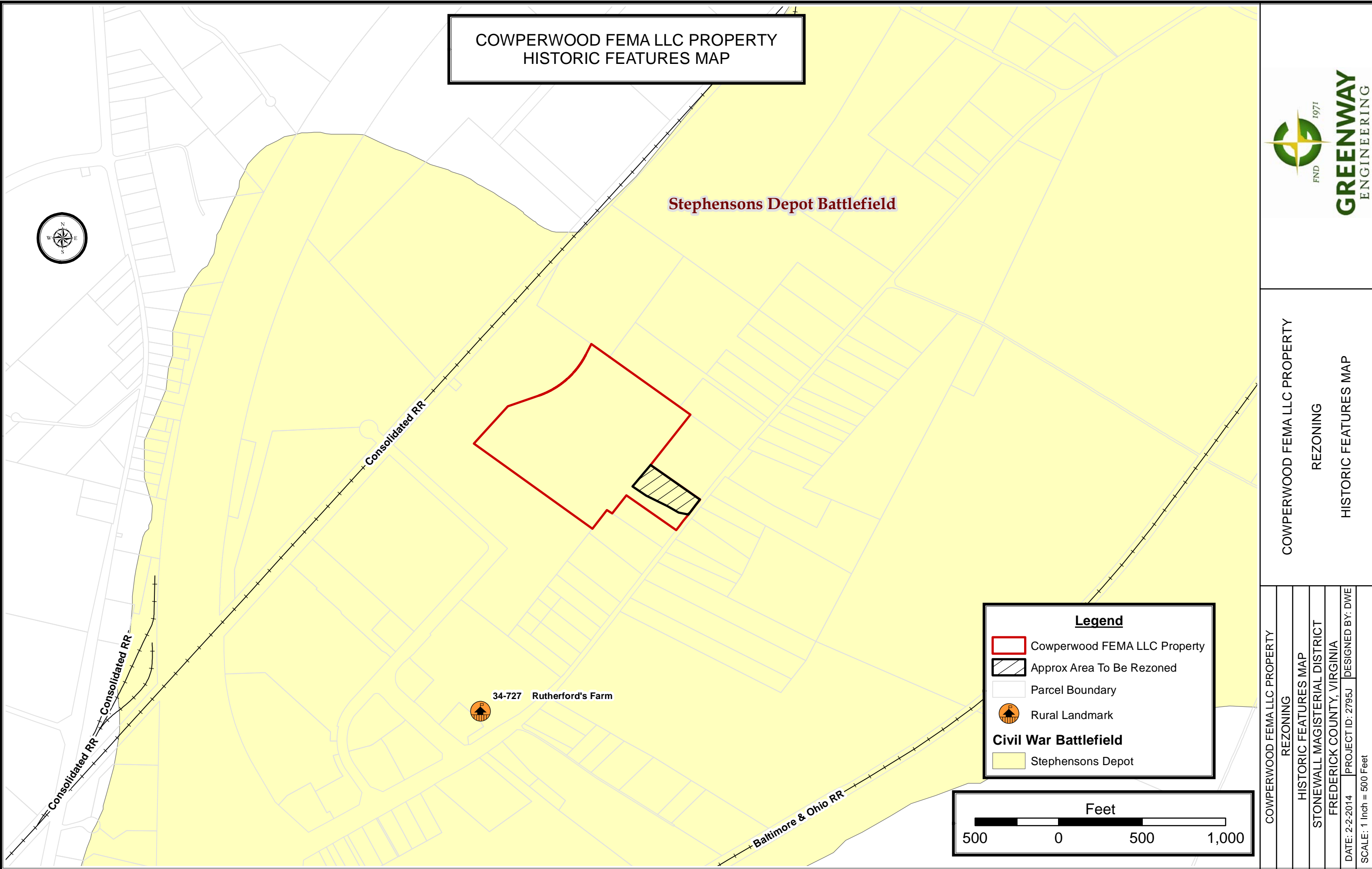
32B, OAKLET SILT LOAM, 2 TO 7 PERCENT SLOPES

5B, CARBO SILT LOAM, 2 TO 7 PERCENT SLOPES

6C, CARBO-OAKLET SILT LOAMS, VERY ROCKY, 2 TO 15 PERCENT SLOPES



COWPERWOOD FEMA LLC PROPERTY		
REZONING		
SOILS MAP		
STONEWALL MAGISTERIAL DISTRICT		
FREDERICK COUNTY, VIRGINIA		
DATE: 2-2-2014	PROJECT ID: 2795J	DESIGNED BY: DWE
SCALE: 1 Inch = 200 Feet		



COWPERWOOD FEMA LLC PROPERTY  
HISTORIC FEATURES MAP

Stephensons Depot Battlefield

Consolidated RR

Baltimore & Ohio RR

34-727 Rutherford's Farm

**Legend**

Cowperwood FEMA LLC Property

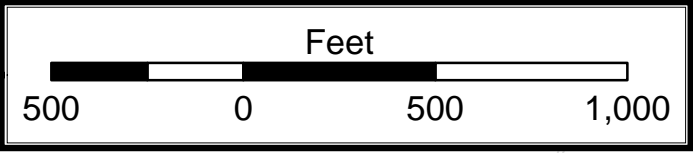
Approx Area To Be Rezoned

Parcel Boundary

Rural Landmark

**Civil War Battlefield**

Stephensons Depot



GREENWAY  
ENGINEERING

COWPERWOOD FEMA LLC PROPERTY  
REZONING  
HISTORIC FEATURES MAP

COWPERWOOD FEMA LLC PROPERTY  
REZONING  
HISTORIC FEATURES MAP

COWPERWOOD FEMA LLC PROPERTY  
REZONING  
HISTORIC FEATURES MAP

STONEWALL MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VIRGINIA  
DATE: 2-2-2014 PROJECT ID: 2795J DESIGNED BY: DWE  
SCALE: 1 Inch = 500 Feet

**REZONING APPLICATION FORM  
FREDERICK COUNTY, VIRGINIA**

*To be completed by Planning Staff:*

Zoning Amendment Number 01-14

PC Hearing Date 7/15/14

Fee Amount Paid \$ 5124.<sup>00</sup>

Date Received 6/20/14

BOS Hearing Date 8/1/14

*The following information shall be provided by the applicant:*

All parcel identification numbers, deed book and page numbers may be obtained from the **Office of the Commissioner of Revenue, Real Estate Division, 107 North Kent Street, Winchester.**

**1. Applicant:**

Name: Greenway Engineering, Inc.

Telephone: 540-662-4185

Address: 151 Windy Hill Lane

Winchester, VA 22602

**2. Property Owner (if different than above):**

Name: Cowperwood FEMA, LLC

Telephone: 212-953-0007

Address: 375 Park Avenue, Suite 3701

New York, NY 10152

**3. Contact person if other than above:**

Name: Evan Wyatt

Telephone: 540-662-4185

**4. Property Information:**

a. Property Identification Number(s): 43-A-111

b. Total acreage to be rezoned: 1.24 +/- acres

c. Total acreage of the parcel(s) to be rezoned (if the entirety of the parcel(s) is not being rezoned): 1.24 +/- acres

d. Current zoning designation(s) and acreage(s) in each designation: M-1 District 16.53 +/- acres;  
RA District 1.81 +/- acres

e. Proposed zoning designation(s) and acreage(s) in each designation: M-1 District 16.53 +/- acres;  
B-2 District 1.24 +/- acres; RA District 0.57 +/- acres

f. Magisterial District(s): Stonewall District

**5. Checklist:** Check the following items that have been included with this application.

Location map	<u>✓</u>	Agency Comments	<u>✓</u>
Plat	<u>✓</u>	Fees	<u>✓</u>
Deed to property	<u>✓</u>	Impact Analysis Statement	<u>✓</u>
Verification of taxes paid	<u>✓</u>	Proffer Statement	<u>✓</u>
Plat depicting exact meets and bounds for the proposed zoning district	<u>  </u>		<u>  </u>
Digital copies (pdf's) of all submitted documents, maps and exhibits	<u>  </u>		<u>  </u>

**6. The Code of Virginia allows us to request full disclosure of ownership in relation to rezoning applications.**

Please list below all owners or parties in interest of the land to be rezoned:

Cowperwood FEMA, LLC - Edward J. Sussi, Executive Vice President

**7. Adjoining Property:**

**PARCEL ID NUMBER**

**USE**

**ZONING**

Refer to Attached Adjoining

Property Owner Map & Table

**8. Location:** The property is located at (give exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

The 1.24 +/- acre portion of Tax Map Parcel 43-A-111 proposed to be rezoned B-2 District has frontage on the west side of

Martinsburg Pike (U.S. Route 11 North) and is located approximately 0.6 miles north of Interstate 81 Exit 317.

**9. The following information should be provided according to the type of rezoning proposed:**

Number of Units Proposed

Single Family homes: <u>1 existing</u>	Townhome: <u>0</u>	Multi-Family: <u>0</u>
Non-Residential Lots: <u>0</u>	Mobile Home: <u>0</u>	Hotel Rooms: <u>0</u>

Square Footage of Proposed Uses

Office: <u>0</u>	Service Station: <u>0</u>
Retail: <u>0</u>	Manufacturing: <u>0</u>
Restaurant: <u>0</u>	Warehouse: <u>0</u>
Commercial: <u>0</u>	Other: <u>0</u>

**10. Signature:**

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance and to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

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

Applicant(s): Erin A. Wyatt Date: 4/7/14

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

Owner(s): E. Suss Date: 4/8/14  
EDWARD J. SUSS  
SENIOR VICE PRESIDENT

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



**Special Limited Power of Attorney**  
**County of Frederick, Virginia**  
**Frederick Planning Website: www.co.frederick.va.us**

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

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

(Name) Cowperwood FEMA, LLC (Phone) 212-953-0007

(Address) 375 Park Avenue, Suite 3701 New York, NY 10152

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 060020794 on Page 0186, and is described as

Parcel: 111 Lot: 43 Block: A Section: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
do hereby make, constitute and appoint:

(Name) Greenway Engineering, Inc. (Phone) 540-662-4185

(Address) 151 Windy Hill Lane Winchester, VA 22602

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

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

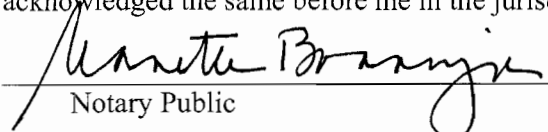
My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

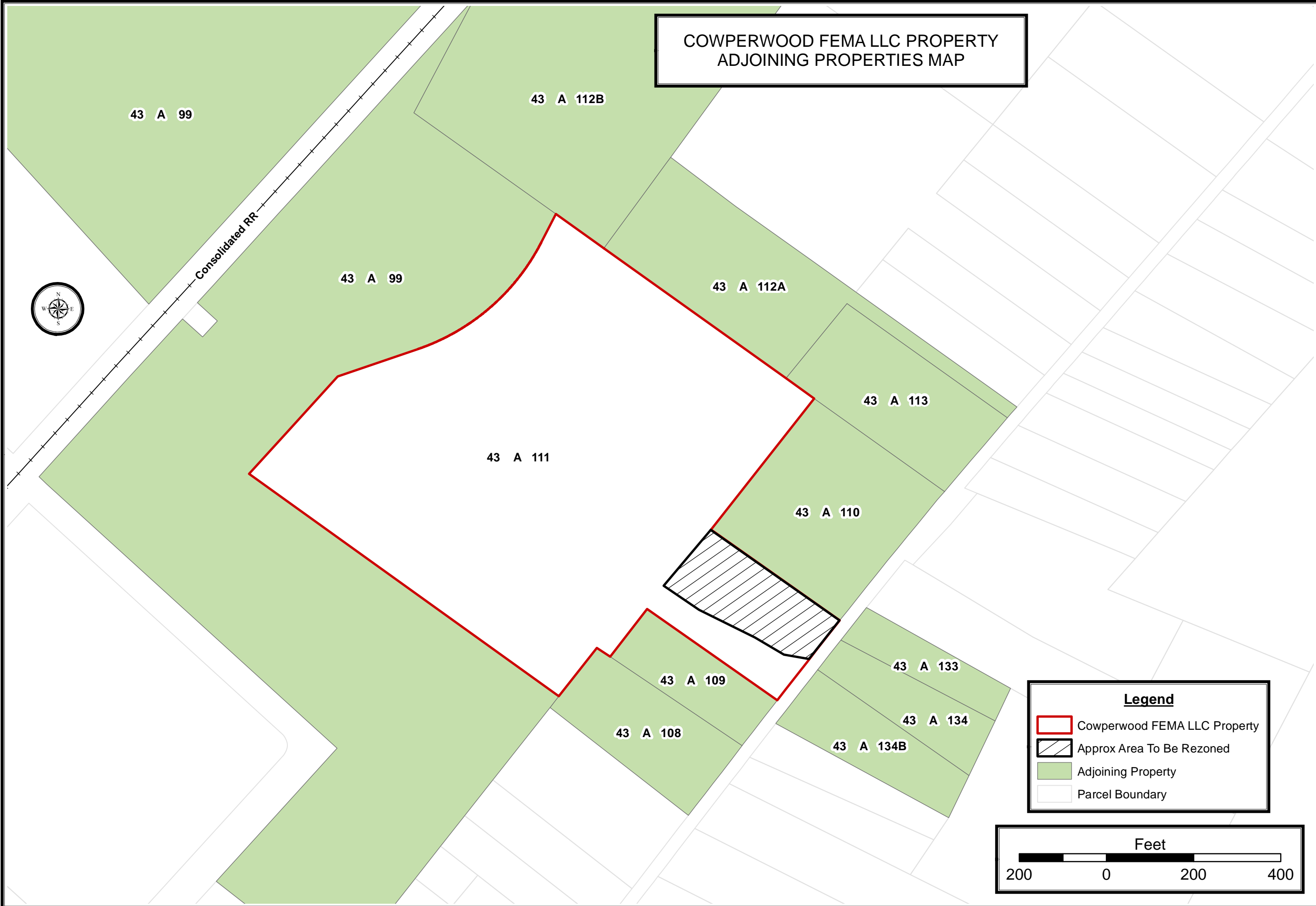
This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified. In witness thereof, I (we) have hereto set my (our) hand and seal this 8<sup>th</sup> day of APRIL, 2014.

Signature(s) 

State of ~~Virginia~~ NEW YORK County of NEW YORK, To-wit:

I, NANETTE BRANNIGAN, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 8<sup>th</sup> day of APRIL, 2014.

 My Commission Expires: 10/27/2014  
Notary Public





1971

FND

**GREENWAY**

ENGINEERING

COWPERWOOD FEMA LLC PROPERTY

REZONING

ADJOINING PROPERTIES MAP

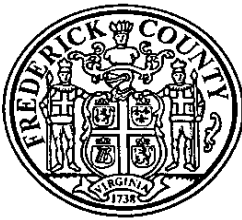
STONEWALL MAGISTERIAL DISTRICT

FREDERICK COUNTY, VIRGINIA

DATE: 2-2-2014 | PROJECT ID: 2795J | DESIGNED BY: DWE

SCALE: 1 Inch = 200 Feet

Tax Map Number	Owner	Address	City & State	ZIP
43   A   99	SOLENBERGER C ROBERT ETALS	114 N CAMERON ST	WINCHESTER VA	22601
43   A  108	NETHERS CONSTRUCTION LLC	915 WELLTOWN RD	WINCHESTER VA	22603
43   A  109	MERRYMAN SCOTT E - MERRYMAN LINDA M	1995 MARTINSBURG PIKE	WINCHESTER VA	22603
43   A  110	RIDDICK THOMAS E JR - RIDDICK JANET	2045 MARTINSBURG PIKE	WINCHESTER VA	22603
43   A  112A	DEHAVEN JANE M TRUSTEE	2075 MARTINSBURG PIKE	WINCHESTER VA	22603
43   A  112B	DEHAVEN CHARLES S JR	2077 MARTINSBURG PIKE	WINCHESTER VA	22603
43   A  113	DEHAVEN JANE M TRUSTEE	2075 MARTINSBURG PIKE	WINCHESTER VA	22603
43   A  133	HART ROBERT A - HART ALICE C	2024 MARTINSBURG PIKE	WINCHESTER VA	22603
43   A  134	WILLIAMSON LINWOOD R	2014 MARTINSBURG PIKE	WINCHESTER VA	22603
43   A  134B	WWP INVESTMENTS LLC	PO BOX 725	WINCHESTER VA	22604



## AMENDMENT

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**Action:**

PLANNING COMMISSION: July 16, 2014 - Recommended Approval

BOARD OF SUPERVISORS: August 13, 2014 ☐ APPROVED ☐ DENIED

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### AN ORDINANCE AMENDING

### THE ZONING DISTRICT MAP

### REZONING #01-14 COWPERWOOD FEMA

**WHEREAS, Rezoning #01-14 of Cowperwood FEMA**, submitted by Greenway Engineering, to rezone 1.24 acres from RA (Rural Areas) District to B2 (Business General) District with proffers dated February 14, 2014, last revised on June 17, 2014, was considered. The property is located on Martinsburg Pike (Rt. 11) and is located approximately 0.6 miles north of Interstate 81 and Exit 317. The property is further identified with P.I.N. 43-A-111 in the Stonewall Magisterial District.

**WHEREAS**, the Planning Commission held a public hearing on this rezoning on July 16, 2014, and recommended approval of this request; and

**WHEREAS**, the Board of Supervisors held a public hearing on this rezoning on August 13, 2014; and

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

**NOW, THEREFORE, BE IT ORDAINED** by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the Zoning District Map to rezone 1.24 acres from RA (Rural Areas) District to B2 (Business General) District with proffers. The conditions voluntarily proffered in writing by the applicant and the property owner are attached.

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

Passed this 13th day of August, 2014 by the following recorded vote:

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

**A COPY ATTEST**

---

John R. Riley, Jr.  
Frederick County Administrator

## **COWPERWOOD FEMA, LLC COMMERCIAL PROPERTY PROFFER STATEMENT**

REZONING: RZ#  
Rural Areas (RA) District to Business General (B2) District with  
Proffers

PROPERTY: 1.24± acre portion of 18.34± acre parcel  
Tax Parcel 43-A-111

RECORD OWNER: Cowperwood FEMA, LLC

APPLICANT: Cowperwood FEMA, LLC (here-in after the “**Owner**”)

PROJECT NAME: Cowperwood FEMA, LLC Commercial Property

ORIGINAL DATE  
OF PROFFERS: February 14, 2014

REVISION DATE: June 17, 2014

### **Preliminary Matters**

Pursuant to Section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned Owner hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application # \_\_\_\_\_ for the rezoning of 1.24±-acres of Rural Areas (RA) District to 1.24±-acres of Business General (B2) District with proffers; development of the subject property (“**Property**”) shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Owner and such be approved by the Frederick County Board of Supervisors in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon the Owner and any successors, or assigns of the Owner.

The Property, identified as Cowperwood FEMA, LLC Commercial Property and more particularly described as the land owned by Cowperwood FEMA, LLC., being a 1.24± acre portion of Tax Map Parcel 43-A-111 (tax parcel 43-A-111 acquired as Instrument No. 0600020794), as shown on the plat titled Rezoning Exhibit, by Richard A. Edens dated December 17, 2013.

**COWPERWOOD FEMA, LLC COMMERCIAL PROPERTY  
PROFFER STATEMENT**

**A.    Land Use**

- 1) The Owner hereby proffers to limit development of the Property to the existing single-family detached dwelling. This proffer allows for the expansion and/or repair of the existing single-family dwelling in accordance with all applicable state and local requirements provided that the structure remains as a single-family detached dwelling.

**B.    Transportation**

- 1) The Owner hereby proffers to dedicate a right-of-way area along the frontage of the Property that is 20' in width for the future widening of Martinsburg Pike (U.S. Route 11 North). The Owner will dedicate the 20'-wide right-of-way to VDOT at such time that it is requested by VDOT or Frederick County in writing for the Martinsburg Pike widening project.
- 2) The Owner hereby proffers to utilize the existing access drive located on tax parcel 43-A-111 for the existing single-family detached dwelling for access to the public street system, and proffers to restrict additional connections to Martinsburg Pike along the frontage of the Property.

OWNER NOTARIZED SIGNATURES ON FOLLOWING PAGES

**Signature**

The conditions proffered above shall be binding upon the successors and assigns of the Owner. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully Submitted:

By:

  
Cowperwood FEMA, LLC  
Edward J. Sussi, Executive Vice President

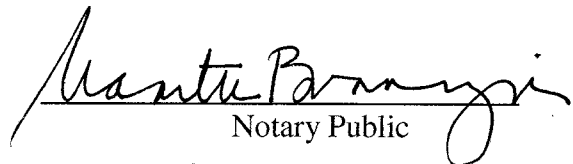
6/19/14  
Date

State of New York,

City/County of NEW YORK To Wit:

The foregoing instrument was acknowledged before me this 19<sup>TH</sup> day of JUNE

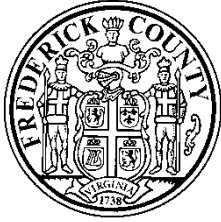
2014 by EDWARD J. SUSSI, EXECUTIVE VICE PRESIDENT

  
Notary Public

My Commission Expires OCTOBER 27, 2014

NANETTE BRANNIGAN  
Notary Public, State of New York  
No. 31-4875068  
Qualified in New York County  
Term Expires October 27, 2014

M



## MASTER DEVELOPMENT PLAN #06-14

### Lake Frederick Revision #1

### Staff Report for the Board of Supervisors

Prepared: August 4, 2014

Staff Contact: Candice E. Perkins, AICP, Senior Planner

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

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	07/16/14	Reviewed
Waiver Request:	07/16/14	Recommended approval
Board of Supervisors:	08/13/14	Pending
Waiver Request:	08/13/14	Pending

**PROPOSAL:** To develop 926.27 acres of land zoned R5 (Residential Recreational Community) District with a total of 2,130 (includes the 253 existing platted lots) residential dwelling units. The land area west of Lake Frederick will consist entirely of age restricted dwellings (total of 517 age restricted units) and will be served by private streets. The land area east of Lake Frederick will consist primarily of traditional residential units (76 age restricted units and 1,537 traditional). The housing located on the east side of Lake Frederick will include a mix of single family detached and attached. With this MPD application, the applicant is requesting a waiver of the public street requirement to enable the entire Lake Frederick development to have a complete system of private streets.

This MDP is a revision to the plan approved in 2013 for Shenandoah. Changes include removing the commercial pod located in Phase 1B, removing a road connection and adding lots in Phase IIA, adding a model court in Phase 1A, and the request for private streets for the east side of the development. These changes do not impact the overall lot number approved within the development.

**MAGISTERIAL DISTRICT:** Opequon

**PROPERTY ID NUMBERS:** 87-A-103, 87-A-103C, and 87-A-102

**LOCATION:** The subject properties are located on the western side of Route 522 South (Front Royal Pike), south of Route 277 (Fairfax Pike) and east of Route 636 (Hudson Hollow Road). Existing primary access to this site is located on Route 522 South via Lake Frederick Drive.

**PROPERTY ZONING & PRESENT USE:**

Zoned: Residential Recreational Community (R5)      Use: Residential & Vacant

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

North: RA (Rural Areas)  
South: RA (Rural Areas)

Use: Agricultural & Residential  
Use: Agricultural & Residential

East:	RA (Rural Areas) Clarke County	Use: Agricultural & Residential
West:	RA (Rural Areas)	Use: Agricultural & Residential

**WAIVER REQUEST:**

The Applicant is requesting a waiver of the public street requirements within the Lake Frederick (Shenandoah) Development as allowed by § 165-502.05K(1) of the Zoning Ordinance. Approval of the waiver would allow the development to be constructed with a complete network of private streets with gated access. Currently the area west of Lake Frederick is entirely age restricted and is being constructed with private streets. The applicant wishes to continue the private streets on the east side of Lake Frederick and gate the community. Approval of the waiver would require the HOA to maintain the roads in perpetuity. The Board of Supervisors approved the inclusion of a waiver option for the public street requirement within R5 Zoned Communities on July 9, 2014. The waiver states:

Within any portion of a residential recreational community the Board of Supervisors may waive the public street requirement and allow for the installation of private streets, provided that a program for the perpetual maintenance of all streets is provided which is acceptable to the Board of Supervisors and the Transportation Planner. All private streets shall meet the following VDOT standards:

- i. All structural section design standards;
- ii. Material composition and quality standards;
- iii. Construction standards, techniques, and workmanship quality standards;
- iv. Drainage and storm water management systems;
- v. All the design, testing and materials, and in-place quality testing and as-built drawings for the road system must be certified by the developer, the builder, and a registered professional engineer in the State of Virginia, that the roads meet all of VDOT structural and quality standards, and the plans are submitted to the Frederick County Engineer and the Frederick County Planning Department.

The applicant has provided a letter stating that the HOA will be responsible for the maintenance of the private streets in perpetuity and that a licensed professional engineer will oversee the construction. The design plans for the road systems will need to meet the specified VDOT standards and will be verified by staff and sealed by the applicant's engineer. Details of the private road design are attached. The Planning Commission recommended approval of the waiver request at their July 16, 2014 meeting.

**STAFF CONCLUSIONS FOR THE 08/13/14 BOARD OF SUPERVISORS MEETING:**

The Master Development Plan for Lake Frederick depicts appropriate land uses and appears to be consistent with the requirements of Article VIII, Master Development Plan, of the Zoning Ordinance. The MDP is in a form that is administratively approvable, if the requested waiver is granted by the Board of Supervisors. All of the issues identified by staff, review agencies, as well as those issues brought forth by the Planning Commission and the Board of Supervisors, should be appropriately addressed by the applicant.

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

## **REVIEW EVALUATIONS:**

**Virginia Department of Transportation:** See attached comment.

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

**Frederick County Public Works:** No comment at this time.

**Frederick County Inspections:** Future sections of the subdivision shall meet new stormwater requirements as applicable at time of subdivision plan approval.

**Frederick County Sanitation Authority:** Per your request, a review of the proposed master plan has been performed. The Frederick County Sanitation Authority offers comments limited to the anticipated impact/effect upon the Authority's public water and sanitary sewer system and the demands thereon.

The parcel is in the water and sanitary sewer area served by the Authority. Based on the location both water service and sanitary sewer service is available. The changes contemplated do not vary significantly to affect either the water or sanitary sewer systems. Sanitary sewer treatment capacity at the waste water treatment plant should not be affected by this change. Monitoring of the flows into this plant will need to be performed in order to determine when permit changes are in order. Presently the plant is permitted for 250,000 gallons per day.

Water and sanitary sewers are to be constructed in accordance with the FCSA standard specifications. Dedicated easements will be required and based on the final layout, vehicular access will need to be incorporated into the final design. All easements should be free from an encumbrance including permanent structures (fences, signs etc.) and landscaping (trees, shrubs, etc.).

Please be aware that the Authority does not review or comment upon proffers and/or conditions proposed or submitted by the applicants in support of or in conjunction with this application, nor does the Authority assume or undertake any responsibility to review or comment upon any amended proffers and/or conditions which the Applicant may hereafter provide to Frederick County.

**Frederick County Public Schools:** Our school buses do not travel private roads. Any residents of the new non-age restricted units in Phase 1B living on private roads would need to walk to the nearest bus stop located on a public road.

**Frederick County GIS:** Revised and three new street names are good.

## **Planning & Zoning:**

### **A) Master Development Plan Requirement**

A master development plan is required prior to development of this property. Before a master development plan can be approved, it must be reviewed by the Planning Commission, Board of Supervisors and all relevant review agencies. Approval may only be granted if the master

development plan conforms to all requirements of the Frederick County Zoning and Subdivision Ordinances. The purpose of the master development plan is to promote orderly and planned development of property within Frederick County that suits the characteristics of the land, is harmonious with adjoining property and is in the best interest of the general public.

**B) Site History**

The properties comprising this project were rezoned from the A-2 (Agricultural) District to the R-5 (Residential Recreational Community) District in October of 1975. A Master Development Plan for a project titled "Wheatlands" containing a total of 1,463 dwelling units was approved by the Frederick County Board of Supervisors on July 10, 1991. A Master Development Plan for "Shenandoah" (revised Wheatlands) containing a total of 2,130 (2.3 units per acre) age restricted dwelling units (attached, detached and apartments on private streets), was approved by the Board of Supervisors on October 25, 2000 with conditions, (Board of Supervisors deemed conditions satisfied on March 25, 2001) and the plan was administratively approved by staff on May 2, 2001. On December 5, 2007, staff approved an administrative revision to the Shenandoah Master Development Plan for minor modifications to the interior road network. On August 22, 2013, staff administratively approved MDP #01-13 for revisions to the Shenandoah Development. The 2013 MDP revised the road layout of the project as well as the lot layout and housing types proposed.

**C) Site Suitability & Project Scope**  
***Comprehensive Policy Plan:***

The Frederick County Comprehensive Policy Plan is an official public document that serves as the community's guide for making decisions regarding development, preservation, public facilities and other key components of community life. The primary goal of this plan is to protect and improve the living environment within Frederick County. It is in essence a composition of policies used to plan for the future physical development of Frederick County. [*Comprehensive Policy Plan, p. 1-1*]

***Land Use Compatibility:***

The parcels comprising this MDP application are not located within the County's Urban Development Area (UDA) or the Sewer and Water Service Area (SWSA); however the site has existing R5 Zoning and is also shown with a Planned Unit Development designation in the Comprehensive Plan (Route 277 Triangle and Urban Center Plan). The Shenandoah Development is proposed to develop with a density of 2.3 units per acre, which is consistent with the maximum R5 density permitted in the Zoning Ordinance.

The Shenandoah Development is served with public sewer by the Crooked Run Wastewater Reclamation Facility which was constructed by Oxbridge Development at Shenandoah to serve the Shenandoah Development and turned over to the Frederick County Sanitation Authority. The Authority now owns and maintains the treatment plant. Public water is also provided to the development by the Frederick County Sanitation Authority.

***Site Access and Transportation:***

The existing Shenandoah Development is accessed via a signalized (not yet turned on – flashing) entrance on Route 522 south. The existing Route 522 access also serves as the primary entrance to Lake Frederick which is owned by VDGIF. An additional full entrance for the development is shown on Fairfax Pike (Route 277) and an emergency access is shown on Hudson Hollow Road (Route 636).

The development can be seen as two sections, one east and one west of Lake Frederick. The portion west of the lake is where the existing age restricted units are located and are completely served by private roads. The MDP shows all development west of Lake Frederick to remain age restricted and the private road network will be extended to serve those units. The portion of the development east of Lake Frederick will primarily consist of traditional housing that will also be served by private roads if the requested waiver is approved. If the waiver is not approved the development east of Lake Frederick will be required to install public roads.

The Route 277 Triangle and Urban Center Plan (Appendix I), shows a new arterial road called the South Frederick Parkway which is planned to run through the northern portion of this property. Sheet 6 of the MDP shows how this future roadway could be accommodated on the property.

***Recreational Amenities:***

The existing age restricted portion of the development located on the western side of Lake Frederick contains a constructed community center with a pool and bathhouse. The existing community facilities will continue to serve the age restricted portion of the development. A new community center with a pool, bathhouse and tennis court will be constructed on the eastern side of Lake Frederick along with a tot lot at a separate location. In addition there will be a 10 foot paved bike path continued along Rachel Carson Drive, four (4) foot lake access trails throughout the development and three boat launch locations (with approval by VDGIF).

**PLANNING COMMISSION SUMMARY OF THE 7/16/14 MEETING:**

***Waiver Discussion:***

On July 16, 2014, the Planning Commission held a public meeting on this request to eliminate the public street requirement to allow the Lake Frederick Development to be developed with a complete network of private streets. A member of the Commission asked if access to the commercial area would be through private streets. Staff pointed out the only commercial pod remaining is held under separate ownership and was severed; the commercial pod has access via the existing Lake Frederick Drive, constructed a number of years ago. No other issues were raised and there were no public comments. The Planning Commission unanimously recommended approval of the waiver request. (Note: Commissioner Mohn abstained from discussion and voting.)

*MDP Discussion:*

Some members of the Commission recalled a previous plan, back in 2002-2003, in which there was land set aside for a fire station. Staff said a note to that affect was placed on an older MDP; however, it was never a proffer and consequently, the note was removed with the 2013 plan. No other issues were raised; no action was needed by the Commission. (Note: Commissioner Mohn abstained from discussion of this item.)

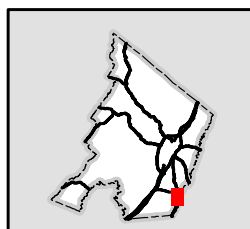
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***It appears that the application meets all requirements. Following presentation of the application to the Planning Commission and the Board of Supervisors, and the incorporation of your comments, staff is prepared to proceed to approval of the application.***

PINs:  
87 - A - 103, 87 - A - 103C,  
87 - A - 102

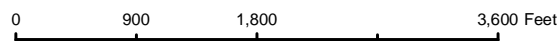
PINs:  
87 - A - 103, 87 - A - 103C,  
87 - A - 102



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

MDP # 06 - 14  
Lake Frederick Rev #1  
PINs:  
87 - A - 103, 87 - A - 103C,  
87 - A - 102

Note:  
Frederick County Dept of  
Planning & Development  
107 N Kent St  
Suite 202  
Winchester, VA 22601  
540 - 665 - 5651  
Map Created: June 9, 2014  
Staff: cperkins



# LAWSON AND SILEK, P.L.C.

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

THOMAS MOORE LAWSON • [TLAWSON@LSPLC.COM](mailto:TLAWSON@LSPLC.COM)

July 10, 2014

Eric Lawrence, Director  
Candice Perkins, Senior Planner  
County of Frederick  
Department of Planning & Development  
107 North Kent Street  
Suite 202  
Winchester, VA 22601

Re: Our File No. 1211.001

## VIA E-MAIL AND U.S. MAIL

Dear Candice and Eric:

Following last night's Board of Supervisors' approval of the ordinance allowing for owners of R-5 property to apply for a private street waiver, this is to formally request that the owners of the Lake Frederick community (Shenandoah) be granted a private street waiver for the non-age restricted portions of that community consistent and in conformance with the terms set forth in the ordinance approved last night, including, but not limited to, that road reserve funds will be established, the HOA will be responsible for maintenance of private streets in perpetuity and a licensed professional engineer will oversee the construction. We understand the ordinance that was approved provides that the owners of the property may appear before the Board of Supervisors at a duly noticed public hearing to request said waiver. We request that this waiver be heard at the Board of Supervisors' August 13, 2014 hearing, which is the same time that a Master Plan amendment is already scheduled to be presented to the Board of Supervisors for this community.

Thank you for your continued assistance and cooperation, as well as the processing of this waiver request. If anything further is required to effect the waiver request, please advise me immediately. Also, and as always, if you have any questions, please do not hesitate to give me a call.

Very truly yours,

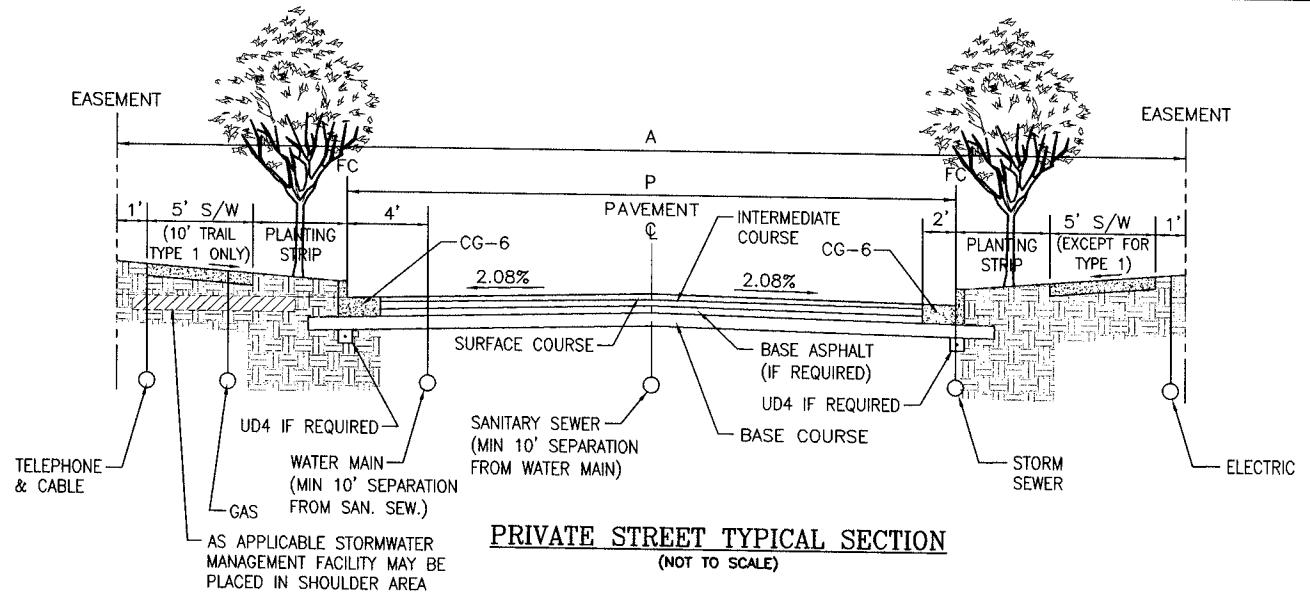
  
Thomas Moore Lawson

TML:atd

cc: Lansdowne Development Group

## CONSTRUCTION NOTES

- AS SPECIFIED WITH THIS WAIVER EXHIBIT AND AS SHALL BE FURTHER DETAILED ON SUBSEQUENT DEVELOPMENT PLANS, ALL PRIVATE STREETS SHALL MEET THE FOLLOWING VDOT STANDARDS:
  - ALL STRUCTURAL SECTION DESIGN STANDARDS;
  - MATERIAL COMPOSITION AND QUALITY STANDARDS;
  - CONSTRUCTION STANDARDS, TECHNIQUES, AND WORKMANSHIP QUALITY STANDARDS;
  - DRAINAGE AND STORM WATER MANAGEMENT SYSTEMS;
  - ALL THE DESIGN, TESTING AND MATERIALS, AND IN-PLACE QUALITY TESTING AND AS-BUILT DRAWINGS FOR THE ROAD SYSTEM MUST BE CERTIFIED BY THE DEVELOPER, THE BUILDER, AND A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF VIRGINIA, THAT THE ROADS MEET ALL OF VDOT STRUCTURAL AND QUALITY STANDARDS, AND THE PLANS ARE SUBMITTED TO THE FREDERICK COUNTY ENGINEER AND THE FREDERICK COUNTY PLANNING DEPARTMENT.
- THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN ON THESE PLANS IS TAKEN FROM AVAILABLE RECORDS. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE START OF CONSTRUCTION AND SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES IN THE INFORMATION SHOWN ON THESE PLANS. BOWMAN CONSULTING GROUP DOES NOT CERTIFY TO THE LOCATION OR EXISTENCE OF ANY UNDERGROUND UTILITY SHOWN ON THIS PLAN. THE CONTRACTOR SHALL CONTACT "MISS UTILITY" AT 811 PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION.
- THE DEVELOPER IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING ROADS AND UTILITIES WHICH OCCUR AS A RESULT OF PROJECT CONSTRUCTION WITHIN OR CONTIGUOUS TO EXISTING RIGHT-OF-WAY.
- A SMOOTHING GRADE SHALL BE MAINTAINED FROM THE CENTERLINE OF THE EXISTING ROAD TO THE CURB AND GUTTER TO PRECLUDE THE FORMING OF FALSE GUTTERS AND/OR THE PONDING OF ANY WATER ON THE ROADWAY.
- ALL CONTROLLED FILL, BASE, AND SUBBASE MATERIAL SHALL BE COMPACTED TO A MINIMUM OF 95% OF THEORETICAL MAXIMUM DENSITY AS DETERMINED BY AASHTO T-99 METHOD A, AND WITHIN PLUS OR MINUS 2% OF OPTIMUM MOISTURE, FOR THE FULL WIDTH OF ANY DEDICATED RIGHT-OF-WAY. DENSITY MUST BE VERIFIED BY A QUALIFIED SOILS ENGINEER. CONTROLLED FILLS SHALL BE COMPACTED IN NO GREATER THAN EIGHT-INCH LIFTS (LOOSE THICKNESS) TO THE SPECIFIED DENSITY, BEGINNING FROM THE EXISTING GROUND SURFACE, UNLESS OTHERWISE APPROVED IN WRITING BY A QUALIFIED SOILS ENGINEER.
- STORM SEWER AND CULVERT PIPE SHALL BE REINFORCED CONCRETE CLASS III PIPE TO CONFORM TO THE CURRENT AASHTO DESIGNATION M170, UNLESS OTHERWISE DESIGNATED.
- ALL MATERIALS AND CONSTRUCTION WILL CONFORM TO CURRENT SPECIFICATION AND STANDARDS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND FREDERICK COUNTY.
- ADDITIONAL DITCH LININGS SHALL BE PROVIDED AT THE DEVELOPER'S EXPENSE IF DETERMINED NECESSARY BY THE COUNTY INSPECTOR DURING FIELD REVIEW.
- DURING ROUGH GRADING OF THE SITE, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE GEOTECHNICAL ENGINEER IF GROUND WATER SEEPAGE IS IDENTIFIED. IDENTIFICATION OF SUCH GROUND WATER MAY REQUIRE THAT (ADDITIONAL) UNDERDRAINS OR COMBINATION DRAINS BE INSTALLED TO PROTECT THE INTEGRITY OF THE FILL SLOPES AND/OR FINAL PAVEMENT.
- STREET SURFACES SHALL BE MAINTAINED IN A CLEANED CONDITION, MUD AND DUST FREE AT ALL TIMES. ADEQUATE MEANS SHALL BE PROVIDED TO CLEAN TRUCKS AND OTHER EQUIPMENT USING THE COMPLETED STREETS.
- STANDARD GUARDRAIL AND HANDRAIL SHALL BE INSTALLED AT THOSE LOCATIONS AS DESIGNATED DURING FINAL FIELD INSPECTIONS BY FREDERICK COUNTY.
- ALL DISTURBED RIGHT-OF-WAY MONUMENTS ARE TO BE REPLACED AND VERIFIED BY A CERTIFIED LAND SURVEYOR AT THE DEVELOPER'S EXPENSE.
- ALL RETAINING WALLS 2 FEET IN HEIGHT AND GREATER REQUIRE A SEPARATE BUILDING PERMIT.
- CONTRACTOR/DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION.
- DRAINAGE AND STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH VDOT AND VIRGINIA SWM REGULATIONS.



**PRIVATE STREET TYPICAL SECTION**  
(NOT TO SCALE)

## PRIVATE STREETS

PRIVATE STREET TYPE	PLANTING STRIP	P PAVEMENT	A EASEMENT	DESIGN SPEED	PAVEMENT SECTION
TYPE 1 RACHEL CARSON DRIVE (NO DIRECT ACCESS FROM LOTS)	7'	30'	61'	30 MPH	ROAD SECTIONS SHALL BE DESIGNED IN ACCORDANCE WITH VIRGINIA DEPARTMENT OF TRANSPORTATION PAVEMENT DESIGN GUIDE FOR SUBDIVISION AND SECONDARY ROADS IN VIRGINIA.
TYPE 2	7'	30'	56'	30 MPH	
TYPE 3	7'	24'	50'	25 MPH	
TYPE 4	5'	22'	44'	20 MPH	

**Bowman**  
CONSULTING

101 South Street, S. E. Phone: (703) 443-2400  
Leesburg, VA 20175 Fax: (703) 443-2425

© Bowman Consulting Group, Ltd.

**PRIVATE STREET  
WAIVER EXHIBIT**  
**LAKE FREDERICK**  
(FORMERLY SHENANDOAH)  
Scale: N.T.S.  
JULY, 2014

**From:** Funkhouser, Rhonda (VDOT) on behalf of Ingram, Lloyd (VDOT)  
**To:** Joshua Elkins  
**Cc:** Ingram, Lloyd (VDOT); Smith, Matthew, P.E. (VDOT); Bishop, John. (VDOT)  
**Subject:** Shenandoah - Revised Master Development Plan - VDOT Comments  
**Date:** Wednesday, April 30, 2014 2:43:06 PM  
**Attachments:** Scanned from EDNXerox.pdf

---

## COMMONWEALTH of VIRGINIA

### DEPARTMENT OF TRANSPORTATION

Staunton/Edinburg Land Development  
14031 Old Valley Pike  
Edinburg, VA 22824

Mr. Elkins,

A VDOT review has been conducted for the Shenandoah Master Development Plan (MDP) dated 04/15/14. Based off of the review of the drawings, this property appears to have a measurable impact on Routes 522 and 277. These routes are the VDOT roadways which have been considered as access to the property referenced.

VDOT approves this MDP with the following concerns noted:

- The previously submitted TIA appears to be based on having two entrances to Route 522, a full access and a right-in/right-out. Now, only the existing signalized entrance appears to be proposed, which could affect the traffic splits in the analysis. The previous TIA is outdated and VDOT recommends updating the data based on current traffic counts and proposed traffic impacts prior to submitting construction drawings.
- The proposed connection to Route 277 must be in accordance with current VDOT Standards, Specifications, and Regulations.
- Per the Frederick County long range planning maps, the South Frederick Parkway is proposed to be built near the development's connection to Route 277. It is recommended that the owner/designer discuss this future connection with the County to determine if a potential conflict exists.

Before development, this office will require a complete set of construction drawings detailing entrance designs, drainage features, and traffic flow data from the current edition of the I.T.E. Trip Generation Manual for review. VDOT reserves the right to comment on all right-of-way needs, including right-of-way dedications, traffic signalization, access management, and off-site roadway improvements and drainage. Any work performed on the State's right-of-way must be covered under a land use permit. This permit is issued by this office and requires an application, inspection fee and surety bond coverage.

Thank you for allowing us the opportunity to comment.

Regards,

Lloyd A. Ingram | Land Development Engineer  
Virginia Department of Transportation

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

**MASTER DEVELOPMENT PLAN  
APPLICATION FORM**

- Department of Planning & Development Use Only -

Application # \_\_\_\_\_ Date Application Received: \_\_\_\_\_

PC Meeting Date \_\_\_\_\_ BOS Meeting Date \_\_\_\_\_

Fee Amount Paid \$ \_\_\_\_\_ Initials: \_\_\_\_\_ Receipt # \_\_\_\_\_

1. **Project Title:** Lake Frederick (formerly Shenandoah) - MDP Revision 1

**2. Applicant:**

Name: MREC Shenandoah VA, LLC Telephone: (703) 995-1849

Address: 2553 Dulles View Drive, Suite 400, Herndon, VA 20171

**3. Property Owner (if different than above):**

Name: MREC Shenandoah VA, LLC Telephone: (703) 995-1849

Address: 2553 Dulles View Drive, Suite 400, Herndon, VA 20171

**4. Design Company:**

Name: Bowman Consulting Group, LTD. Telephone: (703) 443-2400

Address: 101 South Street SE, Leesburg, VA 20175

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

Shenandoah Station Partners, LLC (principal: Leonard S. "Hobie" Mitchel); MRECV Shenandoah, LLC (principal: Joel Kaul)

6. **Magisterial District:** Opequon

7. **Property Location:** The property is located west off of Route 522 just south of Route 277 and east of Route 636.

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

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

Original ☐

Amended ☒, Previous MDP# 01-13

9. **Property Information:**

a)	Property Identification Number (PIN):	<u>87 A 103, 87 A 103C, 87 A 102</u>
b)	Total Acreage:	<u>926.27</u>
c)	Current Zoning:	<u>R5</u>
d)	Present Use:	<u>Residential/Vacant</u>
e)	Proposed Uses:	<u>Residential</u>

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

a)	Density:	<u>2.3 DU/ Acre</u>
b)	Number of Units:	<u>2,130</u>
c)	Housing Types:	<u>Single Family Detached &amp; Single Family Attached</u>

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

	<u>USE</u>	<u>ZONING</u>
North	<u>Residential or Vacant</u>	<u>RA</u>
East	<u>Residential or Vacant</u>	<u>RA</u>
South	<u>Residential or Vacant</u>	<u>RA</u>
West	<u>Agriculture or Vacant</u>	<u>RA</u>

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

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

Applicant(s): 

Date: 6/4/14

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

Owner(s): 

Date: 6/4/14

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

## Adjoining Property Owners MASTER DEVELOPMENT PLAN

Owners of property adjoining the land will be notified of the Planning Commission and the Board of Supervisors meetings. For the purpose of this application, **adjoining property is any property abutting the requested property on the side or rear or any property directly across a public right-of-way, a private right-of-way, or a watercourse from the requested property.** The applicant is required to obtain the following information on each adjoining property including the parcel identification number which may be obtained from the office of the Commissioner of Revenue. *The Commissioner of the Revenue is located on the 1st floor of the Frederick County Administration Building, 107 North Kent Street.*

Name and Property Identification Number	Address
Name SHENANDOAH HOMEOWNERS ASSOCIATION INC.	140 BALD EAGLE DR.
Property #87B 1 2 31C	FRONT ROYAL, VA 22630
Name EUGENE F GROVE	320 VICTORY RD.
Property #93 A 77	WINCHESTER, VA 22602
Name MREC SHENANDOAH VA LLC C/O LANSDOWNE DEVELOPMENT GROUP LLC	2553 DULLES VIEW DR. SUITE 400
Property #87 A 103	HERNDON, VA 20171
Name SHENANDOAH HOMEOWNERS ASSOCIATION INC.	4840 WESTFIELDS BLVD.
Property #87B 2 1 228A	CHANTILLY, VA 20151
Name JAMES Q AND DARLENE C HEADLEY	4486 FRONT ROYAL PIKE
Property #87 A 105A	WHITE POST, VA 22663
Name JAMES Q AND MICHAEL A HEADLEY	4488 FRONT ROYAL PIKE
Property #87 A 105	WHITE POST, VA 22663
Name KATHY A HEADLEY	4490 FRONT ROYAL PIKE
Property #87 A 103A	WHITE POST, VA 22663
Name WHEATLANDS LLC	8405 GREENSBORO DR. SUITE 830
Property #94 A 1	MCLEAN, VA 22102
Name COMMONWEALTH OF VIRGINIA -DEPT OF GAME & INLAND FISHERIES	4010 W BROAD ST.
Property #87 A 103B	RICHMOND, VA 23230



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

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

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

(Name) MREC Shenandoah VA, LLC c/o Lansdowne Development Group, LLC (Phone) (703) 995-1849

(Address) 2553 Dulles View Drive, Suite 400, Herndon, VA 20171

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. 130006454 on Page 0411, and is described as

Parcel: See Attached Lot: See Attached Block:        Section:        Subdivision:         
do hereby make, constitute and appoint:

(Name) Bowman Consulting Group, Ltd. (Phone) (703) 443-2400

(Address) 101 South Street SE, Leesburg, Virginia 20175

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


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

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

N/A


This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

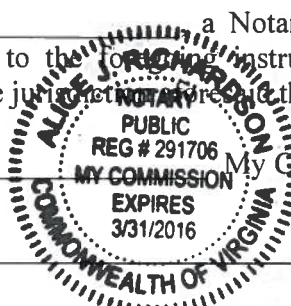
In witness thereof, I (we) have hereto set my (our) hand and seal this 21<sup>st</sup> day of June, 2013,

Signature(s)   
RICHARD A. LANKIAM

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

I, Alice R. Jarrell, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 21<sup>st</sup> day of June, 2013.

  
Notary Public  
I was commissioned notary as Alice J. Richardson



My Commission Expires: March 31, 2016

# LAKE FREDERICK (FORMERLY SHENANDOAH) MASTER DEVELOPMENT PLAN REVISION 1

OPEQUON MAGISTERIAL DISTRICT      FREDERICK COUNTY, VIRGINIA

## GENERAL NOTES

1. THIS MASTER DEVELOPMENT PLAN INCLUDES THE FOLLOWING PARCELS ("THE PROPERTY"):

PARCEL ID#	INSTRUMENT ID	ZONE	AREA
87 A 103	200422116	R5	406.00 AC
87 A 103C	200422116	R5	108.32 AC
87 A 102	200422116	R5	140.50 AC

2. THE SITE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS DELINEATED BASED ON FREDERICK COUNTY GIS DATA. THE TOTAL SHENANDOAH PROJECT AREA IS 926.27 AC. THE SITE AREA SUBJECT TO THIS MASTER DEVELOPMENT PLAN REVISION IS 153.30 AC. THIS APPLICATION REVISED MASTER DEVELOPMENT PLAN #01-13, WHICH RECEIVED FINAL ADMINISTRATIVE APPROVAL ON AUGUST 22, 2013.

3. THE SITE IS ZONED R5 (RESIDENTIAL RECREATIONAL COMMUNITY) DISTRICT AS ADMINISTERED BY THE FREDERICK COUNTY ZONING ORDINANCE ("ZONING ORDINANCE").

4. THE PROPOSED USE FOR THIS SITE IS SINGLE FAMILY RESIDENTIAL (ATTACHED AND DETACHED). THE PROJECT WILL CONSIST OF A TOTAL OF 2,130 DWELLING UNITS, RESULTING IN A GROSS PROJECT DENSITY OF 2.30 DWELLING UNITS PER ACRE.

5. ALL CONSTRUCTION SHALL CONFORM TO CURRENT FREDERICK COUNTY, VDOT, AND OTHER STATE STANDARDS AND SPECIFICATIONS, AS APPLICABLE.

6. THE PROJECT WILL BE PROVIDED WITH PUBLIC WATER AND SANITARY SEWER SERVICE. ALL WATER AND SEWER FACILITIES SHALL BE COMPLETED PER FCSA REQUIREMENTS.

7. THE SITE WILL BE PROVIDED WITH ELECTRIC AND GAS THROUGH THE EXTENSION OF EXISTING LINES.

8. ALL UTILITIES MUST BE PLACED UNDERGROUND.

9. ALL BUFFER AND SCREENING REQUIREMENTS SHALL BE DETERMINED AT THE TIME OF SUBDIVISION PLANS AND SHALL BE ESTABLISHED BASED ON PROPOSED HOUSING TYPES AND EXISTING USES IN ACCORDANCE WITH SECTION 165-203.02 OF THE FREDERICK COUNTY ZONING ORDINANCE.

10. APPLICABLE DIMENSIONAL STANDARDS FOR RESIDENTIAL LOTS SHALL BE ESTABLISHED AT THE TIME OF SUBDIVISION PLANS IN ACCORDANCE WITH THE REQUIREMENTS OF THE R5 DISTRICT OF THE FREDERICK COUNTY ZONING ORDINANCE.

11. THE FOLLOWING ARE PREVIOUSLY APPROVED LAND DEVELOPMENT APPLICATIONS ASSOCIATED WITH THIS PROJECT:

MASTER DEVELOPMENT PLAN #06-00:      APPROVED: MAY 2, 2001

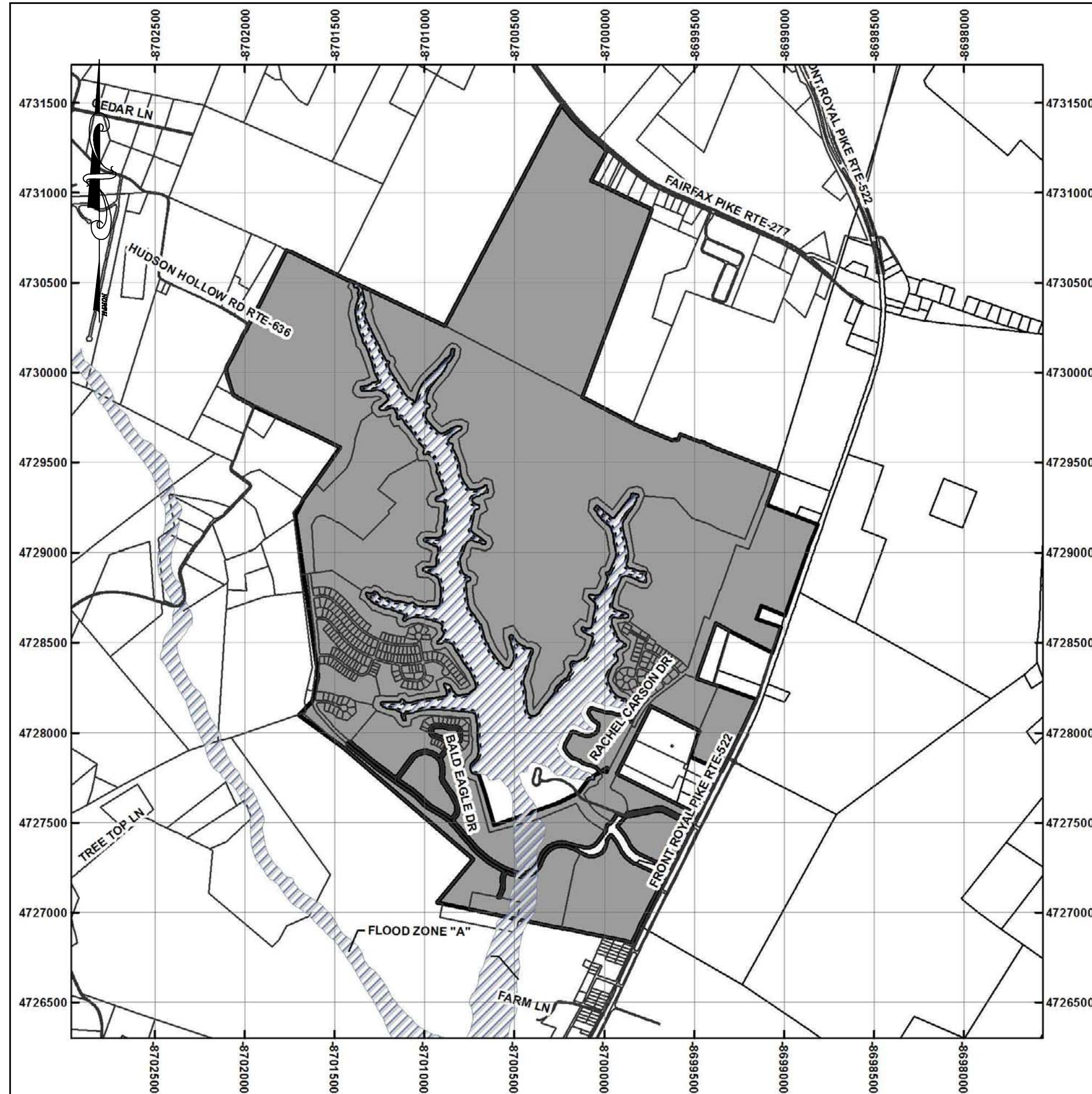
SHENANDOAH PHASE I, SEC. 1-5, AND RACHEL CARSON DRIVE SUBDIVISION DESIGN PLAN #11-01:      APPROVED: APRIL 7, 2006

SHENANDOAH PHASE II, SECTION 1-6: SUBDIVISION DESIGN PLAN #12-01:      APPROVED: APRIL 7, 2006

REVISED MASTER DEVELOPMENT PLAN #03-07:      APPROVED: DECEMBER 5, 2007

SHENANDOAH MODEL COURT REVISION TO ADD LOT 429 PIN# 87B-1-1-C: SUBDIVISION DESIGN PLAN #02-10:      APPROVED: JUNE 3, 2011

MASTER DEVELOPMENT PLAN #01-13      APPROVED: AUGUST 22, 2013



VICINITY MAP

1"=2000'

## OWNER

MREC SHENANDOAH VA, LLC  
C/O LANSLOWNE DEVELOPMENT GROUP, LLC  
2553 DULLES VIEW, SUITE 400  
HERNDON, VA 20171  
(703) 995-1849

## APPLICANT

LANSLOWNE DEVELOPMENT GROUP, LLC  
2553 DULLES VIEW DRIVE, SUITE 400  
HERNDON, VA 20171  
ATT: MR. LEONARD S. "HOBIE" MITCHEL  
(703) 995-1849

## HOMEOWNERS ASSOCIATION

SHENANDOAH HOMEOWNERS ASSOCIATION INC.  
140 BALD EAGLE DRIVE  
OPEQUON, VA 22663

SIGNATURE

DATE

SIGNATURE

DATE

SIGNATURE

DATE

## DESIGNER & ENGINEER

BOWMAN CONSULTING GROUP LTD.

101 SOUTH STREET SE  
LEESBURG, VA 20175  
(703) 443-2400

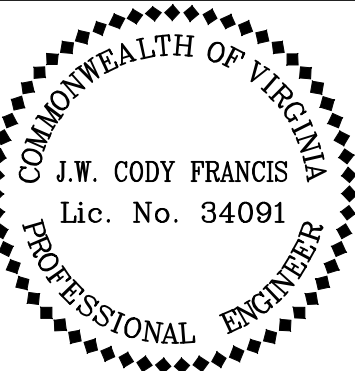
## SHEET INDEX

- 1 COVER SHEET
- 2 SITE TABULATIONS AND DETAILS
- 3 EXISTING CONDITIONS & ENVIRONMENTAL FEATURES PLAN
- 4 MASTER DEVELOPMENT PLAN OVERALL
- 5 TRANSPORTATION PLAN
- 6 PLANNED TRANSPORTATION NETWORK

**Bowman**  
CONSULTING

Bowman Consulting Group, Ltd.  
101 South Street, S.E.  
Leesburg, Virginia 20175  
Phone: (703) 443-2400  
Fax: (703) 443-2425  
www.bowmanconsulting.com  
© Bowman Consulting Group, Ltd.

COVER SHEET  
LAKE FREDERICK (FORMERLY SHENANDOAH)  
MASTER DEVELOPMENT PLAN - REVISION 1  
OPEQUON MAGISTERIAL DISTRICT      FREDERICK COUNTY, VIRGINIA



PLAN STATUS		
05/01/13	PER COUNTY COMMENTS	
06/20/13	PER COUNTY COMMENTS	
04/15/14	PER CLIENT REVISION	
06/04/14	PER AGENCY COMMENTS	


DATE	DESCRIPTION	
BBR	JAE	CMM
DESIGN	DRAWN	CHKD
SCALE	H: AS SHOWN	V:

JOB No. 6742-01-003

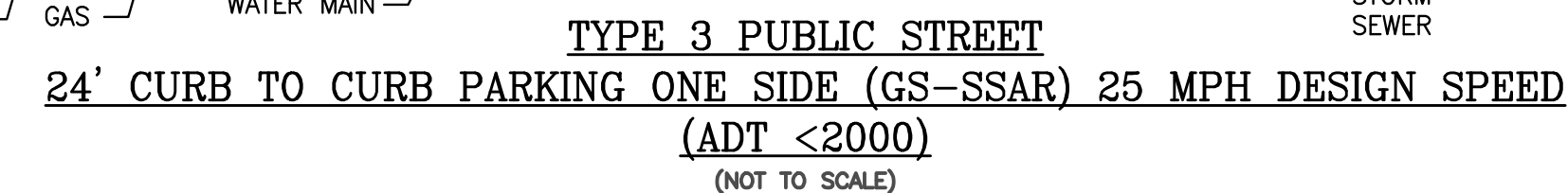
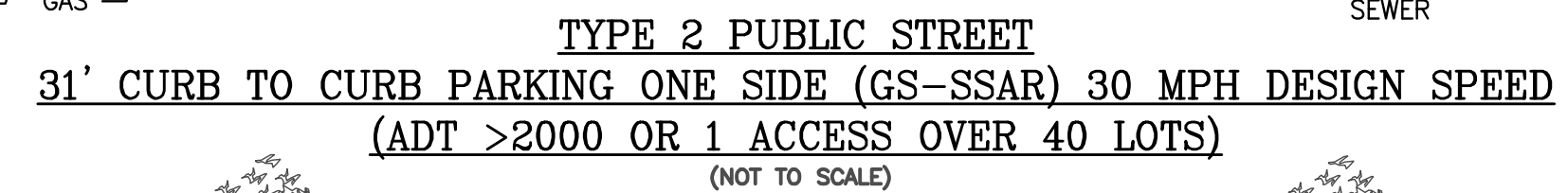
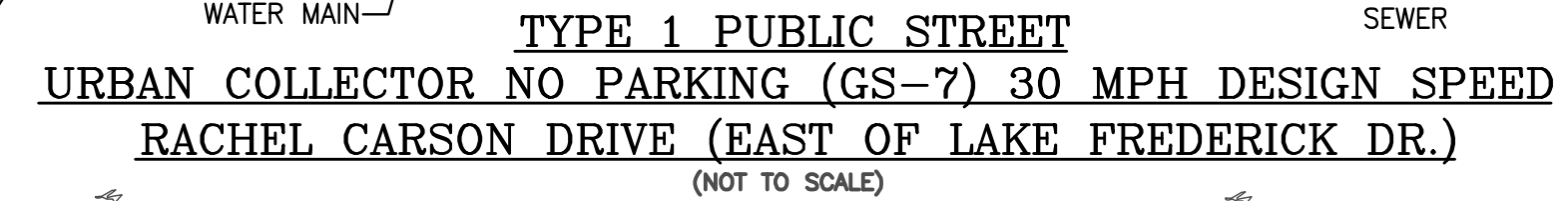
DATE DECEMBER 14, 2012

FILE No. 6742-D-ZP-001

SHEET 1 OF 6

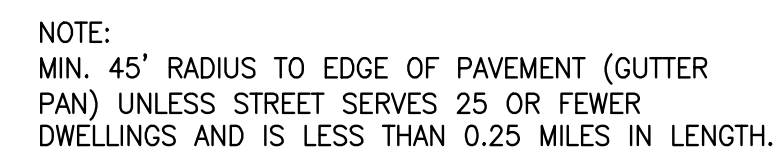
**SINGLE FAMILY SMALL LOT:**  
MIN. LOT SIZE: 3,750 SF  
MIN. YARDS:  
FROM PUBLIC OR PRIVATE ROW: 25'  
(THE FRONT SETBACK MAY BE REDUCED TO 15' PROVIDED  
THAT THE RESIDENTIAL UNIT UTILIZES A REAR ALLEY FOR  
ACCESS AND THERE ARE NO DRIVEWAYS ON THE PRIVATE  
OR PUBLIC ROAD FRONTING THE RESIDENTIAL UNIT.)  
  
SIDE YARD DETACHED OPTION: 5'  
SIDE YARD ATTACHED OPTION 10'  
REAR YARD: 15'

MIN. LOT SIZE: 1,500 SF  
MIN. LOT WIDTH END UNIT 22'  
MIN. LOT WIDTH INTERIOR UNIT: 18'  
MIN. YARDS:  
FROM PUBLIC OR PRIVATE ROW WITH GARAGE: 25'  
FROM PUBLIC OR PRIVATE ROW WITHOUT GARAGE: 15'  
FROM OFF STREET PARKING LOT: 15'  
SIDE YARD: 10'  
REAR YARD: 20'  
REAR YARD BACK TO BACK OPTION: N/A



**NOTE:**

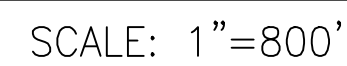
1. THE APPLICANT MAY EMPLOY TRAFFIC CALMING MEASURES AT THEIR DISCRETION TO SLOW VEHICULAR TRAFFIC WITHIN THE COMMUNITY.
2. WATER AND SEWER LINES WILL BE LOCATED AS SHOWN IN TYPICAL ROAD SECTIONS, CONSISTENT WITH PRIOR PLAN APPROVALS AND EXISTING INFRASTRUCTURE. PLACEMENT OF SAID LINES WILL BE COORDINATED WITH VDOT DURING CONSTRUCTION PLAN REVIEW.



NOTE:  
PRIVATE CUL DE SACS MAY ALSO MEET THE STANDARDS  
FOR A PUBLIC CUL DE SAC AS DETAILED ON THIS SHEET

LAKE & LAKE ACCESS TRAIL DETAIL  
N.T.S.

NOTE: Lake trail to be constructed as mutually agreed with VDGIF.



		TOTAL AREA	AREA IN LOTS	AREA IN ROW AND PRIVATE	35% OPEN SPACE REQUIRED FOR NON-AGE RESTRICTED	45% OPEN SPACE REQUIRED FOR AGE RESTRICTED	OPEN SPACE	% OPEN SPACE
PHASE IIB	Residential	27.90	12.19	5.26	9.77	-	10.45	37%
PHASE IIB	Residential	73.61	35.27	12.14	37.16	-	22.00	30%
PHASE III	Residential	61.77	20.98	9.74	21.62	-	31.05	50%
PHASE IV	Age Restricted Residential	84.83	35.43	9.49	-	38.17	39.91	47%
PHASE V	Age Restricted Residential	81.30	25.84	7.85	-	36.59	47.61	59%
PHASE VI	Residential	90.37	38.17	16.47	31.63	-	35.73	40%
PHASE VII	Residential	80.05	25.70	10.76	28.02	-	43.59	54%
PHASE VIII	Residential	85.83	34.44	12.38	30.04	-	39.01	45%
PHASE IX	Residential	62.43	27.05	8.88	21.85	-	26.50	42%
TOTAL PROPOSED		648.09	258.37	92.97	168.69	74.76	296.75	46%
EXISTING/OTHER								
PHASE IA (EXISTING/AMENDED)	Age Restricted Residential	185.09	43.61	22.21	-	83.29	119.27	64%
PHASE IIA (EXISTING)	Age Restricted Residential	26.38	10.30	3.03	-	11.87	13.05	49%
COMMERCIAL	Commercial	28.77	-	-	-	-	-	-
CLARKE COUNTY	N/A	37.94	-	-	-	-	-	-
TOTAL EXISTING/OTHER		278.18	53.91	25.24	-	125.18	132.32	48%
TOTAL PROJECT		926.27	312.28	118.21	168.69	199.94	429.07	46%

	PROPOSED SINGLE FAMILY	PROPOSED SINGLE FAMILY		
PHASE	DETACHED	ATTACHED	PURCHING LOSS	TOTAL
PHASE IA (AGE RESTRICTED)	20	0	177	197
PHASE IB	0	191	0	191
PHASE IIA (AGE RESTRICTED)	3	0	76	79
PHASE IIB	183	34	0	217
PHASE III	68	133	0	201
PHASE IV (AGE RESTRICTED)	200	0	0	200
PHASE V (AGE RESTRICTED)	140	0	0	140
PHASE VI	171	130	0	301
PHASE VII	106	120	0	226
PHASE VIII	220	0	0	220
PHASE IX	158	0	0	158
TOTAL	1269	608	253	2130

**NOTE:** PHASE 1A AND 1IA ARE COMPRISED OF EXISTING RECORDED LOTS PURSUANT TO PRIOR SUBDIVISION PLAN APPROVALS #11-01 AND 12-01, RESPECTIVELY. PHASE 1IA INCLUDES METALMARK DRIVE.

RECREATION UNITS REQUIRED:																							
TYPE	PHASE I		PHASE II		PHASE III		PHASE IV		PHASE V		PHASE VI		PHASE VII		PHASE VIII		PHASE IX		TOTALS				
	UNITS	REC UNITS	UNITS	REC UNITS	UNITS	REC UNITS	UNITS	REC UNITS	UNITS	REC UNITS	UNITS	REC UNITS	UNITS	REC UNITS	UNITS	REC UNITS	UNITS	REC UNITS	UNITS	REC UNITS			
SINGLE FAMILY ATTACHED	191	6.37	34	1.13	133	4.43	0	0.00	0	0.00	130	4.33	120	4.00	0	0.00	0	0.00	608	20.27			
SINGLE FAMILY DETACHED	197	26.27	262	34.93	68	9.07	200	26.67	140	18.67	171	22.80	106	14.13	220	29.33	158	21.07	1522	202.93			
																		COMBINED TOTAL	2130	223.20			

NOTE: CALCULATION ASSUMES ALL SINGLE FAMILY DETACHED UNITS DEVELOPED AS SINGLE FAMILY SMALL LOT AND THEREFORE SUBJECT TO RECREATION UNIT RATIO OF 4 RECREATION UNITS PER 30 DWELLINGS INCLUSIVE OF COMMUNITY CENTER REQUIREMENT. THE RECREATION UNIT RATIO APPLICABLE TO SINGLE FAMILY ATTACHED UNITS IS 1 RECREATION UNIT PER 30 DWELLING UNITS.

TYPE	**PHASE I		PHASE II		PHASE III		PHASE IV		PHASE V		PHASE VI		PHASE VII		PHASE VIII		PHASE IX		TOTALS	
	QTY	REC UNITS	QTY	REC UNITS	QTY	REC UNITS	QTY	REC UNITS	QTY	REC UNITS	QTY	REC UNITS	QTY	REC UNITS	QTY	REC UNITS	QTY	REC UNITS	QTY	REC UNITS
COMMUNITY BUILDING †	1	74.07			1	74.07													2	148.14
OUTDOOR POOL/ BATHHOUSE	1	14.81			1	14.81													2	29.63
PLAY COURTS					1	2.78			1	2.78									2	5.56
BOAT LAUNCH	1	0.37							1	0.37							1	0.37	3	1.11
TOT LOT			1	1.48							1	1.48							2	2.96
HIKER/ BIKER TRAILS	*	12.77	*	5.37	*	4.87	*	3.20	*	3.32	*	6.04	*	1.01					*	36.60
LAKE ACCESS TRAILS			*	0.18	*	0.13	*	0.80	*	0.18			*	0.15	*	0.28	*	0.47	*	2.18
LAKE TRAIL (VDGIF PROPERTY)	*	15.89	*	7.72	*	1.43	*	7.93	*	3.67			*	4.50	*	6.25	*	12.01	*	59.40
PHASE TOTALS	117.92		14.75		98.10		11.93		10.32		7.52		5.66		6.53		12.85		285.58	

† Community center requirement to be satisfied by combination of community building, outdoor pool/bathhouse, and related facilities, such as play courts.

\* Trail system recreation unit calculations are based on the trail system shown on the Master Development Plan sheet and are subject to change with final engineering.

\*\*Phase I values reflect existing facilities.

SITE TABULATIONS AND DETAILS

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**LAKE FREDERICK (FORMERLY SHENANDOAH)**  
 MASTER DEVELOPMENT PLAN – REVISION 1  
 POQUEON MAGISTERIAL DISTRICT  
 FREDERICK COUNTY, VIRGINIA

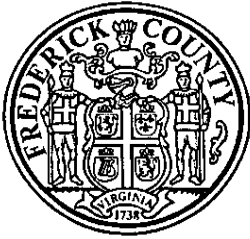
## SITE TABULATIONS AND DETAILS

COMMONWEALTH OF VIRGINIA  
J.W. CODY FRANCIS  
Lic. No. 34091  
PROFESSIONAL ENGINEER

PLAN STATUS	
05/01/13	PER COUNTY COMMENT
06/20/13	PER COUNTY COMMENT
04/15/14	PER CLIENT REVISION
06/04/14	PER AGENCY COMMENT

DATE	DESCRIPTION	
BBR DESIGN	JAE DRAWN	CMM CHKD
SCALE	H: AS SHOWN V:	
JOB No.	6742-01-003	
DATE	DECEMBER 14, 2012	
FILE No.	6742-D-ZP-00	





# RESOLUTION

**Action:**

PLANNING COMMISSION: July 16, 2014

Recommended Approval

BOARD OF SUPERVISORS: August 13, 2014

☐ APPROVED ☐ DENIED

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## **WAIVER REQUEST PRIVATE STREETS IN LAKE FREDERICK**

### **ARTICLE V – PLANNED DEVELOPMENT DISTRICTS PART 502 – R5 RESIDENTIAL RECREATIONAL COMMUNITY DISTRICT § 165-502.05 DESIGN REQUIREMENTS § 165-502.05K STREETS**

**WHEREAS**, the Lansdowne Development Group has requested a waiver of the public street requirement in the Lake Frederick Development as allowed by § 165-502.05K(1) of the Zoning Ordinance. This waiver would permit the Lake Frederick Development to be developed with a complete network of private streets; and

**WHEREAS**, The Planning Commission held a public meeting on this waiver request on July 16, 2014; and

**WHEREAS**, The Board of Supervisors held a public meeting on this waiver request on August 13, 2014; and

**WHEREAS**, the Frederick County Board of Supervisors finds that the approval of this waiver to be in the best interest of the public health, safety, welfare, and in good zoning practice; and

**NOW, THEREFORE, BE IT RESOLVED** by the Frederick County Board of Supervisors that a waiver of § 165-502.05K(1) of the Frederick County Zoning Ordinance is approved to waive the public road requirement within the Lake Frederick Development.

Passed this 13th day of August, 2014 by the following recorded vote:

This resolution was approved by the following recorded vote:

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

**A COPY ATTEST**

---

John R. Riley, Jr.  
Frederick County Administrator

N



## *Memorandum*

To: Frederick County Board of Supervisors

From: Mark R. Cheran, Zoning and Subdivision Administrator

Date: August 1, 2014

RE: Shady Elm Farms Subdivision

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The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Skyjes Lane, State Route Number 1539  
miles

0.19

Staff is available to answer any questions.

MRC/dlw



**RESOLUTION  
BY THE  
FREDERICK COUNTY BOARD OF  
SUPERVISORS**

The Board of Supervisors of Frederick County, in regular meeting on the 13th day of August, 2014, adopted the following:

**WHEREAS**, the streets described on the attached Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Frederick County; and

**WHEREAS**, the Resident Engineer of the Virginia Department of Transportation has advised this Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

**WHEREAS**, the County and the Virginia Department of Transportation have entered into an agreement on June 9, 1993, for comprehensive stormwater detention which applies to this request for addition; and

**NOW, THEREFORE, BE IT RESOLVED**, this Board requests the Virginia Department of Transportation to add the streets described in the attached Form AM-4.3 to the secondary system of state highways, pursuant to 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

**BE IT FURTHER RESOLVED**, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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**

-----  
In the County of Frederick

By resolution of the governing body adopted August 13, 2014

*The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

A Copy Testee

Signed (County Official): \_\_\_\_\_

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Report of Changes in the Secondary System of State Highways

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Project/Subdivision Shady Elm Farms

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

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**Street Name and/or Route Number**

† Skyjes Lane, State Route Number 1539

Old Route Number: 0

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I From: Route 651, Shady Elm Road

To: 0.19 mile west of Route 651, Shady Elm Road, a distance of: 0.19 miles.

Recordation Reference: Instr. #070004170

Right of Way width (feet) = 50'