AGENDA
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, DECEMBER 10, 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: B, F, G and M)

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

Board of Supervisors Comments

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

1. Work Session with Planning Commission, November 3, 2014.

2. Regular Meeting, November 12, 2014.

County Officials:

1. Resolution of Appreciation, The Honorable Congressman Frank R. Wolf, 10th District, United States House of Representatives. **(See Attached)** ------ **B**

2. Employee of the Month Award. **(See Attached)** ---------- **C**

3. Committee Appointments. **(See Attached)** ---------- **D**

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

Committee Reports:

1. Parks and Recreation Commission. **(See Attached)** ---------- **F**

2. Landfill Oversight Committee. **(See Attached)** ---------- **G**

3. Human Resources Committee. **(See Attached)** ---------- **H**

4. Finance Committee. **(See Attached)** ---------- **I**

Public Hearing:

1. Twelve Month Outdoor Festival Permit Request of Belle Grove Plantation. Pursuant to the Frederick County Code, Chapter 86, Festivals; Section 86-3, Permit Required; Application; Issuance or Denial; Fee; Paragraph D, Twelve Month Permits. All Events to be Held on the Grounds of Belle Grove Plantation, 336 Belle Grove Road, Middletown, Virginia. Property Owned by the National Trust for Historic Preservation. **(See Attached)** ---------- **J**

Planning Commission Business:

Public Hearing:

1. Conditional Use Permit #03-14 for Caroline E. Watson, for in Home Child Care. This Property is Located at 215 Westmoreland Drive in Stephens City (Travel Interstate 81 South to Exit 307 Stephens City, Take a Left Onto Fairfax Pike, Left on Aylor Road and Turn Right Onto Westmoreland Drive). The Property is Identified with Property Identification Number 75E-1-3-165 in the Opequon Magisterial District. **(See Attached)** ---------- **K**

2. Rezoning #02-14 Heritage Commons, L.L.C., Submitted by Lawson and Silek, P.L.C., to Rezone 96.28+/- Acres from BS (Business General) District to R4 (Residential Planned Community) District and 54+/- Acres from RP (Residential Performance) District to R4 (Residential Planned Community) District and .31+/- Acres from the RA (Rural Areas) District to the R4 (Residential Planned Community) District with Proffers. The

Properties are Located West of the Intersection of Front Royal Pike (Route 522) and Airport Road (Route 645) and are Identified by the Property Identification Numbers 63-A-150, 64-A-10, and 64-A-12 in the Shawnee Magisterial District. **(See Attached)** ---------- **L**

Other Planning Items:

1. Road Resolution – Renaissance Drive and Prosperity Drive.
   (See Attached) ---------- **M**

Board Liaison Reports (If Any)

Citizen Comments

Board of Supervisors Comments

Adjourn

A

FREDERICK COUNTY BOARD OF SUPERVISORS' MINUTES

WORK SESSION WITH PLANNING COMMISSION

November 3, 2014

A work session of Frederick County Board of Supervisors and Planning Commission was held on Monday, November 3, 2014 at 11:30 A.M., in the Board of Supervisors' Meeting Room, 107 North Kent Street, Winchester, VA.

PRESENT

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

OTHERS PRESENT

John R. Riley, Jr., County Administrator; Kris C. Tierney, Assistant County Administrator; Jay E. Tibbs, Deputy County Administrator; Roderick Williams, County Attorney; Karen Lynn Poff, Senior Extension Agent, Family and Consumer Sciences; Eric R. Lawrence, Planning Director; Michael Ruddy, Deputy Planning Director; Candice Perkins, Senior Planner; Planning Commission members: June Wilmot, Roger Thomas, H. Paige Manuel, Gary Oates, Charles Triplett, Robbie Molden, Charles Dunlap, Kevin Kenney, and Rhodes Marston; and Development Review and Regulations Committee member Whit Wagner.

CALL TO ORDER

Chairman Shickle called the work session to order.

Administrator Riley reviewed the agenda:

1. Virginia Cooperative Extension Presentation re: Household Drinking Water Quality in Frederick County, VA;
2. Discussion of Landscaping Requirements – Business Friendly Committee Recommendations; and
3. Update on Changes to the Conflict of Interest Act

VIRGINIA COOPERATIVE EXTENSION PRESENTATION RE: HOUSEHOLD DRINKING WATER QUALITY IN FREDERICK COUNTY, VA

Karen Poff, Senior Extension Agent, Family and Consumer Sciences, appeared before the Board to provide an update on the Northern Shenandoah Valley Drinking Water Testing Program. She provided a brief overview of the program. She noted 78 people from Frederick County participated in the program. She explained the purpose of the program was to educate those individuals getting their water tested. She concluded by saying they would offer the program again in February 2015.

DISCUSSION OF LANDSCAPING REQUIREMENTS – BUSINESS FRIENDLY COMMITTEE RECOMMENDATIONS

Senior Planner Candice Perkins presented this item. She noted that following the Board's September meeting, it was the Board's desire to see this topic in a work session format. She reviewed the history of this item and the County's general landscaping requirements.

Chairman Shickle stated he would be content if the development community was content or thought the ordinance was reasonable.

Commissioner Oates thought the proposed changes were good, but he was not in favor of dropping the minimum landscaping requirements. He went on to say he was not in favor of creating a tree commission.

Vice-Chairman DeHaven stated he had shared some thoughts about the ordinance with staff. He felt there was room for some flexibility. He noted he had some concerns about requiring berms or fencing in most areas because the life span was five years or less. He went onto say he felt there was room for flexibility in the initial planting sizes. He noted we require less than a lot of localities, but we can accomplish aesthetic goals without reaching into the developer's pocket.

Commissioner Thomas stated there were not just aesthetic concerns. He noted a lot of berms were constructed for sound attenuation. He concluded by saying we need to consider all options looking down the road.

Commissioner Kenney stated he liked the option of allowing berms and felt the more options available to the development community the better.

Mr. John P. Good stated he was encouraged to find out there were more options than he originally thought. He went on to say if he were to try to comply with the ordinance, some flexibility would be good, but that flexibility was not spelled out in the ordinance. He stated the options should be clear. He favored flexibility but the language needs to be clear. He concluded by saying a developer should not have to bounce a plan back and forth between staff and the landscape professional.

Planning Director Lawrence stated staff would go through the ordinance and include language to empower the zoning administrator to allow landscaping flexibility.

Supervisor Hess suggested adding a general statement regarding the flexibility within the ordinance rather than an applicant just stumbling onto it.

Vice-Chairman DeHaven suggested keeping the requirements all together.

UPDATE ON CHANGES TO THE CONFLICT OF INTEREST ACT

County Attorney Rod Williams and Deputy County Administrator Jay Tibbs provided the following update to the Board regarding changes to the Conflict of Interest Act.

The 2014 General Assembly passed the Ethics Reform Bill (i.e. HB 1211 and SB 649), which made changes to the Conflict of Interests Act (COIA). The changes that most directly affected board members pertained to personal interests, gifts, and disclosures.

Under the 2014 legislation, the amount required to be reported has been reduced to $5,000. This new reporting requirement applies to salary earned from a business and the value of an ownership interest. In addition, this $5,000 limit applies to personal liabilities, which includes money owed to a bank or a creditor for such things as student loans and/or credit card debt. In addition to the changes to the disclosure amount, the definition of immediate family is now limited to a "child who resides in the same household who is a dependent of the officer/employee."

Gifts have been redefined into two categories – tangible gifts and intangible gifts. Tangible gifts are defined as gifts that do not lose their value upon the happening of an event or a given date (e.g. clothing, artwork, etc.). Tangible gifts are capped at $250 per gift or cumulatively per calendar year with some exceptions. Intangible gifts are defined as things of a temporary value or that upon the happening of an event lose their value. Examples include trips, entertainment, lodging, meals, or transportation. There are no limits on intangible gifts, but the reporting requirements apply.

There are new rules governing the filing of the Statement of Economic Interests forms. Beginning in 2015, those officers required to file the Statement of Economic Interests forms will file semi-annually, June 15 and December 15 for the preceding six months with the Conflict of Interest and Ethics Advisory Council. By December 15, 2015 these forms will be filed electronically with this agency.

They concluded by saying this presentation highlighted some of the changes to the Conflict of Interest Act and filing requirements. The entirety of the act was provided to the Board for their reference.

There being no further business, the work session was adjourned at 1:05 p.m.

FREDERICK COUNTY BOARD OF SUPERVISORS' MINUTES

REGULAR MEETING

November 12, 2014

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

PRESENT

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

CALL TO ORDER

Chairman Shickle called the meeting to order.

INVOCATION

Supervisor Wells 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 there were no additions or changes to the agenda.

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

Richard C. Shickle	Aye
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

CONSENT AGENDA - APPROVED

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

consent agenda:

- Resolution Regarding Middletown/Lord Fairfax Sewer and Water Service Area and Reliance Road Area Land Use Plan – **Tab G**;

- Resolution for Authorization to Participate in Aqua Virginia, Inc. Rate Increase Case – **Tab H**;

- Parks and Recreation Commission Report – **Tab J**;

- Joint Code and Ordinance and Public Safety Committee Report – **Tab K**;

- Human Resources Committee Report – **Tab L**; and

- Transportation Committee Report – **Tab M**.

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

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

CITIZEN COMMENTS

There were no citizen comments.

BOARD OF SUPERVISORS COMMENTS

There were no Board of Supervisors' comments.

MINUTES - APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board approved the minutes from the October 8, 2014 regular meeting.

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

COUNTY OFFICIALS

EMPLOYEE OF THE MONTH AWARD – BARBARA JOHNSON APPROVED

Upon a motion by Supervisor Hess, seconded by Supervisor Lofton, the Board approved Barbara Johnson as Employee of the Month for October 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, Barbara Johnson who serves in the Fire & Rescue Department was nominated for Employee of the Month; and,

WHEREAS, Barbara Johnson has the compassion, drive, and organizational skills that are beyond compare. She will tackle any task put in her path. She is responsible for leading all the research for improving storage, reporting, and daily administrative operations through Laserfiche. Barbara Johnson is not only an asset to the Fire Marshal's division of Fire & Rescue, but receives nothing but praise from other department and the public; and

NOW, THEREFORE, BE IT RESOLVED, by the Frederick County Board of Supervisors this 12th day of November, 2014, that Barbara Johnson is hereby recognized as the Frederick County Employee of the Month for October 2014; and,

BE IT FURTHER RESOLVED, that the Board of Supervisors extends its gratitude to Barbara Johnson for her outstanding performance and dedicated service and wishes her continued success in future endeavors; and,

BE IT FURTHER RESOLVED, that Barbara Johnson is hereby entitled to all of the rights and privileges associated with his 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 RAYMOND CROSS TO THE EXTENSION LEADERSHIP COUNCIL - APPROVED

Upon a motion by Supervisor Wells, seconded by Supervisor Fisher, the Board appointed Raymond Cross to fill the unexpired term of William H. Grim as Opequon District representative to the Extension Leadership Council. Term expires January 24, 2016.

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

NOMINATION OF BETSY BRUMBACK TO THE BOARD OF EQUALIZATION - APPROVED

Upon a motion by Supervisor Lofton, seconded by Supervisor Wells, the Board nominated Betsy Brumback for appointment to the Board of Equalization. This is a three year appointment. Term expires December 31, 2017.

The above motion was approved by the following recorded vote:

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

Robert W. Wells Aye

REQUEST FROM FREDERICK COUNTY SCHOOL BOARD FOR APPROVAL TO SELL THE ROBINSON SCHOOL PROPERTY AND TO APPLY THE SALE PROCEEDS TO EXISTING SCHOOL CONSTRUCTION DEBT. – APPROVED TRANSFERRING PROPERTY TO THE BOARD OF SUPERVISORS FOR DISPOSITION BY THE EDA.

Administrator Riley advised the Frederick County School Board had declared the Robinson School property as surplus property pursuant to the Code of Virginia Section 22.1-129. The resolution also requested the School Board be authorized to sell the Robinson School property and retain all of the proceeds to be applied toward future school construction debt.

Chairman Shickle stated his preference would have been to have the County sell the property through the Economic Development Authority.

Supervisor Lofton agreed. He felt it was a good project for the EDA.

Vice-Chairman DeHaven agreed.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Lofton, the Board approved the surplus property being transferred to the Board of Supervisors for disposition by the EDA.

Supervisor Wells stated he would like to see the Board use the money to offset the school debt.

Supervisor Hess agreed with Supervisor Wells.

Supervisor Collins felt the money should be used to pay down school debt as well.

Supervisor Fisher stated the EDA concept was interesting and worthy of study.

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

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

Christopher E. Collins	Nay
Gene E. Fisher	Aye
Robert A. Hess	Nay
Gary A. Lofton	Aye
Robert W. Wells	Nay

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA ON THE ISSUANCE OF UP TO $55,000,000 OF REVENUE BONDS BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF WINCHESTER, VIRGINIA FOR THE BENEFIT OF WESTMINSTER-CANTERBURY OF WINCHESTER, INC. - APPROVED

Upon a motion by Supervisor Collins, seconded by Supervisor Fisher, the Board approved the resolution of the Board of Supervisors of the County of Frederick, Virginia on the issuance of up to $55,000,000 of Revenue Bonds by the Economic Development Authority of the City of Winchester, Virginia, for the benefit of Westminster-Canterbury of Winchester, Inc.

WHEREAS, the Economic Development Authority of the City of Winchester, Virginia (the "Authority") has approved the application of Westminster-Canterbury of Winchester, Inc. (the "Company"), a Virginia non-stock, not-for-profit corporation, requesting that the Authority issue up to $55,000,000 of its revenue bonds in one or more series at one time or from time to time (the "Bonds") to assist the Company to:

(a) finance certain capital improvements at the Company's facilities (the "Facilities") located at 300 Westminster Canterbury Drive, Winchester, Virginia 22603, and a portion of which is located in Frederick County, Virginia (the "County"), including, but not limited to, (i) the construction and equipping of a new approximately 15,900 square foot two story health care center consisting of 22 skilled nursing beds, (ii) the construction and equipping of a new approximately 12,100 square foot two story building, which will include a fitness center, dining facilities, multipurpose rooms, office space and recreational space, (iii) the renovation of approximately 37,000 square feet of the existing health care center and the addition of approximately 2,300 square feet, (iv) the renovation of approximately 6,000 square feet of existing buildings located on the Facilities to provide additional administrative and office space, (v) the renovation of the existing loading dock servicing the Facilities, (vi) renovations to existing courtyards located at the Facilities and (vii) other routine capital improvements at the Facilities (collectively, the "Project");

(b) refund the outstanding principal amount of the Residential Care Facility Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 2005A (the "Series 2005A Bonds") and the Variable Rate Residential Care Facility Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 2005B (the "Series 2005B Bonds" and, together with the Series 2005A Bonds, the "Series 2005 Bonds") originally issued by the Authority for the purpose of (i) financing certain capital improvements at the

Facilities, including the acquisition, construction, renovation and expansion of (A) approximately 64 independent living apartments in an approximately 177,000 square foot residential building, (B) an approximately 15,000 square foot vitality center including fitness, pool and recreational areas, (C) existing dining, kitchen and fitness areas at the Facilities and (D) other capital improvements at the Facilities and (ii) refunding the outstanding principal amount of the Authority's Residential Care Facility First Mortgage Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 1998, which were originally issued for the purposes of refunding the Authority's Replacement Bonds (Westminster-Canterbury of Winchester, Inc.), Series 1991, which were originally issued to refund the Authority's Residential Care Facility First Mortgage Revenue Bonds (Westminster-Canterbury of Winchester, Inc.), Series 1985, which were originally issued to (A) finance the acquisition, construction and equipping of the Facilities, (B) finance the construction and equipping of an approximately 47,000 square foot independent living apartment building at the Facilities, and (C) finance the costs of renovations to the health center;

(c) fund capitalized interest on the Bonds; and

(d) finance costs of issuance incurred in connection with the refunding of the Series 2005 Bonds and the issuance of the Bonds (collectively, the "Plan of Finance");

WHEREAS, the Authority held a public hearing on November 4, 2014;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended ("Act") sets forth the procedure for such approval;

WHEREAS, Section 15.2-4905 of the Act provides that if a locality has created an industrial development authority, no industrial development authority created by a second locality may finance a facility located in the first locality unless the governing body of such first locality concurs with the inducement resolution adopted by the second locality;

WHEREAS, a portion of the Project is located in the County and the Board of Supervisors of the County of Frederick, Virginia (the "Board") constitutes the highest elected governmental unit of the County;

WHEREAS, in accordance with Section 147(f) of the Code, the public hearing held by the Authority was within 100 miles of the County;

WHEREAS, for purposes of Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Authority is issuing the Bonds on behalf of the County;

WHEREAS, the Authority has recommended that the Board approve the Plan of Finance and the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

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

1. The Board approves the issuance of the Bonds, in an aggregate principal amount up to $55,000,000, by the Authority for the benefit of the Company, solely to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended, to permit the Authority to assist in accomplishing the Plan of Finance.

2. The Board concurs with the resolution adopted by the Authority and approves the issuance of the Bonds by the Authority for the benefit of the Company as required by Section 15.2-4905 of the Virginia Code.

3. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Finance or the Company. In accordance with the Act, the Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit or taxing power of the Commonwealth or any political subdivision thereof, including the Authority and the County.

4. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Frederick, Virginia this 12th day of November, 2014.

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA ON THE ISSUANCE OF UP TO $70,000,000 OF REVENUE BONDS BY THE FREDERICK COUNTY ECONOMIC DEVELOPMENT AUTHORITY FOR THE VILLAGE AT ORCHARD RIDGE. - APPROVED

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Hess, the Board approved the resolution of the Board of Supervisors of the County of Frederick, Virginia, on the

issuance of up to $70,000,000 of revenue bonds by the Frederick County Economic

Development Authority for the Village at Orchard Ridge.

A. The Economic Development Authority of the County of Frederick, Virginia (the "Authority") has considered the application of The Village at Orchard Ridge, Inc., a Virginia non-stock, non-profit corporation (the "Borrower"), requesting the issuance of the Authority's revenue bonds in an amount not to exceed $70,000,000 (the "Bonds") to be issued at one time or from time to time to assist the Borrower in financing (i) capital improvements at the Borrower's facilities in Frederick County, known as The Village at Orchard Ridge (the "Facilities"), consisting primarily of (1) the construction and equipping of a new four story approximately 148,000 square foot building, which is expected to include 80 independent living units, (2) the construction and equipping of a new three story approximately 27,000 square foot building, which is expected to include 24 independent living units, (3) the construction and equipping of a one story approximately 12,000 square foot building, which is expected to include ten skilled nursing units, (4) the expansion of the dining facilities, consisting of the addition of approximately 5,000 square feet, (5) the expansion of the wellness center, consisting of the addition of approximately 16,000 square feet and (6) certain other capital improvements at the Facilities, (ii) a debt service reserve fund, (iii) capitalized interest and (iv) the costs of issuing the Bonds and other eligible expenditures (collectively, the "Project").

B. The Authority held a public hearing on the Borrower's application on November 6, 2014, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"). Section 147(f) of the Code also provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the Bonds.

C. The Authority issues its bonds on behalf of the County of Frederick, Virginia (the "County"); the Project is located in the County; and the Board of Supervisors of the County of Frederick, Virginia (the "Board") constitutes the highest elected governmental unit of the County.

D. The Authority has recommended that the Board approve the issuance of the Bonds.

E. A copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FREDERICK, VIRGINIA:

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code to permit the Authority to assist the Borrower in financing the Project.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrower.

3. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Frederick, Virginia this 12th day of November, 2014.

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

RESOLUTION REGARDING MIDDLETOWN/LORD FAIRFAX SEWER AND WATER SERVICE AREA AND RELIANCE ROAD AREA LAND USE PLAN. – APPROVED UNDER CONSENT AGENDA

WHEREAS, The 2030 Comprehensive Plan was adopted by the Board of Supervisors on July 14, 2011; and

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

WHEREAS, the Board of Supervisors adopted the following amendments to Appendix I of The 2030 Comprehensive Plan - Middletown/Reliance Road Land Use Plan Sewer and Water Service Area and the Middletown/Lord Fairfax Sewer and Water Service Area expansion - on August 13, 2014; and

WHEREAS, The 2030 Comprehensive Plan is a future looking document and is a 20-year plan for development within Frederick County; and

WHEREAS, the Board of Supervisors action of August 13, 2014 was strictly to amend The 2030 Comprehensive Plan to reflect the Board's long-term desire for future development within the Reliance Road Land Use Plan Area to be served through the Frederick County Sanitation Authority; and

WHEREAS, the Board of Supervisors' action of August 13, 2014 was applicable to the Sewer and Water Service Area (SWSA) as defined in general not to those property owners currently being served by the Town of Middletown.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors reinforces their approval of the continued provision of water and sewer service by the Town of Middletown to

those customers currently being served.

BE IT FURTHER RESOLVED that any new development within the Reliance Road Land Use Plan Area and the Middletown/Lord Fairfax Sewer and Water Service Area will be served by the Frederick County Sanitation Authority.

This item was approved under the consent agenda.

RESOLUTION FOR AUTHORIZATION TO PARTICIPATE IN AQUA VIRGINIA, INC. RATE INCREASE CASE. - APPROVED UNDER CONSENT AGENDA

WHEREAS, Aqua Virginia, Inc. provides water and sewer service to County residents in the Lake Holiday community and water service to County residents in the Shawneeland community; and

WHEREAS, Aqua Virginia, Inc. has filed with the State Corporation Commission an application, docketed as Case Number PUE-214-00045, for increases in its water and sewer rates, such increases ranging from approximately 7% to 14%; and

WHEREAS, County residents who are customers of Aqua Virginia, Inc. in the Lake Holiday and Shawneeland communities pay rates for water and sewer, as applicable, that exceed those of the Frederick County Sanitation Authority; and

WHEREAS, water and sewer costs represent a significant burden to County residents who are customers of Aqua Virginia, Inc. in the Lake Holiday and Shawneeland communities; and

WHEREAS, participation by the Board of Supervisors as a respondent in State Corporation Commission Case Number PUE-2014-00045 would be beneficial toward seeking the accomplishment of fair and reasonable water and sewer rates for County residents who are customers of Aqua Virginia, Inc. in the Lake Holiday and Shawneeland communities.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors authorizes the County Attorney to file a Notice of Participation as a Respondent on its behalf in State Corporation Commission Case Number PUE-2014-00045 and to take such action as is appropriate in such proceeding to seek the accomplishment of fair and reasonable water and sewer rates for County residents who are customers of Aqua Virginia, Inc. in the Lake Holiday and Shawneeland communities.

Adopted this 12th day of November, 2014.

This item was approved under the consent agenda.

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

Administrator Riley advised the Commissioner of the Revenue was requesting the Board authorize the Treasurer to refund the following:

1. ST Beach Spa, LLC the amount of $2,670.36 for adjustments to business license taxes for tax year 2014. This refund is a result of the business reorganizing to another name and identification number.

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

2. Autotrademark of Winchester the amount of $4,959.88 for adjustments to business license taxes for tax year 2014. This business opened and closed during 2014. This refund is a result of the company over estimating their gross receipts to what was actually received during their period of operation in the county.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board approved the above request and supplemental appropriation 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

3. Michael Smith Weber the amount of $3,542.16 for adjustment to real estate taxes for tax years 2011, 2012, 2013, and 2014. This refund is a result of structural improvements removed from one site and replaced on another parcel. Supplemental bills were issued by the Commissioner.

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

PARKS AND RECREATION COMMISSION – APPROVED UNDER CONSENT AGENDA

The Parks and Recreation Commission met on October 21, 2014. Members present were: Patrick Anderson, Greg Brondos, Jr., Randy Carter, Ronald Madagan, and Charles Sandy, Jr. Members absent were: Kevin Anderson, Marty Cybulski, and Christopher Collins.

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Pool Sand Filter Replacement – Mr. Madagan moved to request a supplemental appropriation in the amount of $48,000 for the purchase of two (2) new sand filter systems for the Sherando and Clearbrook Pool Complexes, second by Mr. Carter, motion carried unanimously (5-0). Request will be forwarded to the Finance Committee for review at their next meeting.

2. FY 2015-16 Capital Improvement Program – The Buildings and Grounds Committee recommended the approval of the Capital Improvement Plan for FY 2016 as submitted, second by Mr. Carter, motion carried unanimously (5-0). The Parks and Recreation FY 16 Capital Improvements Program recommendation will be forwarded to the Planning Department for review by the Planning Commission. Please see attached FY 16 Capital Improvements Program.

3. Park Rule Recommendations – The Building and Grounds Committee recommended changes to the following park rules:

    a. Original Rule
        - Tobacco products are prohibited within 50 feet of athletic complexes or fields, playgrounds, and swimming pools areas.

    Approved Rule
        - Smoking/E-Cigarettes are prohibited at athletic complexes or fields, playgrounds, and swimming pools areas.

b. Original Rule

- Digging or excavating on park property is prohibited unless written permission is granted by the Parks and Recreation Director or his designee.

Approved Rule

- Metal detecting, digging or excavating on park property is prohibited unless written permission is granted by the Parks and Recreation Director or his designee.

Motion was seconded by Mr. Brondos, carried unanimously (5-0).

4. Advertising Committee – No report at this time. Committee will meet at a later date.

5. Executive Session – A motion was made by Mr. Madagan to go into Executive Session, second by Mr. Carter, based on Virginia Code 2.2-3711A(3) Property Acquisition, carried unanimously (5-0).

A motion was made by Mr. Anderson to come out of Executive Session, second by Mr. Longerbeam, carried unanimously (5-0).

JOINT CODE AND ORDINANCE AND PUBLIC SAFETY COMMITTEES – APPROVED UNDER CONSENT AGENDA

The Code & Ordinance Committee and Public Safety Committee held a joint meeting on Friday, October 3, 2014 at 8:30 A.M., in the First Floor Conference Room, County Administration Building, 107 North Kent Street, Winchester, Virginia. Code and Ordinance Committee members present were Christopher E. Collins, Chairman; Robert A. Hess; and Derek Aston. Committee members James Drown; Stephen Butler; and Robert Wells were absent. Public Safety Committee members present were: Gary A. Lofton, Chairman; Gene E. Fisher; Charles S. DeHaven, Jr.; Ronald Wilkins, and Charles Torpy. Committee member Michael Lindsey was absent Also present were Deputy County Administrator Jay E. Tibbs; County Attorney Rod Williams; Sheriff Robert Williamson; Stefanie Salvato, Public Safety Communications; and David Samuel, RedFlex Traffic Signals.

The committee submits the following:

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

1. **Discussion of Photo Red Enforcement System**

Sheriff Williamson briefed the Committee on the issue of motorists running red lights and the possible use of red light cameras. He stated this was a project undertaken by his Government Service Learning group this past year and they would like the County to look at this issue. He then introduced David Samuel with RedFlex Traffic Signals.

Mr. Samuel provided an overview of the RedFlex company and their equipment. He then showed the committees video from several intersections in Frederick County where numerous

red light violations occurred during their 12 hour test/monitoring. He noted no citations were issued based on this data and that it was more for illustrative purposes for the committees' deliberations.

Sheriff Williamson stated he did not believe any additional personnel would be required, as the traffic enforcement division could absorb this service.

Mr. Samuel advised there was no taxpayer funding of this program. The fines incurred would be used to pay for the equipment.

Mr. Torpy noted a number of northern Virginia localities made use of this type of enforcement. He stated Frederick County was a different community and asked why we would want to bring this type of approach to Frederick County.

Chairman Lofton stated he could not support this proposal until VDOT took steps to address the current timing of the stop lights. He believed coordination of the timing would facilitate driver behavior modification.

Mr. Fisher spoke in support of the cameras as a way of modifying driver behavior. He went on to say he had driven the intersection of Route 50/Route 522 every day and had seen the large trucks travelling at high rates of speed running the lights.

Mr. Wilkins agreed with Mr. Lofton regarding the timing of the traffic lights. He stated there were pros and cons to this proposal, but he felt there were other things out there to help modify driver behavior.

Mr. Aston raised several questions regarding the draft ordinance. He asked:

- Who would prosecute the red light violations?
- Who does the jury trial?
- Who would testify at the hearing?

He stated the draft ordinance was not clear on these matters or how to prevent fraud.

Chairman Collins suggested the two committees review the information presented today to see where this proposal might go. He went on to suggest the two committee chairmen communicate at a later date to see where the respective committees ended up in their deliberations.

There being no further business, the meeting adjourned at 9:15 a.m.

HUMAN RESOURCES COMMITTEE – APPROVED UNDER CONSENT AGENDA

The HR Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, October 10th, 2014, at 8:00 a.m. All members were present.

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

1. The Committee recommends approval for Employee of the Month award. (see attachment).

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

1. Presentation by the Director of the Winchester Regional Airport, Serena Manuel. At the request of the Committee, Ms. Manuel presented an overview of the objectives and responsibilities of the Winchester Regional Airport. 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, November 14th, 2014.

TRANSPORTATION COMMITTEE – APPROVED UNDER CONSENT AGENDA

The Transportation Committee met on October 27, 2014 at 8:30 a.m.

Members Present	Members Absent
Chuck DeHaven (voting)	Mark Davis (liaison Middletown)
James Racey (voting)	Thom Ruffin (voting)
Gene Fisher (voting)	
Christopher Collins (voting)	
Lewis Boyer (liaison Stephens City)	
Gary Oates (liaison PC)	

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

None

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

1. **Revenue Sharing Application Update**

Staff proposed addition of a 3rd project (Haggerty Blvd) to this year's revenue sharing application. This brings the application to the limit of $10 M. Motion approving the addition was made by Mr. Collins and seconded by Mr. Racey. Motion passed unanimously. The resolution for this item is appearing separately on the Board agenda for November 12, 2014.

2. **Capital Improvement Program**

Staff gave a brief update on the upcoming Capital Improvement Program update and noted that no change in priorities is recommended at this time. A motion was made to approve the priorities without change by Mr. Fisher and seconded by Mr. Racey. Motion passed

unanimously.

3. **Other**

Mr. Oates noted tractor trailer GPS routing issues causing trucks to go up Hollow Road (Route 707), which are then getting stuck, and have to back out onto Route 259 to get back on track. Staff is following up with VDOT on this.

Mr. Racey noted signal programming issues including the lack of permissive left at Tasker and White Oak and also at Macedonia Church and 522. Mr. Racey also noted there is a left turn signal operating at Tasker and Rainville that allows left turns into a dead end driveway. Staff is following up with VDOT.

TECHNOLOGY COMMITTEE - APPROVED

The Board of Supervisors Information Technology Committee met on Wednesday, November 5th, 2014 at 8:30 A.M., in the Closed Session Conference Room, County Administration Building, 107 North Kent Street, Winchester, Virginia. Present were Gary A. Lofton, Chairman, Charles S. DeHaven, Jr., Board Member, Lorin Sutton, County Representative, Quaiser Absar, County Representative, Kris Tierney, Assistant County Administrator, Jay Tibbs, Deputy County Administrator, Eric Lawrence, Planning Director, Walter T. Banks, IT Director, Patrick Fly, GIS Manager, Jeremy Coulson, Webmaster, Karen Vacchio, Parks and Recreation PIO, Alisa Scott, Administrative Assistant, and Rick Ours, RCO Productions. Absent were Bob Wells, Board Member, and Todd Robertson, County Representative.

The committee submits the following:

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

1. **Approval of the Upgrade Board Room Audio Visual and Broadcasting Equipment in the amount of $178,122.95 appropriated from the Comcast provided PEG funds. - APPROVED**

The proposed quote provides the Board of Supervisors' Board Room with a digital upgrade and the ability to broadcast in HD upon a motion by Mr. DeHaven, seconded by Mr. Sutton, the Committee unanimously recommended this item be forwarded to the Finance Committee with a recommendation for approval and forwarded to the Board of Supervisors for their consideration.

Upon a motion by Supervisor Lofton, seconded by Supervisor Wells, the Board approved the appropriation of $178,122.95 from the Comcast PEG Funds for the upgrade of board room audio visual and broadcasting equipment.

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

FINANCE COMMITTEE - APPROVED

The Finance Committee met in the First Floor Conference Room at 107 North Kent Street on Wednesday, October 15, 2014 at 8:00 a.m. Chairman Charles DeHaven was absent. Member Richard Shickle served as chairman. Non-voting liaison C. William Orndoff, Jr. was absent. Item 1 requires action.

1. The EDA Executive Director requests an EDA Fund and a General Fund supplemental appropriation in the amount of $375,000. This amount represents EDA Incentives remaining in FY 2014. See attached memo, p. 3. The committee recommends approval. - **APPROVED**

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

2. The County Attorney provides information for review of property tax exemptions previously granted by the County. See attached information, p. 4-24. The committee delays action awaiting further information from the County Attorney and the Commissioner of the Revenue.

3. The County Administrator briefed the committee on a tax exempt refinancing resolution for Westminster Canterbury that will be presented to the Board of Supervisors through the Winchester City Council and the Winchester Economic Development Authority. No action required.

4. The Finance Committee Chairman presents a memo concerning the FY 2016 budget and the Finance Director provides a budget calendar. See attached information, p. 25-26. No action required.

5. Lord Fairfax Community College provides a response to the Committee following discussions at the August 2014 Finance Committee meeting. See attached letter, p. 27-28. The committee postpones action until the next Finance Committee meeting.

INFORMATION ONLY

1. The Finance Director provides a Fund 10 Transfer Report for September. See attached, p. 29.

2. The Finance Director provides financial statements for the month ending September 30, 2014. See attached, p. 30-40.

3. The Finance Director provides an FY2015 Fund Balance Report ending October 9, 2014. See attached, p. 41.

PUBLIC HEARING

AMENDMENT TO THE 2014-2014 FISCAL YEAR BUDGET – PURSUANT TO SECTION 15.2-2507 OF THE *CODE OF VIRGINIA*, 1950 AS AMENDED, THE BOARD OF SUPERVISORS WILL HOLD A PUBLIC HEARING TO AMEND THE FISCAL YEAR 2014-2015 BUDGET TO REFLECT: TRANSPORTATION DIRECTOR REQUEST FOR A DEVELOPMENT PROJECTS FUND SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $8,136,700 FOR THE CONSTRUCTION OF SNOWDEN BRIDGE BOULEVARD. THE PROJECT WILL BE FUNDED THROUGH VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REVENUE SHARING AND MATCHING DEVELOPER FUNDS. - APPROVED

Administrator Riley advised this was a proposed amendment to the FY 2014-15 budget for a supplemental appropriation in the amount of $8,136,700 for the construction of Snowden Bridge Boulevard. The project is funding through VDOT's revenue sharing program.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board approved the amendment to the FY2014-2015 budget.

WHEREAS, pursuant to Section 15.2-2507 of the *Code of Virginia*, 1950, as Amended, the Frederick County Board of Supervisors meeting in regular session and public hearing held on

November 12, 2014, took the following action:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors that the FY2014-2015 Budget be Amended to Reflect:

Transportation Director Request for a Development Projects Fund Supplemental Appropriation in the Amount of $8,136,700 for the Construction of Snowden Bridge Boulevard. The Project will be Funded Through Virginia Department of Transportation (VDOT) Revenue Sharing and Matching Developer Funds.

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

PLANNING COMMISSION BUSINESS

PUBLIC HEARING

REZONING #04-14 BAKER AND LEPLEY PROPERTIES, SUBMITTED BY LEWIS AND MELISSA BAKER, FRED AND ALICE BAKER, AND KRISTA LEPLEY TO REZONE 8.59 +/- ACRES FROM MH1 (MOBILE HOME COMMUNITY) DISTRICT AND RA (RURAL AREA) DISTRICT TO THE RA (RURAL AREAS) DISTRICT. THE PROPERTIES ARE LOCATED ON SINKING SPRINGS LANE IN GORE (TRAVEL ROUTE 50 WEST APPROXIMATELY 15 MILES TO GORE ROAD ON LEFT; CONTINUE .5 MILES ON GORE ROAD TO SINKING SPRING LANE ON THE LEFT). THE PROPERTIES ARE IDENTIFED BY PROPERTY IDENTIFICATION NUMBERS 28-A-75, 28-A-76, AND 28-A-82 IN THE BACK CREEK MAGISTERIAL DISTRICT. - APPROVED

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised this was a proposal to rezone 8.59 acres +/- from the MH-1 (Mobile Home Community) and RA (Rural Areas) Zoning District to the RA (Rural Areas) Zoning District. The properties are located in the Back Creek Magisterial District. She noted the proposal was consistent with the Comprehensive Plan. She concluded by saying the Planning Commission recommended

approval.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Lofton, seconded by Supervisor Wells, the Board approved Rezoning #04-14.

WHEREAS, Rezoning #04-14 of the Baker & Lepley Properties, to rezone 8.59 +/- acres from the MH-1 (Mobile Home Community) and RA (Rural Areas) Zoning Districts to the RA (Rural Areas) Zoning District was considered. The three properties, with addresses of 151 Sinking Springs Lane, 175 Sinking Springs Lane, and 171 Sinking Springs Lane, are located on Sinking Springs Lane in Gore in the Back Creek Magisterial District, and are further identified by Property Identification Numbers 28-A-75, 28-A-76, and 28-A-82.

WHEREAS, the Planning Commission held a public hearing on this rezoning on November 5, 2014, and recommended approval of this request; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on November 12, 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 8.59 +/- acres from MH-1 (Mobile Home Community) and RA (Rural Areas) Zoning Districts to the RA (Rural Areas) Zoning District.

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

Passed this 12th day of November 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

SOUTHERN FREDERICK AREA PLAN – THE PLAN ENCOMPASSES THE AREA GENERALLY EAST OF INTERSTATE 81 TO THE CLARKE COUNTY LINE AND FROM THE OPEQUON CREEK IN THE NORTH TO LAKE FREDERICK IN THE SOUTH. THE PLAN CONTAINS FOUR MAPS AND A NARRATIVE TEXT THAT COVERS THE FOLLOWING AREAS: URBAN AREAS AND RESIDENTIAL DEVELOPMENT, BUSINESS DEVELOPMENT, TRANSPORTATION, AND NATURAL RESOURCES, HISTORIC RESOURCES, AND PUBLIC FACILITIES, AND IS AN UPDATE TO APPENDIX I OF THE 2030 COMPREHENSIVE PLAN AND THE EASTERN FREDERICK COUNTY LONG RANGE LAND USE PLAN, A COMPONENT OF THE 2030 COMPREHENSIVE PLAN. THIS PLAN REPRESENTS THE WORK OF A LARGE NUMBER OF CITIZEN VOLUNTEERS WHO HAVE BEEN WORKING OVER THE PAST SEVERAL MONTHS IN COLLABORATION WITH EACH OTHER. - APPROVED

Deputy Planning Director Michael Ruddy appeared before the Board regarding this item. He advised this was a proposed amendment to the 2030 Comprehensive Plan, Appendix I – Area Plans. He briefly reviewed the plan's four areas:

1. Urban Areas and Residential Development.
2. Business Development.
3. Transportation.
4. Natural Resources, Historic Resources, and Public Facilities.

He also provided a brief overview of the maps of the four areas. The Comprehensive Plans and Programs Committee endorsed the plan in September 2014 and the Planning Commission recommended approval at its October 14, 2014 meeting. He concluded by saying staff was seeking the Board's adoption.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Wells, seconded by Supervisor Fisher, the Board adopted the Southern Frederick Area Plan.

Chairman Shickle stated that Deputy Director Ruddy had done a fine job and had converted at least one vote tonight.

WHEREAS, The 2030 Comprehensive Plan, The Plan, was adopted by the Board of Supervisors on July 14, 2011; and

WHEREAS, The Plan encompasses the area generally east of Interstate 81 to the Clarke County line from the Opequon Creek in the north to Lake Frederick in the south. The study area includes the Route 277 Triangle Study, Tasker Woods, and many of the existing residential communities of the Stephens City area from Lakeside to Shenandoah and everything in between. The study area includes both the Opequon and Shawnee Magisterial Districts; and

WHEREAS, The Plan contains four maps and narrative text that covers the following areas: Urban Areas and Residential Development, Business Development, Transportation, and Natural Resources, Historic Resources, and Public Facilities; and

WHEREAS, The Plan provides a guide for future land use and was a collaborative effort of the citizens of Frederick County, County Planning Staff, Planning Commissioners, and the Board of Supervisors; and

WHEREAS, the Comprehensive Plans and Programs Committee formally reviewed and endorsed the Southern Frederick Area Plan at their September 8, 2014 meeting; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this proposed amendment on October 1, 2014 and recommended approval; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed amendment on November 12, 2014; and

WHEREAS, the Frederick County Board of Supervisors finds that the adoption of this amendment to the 2030 Comprehensive Plan, Appendix I – Area Plans, to be in the best interest of the public health, safety, welfare, and future of Frederick County, and in good planning practice.

NOW, THEREFORE, BE IT RESOLVED by the Frederick County Board of Supervisors that **THE AMENDMENT TO THE 2030 COMPREHENSIVE PLAN, APPENDIX I – AREA PLANS**, is adopted.

This amendment will provide a guide for land use in the Southern Frederick Area.

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

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

Gene E. Fisher	Aye
Robert A. Hess	Aye
Gary A. Lofton	Aye
Robert W. Wells	Aye

ORDINANCE AMENDMENT TO THE FREDERICK COUNTY CODE, CHAPTER 165 ZONING, ARTICLE II SUPPLEMENTARY USE REGULATIONS; PARKING; BUFFERS; AND REGULATIONS FOR SPECIFIC USES, PART 203-BUFFERS AND LANDSCAPING, SECTION 165-203.02 BUFFER AND SCREENING REQUIREMENTS. REVISIONS TO THE FREDERICK COUNTY ZONING ORDINANCE TO ALLOW FOR A ZONING DISTRICT BUFFER WAIVER WHEN THE PLANNED LAND USE SHOWN IN THE COMPREHENSIVE PLAN IS COMPATIBLE. - APPROVED

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised this was a proposed amendment to the Frederick County Zoning Ordinance to allow a zoning district buffer waiver if the adjoining land use would not require a buffer. She noted the Planning Commission held a public hearing on this item and recommended the amendment be approved.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Collins, seconded by Supervisor Hess, the Board approved an ordinance amending The Frederick County Code, Chapter 165 Zoning, Part 203 – Buffers and Landscaping, Article II – Supplementary Use Regulations, Parking, §165-203 – Buffers and Regulations for Specific Uses; §165-203.02 Buffer and Screening Requirements.

WHEREAS, an ordinance to amend Chapter 165, Zoning to include a zoning district buffer waiver that allows the Board of Supervisors to eliminate or modify a zoning district buffer, if the adjoining land is designated for a similar zoning district in the adopted Comprehensive Plan would not require a buffer was considered; and

WHEREAS, The Planning Commission held a public hearing on this ordinance on November 12, 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 modify Part 203 – Buffers and Landscaping, Article II – Supplementary Use Regulations, Parking, §165-203 – Buffers and Regulations for Specific Uses; §165-203.02 Buffer and Screening Requirements to include a zoning district buffer waiver that allows the Board of Supervisors to eliminate or modify a zoning district buffer, if the adjoining land is designated for a similar zoning district in the adopted Comprehensive Plan would not require a buffer.**

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

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

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

ORDINANCE AMENDMENT TO THE FREDERICK COUNTY CODE, CHAPTER 165 ZONING, ARTICLE II SUPPLEMENTARY USE REGULATIONS; PARKING; BUFFERS; AND REGULATIONS FOR SPECIFIC USES, PART 201-SUPPLEMENTARY USE REGULATIONS, SECTION 165-201.10 OUTDOOR STORAGE AND PROCESSING. REVISIONS TO THE FREDERICK COUNTY ZONING ORDINANCE TO REVISE THE OUTDOOR STORAGE SCREENING REQUIREMENTS. – APPROVED

Senior Planner Candice Perkins appeared before the Board regarding this item. She advised this was a proposed amendment to the Frederick County Zoning Ordinance to modify the screening requirements for outdoor storage areas. The proposal would eliminate screening when the adjoining property is an existing outdoor storage area. She stated the Planning Commission held a public hearing on this proposed amendment and recommended approval. She concluded by saying staff was seeking Board of Supervisors' action.

Chairman Shickle convened the public hearing.

There were no public comments.

Chairman Shickle closed the public hearing.

Upon a motion by Supervisor Hess, seconded by Supervisor Collins, the Board approved an ordinance amending the Frederick County Code, Chapter 165 Zoning, Part 201 – Supplementary Use Regulations, Article II – Supplementary Use Regulations, Parking, Buffers, and Regulations for Specific Uses, §165-201.10 Outdoor Storage and Processing.

WHEREAS, an ordinance to amend Chapter 165, Zoning to modify screening requirements for outdoor storage areas to eliminate the screening requirement when an outdoor storage area adjoins a property also utilized for outdoor storage, was considered; and

WHEREAS, The Planning Commission held a public hearing on this ordinance on October 1, 2014; and

WHEREAS, The Board of Supervisors held a public hearing on this ordinance on November 12, 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 modify Part 201 – Supplementary Use Regulations, Article II – Supplementary Use Regulations for Specific Uses, §165-201.10 Outdoor Storage and Processing to eliminate the screening requirement when an outdoor storage area adjoins a property also utilized for outdoor storage.**

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

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

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

OTHER PLANNING ITEMS

MEMORANDUM AND RESOLUTION – REVENUE SHARING APPLICATION. APPROVED

Deputy Planning Director Michael Ruddy appeared before the Board regarding this item. He advised this was a request for the Board to support the 2015-2016 VDOT revenue sharing application. There are three projects to be funded:

1. Coverstone Drive: Four lanes of Coverstone Drive from existing terminus near the Public Safety Building to an intersection with Route 50 across from Inverlee Way.

2. Valley Mill Road Realignment: Realign Valley Mill Road from its current location across the Overlook Property (formerly known as Carriage Park) to a new intersection with Route 7.

3. Phase I of Haggerty Blvd. from Route 7 to approximately .6 miles south.

The total application is for $10,000,000 with a $10,000,000 local match to be provided by private partners for a total project of $20,000,000.

Upon a motion by Vice-Chairman DeHaven, seconded by Supervisor Fisher, the Board approved the resolution of support for the FY2015-2016 Revenue Sharing Program.

WHEREAS, the County of Frederick desires to submit an application for an allocation of funds of up to $10,000,000 through the Virginia Department of Transportation Fiscal Year 2015-2016 Revenue Sharing Program; and

WHEREAS, $10,000,000 of these funds are requested to fund Coverstone Drive from its current dead end to an intersection with Route 50 and Inverlee Way, Valley Mill Road Realignment to a new intersection with Route 7, Phase I of Haggerty Boulevard from a new intersection with Route 7 to approximately .6 miles south of that intersection.

NOW, THEREFORE, BE IT RESOLVED THAT, the Frederick County Board of Supervisors hereby supports this application for an allocation of up to $10,000,000 through the Virginia Department of Transportation "Revenue Sharing Program".

ADOPTED this 12th day of November, 2014.

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

Supervisor Lofton reported the Extension Leadership Council met in October to review projects. He stated citizens should look at the programs Extension offers. He also noted that Margaret Douglas was recognized as Volunteer of the Month and he wanted to acknowledge this feat, which was a statewide award.

Upon a motion by Supervisor Lofton, seconded by Supervisor Hess, the Board approved drafting a resolution recognizing Mrs. Douglas.

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

CITIZEN COMMENTS

There were no citizen comments.

BOARD OF SUPERVISORS COMMENTS

Supervisor Hess commended the Parks and Recreation Department for their first Battlefield Half Marathon. He noted there were 1,000 entries and over 200 volunteers. He stated the event was well organized and well run. He also reported on his attendance at the Veterans' Day breakfast and program hosted by the Service Learning Students. He noted this was a spectacular event.

ADJOURN

UPON A MOTION BY VICE-CHAIRMAN DEHAVEN, SECONDED BY

SUPERVISOR FISHER, THERE BEING NO FURTHER BUSINESS TO COME BEFORE THIS BOARD, THIS MEETING IS HEREBY ADJOURNED. (7:55 P.M.)

B

RESOLUTION OF APPRECIATION
THE HONORABLE CONGRESSMAN FRANK R. WOLF, 10TH DISTRICT
UNITED STATES HOUSE OF REPRESENTATIVES

WHEREAS, Frank R. Wolf served the citizens of the 10th Congressional District for 34 years as a member of the House of Representatives; and

WHEREAS, Congressman Wolf served as a member of the House Appropriations Committee, chairman of the Commerce-Justice-Science subcommittee, Transportation and Housing and Urban Development committees and State of Foreign Operations subcommittee; and

WHEREAS, during his tenure, Congressman Wolf focused on job creation through his Bring Jobs Back to America Act, raised awareness of the growing threat of cyberattacks, and worked to address the debt and deficit through bipartisan reforms including establishing the model for the National Commission on Fiscal Responsibility and Reform, commonly referred to as the Simpson-Bowles Commission; and

WHEREAS, Congressman Wolf fought against gang related crimes in our region through the establishment of the Northwest Virginia Regional Gang Task Force; and

WHEREAS, Congressman Wolf worked to create one of the nation's newest national parks in our area, Cedar Creek and Belle Grove National Historic Park, and

WHEREAS, Congressman Wolf was a tireless worker for all of the residents of the 10th District; and

WHEREAS, this Board will always consider Congressman Wolf a colleague and friend.

NOW, THEREFORE BE IT RESOLVED, that the Frederick County Board of Supervisors extends its sincerest thanks to Frank R. Wolf and wishes him all of the best in his future endeavors.

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

ADOPTED this **10th** day of December, 2014.

Richard C. Shickle Chairman	Gene E. Fisher Shawnee District Supervisor
Robert A. Hess Gainesboro District Supervisor	Christopher E. Collins Red Bud District Supervisor
Robert W. Wells Opequon District Supervisor	Charles S. DeHaven, Jr. Stonewall District Supervisor
Gary A. Lofton Back Creek District Supervisor	John R. Riley, Jr. Clerk

C

Employee of the Month Resolution

for:

Andrew Keefauver

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, Andrew Keefauver who serves in Parks and Recreation was nominated for Employee of the Month; and,

WHEREAS, Andrew Keefauver successfully managed to create and staff a hugely successful event, the Battlefield Half Marathon, for the Parks and Recreation Department. This event attracted over one thousand runners and brought together several community agencies. In addition, Andrew also organized a Health and Wellness Expo on the night prior to the race. Andrew has shown that he is very team-oriented and he deeply cares for the wellness and satisfaction of his community. This event even brought the complete staff of the Parks & Recreation Department together in order to effectively make this event a huge success for the future; and,

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 10th day of December 2014, that Andrew Keefauver is hereby recognized as the Frederick County Employee of the Month for November 2014; and,

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

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

County of Frederick, VA
Board of Supervisors

_____

Richard C. Shickle, Chairman

Dedication

Hardworking

Excellence

Professional

County of Frederick

Employee of the Month

November 2014

Andrew R. Keefauver

Richard C. Shickle
Chairman, Board of Supervisors

November

County of Frederick
Employee of the Month
Nomination Form

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 : Andrew Keefauver Department: Parks & Recreation

Nomination Submitted By: Chris Konyar Department: Parks & Recreation

Nominator's Signature: Chris Konyar Digitally signed by Chris Konyar DN: cn=Chris Konyar, o=Frederick County Parks and Recreation, ou=Superintendent of Recreation, email=ckonyar@fcrec.us, c=US Date: 2014.11.13 08:54:44 -05'00' Date: 11/13/2014

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

Andrew Keefauver successfully launched the Battlefield Half Marathon Event for the Parks and Recreation Department on Saturday, November 8, 2014. The event was hugely successful for a first year event attracting nearly 1000 runners and bringing together several community agencies to collectively make the event happen. Some of the agencies that Andrew organized to solidify a professional, well organized effort were Frederick County Sheriff Dept., Winchester Police, Stephens City Fire and Rescue, Winchester Area Temporary Thermal Shelters (WATTS), Creekside Properties, Kernstown Battlefield Association, VDOT, VA State Police, Local Military Unit, Kernstown Commons, and Racine Multisports. In addition to the race Andrew also organized a Health and Wellness Expo on the night prior to the race to allow participants to meet with local vendors to promote healthy lifestyles and increase health and wellness awareness in our community. This event brought the complete staff of the Parks and Recreation Department together to function as a team in order to effectively make this event a huge success not only this year but in future years as well.

It is my recommendation that Andrew be selected as the Employee of the Month for the month of November for his efforts to launch this signature event.

HR Section: Received: 11/13/14 Emailed to HR Committee: _____

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: December 4, 2014

RE: Committee Appointments

Listed below are the vacancies/appointments due through February, 2015. 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

Board of Zoning Appeals

James W. Givens – Back Creek District Representative
860 Laurel Grove Road
Winchester, VA 22602
Home: (540)678-0291
Term Expires: 12/31/16
Five year term

(Mr. Givens has Resigned.) *(There are seven members on the Board of Zoning Appeals.* ***Recommendations for appointment/reappointment are made by the Board of Supervisors and submitted to the Judge of the Frederick County Circuit Court for final appointment.)***

Lord Fairfax Community College (LFCC)

Mary E. Greene – County Representative
1201 Lakeview Drive
Cross Junction, VA 22625
Home: (540)888-4918
Term Expires: 06/30/16

Four year term

(Ms. Greene has Resigned)

Extension Leadership Council

Helen Lake – Member-At-Large
861 Valley View Drive
Winchester, VA 22603
Home: (540)665-0108
Term Expires: 04/24/16
Four year term

(Ms. Lake has Notified Extension Agent Mark Sutphin her desire to step down. He will work with VCE staff and faculty to forward a recommendation for replacement.) *(The Extension Leadership Council is composed of one citizen member from each district appointed by the Board of Supervisors* ***and three members-at large recommended by the Virginia Tech Extension Service****.)*

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

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

DECEMBER 2014

Board of Equalization

Leon W. Strosnider – County Representative
743 Grim Road
Stephens City, VA 22655
Home: (540)869-1187

Term Expires: 12/31/16
Three year term

(Staff has been advised Mr. Strosnider has passed away.)

(The Board of Equalization is composed of five members. Members must be free holders in the county. In October 2010, the Board of Supervisors appointed the Board of Equalization as a "permanent" board for subsequent reassessments. The original five members were appointed for the following terms: one member for a one-year term; one member for a two-year term; and three members for a three-year term. Going forward, all future appointments shall be for a three-year term. ***Recommendations for appointment/reappointment are made by the Board of Supervisors and submitted to the Judge of the Frederick County Circuit Court for final appointment.****)*

JANUARY 2015

Economic Development Authority

Doug C. Rinker – County Representative
1075 Dicks Hollow Road
Winchester, VA 22603
Home: (540)877-2887
Term Expires: 01/10/15
Four year term

(Mr. Rinker was appointed to the Economic Development Authority September, 10, 2014.)

Parks and Recreation Commission

Charles R. Sandy, Mr. – Member-At-Large
733 Salem Church Road
Stephens City, VA 22655
Home: (540)869-0197
Term Expires: 01/25/15
Four year term

FEBRUARY 2015

No appointments due.

JRR/tjp
U:\TJP\committeeappointments\MmosLettrs\BoardCommitteeAppts(121014BdMtg).docx

E

COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

RECEIVED
DEC 2014
Frederick County
Administrator's Office
By

TO: Frederick County Board of Supervisors

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

FROM: Roderick B. Williams, County Attorney

DATE: December 1, 2014

RE: Commissioner of Revenue Refund Requests

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

1. VFS Leasing Co – $17,574.56
2. Ryder Truck Rental, Inc. 0029 – $4,007.39
3. Ari Fleet LT – $6,589.05

Roderick B. Williams
County Attorney

Attachments

COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

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

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

FROM: Roderick B. Williams, County Attorney

DATE: November 13, 2014

RE: Refund – VFS Leasing Co

I am in receipt of the Commissioner's request, dated November 7, 2014, to authorize the Treasurer to refund VFS Leasing Co the amount of $17,574.56, for proration of personal property taxes in the normal course of business for 2013 and 2014. This refund was a result of proration of personal property for this leasing company in the regular course of business.

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

Roderick B. Williams
County Attorney

Attachment

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

November 7, 2014

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration VFS Leasing Co

Please approve a refund of $17,574.56 for proration on personal property taxes for 2013 and 2014 in the name of VFS Leasing Co. This refund results from the normal proration of personal property for this leasing company in the regular course of business.

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

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

Exoneration is $17,574.56.

Date: 11/06/14 Cash Register: COUNTY OF FREDERICK Time: 15:16:00

Total Transactions: 252
Customer Name: VFS LEASING CO Customer Transactions: 6

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
_	PP2013	1	00691040001	$1,292.19-	$.00	$1,292.19-
_	PP2013	2	00691040007	$1,292.19-	$.00	$1,292.19-
_	PP2014	3	00571110001	$3,747.55-	$.00	$3,747.55-
_	PP2014	4	00571110002	$3,747.54-	$.00	$3,747.54-
_	PP2014	5	00571110005	$3,747.55-	$.00	$3,747.55-
_	PP2014	6	00571110006	$3,747.54-	$.00	$3,747.54-

Total Paid : $17,574.56

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

Needs Board Approval

COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

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: November 26, 2014

RE: Refund – Ryder Truck Rental, Inc. 0029

I am in receipt of the Commissioner's request, dated November 24, 2014, to authorize the Treasurer to refund Ryder Truck Rental, Inc. 0029 the amount of $4,007.39, for proration of personal property taxes in the normal course of business for 2013 and 2014. This refund was a result of the company's vehicles being reported from one office in the company and the verification of titling and situs being made later, elsewhere in the company.

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

Roderick B. Williams
County Attorney

Attachment

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

November 24, 2014

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration Ryder Truck Rental, Inc 0029

Please approve a refund of $4,007.39 for proration on personal property taxes for 2013 and 2014 in the name of Ryder Truck Rental, Inc 0029. This refund results from the normal proration of personal property for this large leasing company in the regular course of business. Their vehicles are reported from one location and the verification of titling and situs is made elsewhere in their company – thus the timing difference.

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

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

Exoneration is $4,007.39.

Date: 11/20/14 Cash Register: COUNTY OF FREDERICK Time: 10:19:36

[redacted]

Total Transactions: 277

Customer Name: RYDER TRUCK RENTAL INC 0029 Customer Transactions: 3

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
_	PP2013	1	00463280025	$814.36-	$.00	$814.36-
_	PP2013	2	00463280026	$1,628.71-	$.00	$1,628.71-
_	PP2014	3	00477390021	$1,564.32-	$.00	$1,564.32-

Total Paid : $4,007.39

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

Needs Board Approval

COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

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: December 1, 2014

RE: Refund – Ari Fleet Lt

I am in receipt of the Commissioner's request, dated November 24, 2014, to authorize the Treasurer to refund Ari Fleet Lt the amount of $6,589.05, for proration of personal property taxes and vehicle license fees in the normal course of business for 2012 and 2013. This refund was a result of the company's vehicles being reported from one office in the company and the verification of titling and situs being made later, elsewhere in the company.

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

Roderick B. Williams
County Attorney

Attachment

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

November 24, 2014

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

FROM: Ellen E. Murphy, Commissioner of the Revenue

RE: Exoneration Ari Fleet Lt

Please approve a refund of $6,589.05 for proration on personal property taxes for 2012 and 2013 in the name of Ari Fleet Lt. This refund results from the normal proration of personal property for this leasing company in the regular course of business and includes personal property taxes and vehicle licensing fees. Their vehicles are reported from one location and the verification of titling and situs is made elsewhere in their company – thus the timing difference.

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

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

Exoneration is $6,589.05.

Date: 11/20/14 Cash Register: COUNTY OF FREDERICK Time: 09:51:12

Customer Name: ARI FLEET LT

Total Transactions: 277
Customer Transactions: 44

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
_	PP2012	1	00016330067	$244.01-	$.00	$244.01-
_	PP2012	2	00016330068	$292.81-	$.00	$292.81-
_	PP2013	3	00016540018	$213.64-	$.00	$213.64-
_	PP2013	4	00016540022	$42.73-	$.00	$42.73-
_	PP2013	5	00016540024	$85.46-	$.00	$85.46-
_	PP2013	6	00016540026	$85.46-	$.00	$85.46-
_	PP2013	7	00016540036	$128.18-	$.00	$128.18-
_	PP2013	8	00016540053	$256.37-	$.00	$256.37-
_	PP2013	9	00016540054	$256.36-	$.00	$256.36-
_	PP2013	10	00016540055	$85.46-	$.00	$85.46-
_	PP2013	11	00016540056	$256.36-	$.00	$256.36-
_	PP2013	12	00016540059	$128.18-	$.00	$128.18-

Multiple Pages Total Paid : $6,589.05

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

PP + VL fees

Needs Board Approval

F

COUNTY of FREDERICK

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

RECEIVED
NOV 2014
Frederick County
Administrator's Office
By

MEMO

To: John R. Riley, Jr., County Administrator
From: Jason L. Robertson, Director, Parks & Recreation Dept.
Subject: Parks and Recreation Commission Action
Date: November 19, 2014

The Parks and Recreation Commission met on November 18, 2014. Members present were: Kevin Anderson, Randy Carter, Christopher Collins, Marty Cybulski, Gary Longerbeam, Ronald Madagan and Charles Sandy, Jr.. Members absent were: Patrick Anderson and Greg Brondos, Jr.

Items Requiring Board of Supervisors Action:

None

Submitted for Board Information Only:

1. Recommendation for Ninth Recreation Technician – Mr. Kevin Anderson moved to fund a Recreation Technician position to effectively manage the additional basicREC locations and maintain safety this fiscal year, second by Mr. Cybulski, motion carried unanimously (6-0). Request will be forwarded to the Human Resource Committee and Finance Committee for review at their next meeting.

2. Incentive Pay Policy – Mr. Madagan moved to accept the Incentive Pay Policy as submitted, second by Mr. Longerbeam, motion carried unanimously (6-0). Please find attached a copy of the approved policy. Policy will be forwarded to the Human Resource Committee for review at their next meeting.

3. Cosponsor Committee – Youth Sports Partner Policy – The Cosponsor Committee recommended to endorse the Youth Sports Partners policy as submitted, second by Mr. Longerbeam, motion carried unanimously (6-0). Please find attached a copy of the approved policy.

4. Buildings and Grounds Committee – Northwest Sherando Park Update – No action taken.

cc: Charles R. Sandy, Jr., Chairman
Christopher Collins, Board of Supervisors Liaison
Paula Nofsinger, Human Resource Director
Cheryl Shiffler, Finance Director

107 North Kent Street
Winchester, VA 22601

INCENTIVE PAY POLICY
100.29

PURPOSE:
To establish guidelines for developing, recommending, and implementing incentive/bonus pay programs for full-time employees.

GOAL:
To provide a program that allows for staff to be recognized for obtaining work-related certifications that exceed standard job requirements and that will benefit the department.

POLICY:
Employees will be compensated based on their current position and level of certification.

Park Caretakers will receive five hundred ($500) per year per current certification for possessing any of the following:

- Aquatic Facility Operator
- Certified Playground Safety Inspector
- Pesticide Application

Park Technicians will receive five hundred ($500) per year for possessing a certification in Pesticide Application.

Maintenance Supervisors will receive five hundred ($500) per year for possessing a certification in Aquatic Facility Operator.

All certifications must remain current or forfeiture of incentive compensation will occur.

Incentive pay will be determined by current certifications held as of June 30.

Training and bonus for certification programs are subject to funding in the operating budget.

Approved: November 2014

YOUTH SPORTS PARTNERS
500.02

PURPOSE:
To promote and provide assistance to recreational youth sport programs in Frederick County for established groups.

GOAL:
To provide and expand recreational sport opportunities for Frederick County youth by aligning with established recreation groups.

POLICY:
Youth Sports Partners (YSP) must provide an all-inclusive recreational youth sports activity that is not currently being provided by Frederick County Parks and Recreation Department (FCPRD) to a minimum of at least two hundred Frederick County youth.

Youth Sports Partners shall not restrict participation on the basis of race, creed, color, religion, national origin, or sex. YSP groups shall meet the requirements of the Americans with Disabilities Act as it applies to FCPRD. Youth Sports Partners shall abide by all Departmental rules, regulations, and policies wherever applicable.

Youth Sports Partners meeting the terms of this policy and approved by the Frederick County Parks and Recreation Commission will be allocated space for their activities by FCPRD. Space allocations will be based on the number of children, needs of program, prior usage, prior season's performance, and community demand for facility.

Space allocations will be detailed in a seasonal agreement. YSP will pay for field space based off a facility fee per participant. The facility fee per participant will be provided annually by FCPRD.

Each Youth Sport Partner agreement must be approved by the Frederick County Parks and Recreation Commission.

FCPRD shall provide the following services where possible under the Youth Sports Partner agreement:

a. Publicity for registrations and league contact information
b. Request Frederick County Public School facilities on behalf of the Youth Sports Partners

Youth Sports Partners will be responsible for:

a. Proof of non-profit status by providing a copy of the organizations 501-C3 statement
b. Provide the County with a certificate of insurance and an endorsement demonstrating coverage of $1 million for bodily injury per occurrence with a $2 million annual aggregate and $200,000 in property damage with a $500,000 annual aggregate naming Frederick County, VA and Frederick County Public Schools additionally insured

c. Provide the department with accurate records of board members and officers; including their name, address, and phone number and expiration date of their term
d. Conducting criminal background checks according to the FCPRD Criminal Background Check Policy (# 500.03) for all coaches and volunteers working directly with the participants and ensuring all coaches are eligible
e. Provide the number of participants, number of Frederick County participants, and cost of registration fees
f. Designate one individual to interact with FCPRD for scheduling
g. Provide and meet training standards for all head coaches and provide FCPRD a copy of the training program
h. Report by phone or in person injuries, accidents, facility damage, dangerous or unsafe conditions, or unusual or suspicious situations to FCPRD as soon as possible, but no more than 24 hours or the next business day after the occurrence or discovery. Written reports on accidents or damage must be completed accurately and sent to FCPRD within 24 hours or the next business day
i. Accept all facilities as is and leave in a similar state of cleanliness as upon arrival
j. Pay the established fees before utilizing space.

Fees for Youth Sports Providers will be determined by the following formula:

a. FCPRD Facility Fee* x Total Number of enrollments x percentage of league in Frederick County facilities. Based on the prior year's schedules.
b. Spring and Fall seasons will be treated as separate seasons

*The FCPRD Facility Fee is determined by taking all costs associated with providing recreational programs to the community and divided by the total number of participants

Approved: November 2014

G

COUNTY of FREDERICK
Department of Public Works
540/665-5643
FAX: 540/678-0682

MEMORANDUM

TO: Landfill Oversight Committee Members

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

SUBJECT: Landfill Oversight Committee Report for Meeting of November 20, 2014

DATE: November 25, 2014

The landfill oversight committee met on Thursday, November 20, 2014 8:00 a.m. All committee members were present except Winchester representatives, City Manager, Eden Freeman and Tom Hoy and, Frederick County Representative, Stan Crockett. The following items were discussed:

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

1. Fiscal Year 2013/2014 Accomplishments

Staff presented the following accomplishments for Fiscal Year 2013/2014:

- Widened and paved approximately 1.4 miles of internal haul roads;
- Generated 11,765 MW/hr of power from Landfill Gas to Energy plant;
- Collected and discharged 23,312,000 gallons of pretreated leachate to the Opequon Water Reclamation Facility;
- Processed 149,659 tons of refuse;
- Constructed a 40’ by 80’ machine shed for equipment storage;
- Recycled 789 tons of scrap metal with a value of approximately $200 per ton;
- Crushed approximately 20,000 tons of rubble concrete for onsite use.

2. Proposed Projects for Fiscal Year 2015/2016

Staff discussed the following proposed projects for Fiscal Year 2015/2016:

- Upgrade the leachate treatment facility including replacing the air infusion system and the biological support media;
- Use generator coolant loops to heat existing maintenance shops;
- Extend gas collection header and add additional horizontal collectors in active MSW cell.

3. Future Five Year (5) Projects

As part of the budget process, staff presented a list of future projects that could potentially be constructed within the next five (5) years. This list with associated cost estimates is attached.

4. Fiscal Year 2015/2016 Budget

Staff presented the proposed Fiscal Year 2015/2016 budget to the committee for their review. Significant items related to projected revenue included increasing the municipal tipping fee from $12 to $14 per ton and increasing the commercial/industrial tipping fee from $45 to $47 per ton. Capital expenditures were dramatically reduced in the proposed budget compared to the current budget.

Staff is proposing a Fiscal Year 2015/2016 budget of $6,011,823 and a revenue projection of $6,011,382. The minor difference will be funded from the landfill's retained earnings. The landfill's fund balance is currently estimated at approximately $30,000,000. Of that amount, approximately $12,000,000 is dedicated to a closure/post-closure trust fund. It should also be noted that future projects planned for the next five (5) years will require approximately $12,000,000 in capital expenditures. Staff anticipates that the landfill fund balance will be reduced to an amount of approximately $26,000,000 at the end of the current fiscal year.

At the conclusion of the discussions, the committee unanimously endorsed the proposed budget. This endorsement and the proposed budget will be forwarded to the appropriate committees in the respective jurisdictions.

HES/rls

cc: file

2015/2016 Budget Preparation

Future Projects to be Constructed within the next Five Years

1. 60, 000 hour Generator Service	$750,000
2. New (1) Megawatt Generator	$1,500,000
3. Upgrade Power line to Substation	$1,500,000
4. Partial Closure –MSW (10 Acre)	$2,000,000
5. Future Cell Development	
Leachate Stone 50,000 ton @ $25/ton	$1,250,000
Rough Grading and Rock Crushing	$5,000,000
Total	$12,000,000

REFUSE DISPOSAL - LANDFILL

4204

DESCRIPTION:

The Frederick County Sanitary Landfill provides non-hazardous solid waste disposal needs for Frederick and Clarke Counties and the City of Winchester. The landfill property includes 932 acres of which 90 acres have been permitted under Subtitle "D" Regulations as a municipal solid waste facility, and 50 acres permitted as a Construction Demolition Debris waste facility. The additional acreage is maintained as borrow area and buffer.

In addition to operating the two permitted landfills, the facility operates a fully equipped Citizen's Convenience Center offering disposal options for several waste streams including: household municipal, construction demolition debris, household hazardous waste, electronics, and numerous other recycling opportunities.

A program to convert landfill gas to electricity was established in 2010. Currently, two Jenbacher model 320 engines are fueled by the landfill gas and are capable of producing approximately two megawatts of power. This program is designed to expand as the landfill continues to grow.

In addition, the landfill operates and maintains a leachate pretreatment system designed to collect and provide treatment from all three of the permitted landfills located at the facility.

GOALS:

- Maintain vegetative cover on exposed soils by overseeding and fertilizing.
- Increase safety awareness of all landfill employees and continuing education of operators.
- Coordinate a self inspection program with the assistance of the DEQ.
- Divert storm water from Leachate Collection System.
- Maximize electrical production using landfill gas.
- Strive for waste reduction through recycling, composting, brush grinding, tire shredding, etc.

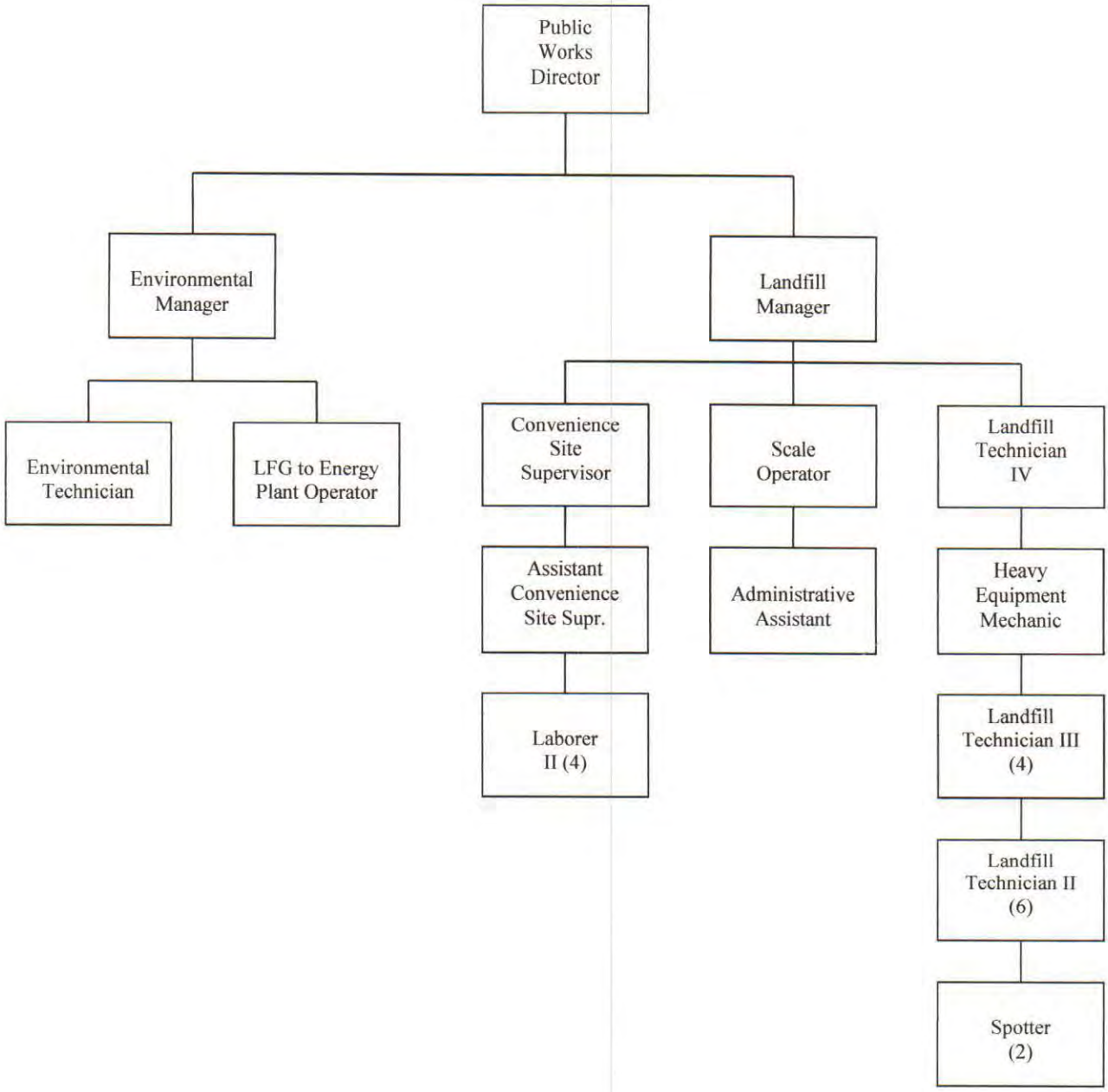
DEPARTMENTAL ACCOMPLISHMENTS:

- Weighed and disposed of 149,659 tons of waste.
- Generated 11,765 MW/hr of power from Landfill Gas to Energy plant.
- Collected and discharged 23,312,000 gallons of pretreated leachate to the Opequon Water Reclamation Facility.
- Constructed a 40' by 80' machine shed for equipment storage
- Widened and paved approximately 1.4 miles of internal haul roads
- Recycled 789 tons of scrap metal.
- Crushed approx. 20,000 tons of concrete rubble for onsite use.

BUDGET SUMMARY:

	FY 2014 Actual	FY 2015 Approved Budget	FY 2015 Estimated Budget	**FY 2016 Adopted Budget**	Increase/Decrease FY 2015 App. To FY 2016 Amount	%
Costs:						
Personnel		1,605,845				
Operating		2,840,820				
Capital/Leases		2,669,540				
TOTAL		7,116,205				
Revenue:						
Fees		5,411,187				
State/Federal		0				
Local/Reserves		1,705,018				
TOTAL		7,116,205				
Full-time Positions		23				

Landfill


Public Works Director
Environmental Manager
Landfill Manager
Environmental Technician
LFG to Energy Plant Operator
Convenience Site Supervisor
Scale Operator
Landfill Technician IV
Assistant Convenience Site Supr.
Administrative Assistant
Heavy Equipment Mechanic
Laborer II (4)
Landfill Technician III (4)
Landfill Technician II (6)
Spotter (2)

10/09/2014 COUNTY OF FREDERICK - B U D G E T - E X P E N S E

FUND #-010 GENERAL OPERATING FUND

		Prior Years FY/2013	Prior Years FY/2014	Amended Budget	Actual On 2014/10	Dept Request	Admin Request
042040	LANDFILL						
042040 -000-000	REFUSE DISPOSAL						
042040-1000-000-000	PERSONNEL SERVICES						
042040-1001-000-001	COMPENSATION OF PUBLIC WORKS						
042040-1001-000-002	LANDFILL MANAGER	77,760	79,976	83,377	20,663	83,620	
042040-1001-000-003	ENVIRONMENTAL MANAGER	65,778	67,555	70,107	17,393	70,286	
042040-1001-000-004	ADMINISTRATIVE COSTS	115,081	118,188	122,950	30,484	123,290	
042040-1001-000-005	HEAVY EQUIPMENT MECHANIC	58,018	59,454	61,657	15,297	61,815	
042040-1001-000-036	SECRETARY III						
042040-1001-000-056	SCALE OPERATOR	43,435	45,737	47,637	11,806	47,777	
042040-1001-000-057	ADMINIISTRATIVE ASSISTANT	31,997	36,531	37,741	9,359	37,843	
042040-1001-000-058	ASST.CONVENIENCE CENTER SUPER.	29,214	29,937	30,177	5,148	30,160	
042040-1001-000-066	SPOTTER	29,214	29,915	31,065	7,704	31,149	
042040-1001-000-067	LABORER II	5,091				24,237	*
042040-1001-000-068	LABORER II			22,165		22,165	
042040-1001-000-069	LANDFILL TECH II	31,001	30,582	31,579	7,836	31,657	
042040-1001-000-070	LANDFILL TECH III	38,018	35,590	37,062	9,187	37,168	
042040-1001-000-071	LANDFILL TECH III	40,070	41,002	42,323	10,512	42,416	
042040-1001-000-072	LANDFILL TECH II	29,821	30,537	31,607	7,845	31,683	
042040-1001-000-081	MOTOR EQUIPMENT OPERATOR III					30,160	*
042040-1001-000-082	LANDFILL TECHNICIAN II	32,254	33,076	34,392	8,527	34,487	
042040-1001-000-083	LFG TO ENERGY PLANT OPER.	50,710	48,468	52,900	13,162	52,985	
042040-1001-000-084	LANDFILL TECHNICIAN III						
042040-1001-000-085	LABORER I 1/2						
042040-1001-000-086	LANDFILL TECHNICIAN IV	52,727	54,151	56,472	13,992	56,641	
042040-1001-000-087	LABORER II						
042040-1001-000-088	LANDFILL TECH II	35,261	36,160	37,568	9,317	37,670	
042040-1001-000-089	LANDFILL SPOTTER	31,432	32,234	33,435	8,295	33,521	
042040-1001-000-090	CONVENIENCE SITE SUPERVISOR	32,886	33,676	34,799	8,641	34,879	
042040-1001-000-091	LABORER II	24,377	24,962	25,836	6,413	25,899	
042040-1001-000-092	LABORER II	6,485					
042040-1001-000-093	LANDFILL TECH III	36,118	37,012	38,382	9,523	38,481	
042040-1001-000-094	ENVIRONMENTAL TECH.	42,215	43,260	44,863	11,130	44,977	
042040-1001-000-095	LANDFILL TECHNICIAN II			31,401	6,071	30,160	
042040-1001-000-096	LANDFILL TECHNICIAN II	31,506	32,309	33,484	8,309	33,567	
042040-1001-000-097	LABORER II	24,377	24,980	25,841	6,415	25,902	
042040-1001-000-098	LABORER						
042040-1003-000-000	PART TIME/EXTRA HELP	49,867	56,310	49,920	18,790	78,000	

042040-1005-000-000	OVERTIME	40,989	40,811	63,448	15,168	63,448	
042040-1005-000-001	OVERTIME - INVESTIGATIVE						
042040-1009-000-000	MERIT RESERVE						
042040-1099-000-000	MERIT ADJUSTMENT RESERVE	25,305	19,182				
	PERSONAL SERVICE	1,111,007	1,121,595	1,212,188	296,987	1,296,043	
042040-2000-000-000	FRINGE BENEFITS						
042040-2001-000-000	F. I. C. A.	81,990	80,242	92,389	21,644	95,718	
042040-2002-000-000	RETIREMENT - V. S. R. S.	111,151	113,880	124,739	27,517	262,500	
042040-2005-000-000	HOSPITAL/MEDICAL PLANS	189,669	212,246	236,400	57,874	120,140	
042040-2006-000-000	GROUP INSURANCE	11,638	11,898	13,145	3,086	13,474	
042040-2007-000-000	ACCRUED VACATION PAY						
042040-2008-000-000	SHORT & LONG TERM DISABILITY				44		
042040-2011-000-000	WORKER'S COMPENSATION -	39,551	40,027	47,415	11,675	54,668	
042040-2013-000-000	EDUCATION - TUITION ASSISTANCE						
042040-2099-000-000	FRINGE BENEFIT RESERVE						
	FRINGE BENEFITS	433,999	458,293	514,088	121,840	546,500	
042040-3000-000-000	CONTRACTUAL SERVICES						
042040-3001-000-000	PROFESSIONAL HEALTH SERVICES	75	247	700		300	
042040-3002-000-000	PROFESSIONAL SERVICES OTHER	380,308	258,601	640,000	20,598	390,000	
042040-3002-000-001	STATE PERMIT FEES	27,936	38,991	44,100	28,647	41,300	
042040-3002-000-002	PROFESSIONAL SVC - INVESTIGATI						
042040-3003-000-000	TEMPORARY HELP SERVICE FEES						
042040-3004-000-001	REPAIR AND MAINTENANCE-EQUIP.	104,328	88,176	115,000	43,126	120,000	
042040-3004-000-002	REPAIR AND MAINTENANCE - VEHIC	12,615	7,419	15,000	3,358	15,000	
042040-3004-000-003	REPAIR AND MAINTENANCE - BUILD	21,520	24,368	24,000	1,383	15,000	
042040-3004-000-004	Repair and Maintenance-Generat	137,493	70,885	100,000	596	200,000	
042040-3005-000-000	MAINTENANCE SERVICE CONTRACTS	12,007	6,204	22,600	168	18,350	
042040-3005-000-001	GENERATOR OIL SAMPLING	6,050	5,600	6,500		6,500	
042040-3007-000-000	ADVERTISING	1,073	1,227	1,200	95	4,000	
042040-3010-000-000	OTHER CONTRACTUAL SERVICES	219,960	292,521	453,920	48,039	433,120	
042040-3010-000-001	CONTRACTUAL SERV. - TIRE PROGR	51,856	56,265	54,000		70,000	
042040-3010-000-002	RTOP OPERATIONAL COSTS	141		50,000			
042040-3010-000-003	REGIONAL ELECTRONICS RECYCLING	51,595	67,500	60,000	10,000	60,000	
	PURCHASED SERVICES	1,026,957	918,004	1,587,020	156,010	1,373,570	
042040-4000-000-000	INTERNAL SERVICES						
042040-4001-000-000	DATA PROCESSING SERVICES						
042040-4003-000-001	CENTRAL STORES-COPIES						
042040-4003-000-002	CENTRAL STORES-GASOLINE						
042040-5100-000-000	UTILITIES						
042040-5101-000-000	ELECTRICAL SERVICES	30,834	32,913	35,000	4,613	40,000	
042040-5101-000-001	Electrical Srv.-Interconnectio	24,443	23,477	26,000	3,673	26,000	
042040-5102-000-000	HEATING SERVICES	6,053	4,369	6,500		8,000	
042040-5200-000-000	COMMUNICATION						

042040-5204-000-000	POSTAGE AND TELEPHONE	14,728	13,060	14,280	1,639	18,060	
042040-5204-000-001	Postage and Shipping-Generator	2,602	2,112	5,000	195	5,000	
042040-5300-000-000	INSURANCE						
042040-5301-000-000	BOILER INSURANCE	708	715	750		750	
042040-5302-000-000	FIRE INSURANCE	10,213	9,752	12,000		12,000	
042040-5305-000-000	MOTOR VEHICLE INSURANCE	5,179	4,350	5,000		6,050	
042040-5306-000-000	SURETY BONDS	28	28			30	
042040-5308-000-000	GENERAL LIABILITY INSURANCE	5,666	5,234	7,000		6,500	
042040-5308-000-001	GENERAL LIABILITY INSURANCE						
042040-5400-000-000	MATERIALS AND SUPPLIES						
042040-5401-000-000	OFFICE SUPPLIES	6,802	14,343	8,800	552	9,000	
042040-5403-000-000	AGRICULTURAL SUPPLIES	1,473	1,245	10,000	235	20,000	
042040-5404-000-000	MEDICAL AND LABORATORY SUPPL	1,415	1,196	1,800	633	2,500	
042040-5405-000-000	LAUNDRY & JANITORIAL SUPPLIES	6,091	4,690	7,200	339	7,200	
042040-5407-000-000	REPAIR AND MAINTENANCE SUPPL	23,144	18,235	25,000	1,908	25,000	
042040-5408-000-000	VEHICLE AND POWERED EQUIPMENT	70,729	121,181	144,000	26,256	180,000	
042040-5408-000-001	VEHICLES-TIRES AND PARTS	2,153	843	5,000		5,000	
042040-5408-000-002	VEHICLE-FUELS AND LUBRICANTS	281,225	264,839	498,150	43,755	345,300	
042040-5408-000-003	Generator Spare Parts	317,490	93,755	200,000	6,877	300,000	
042040-5408-000-004	Generator Lubricants	41,513	40,223	62,820		62,820	
042040-5410-000-000	UNIFORMS	2,663	3,028	8,000	169	5,000	
042040-5411-000-000	BOOKS & SUBSCRIPTIONS	279	1,000	1,500		1,500	
042040-5413-000-000	OTHER OPERATING SUPPLIES	7,383	8,308	8,000	754	8,000	
042040-5413-000-001	Other Operating Supplies-Gener	13,427	29,854	40,003	54	30,000	
042040-5500-000-000	TRAVEL						
042040-5506-000-000	TRAVEL	9,324	5,723	10,000	1,895	10,000	
042040-5506-000-001	Landfill Gas Generator Trainin		3,747	10,000		10,000	
042040-5604-000-000	OTH. PAYMENTS OR CONTRIBUTIONS	724,915	299,318	140,000		150,000	
042040-5800-000-000	MISCELLANEOUS						
042040-5801-000-000	DUES AND ASSOC.MEMBERSHIPS	1,145	1,060	2,000	600	2,000	
042040-5806-000-000	RESERVE FOR CONTINGENCIES						
042040-5806-000-001	POST CLOSURE COSTS	138,700	146,799	150,000		180,000	
042040-5806-000-002	CONTINGENCY-TIPPING FEE ADJUST						
042040-5806-000-003	PAYMENTS TO LOCALITIES						
042040-5810-000-000	PAYMENT OF UNEMPLOYMENT CLAIMS	1,822	-60	10,000		10,000	
042040-5810-000-001	EEOC CLAIMS						
	OTHER CHARGES	1,752,147	1,155,337	1,453,803	94,147	1,485,710	
042040-8000-000-000	LEASES AND RENTALS						
042040-8001-000-000	MACHINERY AND EQUIPMENT						
042040-8002-000-000	FURNITURE AND FIXTURES						
042040-8003-000-000	COMMUNICATIONS EQUIPMENT			2,540		5,000	
042040-8005-000-000	MOTOR VEHICLES AND EQUIPMENT			30,000		30,000	
042040-8006-000-000	CONSTRUCTION VEHICLES & EQUIPM		8,300	1,763,956		90,000	

042040-8007-000-000	INTEGRATED TECHNOLOGY EQUIPMEN			7,000		5,000	
042040-8009-000-000	MISCELLANEOUS EQUIPMENT			5,000		5,000	
042040-8009-000-001	Misc.-Landfill Gas Generators			10,000		10,000	
042040-8700-000-000	LAND						
042040-8800-000-000	BUILDINGS						
042040-8900-000-000	IMPROVEMENTS OTHER THAN BUILDI			1,726,675	1,033,996	550,000	
042040-8901-000-000	LOSS ON DISPOSAL						
042040-8999-000-000	INTEREST EXPENSE						
	TOTAL CAPITAL		8,300	3,545,171	1,033,996	695,000	
042040-9000-000-000	DEPRECIATION						
042040-9001-000-000	LEASE/RENT OF EQUIPMENT	1,437	100	40,000	8,050	40,000	
042040-9500-000-000	DEPRECIATION OF EQUIPMENT	1,918,800	1,804,097	500,000		500,000	
042040-9500-000-001	DEPRECIATION OF EQUIP.-GENERAT			75,000		75,000	
	OTHER USES OF FUNDS	1,920,237	1,804,197	615,000	8,050	615,000	
	TOTAL DEPARTMENT	6,244,347	5,465,726	8,927,270	1,711,030	6,011,823	
093010-2011-000-000	WORKER'S COMP FOR WELLNESS		74				
	FRINGE BENEFITS		74			0	
093010-5807-000-001	MERIT RESERVE	32,371	2,145	-28,779			
093010-5807-000-002	MERIT RESERVE FRINGES			-6,930			
	OTHER CHARGES	32,371	2,145	-35,709		0	
	TOTAL DEPARTMENT	32,371	2,219	-35,709		0	
TOTAL FOR FUND		6,276,718	5,467,945	8,891,561	1,711,030	6,011,823	

2015-2016 BUDGET INFORMATION - REVENUES

DEPARTMENT LANDFILL **DEPARTMENT CODE** 12-4204

REVENUE LINE ITEM	FUNDING SOURCES	SOURCES OF FUNDS				TOTAL
		SVC-GENERATED/ OTHER REVENUE	STATE	FEDERAL	PROVIDED FROM LOCAL SOURCES	
1501-01	**Interest on Bank Deposits**	60,000				60,000
1608-05	**Sanitary Landfill Fees**					5,080,500
	Based on Tonnage of 150,000					
	Commercial/Industrial					
	$47/ton x 35% x 150,000 ton	2,467,500				
	Municipal					
	$14/ton x 31% x 150,000 ton	651,000				
	Construction Demolition Debris					
	$42/ton x 22% x 150,000 ton	1,386,000				
	Municipal Sludge					
	$32/ton x 12% x 150,000	576,000				
1608-08	**Tire Changes/Reimbursement**	120,000				120,000
	$80/ton x 1,500 ton of tires delivered					
	150,000 tires x 100 tires/ton= 1,500 ton					
					Subtotal	5,260,500

2015-2016 BUDGET INFORMATION - REVENUES

DEPARTMENT LANDFILL

DEPARTMENT CODE 12-4204

REVENUE LINE ITEM	FUNDING SOURCES	SOURCES OF FUNDS				TOTAL
		SVC-GENERATED/ OTHER REVENUE	STATE	FEDERAL	PROVIDED FROM LOCAL SOURCES	
1608-11	**E-Cycle Collections** Fees collected for the collection of electronics & unacceptable waste paid by haulers	60,000				60,000
1608-12	**Greenhouse Gas Credits** Generated fron the sale of environmental attributes from combustion of landfill gas	0				0
1608-13	**Gas to Energy** $37.54/mwh x 1.5mwh/hr x 80% x 8760hrs	394,620				394,620
1904-01	**Recycling** Recycling of scrap metal including wheels, batteries and oil	120,000				120,000
1608-14	**Renewable Energy Credit** 1.5 x 8,760 x 80% x $11.06	116,262				116,262
1899-02	**Rubble/ Concrete/Rock** $12/ton x 5,000 ton	60,000				60,000
					Subtotal	750,882
					TOTAL	$6,011,382

2015-2016 BUDGET INFORMATION - EXPENDITURES

DEPARTMENT LANDFILL

DEPARTMENT CODE 12-4204

EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)
12-4204-1003	**Part Time Help / Convenience Center Staffing**		78,000
	Required extra help necessary for mowing, litter control, tire grinding and convenience center staffing.		
	5 people x 30 hr/week x$10/hr x 52 weeks		
12-4204-1005	**Overtime / Holiday Work**		63,448
	Overtime = 1716 hours/yr X $28/hr = $48,048	48,048	
	Holiday work = 550 hours/yr X $28/hr = $15,500	15,400	
12-4204-3001-00	**Professional Health Services**		300
	Hepititis B vacinations for new hires		
12-4204-3002-00	**Professional Services**		390,000
	1. Surveying-Marsh & Legge	50,000	
	2. Environmental Monitoring, Sampling and CQA	200,000	
	3. Northern Shenandoah Valley Regional Commission	20,000	
	4. Gas Management Design Services-SCS Engineers	100,000	
	5. Leachate Treatment/Management Professional Services	20,000	
		Subtotal	531,748

2015-2016 BUDGET INFORMATION - EXPENDITURES

DEPARTMENT LANDFILL — DEPARTMENT CODE 12-4204

EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)
12-4204-3002-01	**State Permit Fees**		41,300
	Title V Annual permit fee	17,000	
	Solid Waste permit #40	2,500	
	Solid Waste permit #591	5,000	
	Solid Waste permit #529, $.14 X 120,000 tons of MSW Waste	16,800	
12-4204-3003-00	**Temporary Labor Services**		0
12-4204-3004-01	**Repair and Maintenance - Equipment**		120,000
	Repairs that need to be made to equipment because of inadequate facilities or tools that prevent landfill heavy equipment mechanic from performing work. i.e., repair of flat tires on dump truck, engine overhauls or transmissions		
12-4204-3004-02	**Repair and Maintenance - Vehicles**		15,000
	This figure reflects the amount for installation of new tires and miscellaneous repairs and maintenance of vehicles that landfill heavy equipment mechanic cannot perform.		
12-4204-3004-03	**Repair and Maintenance - Buildings and Grounds**		15,000
	This figure reflects the anticipated work related to maintenance for electrical service and fencing, litter fence and upkeep		
		Subtotal	191,300

2015-2016 BUDGET INFORMATION - EXPENDITURES

DEPARTMENT LANDFILL		DEPARTMENT CODE	12-4204
EXPENDITURE LINE ITEM	**DESCRIPTION**	**DETAIL AMOUNT**	**TOTAL AMOUNT (PER LINE ITEM)**
12-4204-3004-04	**Repair and Maintenance - Generators**		**200,000**
	(Gas to Energy)		
	This figure represents repairs to be made to generators and ancilliary equipment by others. Includes 40,000 hr service and two decokes		
12-4204-3005-00	**Maintenance Service Contracts**		**18,350**
	M.G. Industries (Messer) $300/month X 12	**3,600**	
	(Tank & welding contract since all work is performed in house)		
	Scale maintenance: Calibrate scales 2 X year @ $2,125 each	**4,250**	
	Fire X $4,000 X 2 Events	**8,000**	
	(Service on fire supression systems on heavy equipment)		
	OSHA Certification on overhead crane and forklift	**2,500**	
12-4204-3005-01	**Generator Oil Samples**		**6,500**
	Annual Subscription for weekly sampling		
12-4204-3007-00	**Advertising**		**4,000**
	Includes ads for Household Hazardous Waste Collections, E-Cycle, Holiday closings and other special events.		
		Subtotal	**228,850**

2015-2016 BUDGET INFORMATION - EXPENDITURES

DEPARTMENT LANDFILL — DEPARTMENT CODE 12-4204

EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)
12-4204-3010-00	**Other Contractual Services**		433,120
	Rags / Rug Rentals $400/month X 12	4,800	
	Water Coolers	3,120	
	5 gallon water containers 10- per week X $6.00 each X 52 weeks		
	Leachate Treatment	41,600	
	Costs for monitoring, testing and maintaining leachate system		
	(includes laboratory testing)		
	$800/week X 52 weeks		
	Brush Grinding	70,000	
	Private contractor to grind brush (two times/year)		
	Assume 5,000 tons x $14/ton= $70,000		
	Household Hazardous Waste	120,000	
	Costs for Environmental Company to Package and Remove these		
	special wastes. Estimate $10,000 / month		
	Wastewater Disposal Fees	110,000	
	Leachate pumped to Opequon Water		
	Reclamation Facility, Based on 22,000,000 gal/year X $5.00/1000 gal		
	Septage Pump and Haul $300/month X 12	3,600	
	Rock Crushing Aggregate	80,000	
	*Separate approximately 8,000 tons concrete@ $10/crushed ton		
		Subtotal	433,120

2015-2016 BUDGET INFORMATION - EXPENDITURES

DEPARTMENT LANDFILL | :PARTMENT CODE 12-4204

EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)
12-4204-3010-01	**Tire Grinding - Local Tires** Costs related to grinding tires by the Northern Shenandoah Planning Commission. Cost is offset by equal revenue reimbursement		70,000
12-4204-3010-03	**Regional Electronics Recycling Program** Costs related to disposal of wastes collected at E-Cycle programs Estimate $5,000/month x 12 months= $60,000		60,000
12-4204-5101-00	**Electrical Services** Based on previous year average + 15% increase		40,000
12-4204-5101-01	**Electrical Services - Interconnection Fees** Fees paid to Rappahannock Electric Cooperative for use of power lines to transport power from GTE plant to utility substation.		26,000
12-4204-5102-00	**Heating Services (LP)** Based on yearly cost + 10% increase		8,000
		Subtotal	**204,000**

2015-2016 BUDGET INFORMATION - EXPENDITURES

DEPARTMENT LANDFILL		DEPARTMENT CODE	12-4204
EXPENDITURE LINE ITEM	**DESCRIPTION**	**DETAIL AMOUNT**	**TOTAL AMOUNT (PER LINE ITEM)**
12-4204-5204-00	**Postage and Telephone**		**18,060**
	AT&T $21/month X 12 X 5	**1,260**	
	Long Distance: $100/month X 12	**1,200**	
	Two Way Radio Repeator Tower Rental $175 X 12	**2,100**	
	Mobile Telephone	**6,000**	
	Average Monthly Charge $50/month X 12 X 10		
	Internet Fees		
	$75/month X 12 x 5 cellular modems	**4,500**	
	Postage	**3,000**	
	average $250/ month x 12 months = $3,000		
12-4204-5204-01	**Postage and Shipping - Gas to Energy**		**5,000**
	Oil Analysis shipping 52 weeks X $30	**1,560**	
	Ship GEM for calibration 2 times/year	**600**	
	Overnight delivery for critical parts	**2,840**	
12-4204-5301-00	**Boiler Insurance**		**750**
	Air Compressors 3 X $250		
12-4204-5302-00	**Fire Insurance**		**12,000**
		Subtotal	**35,810**

2015-2016 BUDGET INFORMATION - EXPENDITURES

DEPARTMENT LANDFILL DEPARTMENT CODE 12-4204

EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)
12-4204-5305-00	**Motor Vehicle Insurance**		6,050
	2000 Dodge Van (Tag# 179-640L)	550	
	2006 Chevrolet Colorado (Tag# 130-750L	550	
	1994 Ford 4x4 (Tag# 21-137L)	550	
	1997 Chevy S-10 (Tag# 30-798L)	550	
	1998 GMC Sierra 4x4 (Tag# 37-169L)	550	
	1999 Ford 4x4 (Tag# 37-740L)	550	
	1999 Ford 1 Ton (Litter Buggy, Tag# 37-747L)	550	
	2012 Ford F250 4x4 (Tag# 105-202L)	550	
	2012 Ford F250 4x4 (Tag# 152-325L)	550	
	2002 Ford Explorer (Tag# 106-113L)	550	
	2014 Ford F350 4x4 (Currently on order)	550	
12--4204-5308-00	**General Liability Insurance**		6,500
12-4204-5401-00	**Office Supplies**		9,000
	Computer paper, disks, scale tickets, etc.		
12-4204-5403-00	**Agricultural Supplies**		20,000
	Seed, fertilizer and mulch to establish vegetation on disturbed areas		
12-4204-5404-00	**Medical and Laboratory Supplies**		2,500
	To replenish existing first aid kits (Based on historical use)		
		Subtotal	44,050

2015-2016 BUDGET INFORMATION - EXPENDITURES

DEPARTMENT LANDFILL — DEPARTMENT CODE 12-4204

EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)
12-4204-5405-00	**Laundry and Janitorial Supplies**		7,200
	average $600/ month x 12 months = $7,200		
12-4204-5407-00	**Repair and Maintenance - Buildings and Grounds**		25,000
	Gravel, signs, road salt, etc.		
	Based on previous year cost and projected in-house projects		
12-4204-5408-00	**Repair and Maintenance - Powered Equipment**		180,000
	Parts: $15,000/month X 12 months, recap rock truck tires		
12-4204-5408-01	**Tires and Miscellaneous (motor vehicles)**		5,000
	For licensed vehicles (Based on average of previous years spending)		
12-4204-5408-02	**Fuels and Lubricants (Landfill)**		345,300
	Gas: 200 gal/wk. X $3.25 X 52 weeks	33,800	
	Diesel: 1600 gal/wk. X $3.50 X 52 weeks	291,200	
	Lubricants: engine oil, hydraulic fluids, grease	17,000	
	Antifreeze: 220 gal/year X $15.00	3,300	
12-4204-5408-03	**Generator Spare Parts - Gas to Energy**		300,000
	costs associated with maintenance of generators and associated equipment, including air compressor, gas treatment skid, and flare		
	40,000 hour rebuild scheduled for generators		
		Subtotal	862,500

2015-2016 BUDGET INFORMATION - EXPENDITURES

DEPARTMENT LANDFILL

DEPARTMENT CODE 12-4204

EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)
12-4204-5408-04	**Generator Lubricants - Gas to Energy**		62,820
	8 oil changes/yr. 220 gal X $16/gal X 2 units	56,320	
	Glycol 500 gal/yr. X $10	5,000	
	Misc Bearing Grease and Lubricants	1,500	
12-4204-5410-00	**Uniforms**		5,000
	Gloves, Work Boots, etc. (20 people X $250/person)		
12-4204-5411-00	**Books and Subscriptions**		1,500
	Safety Films		
12-4204-5413-00	**Other Operating Supplies**		8,000
	Includes miscellaneous specialty tools		
	Based on 5 year average		
12-4204-5413-01	**Other Operating Supplies - Gas to Energy**		30,000
	Specialty Tools required to perform maintenance	10,000	
	Siloxane removal media $1000/ton X 20 tons	20,000	
12-4204-5506-00	**Travel / Training**		10,000
	Required training for maintaining landfill certification.		
	Ten people @ $1000/ea. (Includes training costs, travel and per diem.)		
		Subtotal	**117,320**

2015-2016 BUDGET INFORMATION - EXPENDITURES

DEPARTMENT **LANDFILL** **DEPARTMENT CODE** **12-4204**

EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)
12-4204-5506-01	**Gas to Energy - Travel - Training**		10,000
	Plant operator to attend Jenbacher training event and PJM certification		
	training (2 operators @ $2,500/class + travel expenses)		
12-4204-5604-00	**Payments to other Municipalities**		150,000
	Distribution of recycling funds. Proportioned by Population		
	Based on $1/ton X 150,000 tons/year.		
	Frederick County - 64.5% = $96,750	96,750	
	Clarke County - 12.7% = $19,050	19,050	
	Winchester - 22.8% = $34,200	34,200	
12-4204-5801-00	**Dues and Memberships**		2,000
	SWANA Membership (10 Members @ $200/ea.)		
12-4204-5806-01	**Post Closure Financial Assurance**		180,000
	Financial Assurance required by State DEQ		
	Estimated amount based on formula that is specified by DEQ		
12-4204-5810-00	**Payment of Unemployment Claims**		10,000
	Estimated Amount		
		Subtotal	**352,000**

2015-2016 BUDGET INFORMATION - EXPENDITURES

DEPARTMENT LANDFILL

DEPARTMENT CODE 12-4204

EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)
12-4204-8003-00	**Communication Equipment** Replacement of radios Damaged / lost / non-repairable		5,000
12-4204-8005-00	**Motor Vehicles and Equipment** Replace 1999 Ford F-250 4x4 pick up (Mileage-202,709)	30,000	30,000
12-4204-8006-00	**Construction Vehicles and Equipment** Skid Steer Loader with 90 inch flail mower attachment to be used to mow closed slopes on landfill	90,000	90,000
12-4204-8007-00	**Integrated Technology Equipment (A.D.P.)**		5,000
12-4204-8009-00	**Miscellaneous (Landfill)** New tools for shop		5,000
12-4204-8009-01	**Miscellaneous Equipment - Generators (Gas to Energy)** purchase of specialized diagnostic equipment for emissions monitoring		10,000
		Subtotal	145,000

2015-2016 BUDGET INFORMATION - EXPENDITURES

DEPARTMENT LANDFILL

DEPARTMENT CODE 12-4204

EXPENDITURE LINE ITEM	DESCRIPTION	DETAIL AMOUNT	TOTAL AMOUNT (PER LINE ITEM)
12-4204-8900-00	**Improvements Other Than**		550,000
	Leachate Treatment Plant Upgrade replace existing equipment that is nearing end of useable life including air handling equipment and biological growth media	350,000	
	Waste Heat Project use generator coolant loops to supply heat to maintenance shops	100,000	
	Gas Welllfield Expansion extend gas collection header and add additional horizontal collectors in active cell	100,000	
12-4204-9001-00	**Lease/Rent Equipment**		40,000
12-4204-9500-00	**Depreciation of Equipment (Landfill)**		500,000
12-4204-9500-01	**Depreciation of Equipment - Generators (Gas to Energy)**		75,000
		Subtotal	1,165,000
		Total Expenditures	6,011,823
		REVENUE	6,011,382
		From landfill reserve	441

2015-2016 CAPITAL REQUESTS

DEPARTMENT LANDFILL		DEPARTMENT CODE	12-4204
EXPENDITURE LINE ITEM	**DESCRIPTION**	**DETAIL AMOUNT**	**TOTAL AMOUNT (PER LINE ITEM)**
12-4204-8003-00	**Communication Equipment** Replacement of radios		**2,500**
12-4204-8005-00	**Motor Vehicles and Equipment** 4x4 3/4ton pick-up	**30,000**	**30,000**
12-4204-8006-00	**Construction Vehicles and Equipment** Skid Steer Loader with 90 inch Flail Mower to mow landfill slopes	**90,000**	**90,000**
12-4204-8007-00	**Integrated Technology Equipment (A.D.P.)**		**5,000**
12-4204-8009-00	**Miscellaneous (Landfill)** New tools for shop		**5,000**
12-4204-8009-01	**Miscellaneous Equipment - Generators (Gas to Energy)** purchase of specialized diagnostic equipment		**10,000**
		Subtotal	**142,500**

2015-2016 CAPITAL REQUESTS

DEPARTMENT LANDFILL		DEPARTMENT CODE	12-4204
EXPENDITURE LINE ITEM	**DESCRIPTION**	**DETAIL AMOUNT**	**TOTAL AMOUNT (PER LINE ITEM)**
12-4204-8900-00	**Improvements Other Than**		**550,000**
		350,000	
	Leachate Treatment Plant Upgrade		
	replace existing equipment that is nearing end of useable life including air handling equipment and biological growth media		
	Waste Heat Project	**100,000**	
	use generator coolant loops to supply heat to maintenance shops		
	Gas Welllfield Expansion	**100,000**	
	extend gas collection header and add additional horizontal collectors in active cell		
		Subtotal	550,000
		Total	**692,500**

H

County of Frederick

Paula A. Nofsinger
Director of Human Resources

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pnofsinger@fcva.us

TO: Board of Supervisors

FROM: HR Committee

DATE: December 4, 2014

SUBJECT: Human Resources Committee Report

The HR Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, November 14th, 2014, at 8:00a.m. All members were present.

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

1. The Committee recommends adoption of the attached resolution to designate Frederick County a HIPPA Hybrid Entity (See attachments).

2. The Committee recommends adoption of the recommended salary ranges with an effective date of January 2015. (See attachments).

3. The Committee recommends approval of the Employee of the Month award for November. (See attachment).

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

1. Presentation by the Director of Finance, Cheryl Shiffler.
   At the request of the Committee, Ms. Shiffler presented an overview of the objectives and responsibilities of the Finance Department. 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, December 12th, 2014.

Respectfully Submitted,

Human Resources Committee

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

By: Paula Nofsinger
Paula A. Nofsinger
Director of Human Resources

COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Human Resources Committee

FROM: Roderick B. Williams
County Attorney

DATE: October 21, 2014

RE: HIPAA Hybrid Entity Designation

Under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and the regulations promulgated thereunder by the U.S. Department of Health and Human Services ("HIPAA Regulations"), employer health plans and organizations providing health care services are "covered entities" that are subject to HIPAA and that must comply with HIPAA's requirements for the protection of the privacy and security of health information. The HIPAA requirements are significant in their scope and in terms of the procedures they mandate.

The County is a covered entity because the County offers a group health plan to its employees and due to its emergency medical services activities, social services activities, and jail activities. Perhaps in recognition of the burden an entity may face in being designated a covered entity due to only a portion of its regular activities, the HIPAA Regulations permit an entity whose activities include both covered and non-covered functions to designate itself as a "hybrid entity". Designation as a hybrid entity means that the non-covered functions of the entity need not comply with HIPAA's otherwise strict requirements.

The County would benefit designating itself as a hybrid entity. Attached is a proposed Resolution designating the County as a hybrid entity. County activities that would be subject to HIPAA under the designation, due to the nature of service provided, are: (i) the County employee group health plan; and (ii) the County Fire and Rescue Department; (iii) the County Social Services Department, and (iv) the Northwestern Regional Adult Detention Center. A recommendation for approval of the Resolution by the Board of Supervisors is requested.

Attachment

RESOLUTION
December 10, 2014

A RESOLUTION TO DESIGNATE THE COUNTY OF FREDERICK, VIRGINIA A HYBRID ENTITY FOR THE PURPOSES OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 AND THE HIPAA PRIVACY RULE

WHEREAS, the County is committed to compliance with all applicable laws and regulations relating to privacy and security, including the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and regulations promulgated thereunder by the U.S. Department of Health and Human Services ("HIPAA Regulations"); and

WHEREAS, the County is a "covered entity" as that term is defined under HIPAA, because the County offers a group health plan to its employees and due to its emergency medical services functions, social services functions, and jail functions; and

WHEREAS, the Board of Supervisors has determined that the County may more effectively and efficiently administer its policies and procedures for HIPAA compliance by designating the County as a "hybrid entity" as that term is defined under HIPAA, 45 C.F.R. § 164.103; and

WHEREAS, the County's Fire and Rescue Department, Public Safety Communications Department, Social Services Department, and Northwestern Regional Adult Detention Center have in place adequate training, policies, and procedures for HIPAA compliance; and

WHEREAS, the County has contracted with a third party to administer its group health plan, such that no County employee responsible for administration of the plan normally has contact with "protected health information" as that term is defined under HIPAA, 45 C.F.R. § 160.103; and

WHEREAS, all third parties contracting with the County and receiving, processing, or transmitting protected health information of the County will be required to execute a "Business Associate Agreement" as required under HIPAA, 45 C.F.R. § 164.308(b), thereby agreeing to treat "protected health information" in compliance with HIPAA;

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Frederick, Virginia, hereby designates the County as a "hybrid entity," pursuant to the HIPAA Privacy Rule, 45 C.F.R. § 164.105.

FURTHER RESOLVED, the following are hereby designated as the health care component of the County's hybrid entity: (i) the County employee group health plan; and (ii) the County Fire and Rescue Department; (iii) the County Public Safety Communications Department; (iv) the County Social Services Department, and (v) the Northwestern Regional Adult Detention Center. The group health plan is defined for purposes of HIPAA as those County employees responsible for administration of the health plan, including the County Administrator and Human Resources Department, only to the extent that their duties involve administration of the plan.

FURTHER RESOLVED, the following departments are designated as part of the health care component of the County's hybrid entity only to the extent that they receive protected health information from the group health plan, the Fire and Rescue Department, the Public Safety Communications Department, the Social Services Department, and/or the Northwestern Regional Adult Detention Center, or in the course of providing support services to the group health plan, the Fire and Rescue Department, the Social Services Department, and/or the Northwestern Regional Adult Detention Center: (i) the Finance Department; (ii) the Information Technology Department; (iii) the Treasurer's Office; (iv) the County Attorney's Office; and (v) the County Administrator's Office.

FURTHER RESOLVED, departments providing support services to the health care component of the County's hybrid entity shall receive a level of HIPAA training commensurate with their level of access to protected health information.

Approved this 10th day of December, 2014.

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

A COPY ATTEST

_____
John R. Riley, Jr.
Frederick County Administrator

County of Frederick

Paula A. Nofsinger
Director of Human Resources

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

To: Human Resources Committee

Through: John R. Riley, Jr. County Administrator

From: Paula Nofsinger Paula Nofsinger

Date: November 10, 2014

Subject: Implementation of New Salary Scales

As you know, the County has been working diligently on a salary study over the past year. Our goal for this project was to establish a fundamental salary structure that will attract and retain the top talent for our positions. Another goal was to address any salary compression that may have developed over the timeframe of July 2009 through 2012, when salary increases were frozen.

With the help of an outside vendor, local market data was gathered on the majority of our positions. There were 94 positions benchmarked that covered over 90% of our employee base. Based on the data gathered, the vendor recommended to County leadership a new salary structure. Additionally, in order to stay competitive with other local jurisdictions, a 5% premium to the salary structure was added to the recommended ranges.

As far as attracting and retaining the top talent, the recommended salary structure, if adopted, will result in higher starting salaries for our positions to assist the County in hiring the best candidates. This is extremely important for future growth, especially with our public safety positions. Additionally, when Department Directors are hiring, the recommended salary structure will provide more flexibility in considering relevant, prior experience. Not only will the recommended ranges provide competitive market data, they will also provide guidance on appropriate pay based on the candidate's experience in the specific position.

The second goal of our project was to address any compression that may have occurred over the past six years. This part of the project was a three-step process. First, all of our employees were placed in a grade based on their position, the same way we currently grade positions. Secondly, all of our employees were placed within their grade's salary range based on their years of experience in their current position. Consequently, everyone is at least at their appropriate minimum recommended salary. Thirdly, I am in the process now of meeting with all the Department Heads for their opinions and recommendations. By using the years of service in current position and the Director's feedback, we believe that any compression issues will be addressed.

Funding for our recommended salary structure will be accomplished by general fund transfers made available by existing funds budgeted in debt service that will not be expended. It is estimated that these general fund transfers in FY 2015 will not exceed $600,000. The other agencies that the county is fiscal agent for will require a supplemental appropriation once exact amounts are determined. The county's funding for these supplemental appropriations is expected to be funded out of remaining contingency funds and not require a general fund supplemental appropriation.

I am respectfully requesting that this Committee recommend to the Board of Supervisor's that our recommended salary structure be adopted.

Thank you for your continued support and please let me know if you have any questions.

Summary of Salary Ranges

2015 Recommended Salary Ranges		
Salary Grade	Minimum	Maximum
13	$96,200	$153,800
12	$85,600	$137,000
11	$76,800	$122,800
10	$65,800	$105,400
9	$56,900	$91,100
8	$50,100	$80,100
7	$45,200	$72,400
6	$40,400	$64,600
5	$36,800	$58,800
4	$32,300	$51,700
3	$29,500	$47,100
2	$25,800	$41,400
1	$22,200	$35,600

Current Salary Ranges		
Salary Grade	Minimum	Maximum
13	$65,095.39	$119,155.69
12	$59,043.94	$108,078.63
11	$53,555.21	$98,031.63
10	$48,563.58	$88,894.56
9	$44,077.55	$80,682.99
8	$39,957.36	$73,141.07
7	$36,240.68	$66,337.76
6	$32,886.18	$60,197.44
5	$29,820.96	$54,586.60
4	$27,052.28	$49,518.61
3	$24,535.20	$44,911.14
2	$22,238.10	$40,706.35
1	$20,160.99	$36,904.25

Current Salary Position Grading and Ranges

County of Frederick, Virginia
Salary Administration Program

Job Title	Range	E/NE
CUSTODIAN	1	N
LABORER I	1	N
OFFICE ASST I	1	N
CUSTOMER SERVICE REP I	2	N
FACILITY AIDE	2	N
LABORER II	2	N
OFFICE ASST II	2	N
PROPERTY CLERK	2	N
ACCOUNT CLERK I	3	N
ANIMAL CARETAKER I	3	N
CUSTOMER SERVICE REP II	3	N
FLIGHT LINE TECH DAY	3	N
FOOD SERVICES SUPERVISOR	3	N
LABORER III	3	N
LANDFILL TECHNICIAN I	3	N
OFFICE ASST III	3	N
PARK CARETAKER	3	N
RECORDS CLERK	3	N
ACCOUNT CLERK II	4	N
ANIMAL CARETAKER II	4	N
CASHIER I	4	N
CONVENIENCE SITE ASST SUPV	4	N
DATA COLLECTOR I	4	N
FLIGHT LINE TECH NIGHT	4	N
HEAD CUSTODIAN	4	N
LANDFILL SPOTTER	4	N
LEGAL SECRETARY I	4	N
MOTOR EQUIP OPERATOR I	4	N
PARK TECHNICIAN	4	N
RECREATION TECHNICIAN	4	N
SCANNING TECHNICIAN	4	N
SECRETARY I	4	N
SR FACILITY AIDE	4	N
TAX EXAMINER I	4	N
ACCOUNT CLERK III	5	N
BOOKING TECHNICIAN	5	N
CASHIER II	5	N
COMMUNICATION OFFICER I	5/B	N
DATA COLLECTOR II	5	N
JUVENILE PROBATION OFFC	5	N
LANDFILL TECHNICIAN II	5	N

County of Frederick, Virginia
Salary Administration Program

Job Title	Range	E/NE
LEGAL SECRETARY II	5	N
MAINTENANCE TECHNICIAN	5	N
MOTOR EQUIP OPERATOR II	5	N
PC TECHNICIAN	5	N
PERMIT TECHNICIAN I	5	N
SECRETARY II	5	N
TAX EXAMINER II	5	N
ZONING INSPECTOR	5	N
ACCOUNT CLERK IV	6	N
ASAP CASE MANAGER	6	N
ASSISTANT ANIMAL SHELTER MANAGER	6	N
ASSISTANT REGISTRAR	6	N
CASHIER III	6	N
CC CASE MANAGER	6	N
CHA	6	N
COMMUNICATION OFFICER II	6	N
CONVENIENCE SITE SUPV	6	N
CORRECTIONAL OFFICER I	6/B	N
DATA COLLECTOR III	6	N
DEPUTY I	6/B	N
ENVIRONMENTAL INSPECTOR I	6	N
EXTENSION TECHNICIAN	6	N
FIREFIGHTER/EMT	6/B	N
INSPECTOR I	6	N
INTELLIGENCE ANALYST	6	N
LANDFILL TECHNICIAN III	6	N
LEGAL SECRETARY III	6	N
MORTGAGE SPECIALIST	6	N
MOTOR EQUIP OPERATOR III	6	N
PERMIT TECHNICIAN II	6	N
PLANNING TECHNICIAN	6	N
PROGRAM COORDINATOR	6	N
PTS CASE MGR/INVESTIGATOR	6	N
REGISTRATION SPECIALIST	6	N
SCALE OPERATOR	6	N
SECRETARY III	6	N
SOLID WASTE COORDINATOR	6	N
TAX EXAMINER III	6	N
VW ASST PROGRAM COORDINATOR	6	N
ACCOUNTING TECHNICIAN	7	N
ADMINISTRATIVE ASSISTANT	7	N
ANIMAL SHELTER MANAGER	7	N
ASSESSOR I	7	N

County of Frederick, Virginia
Salary Administration Program

Job Title	Range	E/NE
COMMUNICATION OFFICER III	7	N
CORRECTIONAL OFFICER II	7	N
CORRECTIONAL SYSTEM TECH.	7	N
CRIME ANALYST	7	N
DEPUTY II	7	N
EMS BILLING MANAGER	7	N
ENVIRONMENTAL INSPECTOR II	7	N
F&R TECHNICIAN	7	N
HR ADMINISTRATOR	7	N
HR GENERALIST	7	N
INSPECTOR II	7	N
LIDS TECH/ RECORDS SUPERVISOR	7	N
LPN	7	N
MAINTENANCE SPECIALIST	7	N
PLANNER I	7	N
SR ASAP CASE MANAGER	7	N
SR CASHIER	7	N
SR LEGAL SECRETARY	7	N
SR PROBATION CASE OFFC	7	N
VW PROGRAM COORDINATOR	7	E
WEBMASTER	7	N
ASSESSOR II	8	N
AUDITOR I	8	E
BASICREC MANAGER	8	E
BENEFITS ADMINISTRATOR	8	N
CC PROGRAM CHIEF	8	E
COLLECTIONS ASSISTANT	8	N
COMMUNICATION SHIFT SUPV	8	N
CORRECTIONAL OFFICER III	8	N
DEPUTY CLK OPS & PROBATE	8	N
DEPUTY III	8	N
DESIGN REVIEW SPECIALIST	8	N
ENVIRONMENTAL TECHNICIAN	8	N
EVIDENCE CLERK	8	N
F&R SPECIALIST	8	N
FACILITIES MANAGER	8	E
GIS TECHNICIAN	8	N
INMATE PROGRAM SPECIALIST	8	N
INSPECTOR III	8	N
LANDFILL TECHNICIAN IV	8	N
OPERATIONS SUPERVISOR AIRPORT	8	E
OPERATIONS SUPERVISOR COMMUNICATIONS	8	N
PARK & STEWARDSHIP PLANNER	8	E
PARK MANAGER	8	E

County of Frederick, Virginia
Salary Administration Program

Job Title	Range	E/NE
PERMIT MANAGER	8	N
PERSONAL PROPERTY SUPV	8	E
PROGRAM SUPERVISOR	8	E
PUBLIC INFORMATION OFFICER - DEPT	8	E
RESOURCE MGMT SPECIALIST	8	N
RISK MGR BUDGET ANALYST	8	N
SANITARY DISTRICT MGR	8	E
VOLUNTEER COORDINATOR	8	E
ACCOUNTING SUPERVISOR	9	N
ASSESSOR III	9	N
ASSISTANT NURSING DIRECTOR	9	N
AUDITOR II	9	E
COMMUNICATION OPERATIONS SUPV	9	E
CORRECTIONAL SYSTEMS OFFC	9	N
EMERGENCY MGMT SPECIALIST	9	N
EXISTING INDUSTRY COORD	9	E
F&R LIEUTENANT	9	N
GAS PLANT OPERATOR	9	N
HEAVY EQUIPMENT MECHANIC	9	N
INMATE PROGRAMS COORDINATOR	9	E
INVESTIGATOR	9	N
MARKETING MANAGER	9	E
MENTAL HEALTH CONSULTANT	9	E
NETWORK SUPPORT TECHNICIAN	9	E
PLANNER II	9	N
PROGRAM ADMINISTRATOR	9	N
PTS PROGRAM COORDINATOR	9	E
RN	9	N
SERGEANT	9	N
SR DESIGN REVIEW SPECIALIST	9	N
SR INSPECTOR	9	N
BUSINESS MANAGER	10	E
ENGINEER - PUBLIC WORKS	10	E
F&R CAPTAIN	10	N
FOOD SERVICES MANAGER	10	E
GIS ANALYST	10	E
GIS ANALYST/PROGRAMMER	10	E
LIEUTENANT	10	N
MAINTENANCE SUPERVISOR	10	E
MENTAL HEALTH DIRECTOR	10	E
NETWORK ANALYST/ENGINEER	10	E
NURSING DIRECTOR	10	E
PARKS SUPERINTENDENT	10	E

County of Frederick, Virginia
Salary Administration Program

Job Title	Range	E/NE
PROJECT MANAGER	10	N
RECREATION SUPERINTENDENT	10	E
SOLID WASTE MANAGER	10	E
SR ACCOUNTING TECHNICIAN	10	N
SR COLLECTOR	10	E
SYSTEMS ANALYST	10	E
BUS.DIV./CHIEF ADMIN.	11	E
CAPTAIN	11	E
DEPUTY COUNTY ADMIN	11	E
DEPUTY TREASURER	11	E
DEPUTY TREASURER OPS	11	E
ENVIRONMENTAL MANAGER	11	E
MIS PROGRAMMER	11	E
NETWORK OPERATIONS SUPERVISOR	11	E
SR PLANNER	11	E
ZONING ADMINISTRATOR	11	E
ASSISTANT COMMONWEALTH ATTORNEY	12	E
ASSISTANT DIRECTOR	12	E
ASSISTANT SUPERINTENDENT	12	E
BLDG OFFICIAL CODE ADMIN	12	E
CSA COORDINATOR	12	E
DEPUTY CHIEF	12	E
GIS MANAGER	12	E
LANDFILL MANAGER	12	E
MAJOR/CHIEF DEPUTY	12	E
PUBLIC INFORMATION OFFICER - COUNTY	12	E
REAL EST ASSESS CHIEF ADMIN	12	E

Salary Ranges

Update: July 2012

	A	B	C	D	E	F	G	H	I	J	K	L
R1	$20,160.99	$21,300.08	$22,503.54	$23,774.99	$25,118.28	$26,537.46	$28,036.83	$29,620.91	$31,294.49	$33,062.63	$34,930.66	$36,904.25
	$1,680.08	$1,775.01	$1,875.29	$1,981.25	$2,093.19	$2,211.45	$2,336.40	$2,468.41	$2,607.87	$2,755.22	$2,910.89	$3,075.35
	$9.69	$10.24	$10.82	$11.43	$12.08	$12.76	$13.48	$14.24	$15.05	$15.90	$16.79	$17.74
R2	$22,238.10	$23,494.55	$24,822.00	$26,224.44	$27,706.12	$29,271.51	$30,925.36	$32,672.64	$34,518.64	$36,468.95	$38,529.44	$40,706.35
	$1,853.18	$1,957.88	$2,068.50	$2,185.37	$2,308.84	$2,439.29	$2,577.11	$2,722.72	$2,876.55	$3,039.08	$3,210.79	$3,392.20
	$10.69	$11.30	$11.93	$12.61	$13.32	$14.07	$14.87	$15.71	$16.60	$17.53	$18.52	$19.57
R3	$24,535.20	$25,921.44	$27,386.00	$28,933.31	$30,568.04	$32,295.13	$34,119.81	$36,047.58	$38,084.27	$40,236.03	$42,509.36	$44,911.14
	$2,044.60	$2,160.12	$2,282.17	$2,411.11	$2,547.34	$2,691.26	$2,843.32	$3,003.96	$3,173.69	$3,353.00	$3,542.45	$3,742.60
	$11.80	$12.46	$13.17	$13.91	$14.70	$15.53	$16.40	$17.33	$18.31	$19.34	$20.44	$21.59
R4	$27,052.28	$28,580.74	$30,195.55	$31,901.60	$33,704.04	$35,608.32	$37,620.19	$39,745.73	$41,991.36	$44,363.87	$46,870.43	$49,518.61
	$2,254.36	$2,381.73	$2,516.30	$2,658.47	$2,808.67	$2,967.36	$3,135.02	$3,312.14	$3,499.28	$3,696.99	$3,905.87	$4,126.55
	$13.01	$13.74	$14.52	$15.34	$16.20	$17.12	$18.09	$19.11	$20.19	$21.33	$22.53	$23.81
R5	$29,820.96	$31,505.84	$33,285.92	$35,166.57	$37,153.49	$39,252.66	$41,470.43	$43,813.51	$46,288.98	$48,904.30	$51,667.40	$54,586.60
	$2,485.08	$2,625.49	$2,773.83	$2,930.55	$3,096.12	$3,271.05	$3,455.87	$3,651.13	$3,857.41	$4,075.36	$4,305.62	$4,548.88
	$14.34	$15.15	$16.00	$16.91	$17.86	$18.87	$19.94	$21.06	$22.25	$23.51	$24.84	$26.24
R6	$32,886.18	$34,744.25	$36,707.30	$38,781.27	$40,972.41	$43,287.35	$45,733.09	$48,317.00	$51,046.92	$53,931.07	$56,978.17	$60,197.44
	$2,740.52	$2,895.35	$3,058.94	$3,231.77	$3,414.37	$3,607.28	$21.99	$4,026.42	$4,253.91	$4,494.26	$4,748.18	$5,016.45
	$15.81	$16.70	$17.65	$18.64	$19.70	$20.81	$21.99	$23.23	$24.54	$25.93	$27.39	$28.94
R7	$36,240.68	$38,288.28	$40,451.56	$42,737.08	$45,151.72	$47,702.79	$50,398.00	$53,245.49	$56,253.86	$59,432.20	$62,790.12	$66,337.76
	$3,020.06	$3,190.69	$3,370.96	$3,561.42	$3,762.64	$3,975.23	$4,199.83	$4,437.12	$4,687.82	$4,952.68	$5,232.51	$5,528.15
	$17.42	$18.41	$19.45	$20.55	$21.71	$22.93	$24.23	$25.60	$27.05	$28.57	$30.19	$31.89
R8	$39,957.36	$42,214.95	$44,600.09	$47,120.00	$49,782.28	$52,594.98	$55,566.59	$58,706.11	$62,023.00	$65,527.30	$69,229.59	$73,141.07
	$3,329.78	$3,517.91	$3,716.67	$3,926.67	$4,148.52	$4,382.91	$4,630.55	$4,892.18	$5,168.58	$5,460.61	$5,769.13	$6,095.09
	$19.21	$20.30	$21.44	$22.65	$23.93	$25.29	$26.71	$28.22	$29.82	$31.50	$33.28	$35.16
R9	$44,077.55	$46,567.93	$49,199.02	$51,978.77	$54,915.57	$58,018.30	$61,296.33	$64,759.57	$68,418.49	$72,284.13	$76,368.19	$80,682.99
	$3,673.13	$3,880.66	$4,099.92	$4,331.56	$4,576.30	$4,834.86	$5,108.03	$5,396.63	$5,701.54	$6,023.68	$6,364.02	$6,723.58
	$21.19	$22.39	$23.65	$24.99	$26.40	$27.89	$29.47	$31.13	$32.89	$34.75	$36.72	$38.79
R10	$48,563.58	$51,307.42	$54,206.29	$57,268.94	$60,504.64	$63,923.15	$67,534.81	$71,350.53	$75,381.83	$79,640.91	$84,140.62	$88,894.56
	$4,046.96	$4,275.62	$4,517.19	$4,772.41	$5,042.05	$5,326.93	$5,627.90	$5,945.88	$6,281.82	$6,636.74	$7,011.72	$7,407.88
	$23.35	$24.67	$26.06	$27.53	$29.09	$30.73	$32.47	$34.30	$36.24	$38.29	$40.45	$42.74
R11	$53,555.21	$56,581.08	$59,777.91	$63,155.36	$66,723.64	$70,493.53	$74,476.41	$78,684.33	$83,129.99	$87,826.84	$92,789.05	$98,031.63
	$4,462.93	$4,715.09	$4,981.49	$5,262.95	$5,560.30	$5,874.46	$6,206.37	$6,557.03	$6,927.50	$7,318.90	$7,732.42	$8,169.30
	$25.75	$27.20	$28.74	$30.36	$32.08	$33.89	$35.81	$37.83	$39.97	$42.22	$44.61	$47.13
R12	$59,043.94	$62,379.92	$65,904.39	$69,627.98	$73,561.96	$77,718.22	$82,109.29	$86,748.47	$91,649.76	$96,827.97	$102,298.75	$108,078.63
	$4,920.33	$5,198.33	$5,492.03	$5,802.33	$6,130.16	$6,476.52	$6,842.44	$7,229.04	$7,637.48	$8,069.00	$8,524.90	$9,006.55
	$28.39	$29.99	$31.68	$33.47	$35.37	$37.36	$39.48	$41.71	$44.06	$46.55	$49.18	$51.96
R13	$65,095.39	$68,773.28	$72,658.97	$76,764.21	$81,101.38	$85,683.61	$90,524.74	$95,639.38	$101,043.01	$106,751.94	$112,783.42	$119,155.69
	$5,424.62	$5,731.11	$6,054.91	$6,397.02	$6,758.45	$7,140.30	$7,543.73	$7,969.95	$8,420.25	$8,895.99	$9,398.62	$9,929.64
	$31.30	$33.06	$34.93	$36.91	$38.99	$41.19	$43.52	$45.98	$48.58	$51.32	$54.22	$57.29

Proposed Salary Position Grading and Ranges

Recommended Position Grading- DRAFT

Title	Department	Grade
ANIMAL CARETAKER I	PUBLIC WORKS/ANIMAL SHELTER	1
CUSTODIAN	MAINTENANCE	1
LABORER	PUBLIC WORKS/LANDFILL	1
LANDFILL SPOTTER	PUBLIC WORKS/LANDFILL	1
SCALE OPER/CONVEN SITE ASST	PUBLIC WORKS/LANDFILL	1
ANIMAL CARETAKER II	PUBLIC WORKS/ANIMAL SHELTER	2
BOOKING TECHNICIAN	NRADC	2
CONVENIENCE SITE SUPV	PUBLIC WORKS/LANDFILL	2
CUSTOMER SERVICE REP	WINCHESTER REGIONAL AIRPORT	2
FOOD SERVICES SUPERVISOR	NRADC	2
HEAD CUSTODIAN	MAINTENANCE	2
LANDFILL TECHNICIAN	PUBLIC WORKS/LANDFILL	2
PARK CARETAKER	PARKS & RECREATION	2
ACCOUNT CLERK	FREDERICK COUNTY	3
CASHIER	FREDERICK COUNTY	3
COMMUNICATION OFFC I	PUBLIC SAFETY COMMUNICATIONS	3
DATA COLLECTOR	COMMISSIONER OF THE REVENUE	3
FLIGHT LINE TECH DAY	WINCHESTER REGIONAL AIRPORT	3
SENIOR LANDFILL TECHNICIAN	PUBLIC WORKS/LANDFILL	3
PARK TECHNICIAN	PARKS & RECREATION	3
PERMIT TECHNICIAN	PUBLIC WORKS/INSPECTIONS	3
RECORDS CLERK	FREDERICK COUNTY	3
SECRETARY	FREDERICK COUNTY	3
SENIOR ACCOUNT CLERK	FREDERICK COUNTY	4
ACCOUNTING TECHNICIAN	FINANCE	4
ASSISTANT REGISTRAR	REGISTRAR'S OFFICE	4
ASST ANIMAL SHELTER MANAGER	PUBLIC WORKS/ANIMAL SHELTER	4
BASICREC MANAGER	PARKS & RECREATION	4
SENIOR CASHIER	CLERK'S OFFICE/TREASURER'S OFFICE	4
CC CASE MANAGER	NRADC/DCS	4
CHA	NRADC	4
COLLECTIONS ASSISTANT	TREASURER'S OFFICE	4
EMS BILLING MANAGER	FIRE & RESCUE	4
ENVIRONMENTAL INSPECTOR	PUBLIC WORKS/ADMINISTRATION	4
ENVIRONMENTAL TECHNICIAN	PUBLIC WORKS/LANDFILL	4
EVIDENCE CLERK	SHERIFF'S OFFICE	4
FACILITIES MANAGER	PARKS & RECREATION	4
FLIGHT LINE TECH NIGHT	WINCHESTER REGIONAL AIRPORT	4
INTENSIVE SUPERVISION OFFICER	JUVENILE PROBATION OFFICE	4
JUVENILE PROBATION OFFC	JUVENILE PROBATION OFFICE	4
LEGAL SECRETARY	COMMONWEALTH ATTY'S OFFICE	4
MAINTENANCE TECHNICIAN	WINCHESTER REGIONAL AIRPORT	4
MORTGAGE SPECIALIST	TREASURER'S OFFICE	4
MOTOR EQUIP OPERATOR	PUBLIC WORKS/SHAWNEELAND	4
PARK & STEWARDSHIP PLANNER	PARKS & RECREATION	4
PC TECHNICIAN	INFORMATION TECHNOLOGY	4

PROPERTY CLERK	NRADC	4
PTS CASE MGR/INVESTIGATOR	NRADC	4
RECREATION TECHNICIAN	PARKS & RECREATION	4
REGISTRATION SPECIALIST	PARKS & RECREATION	4
SCANNING TECHNICIAN	CLERK'S OFFICE	4
SENIOR SECRETARY	FREDERICK COUNTY	4
SENIORR ACCOUNTING TECHNICIAN	FINANCE	4
SENIOR PROBATION CASE OFFC	NRADC/DCS	4
ANIMAL SHELTER MANAGER	PUBLIC WORKS/ANIMAL SHELTER	5
ASAP CASE MANAGER	NRADC/DCS	5
BUSINESS MANAGER	NRADC	5
COMMUNICATION OFFC III	PUBLIC SAFETY COMMUNICATION	5
CORRECTIONAL OFFICER I	NRADC	5
CORRECTIONAL SYSTEM TECH.	NRADC	5
COURT SERVICES DIRECTOR	NRADC/DCS	5
DEPUTY I	SHERIFF'S OFFICE	5
EXISTING BUSINESS COORD	EDA	5
EXTENSION TECHNICIAN	VIRGINIA COOP EXTENSION	5
FIREFIGHTER/EMT	FIRE & RESCUE	5
INMATE PROGRAM SPECIALIST	NRADC	5
LPN	NRADC	5
MAINTENANCE SPECIALIST	PARKS & RECREATION	5
SENIOR MOTOR EQUIP OPERATOR	PUBLIC WORKS/SHAWNEELAND	5
NETWORK SUPPORT TECHNICIAN	INFORMATION TECHNOLOGY	5
PERSONAL PROPERTY SUPV	COMMISSIONER OF THE REVENUE	5
REGISTRAR	REGISTRAR'S OFFICE	5
RESOURCE MGMT SPECIALIST	FIRE & RESCUE	5
SENIOR RECORDS CLERK	FREDERICK COUNTY	5
SENIOR LEGAL SECRETARY	COMMONWEALTH ATTY'S OFFICE	5
VOLUNTEER COORDINATOR	FIRE & RESCUE	5
VW PROGRAM COORDINATOR	VICTIM/WITNESS PROGRAM	5
WEBMASTER	INFORMATION TECHNOLOGY	5
ZONING INSPECTOR	PLANNING & DEVELOPMENT	5
ADMINISTRATIVE ASSISTANT	FREDERICK COUNTY	6
BENEFITS ADMINISTRATOR	HUMAN RESOURCES	6
COMMUNICATION SHIFT SUPV	PUBLIC SAFETY COMMUNICATION	6
CORRECTIONAL OFFICER II	NRADC	6
CRIME ANALYST	SHERIFF'S OFFICE	6
DEPUTY II	SHERIFF'S OFFICE	6
F&R TECHNICIAN	FIRE & RESCUE	6
FOOD SERVICES MANAGER	NRADC	6
GIS TECHNICIAN	INFORMATION TECHNOLOGY	6
HEAVY EQUIPMENT MECHANIC	PUBLIC WORKS/LANDFILL	6
HR GENERALIST	HUMAN RESOURCES	6
INMATE PROGRAMS COORD	NRADC	6
INSPECTOR	PUBLIC WORKS/INSPECTIONS	6
OPERATIONS SUPERVISOR	WINCHESTER REGIONAL AIRPORT	6
SR DESIGN REVIEW SPECIALIST	PUBLIC WORKS/INSPECTIONS	6

Recommended Position Grading- DRAFT

ASSESSOR I	COMMISSIONER OF THE REVENUE	7
CORRECTIONAL OFFICER III	NRADC	7
CORRECTIONAL SYSTEMS OFFC	NRADC	7
DEPUTY III	SHERIFF'S OFFICE	7
F&R SPECIALIST	FIRE & RESCUE	7
GAS PLANT OPERATOR	PUBLIC WORKS/LANDFILL	7
LIDS TECH/RECORDS SUPV	NRADC	7
MARKETING MANAGER	EDA	7
MENTAL HEALTH CONSULTANT	NRADC	7
PERMIT MANAGER	PUBLIC WORKS/INSPECTIONS	7
PROGRAM SUPERVISOR	PARKS & RECREATION	7
PUBLIC INFORMATION OFFICER	PARKS & RECREATION	7
SANITARY DISTRICT MANAGER	PUBLIC WORKS/SHAWNEELAND	7
SOLID WASTE COORDINATOR	PUBLIC WORKS/LANDFILL	7
SR ASAP CASE MANAGER	NRADC/DCS	7
SENIOR INSPECTOR	PUBLIC WORKS/INSPECTIONS	7
ASSESSOR II	COMMISSIONER OF THE REVENUE	8
AUDITOR	COMMISSIONER OF THE REVENUE	8
BUSINESS DIVISION/CHIEF ADMIN	COMMISSIONER OF THE REVENUE	8
CHIEF CC	NRADC/DCS	8
CSA COORDINATOR	COMPREHENSIVE SERVICES	8
DESIGN REVIEW SPECIALIST	PUBLIC WORKS/INSPECTIONS	8
ENVIRONMENTAL MANAGER	PUBLIC WORKS/LANDFILL	8
F&R LIEUTENANT	FIRE & RESCUE	8
INVESTIGATOR	SHERIFF'S OFFICE	8
MAINTENANCE SUPERVISOR	MAINTENANCE	8
PARK MANAGER	PARKS & RECREATION	8
PLANNER	PLANNING & DEVELOPMENT	8
PROJECT MANAGER	PUBLIC WORKS/ADMINISTRATION	8
RISK MGR BUDGET ANALYST	FINANCE	8
SERGEANT	SHERIFF'S OFFICE	8
SOLID WASTE MANAGER	PUBLIC WORKS/LANDFILL	8
SR COLLECTOR	TREASURER'S OFFICE	8
SYSTEMS ANALYST	INFORMATION TECHNOLOGY	8
ZONING ADMINISTRATOR	PLANNING & DEVELOPMENT	8
ACCOUNTING SUPERVISOR	FINANCE	9
ASSESSOR III	COMMISSIONER OF THE REVENUE	9
F&R CAPTAIN	FIRE & RESCUE	9
GIS ANALYST	COMMISSIONER OF THE REVENUE	9
GIS ANALYST/PROGRAMMER	INFORMATION TECHNOLOGY	9
LIEUTENANT	NRADC	9
MENTAL HEALTH DIRECTOR	NRADC	9
NURSING DIRECTOR	NRADC	9
PARKS SUPERINTENDENT	PARKS & RECREATION	9
RECREATION SUPERINTENDENT	PARKS & RECREATION	9
SENIOR PLANNER	PLANNING & DEVELOPMENT	9
ASSISTANT DIRECTOR	PUBLIC WORKS/ADMINISTRATION	10
ASST COMMONWEALTH ATTY	COMMONWEALTH ATTY'S OFFICE	10

Recommended Position Grading- DRAFT

CAPTAIN	SHERIFF'S OFFICE	10
DEPUTY CHIEF	FIRE & RESCUE	10
DEPUTY CLK OPS & PROBATE	CLERK'S OFFICE	10
GIS MANAGER	INFORMATION TECHNOLOGY	10
LANDFILL MANAGER	PUBLIC WORKS/LANDFILL	10
NETWORK OPERATIONS SUPV	INFORMATION TECHNOLOGY	10
MAJOR/CHIEF DEPUTY	SHERIFF'S OFFICE	11
MIS PROGRAMMER/ASSIST DIRECTOR	MIS	11
REAL EST ASSESS CHIEF ADMIN	COMMISSIONER OF THE REVENUE	11
ASSISTANT PLANNING DIRECTOR	PLANNING & DEVELOPMENT	12
ASST TRANSPORTATION DIR	PLANNING & DEVELOPMENT	12
BLDG OFFICIAL CODE ADMIN	PUBLIC WORKS/INSPECTIONS	12
DEPUTY TREASURER	TREASURER'S OFFICE	12
DEPUTY TREASURER OPS	TREASURER'S OFFICE	12
DEPUTY COUNTY ADMINISTRATOR	COUNTY ADMINISTRATION	12

2015 Recommended Salary Ranges					
		6-13 Years	13-19 Years	19 & Over Years	
Salary Grade	Minimum	Progress Point	Midpoint	Advance Point	Maximum
13	$96,200	$110,600	$125,000	$139,400	$153,800
12	$85,600	$98,500	$111,300	$124,100	$137,000
11	$76,800	$88,300	$99,800	$111,300	$122,800
10	$65,800	$75,700	$85,600	$95,500	$105,400
9	$56,900	$65,500	$74,000	$82,500	$91,100
8	$50,100	$57,600	$65,100	$72,600	$80,100
7	$45,200	$52,000	$58,800	$65,600	$72,400
6	$40,400	$46,400	$52,500	$58,600	$64,600
5	$36,800	$42,300	$47,800	$53,300	$58,800
4	$32,300	$37,200	$42,000	$46,800	$51,700
3	$29,500	$33,900	$38,300	$42,700	$47,100
2	$25,800	$29,700	$33,600	$37,500	$41,400
1	$22,200	$25,600	$28,900	$32,200	$35,600

November

County of Frederick
Employee of the Month
Nomination Form

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 : Andrew Keefauver Department: Parks & Recreation

Nomination Submitted By: Chris Konyar Department: Parks & Recreation

Nominator's Signature: Chris Konyar Date: 11/13/2014

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

Andrew Keefauver successfully launched the Battlefield Half Marathon Event for the Parks and Recreation Department on Saturday, November 8, 2014. The event was hugely successful for a first year event attracting nearly 1000 runners and bringing together several community agencies to collectively make the event happen. Some of the agencies that Andrew organized to solidify a professional, well organized effort were Frederick County Sheriff Dept., Winchester Police, Stephens City Fire and Rescue, Winchester Area Temporary Thermal Shelters (WATTS), Creekside Properties, Kernstown Battlefield Association, VDOT, VA State Police, Local Military Unit, Kernstown Commons, and Racine Multisports. In addition to the race Andrew also organized a Health and Wellness Expo on the night prior to the race to allow participants to meet with local vendors to promote healthy lifestyles and increase health and wellness awareness in our community. This event brought the complete staff of the Parks and Recreation Department together to function as a team in order to effectively make this event a huge success not only this year but in future years as well.

It is my recommendation that Andrew be selected as the Employee of the Month for the month of November for his efforts to launch this signature event.

HR Section: Received: 11/13/14 Emailed to HR Committee: _____

Employee of the Month Resolution

for:

Andrew Keefauver

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, Andrew Keefauver who serves in Parks and Recreation was nominated for Employee of the Month; and,

WHEREAS, Andrew Keefauver successfully managed to create and staff a hugely successful event, the Battlefield Half Marathon, for the Parks and Recreation Department. This event attracted over one thousand runners and brought together several community agencies. In addition, Andrew also organized a Health and Wellness Expo on the night prior to the race. Andrew has shown that he is very team-oriented and he deeply cares for the wellness and satisfaction of his community. This event even brought the complete staff of the Parks & Recreation Department together in order to effectively make this event a huge success for the future; and,

NOW, THEREFORE BE IT RESOLVED, by the Frederick County Board of Supervisors this 10th day of December 2014, that Andrew Keefauver is hereby recognized as the Frederick County Employee of the Month for November 2014; and,

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

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

County of Frederick, VA
Board of Supervisors

_____

Richard C. Shickle, Chairman

Dedication

County of Frederick

Employee of the Month

November 2014

Andrew R. Keefauver

Hardworking

Excellence

Professional

Richard C. Shickle
Chairman, Board of Supervisors

Finance Department

Frederick County

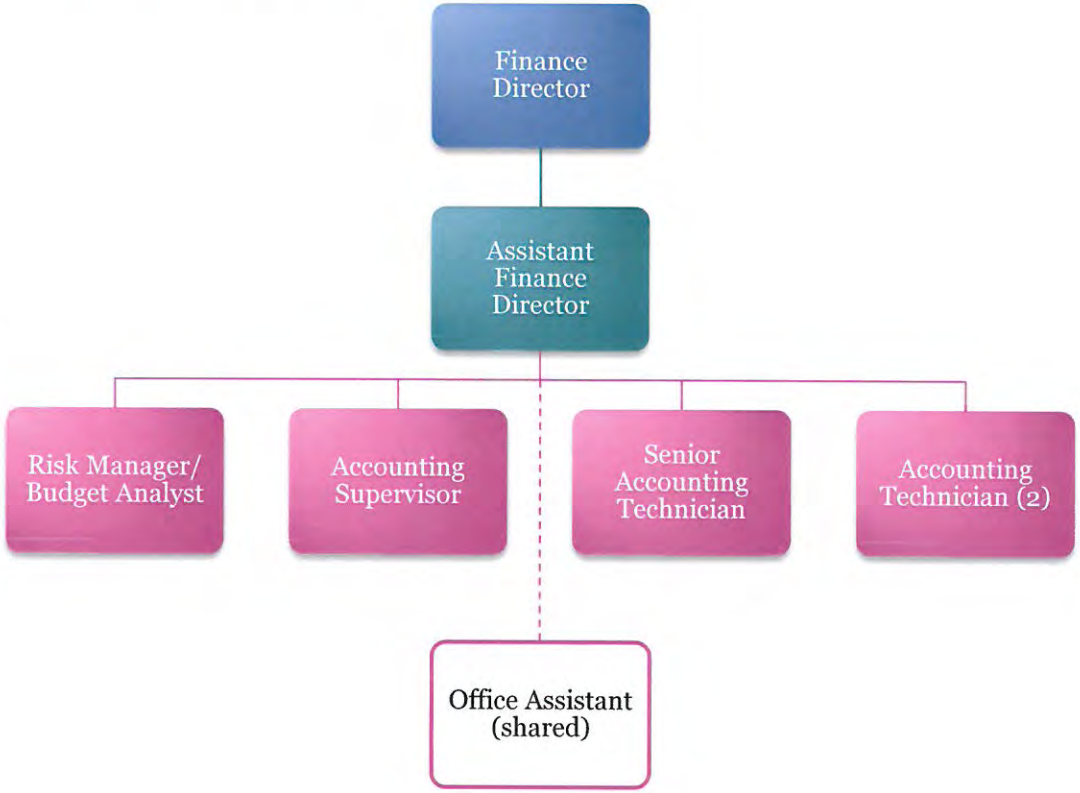
11/14/2014

Agenda

- Organization
- Functions

Finance Department

- Current staff of 7
  - 1990 staff of 8
- Share an office assistant with the County Administrator and the County Attorney
- 6 of the 7 current staff have 24+ years of service
  - Newest staff member has 14 years of service



What does the Finance Department do?

Finance Functions

- Fiscal Agent
- Budget
- Accounts Payable & Purchasing Card
- Purchasing
- Policy Compliance
- Payroll
- Employee Benefits
- Risk Management
- Financial Reporting
- Finance Committee
- Transparency & Websites

Fiscal Agent

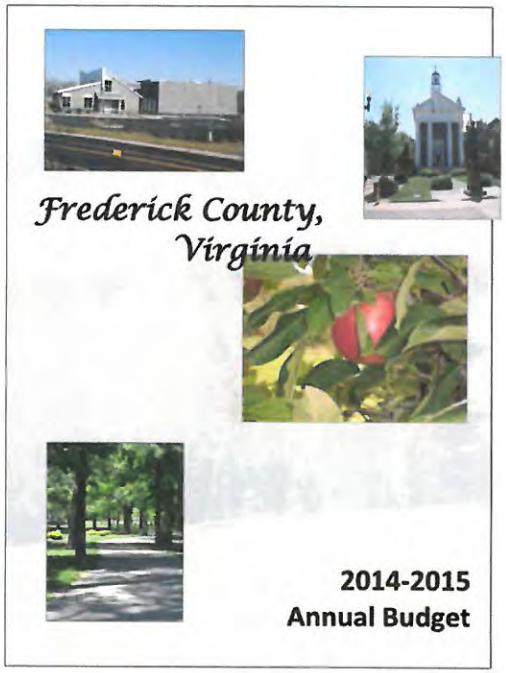
- Serving as the financial agent, performing financial duties, providing accountability and acting as trustee for the following:
  - Northwestern Regional Adult Detention Center
  - Winchester Regional Airport
  - Frederick County Landfill
  - Shawneeland
  - Lake Holiday Sanitary District
  - Division of Court Services
  - Economic Development Authority

Budget

	2004	2014
Timeline	Oct – Apr	Year Round
General Fund	$85 million	$142 million

- Budgetary Compliance
- GFOA Distinguished Budget Presentation Award – 2014 was 28th consecutive year
- Citizens' Budget Guide

Distinguished Budget PRESENTATION Award



www.fcva.us/budget

Accounts Payable

- Issuing payments to County suppliers of goods and services and staff expense reimbursements
- 3 payment types

FY 2014	#	$
Purchasing Card (P-Card)	12,632	$7.6 million
ACH – electronic deposit	1,076	$8.3 million
(Staff Reimbursements	493 included in ACH total)	
Check	2,304	$31.9 million

- Issue 1099s – 117 issued for 2013

Pcard Benefits

County Benefits

- Rebate ($117K in 2013)
- Increased efficiency
  - Traditional P2P = $84 vs. Pcard P2P = $21
  - Reduction in procurement cycle
- Electronic notification of purchases
- Able to purchase from any merchant (online & store)
- Staff reimbursement eliminated
- No 1099 reporting
- Protection → chargeback rights, dispute process

Merchant Benefits

- Instant, guaranteed payments
  - Improved cash flow
- Eliminate receivables
  - invoicing, handling, mailing, deposits & collections
- Customer satisfaction
- Increased sales

Merchant Drawback

- Cost to process credit card

Purchasing

- No centralized purchasing department
- Finance Department assists the County in purchasing goods/services in conformance with
  - Code of Virginia, Volume 1, Title 2.2
  - Virginia Public Procurement Act, Chapter 43
  - Board of Supervisors Policies & Regulations
- Issue Purchase Orders – FY14 – 142 POs, totaling $4.4 million
- Oversee, advertise, and receive formal bids/proposals – FY14 – 8
- Publish "Selling To Us" webpage
  - Vendor Guide for Selling to Frederick County
  - P-card Info for Vendors Brochure

www.fcva.us/purchasing

Policy Compliance

- Federal
  - Payroll withholdings
  - IRS – taxation
  - Grants
- State
  - Procurement
  - Budgeting
  - Grants
- Local
  - Board of Supervisors Policies, i.e. travel, purchasing, etc.
- Other
  - GASB
  - GAAP

Payroll

- Processed semi-monthly
- 625 full-time employees
- 289 part-time (July), 168 part-time (December)
- 1,176 w-2s issued for 2013
- Garnishments – 33 active currently
  - Court ordered – child support, taxes, financial judgments, bankruptcies, etc.
- Fringe benefits withholdings – uniforms, vehicles
- Federal & State tax withholdings & reconciliation
- Withholdings and reconciliation of employee benefits

Employee Benefits

- Retirement plans (VRS)
  - 3 different plans
  - Includes Department of Social Service employees
- Life insurance
  - Optional – 3 plans (Allstate, Minnesota/VRS, Colonial)
  - County provided – 1 plan (Minnesota/VRS)
- Workers Compensation
  - Charge out per employee – paid by County
  - County pays employee difference to make whole
  - Audit

Employee Benefits continued

- Health Insurance
  - Anthem
  - 2 plans with 4 tiers each
- Dental Insurance
  - Guardian
  - 1 plan with 4 tiers

Employee Benefits continued

- Cafeteria plan & other pre-taxed withholdings
  - Process deductions through payroll & reconcile
    - Medical savings accounts – flex cards (WageWorks)
    - Dependent care (WageWorks)
    - Accident, Cancer & Critical Illness Insurance (Allstate)
    - Disability (Colonial)
    - Deferred compensation (ICMA)
- Unemployment

Risk Management

- Claims processing and payment requests
  - Automobile insurance
  - Property insurance
  - General liability insurance
  - Public officials insurance
  - Worker's Compensation
    - Coordinate with Anthem to eliminate duplicate payments
- Health Insurance
  - Annual renewal - $8 million
  - Self-insured – pay claims & administrative fee
  - Administered by Anthem
  - Reinsurance - $200,000
  - Process employee applications and changes
  - Benefits & costs are driven by budget
  - Includes Social Services and Frederick County Sanitation Authority
- Dental Insurance
  - Annual renewal
  - Administered by Guardian

Financial Reporting

- 4 Auditors
  - State (state offices, i.e. Treasurer, Clerk, etc.)
  - Internal (internal controls)
  - External (financial & compliance reporting)
  - Workers Compensation
- Comprehensive Annual Financial Report (CAFR)
  - 140 pages – available online & in print
  - GFOA Certificate of Achievement for Excellence in Financial Reporting– 2013 – 28th consecutive year

Financial Reporting continued

- Popular Annual Financial Report (PAFR)
  - 12 pages – available online
  - GFOA Award for Outstanding Achievement – 2013 – 7th consecutive year
    - Only 1 of 3 localities in the State that receives award
- Quarterly Financial Newsletter – available online
- Monthly Board & Finance Committee reporting
  - Financials with detailed footnotes
  - Fund balance report
  - Transfer report
  - Revenue reports
- Monthly expenditure reports to each department

www.fcva.us/financials

Finance Committee

- Coordinate correspondences
- Prepare Agenda
- Issue Report & Recommendations
- Make entries to reflect Board action

The Internet & Transparency

- Budget information - www.fcva.us/budget
- Detailed budget information by department - http://www.fcva.us/departments/f-n/finance/budget/budget-transparency
- Financial reporting - www.fcva.us/financials
- Purchasing - www.fcva.us/purchasing
- e-Notifications – www.fcva.us/enotification
- Finance Committee agendas & reports – www.fcva.us/fincomm
- Unclaimed Property - https://www.fcva.us/departments/f-n/finance/unclaimed-property

Intranet

- Available only to County staff & agencies
- Used to communication tool
  - Policies & Procedures
  - Guidelines
  - Publications
  - Forms
  - Instructions
- Fraud, Waste and Abuse reporting

Questions??

I

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: November 19, 2014

SUBJECT: Finance Committee Report and Recommendations

The Finance Committee met in the First Floor Conference Room at 107 North Kent Street on Wednesday, November 19, 2014 at 8:00 a.m. Member Richard Shickle was absent. (b) Items 3 through 10 were approved under consent agenda.

1. The Parks and Recreation Director requests a General Fund supplemental appropriation in the amount of $48,000 to replace pool sand filters at both Sherando and Clearbrook Parks. Local funding is required. Request has been approved by the Parks and Recreation Commission. See attached memo, p. 5. The committee recommends approval.

2. The Fire and Rescue Chief requests a General Fund supplemental appropriation in the amount of $5,700. This amount represents proceeds from the surplus sale and is need for equipment for new vehicles. See attached memo, p. 6 – 7. The committee delays action awaiting further information.

3. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of $20,000. These funds represent additional Internet Crimes Against Children (ICAC) funds that have become available. No local funds required. See attached letter, p. 8 – 11.

4. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of $375. This amount represents proceeds from the surplus sale to reimburse for the cost of DMV record checks on abandoned vehicles. See attached memo, p. 12 – 13.

5. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of $1,000. This amount represents a donation for the Dive Team. No local funds required. See attached memo, p. 14.

6. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of $100. This amount represents a donation to the Honor Guard. No local funds required. See attached memo, p. 15.

7. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of $500. This amount represents a donation from Walmart. No local fund required. See attached memo, p. 16.

8. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of $67.62. This amount represents proceeds from the sale of unclaimed property. No local funds required. See attached memo, p. 17.

9. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of $3,884.14. This amount represents reimbursements received for prisoner extraditions. No local funds required. See attached memo, p. 18.

10. (b) The Sheriff requests a General Fund supplemental appropriation in the amount of $6,588.56. This amount represents an auto insurance claim reimbursement. No local funds required. See attached memo, p. 19.

11. The NRADC Superintendent requests a NRADC Fund supplemental appropriation in the amount of $56,139.20 for the design and bidding administration for a security system upgrade. See attached memo, p. 20. The committee recommends approval.

12. The County Attorney provides information for review of property tax exemptions previously granted by the County. This item was postponed at the October 2014 Finance Committee meeting. See attached information, p. 21 – 84. The committee recommends requesting from the General Assembly the revocation of Westminster Canterbury of Winchester's tax exempt status as it pertains to Frederick County. The committee also requests the continued review of other entities and further information from the County Attorney and the Commissioner of the Revenue.

13. Lord Fairfax Community College provides a response to the Committee following discussions at the August 2014 Finance Committee meeting. This item was postponed at the October 2014 Finance Committee meeting. See attached letter, p. 85 – 86. The committee requests additional information on the relationship between LFCC and the Frederick County Public Schools. The committee takes no action and will revisit during the FY 2016 budget cycle.

INFORMATION ONLY

1. The Finance Director provides a Fund 10 Transfer Report for October 2014. See attached, p. 87.

2. The Finance Director provides financial statements for the month ending October 31, 2014. See attached, p. 88 – 98.

3. The Finance Director provides an FY 2015 Fund Balance Report ending November 13, 2014. See attached, p. 99.

4. The HR Director provides information on the recommended salary ranges that were approved by the HR Committee and forwarded to the Board of Supervisors for approval. See attached information, p. 100 – 104.

Respectfully submitted,

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

By _____
Cheryl B. Shiffler, Finance Director

COUNTY of FREDERICK

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

Frederick County
RECEIVED
NOV 05 2014
Finance Department

MEMO

To: Finance Department
From: Jason Robertson, Director
Subject: Sand Filters for Pools
Date: November 4, 2014

The Parks and Recreation Commission recommended requesting a $48,000 supplemental appropriation to purchase two sand filters for the main pools at Sherando and Clearbrook Parks at their October meeting.

The filter for the main pool at Sherando Park ruptured on September 26, 2014. This filter, constructed of fiberglass, was thirteen years old, is not repairable and needs to be replaced in order to operate the swimming pool.

The sand filter has an expected life of twelve to fifteen years. The filter for the main pool at Cleabrook Park is thirteen years old as well. The Parks and Recreation Commission included this filter in its request to avoid a failure during the upcoming pool season.

Please call me at 665-5678 should you have any questions regarding this request prior to the meeting.

107 North Kent Street
Winchester, VA 22601

COUNTY OF FREDERICK, VIRGINIA

FIRE AND RESCUE DEPARTMENT
1080 Coverstone Drive
Winchester, VA 22602

Dennis D. Linaburg
Fire Chief

Frederick County
RECEIVED
OCT 28 2014
Finance Department

MEMORANDUM

TO: Cheryl Shiffler, Director
Finance Department

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

SUBJECT: Request For Supplemental Appropriation

DATE: October 23, 2014

Attached please find a copy of Check No. 495 received in the amount of $5,700.00, as well as a memorandum from the Sheriff's Office regarding the sale of three department vehicles. It is my request for a supplemental appropriation in the amount of $5,700.00 be placed in line item 35050-5408-000, Vehicle & Powered Equipment, to assist in offsetting the continued outfitting of our new department vehicles.

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

DDL:msn
Attachments: (4)

Office (540) 665-5618 • dlinabur@fcva.us • Fax (540) 678-4739

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 : Dennis D. Linaburg, Chief – Frederick County Fire & Rescue

FROM : Sheriff R. T. Williamson RTW

SUBJECT : Proceeds from Sale of Vehicles

DATE : October 3, 2014

On September 24, 2014 a public auction was held at the Frederick County Sheriff's Office impound lot. The following items were sold for your department for the amount listed:

1989 Ford Van	$2,800.00
1998 Ford Explore	$700.00
2005 Chevrolet Sport Utility	$2,500.00

Enclosed please find a check in the amount of $5,700. This amount represents your proceeds minus 5% for the expenses incurred – auctioneer fees and advertising costs.

RTW/adl

Enclosure

Colonel W. S. (Steve) Flaherty
Superintendent

(804) 674-2000

COMMONWEALTH of VIRGINIA

DEPARTMENT OF STATE POLICE

Lt. Col. Robert B. Northern
Deputy Superintendent

P. O. BOX 27472, RICHMOND, VA 23261-7472

July 1, 2014

Robert T. Williamson, Sheriff
Frederick County Sheriff's Office
1080 Coverstone Drive
Winchester, VA 22602

Dear Sheriff Williamson:

We sincerely appreciate your continued partnership as an affiliate of the Northern Virginia Internet Crimes Against Children (NOVA/DC ICAC) Task Force. Fortunately, we have received 2015 fiscal year funding from the Virginia Department of Criminal Justice (DCJS) that enables us to further allocate monies to our task force affiliates who are in good standing. As stated in our Inter-Agency Agreement dated July 30, 2013:

> Should additional funds become available during the agreed upon period, this agreement may be amended by written correspondence from the NOVA/DC ICAC Commander to permit the Frederick County Sheriff's Office to expend the additional funds in accordance with this established IA.

As such, we are able to allocate additional funds to your agency in the amount of $20,000.00. It should be noted that this funding is NOT grant-related. These are NOVA/DC ICAC funds that have been identified to support your ICAC work. Your allocation may be used towards expenses that include: overtime, equipment, software, and training that is specifically and exclusively related to the NOVA/ICAC Task Force's overall mission of combating Internet crimes against children. Please see the attachment to this letter for in-scope and out of scope expenses. All expenditures require prior approval via email to SSA Johnny R. Hall (**johnny.hall@vsp.virginia.gov**) or F/Sgt. Tommy R. Baldwin (**tommy.baldwin@vsp.virginia.gov**).

In order for reimbursement to be made to your locality, your staff will be asked to complete a reimbursement invoice, to provide proof of payment for the expense, and include the email granting approval of the expense. Proofs of payment may be copies of checks, credit card receipts or statements, or accounting ledger reports showing the obligation of funds. Proofs of payment may also be copies of payroll records if the reimbursement request is for salary or overtime. Please send your reimbursement requests via email with scanned attachments to Jackie Barnett (**jacqueline.barnett@vsp.virginia.gov**).

To allow sufficient time for processing, we ask that all reimbursement requests be received in our office by **April 1, 2015** unless the request involves payroll reimbursement.

The NOVA/DC ICAC Task Force continues to make a significant impact across the region as we work collaboratively to pursue those who choose to prey upon our children. Your continued partnership is vital to the task force's overall success and we hope you find this additional funding beneficial to your efforts to combat child sexual predators and child pornography.

Note: Please respond to us no later than August 1, 2014 to verify that you will take receipt of the funds. Should we not receive verification, the respective funds must be reallocated to another affiliate to permit timely expenditures.

Again, I thank you for all you do in support of the NOVA/DC ICAC Task Force. Should you have any questions please do not hesitate to contact me at (804) 674-2767 or Supervisory Special Agent Hall at (571) 722-9635.

Sincerely,

Captain Kirk S. Marlowe
Division Commander
Bureau of Criminal Investigation
High Tech Crimes Division

KSM/jcb

Attachment

Attachment

In-scope or Authorized Expenses (may include, but are not limited to):

- Desktop computers (Mac, Windows based, etc.)
- Peripherals for computers (keyboards, mouses, monitors, cables, adapters, etc.)
- Laptops & cases (Mac, Windows based, etc.)
- Tablets & cases (Apple, Android, Windows based, etc.)
- Undercover Cell Phones, Digital Recorders
- Printers, Digital Scanners, Digital Cameras
- Headphones, Screen Protectors, etc
- Digital Storage (pocket drives, external storage, thumb drives, SD Cards, etc.)
- Software for undercover operations (Camtasia, Wireshark, Commview, Net limiter, MS Office, Adobe Acrobat Pro, VM Fusion, Parallels, etc.)
- Child Interviewing courses & certifications (Child First, NCAC Center, Reid, etc.)
- NCMEC related training (Lodging, airfare, meals registrations, etc.)
- Costs associated with ICAC conferences and/or training (Lodging, airfare, meals, registrations)
- School Resource Officer training and certifications (Lodging, airfare, meals, registrations)
- ICAC training (NCJTC, NW3C, SEARCH training courses (lodging, meals, airfare, registrations)
- Educational materials (anatomical dolls, Ident-a-kid kits, brochures, logoed key chains and pencils, coloring books, magnets, stickers, Netsmartz materials, etc.)
- Overtime for ICAC investigations

Out of Scope or Unauthorized Expenses: The following equipment and software will be considered non-approved purchase requests due to the full service digital forensic laboratory dedicated specifically for ICAC affiliate members. Out of scope or unauthorized expenses will include, but are not limited to:

- All computer-based forensic machines (Forensic Recovery of Evidence Device (FRED) by Digital Intelligence, EDAS FOX Recovery Computer, SOLO Forensic Box, etc.)
- ADF-Triage Examiner software and training courses by ADF Solutions
- AccessData software and training courses (Forensic Tool Kit (FTK), BootCamp, ACE, etc.)

- Guidance products software and training courses (EnCase, ENCE, Tableau Forensic Bridges, Write Blocks, etc.)
- CRU-INC products and software (WiebeTech Forensic Bridges, Write Block Bays, etc.)
- SIRCHIE products and training certifications (computer forensics)
- SANS Institute courses, software and tools
- IACIS training and certification (CFCE, CAWFE, etc.)
- CompTIA training and certification (A+, Net+, Security+, etc.)
- TEEL Technologies training and certifications (JTAG, BGA Chip-off, etc.)
- FLETC training and certifications (SCERS, MFTP, IDEA, etc.)
- BlackBag Technologies products and training certifications (Blacklight, Macquisition, Softblock, CBE, MiCFE, etc.)
- Nuix software, tools and intrusion kits
- PassMark software products (OS Forensics)
- X-Ways Forensic Software
- SYS-Tools and Forensic Software
- Server Storage (Blade, JBOD, VTrak, Promise, etc.)
- Large progressive copy machines

FREDERICK COUNTY SHERIFF'S OFFICE

ROBERT T. WILLIAMSON
Sheriff

MAJOR C.L. VANMETER
Chief Deputy

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

TO : Finance Department

FROM : Sheriff R. T. Williamson RTW

SUBJECT : Proceeds from Sheriff's Sale

DATE : ~~October 7, 2014~~ 10-20-14

Attached is a copy of a memo sent to the Treasurer's Office in reference to our proceeds from the public auction held September 24, 2014.

We are requesting $375.00 of the $34,828.25 be appropriated into our budget line of 3102-5413-000-000. This amount will be for reimbursement of obtaining DMV Record Checks on the abandoned vehicles sold. The remaining amount; $34,453.25 can be appropriated into the General Fund.

Thank you.

Frederick County
RECEIVED
OCT 20 2014
Finance Department

RTW/asw

FREDERICK COUNTY SHERIFF'S OFFICE

ROBERT T. WILLIAMSON
Sheriff

MAJOR C.L. VANMETER
Chief Deputy

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

TO : Angela Whitacre, Treasurer's Office

FROM : Sheriff R. T. Williamson RTW

SUBJECT : Proceeds from Sheriff's Sale

DATE : October 7, 2014

Attached is a check in the amount of $34,828.25 made payable to the County of Frederick. This amount represents the department's proceeds from our public auction. We are requesting this amount be posted to revenue line 3010-015120-0007 (1014).

A separate memo will be sent to Finance requesting appropriation.

Thank you.

RTW/asw

CC: Finance

FREDERICK COUNTY SHERIFFS OFFICE
CIVIL FEES
PH: 540-662-6168
1080 COVERSTONE DR
WINCHESTER, VA 22602

504

Oct 7, 2014
Date

68-251/514
06

Pay to the Order of County of Frederick $ 34828.25

Thirty four thousand eight hundred twenty eight 25/100 Dollars

Security Features Details on Back.

BANK of CLARKE COUNTY
202 NORTH LOUDOUN ST., WINCHESTER, VA 22601

For proceeds from Sheriff sale

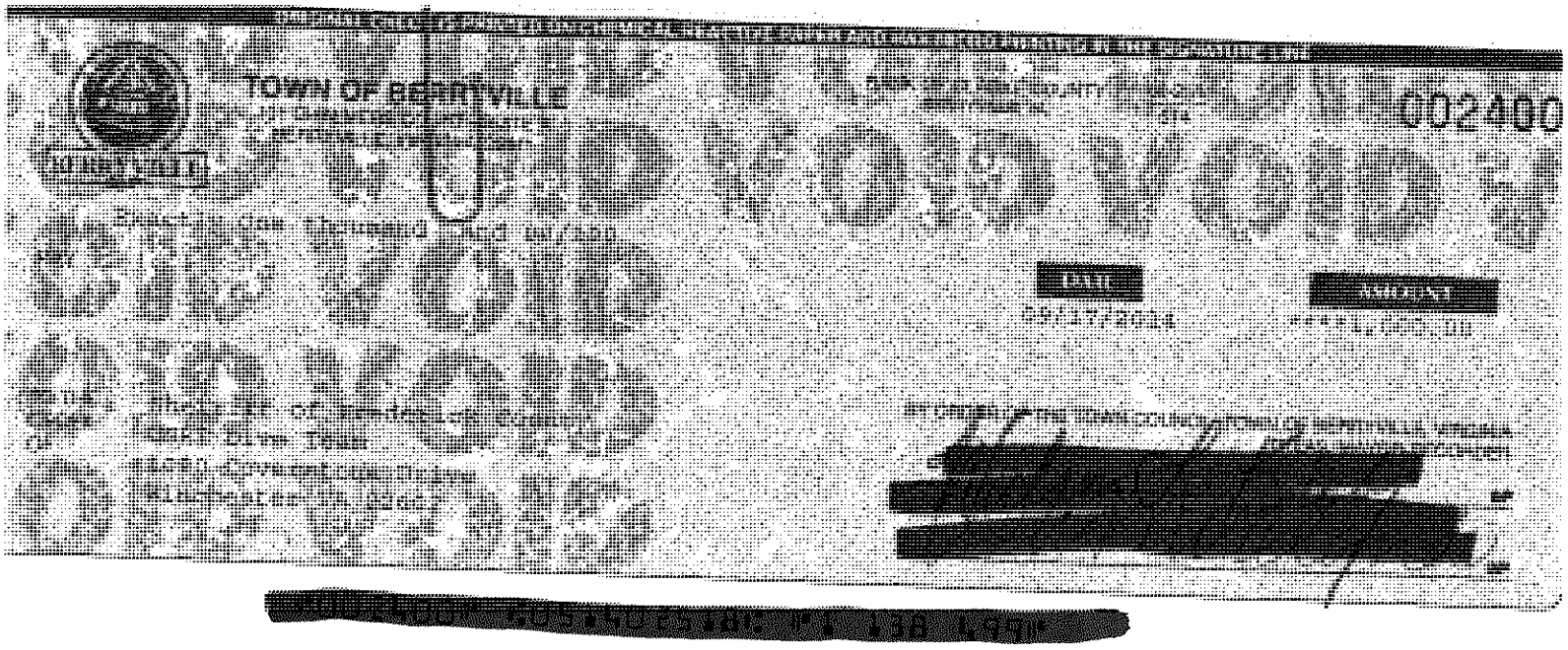
[redacted]

MP

[redacted]

Pallard Clarke

INTOUCH® CUSTOM CREATIONS®



TO	: Angela Whitacre, – Treasurer's Office	Frederick County RECEIVED OCT 09 2014 Finance Department COPY
FROM	: Sheriff R. T. Williamson RTW	
SUBJECT	: Donation to Dive Team	
DATE	: October 9, 2014	

Attached please find a check in the amount of $1,000.00 from the Town of Berryville. This check represents a donation to our Dive Team for services provided to the Town of Berryville.

We are requesting this amount be posted to revenue line: 3-010-018990-0006 (10CR). A copy of this memo will be sent to Finance for appropriation.

Thank you

RTW/adl

Cc: Finance – please appropriate to 3102-5409-000-001

FREDERICK COUNTY SHERIFF'S OFFICE

ROBERT T. WILLIAMSON
Sheriff

MAJOR C.L. VANMETER
Chief Deputy

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540/662-6168
FAX 540/504-6400

Frederick County
RECEIVED
OCT 09 2014
Finance Department

COPY

TO : Angela Whitacre, – Treasurer's Office

FROM : Sheriff R. T. Williamson

SUBJECT : Donation – Honor Guard

DATE : October 9, 2014

Attached please find an endorsed check in the amount of $100.00 made payable to the Honor Guard. This amount represents a donation to the Honor Guard and we are requesting this amount be posted to revenue line 3-010-018990-0006. A copy of this memo will be forwarded to Finance requesting appropriation.

Thank you

RTW/adl

Cc: Finance – please appropriate to 3102-5410-000-000

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

Frederick County
RECEIVED
OCT 09 2014
Finance Department

COPY

TO : Angela Whitacre, – Treasurer's Office

FROM : Sheriff R. T. Williamson RTW

SUBJECT : Donation

DATE : October 9, 2014

Attached please find an endorsed check in the amount of $500.00 from Walmart. This amount represents a onetime donation to be used where needed. A copy of this memo will be forwarded to Finance requesting appropriation.

Thank you

RTW/adl

Cc: Finance – please appropriate to 3102-5409-000-000

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

Frederick County
RECEIVED
OCT 09 2014
Finance Department

TO : Angela Whitacre, – Treasurer's Office

FROM : Sheriff R. T. Williamson RTW

SUBJECT : Sale of Unclaimed Property - Pig

DATE : October 9, 2014

Attached please find a check in the amount of $67.62 from the Farmers Livestock Exchange, Inc. This amount represents the department's proceeds from the sale of unclaimed pig. 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/adl

Cc: Finance – please appropriate to 3102-5413-000-000

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

Frederick Coun
RECEIV
NOV 10 2014
Finance De

TO : Finance Department

FROM : Sheriff R. T. Williamson RTW

SUBJECT : Funds Appropriation – Extradition Reimbursements

DATE : November 7, 2014

We are requesting the reimbursements received, to date, from the Circuit Courts of Virginia totaling $3,884.14 be appropriated into our operating budget line for Travel/Transports; 3102-5506-000-001.

Thank you.

RTW/asw

3-010-019110-0058

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

Frederick County
REC
NOV 10 2014
Finance Department

TO : Finance Department

FROM : Sheriff R. T. Williamson RTW/asw

SUBJECT : Insurance Reimbursement

DATE : November 10, 2014

We are requesting the reimbursement check received in the amount of $6,588.56 for auto claim dated October 17, 2014 be appropriated into our budget line of 3102-3004-000-002.

Thank you.

RTW/asw

3-010-018990-0001

Northwestern Regional Adult Detention Center

James F. Whitley - Superintendent

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

Frederick County
RECEIVED
OCT 27 2014
Finance Department

MEMORANDUM

TO: Cheryl Shiffler, Frederick County Finance Director

FROM: James F. Whitley, Superintendent

DATE: October 23, 2014

SUBJECT: Fund Balance Transfer Request

Request approval to transfer $56,139.20 from 11-000240-2530, Unreserved Fund Balance, to the following line item:

4-011-033010-3002-000 – Professional Services

This amount is payment to LattaTech Services, Inc. for Design and Bidding Administration for an upgrade to the Detention Center's Security Control System.

Thank you for considering this request.

COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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

MEMORANDUM

TO: Finance Committee

FROM: Roderick B. Williams
County Attorney

DATE: November 12, 2014

RE: Property Tax Exemptions – Review for Continued Exempt Status or Revocation of Exempt Status

This is a follow up to the item regarding property tax items on last month's Committee agenda. As noted in the memorandum for last month's agenda, 60 organizations in the County currently hold exemptions from property taxation.[1]

Of the 60 organizations holding exemptions, 33 appear to hold exemptions by classification, that is, exemptions that automatically apply to them under state law on the basis of the particular activities in which they engage, and 27 hold exemptions by designation, that is, exemptions by which state law or county ordinance specifically name the organization. Of the 27 organizations holding exemptions by designation, the General Assembly granted 20 of these prior to 2003, after which time consideration of further exemption requests was delegated to the localities, and the Board of Supervisors granted seven of the exemptions (some of the 20 organizations with General Assembly-granted exemptions also received parallel exemptions from the Board of Supervisors).

Following, then, is a list of organizations with exemptions by designation. In the instance of those holding Board-granted exemptions, any recommendation of the Committee to eliminate an exemption would be for direct action by the Board, following a Board public hearing. In the instances of those holding General Assembly-granted exemptions, any recommendation of the

[1] The indicated total generally does not include churches, due to the large number of churches and the fact of the automatic qualification, for exemption by classification, of property used for church purposes. For similar reasons, the total does not include government property nor instances such as eligible property owned by Shenandoah University. Also, the total has been adjusted to 60 (from 61 reported last month), upon a recount of the list of organizations holding exemptions.

Committee to eliminate an exemption would be for the Board to approve making such request of the General Assembly.

Also, accompanying this memorandum are copies of the 2014 Applications for Real Property Tax Exemption filed to date by the organizations, pursuant to the requirement of County Code § 155-153(B). Organizations for which applications are included are marked with an asterisk. The applications are not due, however, until November 15 (November 17 this year, as the 15th falls on a Saturday), so applications for more of the organizations may arrive in the coming days.[2]

Board of Supervisors Exemptions:

The legal authority for the exemptions here that were granted prior to July 1, 2003 is unclear, as the authority for localities to grant exemptions was the subject of a 2002 amendment to the Constitution of Virginia, effectively July 1, 2003, thereby implying that no such authority previously existed. In response to an inquiry from the Committee at last month's meeting, none of the seven organizations with Board of Supervisors-granted exemptions received parallel or subsequent exemptions from the General Assembly. As to the pre-July 1, 2003 exemptions, it is possible that one or more of the organizations might qualify for exemptions by classification. In the instance of two of the organizations (Woodmen of the World and Young Life), tax exempt status in other localities has been the subject of fact-specific Attorney General Opinions.

- **Woodmen of the World**

  Exemption granted May 26, 1976.

  Organization currently owns tax parcel number 54E-8-33, in the Shawnee District, zoned RP.

  Tax assessed value is $332,000.

- **Leary Educational Foundation, Inc.***

  Exemption granted October 13, 1993 (amended December 8, 1993).

  Organization currently owns tax parcel numbers 6-A-17 and 6-A-18, in the Gainesboro District, zoned RA.

  Tax assessed value is $10,854,100.

- **Kernstown Battlefield Association***

  Exemption granted January 10, 2001.

  Organization currently owns tax parcel numbers 63-A-6A, 63-A-7A, 63-A-18, 63-A-18A, 63-A-18B, 63-A-18C, and 63-A-18D, in the Back Creek District, zoned RA.

  Tax assessed value is $2,185,000.

[2] Certain information – tax identification numbers and personal telephone numbers and e-mail addresses – has been redacted from the copies of the applications accompanying this memorandum.

- **Winchester-Frederick County Conservation Club, Inc.**

  Exemption granted August 8, 2001.

  Organization currently owns tax parcel numbers 19-A-27, 19-A-49, 19-A-50, 19-A-51, 19-A-52E, 19-A-53A, 19-A-81A, 29-A-37B, 29-A-38, and 29-A-43B, in the Gainesboro District, zoned RA.

  Tax assessed value is $1,539,000.

- **Fort Collier Civil War Center, Inc.***

  Exemption granted May 14, 2003.

  Organization currently owns tax parcel number 54-A-81G, in the Stonewall District, zoned M1.

  Tax assessed value is $920,900.

- **Young Life***

  Exemption granted June 9, 2004.

  Organization does not own real or personal property in Frederick County. Purpose of exemption was to exempt from business license tax for sale of fireworks.

- **Blue Ridge Hospice***

  Exemption granted September 12, 2007.

  Organization does not own real property in Frederick County. Purpose of exemption was to exempt personal property from taxation.

General Assembly Exemptions:

- **ARC-Northern Shenandoah Valley, Incorporated, The** (f/k/a Winchester-Frederick County Association for Retarded Citizens (through 8/15/89) and Northern Shenandoah Valley Association for Retarded Citizens, Inc., The (through 9/15/93))

  Exemption granted by 1992 Acts c. 305.

  Organization currently owns tax parcel numbers 54J-2-3-59, 54J-2 3-60, and 54J-2-3-61, in the Stonewall District, zoned RP.

  Tax assessed value is $307,200.

- **Belle Grove, Inc.***

  Exemption granted by 1998 Acts c. 646.

  Organization currently owns tax parcel numbers 90-A-33A and 90-A-37, in the Back Creek District, zoned RA.

  Tax assessed value is $106,700.

- **Cedar Creek Battlefield Foundation, Inc.**

  Exemption granted by 1990 Acts c. 396.

Organization currently owns tax parcel numbers 90-A-23A, 90-A-23B, 90-A-32A, 90-A-34, 90-A-55, 90-A-59A, and 91-A-28C, in the Back Creek District, zoned RA.

Tax assessed value is $1,135,400.

- **Frederick United Methodist Housing Development**

  Exemption granted by 1990 Acts c. 396.

  Organization currently owns tax parcel number 75-A-80B, in the Shawnee District, zoned RP.

  Tax assessed value is $1,250,300.

- **National Wildlife Federation**

  Exemption granted by 1997 Acts cc. 303, 373.

  Organization currently owns tax parcel number 43-19-31, in the Stonewall District, zoned M1.

  Tax assessed value is $7,614,500.

- **Nature Conservancy***

  Exemption granted by 1974 Acts c. 469.

  Organization currently owns tax parcel numbers 48-A-45 and 48-A-47, in the Back Creek District, zoned RA.

  Tax assessed value is $80,200.

- **NW Works, Inc.** (f/k/a Northwestern Workshop, Inc.)*****

  Exemption granted by 1994 Acts cc. 173, 380.

  Organization currently owns tax parcel number 75-A-1F, in the Back Creek District, zoned M1.

  Tax assessed value is $1,093,200.

- **People-to-People Health Foundation, Inc., The** (a/k/a Project Hope)

  Exemption granted by 1978 Acts c. 704.

  Organization currently owns tax parcel number 64-A-40C, in the Shawnee District, zoned M1.

  Tax assessed value is $871,900.

- **Potomac Appalachian Trail Club**

  Exemption granted by 1973 Acts c. 438.

  Organization currently owns tax parcel numbers 28-A-119A, 48-A-29C, 19-A-41D, 48-A-33A, 48-A-37, 48-A-37A, 48-A-49B, 49-1-2-48, 48-A-37I, and 48-A-37R, in the Back Creek and Gainesboro Districts, zoned RA and R5.

  Tax assessed value is $708,800.

- **Robert E. Rose Memorial Foundation, Inc.**

  Exemption granted by 1998 Acts cc. 343, 646.

  Organization no longer owns property in the County.

- **Salvation Army**

  Exemption granted by 1989 Acts c. 248.

  Organization currently owns tax parcel number 54-A-36F, in the Stonewall District, zoned B2.

  Tax assessed value is $2,442,500.

- **Shalom Et Benedictus, Inc.***

  Exemption granted by 1998 Acts cc. 343, 646.

  Organization no longer owns property in the County. E-mail to such effect received in lieu of Application.

- **Shenandoah Valley Community Residences, Inc.***

  Exemption granted by 1996 Acts c. 751.

  Organization currently owns tax parcel numbers 54N-2-2-32 and 65H-12A-108, in the Stonewall and Redbud Districts, zoned RP.

  Tax assessed value is $508,800.

- **Special Love, Inc.**

  Exemption granted by 1996 Acts c. 751.

  Organization no longer owns property in the County.

- **Stone House Foundation, Inc.***

  Exemption granted by 1992 Acts c. 305.

  Organization currently owns tax parcel numbers 74A03-A-77, 74A03-A-141, 74A03-A-142, 74A03-A-144, and 74A03-A-146, in the Opequon District (Town of Stephens City), zoned B-1 (Town zoning classification).

  Tax assessed value is $918,300.

- **Wayside Foundation for the Arts, Inc.**

  Exemption granted by 1995 Acts cc. 606, 618.

  Organization currently owns tax parcel number 91B-1-B-27, in the Back Creek District (Town of Middletown), zoned B-1 (Town zoning classification).

  Tax assessed value is $681,800.

- **Wayside Museum of American History and Arts**

  Exemption granted by 1996 Acts c. 751.

Organization no longer owns property in the County (transferred the property to the above entity).

- **Westminster-Canterbury of Winchester, Inc.**

  Exemption granted by 1986 Acts c. 619.

  Organization currently owns tax parcel number 53-A-63A, in the Stonewall District, zoned RP.

  Tax assessed value is $17,359,000.

- **Winchester Chapter of the Izaak Walton League**

  Exemption granted by 1993 Acts cc. 309, 821.

  Organization currently owns tax parcel numbers 77-A-72 and 77-A-76A, in the Shawnee District, zoned RA.

  Tax assessed value is $913,900.

- **Youth Development Center***

  Exemption granted by 1992 Acts c. 305.

  Organization currently owns tax parcel number 63-A-110B, in the Back Creek District, zoned M1.

  Tax assessed value is $1,509,100.

<u>No Current Exemption – Organization Submitted Application</u>

- **Civil War Preservation Trust**

  Organization currently owns tax parcel numbers 84-A-72 and 84-4-1, in the Back Creek District, zoned RA. Organization also owns 90 New Middletown lots.

  Tax assessed value is $286,300 (not including New Middletown lots, 83 of which are assessed at $500 each and seven are assessed at $7,500 each).

- **National Trust for Historic Preservation in the United States**

  Organization currently owns tax parcel numbers 90-A-31, 90-A-32, and 90-A-33, in the Back Creek District, zoned RA.

  Tax assessed value is $2,567,800.

Attachments

FREDERICK COUNTY, VIRGINIA
Ellen E. Murphy, Commissioner of the Revenue
P.O. Box 552, Winchester VA 22604-0552
Phone: 540-665-5680 *Fax:* 540-667-6487
www.fcva.us/cor • www.fcva.us/re

DATE: _____

FILE APPLICATION TRIENNIALLY

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

This Application must be completed by Applicants seeking to maintain their existing exemption and new Applicants seeking exemption.

Frederick County Code Section 155-153(B):

Each organization which owns real property exempt from taxation pursuant to designation of the Board of Supervisors or pursuant to designation of the General Assembly shall file triennially, commencing on November 15, 2014, an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. The Commissioner of the Revenue shall send notice of this requirement to each such organization by not later than September 15 preceding the November 15 on which such application is due. Such application shall show the ownership and usage of such property, and such other information as the entity deems desirable, for the property for which retention of such exemption is sought.

*** COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. ***

Organization's Name:	Belle Grove Inc.		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	Kristen Laise	**Phone Number:**	540-869-2028
Contact Title:	Executive Director	**Email:**	klaise@bellegrove.org
Mailing Address:	PO Box 537, Middletown, VA 22645		
Frederick County Location Address:	336 Belle Grove Road, Middletown, VA 22645		
Date Organization Began or Will Begin Operating in Frederick County:			

1. What is the organization's purpose?

Restoration and preservation of Historic House Museum

2. What is the organization's federal tax designation *(select one)*:

☒ 501(c)(3) ☐ 501(c)(4) ☐ 501(c)(6) ☐ 501(c)(7) ☐ Other *[specify]*:

3. How is the organization funded?

Admissions, Grants and Donations

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

Museum house open for tours for residents + visitors.

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
90 A 37	3.3 Acres along route 11 Water Planted	05/2004	Vacant land
90 A 33A	336 Belle Grove Rd. Middletown, VA 22645	07/2012	Overseer's Cottage on Belle Grove Property

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies.

- ☐ **Church or Religious Body or Religious Organization** ***[provide supporting documentation]***
- ☐ **Non-Profit Cemetery**
- ☐ **Library or Non-Profit Institution of Learning**
- ☒ **Museum**
- ☐ **Historic Preservation**
- ☐ **Park**
- ☐ **Playground**
- ☐ **Club, Scouts, or nationally-known helpful organization** ***[specify]***: _____
- ☐ **College Foundation or Alumni Association**
- ☐ **Recognized Farming Association** ***[specify]***: _____
- ☐ **Veterans Association or Auxiliary of same** ***[specify]***: _____

***NOTE*: A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
John Adamson	Chairman	1010 Sandy Hook Rd Strasburg, VA 22657	[redacted]	
Sandra Dunkle	Chairman-Elect	200 Sotheby Ct. Winchester, VA 22602		
James Gable	Treasurer	10027 John S. Mosby Hwy. Upperville, VA 20184		
Deborah Ritenour	Secretary	267 W. Queen St. Strasburg, VA 22657		

DECLARATION AND SIGNATURE

If the real estate owner is a business entity such as a trust, partnership, limited liability company, or corporation, this Application must be signed by a member, partner, executive officer, or other person specifically authorized in writing by the trust, partnership, limited liability company, or corporation to sign. *It is a misdemeanor for any person to willfully subscribe a return which is not believed to be true and correct as to every material matter.* (Code Va. Sec. 58.1-11)

DECLARATION: ***I do swear or affirm under penalty of perjury (1) that the information herein and in any attachment(s) hereto are true, complete, and correct to the best of my knowledge and belief, and (2) that I am the owner or a member, partner, executive officer, or other person specifically authorized in writing to sign this Application and represent the organization during the tax exemption application process.***

Signature	Print Name	☐ Owner OR ☒ If Business, Title: (e.g., President, VP etc.)	Date
Kristen Laise	Kristen Laise	Executive Director	10/27/14

*** * * FOR OFFICE USE ONLY * * ***

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

FREDERICK COUNTY, VIRGINIA
Ellen E. Murphy, Commissioner of the Revenue
P.O. Box 552, Winchester VA 22604-0552
Phone: 540-665-5680 *Fax*: 540-667-6487
www.fcva.us/cor • www.fcva.us/re

DATE: 2014

FILE APPLICATION TRIENNIALLY

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

This Application must be completed by Applicants seeking to maintain their existing exemption and new Applicants seeking exemption.

Frederick County Code Section 155-153(B):

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***** COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. *****

Organization's Name:	Blue Ridge Hospice Inc		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	Cheryl Ringer	**Phone Number:**	540-536-5210
Contact Title:	VP of Finance + CFO	**Email:**	cringer@blueridgehospice.org
Mailing Address:	333 W. Cork St #405 Winchester VA 22601		
Frederick County Location Address:	186 Wincrest Dr. Winchester VA 22601		
Date Organization Began or Will Begin Operating in Frederick County:	1/1/1979		

1. What is the organization's purpose?

Blue Ridge Hospice provides quality end of life care to individuals + their families and to support anyone in the community affected by death, dying + loss.

2. What is the organization's federal tax designation *(select one)*:

☒ 501(c)(3) ☐ 501(c)(4) ☐ 501(c)(6) ☐ 501(c)(7) ☐ Other *[specify]*:

3. How is the organization funded?

Donations/community support, insurance billings

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

Blue Ridge Hospice provides quality end of life care to individuals + their families and to support anyone in the community affected by death, dying + loss.

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*.

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
64 1 8A	186 Wincrest Drive Winchester VA 22601	leased 2/2009 purchased 3/2013	bailing operation for thrift shops to support hospice care for patients that cannot afford it.

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies:

- ☐ **Church or Religious Body or Religious Organization** ***[provide supporting documentation]***
- ☐ **Non-Profit Cemetery**
- ☐ **Library or Non-Profit Institution of Learning**
- ☐ **Museum**
- ☐ **Historic Preservation**
- ☐ **Park**
- ☐ **Playground**
- ☐ **Club, Scouts, or nationally-known helpful organization** ***[specify]***: _____
- ☐ **College Foundation or Alumni Association**
- ☐ **Recognized Farming Association** ***[specify]***: _____
- ☐ **Veterans Association or Auxiliary of same** ***[specify]***: _____
- ☒ healthcare organization

NOTE: **A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
See attached listing				

DECLARATION AND SIGNATURE

If the real estate owner is a business entity such as a trust, partnership, limited liability company, or corporation, this Application must be signed by a member, partner, executive officer, or other person specifically authorized in writing by the trust, partnership, limited liability company, or corporation to sign. *It is a misdemeanor for any person to willfully subscribe a return which is not believed to be true and correct as to every material matter.* (Code Va. Sec. 58.1-11)

DECLARATION: ***I do swear or affirm under penalty of perjury (1) that the information herein and in any attachment(s) hereto are true, complete, and correct to the best of my knowledge and belief, and (2) that I am the owner or a member, partner, executive officer, or other person specifically authorized in writing to sign this Application and represent the organization during the tax exemption application process.***

Cheryl Ringer — *Signature*

Cheryl S. Ringer — *Print Name*

☐ *Owner OR*
☐ *If Business, Title:* VP of Finance/CFO *(e.g., President, VP etc.)*

10/23/14 — *Date*

*** * * FOR OFFICE USE ONLY * * ***

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

BLUE RIDGE Hospice

Board of Directors
2014 - 2015

** Executive Committee

** Chair	**DELMERICO,** Paul General Manager SpecialMade Goods & Services, Inc. 141 Marcel Drive Winchester, VA 22602	[redacted]
**Vice Chair	**KAPLAN,** Mary Ann (Fundrais 116 Cora Lane Stephens City, VA 22655	[redacted]
**Secretary	**BERMAN,** Bethanne 247 Laurel Grove Road Winchester, VA 22602	[redacted]
**Treasurer	**TRUBAN,** Jared PO Box 267 Winchester, VA 22604	[redacted]
**Immediate Past Chair	**MOWERY,** Robert, CPA 5493 Main Street Stephens City, VA	[redacted]
**At Large	****CALEY,** George 223 Jeb Dr Winchester, VA 22602	[redacted]
	****SAYLES,** Lynne (Finance Co First Vice President Wells Fargo Advisors, LLC 201 N Loudoun St. Winchester, VA 22601	[redacted]

**ZEBARTH, Helen
112 Shockey Circle
Winchester, VA 22602

**CARNEVALE, Jr., Ernest J.
President & CEO, Blue Ridge H
723 Galloway Dr.
Leesburg, VA 20175

Directors

**CURRAN, Christopher (Board
487 Bell Lane
Berryville, VA 22611

HARDESTY, John
517 Longmarsh Rd.
Berryville, VA 22611

JACKSON, Mary Jo
Box A
Rectortown, VA 20140

THOMAS, Sherry
920 Breckinridge Lane
Winchester, VA 22601

**YANG, Leonard, MD (Quality
1537 Dalton Place
Winchester, VA 22601

FREDERICK COUNTY, VIRGINIA
Ellen E. Murphy, Commissioner of the Revenue
P.O. Box 552, Winchester VA 22604-0552
Phone: 540-665-5680 *Fax*: 540-667-6487
www.fcva.us/cor • www.fcva.us/re

DATE: 2014

FILE APPLICATION TRIENNIALLY

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

This Application must be completed by Applicants seeking to maintain their existing exemption and new Applicants seeking exemption.

Frederick County Code Section 155-153(B):

Each organization which owns real property exempt from taxation pursuant to designation of the Board of Supervisors or pursuant to designation of the General Assembly shall file triennially, commencing on November 15, 2014, an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. The Commissioner of the Revenue shall send notice of this requirement to each such organization by not later than September 15 preceding the November 15 on which such application is due. Such application shall show the ownership and usage of such property, and such other information as the entity deems desirable, for the property for which retention of such exemption is sought.

***** COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. *****

Organization's Name:	CIVIL WAR PRESERVATION TRUST		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	Kathleen Robertson	**Phone Number:**	202-367-1861 x7209
Contact Title:	Deputy Director of Real Estate	**Email:**	KROBERTSON@CivilWAR.ORG
Mailing Address:	1156 15th St NW Suite 900 Washington DC 20008		
Frederick County Location Address:			
Date Organization Began or Will Begin Operating in Frederick County:	1995		

1. What is the organization's purpose?

The Civil War Preservation Trust is America's largest non-profit dedicated to the preservation of America's Civil War battlefields, as well as educational programs and heritage tourism.

2. What is the organization's federal tax designation *(select one)*:

☒ 501(c)(3) ☐ 501(c)(4) ☐ 501(c)(6) ☐ 501(c)(7) ☐ Other *[specify]*:

3. How is the organization funded?

MEMBERS and other Private donations.

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

Heritage tourism, open space and historic land preservation

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
84-A-72	294 Rienzi Knoll Lane Middletown VA	4/27/12	historic preservation Farm / open space
84-4-1	294 Rienzi Knoll Lane Middletown VA	4/27/12	Farm/open space
(See	attached)		

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies:

- ☐ **Church or Religious Body or Religious Organization** ***[provide supporting documentation]***
- ☐ **Non-Profit Cemetery**
- ☐ **Library or Non-Profit Institution of Learning**
- ☐ **Museum**
- ☑ **Historic Preservation**
- ☐ **Park**
- ☐ **Playground**
- ☐ **Club, Scouts, or nationally-known helpful organization** ***[specify]***: _____
- ☐ **College Foundation or Alumni Association**
- ☐ **Recognized Farming Association** ***[specify]***: _____
- ☐ **Veterans Association or Auxiliary of same** ***[specify]***: _____

***NOTE*: A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization.

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
O. James Lighthizer	President	1156 15th St. NW Suite 900 Washington DC 20005	202-367-1861	JLIGHTHIZER@civilwar.org
Ronald M. Cogswell	Chief Operating Officer	1156 15th St NW Suite 900 Washington DC 20005	202-367-1861	RCOGSWELL@civilwar.org

DECLARATION AND SIGNATURE

If the real estate owner is a business entity such as a trust, partnership, limited liability company, or corporation, this Application must be signed by a member, partner, executive officer, or other person specifically authorized in writing by the trust, partnership, limited liability company, or corporation to sign. *It is a misdemeanor for any person to willfully subscribe a return which is not believed to be true and correct as to every material matter.* (Code Va. Sec. 58.1-11)

DECLARATION: ***I do swear or affirm under penalty of perjury (1) that the information herein and in any attachment(s) hereto are true, complete, and correct to the best of my knowledge and belief, and (2) that I am the owner or a member, partner, executive officer, or other person specifically authorized in writing to sign this Application and represent the organization during the tax exemption application process.***

Signature	Print Name	☐ Owner OR ☐ If Business, Title: (e.g., President, VP etc.)	Date
[signature]	Ronald M. Cogswell	Chief Operating Officer	10/16/14

***** FOR OFFICE USE ONLY *****

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

Tax Map	Property Address	Date Acquired	Use of Property
91A03 147 1	4th and Commerce St	7/31/2014	open space
91A03 147 2	4th and Commerce St	7/31/2014	open space
91A03 147 3	4th and Commerce St	7/31/2014	open space
91A03 147 5	4th and Commerce St	7/31/2014	open space
91A03 147 6	4th and Commerce St	7/31/2014	open space
91A03 147 8	4th and Commerce St	7/31/2014	open space
91A03 147 9	4th and Commerce St	7/31/2014	open space
91A03 147 10	4th and Commerce St	7/31/2014	open space
91A03 147 12	4th and Commerce St	7/31/2014	open space
91A03 147 13	4th and Commerce St	7/31/2014	open space
91A03 147 14	4th and Commerce St	7/31/2014	open space
91A03 147 15	4th and Commerce St	7/31/2014	open space
91A03 147 16	4th and Commerce St	7/31/2014	open space
91A03 147 17	4th and Commerce St	7/31/2014	open space
91A03 147 20	4th and Commerce St	7/31/2014	open space
91A03 147 25	4th and Commerce St	7/31/2014	open space
91A03 147 27	4th and Commerce St	7/31/2014	open space
91A03 147 28	4th and Commerce St	7/31/2014	open space
91A03 147 29	4th and Commerce St	7/31/2014	open space
91A03 147 31	4th and Commerce St	7/31/2014	open space
91A03 147 32	4th and Commerce St	7/31/2014	open space
91A03 147 33	4th and Commerce St	7/31/2014	open space
91A03146 1A	4th and Commerce St	7/31/2014	open space
91A03146 2	4th and Commerce St	7/31/2014	open space
91A03146 3	4th and Commerce St	7/31/2014	open space
91A03146 4	4th and Commerce St	7/31/2014	open space
91A03146 5	4th and Commerce St	7/31/2014	open space
91A03146 7	4th and Commerce St	7/31/2014	open space
91A03146 8	4th and Commerce St	7/31/2014	open space
91A03146 9	4th and Commerce St	7/31/2014	open space
91A03146 10	4th and Commerce St	7/31/2014	open space
91A03 146 11	4th and Commerce St	7/31/2014	open space
91A03 146 12	4th and Commerce St	7/31/2014	open space
91A03 146 13	4th and Commerce St	7/31/2014	open space
91A03 146 14	4th and Commerce St	7/31/2014	open space
91A03 146 15	4th and Commerce St	7/31/2014	open space
91A03 146 16	4th and Commerce St	7/31/2014	open space
91A03 146 17	4th and Commerce St	7/31/2014	open space
91A03 146 18	4th and Commerce St	7/31/2014	open space
91A03 146 20	4th and Commerce St	7/31/2014	open space
91A03 146 25	4th and Commerce St	7/31/2014	open space
91A03 146 26	4th and Commerce St	7/31/2014	open space
91A03 146 27	4th and Commerce St	7/31/2014	open space
91A03 146 28	4th and Commerce St	7/31/2014	open space
91A03 146 29	4th and Commerce St	7/31/2014	open space
91A03 146 30	4th and Commerce St	7/31/2014	open space
91A03 146 31	4th and Commerce St	7/31/2014	open space
91A03 146 32	4th and Commerce St	7/31/2014	open space
91A03 146 33	4th and Commerce St	7/31/2014	open space
91A03 146 34	4th and Commerce St	7/31/2014	open space
91A03 146 35	4th and Commerce St	7/31/2014	open space
91A03 146 36	4th and Commerce St	7/31/2014	open space
91A03 146 37	4th and Commerce St	7/31/2014	open space
91A03 146 38	4th and Commerce St	7/31/2014	open space
91A03 146 39	4th and Commerce St	7/31/2014	open space
91A03 146 40	4th and Commerce St	7/31/2014	open space
91A03 146 41	4th and Commerce St	7/31/2014	open space
91A03 146 42	4th and Commerce St	7/31/2014	open space
91A03 146 43	4th and Commerce St	7/31/2014	open space
91A03 146 44	4th and Commerce St	7/31/2014	open space
91A03 145 1	4th and Commerce St	7/31/2014	open space
91A03 145 2	4th and Commerce St	7/31/2014	open space
91A03 145 3	4th and Commerce St	7/31/2014	open space
91A03 145 4	4th and Commerce St	7/31/2014	open space
91A03 145 5	4th and Commerce St	7/31/2014	open space
91A03 145 6	4th and Commerce St	7/31/2014	open space
91A03 145 7	4th and Commerce St	7/31/2014	open space
91A03 145 8	4th and Commerce St	7/31/2014	open space
91A03 145 9	4th and Commerce St	7/31/2014	open space
91A03 145 10	4th and Commerce St	7/31/2014	open space
91A03 145 11	4th and Commerce St	7/31/2014	open space
91A03 145 12	4th and Commerce St	7/31/2014	open space
91A03 145 25	4th and Commerce St	7/31/2014	open space
91A03 145 26	4th and Commerce St	7/31/2014	open space
91A03 145 27	4th and Commerce St	7/31/2014	open space
91A03 145 28	4th and Commerce St	7/31/2014	open space
91A03 145 29	4th and Commerce St	7/31/2014	open space
91A03 145 31	4th and Commerce St	7/31/2014	open space
91A03 145 32	4th and Commerce St	7/31/2014	open space
91A03 145 33	4th and Commerce St	7/31/2014	open space
91A03 145 35	4th and Commerce St	7/31/2014	open space
91A03 145 36	4th and Commerce St	7/31/2014	open space
91A03 145 37	4th and Commerce St	7/31/2014	open space
91A03 145 38	4th and Commerce St	7/31/2014	open space
91A03 145 39	4th and Commerce St	7/31/2014	open space
91A03 145 40	4th and Commerce St	7/31/2014	open space
91A03 145 41	4th and Commerce St	7/31/2014	open space
91A03 145 42	4th and Commerce St	7/31/2014	open space
91A03 145 46	4th and Commerce St	7/31/2014	open space
91A03 145 48	4th and Commerce St	7/31/2014	open space

FREDERICK COUNTY, VIRGINIA
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DATE: _____

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

This Application must be completed by Applicants seeking to maintain their existing exemption and new Applicants seeking exemption.

Frederick County Code Section 155-153(B):

Each organization which owns real property exempt from taxation pursuant to designation of the Board of Supervisors or pursuant to designation of the General Assembly shall file triennially, commencing on November 15, 2014, an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. The Commissioner of the Revenue shall send notice of this requirement to each such organization by not later than September 15 preceding the November 15 on which such application is due. Such application shall show the ownership and usage of such property, and such other information as the entity deems desirable, for the property for which retention of such exemption is sought.

* * * COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. * * *

Organization's Name:	Fort Collier Civil War Center		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	John V. Stevens	Phone Number:	540 327-7403
Contact Title:	Chairman	Email:	jstevens@su.edu
Mailing Address:			
Frederick County Location Address:	922 Martinsburg Pike		
Date Organization Began or Will Begin Operating in Frederick County:	May [redacted] 2003		

1. What is the organization's purpose?

Historical Preservation

2. What is the organization's federal tax designation (select one):

☑ 501(c)(3) ☐ 501(c)(4) ☐ 501(c)(6) ☐ 501(c)(7) ☐ Other *(specify)*:

3. How is the organization funded?

Donations, Grants, Rental of Facilities

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

Living History, Events, FCCWC open for Public

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
54-A-816	FCCWC 922 Martinsburg Pike	2003	House & Grounds open to Public
56 A 18	Millbank 3402 Berryville Pike	2013	Restoration of Millbank

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies:

- ☐ Church or Religious Body or Religious Organization *[provide supporting documentation]*
- ☐ Non-Profit Cemetery
- ☐ Library or Non-Profit Institution of Learning
- ☐ Museum
- ☑ Historic Preservation
- ☐ Park
- ☐ Playground
- ☐ Club, Scouts, or nationally-known helpful organization *[specify]*: _____
- ☐ College Foundation or Alumni Association
- ☐ Recognized Farming Association *[specify]*: _____
- ☐ Veterans Association or Auxiliary of same *[specify]*: _____

NOTE: **A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
John Stevens	Chairman of Board	324 Roundhill Winchester 22602	[redacted]	
Katherine Solenberger	President	922 Mastansburg Pike		

DECLARATION AND SIGNATURE

If the real estate owner is a business entity such as a trust, partnership, limited liability company, or corporation, this Application must be signed by a member, partner, executive officer, or other person specifically authorized in writing by the trust, partnership, limited liability company, or corporation to sign. *It is a misdemeanor for any person to willfully subscribe a return which is not believed to be true and correct as to every material matter.* (Code Va. Sec. 58.1-11)

DECLARATION: ***I do swear or affirm under penalty of perjury (1) that the information herein and in any attachment(s) hereto are true, complete, and correct to the best of my knowledge and belief, and (2) that I am the owner or a member, partner, executive officer, or other person specifically authorized in writing to sign this Application and represent the organization during the tax exemption application process.***

[signature]	John V. Stevens	☐ Owner OR ☑ If Business, Title: Chairman	10/10/14
Signature	Print Name	(e.g., President, VP etc.)	Date

***** FOR OFFICE USE ONLY *****

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

10/10/2002 1:12 PM FAX 5405457342 AUXILIARYSERVICES 0001/0001

FREDERICK COUNTY, VIRGINIA
Ellen E. Murphy, Commissioner of the Revenue
P.O. Box 552, Winchester VA 22604-0552
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DATE: _____

FILE APPLICATION TRIENNIALLY

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

This Application must be completed by Applicants seeking to maintain their existing exemption and new Applicants seeking exemption.

Frederick County Code Section 155-153(B):

Each organization which owns real property exempt from taxation pursuant to designation of the Board of Supervisors or pursuant to designation of the General Assembly shall file triennially, commencing on November 15, 2014, an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. The Commissioner of the Revenue shall send notice of this requirement to each such organization by not later than September 15 preceding the November 15 on which such application is due. Such application shall show the ownership and usage of such property, and such other information as the entity deems desirable, for the property for which retention of such exemption is sought.

*** * * COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. * * ***

Organization's Name:	FORT COLLIER CIVIL WAR CENTER INC		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	Katherine Solenberger	**Phone Number:**	540 323-0221
Contact Title:	President	**Email:**	KSW@ntelos.net
Mailing Address:	1454 Apple Pie Ridge Rd Winchester VA 22603		
Frederick County Location Address:	922 Martinsburg Pike		
Date Organization Began or Will Begin Operating in Frederick County:	2000		

1. What is the organization's purpose?

Fort Collier Civil War Center is established to provide Civil War Education & preservation of Civil War resources in the Winchester Fred. Co. Area

2. What is the organization's federal tax designation *(select one)*:

☒ 501(c)(3) ☐ 501(c)(4) ☐ 501(c)(6) ☐ 501(c)(7) ☐ Other *[specify]*:

3. How is the organization funded?

Fort Collier is funded through membership contributions & rental income

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

Fort Collier is actively providing access & preservation to the Fort and community events.

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
54-A-81G	922 Martinsburg Pike	2001	historical preservation

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies:

- ☐ **Church or Religious Body or Religious Organization** ***[provide supporting documentation]***
- ☐ **Non-Profit Cemetery**
- ☐ **Library or Non-Profit Institution of Learning**
- ☐ **Museum**
- ☑ **Historic Preservation**
- ☐ **Park**
- ☐ **Playground**
- ☐ **Club, Scouts, or nationally-known helpful organization** ***[specify]***: _____
- ☐ **College Foundation or Alumni Association**
- ☐ **Recognized Farming Association** ***[specify]***: _____
- ☐ **Veterans Association or Auxiliary of same** ***[specify]***: _____

***NOTE*: A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
Katherine Solenberger	President	1454 Apple Pie Ridge 22603	[redacted]	
John Stevens	chairman	1460 University Drive Winc. 22601		

DECLARATION AND SIGNATURE

If the real estate owner is a business entity such as a trust, partnership, limited liability company, or corporation, this Application must be signed by a member, partner, executive officer, or other person specifically authorized in writing by the trust, partnership, limited liability company, or corporation to sign. *It is a misdemeanor for any person to willfully subscribe a return which is not believed to be true and correct as to every material matter.* (Code Va. Sec. 58.1-11)

DECLARATION: ***I do swear or affirm under penalty of perjury (1) that the information herein and in any attachment(s) hereto are true, complete, and correct to the best of my knowledge and belief, and (2) that I am the owner or a member, partner, executive officer, or other person specifically authorized in writing to sign this Application and represent the organization during the tax exemption application process.***

[signature] — *Signature*

Katherine Solenberger — *Print Name*

☐ *Owner OR*
☐ *If Business, Title:* President *(e.g., President, VP etc.)*

10/31/14 — *Date*

*** * * FOR OFFICE USE ONLY * * ***

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

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APPLICATION FOR REAL PROPERTY TAX EXEMPTION

This Application must be completed by Applicants seeking to maintain their existing exemption and new Applicants seeking exemption.

Frederick County Code Section 155-153(B):

Each organization which owns real property exempt from taxation pursuant to designation of the Board of Supervisors or pursuant to designation of the General Assembly shall file triennially, commencing on November 15, 2014, an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. The Commissioner of the Revenue shall send notice of this requirement to each such organization by not later than September 15 preceding the November 15 on which such application is due. Such application shall show the ownership and usage of such property, and such other information as the entity deems desirable, for the property for which retention of such exemption is sought.

*** COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. ***

Organization's Name:	Kernstown Battlefield Association, Inc.		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	Gary Crawford	**Phone Number:**	540-869-2896
Contact Title:	President	**Email:**	gcrawford@kernstownbattle.org
Mailing Address:	P.O. Box 1327, Winchester, VA 22603		
Frederick County Location Address:	2877 Middle Road, Winchester, VA 22602		
Date Organization Began or Will Begin Operating in Frederick County:	2000		

1. What is the organization's purpose?

To preserve, protect and present the Kernstown Battlefield (Pritchard-Grim farm) to current and all future generations.

2. What is the organization's federal tax designation *(select one)*:

☑ 501(c)(3) ☐ 501(c)(4) ☐ 501(c)(6) ☐ 501(c)(7) ☐ Other *[specify]*:

3. How is the organization funded?

Donations and membership dues.

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

Provides regular free access for the public to explore the site of three significant Civil War battles. Also provides venue for school cross-country events

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
63 A 6A	2877 Middle Rd. Winch. VA	2000	Historic Preservation,
63 A 7A	" " " " "	2000	cattle grazing, Hay.
63 A 18	" " " " "	2000	
63 A 18A	" " " " "	2000	
63 A 18B	" " " " "	2000	
63 A 18C	" " " " "	2000	
63 A 18D	" " " " "	2000	

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies:

- ☐ **Church or Religious Body or Religious Organization** ***[provide supporting documentation]***
- ☐ **Non-Profit Cemetery**
- ☐ **Library or Non-Profit Institution of Learning**
- ☐ **Museum**
- ☑ **Historic Preservation**
- ☐ **Park**
- ☐ **Playground**
- ☐ **Club, Scouts, or nationally-known helpful organization** ***[specify]***: _____
- ☐ **College Foundation or Alumni Association**
- ☐ **Recognized Farming Association** ***[specify]***: _____
- ☐ **Veterans Association or Auxiliary of same** ***[specify]***: _____

***NOTE*: A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
Crawford, Gary	President	195 Minebank Rd. Middletown, VA 22645	[redacted]	
Powers, Dr. David	Vice President	1389 Apple Pie Ridge Rd. Winchester, VA 22603		
Vaughn, Steven	Treasurer	112 Coopers Lane Winchester, VA 22602		
Hagan, Dr Charles	Secretary	199 Canter Court Winchester, VA 22602		

DECLARATION AND SIGNATURE

If the real estate owner is a business entity such as a trust, partnership, limited liability company, or corporation, this Application must be signed by a member, partner, executive officer, or other person specifically authorized in writing by the trust, partnership, limited liability company, or corporation to sign. *It is a misdemeanor for any person to willfully subscribe a return which is not believed to be true and correct as to every material matter.* (Code Va. Sec. 58.1-11)

DECLARATION: ***I do swear or affirm under penalty of perjury (1) that the information herein and in any attachment(s) hereto are true, complete, and correct to the best of my knowledge and belief, and (2) that I am the owner or a member, partner, executive officer, or other person specifically authorized in writing to sign this Application and represent the organization during the tax exemption application process.***

Signature	Print Name	☐ Owner OR ☑ If Business, Title: (e.g., President, VP etc.)	Date
[signature]	Gary Crawford	President	05 Nov. 2014

*** * * FOR OFFICE USE ONLY * * ***

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

(Rev. 10/2014)

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APPLICATION FOR REAL PROPERTY TAX EXEMPTION

This Application must be completed by Applicants seeking to maintain their existing exemption and new Applicants seeking exemption.

Frederick County Code Section 155-153(B):

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*** COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. ***

Organization's Name:	Leary Educational Foundation, Inc		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	Robbie Merchant	**Phone Number:**	540-888-3456
Contact Title:	Director of Financial Services	**Email:**	merchant@trschool.org
Mailing Address:	POB 3160 Winchester VA 22604		
Frederick County Location Address:	1463 New Hope Rd Cross Junction, VA 22624		
Date Organization Began or Will Begin Operating in Frederick County:	1969		

1. What is the organization's purpose?

Residential School serving 11-22 year olds with a history of serious emotional, learning & behavioral difficulties.

2. What is the organization's federal tax designation *(select one)*:

☒ 501(c)(3) ☐ 501(c)(4) ☐ 501(c)(6) ☐ 501(c)(7) ☐ Other *[specify]*:

3. How is the organization funded?

Virginia CSA, Virginia Public Schools, West Virginia DHHR & DOE, Medicaid, Donations

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

Mental health for & educating troubled youth

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
06 A 18	1463 New Hope Rd Crossjunct VA 22624	7/6/94	CAMPUS - Residential School
11 A 36	"	4/17/00	CAMPUS - Residential School
06 A 17	1340 New Hope Rd Crossjun VA 22624	1/25/2005	CAMPUS - Residential School

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies:

- ☐ **Church or Religious Body or Religious Organization** ***[provide supporting documentation]***
- ☐ **Non-Profit Cemetery**
- ☒ **Library or Non-Profit Institution of Learning**
- ☐ **Museum**
- ☐ **Historic Preservation**
- ☐ **Park**
- ☐ **Playground**
- ☐ **Club, Scouts, or nationally-known helpful organization** ***[specify]***: _____
- ☐ **College Foundation or Alumni Association**
- ☐ **Recognized Farming Association** ***[specify]***: _____
- ☐ **Veterans Association or Auxiliary of same** ***[specify]***: _____

***NOTE*: A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
TROY CLEMBOT	CHAIRMAN OF BOARD	POB 360 Winchester VA 22604	540 888-3456	
PATRICIA TAYLOR	VICE CHAIR	"	"	
Dennis McLoughlin	Secretary/Treas	"	"	
John Lomanno	Executive Director	"	"	

DECLARATION AND SIGNATURE

If the real estate owner is a business entity such as a trust, partnership, limited liability company, or corporation, this Application must be signed by a member, partner, executive officer, or other person specifically authorized in writing by the trust, partnership, limited liability company, or corporation to sign. *It is a misdemeanor for any person to willfully subscribe a return which is not believed to be true and correct as to every material matter.* (Code Va. Sec. 58.1-11)

DECLARATION: ***I do swear or affirm under penalty of perjury (1) that the information herein and in any attachment(s) hereto are true, complete, and correct to the best of my knowledge and belief, and (2) that I am the owner or a member, partner, executive officer, or other person specifically authorized in writing to sign this Application and represent the organization during the tax exemption application process.***

Signature	Print Name	☐ Owner OR ☒ If Business, Title: Executive Director (e.g., President, VP etc.)	Date 10/15/2014

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Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

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APPLICATION FOR REAL PROPERTY TAX EXEMPTION

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Frederick County Code Section 155-153(B):

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*** * * COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. * * ***

Organization's Name:	National Trust for Historic Preservation in the United States		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	Ross M. Bradford	**Phone Number:**	202-588-6252
Contact Title:	Senior Associate General Counsel	**Email:**	rbradford@savingplaces.org
Mailing Address:	2600 Virginia Avenue, NW, Suite 1000, Washington, DC 20037		
Frederick County Location Address:	336 Belle Grove Road, Middletown, VA, 22645		
Date Organization Began or Will Begin Operating in Frederick County:	**1968**		

1. What is the organization's purpose?

The National Trust for Historic Preservation is a privately funded nonprofit organization that works to save America's historic places. From our headquarters in Washington, D.C. and our 13 field offices, we take direct, on-the-ground action when historic sites are threatened. Our work helps build vibrant, sustainable communities. We facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest. We advocate with governments to save America's heritage, and we strive to create a cultural legacy that is as diverse as the nation itself so all of us can take pride in our part of the American story.

2. What is the organization's federal tax designation *(select one)*:

X **501(c)(3)** ☐ **501(c)(4)** ☐ **501(c)(6)** ☐ **501(c)(7)** ☐ **Other *[specify]*:**

3. How is the organization funded?

Privately Funded

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

We own a historic site that is open to the public that is operated by Belle Grove, Inc. The house is open for tours to residents and visitors of Frederick County.

5. **Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:**

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
90 A 32	420 BELLE GROVE RD	5/12/1964	Open Space, Pastureland, Viewshed Protection, Event Space Activities at Belle Grove
90 A 31	336 BELLE GROVE RD	5/12/1964	Historic House Museum (Belle Grove) Open to the Public
90 A 33	291 BELLE GROVE RD	8/3/2000	Open Space, Pastureland, Viewshed Protection

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies:

☐ **Church or Religious Body or Religious Organization** ***[provide supporting documentation]***

☐ **Non-Profit Cemetery**

☐ **Library or Non-Profit Institution of Learning**

X **Museum**

X **Historic Preservation**

☐ **Park**

☐ **Playground**

☐ **Club, Scouts, or nationally-known helpful organization** ***[specify]***: _____

☐ **College Foundation or Alumni Association**

☐ **Recognized Farming Association** ***[specify]***: _____

☐ **Veterans Association or Auxiliary of same** ***[specify]***: _____

***NOTE*: A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
STEPHANIE MEEKS	PRESIDENT	2600 VIRGINIA AVENUE, NW, SUITE 1000, WASHINGTON, DC 20037	202-588-6000	SMEEKS@SAVINGPLACES.ORG
DAVID BROWN	EXECUTIVE VICE PRESIDENT AND CHIEF PRESERVATION OFFICER	2600 VIRGINIA AVENUE, NW, SUITE 1000, WASHINGTON, DC 20037	202-588-6000	DBROWN@SAVINGPLACES.ORG
PAUL EDMONDSON	CHIEF LEGAL OFFICER	2600 VIRGINIA AVENUE, NW, SUITE 1000, WASHINGTON, DC 20037	202-588-6000	PEDMONDSON@SAVINGPLACES.ORG
MICHAEL FORSTER	CHIEF FINANCIAL AND ADMINISTRATIVE OFFICER	2600 VIRGINIA AVENUE, NW, SUITE 1000, WASHINGTON, DC 20037	202-588-6000	MFORSTER@SAVINGPLACES.ORG

DECLARATION AND SIGNATURE

If the real estate owner is a business entity such as a trust, partnership, limited liability company, or corporation, this Application must be signed by a member, partner, executive officer, or other person specifically authorized in writing by the trust, partnership, limited liability company, or corporation to sign. *It is a misdemeanor for any person to willfully subscribe a return which is not believed to be true and correct as to every material matter.* (Code Va. Sec. 58.1-11)

DECLARATION: ***I do swear or affirm under penalty of perjury (1) that the information herein and in any attachment(s) hereto are true, complete, and correct to the best of my knowledge and belief, and (2) that I am the owner or a member, partner, executive officer, or other person specifically authorized in writing to sign this Application and represent the organization during the tax exemption application process.***

☐ *Owner OR*

Paul W. Edmondson — *Signature*

Paul W. Edmondson — *Print Name*

x *If Business, Title:* Chief Legal Officer *(e.g., President, VP etc.)*

10/30/2014 — *Date*

*** * * FOR OFFICE USE ONLY * * ***

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

FREDERICK COUNTY, VIRGINIA
Ellen E. Murphy, Commissioner of the Revenue
P.O. Box 552, Winchester VA 22604-0552
Phone: 540-665-5680 *Fax*: 540-667-6487
www.fcva.us/cor • www.fcva.us/re

DATE: 10/3/14

FILE APPLICATION TRIENNIALLY

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

This Application must be completed by Applicants seeking to maintain their existing exemption and new Applicants seeking exemption.

Frederick County Code Section 155-153(B):

Each organization which owns real property exempt from taxation pursuant to designation of the Board of Supervisors or pursuant to designation of the General Assembly shall file triennially, commencing on November 15, 2014, an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. The Commissioner of the Revenue shall send notice of this requirement to each such organization by not later than September 15 preceding the November 15 on which such application is due. Such application shall show the ownership and usage of such property, and such other information as the entity deems desirable, for the property for which retention of such exemption is sought.

*** * * COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. * * ***

Organization's Name:	The Nature Conservancy		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	Sam G. Lindblom	**Phone Number:**	434-951-0580
Contact Title:	Director of Land Mgmt	**Email:**	slindblom@tnc.org
Mailing Address:	490 Westfield Road Charlottesville, VA 22901		
Frederick County Location Address:	SE of Rt 704, near Hunters/Forest Lane		
Date Organization Began or Will Begin Operating in Frederick County:			

1. What is the organization's purpose?

Nature Preservation, Natural area management

2. What is the organization's federal tax designation *(select one)*:

☒ 501(c)(3) ☐ 501(c)(4) ☐ 501(c)(6) ☐ 501(c)(7) ☐ Other *[specify]*:

3. How is the organization funded?

Private fundraising, non-profit

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

This property is managed for TNC by the Potomac Appalachian Trail Club, which maintains many miles of hiking trails in the county

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies:

- ☐ **Church or Religious Body or Religious Organization** ***[provide supporting documentation]***
- ☐ **Non-Profit Cemetery**
- ☐ **Library or Non-Profit Institution of Learning**
- ☐ **Museum**
- ☐ **Historic Preservation**
- ☒ **Park**
- ☐ **Playground**
- ☐ **Club, Scouts, or nationally-known helpful organization** ***[specify]***: _____
- ☐ **College Foundation or Alumni Association**
- ☐ **Recognized Farming Association** ***[specify]***: _____
- ☐ **Veterans Association or Auxiliary of same** ***[specify]***: _____

***NOTE*: A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
Same as contact info on first page				

DECLARATION AND SIGNATURE

If the real estate owner is a business entity such as a trust, partnership, limited liability company, or corporation, this Application must be signed by a member, partner, executive officer, or other person specifically authorized in writing by the trust, partnership, limited liability company, or corporation to sign. *It is a misdemeanor for any person to willfully subscribe a return which is not believed to be true and correct as to every material matter.* (Code Va. Sec. 58.1-11)

DECLARATION: ***I do swear or affirm under penalty of perjury (1) that the information herein and in any attachment(s) hereto are true, complete, and correct to the best of my knowledge and belief, and (2) that I am the owner or a member, partner, executive officer, or other person specifically authorized in writing to sign this Application and represent the organization during the tax exemption application process.***

Signature	Print Name	☐ Owner OR ☐ If Business, Title: (e.g., President, VP etc.)	Date
[signature]	Sam Lindblom	Dir. of Land Mgmt	10/31/14

***** FOR OFFICE USE ONLY *****

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

FREDERICK COUNTY, VIRGINIA
Ellen E. Murphy, Commissioner of the Revenue
P.O. Box 552, Winchester VA 22604-0552
Phone: 540-665-5680 *Fax*: 540-667-6487
www.fcva.us/cor • www.fcva.us/re

DATE: 2014

FILE APPLICATION TRIENNIALLY

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

This Application must be completed by Applicants seeking to maintain their existing exemption and new Applicants seeking exemption.

Frederick County Code Section 155-153(B):

Each organization which owns real property exempt from taxation pursuant to designation of the Board of Supervisors or pursuant to designation of the General Assembly shall file triennially, commencing on November 15, 2014, an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. The Commissioner of the Revenue shall send notice of this requirement to each such organization by not later than September 15 preceding the November 15 on which such application is due. Such application shall show the ownership and usage of such property, and such other information as the entity deems desirable, for the property for which retention of such exemption is sought.

*** * * COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. * * ***

Organization's Name:	NW Works, Inc		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	John Brauer	**Phone Number:**	540-313-9408
Contact Title:	CEO	**Email:**	jbrauer@nwworks.com
Mailing Address:	3085 Shawnee Drive, Winchester VA 22601		
Frederick County Location Address:	Shady Elm, Map #54-A-81D		
Date Organization Began or Will Begin Operating in Frederick County:	1970		

1. What is the organization's purpose?

To assist individuals with disabilities to select, secure and sustain valued employment and training.

2. What is the organization's federal tax designation *(select one)*:

☑ 501(c)(3) ☐ 501(c)(4) ☐ 501(c)(6) ☐ 501(c)(7) ☐ Other *(specify)*:

3. How is the organization funded?

Medicaid, Dept of Rehabilitation, grants, business income

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

providing paid work and training to individuals with disabilities. the NWW program also allows parents of individuals to work

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
54-A-81D	Shady Elm Rd	9/12/07	Currently not in use. Hope to sell to a for-profit entity.

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies:

- ☐ **Church or Religious Body or Religious Organization *[provide supporting documentation]***
- ☐ **Non-Profit Cemetery**
- ☒ **Library or Non-Profit Institution of Learning**
- ☐ **Museum**
- ☐ **Historic Preservation**
- ☐ **Park**
- ☐ **Playground**
- ☐ **Club, Scouts, or nationally-known helpful organization *[specify]*: _____**
- ☐ **College Foundation or Alumni Association**
- ☐ **Recognized Farming Association *[specify]*: _____**
- ☐ **Veterans Association or Auxiliary of same *[specify]*: _____**

***NOTE*: A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
See attached				

DECLARATION AND SIGNATURE

If the real estate owner is a business entity such as a trust, partnership, limited liability company, or corporation, this Application must be signed by a member, partner, executive officer, or other person specifically authorized in writing by the trust, partnership, limited liability company, or corporation to sign. *It is a misdemeanor for any person to willfully subscribe a return which is not believed to be true and correct as to every material matter.* (Code Va. Sec. 58.1-11)

DECLARATION: ***I do swear or affirm under penalty of perjury (1) that the information herein and in any attachment(s) hereto are true, complete, and correct to the best of my knowledge and belief, and (2) that I am the owner or a member, partner, executive officer, or other person specifically authorized in writing to sign this Application and represent the organization during the tax exemption application process.***

Signature	Print Name	☐ Owner OR ☒ If Business, Title: (e.g., President, VP etc.)	Date
	John Brauer	CEO	10/27/14

*** * * FOR OFFICE USE ONLY * * ***

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

Board of Directors
July 1, 2014 – June 30, 2015

[redacted]

Officers:

President
Andrea Koenker
500 Jefferson Street
Winchester, VA 22601
[redacted]

Vice President
Jason Aikens
382 Creola Drive
Winchester, VA 22603
[redacted]

Secretary
Joe Graber
37388 Hunt Valley Lane
Purcellville, Virginia 20132
[redacted]

Treasurer
Ellen Mason
512 Courtfield Avenue
Winchester, VA 22601
[redacted]

Members:

Fred Anderson
160 Darby Drive
Winchester, VA 22602
[redacted]

Revised: 8/20/2013

Douglas Butler
646 Ewell Street
Winchester, VA 22601
[redacted]

Toni Cary
113 Berkshire Circle
Winchester, VA 22601
[redacted]

C. Bruce Dawson
1833 Handley Avenue
Winchester, VA 22601
[redacted]

Pat Dawson
1833 Handley Avenue
Winchester, VA 22601
[redacted]

Amy B. Fox
20209 St. Louis Road
Purcellville, VA 20132
[redacted]

Ben Hallam
1586 Jordan Springs Road
Stephenson, VA 22656
[redacted]

Revised: 8/20/2013

Rick Hardy
73 Niblick Court
Martinsburg, WV 25405

Lawrence (Larry) Kelly
313 Clydesdale Drive
Stephens City, VA 22655

Kelly Kremer
827 Armistead Street
Winchester, VA 22601

Rick Learn
221 Darby Drive
Winchester,VA 22602

Stephen Maclin
46 S. Loudoun Street
Winchester, VA 22601

H. Paige Manuel
118 Armstrong Place
Winchester, VA 22602

Lisa Rutherford
First Bank
112 W. King Street
Strasburg, VA 22657

Revised: 8/20/2013

Tom Tarrant
1633 Van Couver Street
Winchester, VA 22601
[redacted]

James C. Youngblood
181 Liza Kates Lane
Winchester, VA 22603
[redacted]

Staff Contact:

John Brauer, CEO
[redacted]
540-313-9408 (Work)
540-722-4710 (Fax)
Email: jbrauer@nwworks.com

Glenda Anderson, Executive Director
[redacted]
540-313-9407 (Work)
540-722-4710 (Fax)
Email: ganderson@nwworks.com

Betsey Anderson, Director of Administration
[redacted]
540-313-9406 (Work)
540-722-4710 (Fax)
Email: banderson@nwworks.com

Scott Dawson, Director of Business Enterprises
[redacted]
540-313-9403 (Work)
540-722-4710 (Fax)
Email: sdawson@nwworks.com

Luana Murray, Director of Finance
[redacted]
540-313-9414 (Work)
540-722-4710
Email: lmurray@nwworks.com

Revised: 8/20/2013

Ellen Murphy

From: Nick [redacted]
Sent: Monday, October 13, 2014 2:35 PM
To: Ellen Murphy
Subject: Shalom Et Benedictus, Inc.

Ellen: My wife Kathy received a letter about Shalom Et Benedictus filing an exempt status form. That organization has been dissolved for over ten years. Please update the county records to reflect their non-status. Thank you, Nick Nerangis

FREDERICK COUNTY, VIRGINIA
Ellen E. Murphy, Commissioner of the Revenue
P.O. Box 552, Winchester VA 22604-0552
Phone: 540-665-5680 *Fax*: 540-667-6487
www.fcva.us/cor • www.fcva.us/re

DATE: 2014

FILE APPLICATION TRIENNIALLY

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

This Application must be completed by Applicants seeking to maintain their existing exemption and new Applicants seeking exemption.

Frederick County Code Section 155-153(B):

Each organization which owns real property exempt from taxation pursuant to designation of the Board of Supervisors or pursuant to designation of the General Assembly shall file triennially, commencing on November 15, 2014, an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. The Commissioner of the Revenue shall send notice of this requirement to each such organization by not later than September 15 preceding the November 15 on which such application is due. Such application shall show the ownership and usage of such property, and such other information as the entity deems desirable, for the property for which retention of such exemption is sought.

*** * * COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. * * ***

Organization's Name:	Shenandoah Valley Community Residences, Inc.		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	Ralph Combs, Jr.	**Phone Number:**	(540) 536-0337
Contact Title:	Executive Director	**Email:**	ralphcombs@svcr.org
Mailing Address:	301 N. Cameron St., Suite 103, Winchester VA 22601		
Frederick County Location Address:	#5 (below)		
Date Organization Began or Will Begin Operating in Frederick County:	1995		

1. What is the organization's purpose?

To provide education, training and services to intellectually disabled citizens of the Commonwealth by operating community-integrated residential settings and associated support services for adults with mental retardation.

2. What is the organization's federal tax designation *(select one)*:

☑ 501(c)(3) ☐ 501(c)(4) ☐ 501(c)(6) ☐ 501(c)(7) ☐ Other *[specify]*:

3. How is the organization funded?

79% Medicaid, 3% State, 11% client fees, 7% contributions + investment income

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

Intellectually disabled citizens are being served in the most integrated settings appropriate to meet their needs consistent with their choice.

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
65H 12A 108	123 Wickham Terrace	3-15-2010	Virginia DBHDS-licensed group home for 8 adult women.
54N 22 32	100 Fortress Drive	7-28-2004	Virginia DBHDS-licensed group home for 6 adult men.

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies:

- ☐ **Church or Religious Body or Religious Organization** ***[provide supporting documentation]***
- ☐ **Non-Profit Cemetery**
- ☐ **Library or Non-Profit Institution of Learning** 501 c (3)
- ☐ **Museum** 1996 Session General Assembly of Virginia
- ☐ **Historic Preservation** 58.1-3650.650 through 58.1-3650.684
- ☐ **Park** (see attached)
- ☐ **Playground**
- ☐ **Club, Scouts, or nationally-known helpful organization** ***[specify]***: _____
- ☐ **College Foundation or Alumni Association**
- ☐ **Recognized Farming Association** ***[specify]***: _____
- ☐ **Veterans Association or Auxiliary of same** ***[specify]***: _____

***NOTE*: A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
Ellen E. Murphy	President	c/o SVCR, Inc. 301 N. Cameron St. Suite 103 Winchester VA 22601	(540) 665-5681	emurphye fcva.us

DECLARATION AND SIGNATURE

If the real estate owner is a business entity such as a trust, partnership, limited liability company, or corporation, this Application must be signed by a member, partner, executive officer, or other person specifically authorized in writing by the trust, partnership, limited liability company, or corporation to sign. *It is a misdemeanor for any person to willfully subscribe a return which is not believed to be true and correct as to every material matter.* (Code Va. Sec. 58.1-11)

DECLARATION: ***I do swear or affirm under penalty of perjury (1) that the information herein and in any attachment(s) hereto are true, complete, and correct to the best of my knowledge and belief, and (2) that I am the owner or a member, partner, executive officer, or other person specifically authorized in writing to sign this Application and represent the organization during the tax exemption application process.***

Signature	Print Name	☐ Owner OR ☑ If Business, Title: (e.g., President, VP etc.)	Date
[signature]	Ralph H. Combs, Jr.	Executive Director	10/23/14

***** FOR OFFICE USE ONLY *****

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

DIGEST OF THE ACTS

OF THE

GENERAL ASSEMBLY OF VIRGINIA

AT THE

1996 SESSION

which commenced at the Capitol in the City of Richmond
on January 10, 1996, and adjourned sine die March 11, 1996

Published for

THE VIRGINIA CODE COMMISSION

by

THE DIVISION OF LEGISLATIVE SERVICES

Commonwealth of Virginia
Virginia Code Commission
General Assembly Building
Richmond, Virginia 23219
1996

lease to pay the personal property tax on the vehicle. SB 108; CH. 603.

§ 58.1-3506 amended. Classifications of tangible personal property of volunteer public safety workers. Authorizes commissioners of revenue to accept late certifications from persons applying for certain personal property tax classifications. Currently, persons seeking to have their motor vehicles qualify for the reduced personal property tax rates available to volunteer members of rescue squads or fire department volunteers, or to auxiliary police officers, must submit a certificate from the organization or local government by January 31 of each year. This measure allows commissioners of revenue, in their discretion, to waive the deadline for good cause shown and if the member is not at fault. SB 186; CH. 605.

§ 58.1-3506 amended. Classification of motor carrier transportation property for taxation. Clarifies the definition of motor carrier transportation property that constitutes a separate class of property for local tangible personal property taxation. Only motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce will qualify for this classification. The rate of tangible personal property tax on items in this class cannot exceed the machinery and tools tax rate. SB 631; CH. 537.

§ 58.1-3508.1 added. Classification of semiconductor manufacturing and food processing machinery and tools. Declares machinery and tools used in semiconductor manufacturing and in food processing to be separate classifications of machinery and tools for local taxation. Localities may tax property in these classifications at rates or assessment ratios that are not greater than those for other machinery and tools. HB 496; CH. 971.

§ 58.1-3516 amended. Proration of personal property tax on motor carrier transportation property. Authorizes the governing body of any county, city, or town to exempt property of motor carriers engaged in interstate commerce from the proration of tangible personal property tax. The property of interstate carriers that may be excluded from a proration ordinance includes motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire. SB 630; CH. 536.

§ 58.1-3518.1 amended. Personal property tax; alternative method of filing certain returns. Expands the current statute which allows localities to provide an alternative method of filing personal property tax returns for motor vehicles to include trailers and boats. HB 760; CH. 322.

§ 58.1-3603 amended. Tax exempt property. Allows leased tax exempt property to maintain its tax exempt status when rent from the property is applied to reduce the principal of a loan against the property, if the loan is held by a political subdivision of the Commonwealth and the lessee is a § 501 (c) (3) entity using the property exclusively for charitable purposes. Currently, property loses its tax exempt status if it is leased or is a source of revenue or profit. This measure overturns the Virginia Supreme Court's holding in *City of Newport News v. Warwick County* that the reduction of indebtedness against property by payment of principal of a loan out of earnings from the property is profit. SB 124; CH. 534.

§§ 58.1-3650.650 through 58.1-3650.665 added. Property tax exemptions. Grants property tax exemptions to the following organizations: Rapidan Habitat for Humanity, Inc.; Our Lady of Hope Health Center, Inc.; Family Life Services of Southern Virginia, Inc.; Appalachian Educational Communications Corporation; Mid-Atlantic Teen Challenge, Inc.; Virginia Peninsula Shelter for Abused Children, Inc., t/a Safehaven; Triad Foundation, Inc.; Jefferson Area Board for the Aging, Inc.; Habitat for Humanity in the Roanoke Valley, Inc.; Crisis Pregnancy Center of Roanoke Valley, Inc.; Richmond Metropolitan Habitat for Humantity, Inc.; St. Chivas Corporation; Pathway Visions, Inc.; Louisa County Library Foundation; George C. Marshall Home Preservation Fund, Inc.; and George C. Marshall Home Preservation Fund, Inc. SB 104; CH. 602.

§§ 58.1-3650.650 through 58.1-3650.684 added. Property tax exemptions. Grants property tax exemptions to the following organizations: Louisa County Library Foundation; Shenandoah Valley Community Residences, Inc.; Special Love, Inc.; Cedarwoods Residential, Inc.; Windmore Foundation for the Arts; Rapidan Habitat for Humanity, Inc.; Purcellville Preservation Association; Save the Railroad Station, Inc.; Serve Inc.; Family and Child Services of Washington, D.C., Inc.; Bruton Park Home, Inc.; Colony Pines Residents' Association, Inc.; Crisis Pregnancy Center of Roanoke Valley, Inc.; The Menokin Foundation, Inc.; Serenity House Substance Abuse Recovery Program; Mid-Atlantic Teen Challenge, Inc.; Saddleer Home, Inc.; Chase City Community Services, Inc.; Loudoun Hospital Center; Richmond Metropolitan Habitat for Humanity, Inc.; Pamplin Foundation; Wayside Museum of American History and Arts; Culpeper Cavalry Museum, Inc.; Birdsong Trust Fund; Wesley Agape House, Inc.; Kent Gardens Recreational Club, Inc.; Iverson Properties, Inc.; Terjo Properties, Inc.; Winters Hill Properties, Inc.; Habitat for Humanity in the Roanoke Valley, Inc.; Family Life Services of Southern Virginia, Inc.; Cape Charles Historical Society, Inc.; Oxbow Human Services Consortium, Inc.; John Paul I Knights of Columbus; and E-TRON Systems, Inc., d/b/a Wildflour Breadmill. HB 44; CH. 751.

§ 58.1-3660.1 added. Property tax classification; certified stormwater management developments and property. Provides a separate classification for certified stormwater management developments and property for purposes of local property taxation. Such property may, by ordinance, be exempt or partially exempt from local taxation. Such developments and property are defined as real estate improvements constructed from permeable materials which are certified by the Department of Environmental Quality as being designed and constructed for the primary purpose of reducing stormwater runoff. HB 863; CH. 595/SB 179; CH. 581.

FREDERICK COUNTY, VIRGINIA
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Phone: 540-665-5680 *Fax*: 540-667-6487
www.fcva.us/cor • www.fcva.us/re

DATE: _____

FILE APPLICATION TRIENNIALLY

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

This Application must be completed by Applicants seeking to maintain their existing exemption and new Applicants seeking exemption.

Frederick County Code Section 155-153(B):

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*** * * COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. * * ***

Organization's Name:	Stone House Foundation		
Organization's Federal Employer Identification No. (EIN):			
Contact Name:	Byron C. Smith	**Phone Number:**	540-869-7102
Contact Title:	Director & Curator	**Email:**	bcsmith@newtownhistorycenter.org
Mailing Address:	P.O. Box 143, Stephens City, VA 22655-0143		
Frederick County Location Address:	5408 Main Street, Stephens City, VA 22655		
Date Organization Began or Will Begin Operating in Frederick County:	2 May 1990		

1. What is the organization's purpose?

The Stone House Foundation preserves the buildings, artifacts, and history associated with the town of Stephens City. It operates a museum called the Newtown History Center offering exhibits and programs.

2. What is the organization's federal tax designation *(select one)*:

☑ **501(c)(3)** ☐ **501(c)(4)** ☐ **501(c)(6)** ☐ **501(c)(7)** ☐ **Other *[specify]*:**

3. How is the organization funded?

We are funded by an endowment, donations, rental income, admission fees, and retail sales.

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

In addition to our museum exhibits and educational programming, we work to preserve cultural resources in the town of Stephens City.

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
74A03 A 146	5428 Main St. Stephens City	6 Nov. 1990	Exhibition Building/museum
74A03 A 144	5420-5414 Main St. Stephens City	11 June 1992	Exhibition Building/Museum, Collections Storage
74A03 A 185	5310 Mulberry St. Stephens City	31 Oct. 1993	Leased to Independant Pentecostal Religious Congregation
74A03 A 142	5408 Main St. Stephens City	15 June 2001	Exhibition Building/Museum and Administrative Offices

(See attached sheet.)

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

6. Select the category of exemption under which your organization qualifies:

- ☐ **Church or Religious Body or Religious Organization** ***[provide supporting documentation]***
- ☐ **Non-Profit Cemetery**
- ☐ **Library or Non-Profit Institution of Learning**
- ☑ **Museum**
- ☑ **Historic Preservation**
- ☐ **Park**
- ☐ **Playground**
- ☐ **Club, Scouts, or nationally-known helpful organization** ***[specify]***: _____
- ☐ **College Foundation or Alumni Association**
- ☐ **Recognized Farming Association** ***[specify]***: _____
- ☐ **Veterans Association or Auxiliary of same** ***[specify]***: _____

***NOTE*: A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
Linden A. Fravel	President	P.O. Box 190 Stephens City, VA 22655	[redacted]	
Vickie S. Hollis	Vice President	4975 Main St. Stephens City, VA 22655		
Mary S. Dyke	Treasurer	215 Spanish Oak Stephens City, VA 22655		
Linda C. Simmons	2nd Vice President & Secretary	3142 North Quincy St. Arlington, VA 22207		

DECLARATION AND SIGNATURE

If the real estate owner is a business entity such as a trust, partnership, limited liability company, or corporation, this Application must be signed by a member, partner, executive officer, or other person specifically authorized in writing by the trust, partnership, limited liability company, or corporation to sign. *It is a misdemeanor for any person to willfully subscribe a return which is not believed to be true and correct as to every material matter.* (Code Va. Sec. 58.1-11)

DECLARATION: ***I do swear or affirm under penalty of perjury (1) that the information herein and in any attachment(s) hereto are true, complete, and correct to the best of my knowledge and belief, and (2) that I am the owner or a member, partner, executive officer, or other person specifically authorized in writing to sign this Application and represent the organization during the tax exemption application process.***

L.A. Fravel Jr. — *Signature*

L.A. Fravel, Jr. — *Print Name*

☐ *Owner* OR
☐ *If Business, Title:* President *(e.g., President, VP etc.)*

30 Oct 2014 — *Date*

*** * * FOR OFFICE USE ONLY * * ***

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

Map No.	Property Address	Date Acquired	Use of Property
74A03 A 141	805 Fairfax St. Stephens City	22 June 1998	Collections Storage and Meeting Space/Labratory
74A03 A 77	5353 & 5357 Main Stephens City	12 Dec. 2001	Exhibition Building/Museum Leased to Virginia Dept. of Historic Resources - Collections Storage

ELLEN E. MURPHY
COMMISSIONER OF THE REVENUE
FREDERICK COUNTY, BOX 552
WINCHESTER, VIRGINIA 22604-0552

ADDRESS SERVICE REQUESTED

NO VA
VA 220
09 OCT '14
PM 6 L

Master
10/09/2014
US POSTAGE

FIRST-CLASS MAIL
$00.48

ZIP 22601
011D11840010

October 9, 2

The Wayside Foundation for the Arts, Inc.
PO Box 260
Middletown VA 22645-0260

WAYS260 226454168-1714 10/14/14P
RETURN TO SENDER
:WAYSIDE
BOX CLOSED
UNABLE TO FORWARD
RETURN TO SENDER

22645026060

Ellen Murphy

From: Susan Anderson [SAnderson@sc.younglife.org]
Sent: Wednesday, October 22, 2014 12:25 PM
To: Ellen Murphy
Subject: Young Life Shenandoah Valley

Importance: High

Ms. Murphy,

Thank you for the letter of October 9, 2014 you sent in regards to the tax exemption of our property in Virginia. Because it was addressed to our president, Mr. Denny Rydberg and not to Mr. Richard Kaiser, Director of Real Estate, it just came to our attention. Mr. Kaiser will be more than happy to submit the application for your consideration. He does have a question. In the letter, it is not stated what the parcel number(s) or the real address of the property in question. Would we be able to be provided that information please?

Blessings,

Susan M Anderson

Accounting Administrative Assistant
Young Life Finance
(719) 381-1968
(719) 867-3501
sanderson@sc.younglife.org

*** Confidentiality Notice***This email transmission and any documents, files or previous e-mail messages attached to it, may contain confidential and legally privilege information, which is intended solely for use by the individual or entity to whom it is addressed. Any review, retransmission, dissemination, copying, printing or other use of this information by persons or entities other than the intended recipient is STRICTLY PROHIBITED. If you have received this information in error, please notify the sender immediately and delete (destroy) the original transmission and any attachments.

FREDERICK COUNTY, VIRGINIA
Ellen E. Murphy, Commissioner of the Revenue
P.O. Box 552, Winchester VA 22604-0552
Phone: 540-665-5680 *Fax*: 540-667-6487
www.fcva.us/cor • www.fcva.us/re

DATE: _____

FILE APPLICATION TRIENNIALLY

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

This Application must be completed by Applicants seeking to maintain their existing exemption and new Applicants seeking exemption.

Frederick County Code Section 155-153(B):

Each organization which owns real property exempt from taxation pursuant to designation of the Board of Supervisors or pursuant to designation of the General Assembly shall file triennially, commencing on November 15, 2014, an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. The Commissioner of the Revenue shall send notice of this requirement to each such organization by not later than September 15 preceding the November 15 on which such application is due. Such application shall show the ownership and usage of such property, and such other information as the entity deems desirable, for the property for which retention of such exemption is sought.

*** * * COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. * * ***

Organization's Name:	Young Life		
Organization's Federal Employer Identification No. (EIN):	84-0385934		
Contact Name:	Richard Kaiser	**Phone Number:**	(719) 381-1761
Contact Title:	Director-Real Estate	**Email:**	rkaiser@sc.younglife.org
Mailing Address:	420 N Cascade Ave Colorado Springs Co 80903		
Frederick County Location Address:	we own no property in Frederick County VA		
Date Organization Began or Will Begin Operating in Frederick County:			

1. What is the organization's purpose?

2. What is the organization's federal tax designation *(select one)*:

☐ **501(c)(3)** ☐ **501(c)(4)** ☐ **501(c)(6)** ☐ **501(c)(7)** ☐ **Other *[specify]*:**

3. How is the organization funded?

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY

[continues on page 2]

FREDERICK COUNTY, VIRGINIA
Ellen E. Murphy, Commissioner of the Revenue
P.O. Box 552, Winchester VA 22604-0552
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***** COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. ****

Organization's Name:	Youth Development Center, Inc.		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	Regina M. O'Brien	**Phone Number:**	540-662-4564
Contact Title:	Executive Director	**Email:**	robrien-ydc@verizon.net
Mailing Address:	3 Battaile Drive Winchester VA 22601		
Frederick County Location Address:	P.O. Box 3243 Winchester VA 22604		
Date Organization Began or Will Begin Operating in Frederick County:	October 1992		

1. What is the organization's purpose?

This part of the YDC campus is dedicated to providing rent-free office space to 8 youth organizations.

2. What is the organization's federal tax designation *(select one)*:

☒ 501(c)(3) ☐ 501(c)(4) ☐ 501(c)(6) ☐ 501(c)(7) ☐ Other *[specify]*:

3. How is the organization funded?

Mainly through donations & fundraising. Also contributions from the city & county, grants, program revenue, leasing and corporate generosity.

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

Over $100,000 annually in rent-free office space. Youth and family programming through use of the activity building. Special needs programs.

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
63A 110B	YDC PO Box 3243 ~~Winchester VA 22604~~	1992 (?)	Youth organization offices and Programs

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies:

- ☐ **Church or Religious Body or Religious Organization** ***[provide supporting documentation]***
- ☐ **Non-Profit Cemetery**
- ☐ **Library or Non-Profit Institution of Learning**
- ☐ **Museum**
- ☐ **Historic Preservation**
- ☐ **Park**
- ☐ **Playground**
- ☒ **Club, Scouts, or nationally-known helpful organization** ***[specify]***: Youth Development Ctr.
- ☐ **College Foundation or Alumni Association**
- ☐ **Recognized Farming Association** ***[specify]***: _____
- ☐ **Veterans Association or Auxiliary of same** ***[specify]***: _____

***NOTE*: A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
Michael Lindsay	President	PO Box 4549 Winchester VA 22604	[redacted]	
Ann Burkholder	Vice President	15 N. Cameron St Winchester VA 22601		
Tammy Stevenson	Secretary	520 N. Pleasant Valley Road Winchester VA 22601		
Kevin Sanzenbacher	Treasurer	231 E. Piccadilly St Suite 310 Winchester VA 22601		

DECLARATION AND SIGNATURE

If the real estate owner is a business entity such as a trust, partnership, limited liability company, or corporation, this Application must be signed by a member, partner, executive officer, or other person specifically authorized in writing by the trust, partnership, limited liability company, or corporation to sign. *It is a misdemeanor for any person to willfully subscribe a return which is not believed to be true and correct as to every material matter.* (Code Va. Sec. 58.1-11)

DECLARATION: ***I do swear or affirm under penalty of perjury (1) that the information herein and in any attachment(s) hereto are true, complete, and correct to the best of my knowledge and belief, and (2) that I am the owner or a member, partner, executive officer, or other person specifically authorized in writing to sign this Application and represent the organization during the tax exemption application process.***

Signature	Print Name	☐ Owner OR ☒ Business, Title: (e.g., President, VP etc.)	Date
Michael Lindsay	Michael Lindsay	President	11/4/14

***** FOR OFFICE USE ONLY *****

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

WINCHESTER-FREDERICK COUNTY
CONSERVATION CLUB, Inc.
Eric Heflin, President
1061 McDonald Road, Winchester, VA 22602

9 November 2014

Frederick County, Virginia
Office of Commissioner of the Revenue
P.O. Box 552
Winchester, VA 22604-0552

Attn: Ms. Ellen E. Murphy, Commissioner

Subj: Property exempted from taxation by designation

Ref: Your ltr of October 9, 2014

Encl: Application For Real Property Tax Exemption (Rev. 10/2014), No Form Number

Dear Ms. Murphy:

In accordance with referenced letter, enclosure (1) is hereby submitted this date for Winchester-Frederick County Conservation Club, Inc., EIN: [redacted]

If I may be of further assistance please feel free to contact me directly.

Sincerely,

Mac Tlumach
Treasurer, WFCCC
733 Old Bethel Church Road
Winchester, VA 22603
Ph. No. 540-664-2350©

1 CONTINUED

PROTECTION, CONSERVATION & DEVELOPMENT OF OUR NATURAL RESOURCES, BUILDING GAME FOOD PLOTS.

5 CONTINUED

MAP NO.	PROPERTY ADDRESS	DATE ACQ'D	USE OF PROPERTY
29 A 37B	600 SILER ROAD WINCHESTER, VA	12 NOV 1993	FORESTRY / OPEN LAND
29 A 43B	↓	26 OCT 1994	↓
19 A 81A	↓	15 OCT 1998	↓
19 A 53A	↓	15 OCT 1998	↓
19 A 27	↓	10 JUL 2002	↓
19 A 51	↓	20 JUN 2011	↓

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies:

- ☐ **Church or Religious Body or Religious Organization *[provide supporting documentation]***
- ☐ **Non-Profit Cemetery**
- ☐ **Library or Non-Profit Institution of Learning**
- ☐ **Museum**
- ☐ **Historic Preservation**
- ☐ **Park**
- ☐ **Playground**
- ☑ **Club, Scouts, or nationally-known helpful organization *[specify]*: _____**
- ☐ **College Foundation or Alumni Association**
- ☐ **Recognized Farming Association *[specify]*: _____**
- ☐ **Veterans Association or Auxiliary of same *[specify]*: _____**

***NOTE*: A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
ERIC HEFLIN	PRESIDENT	1061 McDONALD RD WINCHESTER VA 22602	[redacted]	
MARSHALL SHILEY	VICE PRESIDENT	2135 CEDAR GROVE RD WINCHESTER, VA 22603		
MAC TLUMACH	TREASURER	733 OLD BETHEL CHURCH RD WINCHESTER, VA 22603		
RICHARD SANKOVICH	SECRETARY	2962 MIDDLE RD WINCHESTER, VA 22602		

DECLARATION AND SIGNATURE

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DECLARATION: ***I do swear or affirm under penalty of perjury (1) that the information herein and in any attachment(s) hereto are true, complete, and correct to the best of my knowledge and belief, and (2) that I am the owner or a member, partner, executive officer, or other person specifically authorized in writing to sign this Application and represent the organization during the tax exemption application process.***

Signature	Print Name	☐ Owner OR ☑ If Business, Title: (e.g., President, VP etc.)	Date
[signature]	H.M. TLUMACH	TREASURER	6 Nov 2014

***** FOR OFFICE USE ONLY *****

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

FREDERICK COUNTY, VIRGINIA
Ellen E. Murphy, Commissioner of the Revenue
P.O. Box 552, Winchester VA 22604-0552
Phone: 540-665-5680 *Fax*: 540-667-6487
www.fcva.us/cor • www.fcva.us/re

DATE: _____

FILE APPLICATION TRIENNIALLY

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

This Application must be completed by Applicants seeking to maintain their existing exemption and new Applicants seeking exemption.

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*** * * COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. * * ***

Organization's Name:	Woodmen of the World		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	Winston King	**Phone Number:**	540-553-4785
Contact Title:	Area Manager	**Email:**	Wdking@Woodmen.org
Mailing Address:	109 Boundary AVE Winchester, VA 22602		
Frederick County Location Address:	↗		
Date Organization Began or Will Begin Operating in Frederick County:	1901		

1. What is the organization's purpose?

To protect our communities families from financial hardship and to promote community involvement among our membership to provide free services to our neighbors.

2. What is the organization's federal tax designation *(select one)*:

☒ 501(c)(3) ☐ 501(c)(4) ☐ 501(c)(6) ☐ 501(c)(7) ☐ Other *[specify]*:

3. How is the organization funded?

Members purchase financial products. A 1 dollar due comes to the local chapter per every member. The corporate office will match funds spent in the community.

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

We donate thousands of dollars annually to projects and organizations in need in Frederick Co.
We provide the schools and fire, police depts. with free U.S Flags & poles. Will attach other examples.

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
54E 8 33	109 Boundary AVE. Winchester VA 22602	8/6/1974	Local chapter building. Meeting room for members. Office. Church

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies:

- ☐ **Church or Religious Body or Religious Organization** ***[provide supporting documentation]***
- ☐ **Non-Profit Cemetery**
- ☐ **Library or Non-Profit Institution of Learning**
- ☐ **Museum**
- ☐ **Historic Preservation**
- ☐ **Park**
- ☐ **Playground**
- ☑ **Club, Scouts, or nationally-known helpful organization** ***[specify]***: Woodmen non Profit
- ☐ **College Foundation or Alumni Association**
- ☐ **Recognized Farming Association** ***[specify]***: _____
- ☐ **Veterans Association or Auxiliary of same** ***[specify]***: _____

***NOTE*: A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
Robert Nichols	President	105 Branch Ct Stephens City VA	[redacted]	
Daniel King	Manager / trustee	530 Red bud Ln Front Royal VA		wdking@Woodmen.org

DECLARATION AND SIGNATURE

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Signature	Print Name	☐ Owner OR ☑ If Business, Title: (e.g., President, VP etc.)	Date
	Daniel King	Manager	11-7-14

***** FOR OFFICE USE ONLY *****

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

FREDERICK COUNTY, VIRGINIA
Ellen E. Murphy, Commissioner of the Revenue
P.O. Box 552, Winchester VA 22604-0552
Phone: 540-665-5680 *Fax*: 540-667-6487
www.fcva.us/cor • www.fcva.us/re

DATE: 11/14/14

FILE APPLICATION TRIENNIALLY

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

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* * * COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. * * *

Organization's Name:	Cedar Creek Battlefield Foundation		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	Brian S. Scheulen	**Phone Number:**	540.347.5144
Contact Title:	Treasurer	**Email:**	brianscheulen@comcast.net
Mailing Address:	P.O. Box 229, Middletown, VA 22645		
Frederick County Location Address:	8437 Valley Pike, Middeltown, VA		
Date Organization Began or Will Begin Operating in Frederick County:	1988		

1. What is the organization's purpose?

preservation of Civil War battlefields and education.

2. What is the organization's federal tax designation *(select one)*:

■ **501(c)(3)** ☐ **501(c)(4)** ☐ **501(c)(6)** ☐ **501(c)(7)** ☐ **Other *[specify]*:**

3. How is the organization funded?

Donations and Civil War reenactments

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

Living history education events; walking trail self-guided history tours.

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
	SEE ATTACHED LIST		

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies:

- ☐ **Church or Religious Body or Religious Organization *[provide supporting documentation]***
- ☐ **Non-Profit Cemetery**
- ☐ **Library or Non-Profit Institution of Learning**
- ☐ **Museum**
- ■ **Historic Preservation**
- ☐ **Park**
- ☐ **Playground**
- ☐ **Club, Scouts, or nationally-known helpful organization *[specify]*: _____**
- ☐ **College Foundation or Alumni Association**
- ☐ **Recognized Farming Association *[specify]*: _____**
- ☐ **Veterans Association or Auxiliary of same *[specify]*: _____**

***NOTE*: A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
Tim Stowe	President	P.O. Box 229 Middletown, VA 22645	[redacted]	
Stan Hirschberg	Vice President	P.O. Box 229 Middletown, VA 22645		
Brian Scheulen	Treasurer	P.O. Box 229 Middletown, VA 22645		
Sean Cadden	Secretary	P.O. Box 229 Middletown, VA 22645		

DECLARATION AND SIGNATURE

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Signature	Print Name	☐ Owner *OR* ■ *If Business, Title:*	(e.g., President, VP etc.)	Date
	Tim Stowe		President	11/14/14

*** * * FOR OFFICE USE ONLY * * ***

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

LANDS OWNED BY
CEDAR CREEK BATTLEFIELD FOUNDATION
FREDERICK COUNTY, VA
11/14/2014

Location	Tax Map #	Area (ac)	Address	Date Acquired	Use of Property
(reenactment area)	90 A 32A	95.86	no address (vacant)	1/3/1990	historic preservation
	91 A 28C	62.38			historic preservation
(HQ and Parking area)	90 A 59A	12.06	no address (vacant)	8/10/2000	historic preservation
	90 A 55	3.21	8437 Valley Pike	3/27/1996	Foundation headquarters
VI Corps site	90 A 23A	32.07	no address (vacant)	7/25/2008	historic preservation
XIX Corps site (Trenches Property)	90 A 34	123.75	no address (vacant)	9/5/2000	historic preservation
VI Corps site	90 A 23B	4.54	no address (vacant)	7/31/2012	historic preservation

FREDERICK COUNTY, VIRGINIA
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www.fcva.us/cor * www.fcva.us/re

DATE: _____

FILE APPLICATION TRIENNIALLY

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* * * COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. * * *

Organization's Name:	Westminster Canterbury of Winchester, Inc.		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	Duane A Wernecke, CPA	**Phone Number:**	(540) 665-5917
Contact Title:	CFO	**Email:**	DWernecke@svwc.org
Mailing Address:	300 Westminster-Canterbury Dr. Winchester VA 22603		
Frederick County Location Address:	- Same -		
Date Organization Began or Will Begin Operating in Frederick County:	March 31, 1982		

1. What is the organization's purpose?

Please see attachment

2. What is the organization's federal tax designation *(select one)*:

☒ 501(c)(3) ☐ 501(c)(4) ☐ 501(c)(6) ☐ 501(c)(7) ☐ Other *[specify]*:

3. How is the organization funded?

Entrance fee and monthly maintenance service fee payments from residents.

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

Please see attachment

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
53 A 63 A	300 Westminster-Canterbury Drive, Winchester VA 22603	7/18/1985	Senior resident life care community offering independent living, assisted living and health care skilled living services and support.

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

PAGE 2

6. Select the category of exemption under which your organization qualifies:

- [x] **Church or Religious Body or Religious Organization** ***[provide supporting documentation]***
- [ ] **Non-Profit Cemetery**
- [ ] **Library or Non-Profit Institution of Learning**
- [ ] **Museum**
- [ ] **Historic Preservation**
- [ ] **Park**
- [ ] **Playground**
- [ ] **Club, Scouts, or nationally-known helpful organization** ***[specify]:*** _____
- [ ] **College Foundation or Alumni Association**
- [ ] **Recognized Farming Association** ***[specify]:*** _____
- [ ] **Veterans Association or Auxiliary of same** ***[specify]:*** _____

NOTE: **A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

NAME	TITLE	MAILING ADDRESS	TELEPHONE NO.	EMAIL ADDRESS
Gloria J. Shiley	President & CEO	300 Westminster Canterbury Dr. Winchester VA 22603	(540) 665-5935	Jshiley@svwc.org
Duane A. Wernecke	CFO	300 Westminster Canterbury Dr Winchester VA 22603	(540) 665-5917	Dwernecke@svwc.org
Michael Williams	Administrator	300 Westminster Canterbury Dr	(540) 665-5913	MWilliams@svwc.org

DECLARATION AND SIGNATURE

If the real estate owner is a business entity such as a trust, partnership, limited liability company, or corporation, this Application must be signed by a member, partner, executive officer, or other person specifically authorized in writing by the trust, partnership, limited liability company, or corporation to sign. *It is a misdemeanor for any person to willfully subscribe a return which is not believed to be true and correct as to every material matter.* (Code Va. Sec. 58.1-11)

DECLARATION: ***I do swear or affirm under penalty of perjury (1) that the information herein and in any attachment(s) hereto are true, complete, and correct to the best of my knowledge and belief, and (2) that I am the owner or a member, partner, executive officer, or other person specifically authorized in writing to sign this Application and represent the organization during the tax exemption application process.***

Duane A Wernecke — *Signature*

Duane Wernecke — *Print Name*

☐ *Owner* ***OR*** ☒ *Business, Title:* CFO *(e.g., President, VP etc.)*

11/14/14 — *Date*

*** * * FOR OFFICE USE ONLY * * ***

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

Frederick County, Virginia
Application for Real Property Tax Exemption
Attachment for Additional Information

RE: Westminster Canterbury of Winchester, Inc.
d.b.a. Shenandoah Valley Westminster Canterbury (SVWC)

Question #1: What is the Organization's Purpose?

Establishing and operating a residential home for the life-care of aged men, women and couples. Westminster Canterbury of Winchester, Inc. is a not-for-profit, intimate, church related continuing care retirement community that is committed to enabling residents to use their gifts fully, live their lives richly, and enjoy with dignity the years God has given them.

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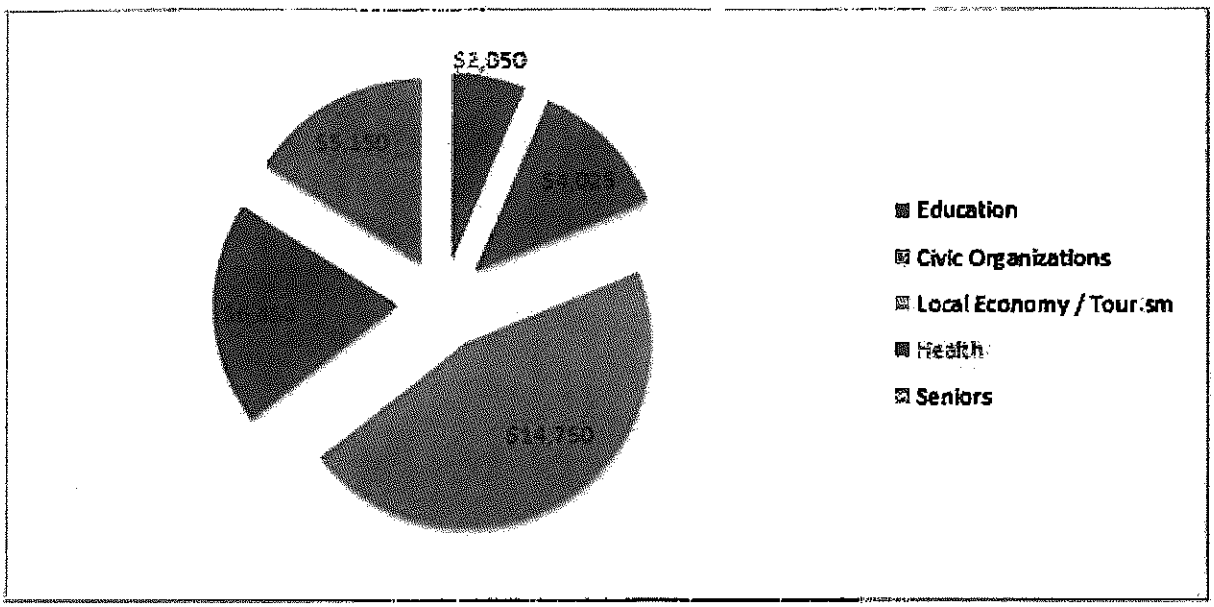
Literacy Volunteers	Storybook Ball program ad
Masterworks Chorus	per request from Sally Walters

Grand total spent thus far in 2014: **$32,325.00**

The breakdown of these sponsorships falls into these categories:



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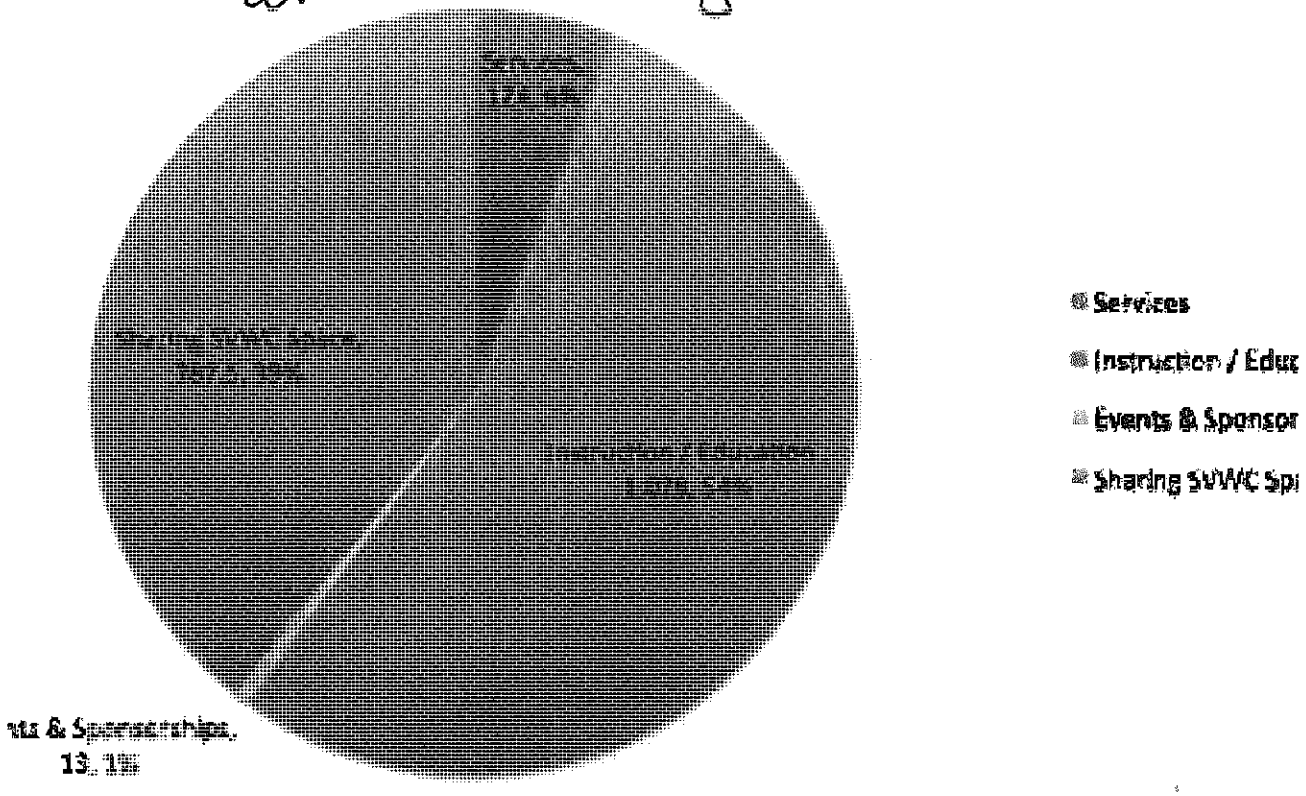

Shenandoah Valley Westminster-Canterbury

Community Benefit Policy

I. **What is Community Benefit?**

A standard definition for Community Benefit as it relates to our community's purposes, is the activities and services Shenandoah Valley Westminster-Canterbury (SVWC) provides – beyond its stated mission and purposes – for the betterment of the greater community of Winchester and Frederick County.

II. **Why is a Community Benefit Plan needed?**

As stated in our mission statement, SVWC is a church-related continuing care retirement community. Therefore, SVWC has a responsibility to have a genuine care and concern for the lives at SVWC, as well as in Winchester, and Frederick County.

Five main categories have been identified in which SVWC benefit efforts will be organized and quantified:

- Executive Experience
  - For individuals who serve on a Board in which his/her experience and background is the basis for recruitment, and provides a high level of expertise to the organization. This would also include consultation requests.
- Professional Experience/Training
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- Time and Talent
  - To be used for all volunteer activity that is not directly related to his/her professional background, work experience or volunteering.
- Sharing of SVWC Space
- Sponsorship and Monetary Support

III. **What is SVWC's mission and how does this relate in offering benefit to the greater Winchester/Frederick County community?**

Shenandoah Valley Westminster-Canterbury is a not-for-profit, intimate, church-related continuing care retirement community that is committed to enabling residents to use their gifts fully, live their lives richly and enjoy with dignity the years God has given them.

As a nonprofit organization, SVWC must be able to "tell the story" of its good works.

In addition to the fact that helping others is just the right thing to do, studies have indicated that volunteering provides benefits that include improved physical and mental health and greater life satisfaction.

IV. **What is the purpose of SVWC's Community Benefit Plan?**

The purpose of SVWC's Community Benefit plan is to:

- Focus, monitor and assess community need and the benefits being conferred
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- Document and report the charitable activities of the community.

In following the advice of Larry Minnix, President & CEO of Leading Age, we need ask ourselves: "What should we start doing, stop doing and keep on doing?" This includes documentation, quantifying, clarifying, improving and continuously evaluating efforts in this regard.

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SVWC will track community benefit activities utilizing a specifically designed Excel spreadsheet. While this is still being developed, it will allow for information to be organized and analyzed by multiple users for specific purposes. The spreadsheet will capture detailed information including:

- Category

- Organizations receiving aid
- Number served
- Event description
- Costs
- SVWC Contacts

RESOLUTION
December 10, 2014

A RESOLUTION TO REQUEST THAT THE GENERAL ASSEMBLY REMOVE WESTMINSTER-CANTERBURY OF WINCHESTER, INC. FROM THE LIST OF ORGANIZATIONS WHOSE PROPERTY IS DESIGNATED AS TAX-EXEMPT

WHEREAS, based on circumstances then existing, the Board of Supervisors previously, on April 10, 1985, requested that the General Assembly designate the property of Westminster-Canterbury of Winchester, Inc., located in Frederick County, as tax-exempt; and

WHEREAS, the General Assembly, by Chapter 619 of its 1986 Session, enacted Virginia Code § 58.1-3650.220, said legislation designating Westminster-Canterbury of Winchester, Inc. as a charitable and benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia and designating property of Westminster-Canterbury of Winchester, Inc. and used by it exclusively for charitable and benevolent purposes, on a nonprofit basis, as exempt from local taxation; and

WHEREAS, the Board of Supervisors has, pursuant to the provisions of Virginia Code § 58.1-3605, enacted an ordinance requiring any entity, except the Commonwealth, any political subdivision of the Commonwealth, or the United States, which owns real and personal property exempt pursuant to Chapter 36 of Title 58.1 of the Code of Virginia to file triennially an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property, with such application to show the ownership and usage of such property and to be filed within the next sixty days preceding the tax year for which such exemption, or the retention thereof, is sought; and

WHEREAS, Westminster-Canterbury of Winchester, Inc. filed the application required by County ordinance; and

WHEREAS, upon review of such application and in consideration of circumstances generally in the County and with respect to Westminster-Canterbury of Winchester, Inc., the Board of Supervisors finds that, in the intervening time since the Board of Supervisors made its request in 1985 and the General Assembly enacted Virginia Code § 58.1-3650.220 in 1986, various circumstances have changed, including that Frederick County is now home to other facilities offering substantially similar services as Westminster-Canterbury of Winchester, Inc., but as to which facilities the Board of Supervisors has elected not to designate their property as tax-exempt,

and that the designation of the property of Westminster-Canterbury of Winchester, Inc. as tax-exempt is no longer appropriate; and

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby requests that the General Assembly amend Virginia Code § 58.1-3650.220 to remove from its exempt property list such property of Westminster-Canterbury of Winchester, Inc. as is located in the Frederick County, along the lines of the attached draft legislation; and

BE IT FURTHER RESOLVED that the County Administrator is directed to forward a certified copy of this Resolution and attached draft legislation to those members of the General Assembly representing Frederick County.

Approved this 10th day of December, 2014.

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

A COPY ATTEST

_____
John R. Riley, Jr.
Frederick County Administrator

HOUSE/SENATE BILL NO. ____

A BILL to amend and reenact § 58.1-3650.220 of the Code of Virginia, relating to the tax exemption of Westminster-Canterbury of Winchester, Inc.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by amending and reenacting § 58.1-3650.220 as follows:

§ 58.1-3650.220. Property of Westminster-Canterbury of Winchester, Inc.

A. The Westminster-Canterbury of Winchester, Inc., a nonprofit organization, is hereby designated as a charitable and benevolent organization*, to the extent of its operations and property located in the City of Winchester,* within the context of Section 6(a)(6) of Article X of the Constitution of Virginia.

B. Property located ~~partly~~ in the City of Winchester ~~and partly in the County of Frederick~~ owned by the Westminster-Canterbury of Winchester, Inc., and used by it exclusively for charitable and benevolent purposes, on a nonprofit basis, as set forth in subsection A of this section, is hereby designated to be exempt from local taxation.

FREDERICK COUNTY, VIRGINIA
Ellen E. Murphy, Commissioner of the Revenue
P.O. Box 552, Winchester VA 22604-0552
Phone: 540-665-5680 *Fax*: 540-667-6487
www.fcva.us/cor • www.fcva.us/re

DATE: _____

FILE APPLICATION TRIENNIALLY

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

This Application must be completed by Applicants seeking to maintain their existing exemption and new Applicants seeking exemption.

Frederick County Code Section 155-153(B):

Each organization which owns real property exempt from taxation pursuant to designation of the Board of Supervisors or pursuant to designation of the General Assembly shall file triennially, commencing on November 15, 2014, an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. The Commissioner of the Revenue shall send notice of this requirement to each such organization by not later than September 15 preceding the November 15 on which such application is due. Such application shall show the ownership and usage of such property, and such other information as the entity deems desirable, for the property for which retention of such exemption is sought.

*** * * COMPLETE AS LEGALLY APPROPRIATE PER THE DATE OF THIS APPLICATION. * * ***

Organization's Name:	Westminster Canterbury of Winchester, Inc.		
Organization's Federal Employer Identification No. (EIN):	[redacted]		
Contact Name:	Duane A Wernecke, CPA	**Phone Number:**	(540) 665-5917
Contact Title:	CFO	**Email:**	DWernecke@svwc.org
Mailing Address:	300 Westminster-Canterbury Dr. Winchester VA 22603		
Frederick County Location Address:	- Same -		
Date Organization Began or Will Begin Operating in Frederick County:	March 31, 1982		

1. What is the organization's purpose?

Please see attachment

2. What is the organization's federal tax designation *(select one)*:

☒ 501(c)(3) ☐ 501(c)(4) ☐ 501(c)(6) ☐ 501(c)(7) ☐ Other *[specify]*:

3. How is the organization funded?

Entrance fee and monthly maintenance service fee payments from residents.

4. What activities or services does the organization provide that enhances Frederick County and its citizens?

Please see attachment

5. Provide a detailed list of all real property owned by the organization for which it is seeking a Frederick County tax exemption *(attach additional sheet, if necessary)*:

MAP NO.	PROPERTY ADDRESS	DATE ACQUIRED	USE OF PROPERTY
53 A 63 A	300 Westminster-Canterbury Drive, Winchester VA 22603	7/18/1985	Senior resident life care community offering independent living, assisted living and health care skilled living services and support.

[continues on page 2]

APPLICATION FOR REAL PROPERTY TAX EXEMPTION

6. Select the category of exemption under which your organization qualifies:

- ☒ **Church or Religious Body or Religious Organization** ***[provide supporting documentation]***
- ☐ **Non-Profit Cemetery**
- ☐ **Library or Non-Profit Institution of Learning**
- ☐ **Museum**
- ☐ **Historic Preservation**
- ☐ **Park**
- ☐ **Playground**
- ☐ **Club, Scouts, or nationally-known helpful organization** ***[specify]***: _____
- ☐ **College Foundation or Alumni Association**
- ☐ **Recognized Farming Association** ***[specify]***: _____
- ☐ **Veterans Association or Auxiliary of same** ***[specify]***: _____

***NOTE*: A copy of your most recent exempt IRS tax return and/or your latest detailed financial statements may be requested.**

7. List the following information for all officers who have the legal authority to represent the organization:

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Duane A Wernecke — *Signature*

Duane Wernecke — *Print Name*

☐ *Owner* OR ☒ *If Business, Title:* CFO *(e.g., President, VP etc.)*

11/14/14 — *Date*

*** * * FOR OFFICE USE ONLY * * ***

Date Received: _____	☐ Copy sent to Rod Williams on _____	Initials: _____	Disposition: ☐ APPROVED ☐ DENIED

[Rev. 10/2014]

Frederick County, Virginia
Application for Real Property Tax Exemption
Attachment for Additional Information

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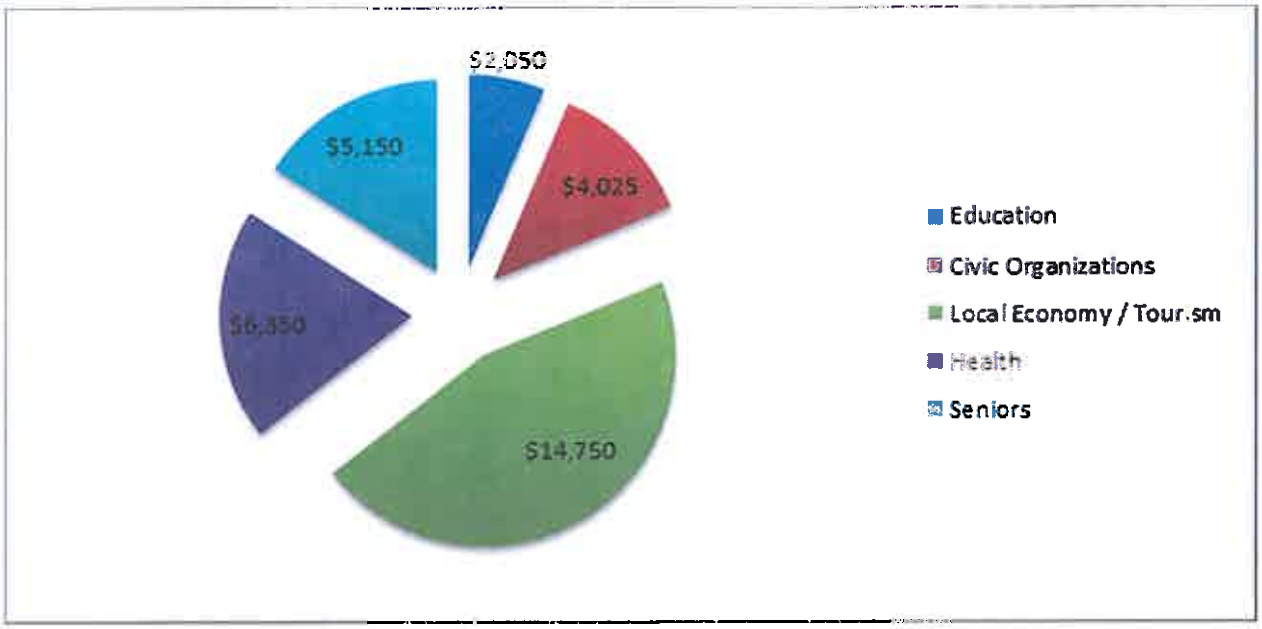

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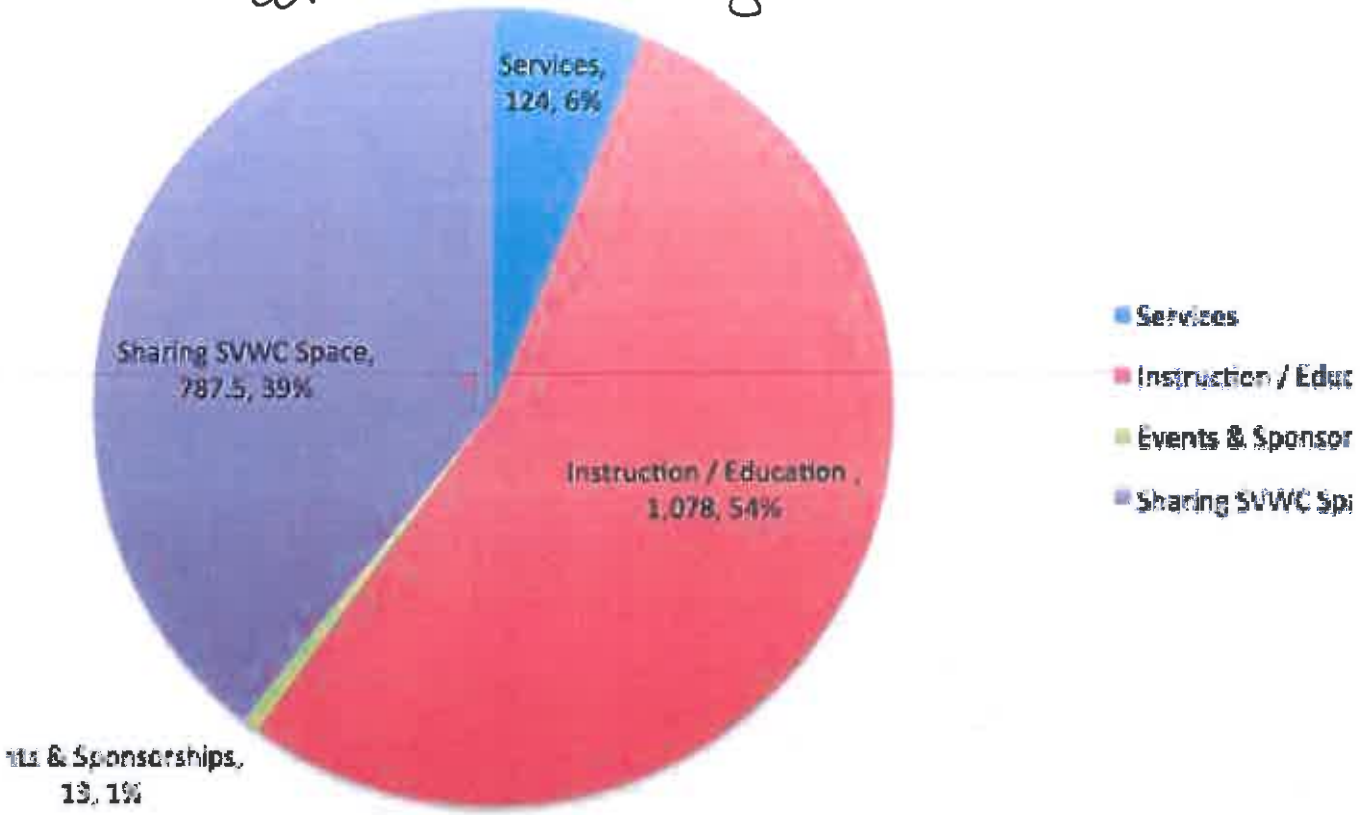

Shenandoah Valley Westminster-Canterbury

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WestminsterCanterbury
SHENANDOAH VALLEY

To:	Ellen E. Murphy	Fax:	540-667-6487
From:	Duane A Wernecke, CPA	Date:	21 November 2014
Phone:	540-665-5680	Pages:	Three (3)
Re:	Attachment for Question #6 on Application for Real Property Tax Exemption	CC:	

Duane's phone 540 665-5917

- As I mentioned previously in my voice message I left you earlier this day Friday, November 21 at approximately 4:40 pm I would like for the following attachment to be included with our original application and to then be resubmitted for possible review, if possible.

Thank you,
Duane Wernecke

IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CALL (540) 665-0156

CONFIDENTIALITY NOTICE:

This facsimile is intended only for the use of the named addressee and may contain information that is confidential or privileged. If you are not the intended recipient, or you are not the employee responsible for delivering the facsimile for the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify the sender immediately. Thank you.

300 Westminster Canterbury Drive • Winchester, VA 22603 • 540-665-0166

THIS AGREEMENT, Made this _____ day of _____, 1982, by and between VIRGINIA DIOCESAN HOMES and WESTMINSTER PRESBYTERIAN HOMES, INCORPORATED, Virginia corporations, parties of the first part, and WESTMINSTER-CANTERBURY, WINCHESTER, INCORPORATED, a Virginia corporation, party of the second part:

WHEREAS, the parties of the first part were organized, respectively, by the Episcopal Diocese of Virginia and the Presbyterian Synod of the Virginias for the purpose of acting on behalf of the Diocese and Synod in their ministry to the aging to establish, maintain, operate, manage, control and regulate residential homes for aged men, women and couples; and

WHEREAS, the party of the second part has been organized and created by Episcopalians and Presbyterians within the geographical boundaries of the parties of the first part for the purpose of establishing and operating a residential home for the life-care of aged men, women and couples, to be located in the vicinity of Winchester, Virginia.

NOW, THEREFORE, For and in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. The parties of the first part agree that the party of the second part shall be known as Westminster-Canterbury, Winchester, Incorporated, a corporation organized for the purpose of establishing, maintaining, operating, managing, controlling and regulating a residential home or home for aging men, women and couples, including the raising of capital and other funds for the development of facilities, with all other powers necessary and convenient to effect such purposes.

2. The Board of Trustees of Westminster-Canterbury, Winchester, Incorporated, shall be elected half by Virginia Diocesan Homes and half by Westminster Presbyterian Homes, Incorporated, or their successors or assigns, in such manner as provided in its Articles of Incorporation or Bylaws, provided only that at all times during the existence of the party of the second part, its Board and each class thereof shall reflect equal representation between Virginia Diocesan Homes and Westminster Presbyterian Homes, Incorporated.

3. The Articles of Incorporation of the party of the second part shall not be changed without the approval of the parties of the first part.

4. The parties of the first part pledge to assist the party of the second part in its initial development and in obtaining financial assistance until sufficient funds are in hand for its own operation. The parties of the first part further agree to advise in a continuing compaign to obtain financial assistance for needy residents of the party of the second part.

5. The facilities of the party of the second part shall be open to serve all people regardless of race, color or religious affiliation. Preference for financial assistance in the form of "fellowships" shall be given to needy communicants, clergy and other professional church employees and their families from the Episcopal Diocese of Virginia and the Presbyterian Synod of the Virginias.

6. The mode of operation of the facility operated by the party of the second part shall include a full range of services providing life-care for the residents to insure independent living by them in dignity and respect, a sound financial basis for construction and operation of the facility and the providing of life-care for the residents, a continuing participation of the residents in their own affairs, a financial assistance program which will not disclose the identity of recipients of fellowships and the development of programs and activities to keep residents active in the facility and in its community.

7. The governing body of the party of the second part shall from time to time report to and consult with the parties of the first part.

8. The specific policies under which the party of the second part shall operate shall be established by its governing body. A professional administrator shall be employed by the party of the second part to execute policies established by the governing body of the party of the second part.

WITNESS the following signatures and seals.

VIRGINIA DIOCESAN HOMES

By: _____ (SEAL)

WESTMINSTER PRESBYTERIAN HOMES, INCORPORATED

By: _____ (SEAL)

WESTMINSTER-CANTERBURY, WINCHESTER, INCORPORATED

By: George F Romines (SEAL)

LFCC

Lord Fairfax Community College

Office of the President

October 13, 2014

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

Dear Mr. Riley:

In response to your letter dated September 26, 2014 and the discussions held at the Frederick County Finance Committee on August 20, 2014, the LFCC College Board discussed at its October 9th board meeting the request from Frederick County to establish two separate budgets (one for scholarships and one for operations). Your letter was provided to the Board as well as a summary from college staff on the comments received at the August Finance Committee meeting.

After much discussion, the College Board voted unanimously to not move forward with the request from Frederick County. The Board felt strongly that the governance structure currently in place, which allows College Board members appointed by the local governing bodies to make decisions on how funding received from the localities is spent, was fair to all eight localities served by the College. The Board felt that this governance structure has worked very effectively in the past. There were concerns noted that if LFCC made a special arrangement with Frederick County the college would have to do the same for the other seven governing bodies that provide us funding.

The College Board is just as concerned as the Frederick County Finance Committee that scholarships have to be adjusted for localities that do not fully fund their allocation. The College respectfully requests that the Finance Committee, and full Board of Supervisors, consider a budget amendment to fully fund the College for 2014/2015 just as our other seven localities are fully funding the college. These additional funds would help students of Frederick County receive much needed financial support in their pursuit of higher education. Although our tuition remains about one-third the cost of a public four-year school in Virginia, many of our students struggle to come up with the needed tuition to attend LFCC.

The College Board is very disappointed that the locality where LFCC serves the most number of students, and in which our largest campus is located, continually underfunds our budget request when our other seven localities consistently full fund us. A couple of board members asked me and vice president Chris Boies if we knew why this was the case and we were unable to provide a good answer as all of our service region faces similar economic environments.

The College has an exceptional working relationship with Frederick County Public Schools (FCPS). We partner with the public schools in a variety of ways including providing free space on campus for Mountain Vista Governor's School, splitting salary costs for the career coaches located in FCPS, and providing dual enrollment college credit for high school students at a fraction of the tuition cost enabling these students to save as much as tens of thousands of dollars in tuition money when earning their bachelor's degree – these are just a very few of our partnerships with FCPS as we have many more shared initiatives. In addition, the amount of tax revenue the college brings in to the county when students from surrounding counties attend

Middletown Campus
173 Skirmisher Lane
Middletown, VA 22645-1745
540-868-7000
540-868-7100 Fax

Fauquier Campus
6480 College Street
Warrenton, VA 20187-8820
540-351-1505
540-351-1540 Fax

Luray-Page County Center
334 North Hawksbill Street
Luray, VA 22835-1130
540-843-0722
540-843-0322 Fax

classes in Middletown and purchase gas, food, classroom supplies, etc. is substantial. The college also employs many people who live in Frederick County as we are one of the larger employers in the county which also means additional revenue for the County. The College Board believes that these benefits are certainly worth the additional $25,000 from the County to provide full funding to LFCC for 2014/2015.

In closing, we are very proud that our largest campus is located in Frederick County and we hope that Frederick County officials are equally proud of the location of the college's largest campus and the benefits the College brings to the community.

Sincerely,

Cheryl Thompson-Stacy
President

Cc: Mr. Charles DeHaven, Chair, Finance Committee, Frederick County
Mr. Rich Galecki, Chair, LFCC College Board
Ms. Fran Jeffries, Vice Chair, LFCC College Board

FY15 OCTOBER BUDGET TRANSFER

DATE	DEPARTMENT/GENERAL FUND	REASON FOR TRANSFER	FROM	TO	ACCT	CODE	AMOUNT
10/7/2014	MANAGEMENT INFORMATION SYSTEMS	SCHOOL BOARD INCREASED INTERNET ACCESS FEES	1222	5401	000	000	(1,200.00)
	MANAGEMENT INFORMATION SYSTEMS		1222	5299	000	000	1,200.00
10/8/2014	COMMISSIONER OF THE REVENUE	ACCOUNT CLERK I POSITION	1209	1001	000	000	1,964.87
	COMMISSIONER OF THE REVENUE		1209	2001	000	000	1,251.34
	COMMISSIONER OF THE REVENUE		1209	2005	000	000	6,080.00
	COMMISSIONER OF THE REVENUE		1209	2002	000	000	1,735.51
	COMMISSIONER OF THE REVENUE		1209	2006	000	000	215.92
	COMMISSIONER OF THE REVENUE		1209	2011	000	000	16.36
	COMMISSIONER OF THE REVENUE		1209	1003	000	000	(11,264.00)
10/8/2014	INSPECTIONS	OFFICE ASSISTANT III POSITION	3401	1001	000	040	5,439.04
	INSPECTIONS		3401	2001	000	000	1,322.02
	INSPECTIONS		3401	2005	000	000	6,080.00
	INSPECTIONS		3401	2002	000	000	1,833.55
	INSPECTIONS		3401	2006	000	000	228.11
	INSPECTIONS		3401	2011	000	000	17.28
	INSPECTIONS		3401	1003	000	000	(14,920.00)
10/15/2014	REFUSE COLLECTION	COVER DEALER TAXES ON NEW VEHICLE	4203	5413	000	000	(51.00)
	REFUSE COLLECTION		4203	8005	000	000	51.00
10/20/2014	SHERANDO PARK	STRAIGHTEN ADDITIONAL POLE & LAMP REPLACEMENT	7110	3004	000	003	(4,408.62)
	SHERANDO PARK		7110	3010	000	000	4,408.62
10/30/2014	REFUSE COLLECTION	PARTS	4203	3004	000	001	(1,000.00)
	REFUSE COLLECTION		4203	5408	000	000	1,000.00
10/30/2014	COMMISSIONER OF THE REVENUE	VEHICLE INSURANCE	1209	5305	000	000	208.68
	REASSESSMENT/BOARD OF ASSESSORS		1210	5305	000	000	(208.68)
10/31/2014	SHERIFF	GRANT PAID OVERTIME	3102	5413	000	012	(4,718.55)
	SHERIFF		3102	1005	000	000	4,718.55
10/31/2014	RECREATION CENTERS AND PLAYROUNGS	PROMOTION TRANSFER	7104	1001	000	019	3,762.28
	RECREATION CENTERS AND PLAYROUNGS		7104	1003	000	000	(3,762.28)
11/4/2014	GENERAL ENGINEERING/ADMINISTRATION	TO COVER OVERTIME FOR PROJECT MANAGER	4201	4003	000	002	(3,000.00)
	GENERAL ENGINEERING/ADMINISTRATION		4201	1005	000	000	3,000.00

County of Frederick
General Fund
October 31, 2014

ASSETS	FY15 10/31/14	FY14 10/31/13	Increase (Decrease)	
Cash and Cash Equivalents	46,626,208.99	43,207,554.92	3,418,654.07	***A**
Petty Cash	1,555.00	1,555.00	0.00	
Receivables:				
Taxes, Commonwealth,Reimb.P/P	44,628,606.97	42,817,467.16	1,811,139.81	
Streetlights	16,710.25	16,605.09	105.16	
Commonwealth,Federal,45 day Taxes	85,129.74	53,889.95	31,239.79	
Due from Fred. Co. San. Auth.	734,939.23	734,939.23	0.00	
Prepaid Postage	3,095.58	2,956.95	138.63	
GL controls (est.rev / est. exp)	(7,944,342.93)	(8,289,279.60)	344,936.67	**(1) Attached**
TOTAL ASSETS	84,151,902.83	78,545,688.70	5,606,214.13	
LIABILITIES				
Accrued Liabilities	0.00	447,757.47	(447,757.47)	***B**
Performance Bonds Payable	399,414.35	398,955.56	458.79	
Taxes Collected in Advance	54,530.17	63,850.46	(9,320.29)	
Deferred Revenue	44,723,166.44	42,875,249.81	1,847,916.63	***C**
TOTAL LIABILITIES	45,177,110.96	43,785,813.30	1,391,297.66	
EQUITY				
Fund Balance				
Reserved:				
Encumbrance General Fund	369,654.76	412,920.61	(43,265.85)	**(2) Attached**
Conservation Easement	4,779.85	2,135.00	2,644.85	
Peg Grant	244,254.00	190,138.00	54,116.00	
Prepaid Items	949.63	949.63	0.00	
Advances	734,939.23	734,939.23	0.00	
Employee Benefits	93,120.82	93,120.82	0.00	
Courthouse ADA Fees	222,145.76	177,748.15	44,397.61	
Historical Markers	17,295.25	17,254.92	40.33	
Transportation Reserve	0.00	377,396.00	(377,396.00)	***D**
Animal Shelter	335,530.02	335,530.02	0.00	
Proffers	4,023,780.67	2,841,408.30	1,182,372.37	**(3) Attached**
Economic Development Incentive	550,000.00	550,000.00	0.00	
Star Fort Fees	0.00	0.00	0.00	
VDOT Revenue Sharing	436,270.00	436,270.00	0.00	
Undesignated Adjusted Fund Balance	31,942,071.88	28,590,064.72	3,352,007.16	**(4) Attached**
TOTAL EQUITY	38,974,791.87	34,759,875.40	4,214,916.47	
TOTAL LIAB. & EQUITY	84,151,902.83	78,545,688.70	5,606,214.13	

NOTES:
***A** The cash increase can be attributed to an increase in fund balance.
***B** Health insurance deposits were moved to the Health Insurance Fund July 1, 2014.
***C** Deferred revenue includes taxes receivable, street lights, misc.charges, dog tags, and motor vehicle registration fees.
***D** The $377,396 balance was transferred to the Project Development Fund for various road projects.

BALANCE SHEET

(1) GL Controls	FY15	FY14	Inc/(Decrease)
Est.Revenue	138,382,390	129,418,188	8,964,203
Appropriations	(59,919,403)	(57,368,956)	(2,550,447)
Est.Tr.to Other fds	(86,776,985)	(80,751,432)	(6,025,553)
Encumbrances	369,655	412,921	(43,266)
	(7,944,343)	(8,289,280)	344,937

(2) General fund Purchase Orders outstanding @10/31/14

DEPARTMENT	Amount	Description
Board of Supervisors	6,842.50	A/V Switching for Broadcast and BOS Room
Commonwealth's Attorney	21,825.00	Criminal Case Management System
Fire & Rescue	1,114.51	Motorola Radios
	1,500.00	APX Dual Band&VHF Radio System
	42,678.98	Uniforms
	5,081.00	(30) Carbon Monoxide Detectors
	4,750.00	Service on Radio Microwave
HR	3,085.00	HR Software Interfaces with Legacy Systems
IT	15,056.89	Dell Kase Applications
	8,954.00	Dell Kase Licensing
Parks	9,090.40	Chemicals for Pools
	17,646.30	Repair Electrical Systems at Clearbrook and Sherando
	9,940.00	Toro Workman Utility Vehicle
	9,000.00	Rose Hill Park Engineering Service
	2,770.25	Staff Uniforms
	2,671.00	Event Shirts for Half Marathon
	18,633.72	Program Uniforms
Refuse Collection	5,960.00	Concrete Wall/Slab for Gainesboro Citizens Site
Sheriff	3,385.01	Sungard OSSI Software
	2,137.10	Ammunition
	174,643.00	(7) Police Sedan Interceptors
	2,890.10	Dare T-Shirts
Total	**369,654.76**	

(3)Proffer Information	SCHOOLS	PARKS	FIRE & RESCUE	Designated Other Projects	TOTAL
Balance@10/31/14	2,245,305.93	387,660.93	401,711.57	989,102.24	**4,023,780.67**

Designated Other Projects Detail

Administration	189,462.24	
Bridges	600.00	
Historic Preservation	99,000.00	12/11/14 Board Action designated $50,000 for final debt payment
Library	72,712.00	on the Huntsberry property.
Rt.50 Trans.Imp.	10,000.00	
Rt. 50 Rezoning	25,000.00	
Rt. 656 & 657 Imp.	25,000.00	
RT.277	162,375.00	
Sheriff	36,953.00	
Solid Waste	12,000.00	
Stop Lights	26,000.00	
BPG Properties/Rt.11 Corridor	330,000.00	
Total	**989,102.24**	

Other Proffers @10/31/14

(4) Fund Balance Adjusted	
Ending Balance 10/31/14	36,883,199.52
Revenue 10/14	18,354,901.16
Expenditures 10/14	(21,231,949.91)
Transfers 10/14	(2,064,078.89)
10/14 Adjusted Fund Balance	**31,942,071.88**

County of Frederick
Comparative Statement of Revenues, Expenditures
and Changes in Fund Balance
October 31, 2014

REVENUES:	Appropriated	FY15 10/31/14 Actual	FY14 10/31/13 Actual	YTD Actual Variance	
General Property Taxes	93,490,226.00	4,478,150.97	4,385,774.92	92,376.05	**(1)**
Other local taxes	30,213,611.00	5,326,508.71	5,212,416.91	114,091.80	**(2)**
Permits & Privilege fees	1,248,473.00	602,706.10	463,393.01	139,313.09	**(3)**
Revenue from use of money and property	131,780.00	96,823.71	87,404.93	9,418.78	**(4)**
Charges for Services	2,372,232.00	731,756.97	717,744.46	14,012.51	
Miscellaneous	495,706.00	176,798.82	128,404.14	48,394.68	
Recovered Costs	1,601,733.32	1,331,187.73	1,036,701.10	294,486.63	**(5)**
Intergovernmental:					
Commonwealth	8,785,129.00	5,605,000.15	5,431,962.61	173,037.54	**(6)**
Federal	43,500.00	5,968.00	8,066.71	(2,098.71)	**(7)**
Transfers	.	0.00	0.00	0.00	
TOTAL REVENUES	138,382,390.32	18,354,901.16	17,471,868.79	883,032.37	
EXPENDITURES:					
General Administration	9,151,561.85	2,802,783.98	2,612,363.94	190,420.04	
Judicial Administration	2,408,692.25	679,132.69	643,772.34	35,360.35	
Public Safety	30,374,285.90	11,588,326.59	10,516,872.04	1,071,454.55	
Public Works	4,273,857.12	1,179,102.72	1,386,715.03	(207,612.31)	
Health and Welfare	7,227,185.00	2,216,107.75	1,927,141.62	288,966.13	
Education	56,000.00	14,000.00	14,123.25	(123.25)	
Parks, Recreation, Culture	5,742,632.19	1,830,532.73	1,725,256.90	105,275.83	
Community Development	2,452,290.10	921,963.45	955,238.46	(33,275.01)	
TOTAL EXPENDITURES	61,686,504.41	21,231,949.91	19,781,483.58	1,450,466.33	**(8)**
OTHER FINANCING SOURCES (USES):					
Operating transfers from / to	85,009,883.60	2,064,078.89	400,846.51	1,663,232.38	**(9)**
Excess (deficiency)of revenues & other sources over expenditures & other uses	(8,313,997.69)	(4,941,127.64)	(2,710,461.30)	2,230,666.34	
Fund Balance per General Ledger		36,883,199.52	31,300,526.02	5,582,673.50	
Fund Balance Adjusted to reflect Income Statement@10/31/14		31,942,071.88	28,590,064.72	3,352,007.16	

(1)General Property Taxes	FY15	FY14	Increase/Decrease
Real Estate Taxes	1,586,375	1,594,967	(8,592)
Public Services	(133)	(3,346)	3,213
Personal Property	2,562,588	2,498,573	64,015
Penalties and Interest	197,072	185,951	11,121
Credit Card Chgs./Delinq.Advertising	(20,458)	(17,497)	(2,961)
Adm.Fees For Liens&Distress	152,707	127,127	25,580
	4,478,151	4,385,775	92,376

(2) Other Local Taxes			
Local Sales and Use tax	2,112,492.38	1,987,589.81	124,902.57
Communications Sales Tax	225,089.41	227,533.36	(2,443.95)
Utility Taxes	673,648.10	631,418.16	42,229.94
Business Licenses	552,778.96	653,747.57	(100,968.61)
Auto Rental Tax	31,193.97	27,600.27	3,593.70
Motor Vehicle Licenses Fees	126,713.10	122,080.44	4,632.66
Recordation Taxes	398,510.24	419,947.96	(21,437.72)
Meals Tax	1,090,209.78	1,022,269.21	67,940.57
Lodging Tax	114,624.52	118,861.13	(4,236.61)
Street Lights	948.25	1,125.00	(176.75)
Star Fort Fees	300.00	244.00	56.00
Total	5,326,508.71	5,212,416.91	114,091.80
(3)Permits&Privileges			
Dog Licenses	18,310.00	18,740.00	(430.00)
Land Use Application Fees	5,100.00	3,575.00	1,525.00
Transfer Fees	938.70	919.57	19.13
Development Review Fees	130,510.10	125,686.20	4,823.90
Building Permits	328,303.81	237,181.36	91,122.45
2% State Fees	13,250.99	1,298.13	11,952.86
Electrical Permits	29,595.00	28,442.00	1,153.00
Plumbing Permits	5,199.00	3,110.00	2,089.00
Mechanical Permits	21,835.50	16,635.75	5,199.75
Sign Permits	820.00	810.00	10.00
Permits for Commercial Burning	225.00	100.00	125.00
Explosive Storage Permits	200.00	200.00	-
Blasting Permits	105.00	165.00	(60.00)
Land Disturbance Permits	48,013.00	24,480.00	23,533.00
Septic Haulers Permit	-	200.00	(200.00)
Sewage Installation License	300.00	300.00	-
Transfer Development Rights	-	1,550.00	(1,550.00)
Total	602,706.10	463,393.01	139,313.09
(4) Revenue from use of			
Money	47,796.88	39,507.10	8,289.78
Property	49,026.83	47,897.83	1,129.00
Total	96,823.71	87,404.93	9,418.78

(5) Recovered Costs	FY15	FY14	Increase/Decrease
Recovered Costs Treas.Office	-	42,156.00	(42,156.00)
Worker's Comp	450.00	400.00	50.00
Purchasing Card Rebate	98,068.29	117,213.04	(19,144.75)
Recovered Costs-IT/GIS	-	25,421.90	(25,421.90)
Fire & Rescue Fee Recovery	166,301.00	-	166,301.00
Round Hill Bond Payment	16,758.26	-	16,758.26
Reimbursement Circuit Court	3,821.07	4,467.09	(646.02)
Clarke County Container Fees	15,228.19	19,570.83	(4,342.64)
City of Winchester Container Fees	12,093.04	13,878.24	(1,785.20)
Refuse Disposal Fees	21,073.71	27,342.52	(6,268.81)
Recycling Revenue	26,352.34	38,548.77	(12,196.43)
Sheriff Restitution	-	9.36	(9.36)
Container Fees Bowman Library	430.26	417.23	13.03
Restitution Victim Witness	4,476.24	3,908.00	568.24
Reimb.of Expenses Gen.District Court	10,000.92	9,299.38	701.54
Reimb.Task Force	16,069.72	15,292.14	777.58
Sign Deposits Planning	(50.00)	679.20	(729.20)
Grounds Maint.Frederick Co.Schools	119,489.97	108,986.26	10,503.71
Reimbursement-Construction Projects	385,799.69	-	385,799.69 *1
Westminster Canterbury Lieu of Taxes	12,225.05	-	12,225.05
Comcast PEG Grant	35,344.80	31,520.40	3,824.40
Proffer-Other	449.50	5,000.00	(4,550.50)
Fire School Programs	11,355.00	16,971.00	(5,616.00)
Proffer Sovereign Village	-	14,634.92	(14,634.92)
Proffer Redbud Run	12,908.00	64,540.00	(51,632.00)
Clerks Reimbursement to County	2,569.57	3,956.38	(1,386.81)
Proffer Canter Estates	4,087.97	4,087.97	-
Proffer Village at Harvest Ridge	6,156.00	6,156.00	-
Proffer Snowden Bridge	176,310.42	217,299.86	(40,989.44)
Proffer Meadows Edge Racey Tract	161,152.00	181,296.00	(20,144.00)
Sheriff Reimbursement	7,385.72	53,886.61	(46,500.89)
Proffer Cedar Meadows Proffer	4,881.00	9,762.00	(4,881.00)
Total	1,331,187.73	1,036,701.10	294,486.63

***1 Reimbursement for the Round Hill Fire and Rescue Station and Event Center design.**

(6) Commonwealth Revenue	10/31/14	10/31/13		
	FY15	FY14	Increase/Decrease	
Motor Vehicle Carriers Tax	36,948.73	37,981.90	(1,033.17)	
Mobile Home Titling Tax	60,131.19	13,211.19	46,920.00	
Recordation Taxes	167,636.80	163,801.85	3,834.95	
P/P State Reimbursement	2,610,611.27	2,610,611.27	-	
Shared Expenses Comm.Atty.	105,178.61	94,028.26	11,150.35	
Shared Expenses Sheriff	582,410.50	558,875.80	23,534.70	
Shared Expenses Comm.of Rev.	52,360.93	51,322.88	1,038.05	
Shared Expenses Treasurer	39,010.23	39,248.25	(238.02)	
Shared Expenses Clerk	92,749.37	106,376.68	(13,627.31)	
Public Assistance Grants	1,333,900.76	1,115,911.61	217,989.15	*1
Litter Control Grant	15,515.00	15,502.00	13.00	
Emergency Services Fire Program	239,007.00	33,557.00	205,450.00	*2
DMV Grant Funding	12,342.03	6,054.78	6,287.25	
DCJS & Sheriff State Grants	122,764.08	-	122,764.08	*3
JJC Grant Juvenile Justice	32,090.00	64,180.00	(32,090.00)	
Rent/Lease Payments	77,143.48	75,993.35	1,150.13	
Spay/Neuter Assistance-State	395.20	331.55	63.65	
State Reimbursement-EDC	-	400,000.00	(400,000.00)	
VDEM Grant Sheriff	-	5,600.58	(5,600.58)	
Wireless 911 Grant	19,453.00	16,388.14	3,064.86	
State Forfeited Asset Funds	5,218.09	4,176.86	1,041.23	
Fire and Rescue OEMS Reimb.	133.88	2,142.00	(2,008.12)	
IT/GIS Grants	-	16,666.66	(16,666.66)	
Total	5,605,000.15	5,431,962.61	173,037.54	

*1 Increase in revenue for special needs and adoptions

*2 Timing of receipt of $203,293 revenue received in December in prior years.

*3 Abbott Grant $99,064.88

County of Frederick
General Fund
October 31, 2014

(7) Federal Revenue	FY15	FY14	Increase/Decrease
Federal Forfeited Assets	-	8,066.71	(8,066.71)
Federal Grants Sheriff	5,509.00	-	5,509.00
Emergency Services Grant-Federal	459.00	-	459.00
Total	5,968.00	8,066.71	(2,098.71)

(8) Expenditures

Expenditures increased $1,450,466.33 in total. **Public Safety** increased $1,071,454.55.The Sheriff's department purchased (17) vehicles totaling $412,580.00, contributions to the Fire Departments and Rescue Squads increased $353,533.30 and includes $239,006.90 for fire program funds. Additionally, the contribution for the local share for the Jail though the second quarter increased $227,592.12 from the previous year. **Public Works** decreased $207,612.31 and reflects the $186,853.33 Gainesboro Citizen's Site in the previous year. Transfers increased $1,663,232.38. See chart below:

(9) Transfers Increased $1,663,232.38	FY15	FY14	Increase/Decrease	
Transfer to School Operating	218,387.05	218,891.94	(504.89)	*1
Transfer to Debt Service County	201,548.42	150,730.16	50,818.26	
Transfer to Capital Projects Fund	1,000,000.00	-	1,000,000.00	*2
Transfer to School Capital Projects Fund	542,593.92	-	542,593.92	*3
Operational Transfers	101,549.50	31,224.41	70,325.09	*4
Total	2,064,078.89	400,846.51	1,663,232.38	

*1 FY14 School Carry Forward Encumbrances

*2 Proffer for Round Hill Fire and Rescue and Event Center Site Plan Development.

*3 Unobligated FY14 Funds to be Used for Capital Maintenance Needs.

*4 Timing of Insurance Charge Outs.

County of Frederick

FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER

October 31, 2014

ASSETS	FY2015 10/31/14	FY2014 10/31/13	Increase (Decrease)	
Cash	6,396,356.34	5,298,287.19	1,098,069.15	***1**
GL controls(est.rev/est.exp)	(433,294.67)	(363,966.37)	(69,328.30)	
TOTAL ASSETS	5,963,061.67	4,934,320.82	1,028,740.85	
LIABILITIES				
Accrued Operating Reserve Costs	2,115,099.00	2,077,528.07	37,570.93	
TOTAL LIABILITIES	2,115,099.00	2,077,528.07	37,570.93	
EQUITY				
Fund Balance				
Reserved				
Encumbrances	91,395.00	13,773.36	77,621.64	
Undesignated				
Fund Balance	3,756,567.67	2,843,019.39	913,548.28	***2**
TOTAL EQUITY	3,847,962.67	2,856,792.75	991,169.92	
TOTAL LIABILITY & EQUITY	5,963,061.67	4,934,320.82	1,028,740.85	

NOTES:

***1** Cash increased $1,098,069.15. Refer to the following page for comparative statement of revenues, expenditures and changes in fund balance.

***2** Fund balance increased $913,548.28. The beginning fund balance was $2,738,357.11 that includes adjusting entries, budget controls for FY15($510,200), and the year to date revenue less expenditures of $1,528,410.56.

Current Unrecorded Accounts Receivable-	FY2015
Prisoner Billing:	26,023.78
Compensation Board Reimbursement 10/14	451,973.09
Total	477,996.87

FUND 11 NORTHWESTERN REGIONAL ADULT DETENTION CENTER

REVENUES:	Appropriated	FY2015 10/31/14 Actual	FY2014 10/31/13 Actual	YTD Actual Variance
Credit Card Probation		45.99		
Interest	-	3,519.59	2,686.91	832.68
Sale of Salvage&Surplus	-	-	76.00	(76.00)
Supervision Fees	43,446.00	13,196.00	13,672.30	(476.30)
Drug Testing Fees	5,000.00	375.00	1,125.00	(750.00)
Work Release Fees	405,150.00	79,912.98	100,497.90	(20,584.92)
Federal Bureau Of Prisons	0.00	1,275.48	1,375.00	(99.52)
Local Contributions	6,253,129.00	2,959,773.70	2,765,382.50	194,391.20
Miscellaneous	15,000.00	2,891.46	2,597.25	294.21
Phone Commissions	300,000.00	31,974.85	26,987.77	4,987.08
Food & Staff Reimbursement	115,000.00	20,434.37	29,845.20	(9,410.83)
Elec.Monitoring Part.Fees	144,000.00	21,325.70	16,262.96	5,062.74
Employee Meal Supplements	200.00	0.00	42.50	(42.50)
Share of Jail Cost Commonwealth	1,066,042.00	218,568.00	0.00	218,568.00
Medical & Health Reimb.	50,000.00	18,023.13	18,134.85	(111.72)
Shared Expenses CFW Jail	4,973,170.00	1,298,186.60	1,247,278.14	50,908.46
State Grants	263,263.00	76,425.00	66,869.00	9,556.00
Local Offender Probation	252,286.00	67,190.00	62,151.00	5,039.00
DOC Contract Beds	0.00	0.00	0.00	0.00
Bond Proceeds	0.00	0.00	221,000.00	(221,000.00)
Transfer From General Fund	4,991,484.00	2,461,093.12	2,233,501.00	227,592.12
TOTAL REVENUES	18,877,170.00	7,274,210.97	6,809,485.28	464,679.70
EXPENDITURES:	19,401,859.67	5,745,800.41	5,600,754.69	145,045.72
Excess(Deficiency)of revenues over expenditures		1,528,410.56	1,208,730.59	319,679.97
FUND BALANCE PER GENERAL LEDGER		2,228,157.11	1,634,288.80	593,868.31
Fund Balance Adjusted To Reflect Income Statement 10/31/14		3,756,567.67	2,843,019.39	913,548.28

County of Frederick
Fund 12 Landfill
October 31, 2014

ASSETS	FY2015 10/31/14	FY2014 10/31/13	Increase (Decrease)	
Cash	30,978,154.89	30,038,381.60	939,773.29	
Receivables:				
Accounts Receivable				
Fees	562,652.78	549,319.41	13,333.37	***1**
Accounts Receivable Other	172.00	88.00	84.00	
Allow.Uncollectible Fees	(84,000.00)	(84,000.00)	0.00	
Fixed Assets	43,682,208.64	43,287,786.24	394,422.40	
Accumulated Depreciation	(25,115,864.21)	(23,311,767.48)	(1,804,096.73)	
GL controls(est.rev/est.exp)	(3,311,966.02)	(2,513,233.00)	(798,733.02)	
TOTAL ASSETS	46,711,358.08	47,966,574.77	(1,255,216.69)	
LIABILITIES				
Accounts Payable	-	-		
Accrued VAC.Pay and Comp TimePay	178,911.24	159,728.90	19,182.34	
Accrued Remediation Costs	11,938,535.78	11,791,736.42	146,799.36	***2**
Retainage Payable	9,244.62	0.00	9,244.62	
Deferred Revenue Misc.Charges	172.00	88.00	84.00	
TOTAL LIABILITIES	12,126,863.64	11,951,553.32	175,310.32	
EQUITY				
Fund Balance				
Reserved:				
Encumbrances	168,423.20	0.00	168,423.20	***3**
Land Acquisition	1,048,000.00	1,048,000.00	0.00	
New Development Costs	3,812,000.00	3,812,000.00	0.00	
Environmental Project Costs	1,948,442.00	1,948,442.00	0.00	
Equipment	3,050,000.00	3,050,000.00	0.00	
Undesignated				
Fund Balance	24,557,629.24	26,156,579.45	(1,598,950.21)	***4**
TOTAL EQUITY	34,584,494.44	36,015,021.45	(1,430,527.01)	
TOTAL LIABILITY AND EQUITY	46,711,358.08	47,966,574.77	(1,255,216.69)	

NOTES:

***1** Landfill receivables increased $13,333.37 at 10/31/14. Landfill charges for 10/14 were $476,881.65 compared to $450,675.49 at 10/13 for an increase of $26,206.16. The delinquent fees at 10/14 were $82,271.67 compared to $94,933.39 at 10/13 for a decrease of $12,661.72.

***2** Remediation increased $146,799.36 and includes $117,232.00 for post closure and $29,567.36 for interest.

***3** The encumbrance balance at 10/31/14 was $168,423.20 and includes $104,715.62 for Landfill improvements for roadway, leachate lagoon, and drainage improvements project. Additionally, $33,426 for a LED monument sign, $25,098 for a Ford F-350 XL, and $5,183.58 for an 8 foot Fisher snow plow.

***4** Fund balance decreased $1,598,950.21. The beginning balance was $26,789,927.14 and includes adjusting entries, budget controls for FY15($1,705,018.00), (2) positions($84,734.00), ($420,000.00) carry forward funds for the final phase of Permit 40, to purchase as used motor grader, and unexpected changes in work to reconstruct the leachate holding pool, and the year to date less expenses($22,545.90).

County of Frederick
Comparative Statement of Revenue,Expenditures
and Changes in Fund Balance
10/31/14

FUND 12 LANDFILL **REVENUES**	Appropriated	FY15 10/31/14 Actual	FY14 10/31/13 Actual	YTD Actual Variance
Interest Charge	0.00	1,387.14	1,142.94	244.20
Interest on Bank Deposits	20,000.00	20,782.54	17,790.52	2,992.02
Salvage and Surplus	0.00	59,574.60	43,755.90	15,818.70
Sanitary Landfill Fees	4,653,000.00	1,636,846.48	1,575,305.55	61,540.93
Charges to County	0.00	115,903.74	116,697.44	(793.70)
Charges to Winchester	0.00	33,895.00	31,659.92	2,235.08
Tire Recycling	54,000.00	64,402.89	46,441.22	17,961.67
Reg.Recycling Electronics	60,000.00	14,973.00	15,429.60	(456.60)
Miscellaneous	0.00	174.00	3,293.70	(3,119.70)
Wheel Recycling	144,000.00	0.00	0.00	0.00
Charges for RTOP	0.00	0.00	2,408.69	(2,408.69)
Renewable Energy Credits	116,262.00	46,053.84	43,167.18	2,886.66
Landfill Gas To Electricity	363,925.00	159,165.39	125,463.49	33,701.90
Waste Oil Recycling		6,565.91	9,544.05	(2,978.14)
State Reimbursement Tire Operation	0.00	0.00	0.00	0.00
TOTAL REVENUES	5,411,187.00	2,159,724.53	2,032,100.20	127,624.33
Operating Expenditures	4,771,404.44	945,223.92	881,128.70	64,095.22
Capital Expenditures	4,120,171.78	1,237,046.51	0.00	1,237,046.51
TOTAL Expenditures	8,891,576.22	2,182,270.43	881,128.70	1,301,141.73
Excess(defiency)of revenue over expenditures		(22,545.90)	1,150,971.50	(1,173,517.40)
Fund Balance Per General Ledger		24,580,175.14	25,005,607.95	(425,432.81)
FUND BALANCE ADJUSTED		24,557,629.24	26,156,579.45	(1,598,950.21)

County of Frederick, VA
Report on Unreserved Fund Balance
November 14, 2014

Unreserved Fund Balance, Beginning of Year, July 1, 2014		**39,292,350**
Prior Year Funding & Carryforward Amounts		
C/F Dare	(2,065)	
C/F sign materials	(4,500)	
C/F Shelter van accessories	(1,330)	
C/F K9 unit accessories	(3,000)	
C/F Fire Company Capital	(167,180)	
C/F Designated School Operating funds	(108,939)	
C/F School Operating to School Capital	(542,594)	
C/F forfeited assets	(53,015)	
		(882,622)
Other Funding / Adjustments		
HP Hood incentive	(500,000)	
Airport capital	(80,282)	
COR refund - Disabled Veteran	(2,793)	
(7) DSS positions	(221,648)	
COR refund - Disabled Veteran	(3,817)	
OSSI licenses - Sheriff	(53,693)	
COR refund - New World Pasta	(44,457)	
Recycling cans	(14,850)	
Sheriff PT - court bailiffs	(175,000)	
Sheriff - 10 vehicles & equipment	(284,781)	
Inspections PT to FT position	(11,843)	
COR PT to FT position	(14,393)	
Litigation settlement	(118,972)	
		(1,526,528)
Fund Balance, November 14, 2014		36,883,200

County of Frederick

Paula A. Nofsinger
Director of Human Resources

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

TO: Board of Supervisors

FROM: HR Committee

DATE: November 14, 2014

SUBJECT: Human Resources Committee Report

The HR Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, November 14th, 2014, at 8:00a.m. All members were present.

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

1. The Committee recommends adoption of the recommended salary ranges with an effective date of January 1, 2015. (See attachments).

2. The Committee recommends adoption of the attached resolution to designate Frederick County a HIPPA Hybrid Entity (See attachments).

3. The Committee recommends approval of the Employee of the Month award for November. (See attachment).

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

1. Presentation by the Director of Finance, Cheryl Shiffler.
   At the request of the Committee, Ms. Shiffler presented an overview of the objectives and responsibilities of the Finance Department. 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, December 12th, 2014.

Respectfully Submitted,

Human Resources Committee

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

By: Paula Nofsinger
Paula A. Nofsinger
Director of Human Resources

County of Frederick

Paula A. Nofsinger
Director of Human Resources

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To: Human Resources Committee

Through: John R. Riley, Jr. County Administrator

From: Paula Nofsinger

Date: November 10, 2014

Subject: Implementation of New Salary Scales

As you know, the County has been working diligently on a salary study over the past year. Our goal for this project was to establish a fundamental salary structure that will attract and retain the top talent for our positions. Another goal was to address any salary compression that may have developed over the timeframe of July 2009 through 2012, when salary increases were frozen.

With the help of an outside vendor, local market data was gathered on the majority of our positions. There were 94 positions benchmarked that covered over 90% of our employee base. Based on the data gathered, the vendor recommended to County leadership a new salary structure. Additionally, in order to stay competitive with other local jurisdictions, a 5% premium to the salary structure was added to the recommended ranges.

As far as attracting and retaining the top talent, the recommended salary structure, if adopted, will result in higher starting salaries for our positions to assist the County in hiring the best candidates. This is extremely important for future growth, especially with our public safety positions. Additionally, when Department Directors are hiring, the recommended salary structure will provide more flexibility in considering relevant, prior experience. Not only will the recommended ranges provide competitive market data, they will also provide guidance on appropriate pay based on the candidate's experience in the specific position.

The second goal of our project was to address any compression that may have occurred over the past six years. This part of the project was a three-step process. First, all of our employees were placed in a grade based on their position, the same way we currently grade positions. Secondly, all of our employees were placed within their grade's salary range based on their years of experience in their current position. Consequently, everyone is at least at their appropriate minimum recommended salary. Thirdly, I am in the process now of meeting with all the Department Heads for their opinions and recommendations. By using the years of service in current position and the Director's feedback, we believe that any compression issues will be addressed.

Funding for our recommended salary structure will be accomplished by general fund transfers made available by existing funds budgeted in debt service that will not be expended. It is estimated that these general fund transfers in FY 2015 will not exceed $600,000. The other agencies that the county is fiscal agent for will require a supplemental appropriation once exact amounts are determined. The county's funding for these supplemental appropriations is expected to be funded out of remaining contingency funds and not require a general fund supplemental appropriation.

I am respectfully requesting that this Committee recommend to the Board of Supervisor's that our recommended salary structure be adopted.

Thank you for your continued support and please let me know if you have any questions.

Salary Ranges

Update: July 2012

	A	B	C	D	E	F	G	H	I	J	K	L
R1	$20,160.99	$21,300.08	$22,503.54	$23,774.99	$25,118.28	$26,537.46	$28,036.83	$29,620.91	$31,294.49	$33,062.63	$34,930.66	$36,904.25
	$1,680.08	$1,775.01	$1,875.29	$1,981.25	$2,093.19	$2,211.45	$2,336.40	$2,468.41	$2,607.87	$2,755.22	$2,910.89	$3,075.35
	$9.69	$10.24	$10.82	$11.43	$12.08	$12.76	$13.48	$14.24	$15.05	$15.90	$16.79	$17.74
R2	$22,238.10	$23,494.55	$24,822.00	$26,224.44	$27,706.12	$29,271.51	$30,925.36	$32,672.64	$34,518.64	$36,468.95	$38,529.44	$40,706.35
	$1,853.18	$1,957.88	$2,068.50	$2,185.37	$2,308.84	$2,439.29	$2,577.11	$2,722.72	$2,876.55	$3,039.08	$3,210.79	$3,392.20
	$10.69	$11.30	$11.93	$12.61	$13.32	$14.07	$14.87	$15.71	$16.60	$17.53	$18.52	$19.57
R3	$24,535.20	$25,921.44	$27,386.00	$28,933.31	$30,568.04	$32,295.13	$34,119.81	$36,047.58	$38,084.27	$40,236.03	$42,509.36	$44,911.14
	$2,044.60	$2,160.12	$2,282.17	$2,411.11	$2,547.34	$2,691.26	$2,843.32	$3,003.96	$3,173.69	$3,353.00	$3,542.45	$3,742.60
	$11.80	$12.46	$13.17	$13.91	$14.70	$15.53	$16.40	$17.33	$18.31	$19.34	$20.44	$21.59
R4	$27,052.28	$28,580.74	$30,195.55	$31,901.60	$33,704.04	$35,608.32	$37,620.19	$39,745.73	$41,991.36	$44,363.87	$46,870.43	$49,518.61
	$2,254.36	$2,381.73	$2,516.30	$2,658.47	$2,808.67	$2,967.36	$3,135.02	$3,312.14	$3,499.28	$3,696.99	$3,905.87	$4,126.55
	$13.01	$13.74	$14.52	$15.34	$16.20	$17.12	$18.09	$19.11	$20.19	$21.33	$22.53	$23.81
R5	$29,820.96	$31,505.84	$33,285.92	$35,166.57	$37,153.49	$39,252.66	$41,470.43	$43,813.51	$46,288.98	$48,904.30	$51,667.40	$54,586.60
	$2,485.08	$2,625.49	$2,773.83	$2,930.55	$3,096.12	$3,271.05	$3,455.87	$3,651.13	$3,857.41	$4,075.36	$4,305.62	$4,548.88
	$14.34	$15.15	$16.00	$16.91	$17.86	$18.87	$19.94	$21.06	$22.25	$23.51	$24.84	$26.24
R6	$32,886.18	$34,744.25	$36,707.30	$38,781.27	$40,972.41	$43,287.35	$45,733.09	$48,317.00	$51,046.92	$53,931.07	$56,978.17	$60,197.44
	$2,740.52	$2,895.35	$3,058.94	$3,231.77	$3,414.37	$3,607.28	$21.99	$4,026.42	$4,253.91	$4,494.26	$4,748.18	$5,016.45
	$15.81	$16.70	$17.65	$18.64	$19.70	$20.81	$21.99	$23.23	$24.54	$25.93	$27.39	$28.94
R7	$36,240.68	$38,288.28	$40,451.56	$42,737.08	$45,151.72	$47,702.79	$50,398.00	$53,245.49	$56,253.86	$59,432.20	$62,790.12	$66,337.76
	$3,020.06	$3,190.69	$3,370.96	$3,561.42	$3,762.64	$3,975.23	$4,199.83	$4,437.12	$4,687.82	$4,952.68	$5,232.51	$5,528.15
	$17.42	$18.41	$19.45	$20.55	$21.71	$22.93	$24.23	$25.60	$27.05	$28.57	$30.19	$31.89
R8	$39,957.36	$42,214.95	$44,600.09	$47,120.00	$49,782.28	$52,594.98	$55,566.59	$58,706.11	$62,023.00	$65,527.30	$69,229.59	$73,141.07
	$3,329.78	$3,517.91	$3,716.67	$3,926.67	$4,148.52	$4,382.91	$4,630.55	$4,892.18	$5,168.58	$5,460.61	$5,769.13	$6,095.09
	$19.21	$20.30	$21.44	$22.65	$23.93	$25.29	$26.71	$28.22	$29.82	$31.50	$33.28	$35.16
R9	$44,077.55	$46,567.93	$49,199.02	$51,978.77	$54,915.57	$58,018.30	$61,296.33	$64,759.57	$68,418.49	$72,284.13	$76,368.19	$80,682.99
	$3,673.13	$3,880.66	$4,099.92	$4,331.56	$4,576.30	$4,834.86	$5,108.03	$5,396.63	$5,701.54	$6,023.68	$6,364.02	$6,723.58
	$21.19	$22.39	$23.65	$24.99	$26.40	$27.89	$29.47	$31.13	$32.89	$34.75	$36.72	$38.79
R10	$48,563.58	$51,307.42	$54,206.29	$57,268.94	$60,504.64	$63,923.15	$67,534.81	$71,350.53	$75,381.83	$79,640.91	$84,140.62	$88,894.56
	$4,046.96	$4,275.62	$4,517.19	$4,772.41	$5,042.05	$5,326.93	$5,627.90	$5,945.88	$6,281.82	$6,636.74	$7,011.72	$7,407.88
	$23.35	$24.67	$26.06	$27.53	$29.09	$30.73	$32.47	$34.30	$36.24	$38.29	$40.45	$42.74
R11	$53,555.21	$56,581.08	$59,777.91	$63,155.36	$66,723.64	$70,493.53	$74,476.41	$78,684.33	$83,129.99	$87,826.84	$92,789.05	$98,031.63
	$4,462.93	$4,715.09	$4,981.49	$5,262.95	$5,560.30	$5,874.46	$6,206.37	$6,557.03	$6,927.50	$7,318.90	$7,732.42	$8,169.30
	$25.75	$27.20	$28.74	$30.36	$32.08	$33.89	$35.81	$37.83	$39.97	$42.22	$44.61	$47.13
R12	$59,043.94	$62,379.92	$65,904.39	$69,627.98	$73,561.96	$77,718.22	$82,109.29	$86,748.47	$91,649.76	$96,827.97	$102,298.75	$108,078.63
	$4,920.33	$5,198.33	$5,492.03	$5,802.33	$6,130.16	$6,476.52	$6,842.44	$7,229.04	$7,637.48	$8,069.00	$8,524.90	$9,006.55
	$28.39	$29.99	$31.68	$33.47	$35.37	$37.36	$39.48	$41.71	$44.06	$46.55	$49.18	$51.96
R13	$65,095.39	$68,773.28	$72,658.97	$76,764.21	$81,101.38	$85,683.61	$90,524.74	$95,639.38	$101,043.01	$106,751.94	$112,783.42	$119,155.69
	$5,424.62	$5,731.11	$6,054.91	$6,397.02	$6,758.45	$7,140.30	$7,543.73	$7,969.95	$8,420.25	$8,895.99	$9,398.62	$9,929.64
	$31.30	$33.06	$34.93	$36.91	$38.99	$41.19	$43.52	$45.98	$48.58	$51.32	$54.22	$57.29

2015 Recommended Salary Ranges					
		6-13 Years	13-19 Years	19 & Over Years	
Salary Grade	Minimum	Progress Point	Midpoint	Advance Point	Maximum
13	$96,200	$110,600	$125,000	$139,400	$153,800
12	$85,600	$98,500	$111,300	$124,100	$137,000
11	$76,800	$88,300	$99,800	$111,300	$122,800
10	$65,800	$75,700	$85,600	$95,500	$105,400
9	$56,900	$65,500	$74,000	$82,500	$91,100
8	$50,100	$57,600	$65,100	$72,600	$80,100
7	$45,200	$52,000	$58,800	$65,600	$72,400
6	$40,400	$46,400	$52,500	$58,600	$64,600
5	$36,800	$42,300	$47,800	$53,300	$58,800
4	$32,300	$37,200	$42,000	$46,800	$51,700
3	$29,500	$33,900	$38,300	$42,700	$47,100
2	$25,800	$29,700	$33,600	$37,500	$41,400
1	$22,200	$25,600	$28,900	$32,200	$35,600

J

BELLE GROVE
PLANTATION

RECEIVED
Oct. 2014
County
Office
JP

October 28, 2014

Mr. John Riley, County Administrator
County of Frederick
107 North Kent St.
Winchester, VA 22601

Mr. Riley,

Please find attached Belle Grove Plantation's Application For Outdoor Festival Permit. This application is for a 12 month January to December 2015 permit. Belle Grove intends to hold its usual schedule of events. Please call with any questions.

Many thanks.

Sincerely,

Rich Coyle, Program Coordinator
Belle Grove Plantation
Cedar Creek & Belle Grove National Historical Park
National Trust for Historic Preservation

BELLE GROVE PLANTATION
P. O. BOX 537
MIDDLETOWN, VA 22645
PHONE: 540-869-2028 • FAX: 540-869-9638
www.bellegrove.org

APPLICATION FOR OUTDOOR FESTIVAL PERMIT
COUNTY OF FREDERICK, VIRGINIA

(Please Print Clearly)

APPLICANT INFORMATION

Name of Applicant: BELLE GROVE PLANTATION

Telephone Number(s): 540 869.2028 ☐ home ☒ office ☐ cell _____ ☐ home ☐ office ☐ cell

Address: P.O. BOX 537, 336 BELLE GROVE Rd. MIDDLETOWN, VA 22645

Contact Email: PROGRAMS1797@BELLEGROVE.ORG

FESTIVAL EVENT ORGANIZATIONAL INFORMATION

Festival Event — Name of Festival: 12 MONTH PERMIT JAN. - DEC. '15

Cost of Admission to Festival: VARIES

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
12 MO. PERMIT 2015	JAN.	DEC.		

Location — Address: 336 BELLE GROVE Rd. MIDDLETOWN, VA 22645

Owner of Property — Name(s): NATIONAL TRUST FOR HISTORIC PRESERVATION

Address: 1758 MASS. AVE. NW WASHINGTON DC 20036

(*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): BELLE GROVE PLANTATION

Address: S/A

(*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): BELLE GROVE PLANTATION

Address: S/A

Performer — Name of Person(s) or Group(s): TBD

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

(OVER)

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).

   COVERED DUMPSTER & PORTABLE RESTROOMS

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).

   QUALIFIED FOOD VENDORS

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.

   MIDDLEPAX FIRE & RESCUE WILL BE NOTIFIED OF EACH EVENT

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

   MUSEUM IS EQUIPED W/ FIRE ALARM PROTECTION SYSTEM & EVACUATION PLAN / FIRE EXTINGUISHERS.

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

   FIELD PARKING ON THE PROPERTY FOR UP TO 2500 VEHICLES CONTROLLED BY STAFF & CONTRACTED SECURITY

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

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

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

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

   ABC BANQUET LICENSE. CONTRACTED SECURITY PATROL. CARDING BY TRAINED STAFF

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

FESTIVAL PROVISIONS

Applicant makes the following statements:

A. Music shall not be rendered nor entertainment provided for more than eight (8) hours in any twenty-four (24) hour period, such twenty-four (24) hour period to be measured from the beginning of the first performance at the festival.

B. Music shall not be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom exceeds 73 decibels at the property on which the festival is located.

C. No person under the age of eighteen (18) years of age shall be admitted to any festival unless accompanied by a parent or guardian, the parent or guardian to remain with such person at all times. (NOTE: It may be necessary to post signs to this effect.)

D. The Board, its lawful agents, and/or duly constituted law enforcement officers shall have permission to go upon the property where the festival is being held at any time for the purpose of determining compliance with the provisions of the County ordinance.

CERTIFICATION

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

Signature of Applicant

RALH COTTE,
Printed Name of Applicant
PROGRAM ASSISTANT FOR BIBLE GROVE, INC.

Date: 10.29.14

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

K

CONDITIONAL USE PERMIT #03-14
CAROLINE E. WATSON
Staff Report for the Board of Supervisors
Prepared: November 24, 2014
Staff Contact: Mark Cheran, Zoning Administrator

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this request. It may also be useful to others interested in this zoning matter.

	Reviewed	**Action**
Planning Commission:	11/05/14	Recommended Approval
Board of Supervisors:	12/10/14	Pending

EXECUTIVE SUMMARY: This is a request for a Licensed Home Child Care.

The Planning Commission recommended approval of this Conditional Use Permit (CUP) with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.

2. Hours of operation shall be permitted from 7 a.m. to 5 p.m., Monday through Friday.

3. The applicant shall satisfy the licensing requirements of the Virginia Department of Social Services and the County of Frederick.

4. No business sign associated with this Conditional Use Permit (CUP) shall be erected on the property.

5. Other than those children residing on the property, there shall be no more than twelve (12) children being cared for at any given time.

6. Other than those persons residing on the property, there shall be no more than one (1) employee working at the daycare at any time.

7. Any expansion or change of use will require a new Conditional Use Permit.

Following this public hearing, a decision regarding this Conditional Use Permit 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.

LOCATION: The property is located at 215 Westmoreland Drive.

MAGISTERIAL DISTRICT: Opequon

PROPERTY ID NUMBER: 75E-1-3-165

PROPERTY ZONING & PRESENT USE:

Zoned: RP (Residential Performance) Land Use: Residential

ADJOINING PROPERTY ZONING & USE:

North: RP (Residential Performance) Land Use: Residential
South: RP (Residential Performance) Land Use: Residential
East: RP (Residential Performance) Land Use: Residential
West: RP (Residential Performance) Land Use: Residential

PROPOSED USE: Licensed Home Child Care.

REVIEW EVALUATIONS:

Virginia Department of Transportation: VDOT has no objection to this renewal.

Frederick County Fire and Rescue: Plans approved provided that at least 1-5# ABC Fire Extinguisher is properly hung & tagged along with at least one working smoke detector in the area of operation.

Frederick County Fire Marshall: Plans approved.

Frederick County Inspections: The existing building shall comply with The Virginia Uniform Statewide Building Code (USBC) at the time the structure was built (1986). Building shall comply with the 1984 Uniform Statewide Building Code and CABO 1983 Building Code. The owner shall be in possession of a certificate of occupancy for the dwelling under the code edition that is noted above. Current Family Day Homes where program oversight is provided by the Virginia Department of Social Services is allowed to be classified as R-5 (Residential One and Two Family Dwellings) Family day homes generally care for up to 12 children. See DHCD related Laws Package for additional information (USBC Section 310.4). Any alteration to existing structure is required to have a building permit.

Frederick-Winchester Health Department: It appears this property is on public water and sewer. This department has no objections to this request.

Winchester Regional Airport: No impact to airport operations.

Frederick County Sanitation Authority: No comments.

City of Winchester: No comments.

Planning and Zoning: A licensed in-home daycare facility is a permitted use as a cottage occupation in the RP (Residential Performance) District with an approved Conditional Use Permit (CUP). An in-home daycare facility is defined by the Zoning Ordinance as a facility in which more than five children, not including those children related to the people who maintain the facility, are received for care, protection, and guidance during only part of the 24-hour day.

This licensed in-home daycare facility has been in operation within the principal residential structure for fourteen (14) years. The applicant was not aware that a CUP was needed for operation of an in-home daycare facility. The facility was inspected by the state this year and the issue of a CUP was noted by the state licensing office. The applicant applied for this CUP to bring the property in compliance with the Frederick County Zoning Ordinance. Staff to date has not received any complaints as it relates to the existing in-home daycare. The Virginia Department of Social Services currently has Ms. Caroline Watson licensed for a capacity of twelve (12) children, ages infancy through (12).

STAFF CONCLUSIONS FOR THE 11/05/14 PLANNING COMMISSION MEETING:

Should the Planning Commission find this use appropriate, Staff would recommend the following conditions be placed on the Conditional Use Permit (CUP):

1. All review agency comments and requirements shall be complied with at all times.

2. Hours of operation shall be permitted from 7 a.m. to 5 p.m., Monday through Friday.

3. The applicant shall satisfy the licensing requirements of the Virginia Department of Social Services and the County of Frederick.

4. No business sign associated with this Conditional Use Permit (CUP) shall be erected on the property.

5. Other than those children residing on the property, there shall be no more than twelve (12) children being cared for at any given time.

6. Other than those persons residing on the property, there shall be no more than one (1) employee working at the daycare at any time.

7. Any expansion or change of use will require a new Conditional Use permit.

PLANNING COMMISSION SUMMARY AND ACTION OF THE 11/5/2014 MEETING:

Staff reported the property is currently zoned RP (Residential Performance) and the land use is residential. This licensed child care facility has been in operation at this principal structure for 14 years. Staff noted the applicant was not aware that a CUP (Conditional Use Permit) was needed for this service until this point. A Commissioner asked the applicant if she understood the conditions listed within the permit. He inquired as to if condition #2 would cause any problems (7 a.m. to 5 p.m.) and would it be more feasible if it were 6 a.m. to 6 p.m. The applicant responded this would not cause any problem and a child being at the residence after 5 p.m. is very rare. There were no citizen comments, either in favor or opposition to this CUP.

By unanimous decision the Planning Commission recommended approval of the CUP, with the following conditions.

1. All review agency comments and requirements shall be complied with at all times.

2. Hours of operation shall be permitted from 7 a.m. to 5 p.m., Monday through Friday.

3. The applicant shall satisfy the licensing requirements of the Virginia Department of Social Services and the County of Frederick.

4. No business sign associated with this Conditional Use Permit (CUP) shall be erected on the property.

5. Other than those children residing on the property, there shall be no more than twelve (12) children being cared for at any given time.

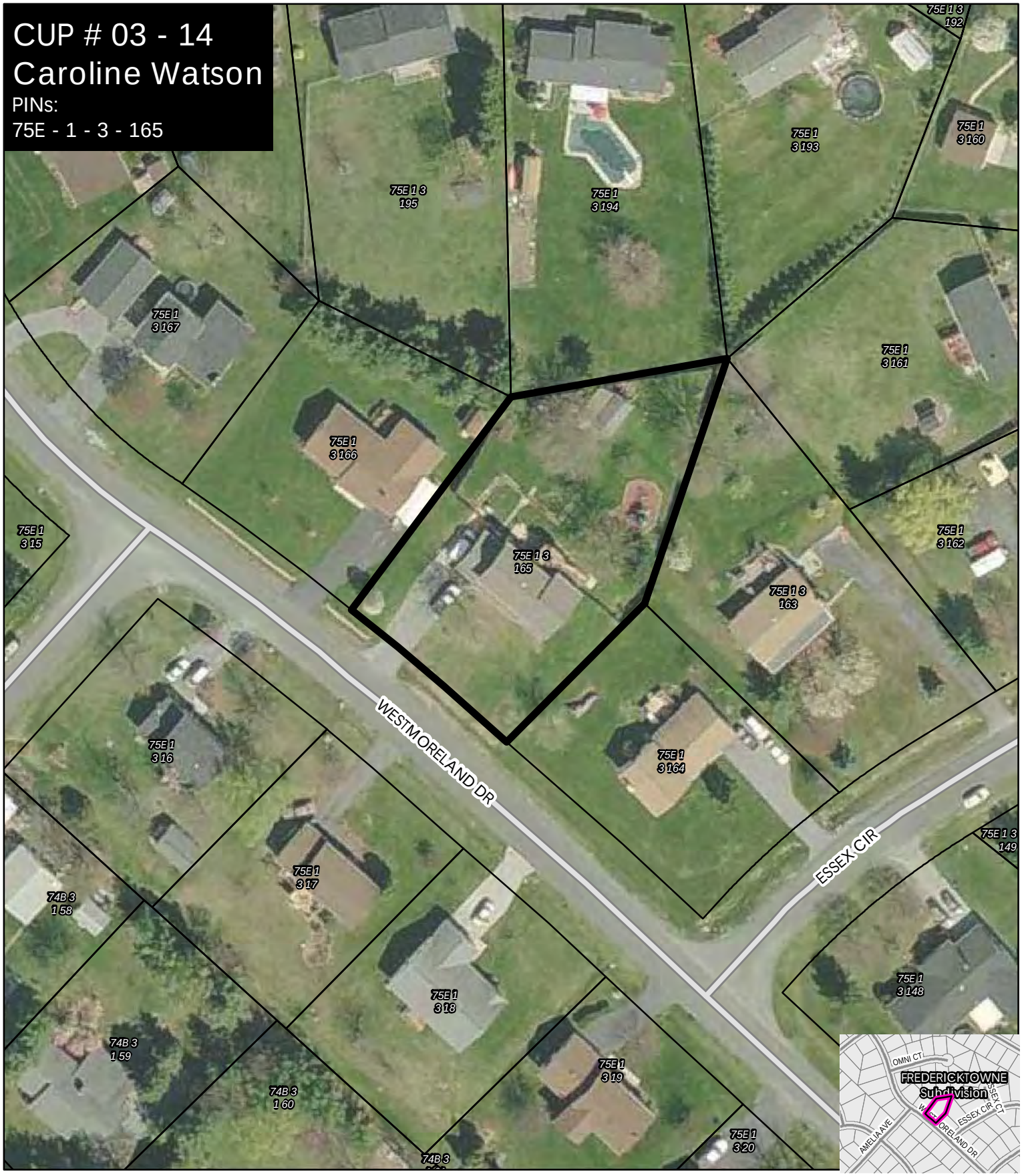
6. Other than those persons residing on the property, there shall be no more than one (1) employee working at the daycare at any time.

7. Any expansion or change of use will require a new Conditional Use Permit.

Following this public hearing, a decision regarding this Conditional Use Permit 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.

CUP # 03 - 14
Caroline Watson

PINs:
75E - 1 - 3 - 165



Applications
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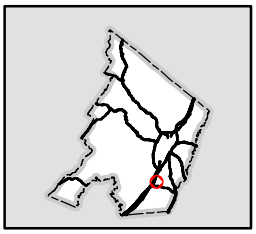


CUP # 03 - 14
Caroline Watson
PINs:
75E - 1 - 3 - 165

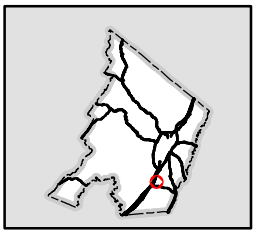
Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: October 2, 2014
Staff: macheran

0 45 90 180 Feet

CUP # 03 - 14
Caroline Watson

PINs:
75E - 1 - 3 - 165

- Applications
- Parcels
- **Building Footprints**
- **B1 (Business, Neighborhood District)**
- **B2 (Business, General Distrist)**
- **B3 (Business, Industrial Transition District)**
- **EM (Extractive Manufacturing District)**
- **HE (Higher Education District)**
- **M1 (Industrial, Light District)**
- **M2 (Industrial, General District)**
- **MH1 (Mobile Home Community District)**
- **MS (Medical Support District)**
- **OM (Office - Manufacturing Park)**
- **R4 (Residential Planned Community District)**
- **R5 (Residential Recreational Community District)**
- **RA (Rural Area District)**
- **RP (Residential Performance District)**



CUP # 03 - 14
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Note:
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Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: October 2, 2014
Staff: macheran

0 45 90 180 Feet

RECEIVED
SEP 30 2014
FREDERICK COUNTY
PLANNING AND DEVELOPMENT

Submittal Deadline	10/10/14
P/C Meeting	11/6/14
BOS Meeting	12/10/14

APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA

1. Applicant (check one): Property Owner [✓] Other [ ]

NAME: Caroline E. Watson

ADDRESS: 215 Westmoreland Drive Stephens City, Va. 22655

TELEPHONE: 540-868-2074

2. Please list all owners, occupants, or parties in interest of the property:

Marvin D. Watson Sr.
Caroline E. Watson

3. The property is located at: (please give exact directions and include the route number of your road or street)

81 South to exit # 307 Stephens City, head left on fairfax pike, a left at the light Aylor Rd. right on Westmoreland Dr. (past Abundant Life) 10th house on the left # 215

4. The property has a road frontage of 100 feet and a depth of 246.75 feet and consists of 3/4 acres. (Please be exact)
21578 Sq ft (from plat)

5. The property is owned by Marvin & Caroline Watson as evidenced by deed from Richard J. & Emma C Bedell (previous owner) recorded in deed book no. 457 on page 510, as recorded in the records of the Clerk of the Circuit Court, County of Frederick. Amended deed book 590 pg 201

6. Property Identification Number (P.I.N.) #75E-1-3-165
Magisterial District Opequon
Current Zoning RP

7. Adjoining Property:

	USE	ZONING
North		RP
East	John Woodall Essex Circle	RP
South	Sandra Kyer 216 Westmoreland	RPR
West	Larry Loy 213 Westmoreland	RPR

8. The type of use proposed is (consult with the Planning Dept. before completing):

Licensed Home Child Care

9. It is proposed that the following buildings will be constructed:

N/A

10. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear and in front of (across street from) the property where the requested use will be conducted. (Continue on back if necessary.) These people will be notified by mail of this application:

Name and Property Identification Number	Address
Name Property # 194	106 Omni Court Stephens City, Va. 22655
Name John & Susie Wood Property # 164	101 Essex Circle Stephens City, Va. 22655
Name Sandra Kyer Property # 17	216 Westmoreland Dr. Stephens City, Va. 22655
Name Larry & Ann Loy Property # 166	213 Westmoreland Drive Stephens City, Va. 22655
Name Property #	
Name Property #	
Name Property #	

12. Additional comments, if any: I want to be allowed 12 children as I've always been - thank you -

I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

Signature of Applicant Caroline E Watson

Signature of Owner _____

Owners' Mailing Address _____

Owners' Telephone No. _____

TO BE COMPLETED BY THE ZONING ADMINISTRATOR:

USE CODE: _____

RENEWAL DATE: _____

September 2014

To whom it concerns,

I felt it would be in my best interest to give you some back ground on behalf of my profession as an, In Home Licensed Child Care provider. I have held a license with high regard to the needs of children since 1988 where I initially became a licensed caregiver through the military's legal system. I have since, maintained a license in North Carolina as well as Virginia for the past 20 years. I've earned an advanced CDA from JMU and maintain continuing Early Childhood Education classes as required by the state and to ensure that I am giving the most current and best practice for the children and the families in which I care for. I have been registered with Children Services of Virginia as well as Social Services in caring for their children and attending classes they provide. I am a registered provider with the USDA Adult Food and Nutrition Program for the past 14 years as well.

I've been licensed in home at this residence for 14 years and have acquired good standing with my state licensing inspector, Julie Kanowski; who comes to the home unannounced; spending several hours per visit inspecting the home, the children, and myself, for the safety and compliance to standards as mandated by the licensing requirements, set forth by the state. My USDA nutritionist arrives unannounced, several times a year to inspect for safety and compliance as well. These inspections are extremely thorough as they not only entail house and child safety but documentation for First Aid and CPR, enrollment of a Child program, business license, documentation on each child in care and a variety of other necessary standards.

I love working with children and feel highly comfortable and confident in my profession on all levels. My hope is to continue working at the capacity that I'm accustomed to for overall success in child care and my business. I have enclosed a copy of my license with contact information and can gather any other information you deem necessary.

Sincerely,

Commonwealth of Virginia

DEPARTMENT OF SOCIAL SERVICES

LICENSE
FAMILY DAY HOME

Issued to WATSON FAMILY DAY HOME T/A Quality Home Child Care (Operated by Caroline Elisabeth Watson)

Address 215 Westmoreland Drive, Stephens City, Virginia 22655

This license is issued in accordance with provisions of Chapters 1, 17 and 18, Title 63.2, Code of Virginia as amended, the established rules and regulations of the State Board of Social Services and the specific limitations prescribed by the Commissioner of Social Services as follows:

Capacity 12		
Sex	Age	
M/F	Infancy Through 12 Years	

This license is not transferable and will be in effect from July 14, 2014 through July 13, 2017 unless revoked for violations of the provisions of law or failure to comply with the limitations stated above.

ISSUING OFFICE:
Virginia Department of Social Services
Division of Licensing Programs - Valley Licensing Office
57 Beam Lane, Suite 102
Fishersville, VA 22939
Telephone: (540) 332-9167
VLO-14-107

LICENSE NUMBER 1090961 - L711

MARGARET ROSS SCHULTZE
COMMISSIONER OF SOCIAL SERVICES

By Christopher H. Fracher

Title LICENSING ADMINISTRATOR

Date July 11, 2014

032-05-376 (7/92)

Areas of Standards Reviewed:

- ☒ 22VAC40-111-(2) Administration
- ☒ 22VAC40-111-(3) Personnel
- ☒ 22VAC40-111-(4) Household Members
- ☒ 22VAC40-111-(5) Physical Health of Caregivers and Hous
- ☐ 22VAC40-111-(6) Caregiver Training
- ☒ 22VAC40-111-(7) Physical Environment and Equipment
- ☒ 22VAC40-111-(8) Care of Children
- ☒ 22VAC40-111-(9) Preventing the Spread of Disease
- ☒ 22VAC40-111-(10) Medication Administration
- ☒ 22VAC40-111-(11) Emergencies
- ☒ 22VAC40-111-(12) Nutrition
- ☒ 22VAC40-111-(13) Transportation
- ☐ 22VAC40-111-(14) Nighttime Care
- ☒ 22VAC40-80-(G3) THE LICENSE.
- ☐ 22VAC40-80-(G4) THE LICENSING PROCESS.
- ☒ 22VAC40-80-(G8) SANCTIONS.
- ☒ 22VAC40-80-(G9) HEARINGS PROCEDURES.
- ☒ 63.2-(1) General Provisions.
- ☒ 63.2-(15) Child Abuse and Neglect
- ☒ 63.2-(17) Licensure and Registration Procedures
- ☒ 63.2-(18) Facilities and Programs..
- ☒ 63.2-(18.1) Liability Insurance Disclosure
- ☒ 22VAC40-191-(BC) Background Checks for Child Welfare Agencies
- ☒ 54.1-(34)-3408 Provider must be MAT certified to administer prescription medication.

Technical Assistance Provided:

Comments/Discussion:

An unannounced monitoring inspection was conducted on June 9, 2014 from 10:50 a.m. through 1:00 p.m. Upon arrival there were four (4) children in the care of the provider. Points totaled eight (8). Four (4) children's and three (3) provider records were reviewed and updated. No medication was administered during this inspection. The provider is current with Medication Administration (MAT).

Activities observed on this date included: indoor play, movie, circle time/ show and tell, story time, hand washing bathroom procedures, and lunch preparation. Children appear to be well aware of the daily routine and schedule. This family day home is well equipped with a variety of age/stage materials for the children in care. The provider has a solid knowledge of child development. The provider has a variety of field trips planned for the summer months.

If I may be of assistance please contact me at (540) 332-9167.

Violation Notice Issued: No

Signature	Julie Kunowsky	Signature	
Licensing Representative	Julie Kunowsky	Facility Representative	Caroline Watson
Date	06/09/2014	Date	06/09/2014

032-05-035 (11/99)

SUPPLEMENTAL INFORMATION

Facility Name/Number: Caroline Watson 1090961

DBA:

Inspection Date 06/09/2014

Inspection End Date 06/09/2014

Inspect. Type: M - Monitoring

UM-Unannounced Mandated

Children's records reviewed:

A. Dominic S.

B. Elyse K.

C. Claire H.

D. Rakkan Z.

Provider records reviewed:

A. Caroline W.

B. Marvin W.

C. Olivia W.

Information found on the Supplemental Information page is confidential and this document is not to be posted in the facility.

Inspector Signature	Julie Kunowsky	Representative Signature	
Licensing Representative	Kunowsky, Julie R.	Facility Representative	Caroline Watson
Date	06/09/2014	Date	06/09/2014

INSPECTION SUMMARY

Facility Name /Number Caroline Watson 1090961 | Inspection Date 12/03/2013

DBA | Inspection End Date 12/03/2013

Inspect. Type: M - Monitoring | UM-Unannounced Mandated

Areas of Standards Reviewed:

- ☒ 22VAC40-111-(2) Administration
- ☒ 22VAC40-111-(3) Personnel
- ☒ 22VAC40-111-(4) Household Members
- ☒ 22VAC40-111-(5) Physical Health of Caregivers and Hous
- ☒ 22VAC40-111-(6) Caregiver Training
- ☒ 22VAC40-111-(7) Physical Environment and Equipment
- ☒ 22VAC40-111-(8) Care of Children
- ☒ 22VAC40-111-(9) Preventing the Spread of Disease
- ☒ 22VAC40-111-(10) Medication Administration
- ☒ 22VAC40-111-(11) Emergencies
- ☒ 22VAC40-111-(12) Nutrition
- ☒ 22VAC40-111-(13) Transportation
- ☐ 22VAC40-111-(14) Nighttime Care
- ☒ 22VAC40-80-(G3) THE LICENSE.
- ☒ 22VAC40-80-(G4) THE LICENSING PROCESS.
- ☒ 22VAC40-80-(G8) SANCTIONS.
- ☒ 22VAC40-80-(G9) HEARINGS PROCEDURES.
- ☒ 63.2-(1) General Provisions.
- ☒ 63.2-(15) Child Abuse and Neglect
- ☒ 63.2-(17) Licensure and Registration Procedures
- ☒ 63.2-(18) Facilities and Programs..
- ☒ 63.2-(18.1) Liability Insurance Disclosure
- ☒ 22VAC40-191-(BC) Background Checks for Child Welfare Agencies
- ☒ 54.1-(34)-3408 Provider must be MAT certified to administer prescription medication.

Technical Assistance Provided:

Comments/Discussion:

Thank you for your assistance during this unannounced monitoring inspection conducted on December 3, 2013 from 12:30 p.m. through 1:30 p.m. Two children were in care along with the provider with points totaling seven (7). Your home was found to be within substantial compliance with licensing standards. No violations were cited during this inspection. Two children's records were reviewed and updated. No medication is being administered at the present time. Children were observed during lunch, hand washing/ bathroom procedures, free choice activity, movement and nap.

If I may be of assistance please contact me at (540) 332-9167.

Violation Notice Issued: No

By signature the facility representative acknowledges that the inspector reviewed all information found on the Inspection Summary, including areas of standards reviewed, date(s) and time(s) of inspection, technical assistance provided and the comments/discussion section.

Inspector Signature	Julie Kunowsky	Representative Signature	Caroline E. Watson
Licensing Representative	Julie R. Kunowsky	Facility Representative	Caroline Watson
Date	12/03/2013	Date	12/03/2013

032-05-035 (11/99)

RESOLUTION

Action:

PLANNING COMMISSION: November 5, 2014 - Recommended Approval

BOARD OF SUPERVISORS: December 10, 2014 ☐ APPROVED ☐ DENIED

RESOLUTION

CONDITIONAL USE PERMIT #03-14
CAROLINE E. WATSON

WHEREAS, Conditional Use Permit #03-14 of Caroline E. Watson, submitted by Caroline E. Watson, for Licensed Home Child Care was considered. The property is located a 215 Westmoreland Drive. The property is further identified with Property Identification Number 75E-1-3-165 in the Opequon Magisterial District. The conditional use is a permitted use as a cottage occupation in the RP (Residential Performance) District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on the conditional use permit on November 5, 2014, and recommended approval of the Conditional Use Permit with conditions; and,

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on December 10, 2014; and,

WHEREAS, the Frederick County Board of Supervisors finds the approval of this conditional use permit to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Policy Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit Application #03-14 – Caroline E. Watson for a licensed in-home daycare facility is permitted on the parcel identified by Property Identification Number (PIN) 75E-1-3-165 with the

following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. Hours of operation shall be permitted from 7 a.m. to 5 p.m., Monday through Friday.
3. The applicant shall satisfy the licensing requirements of the Virginia Department of Social Services and the County of Frederick.
4. No business sign associated with this Conditional Use Permit (CUP) shall be erected on the property.
5. Other than those children residing on the property, there shall be no more than twelve (12) children being cared for at any given time.
6. Other than those persons residing on the property, there shall be no more than one (1) employee working at the daycare at any time.
7. Any expansion or change of use will require a new Conditional Use Permit.

Passed this 10th day of December, 2014 by the following recorded vote:

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

A COPY ATTEST

_____
John R. Riley
Frederick County Administrator

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REZONING APPLICATION #02-14
Heritage Commons
Staff Report for the Board of Supervisors
Prepared: December 2, 2014

Staff Contacts: Candice E. Perkins, AICP, Senior Planner
John Bishop, AICP, Deputy Director - Transportation

PROPOSAL: To rezone 96.28 acres from B2 (Business General) District to R4 (Residential Planned Community) District and 54 acres from RP (Residential Performance) District to R4 (Residential Planned Community) District and .31 acres from the RA (Rural Areas) District to the R4 (Residential Planned Community) District with proffers.

LOCATION: The site fronts on the west side of Front Royal Pike (Route 522), opposite Airport Road (Route 645), and has frontage on the east side of Interstate 81.

EXECUTIVE SUMMARY & STAFF CONCLUSION FOR THE 11/05/2014 PLANNING COMMISSION MEETING:

The Heritage Commons rezoning application is a request to use the R4 (Residential Planned Community) Zoning District, with modifications and proffers, to construct a development with 1,200 residential units and commercial uses. The project is located on the 150-acre property commonly known as Russell 150. The 1,200 residential units include 1,016 multifamily units and 184 townhomes.

The land uses shown with the Heritage Commons rezoning application are not consistent with the 2030 Comprehensive Plan. Additionally, the application does not adequately address the negative impacts associated with this request; in particular, the negative transportation and fiscal impacts. The Planning Commission forwarded a unanimous recommendation for denial during their meeting on November 5, 2014. The Planning Commission reviewed a proffer statement with a revision date of October 9, 2014. It is noted that the proffer has been revised since the Planning Commission meeting, although the concerns raised during the Planning Commission meeting continue to remain valid. The current proffer has a revision date of November 24, 2014. This staff report is based on the proffer statement revised on November 24, 2014. The following items and any further issues raised by the Board of Supervisors should be addressed prior to securing a favorable decision from the Board of Supervisor on this rezoning application:

1) ***Many of the Review Agency concerns and comments remain unaddressed, specifically VDOT, FCPS, Parks and Recreation, County Attorney and Public Works. The Winchester Regional Airport has also expressed concern with the increased height request in the modification document.***

2) ***The proposed R4 zoning being sought with this rezoning application could enable a mixed use development; however, as proffered, the development could consist of an 85 acre high density residential area with a 53 acre commercial area (12 acre environmental area), with the uses being clearly segregated from one another. The project appears to have lost its identity as a mixed use urban center as described by the applicant and illustrated at the Planning Commission's September 2014 staff application briefing session. The project was envisioned and described by the applicant as an urban center with surrounding office and apartments (illustrated by applicant's tour of NOVA, with luxury apartments (applicant's***

video illustrative) and a county office building complex). <u>There are no assurances within the proffer statement as to what type of development would materialize.</u>

3) <u>The negative fiscal impacts associated with the residential uses proposed on the property have not been satisfactorily addressed.</u> The applicant's Market and Fiscal Impact Analysis (MFIA) by S. Patz & Associates shows a positive fiscal gain; however, the MFIA utilizes a 15-year full build-out of the commercial and residential landbays to achieve this figure (15+/- years, 1,200 market rate residential units and 700,000sf of commercial). The phasing proffer proposed by the applicant falls grossly short of achieving what the MFIA is utilizing to achieve the positive fiscal gain. The County's development impact model projects a negative impact of $13,437 per single family attached (townhouse) unit and $12,697 per multifamily unit on County capital facilities. Therefore, based on the unit cap of proffer 2C, the potential negative impact the residential units could have on County facilities is $15.3 million. The development should not utilize the future potential tax contributions of the commercial landbays to offset the negative impacts of residential landbays without guaranteed phasing of adequate commercial square footage to be built in conjunction with the residential uses.

4) The lack of proffered phasing consistent with the MFIA suggestions results is limited, if any, revenue to offset the residential impacts. The phasing proffer proposed states that the applicant would need to complete 50,000 square feet of commercial area with the first 300 multifamily residential units. The applicant would need to complete an additional 50,000 square feet of commercial area by the 600th multifamily residential unit. <u>As written, the proffer would allow the construction of 600 multifamily residential units and 184 townhouses with the construction of 100,000 square feet of commercial area. This is not consistent with the Patz suggested phased approach to maintain economic balance, nor does this phasing proffer guarantee to offset impacts from residential uses. As written, the phasing proffer provides little if any benefit to the County.</u>

5) The land uses shown within landbays 3 and 7 are not supported by the 2030 Comprehensive Plan. The proffers show landbay 3 with mixed residential and commercial land uses, the Comprehensive Plan designates this area for employment land uses. The proffers show landbay 7 (53.95 acres) with the ability to develop with 100% commercial uses. The Comprehensive Plan shows the entire area that encompasses landbay 7 as high density residential. Introducing commercial uses into landbay 7 is not supported by the 2030 Comprehensive Plan.

Transportation Concerns:

1. ***Removal of $1,000,000 cash proffer to transportation. The Russell 150 TIA, upon which this application is reliant and references with the trips limitation proffer, noted significant offsite impacts in addition to those that led to the proffered needs of the Warrior Drive connection to the south, connection to the north toward the Glaize property, and connection to the City via a bridge over I-81. This led to a $1,000,000 cash proffer which is not in the current package.***

2. ***Development ahead of transportation. The current proffer needs to clarify that development will not occur ahead of implementation of the transportation system. While some concurrent***

development as the transportation system is being constructed would be sensible, protections need to be in place so that significant development could not occur ahead of key roadway connections being in place, particularly the bridge over I-81.

3. ***Warrior Drive. The segment of Warrior Drive south is not clearly provided for in the proffer. Additionally, the proffer does not provide a trigger for when segment of Warrior Drive will be constructed. Performance triggers tied to development for the Warrior Drive revenue sharing agreement should be provided. The County can apply for additional revenue sharing funds for this project as early as November 2015.***

4. ***Revenue Sharing Agreement. <u>The roadway construction proffers remain solely reliant upon a revenue sharing agreement that does not yet exist.</u> The County draft was rejected and staff rendered comment on a subsequent draft from the applicant on 10/29/14. However, nothing further has been heard at the staff level. At this point, the proffers do not address what happens if the proffered agreement does not materialize. At a minimum, staff would suggest an additional proffer that would restrict development without an executed revenue sharing agreement between the County and the applicant that addresses the construction of the road network.***

5. ***Access to Landbay 7 as currently shown will solely be from Route 522. The land use table shows that this area (the largest landbay within the development) could be up to 90% residential and is proffered to contain all the townhouses. Staff has concerns that all the residential units could be constructed within this landbay (plus commercial) and there will be no access to Warrior Drive and the main transportation network within the development, nor requirement that the adjacent section of Warroir Drive be constructed.***

<u>STAFF CONCLUSIONS FOR 12/10/14 BOARD OF SUPERVISORS MEETING:</u>

The land uses shown with the Heritage Commons rezoning application are not consistent with the 2030 Comprehensive Plan. Additionally, the application does not adequately address the negative impacts associated with this request; in particular, the negative fiscal impacts and the failure to commit to construction of the necessary transportation improvements. Throughout the report, Staff has noted a number of inaccuracies and concerns that are present with this rezoning application. Confirmation of the issues identified in the staff report, and any issues raised by the Board of Supervisors should be addressed prior to securing a favorable decision from the Board of Supervisors on this rezoning application.

<u>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.</u>

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.

	Reviewed	**Action**
Staff Application Briefing:	09/03/14	Reviewed
Planning Commission:	11/05/14	Recommended Denial
Board of Supervisors:	12/10/14	Pending

PROPOSAL: To rezone 96.28 acres from B2 (Business General) District to R4 (Residential Planned Community) District and 54 acres from RP (Residential Performance) District to R4 (Residential Planned Community) District and .31 acres from the RA (Rural Areas) District to the R4 (Residential Planned Community) District with proffers.

LOCATION: The site fronts on the west side of Front Royal Pike (Route 522), opposite Airport Road (Route 645), and has frontage on the east side of Interstate 81.

MAGISTERIAL DISTRICT: Shawnee

PROPERTY ID NUMBER(S): 64-A-10, 64-A-12, 64-A-150

PROPERTY ZONING: B2 (Business General) District, RP (Residential Performance) District and RA (Rural Areas) District

PRESENT USE: Vacant

ADJOINING PROPERTY ZONING & PRESENT USE:

North:	RP (Residential Performance)	Use:	Residential/Institutional
	B2 (Business General)		Vacant
South:	RP (Residential Performance)	Use:	Vacant (Madison Village)
	B2 (Business General)		Vacant
East:	RP	Use:	Residential
West:	City of Winchester	Use:	Residential/Vacant

PROPOSED USES: Commercial uses and 1,200 residential units.

REVIEW EVALUATIONS:

Please see attached agency reviews:

Virginia Department of Transportation –Comments dated October 21, 2014 and December 1, 2014
Frederick County Public Schools – Comments dated September 25, 2014
Frederick County Public Works– Comments dated September 20, 2013 and September 26, 2014
Frederick County Attorney – Comments dated September 30, 2014
Frederick County Planning Department (Perkins) – Comments dated September 23, 2014, November 17, 2014 and December 1, 2014
Frederick County Planning Department (Bishop) – Comments dated September 24, 2014, November 17, 2014, and December 1, 2014
Frederick County Parks and Recreation– Comments dated September 24, 2014

Fire Marshal: Plans approved dated 9/20/13

Frederick County Sanitation Authority: ***Please see attached letter dated September 16, 2013.***

Winchester Regional Airport: ***Please see attached letter dated October 10, 2013 Serena Manuel.***

Planning & Zoning:

1) **Site History** The original Frederick County Zoning Map (U.S.G.S. Winchester Quadrangle) identifies these properties as being zoned R-1 (Residential Limited). The parcels were re-mapped from R-1 to A-2 (Agricultural General) pursuant to the County's comprehensive downzoning initiative (Zoning Amendment Petition #011-80), which was adopted on October 8, 1980. The County's agricultural zoning districts were subsequently combined to form the RA (Rural Areas) District upon adoption of an amendment to the Frederick County Zoning Ordinance on May 10, 1989. The corresponding revision of the zoning map resulted in the re-mapping of the subject property and all other A-1 and A-2 zoned land to the RA District. Properties 64-A-10 and 64-A-12 were rezoned in 2005 from the RA District to the B2 and RP Districts with Rezoning Application #01-05 for Russell 150 with proffers. The proffers approved with Rezoning #01-05 are attached.

2) **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

The parcels comprising this rezoning application are located within the County's Urban Development Area (UDA) and Sewer and Water Service Area (SWSA). The UDA defines the

general area in which more intensive forms of residential development will occur. In addition, the Heritage Commons property is located within the Senseny/Eastern Frederick Urban Area Plan. ***This land use plan calls for the area north of Buffalo Lick Run and between I-81 and the future Warrior Drive to be developed with Employment land uses and the area south of Buffalo Lick Run for High-Density Residential. The Heritage Commons application proposes land uses which are not consistent with these areas of the land use plan.***

Areas planned for employment land uses are envisioned to allow for intensive Retail, Office, Flex-Tech, and/or Light Industrial Land Use in planned business park settings.

Areas planned for higher density residential development are slated to develop with 12-16 units per acre and would generally consist of a mix of multifamily and a mix of other housing types. This density is necessary to accommodate the anticipated growth of the County within the urban areas and is essential to support the urban center concept identified in the Comprehensive Plan. The Heritage Commons rezoning is proposing to develop up to 1,200 residential units (maximum of 184 townhouse units, 1,016 multifamily units) on approximately 84.7 acres of the property which would equate to 14.2 units per acre within the residential land bays. The types of residential units and the proposed densities within the project are consistent with the goals of the 2030 Comprehensive Plan and specifically the Senseny/Eastern Frederick Urban Area Plan.

The Heritage Commons rezoning allows for commercial uses within all seven land bays and residential within three landbays:

Landbay 1 – 7.51 acres – 100% Commercial
Landbay 2 – 8.03 acres – 100% Commercial
<u>Landbay 3 – 9.73 acres – 5%-95% Commercial (remainder residential)</u>
Landbay 4 – 21.91 acres – 100% Commercial
Landbay 5 – 29.91 acres – 10%-20% Commercial (remainder residential)
Landbay 6 – 6.83 acres – 100% Commercial
<u>Landbay 7 – 53.95 acres –100% Commercial (or 90% residential and 10% commercial)</u>

Landbay 3 is the area located between I-81 and the future Warrior Drive. The Comprehensive Plan calls for employment land uses within this area, and therefore the designation of this area for "mixed use" with an allowance for up to 95% residential uses is inconsistent with the Comprehensive Plan.

Landbay 7 is the area located south of Buffalo Lick Run. The Comprehensive Plan calls for high density residential in this area, and therefore the designation of this area for commercial uses is inconsistent with the Comprehensive Plan.

<u>Zoning Ordinance – R4 District</u>
The R4 (Residential Planned Community) District is a district that allows for a mix of commercial and residential land uses. The district is intended to create new neighborhoods with an appropriate balance between residential, employment and service uses. Innovative design is encouraged. Special care is taken in the approval of R4 developments to ensure that necessary facilities, roads and improvements are available or provided to support the R4 development.

Planned community developments shall only be approved in conformance with the policies in the Comprehensive Plan.

The R4 District is a flexible district that allows for an applicant to request a number of modifications to the Zoning Ordinance to tailor the requirements to meet the needs of their development. Done properly and in conformance with the Comprehensive Plan, the R4 District can produce a unique and beneficial development for the community. As stated in the intent of the district, ***"special care is taken in the approval of R4 developments to ensure that necessary facilities, roads and improvements are available or provided to support the R4 development."***

Staff Note: The proposed R4 zoning being sought with this rezoning application would enable a mixed use development; however, there are no assurances within the proffer statement that a core/town center area will be provided. As proffered, the development could be a traditional residential and commercial project, with the uses being clearly segregated from one another. This is contrary to the illustrations that the applicant has presented in a previous tour, staff application briefing session, PowerPoint presentation and video.

Transportation

The Frederick County Eastern Road Plan provides the guidance regarding future arterial and collector road connections in the eastern portion of the County by identifying needed connections and locations. Plans for new development should provide for the right-of-ways necessary to implement planned road improvements and new roads shown on the road plan should be constructed by the developer when warranted by the scale, intensity, or impacts of the development. Existing roads should be improved as necessary by adjacent development to implement the intentions of the plan.

Warrior Drive and the extension of Airport Road from its current terminus, over Interstate 81, into the City of Winchester are road improvement needs that are identified in the Eastern Road Plan that directly relate to the Russell 150 property. Both are important improvements for the County and the City of Winchester collectively. Warrior Drive in projects to the south of the subject rezoning have provided for a four-lane divided and raised median road section for Warrior Drive. ***Accommodations for construction of these new major collector roads should be incorporated into the project.***

Corridor Appearance Buffers

The Senseny/Eastern Frederick Urban Area Plan calls for a significant corridor appearance buffer along Route 522 similar to that established for the Route 50 West corridor in the Round Hill Land Use Plan, which consisted of a 50 foot buffer area, landscaping, and bike path. ***The Heritage Commons rezoning has not addressed this corridor enhancement.***

3) Potential Impacts

Fiscal Impacts

In its current format, the application's proposed development of 1,200 residential dwellings and 700,000 square feet of office/retail space may have a negative fiscal impact on the county.

The phasing proffer proposed states that the applicant would need to complete 50,000 square feet of commercial area with the first 300 multifamily residential units. The applicant would need to complete an additional 50,000 square feet of commercial area by the 600th multifamily residential unit. As written, the proffer would allow the construction of 600 multifamily residential units and 184 townhouses with the construction of 100,000 square feet of commercial area. ***This phasing proffer is not consistent with the applicant's Market and Fiscal Impacts Analysis (MFIA) suggested phased approach to maintain economic balance, nor does this phasing proffer guarantee to offset impacts from residential uses.*** As written, the phasing proffer provides little if any benefit to the County. Therefore, ***utilizing the future potential tax contributions of the commercial landbays to offset the residential landbays without phasing the commercial to be built in conjunction with the residential as outlined in the Applicant's MFIA should carefully be evaluated.*** This reinforces the Board's policy of not considering credits as part of the capital facilities evaluation processes.

<u>County Development Impact Model</u>
The County's Development Impact Model (DIM) is utilized to project the capital fiscal impacts that a residential development will place on the county over a 20-year period. Through an extensive review in 2013/2014, the DIM policy was reaffirmed that the DIM projection would consider residential capital fiscal impacts and would not consider credits for commercial components of a development proposal. On June 25, 2014, the Board of Supervisors adopted the updated DIM for use in FY2014.

The following is a breakdown of the projected impacts per dwelling unit for each capital facility.

Capital facility	Town home	Apartment
Fire and Rescue	$412	$418
General Government	$33	$33
Public Safety	$0	$0
Library	$379	$379
Parks and Recreation	$1,332	$1,332
School Construction	$11,281	$10,535
Total	$13,437	$12,697

When applied to the residential mix used in the MFIA (1,050 apartments and 150 townhouses), the DIM projects negative capital fiscal impacts of $15,347,400. This projection solely considers capital fiscal impacts; the DIM projects that operational fiscal impacts are generally much greater and collectively exceed the tax revenue generated by the multifamily residential use by a factor of 2:1.

In applying the DIM using the phased proffer approach, the DIM projects that 300 multifamily and 50,000 square feet commercial could result in a projected annual negative impact of $400,000.

The application does not contain a proffered mitigation proposal that adequately addresses these impacts.

Applicant's Market and Fiscal Impacts Analysis (MFIA)

The applicant has submitted a *Market and Fiscal Impacts Analysis (MFIA)*; authored by S. Patz and Associates, dated August 2014 and revised November 3, 2014(copy is attached to this Staff Report). The applicant's MFIA is based on the development's proposal of 1,200 housing units and 700,000 square feet of commercial development, including a new Frederick County office building. The 1,200 housing units include 1,050 apartments and 150 townhouses. The commercial space is modeled on: 220,000 square feet (county office and developer sponsored 70,000sf building); 380,000 square feet office; and 100,000 square feet retail. The applicant's MFIA evaluates on-site and off-site revenue and expenses at build-out; build-out is projected to occur over a 15-year period. The applicant's MFIA projects an annual net fiscal benefit of $3,173,610 at build-out.

There are a number of concerns with the applicant's MFIA that should be considered when reviewing the applicant's MFIA's conclusions. Many of the MFIA's assumptions are not directly tied to a proffered commitment and therefore, do not directly relate to the development proposal.

Some of the concerns associated with the applicant's MFIA include:

- The applicant's MFIA presumes the establishment of a new county office building on site, and associated positive synergies that would be catalysts for on-site commercial and residential demands. This County office building concept would represent 1/3 of the proposed commercial use. ***The MFIA states that the public investment of the new County Administration Building on the Heritage Commons site will be a key anchor for the entire project and a catalyst for the MFIA's positive returns at the 15 year build-out.*** The applicant's MFIA models a development scenario that is not proffered. The proffer only guarantees 100,000 square feet of commercial, not nearly the 700,000 square feet identified in the MFIA as being necessary to achieve the positive revenue returns.
- The applicant's MFIA states that, "at best, Heritage Commons can attract 25,000 square feet of office space per year," which results in a 15+ year build-out (page 37 of MFIA). This statement further clarifies that the commercial land use is speculative, and therefore, may take over 15 years to be fully realized.
- The applicant's MFIA states that apartment unit rents would target household incomes of $40,000 (page 26 of MFIA). Yet, the MFIA calculates off-site revenues reflective of on-site residents earning an average of $65,000 (page 42 of MFIA). It might also be noted that the US Census indicates the average wage in Frederick County in 2014 was $40,117. The MFIA projects that the residential component of the project could be developed and occupied before 2018. The MFIA states that the commercial land use would take more than 15 years to achieve build-out. Therefore, residential uses would dominate the site for many years prior to commercial build out and revenue recovery.

- The applicant's MFIA is based on a phasing plan, including three five-year phases to add residential and commercial in a fiscally balanced approach over a 15-year period. The proffer does not adhere to this MFIA modeled three phase approach. In fact, the proffer enables all residential units to be constructed within the first six years, with the applicant only committing to the construction of 100,000sf of commercial area.
- The fiscal values are based on build-out, which is projected to be in 15 years. The MFIA fails to discuss the negative fiscal realities if the housing units are front loaded (proffer indicates a residential build-out within no sooner than six years), and commercial fails to materialize. The proffer does not link residential and commercial development; one can occur without the other.
- The MFIA uses an apartment Student Generation Ratio (SGR) of .1, while the County's DIM uses a SGR of .256. The DIM uses the County's average SGR for new apartments over the past eight years. ***The applicant has stated that this lower SGR rate is due to the construction of market rate multifamily units, however.***
- The MFIA indicates that smaller apartment units (1 and 2 bedroom) generate fewer students, yet the proffer does not address limits in apartment unit bedrooms to achieve the reduced student generation figures utilized by the MFIA.
- The MFIA utilizes a Cost Per Pupil value of $5,845 (Table 21), while the Frederick County Public School's budget is based on a Cost Per Pupil value of **$9,773.**

The failure of the proffer to phase the development process as described in the MFIA, and outlined below, will result in significant negative fiscal impacts until such time as the site is fully developed.

from MFIA page 73

Phasing By Use	1st 5 Yrs.	2nd 5 Yrs.	3rd 5 Yrs.	Total
Apartment Units	300	375	375	1,050
Townhouse Units	100	50		150
Commercial Square Feet	50,000	25,000	25,000	100,000
Office Square Feet	100,000	175,000	175,000	450,000

Traffic Impact Analysis

The Traffic Impact Analysis (TIA) on file from the previously approved application (Russell 150) projects that the development of 294 single family attached residential units, 264,000 square feet of office use, and 440,450 square feet of retail use would generate 23,177 vehicle trips per day. The report was developed with primary access to the project to be via the proposed western extension of Airport Road which would extend into the City of Winchester via East Tevis Street extended. A secondary access point was modeled from the project onto Route 522. The continuation of East Tevis Street from the property to Route 522 was not modeled in the TIA.

It should be recognized that with the exception of the Route 522/50/17 intersection with the Interstate 81 ramp, a level of service "C" is achieved. The above noted intersection is currently operating at a level of service C(F). When the 2010 background is added this intersection is projected to operate at a level of service D(F). The inclusion of the 2010 build-out information results in a level of service D(F). *(*) represents AM(PM) LOS (level of service). The TIA also notes the need for regional improvements by others.

Transportation Approach

The previous application, as noted on the companion document which compares the two proffer packages, included detailed proffers which dedicated right-of-way and fully constructed Warrior Drive, Airport Drive Extended, East Tevis Street Extended, and the Flyover Bridge on I-81. These items were funded through the creation of a Community Development Association or CDA.

> ***Staff Note: In the time since the previously approved development began to experience difficulty, the County has (of its own volition), secured in excess of $8,000,000 in state funds to match with private dollars to aid in meeting these proffered obligations. This revenue sharing effort continues to be available to the Heritage Commons applicant should they elect to assume responsibility for the private share as Russell 150 proffers had committed. The funds could be revoked by VDOT in the event that the applicant or County elects not to utilize the funding by proceeding with the project and providing match. County staff also notes that applying for revenue sharing toward Warrior Drive would also be something they are willing to do provided that is the Board's desire.***

The applicant's proposed proffer package relies upon revenue sharing funding procured by Frederick County and an agreement between the applicant and Frederick County for providing matching funds that does not yet exist. This agreement is being worked on, but is not in place.

The commitment of capital in the amount of $3,500 per residential unit, for an approximate total of $1,000,000, has been removed.

Finally, based on the GDP and the new proffers, staff is concerned that there are many ways that the ultimate agreement could end up not taking place, and would suggest some form of performance trigger tied to development of the property as being appropriate.

Access to Landbay 7 as currently shown will solely be from Route 522. The land use table shows that this area (the largest landbay within the development) could be up to 90% residential and is proffered to contain all the townhouses. Staff has concerns that all the residential units could be constructed within this landbay (plus commercial) and there will be no access to Warrior Drive and the main transportation network within the development.

Overall transportation concern is that the proffers lack a commitment to construct the road network, and a phased approach to when the network would be constructed. This could result in the development of residential and commercial units without realizing the construction of any of the necessary road network. ***Without the outside agreement, the proffers contain no commitments that the developer will construct the necessary road improvements.***

4) Proffer Statement – Dated September 6, 2013; revised August 7, 2014, September 24, 2014, October 9, 2014, November 24, 2014:

Executive Summary: The applicant has proffered a GDP (Generalized Development Plan) (Exhibit A) for the purpose of identifying the general road layout and landbays within the development.

1. **Design Modification Document:**
The applicant has proffered a number of ordinance modifications with this rezoning application. The R4 Zoning District allows an applicant to modify Zoning Ordinance requirements so that they may tailor the development to meet their needs. Below is an outline of the requested modifications contained within "Exhibit B" with staff's comments:

- ***Modification #1 – Proffered Master Development Plan.*** The applicant is requesting to provide a GDP in lieu of a MDP (Master Development Plan). The MDP would come before the Planning Commission and the Board of Supervisors as an informational item at a later time.

- ***Modification #2 – Permitted Uses***. The applicant is requesting to mix commercial and residential land uses within the same structure. "The mixed-use commercial/residential land bays identified on the proffered Generalized Development Plan are slated for dense urban commercial and residential land use, which may include commercial and residential land uses that are located within the same structure or within connected structures".

- ***Modification #3 – Mixture of Housing Types Required***. The applicant is requesting a modification from the requirement that no more than 40% of the residential areas may be used for housing other than single family (multifamily, townhouses, etc). The applicant is requesting to utilize 100% of the residential area for single family attached (townhouses) and multifamily residential units.

- ***Modification #4 – Residential Density.*** The applicant is requesting a modification from the maximum residential density of four units per acre. The applicant is requesting to utilize the densities specified in the RP District for townhouses (10 units/acre) and multifamily residential (20 units/acre).

  This area is slated for high density residential land uses in the Comprehensive Plan with a density of 12-16 units/acre; therefore, this requested modification is in conformance with the Comprehensive Plan.

- ***Modification #5 – Commercial & Industrial Areas***. The applicant is requesting a modification from the requirement that commercial uses may not exceed 50% of the gross area of the total planned community. The applicant would like the ability to exceed the commercial area beyond 50% of the project.

  Fifty percent of the project would be 75.2 acres, the maximum commercial acreage shown under the applicant's proffered landbay breakdown table is 113.48 acres and the minimum would be 53.18 acres.

- ***Modification #6 – Open Space***. The applicant is requesting a modification from the minimum 30% open space requirement. They are requesting that a minimum of 15% of the gross area of the development and 100% of the Buffalo Lick Run Stream Valley area be designated as open space.

The decrease of open space from 30% to 10% seems excessive. The minimum open space for B2 zoned developments is 15% and the minimum for mixed residential development is 30%. The justification for the modification states that rooftop green spaces and amenities could be provided, however, there are no proffers or guarantees that these types of amenities will be provided. This modification has the potential to create a community with no outdoor areas for recreation, which is contrary to the intent of the R4 Residential Planned Community.

- ***Modification #7 – Buffers and Screening***. The applicant is requesting a modification/elimination from the requirement for buffers between the internal uses (uses within the commercial and residential landbays). The applicant is proposing to provide perimeter zoning district buffers where required.

  The elimination of buffers enables residential uses (i.e. apartment building) to be fronted on a street directly across from a commercial use, which creates more of an urban setting.

- ***Modification #8 – Road Access.*** The applicant is requesting a modification from the requirement that all streets within the planned community shall be provided with a complete system of public streets. The applicant is requesting that all major collector road systems identified in the Comprehensive Plan shall be public streets, but that all other streets within the development may be private. They are also requesting a modification to allow them to exceed the maximum distance a residential structure may be located from a public road.

  Applicant should provide a commitment that the Major Collector Roads will be constructed by the applicant reflective and consistent with the MCR design as a complete street.

- ***Modification #9 – Phasing***. The applicant is requesting a modification/elimination from the requirement that a schedule of phases be submitted. The ordinance requires an applicant to specify the year the phase will be completely developed.

  The applicant has proffered a phasing schedule that states that the applicant would need to complete 50,000 square feet of commercial area with the first 300 multifamily residential units. The applicant would need to complete an additional 50,000 square feet of commercial area by the 600th multifamily residential unit. As written, the proffer would allow the construction of 600 multifamily residential units and 184 townhouses with the construction of 100,000 square feet of commercial area. This is not consistent with the MFIA suggested phased approach to maintain economic balance, nor does this phasing proffer guarantee to offset impacts from residential uses. As written, the phasing proffer provides little if any benefit to the County.

- ***Modification #10 – Height Limitation and Dimensional and Intensity Requirements***. The applicant is requesting a modification of the maximum height of office buildings and hotel buildings. The current height maximum for those structures is 60'. The applicant is requesting

that commercial buildings, retail buildings, office buildings, hotel buildings, and shared commercial/residential buildings may be constructed up to 80' in height, not including architectural features and antenna structures. The applicant is also proposing a modification from the current floor-to-area ratio of 1.0 to 2.0.

- ***Proximity to the Airport may be of concern***.
- Staff would also suggest that architectural features and antenna structures not be entirely omitted from the height maximums. It may be appropriate to establish a secondary height limitation for architectural features and antenna structures so as to not exceed the building's height by more than 15 feet.

- ***Modification #11 – Multifamily Residential Buildings***. The applicant is requesting a modification from the setback requirement for multifamily buildings. The ordinance currently requires that buildings over 60' be setback one foot for every foot over 60 up to the maximum height of 80'. The applicant is proposing that all buildings may be constructed within 20' of public or private street systems serving the community.

  This results in a more urban setting which is consistent with that envisioned in the Comprehensive Plan.

- ***Modification #12 – Modified Apartment Building***. The applicant is requesting a modification to the dimensional requirements for Garden Apartments (165-402.09I). The garden apartment housing type has a maximum of 16 units per structure, a height of 55', and setbacks of 35' from public roads, 20' from private roads, 20' side and 25' rear. Building separation per ordinance is 20' or 35' depending on the orientation. The applicant is proposing a modification that would allow for up to 64 units per structure, a height of up to 80' and setbacks of 20' from public roads, 10' from private roads, and 15' side and rear setbacks. Proposed building separation is 15'.

  This modification results in more urban standards (density and setbacks) similar to those envisioned for UDA (Urban Development Area) Centers.

2. Uses, Density and Mix:

The applicant has proffered a mix of market rate residential types (single family attached, multifamily, gated single family attached, gated multifamily), shared residential and commercial uses. There are seven land bays and a Buffalo Lick Run landbay (the Buffalo Lick Run landbay consists of 12.35 acres of preserved environmental features).

Residential Uses: Landbays 3, 5 and 7 total 93.59 acres and permit 90-95% of the total landbay to be utilized for residential purposes. Utilizing the maximum residential percentage allowed within these landbays the total acreage for residential cannot exceed 84.7 acres (minimum of 24.4 acres). The proffers also state that the permitted townhouse within the development must be located within landbay 7 (184 units max).

Based on the landbay breakdown table it is reasonable to expect that up to 56% of the land area within the Heritage Commons development could develop with residential land uses. The previously approved proffers for Russell 150 (which are the approved proffers

for the site) limited residential uses to 35% of the site.

Commercial Uses: Landbays 1-6 total 83.95 acres and allow for a range of 20% to 100% of the landbay to be utilized for commercial uses. Utilizing the maximum commercial percentage allowed within these landbays the total acreage for commercial cannot exceed 59.5 acres (minimum of 47.78 acres).

Landbay 7 consists of 53.95 acres and allows for 100% of the landbay to be utilized for commercial uses. ***The introduction of commercial uses within landbay 7 is inconsistent with the Comprehensive Plan.***

3. **Multi-Modal Transportation Improvements:**
The Applicant/Owner agrees to install the road network that is depicted on the Generalized Development Plan pursuant to the specific locations which shall be determined as a result of the collaborative effort between Frederick County and the Virginia Department of Transportation ("VDOT") working together pursuant to Project Administration Agreements. Said Project Administration Agreements provide for the installation of a bridge over I-81 which connects to Tevis Street, a traffic circle as is depicted on the Generalized Development Plan, two roads which run across the Property and connect to Route 522, one across the Glaize property and the other across the Property, and a section of Warrior Drive running to the south from the traffic circle. An Exemplar Road Section is attached hereto and incorporated herein by reference as "Exhibit C."

The proffer does not specifically commit to construct the necessary transportation infrastructure, nor delay land use construction until key transportation is constructed. This missing commitment in the proffer could enable the development to advance without construction of the necessary transportation infrastructure.

Applicant/Owner agrees to enter into a separate binding agreement with Frederick County to provide for the reimbursement of Frederick County's share of the costs to construct the road improvements on the Property and the bridge pursuant to the terms of the Project Administration Agreement. The separate agreement between Applicant/Owner and Frederick County shall be materialized in a document entitled Revenue Sharing Agreement.

The proffer statement does not provide for the construction of any of the necessary roadways within the Heritage Commons development. The roadway construction proffers remain solely reliant upon a revenue sharing agreement that does not yet exist. The County draft was rejected and staff rendered comment on a subsequent draft from the applicant on 10/29/14. However, nothing further has been heard at the staff level. At this point, the proffers do not address what happens if the proffered agreement does not materialize. At a minimum, staff would suggest an additional proffer that would restrict development without an executed revenue sharing agreement between the County and the applicant that addresses the construction of the road network.

The applicant has proffered that there will be no more than an average of 23,177 vehicle trips per day generated from the Heritage Commons site. When the development reaches 23,177 vehicle trips per day, the owner shall conduct actual traffic counts to determine if the developed properties within Heritage Commons are generating an aggregate of 23,177 vehicle trips per day.

If as a result of the actual traffic counts it is determined that the developed properties within the Heritage Commons site are not generating in excess of an average of 23,177 vehicle trips per day, then the owner may proceed and develop additional square feet of commercial and/or residential (RP) uses until such time that analysis using the ITE Manual determines that the proposed additional development by Applicant/Owner shall generate in excess of 23,177 vehicle trips per day. After the Property has in fact generated in excess of an average of 23,177 vehicle trips per day then Applicant/Owner agrees to conduct a traffic study for the development of any remaining undeveloped portions of the Property and to install whatever road improvements are deemed to be necessary as a result of any conclusions of the aforementioned traffic study.

Warrior Drive is depicted on the GDP as a future road and the applicant proffers to dedicate right-of-way at the time the exact alignment of Warrior Drive has been established.

The previous application included detailed proffers which dedicated right-of-way and fully constructed Warrior Drive, Airport Drive Extended, East Tevis Street Extended, and the Flyover Bridge on I-81. These items were funded through the creation of a Community Development Authority or CDA. The new rezoning proposes to change the method of funding to revenue sharing but does not guarantee construction if revenue sharing fails as the previous proffers did with the CDA. Consider adding performance triggers tied to development for the Warrior Drive revenue sharing agreement. Currently the proffer gives no 'when' regarding how this will be implemented. The County can apply for additional revenue sharing funds for this project as early as November 2015.

4. **<u>Stormwater Quality Measures:</u>**
The applicant will be utilizing Low Impact Development (LID) and Best Management Practices (BMP). A no-disturbance easement will also be provided within the Buffalo Lick Run Stream Valley.

5. **<u>Recreational Amenities:</u>**
Recreational amenities will be provided within Landbays 5 and 7 and identified on the MDP. The applicant will provide walking trails and sidewalks within the community and a 10' wide path along the Buffalo Lick Run Stream Valley. The applicant may also install an additional 10' wide path along Buffalo Lick Run which, if constructed, would be owned and maintained by the HOA, but available for public access.

Recreational amenities are already an ordinance requirement because of the housing type and lot size. Sidewalks are currently required along both sides of all streets. Only the inclusion of the trail goes beyond ordinance requirement.

6. **EDA:**
The applicant/owner is proffering to convey an 8.03 +/- tract of land located in the western portion of Landbay 4 to the Frederick County Economic Development Authority to be used at its discretion for the construction of a public commercial building, which may include the construction of a County administration building.

If Frederick County and the EDA do not construct a public commercial building of at least 25,000sf within four years of rezoning approval, the property will automatically revert back to the applicant.

The need for this proffer is unclear; the County has not entered into any commitments or agreements with the property owner to construct a new County administration building on this property. Also, the time frame specified in the proffer to construct (and obtain a certificate of occupancy) a public building on the site (within four years of rezoning approval) appears insufficient. And the location is inconsistent with the previously submitted PPEA.

7. **Phasing:**
No more than 400 units can be built within the first two years of the development (first year commencing on the date of the rezoning if approved). The remaining residential units will be installed with no more than 400 units within the following two-year term, and the remaining residential units commencing no earlier than two years after the completion of the 800th unit.

The applicant has proffered a phasing schedule that states that the applicant would need to complete 50,000 square feet of commercial area with the first 300 multifamily residential units. The applicant would need to compete an additional 50,000 square feet of commercial area by the 600th multifamily residential unit.

As written, the proffer would allow the construction of 600 multifamily residential units and 184 townhouses with the construction of 100,000 square feet of commercial area. This is not consistent with the MFIA suggested phased approach to maintain economic balance, nor does this phasing proffer guarantee to offset impacts from residential uses. As written, the phasing proffer provides little if any benefit to the County.

SUMMARY FROM THE 09/03/2014 STAFF APPLICATION BRIEFING:

On September 3, 2014 a Staff Application Briefing was held for the Heritage Commons rezoning. Following presentations by Staff and the Applicant, the Planning Commission and Board of Supervisors discussed the project. A Commissioner commented that there was considerable financial analysis shown by the applicant which was based on three five-year periods of proposed development; however, this development is not tied to a proffer. It was further stated that if the development proceeds differently than the assumptions made by the applicant's economist and the numbers are thrown off, it creates doubt about what the benefits will be to Frederick County. Commissioners questioned whether a new TIA was submitted with this development and whether the new entrances on Route 522 were modeled. It was also commented that the County is losing roads compared with what the original application had guaranteed and that Frederick County was losing a lot. It was noted that the taxpayers

would have to bear the burden of constructing what the applicant does not.

A Board of Supervisors member stated that without the commercial development, this project is not a winning situation for Frederick County. It was further commented that the applicants were quoted in the newspaper stating the county office building would be a cornerstone in bringing in commercial development, and that the applicant shouldn't be basing the project on that. It was questioned whether or not the development could survive and do what it needs to commercially, if the relocation of the county office building does not transpire. If it can't, the applicant needed to reconsider.

Commissioners raised concern regarding the land uses shown in Landbay #3, the Comprehensive Plan earmarked that particular area as an employment center and this application is designating it as residential. It was further stated that this was not a good location for residential because Warrior Drive is running north-south parallel to I-81 and the area between that road and I-81 should be commercial. Likewise, they believed Land Bay #7 should be the same way, as well.

Commissioners stated that this will be a community of 2,500-3,000 plus people, which results in considerable traffic and lots of impacts. If the development remains solely residential, it results in considerable impacts to Frederick County taxpayers and there is no hook with the developer to get the commercial in there. Commissioners expressed concern there was no new TIA (traffic impact analysis). This proposal is an intensification of what was originally envisioned for the site; it is certainly different in its composition. They felt it was necessary to get a grasp of what that means from an impact perspective; not just fiscally, but from brass tacks traffic perspective to assess just how effective these improvements will be and whether what is committed to at the end of the day is adequate for Frederick County. Commissioners believed a new TIA is important with this new application. Staff responded that there were things the applicant could do through proffers to keep themselves from having to do a new TIA. If the balance for trip generation remains the same as the Russell 150 TIA, the project may still be okay with the existing TIA. Commissioners remarked that if a new TIA is not done, it might not be a bad idea to at least do some type of addendum for the new project and what the maximum assumptions might be.

One Commissioner referred to the applicant's comment about Warrior Drive going to nowhere, and stated that they believed Warrior Drive was needed. Warrior Drive is a dead-end right now, but the reason for that is it has not developed any further. It was stated if this project is developed without Warrior Drive, then Warrior will never tie together correctly. Commissioners strongly believed Warrior Drive needed to be incorporated within this project.

Referring back to the discussion of the TIA, Commissioners stated there will be a considerable amount of traffic generated with this development. The demographics of this new proposal were significantly different than those in 2004 and it would be to the developer's benefit to come up with a new analysis based on the current traffic. It was noted that if a motorist is trying to access a major highway at this location, there are only two connection points; if 3,000 vehicles are going to two connection points and other traffic is going in and out of the development, there will be a considerable volume of traffic; concern was expressed about this detail, along with Warrior Road. It was further stated that old commitments need to be examined and made sure they are incorporated into the new project.

It was suggested that the developer compile a list of all the comments made during the briefing because the impacts of this development have not nearly been mitigated, even close to what they needed to be.

SUMMARY FROM THE 11/05/2014 PLANNING COMMISSION MEETING:

The Planning Staff provided a detailed history of the applicant's pursuit in Rezoning #02-14 Heritage Commons. Throughout the report, Staff reiterated the application continues to contain inaccuracies and does not adequately address the negative impacts nor does it adhere to the 2030 Comprehensive Plan. Planning Staff addressed Transportation questions that indicated some confusion on the road design, and clarified that the design work undertaken to date as part of a County-VDOT funded effort to further the Russell 150 proffers does not affect a majority of the roads within the Heritage Commons project. Concerns were raised in regards to Chapter 527 and possible conflicts with the current TIA. Any challenges to this rezoning and if it be in conflict with Chapter 527, poses a difficult situation for the County and could be a violation of State Code. Staff noted that a revenue sharing agreement between the County and the Applicant does not exist; it is the hope that an agreement can be met.

One Commissioner requested sharing the importance of Chapter 527. The Planning Staff explained that Chapter 527 is the state code that requires the study of development that is going to increase trips on state roads. Staff noted that it is the concern, knowingly accepting an application that should have been studied, puts the County contrary to Chapter 527. Note was made that VDOT was present for any questions or concerns. A Commissioner raised questions regarding the entrance language in the proffers and asked if it would be appropriate to have the GDP revised. Staff noted the language that has been added to the proffers adequately resolves that issue. A question was also raised in regards to how the proffers were currently written and that there is nothing in the proffers prohibiting 150 units of low income apartments. Staff noted that is correct.

The applicant's representative provided a presentation outlining various aspects of the current rezoning application and the modifications that have been made. Emphasis was placed on this development as being unique to the area and that a positive impact would transpire. An overview of the proposed property as well as other similar developments throughout Virginia was also discussed. The applicant's fiscal analyst also provided a presentation and stated that at build-out the project will be "tax positive".

A Frederick County citizen spoke in opposition of this project and the negative ramifications this project will have on all taxpayers within the County until fully developed. Another County resident spoke in favor of the project with positive emphasis placed on the transportation aspect as well as the overall clean-up of the property.

A Commissioner noted that from a macro standpoint this could be a nice project, however this project contains significant inconsistencies and many details that need to be resolved. Ultimately the Planning Commission unanimously recommended denial of Rezoning # 02-14 for Heritage Commons.

STAFF CONCLUSIONS FOR 12/10/14 BOARD OF SUPERVISORS MEETING:

The land uses shown with the Heritage Commons rezoning application are not consistent with the 2030 Comprehensive Plan. Additionally, the application does not adequately address the negative impacts associated with this request; in particular, the negative fiscal impacts and the failure to commit to

construction of the necessary transportation improvements. Throughout the report, Staff has noted a number of inaccuracies and concerns that are present with this rezoning application. Confirmation of the issues identified in the staff report, and any issues raised by the Board of Supervisors should be addressed prior to securing a favorable decision from the Board of Supervisor on this rezoning application.

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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HERITAGE COMMONS PROFFER STATEMENT

REZONING:	RZ# 02-14 Rural Areas (RA), Business General (B2), and Residential Performance (RP) to Residential Planned Community District (R4)
PROPERTY:	150.59 acres +/-; Tax Map Parcels #63-A-150, 64-A-10 and 64-A-12 (collectively the "Property")
RECORD OWNER:	R 150 SPE, LLC
APPLICANT:	Heritage Commons, LLC ("Applicant")
PROJECT NAME:	Heritage Commons
ORIGINAL DATE OF PROFFERS:	September 6, 2013
REVISION DATE(S):	August 7, 2014, September 18, 2014, October 9, 2014, October 29, 2014, November 24, 2014

Executive Summary

The Property was originally rezoned in September 2005 under the name of Russell 150. The Property has since changed ownership and the new owner wishes to rezone the Property to Residential Planned Community District (R4). The undersigned and record owner, Heritage Commons, LLC and R 150 SPE, LLC, their successors and assigns (collectively "Applicant/Owner"), hereby proffers that the use and development of the subject property shall be in strict accordance with the following conditions and shall supersede and replace all other proffers made prior hereto. It is further the statement and intent that with the acceptance of the proffers contained herein any and all prior proffers affecting this Property shall be deemed null, void, and terminated. In the event the above-referenced amendments are not granted as applied for by Applicant/Owner, the below described proffers shall be withdrawn and be null and void. The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the site adjacent to the improvement, unless otherwise specified herein or by applicable ordinance.

References made to the Master Development Plan, hereinafter referred to as the Generalized Development Plan dated August 7, 2014, as required by the Frederick County Zoning Ordinance, are to be interpreted to be references to the specific Generalized Development Plan sheets attached hereto and incorporated herein by reference as "Exhibit A."

The exact boundary and acreage of each land bay may be shifted to a reasonable degree at the time of site plan submission for each land bay in order to accommodate engineering or design considerations.

Applicant/Owner is submitting a Generalized Development Plan, Exhibit A, as part of a rezoning application. The Generalized Development Plan is provided in lieu of a Master Development Plan and contains all information deemed appropriate by the Frederick County Planning Department. The Generalized Development Plan does not eliminate the requirement for a Master Development Plan for the portion of the site to be developed, which will be provided following rezoning approval of the 150.59 +/- acre site.

1. DESIGN MODIFICATION DOCUMENT:

In order for Applicant/Owner and Frederick County to implement this Residential Planned Community District, it will be important for Applicant/Owner and Frederick County Planning Staff to have the opportunity to anticipate incorporate and develop new design types and configurations that may be suitable. Applicant/Owner proffers that all residential units within the development shall be market rate. Market-rate is being proffered in order to distinguish the multi-family apartment units that are being proffered in the Heritage Commons community from the existing multi-family apartment stock in Frederick County as of the time of the filing of this rezoning and Proffer Statement. This market-rate concept is further elaborated upon in the market analysis submitted contemporaneously with the Heritage Commons rezoning authored by S. Patz & Associates. Some of the new design types and configurations shall include the allowance for the installation of market rate multi-family immediately adjacent and in some cases in the same structure as business (commercial) uses. Applicant/Owner has proffered a Design Modification Document dated July 30, 2014, that is attached and incorporated hereto as "Exhibit B." Pursuant to Frederick County Code § 165-501.06(O), the design modifications set forth in Exhibit B shall apply to the Property.

In addition to the above, by approving the Amended Proffer Statement, the Frederick County Board of Supervisors agrees without need of any further Board of Supervisors or Planning Department approval to any modifications of any matter which has been previously agreed to and therefore approved by Frederick County. Further still, any submitted revisions to the approved Generalized Development Plan, and/or any of its requirements for any development zoned R4 which affect the perimeter of the development or which would increase the overall density of the development shall require the Board of Supervisors' approval. If, in the reasonable discretion of the Frederick County Planning Department, the Planning Department decides any requested modification should be reviewed by the Frederick County Board of Supervisors, it may secure said approval by placing this matter before the Frederick County Board of Supervisors at its next regularly scheduled meeting. However, and not withstanding what is stated above, once a modification has been approved administratively, Applicant/Owner shall not be required to seek approval for any subsequent similar modification.

2. USES, DENSITY AND MIX:

A. (1) Applicant/Owner shall develop a mix of unit types that include, but are not limited to, single-family attached, market rate multi-family, gated single-family attached, market

rate gated multi-family, shared residential and commercial uses. The following list in (2) below contains those uses which could exist within the Property.

(2) The following list of Land Bays within the Land Bay Breakdown Table sets forth the general development parameters on the Property and is consistent with the proffered Generalized Development Plan identified as Exhibit A. The development will adhere to the land bay breakdown depicted in the Generalized Development Plan and the Land Bay Breakdown Table.

LAND BAY	POTENTIAL LAND USE	APPROX. ACREAGE	RESIDENTIAL MIN/MAX ACREAGE %	COMMERCIAL MIN/MAX ACREAGE %
1	Uses allowed in B-1; B-2; B-3 Districts and Design Modification Document	7.51 acres	0% MIN. AC. 0% MAX. AC	100% MIN. AC. 100% MAX. AC.
2	Uses allowed in B-1; B-2; B-3 Districts and Design Modification Document	8.03 acres	0% MIN. AC. 0% MAX. AC	100% MIN. AC. 100% MAX. AC.
3	Uses allowed in B-1; B-2; B-3; RP Districts and Design Modification Document	9.73 acres	5% MIN. AC. 95% MAX. AC	5% MIN. AC. 95% MAX. AC.
4	Uses allowed in B-1; B-2; B-3 Districts and Design Modification Document	21.94 acres	0% MIN. AC. 0% MAX. AC	100% MIN. AC. 100% MAX. AC
5	Uses allowed in B-1; B-2; B-3; RP Districts and Design Modification Document	29.91 acres	80% MIN. AC. 90% MAX. AC	10% MIN. AC. 20% MAX. AC.
6	Uses allowed in B-1; B-2; B-3 Districts and Design Modification Document	6.83 acres	0% MIN. AC. 0% MAX. AC	100% MIN. AC. 100% MAX. AC.
7	Uses allowed in B-1; B-2; B-3; RP Districts and Design Modification Document	53.95 acres	0% MIN. AC. 90% MAX. AC	10% MIN. AC. 100% MAX. AC.
Buffalo Lick Run	Open Space; Trail System; Utilities; Road Crossings	12.35 acres	N/A	N/A

The actual acreage identified for each Land Bay is based on the bubble diagram calculated on the proffered Generalized Development Plan and may fluctuate based on final survey work.

B. For purposes of calculating density pursuant to the Frederick County Zoning Ordinance, all dedications and conveyances of land for public use and/or for the use of the development or any Homeowners Association shall be credited in said calculations.

C. There shall be a unit cap of 1,200 residential units within Land Bays 3, 5, and 7 to include up to one hundred eighty-four (184) townhouses on the Property and any townhouses will only be built in Land Bay 7. There are no limits on the percentage or square feet of business, commercial, office and/or retail development as referenced above other than the trip generation limits set forth in paragraph 3 herein.

3. MULTI-MODAL TRANSPORTATION IMPROVEMENTS:

Applicant/Owner agrees to install the road network that is depicted on the Generalized Development Plan pursuant to the specific locations which shall be determined as a result of the collaborative effort between Frederick County and the Virginia Department of Transportation ("VDOT") working together pursuant to Project Administration Agreements. Said Project Administration Agreements provide for the installation of a bridge over I-81 which connects to Tevis Street, a traffic circle as is depicted on the Generalized Development Plan, two roads which run across the Property and connect to Route 522, one across the Glaize property and the other across the Property, and a section of Warrior Drive running to the south from the traffic circle. An Exemplar Road Section is attached hereto and incorporated herein by reference as "Exhibit C." Applicant/Owner proffers that subject to specific details which will come as a result of the work conducted and directed by Frederick County and VDOT pursuant to the Project Administration Agreements an exemplar of the road sections that will be installed on the Property for the segments of road that are depicted on the Property is shown on the Generalized Development Plan. Applicant/Owner also proffers that the bridge will be installed pursuant to the aforementioned Project Administration Agreements and the cross-section and details of said bridge will be dictated by Frederick County and VDOT pursuant to the terms of the Project Administration Agreements. Applicant/Owner agrees that the road section will be in an alignment and a form that meets VDOT geometric design standards. Said cross-section which is referenced in Exhibit C does include sidewalks and bike paths as well as two lanes of travel in either direction with a raised median separating the travel lanes.

Applicant/Owner agrees to enter into a separate binding agreement with Frederick County to provide for the reimbursement of Frederick County's share of the costs to construct the road improvements on the Property and the bridge pursuant to the terms of the Project Administration Agreement. The separate agreement between Applicant/Owner and Frederick County shall be memorialized in a document entitled Revenue Sharing Agreement.

All points of access and connecting roads, driveways, etc. on the road network depicted on the Generalized Development Plan are for illustrative purposes and will be as approved by Frederick County and/or VDOT at such time as the submittal of site plans for development within the Land Bays.

Warrior Drive is intentionally depicted on the Generalized Development Plan as first a section of road which will be installed pursuant to the aforementioned Project Administration Agreements connecting to the traffic circle and second to a distance to the south that will be dictated by the final road design being conducted by Frederick County and VDOT but not less

than 400 feet. It is anticipated that the remaining portion of Warrior Drive will be installed pursuant to a separate Project Administration Agreement by and between Frederick County and VDOT and that as part of that future Project Administration Agreement the exact alignment will be engineered and determined by Frederick County and VDOT to provide connection to a future Warrior Drive to be installed on the Property to the south. It is further proffered that Applicant/Owner shall enter into a separate agreement with Frederick County to provide for the reimbursement of Frederick County's share of the cost to construct the remaining portions of Warrior Drive on the Property under the aforementioned Project Administration Agreement. The final design of the future Warrior Drive will be dictated by Frederick County and VDOT pursuant to the terms of the Project Administration Agreement, but Applicant/Owner proffers that said design will be in substantial conformance to the design and cross-section which is attached and incorporated as Exhibit C unless otherwise modified by Frederick County and VDOT. Applicant/Owner proffers and agrees to dedicate a right-of-way at such time as a dedicatable (i.e. metes and bounds description) tract of land has been established and which shall be as agreed to by Frederick County and VDOT.

In addition, Applicant/Owner has been made aware of and received copies of traffic studies performed by VDOT which confirm that the revised road alignment as shown on the attached and incorporated Generalized Development Plan is more than sufficient to address not only the impacts coming from and being generated by the proposed development of the Heritage Commons site but also will accommodate anticipated through trips as a result of constructing through connections (two to Route 522 and one to the City of Winchester at Tevis Street).

Notwithstanding the same and in order to confirm that the volumes of traffic being generated by the build out of the Heritage Commons community, Applicant/Owner does proffer that there will be no more than an average of 23,177 vehicle trips per day generated from the Heritage Commons site. Said maximum vehicle trips ensures there is no increase in trips generated as compared to prior traffic studies conducted for trips generated by the prior Russell 150 development and subsequent studies conducted by engineers working pursuant to the terms of the Project Administration Agreements. The maximum number of vehicle trips is assured because Heritage Commons is proffering a blend of commercial uses that are more office and less retail. By providing for a cap and a maximum of commercial uses there is no need to conduct any additional traffic studies to address any potential traffic impacts being generated by the Heritage Commons development. When Applicant/Owner reaches the maximum of vehicle trips per day (an average of 23,177 or greater) as determined by the ITE Manual resulting from development at the Heritage Commons site then Applicant/Owner shall conduct actual traffic counts to determine if the developed properties within Heritage Commons are generating an aggregate of 23,177 vehicle trips per day. If as a result of the actual traffic counts it is determined that the developed properties within the Heritage Commons site are not generating in excess of an average of 23,177 vehicle trips per day then Applicant/Owner may proceed and develop additional square feet of commercial and/or residential (RP) uses until such time that analysis using the ITE Manual determines that the proposed additional development by Applicant/Owner shall generate in excess of 23,177 vehicle trips per day (in the aggregate for the Heritage Commons site) and actual vehicle trips as counted by Applicant/Owner have in fact exceeded an average of 23,177 vehicle trips per day. After the Property has in fact generated in excess of an average of 23,177 vehicle trips per day then Applicant/Owner agrees to conduct a traffic study for the development of any remaining undeveloped portions of the Property and to

install whatever road improvements are deemed to be necessary as a result of any conclusions of the aforementioned traffic study.

4. STORMWATER QUALITY MEASURES:

Applicant/Owner hereby proffers that all business (commercial) and residential site plans submitted to Frederick County will be designed to implement Low Impact Development (LID) and/or Best Management Practices (BMP) to promote stormwater quality measures. A statement will be provided on each business (commercial) and residential site plan identifying the party or parties responsible for maintaining these LID and/or BMP facilities as a condition of site plan approval.

Applicant/Owner hereby proffers to establish a no disturbance easement within the Buffalo Lick Run Stream Valley that is depicted on the Generalized Development Plan. The purpose of this no disturbance easement is to prohibit development activities within the business (commercial) and residential land bays that are located within the defined area. The only improvements that may occur within this no disturbance easement will include road and pedestrian crossings, utility installations, stormwater management facilities, landscaping and walking trails.

5. RECREATIONAL AMENITIES:

Applicant/Owner also proffers to install walking trails and sidewalks within the community and to install a ten-foot (10') wide asphalt or concrete trail along the Buffalo Lick Run Stream Valley depicted on Exhibit A, the location of which will be identified on the Master Development Plan. In addition, and at Applicant/Owner's discretion, Applicant/Owner reserves the right to install a second ten-foot (10') wide asphalt or concrete trail (on the other side of Buffalo Lick Run Stream). In the event the Applicant/Owner does construct a second trail, the ten-foot (10') wide asphalt or concrete trail(s) will be owned and maintained by the Heritage Commons HOA and will be available for public access.

Applicant/Owner shall construct pedestrian trails and/or sidewalk systems, which connect each recreation area to the residential land uses within the defined Land Bay. The final location and the granting of any such easements and/or trails shall be at the subdivision design plan stage. Such trails or sidewalk system shall be constructed of materials selected by Applicant/Owner provided they are not part of the sidewalk system within the public right-of-way.

6. EDA

Applicant/Owner shall convey an 8.03 acre +/- tract of land located in the western portion of Land Bay 4 to the Frederick County Economic Development Authority to be used at its discretion for the construction of a public commercial building, which may include the construction of a County administration building.

Before the Frederick County Economic Development Authority develops the property, assigns or conveys any ownership interest in the tract conveyed herein by the Applicant/Owner, the Economic Development Authority and/or as applicable the third party will execute an agreement in a recordable form which is satisfactory to the Applicant/Owner and will provide

and confirm that said third party agrees to be bound by the provisions of this Proffer Statement, including, but not limited to, subject to all duly recorded and enforceable restrictions, easements and rights of way, and to comply with construction design standards which provide that the use is of an architectural style and of construction materials that are consistent with the restrictive covenants recorded against the property conveyed, as well as provisions governing the use of the Property to be conveyed, and also the application of all restrictive covenants governing the use of the property and the construction of improvements upon it.

Furthermore, the Frederick County Board of Supervisors and Frederick County Economic Development Authority agree that if a public commercial building of at least 25,000 square feet is not constructed on the tract identified herein and an occupancy certificate issued within four years of the date of the approval of this rezoning, said tract shall automatically revert with any and all improvements that may exist on or within the tract to the Applicant/Owner for whatever use which is consistent with this Proffer Statement the Applicant/Owner deems appropriate. The Frederick County Board of Supervisors hereby instructs and empowers its County Administrator to execute such other deeds or documents which shall be required to effect the terms of this provision.

The Applicant/Owner reserves the right to retain temporary and permanent grading, slope, construction, utility, drainage, storm water management and access easements on all public use parcels which are dedicated to Frederick County, provided said easements do not preclude reasonable use and development of the property for the intended purpose.

7. PHASING

A. Applicant/Owner proffers that no more than four hundred (400) residential units will be developed and built within the first two (2) years of development, with the first year commencing on the date of the approval of the rezoning. The remaining residential units will be proffered to be installed with no more than four hundred (400) residential units within the next two (2) year term following, and the remaining residential units commencing no earlier than two (2) years after the completion of the eight hundredth (800th) residential unit.

B. In addition, Applicant/Owner proffers that on or before the date that Applicant/Owner receives a Certificate of Occupancy for the 300th market rate multi-family residential units Applicant/Owner shall also have obtained a Certificate of Occupancy for a minimum of 50,000 square feet of commercial use property. Likewise, on or before the date Applicant/Owner receives a Certificate of Occupancy for the 600th market rate multi-family residential units Applicant/Owner shall have obtained a Certificate of Occupancy for an additional 50,000 square feet of commercial use property (a minimum total of 100,000 square feet). Applicant/Owner makes this proffer to assure that in addition to the Land Bay Breakdown and proffers pertaining to uses, density and mix that there shall be a guaranteed minimum development of commercial property occurring at the same time as development of market rate multi-family residential units.

SIGNATURE PAGE

The conditions set forth herein are the proffers for Heritage Commons and supersede all previous proffer statements submitted for this Property.

Respectfully submitted,

HERITAGE COMMONS, LLC

By: Matthew Milstead
Its: Manager

COMMONWEALTH OF VIRGINIA, AT LARGE
COUNTY OF FREDERICK, to-wit:

The foregoing instrument was acknowledged before me this 24th day of November, 2014 by Matthew Milstead, Manager of HERITAGE COMMONS, LLC.

NOTARY PUBLIC

My commission expires: _____
Registration number: _____

JENNIFER M. K. KITTLAUS
NOTARY PUBLIC
REG # 7155256
MY COMMISSION EXPIRES 12/31/2015
COMMONWEALTH OF VIRGINIA

R 150 SPE, LLC

By: Earl W. Cole, III
Its: Manager

COMMONWEALTH OF VIRGINIA, AT LARGE
COUNTY OF FREDERICK, to-wit:

The foregoing instrument was acknowledged before me this 24th day of NOVEMBER 2014 by Earl W. Cole, III, Manager of R 150 SPE, LLC.

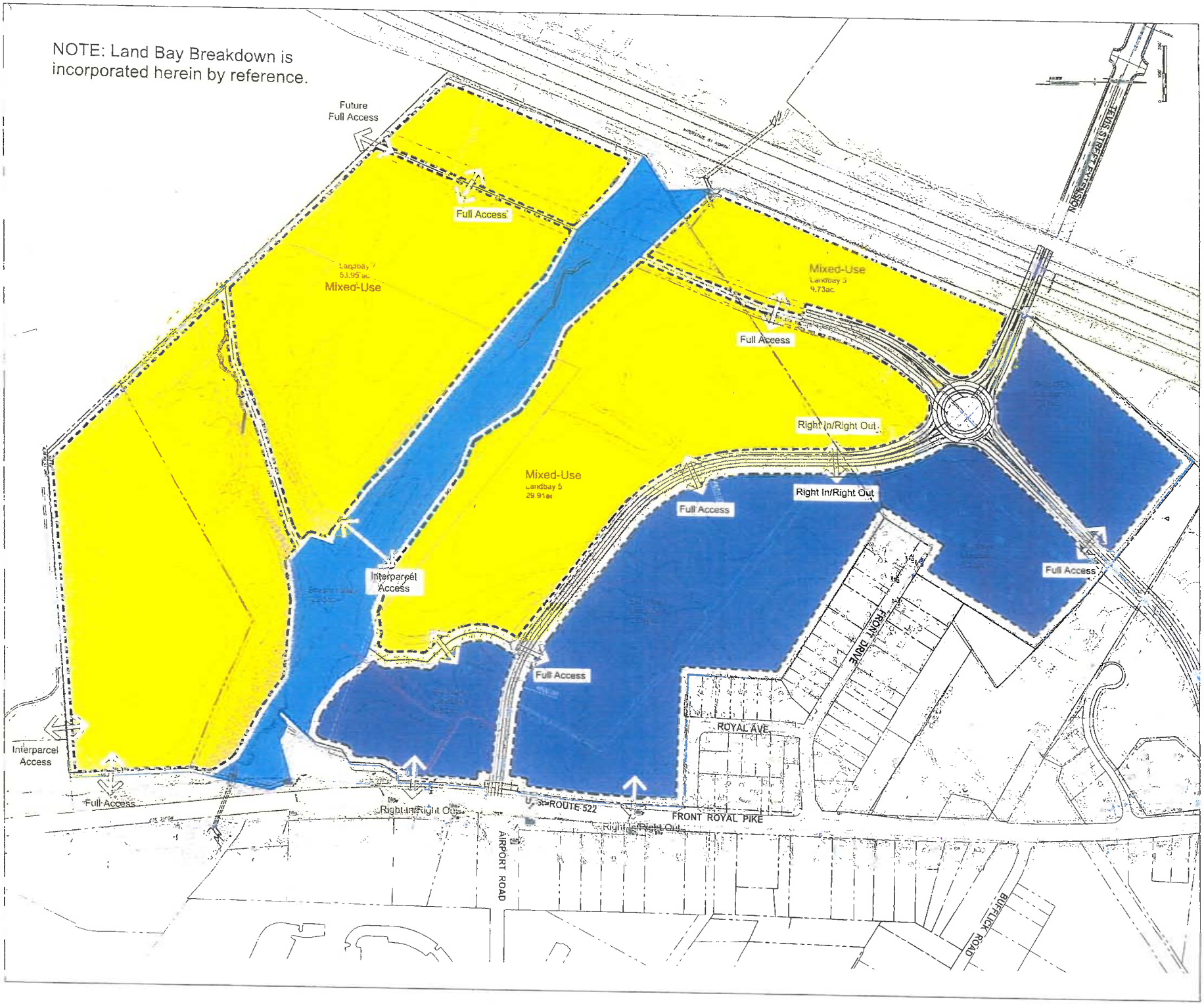
NOTARY PUBLIC PAMELA CROWDER

My commission expires: 4/3/2017
Registration number: _____

PAMELA CROWDER
NOTARY
PUBLIC
BALTIMORE COUNTY, MD

HERITAGE COMMONS

GENERALIZED DEVELOPMENT PLAN - PROFFER EXHIBIT A



Engineers · Surveyors · Planners · Landscape Architects

Pennoni

General Development Plan
HERITAGE COMMONS
FREDERICK COUNTY, VA

Pennoni Associates Inc.

BRRL1301

1 of 1

7 AUGUST 2014

HERITAGE COMMONS

DESIGN MODIFICATION DOCUMENT - PROFFER EXHIBIT B

July 30, 2014

MODIFICATION #1 **§ 165-501.02 Rezoning Procedure**

Ordinance Requirement:

In order to have land rezoned to the R4 District, a master development plan meeting all requirements of this chapter, shall be submitted with rezoning application.

Alternative Design Standard:

In order to have land rezoned to the R4 District, a proffered Generalized Development Plan identifying the concept of the overall acreage and its relationship to adjoining properties and adjoining roadways shall be submitted with rezoning application. The Generalized Development Plan for Heritage Commons will provide Land Bays to demonstrate the proposed general land use plan layout for the entire acreage. The Proffer Statement for Heritage Commons will also provide a matrix identifying the residential and non-residential land uses within each Land Bay, the projected acreage of each Land Bay and the percentage of residential and commercial land use within each Land Bay classified as Mixed-Use Commercial/Residential.

Justification for Modification:

A densely planned community on 150.28 +- acres of land cannot be completely master planned as a condition of rezoning approval. These communities are dynamic due to the market; therefore, the exact location of residential units, internal roads, neighborhood commercial, recreational amenities, open space and significant environmental features are difficult to identify at this stage in the process. The Applicant should be prepared to identify basic information pertaining to the overall development of the planned community to inform decision makers and interested citizens how the general land use patterns and major road systems will be developed should a rezoning be approved. The use of a Generalized Development Plan and Proffer Statement as a tool for this purpose is reasonable, as it contains illustrative and general development information that can assist in understanding the basic concepts of a planned community and guide the more formalized Master Development Plan process following rezoning approval. Therefore, it is requested that a Generalized Development Plan be permitted to function in the place of a detailed Master Development Plan during the rezoning process. A Master Development Plan will be provided subsequent to the rezoning approval process to ensure consistency with subdivision design plans and site design plans within the project.

MODIFICATION #2 **§165-501.03 Permitted Uses**

Ordinance Requirement:

All uses are allowed in the R4 Residential Planned Community District that are allowed in the following zoning districts:

RP Residential Performance District
B1 Neighborhood Business District
B2 Business General District
B3 Industrial Transition District
M1 Light Industrial District

Alternative Design Standard:

The Mixed-Use Commercial/Residential Land Bays identified on the proffered Generalized Development Plan are slated for dense urban commercial and residential land use, which may include commercial and residential land uses that are located within the same structure, or within connected structures. This is intended to include and allow the Traditional Neighborhood Design-Business (TNDB) Overlay District. No M1 (light industrial) uses will be permitted.

Justification for Modification:

Heritage Commons is planned as an urban center design form that will contain single-family attached, market rate multi-family units, commercial, retail and office structures, and structures that may comprise a combination of these land uses. The ability to provide for mixed-use residential and commercial, retail and/or office land use within the same structure or within connected structures is in keeping with urban form design, which provides a very efficient use of land and provides opportunities for residents to live, shop, and work within the same area of their community.

MODIFICATION #3 **§165-501.05 Mixture of Housing Types Required**

Ordinance Requirement:

Each planned community shall be expected to contain a mixture of housing types that is typical for existing and planned residential neighborhoods in Frederick County. No more than 40% of the area of portions of the planned community designated for residential uses shall be used for any of the following housing types: duplexes, multiplexes, atrium houses, weak-link townhouses, townhouses or garden apartments or any combination of those housing types.

Alternative Design Standard:

The Mixed-Use Commercial/Residential Land Bays identified on the proffered Generalized Development Plan are slated for dense urban residential housing types. To achieve this type of urban residential development, single-family detached residential units will not be required as a component of the residential mix, and single-family attached and market rate multi-family residential units will be allowed to comprise 100% of the residential housing units within the Heritage Commons project.

Justification for Modification:

Heritage Commons is planned as an urban center design form that will contain single-family attached and market rate multi-family housing units within a mixed-use commercial, retail and office development. The Residential Planned Community District promotes suburban residential design form that is predominately residential with a minimum percentage of non-residential land use. The implementation of significant percentages of non-residential land use within Heritage Commons dictates the need for higher density residential land use to facilitate this form of development.

MODIFICATION #4 **§165-501.06(C) Residential Density**

Ordinance Requirement:

Residential Density. The maximum allowed gross density for residences in the planned community development shall be four units per acre.

Alternative Design Standard:

The Mixed-Use Commercial/Residential Land Bays identified on the proffered Generalized Development Plan are slated for dense urban residential housing types. To achieve this type of urban residential development, the gross densities specified in Section 165-402.05B for market rate multi-family and single-family attached residential land use shall be permitted.

Justification for Modification:

Heritage Commons is planned as an urban center design form that will contain single-family attached and market rate multi-family housing units within a mixed-use commercial, retail and office development. The Board of Supervisors recently approved increased densities for residential development within the Urban Development Area (UDA) to maximize the residential development potential within this portion of the County. The 2030 Comprehensive Plan identifies this property as being planned for employment and high-density residential (12-16 units/acre) land use; therefore, it is appropriate to allow this type of residential density within the Heritage Commons development.

MODIFICATION #5 **§165-501.06(D) Commercial & Industrial Areas**

Ordinance Requirement:

Commercial and industrial areas. The areas for commercial or industrial uses shall not exceed 50% of the gross area of the total planned community. Sufficient commercial and industrial areas shall be provided to meet the needs of the planned community, to provide an appropriate balance of uses and to lessen the overall impact of the planned community on Frederick County. A minimum of 10% of the gross area of the project shall be used for business and industrial uses.

Alternative Design Standard:

Given the dense planning for the Heritage Commons Land Bays, the areas for commercial areas may exceed, and should be encouraged to, exceed 50% of the gross area. A Land Bay Breakdown Table has been incorporated into the Heritage Commons Proffer Statement to demonstrate the minimum and maximum acreages for commercial and residential development throughout the project.

Justification for Modification:

A densely planned community in an area that is designated under the Comprehensive Plan as such should provide for a higher percentage mix of commercial uses. Given the intensity and extent of commercial uses they would be more harmonious if they were mixed in with or adjacent to higher density residential development. The Generalized Development Plan will depict the Land Bays where it is anticipated that the higher density residential and commercial uses will be mixed and also areas that will be designated purely for commercial. With the transportation networks and connectivity of all the Land Bays, however, it is anticipated that the activity level of residences, commercial shopping, dining and work will be laid out so that the residents will be able to walk back and forth between these uses and not need use their automobiles to access these facilities and amenities.

MODIFICATION #6 **§165-501.06(E) Open Space**

Ordinance Requirement:

Open Space. A minimum of 30% of the gross area of any proposed development shall be designated as common open space.

Alternative Design Standard:

A minimum of 15% of the gross area of the Mixed-Use Commercial/Residential Land Bays, and 100% of the gross area of the Buffalo Lick Run Stream Valley Land Bay identified on the proffered Generalized Development Plan shall be designated as common open space.

Justification for Modification:

Heritage Commons is planned as an urban center design form that will contain single-family attached and market rate multi-family housing units within a mixed-use commercial, retail and office development. This type of urban center design provides opportunities for indoor and outdoor recreational amenities and facilities, pedestrian sidewalk and trail systems, central plazas and squares, small exterior urban-scale green-space areas, and rooftop green-space or rooftop amenity areas; therefore, vast expanses of green space area are not conducive for this type of development. The location of open space areas and the types of recreational amenities will be identified on the Master Development Plan to ensure conformity with ordinance requirements.

MODIFICATION #7 **§165-501.06(G) Buffers and Screening**

Ordinance Requirement:

Buffers and Screening. Buffers and screening shall be provided between various uses and housing types as if the uses were located within the RP, B1, B2, or M1 Zoning District according to the uses allowed in those districts. Buffers and screening shall be provided accordingly as specified in Section 165-203.02 of this Chapter. Road efficiency buffers shall be provided according to the requirements of that section. In addition, along the perimeter boundary of the Residential Planned Community District, buffers and screens shall be provided in relation to adjoining properties as if the uses in the planned community were located in the RP, B1, B2, or M1 Zoning Districts.

Alternative Design Standard:

Buffers and screening shall be provided along the perimeter boundary of the Residential Planned Community District where proposed Commercial Retail and Office Land Bays adjoin existing residential land use, or where single-family attached and multifamily residential units adjoin existing single-family detached residential land use. Buffers and screening shall be provided accordingly as specified in Section 165-203.02(C), Section 165-203.02(D), and Section 165-203.02(E) of this Chapter.

Justification for Modification:

Heritage Commons is planned as an urban center design form that will incorporate mixed-use commercial and residential land use immediately adjacent to each other. Land uses within this form of development are intended to be integrated, and in some instances located within the same structures; therefore, the requirement for internal buffers and screening are not practical in achieving this type of urban design. The alternative design standard provides for adequate buffers and screening along the perimeter of the Heritage Commons project to protect existing residential land uses. This buffer and screening standard is consistent with applicable residential separation buffers and zoning district buffers utilized in other portions of the Urban Development Area.

MODIFICATION #8 **§165-501.06(I) Road Access**

Ordinance Requirement:

Road Access. All planned community developments shall have direct access to an arterial or collector road or to roads improved to arterial or collector standards. The planned community development shall be provided with a complete system of public streets dedicated to the Virginia Department of Transportation.

Alternative Design Standard:

The proffered Generalized Development Plan shall provide for major collector road systems identified in the Comprehensive Policy Plan, which will be public streets dedicated to the Virginia Department of Transportation. All other street systems located within the Heritage Commons development may be designed and constructed as private streets, which will be maintained by a master association or sub-associations created during the subdivision design and site plan design process. All private streets shall be designed in general to meet vertical base design standards utilized by the Virginia Department of Transportation based on projected traffic volumes for the identified land uses within the project. All lots created within the Heritage Commons development may be located on private streets, which shall not be subject to distance limitations from planned public streets within the project.

Justification for Modification:

Heritage Commons is planned as an urban center design form that will contain a variety of street systems that are designed in general to meet vertical base design standards utilized by the Virginia Department of Transportation based on projected traffic volumes for the identified land uses within the project. The ability to utilize private street design will provide design flexibility throughout the project that would otherwise not be practical due to rigid Virginia Department of Transportation street design standards. The ability to utilize private street design will also allow for innovative storm water management low-impact design and landscaping design to assist in meeting water quality measures for the project.

MODIFICATION #9 **§165-501.06(M) Phasing**

Ordinance Requirement:

Phasing. A schedule of phases shall be submitted with each proposed planned community. The schedule shall specify the year in which each phase will be completely developed. No subdivision or site plans shall be approved in the planned community unless they are in accordance with the approved schedule.

Alternative Design Standard:

A Phasing Plan and Phasing Schedule shall not be required for the Heritage Commons project.

Justification for Modification:

Heritage Commons is planned as an urban center design form that will contain mixed land use including commercial, retail, office, single-family attached and market rate multi-family housing units within a master planned project. Heritage Commons exceeds the commercial, retail and office land use percentages from conventional residential planned community projects, and may incorporate mixed commercial and residential land use within the same structure. Therefore, it is not practical to require a phasing schedule and time line that limits the ability for the project to develop, as this will be dictated by market conditions.

MODIFICATION #10 **§165-201.03(B)(6) Height Limitations**
§165-601.02 Dimensional and Intensity Requirements

Ordinance Requirement:

General office buildings in the B2 and B3 Districts and hotel and motel buildings in the B2 Zoning District shall be exempt from the maximum height requirements of those zoning districts. In no case shall the height of such buildings exceed 60 feet. When such exemptions are proposed adjacent to existing residential uses, the Board of Supervisors shall review the site development plan pursuant to the provisions of Section 165-203.02A(3).

Alternative Design Standard:

Commercial buildings, retail buildings, office buildings, hotel buildings, and shared commercial and residential buildings may be constructed up to 80 feet in height, not to include architectural screening features and antenna structures. Additionally, commercial buildings, retail buildings, office buildings, hotel buildings, and shared commercial and residential buildings may be developed with a floor area to lot area ratio (FAR) of 2.0.

Justification for Modification:

Heritage Commons is planned as a dense urban center design form that will promote vertical construction throughout the project. The ability to construct buildings to 80 feet in height is consistent with the height allowance for multifamily residential buildings, which will be developed within the project. Other zoning districts within the County allow for office buildings and other structures to be constructed up to 90 feet in height and allow for a floor area to lot area ratio of 2.0; therefore, the Heritage Commons urban center design form is consistent with these more intensive types of development currently permitted by County Code.

MODIFICATION #11 **§165-402.09(J)(D1) Multifamily Residential Buildings**

Ordinance Requirement:

Principal building (max): 60 feet, provided that a multifamily residential building may be erected to a maximum of 80 feet if it is set back from road right-of-ways and from lot lines in addition to each of the required minimum yard dimensions, a distance of not less than one foot for each one foot of height that it exceeds the sixty-foot limit.

Alternative Design Standard:

Commercial buildings, retail buildings, office buildings, hotel buildings, and shared commercial and residential buildings may be constructed within 20 feet of public or private street systems serving the community.

Justification for Modification:

Heritage Commons is planned as a dense urban center design form that will promote vertical construction throughout the project. This design form should provide flexibility to promote building construction that abuts wide pedestrian walkway areas that adjoin public and private street systems. Urban center design promotes build-to setback lines, which are not proposed as a requirement for Heritage Commons; however, this alternative design standard will allow for this form of design should it be desired by the developer of the project.

MODIFICATION #12 **§165-4002.09(I) Modified Apartment Building**

Ordinance Requirement:

This housing type consists of buildings that contain multiple dwelling units that share a common yard area. The entire dwelling unit does not necessarily have to be on the same floor. Garden apartments shall be at least two stories high but no more than four stories and shall contain six or more units in a single structure, not to exceed 16 units within a single structure. Dimensional requirements shall be as follows:

A. Lot Dimensions	
A1 Maximum site impervious surface ratio	0.60
B. Building Setbacks	
B1 From public road right-of-way	35 feet
B2 From private road right-of-way, off-street parking lot or driveway	20 feet
B3 Side (perimeter)	20 feet
B4 Rear (perimeter)	25 feet
B5 Rear for balconies and decks	20 feet
B6 Minimum on-site building spacing: Buildings placed side to side shall have a minimum distance of 20 feet between buildings; buildings placed side to back shall have a minimum distance of 35 feet between buildings. Buildings back to back shall have a minimum distance of 50 feet between buildings.	
C. Minimum Parking	
C1 Required off-street parking	2 per unit
D. Height	
D1 Principal building (max):	55 feet
D2 Accessory building (max)	20 feet

Alternative Design Standard:

This housing type consists of buildings that contain multiple dwelling units that share a common outdoor area. Dwellings can be on multiple floors with buildings being at least two stories but not more than six stories. Dwellings can have internal or external corridors at the discretion of the developer. Modified apartment buildings shall contain a minimum of 16 dwelling units but may not exceed more than 64 dwelling units within a single structure. Dimensional requirements shall be as follows:

A. Lot Dimensions	
A1 Maximum site impervious surface ratio	0.60
B. Building Setbacks	

B1 From public road right-of-way	20 feet
B2 From private road right-of-way, off-street parking lot or driveway	10 feet
B3 Side (perimeter)	15 feet
B4 Rear (perimeter)	15 feet
B5 Rear for balconies and decks	20 feet
B6 Minimum on-site building spacing: 15 feet side to side; 15 feet side to back; 15 feet back to back	
C. Minimum Parking	
C1 Required off-street parking	2 per unit, inclusive of garage
D. Height	
D1 Principal building (max):	80 feet
D2 Accessory building (max):	50 feet
D3 Maintenance buildings (max):	20 feet

Justification for Modification:

Heritage Commons is planned as a dense urban center design form that will promote massing of dwelling units throughout the project. This design form should provide flexibility to promote building construction that accommodates an appropriate number of dwelling units within a single structure. The dimensional requirements provided for the Modified Apartment Building achieve appropriate setbacks for siting of buildings and protection of adjoining properties, while providing densities more in keeping with a dense urban center design form.

HERITAGE COMMONS

EXEMPLAR ROAD SECTION - PROFFER EXHIBIT C

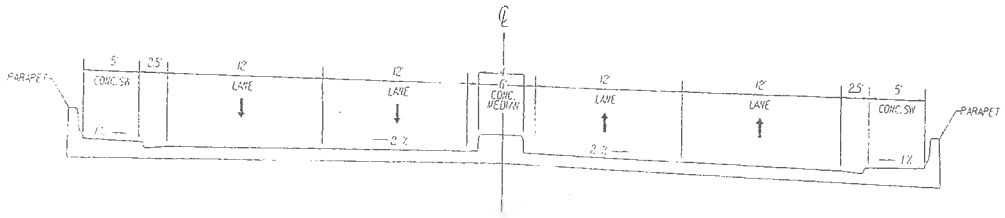
TYPICAL SECTIONS

VDOT (Division) or Co. Name (Location) Virginia (TECHNICAL DISCIPLINE)	VDOT (Division) or Co. Name (Location), Virginia (TECHNICAL DISCIPLINE)

REVISED	STATE	STATE ROUTE	STATE PROJECT	SHEET NO.
	VA.	XXX	0788-034 R13.P101	2A(4)

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT

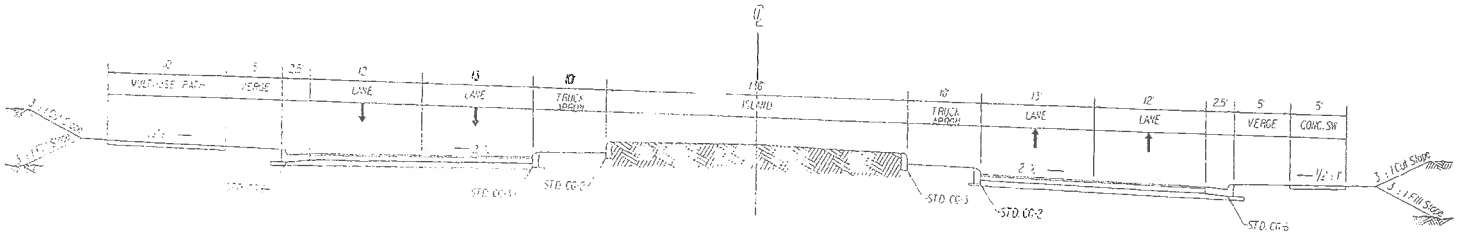
TEVIS STREET BRIDGE



STA XX+XX TO STA XX+XX

NOTE: THE CONTRACTOR SHALL COORDINATE BRIDGE TYPICALS FROM BRIDGE PLANS DEVELOPED BY CLARK NEXSON, TITLED "EAST TEVIS STREET OVER RTE 81"

TEVIS STREET ROUNDABOUT



STA XX+XX TO STA XX+XX

SCALE	PROJECT	SHEET NO
N.T.S.	0788-034	2A(4)

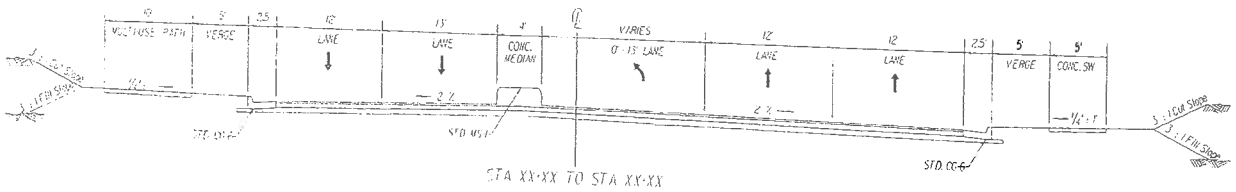
TYPICAL SECTIONS

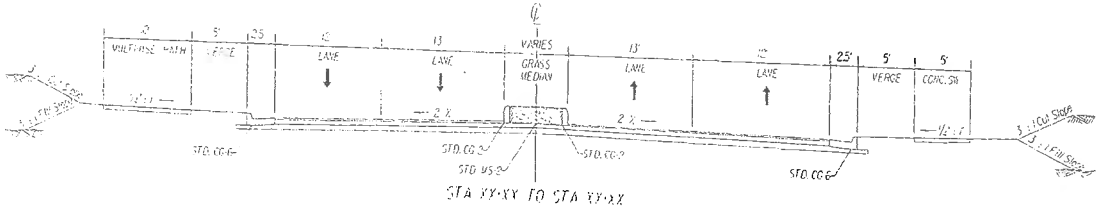
TEVIS STREET

VDOT (Division) or Co. Name (Location), Virginia (TECHNICAL DISCIPLINE)	VDOT (Division) or Co. Name (Location), Virginia (TECHNICAL DISCIPLINE)

REVISED	STATE	ROUTE	PROJECT	SHEET NO
	VA.	XXX	0788-034 R/S. P101	2A(3)

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT





SCALE	PROJECT	SHEET NO.
N.T.S.	0788-034	2A(3)

AMENDMENT

Action:

PLANNING COMMISSION: March 16, 2005 - Recommended Approval

BOARD OF SUPERVISORS: September 28, 2005 ☒ APPROVED ☐ DENIED

AN ORDINANCE AMENDING

THE ZONING DISTRICT MAP

REZONING #01-05 FOR RUSSELL 150

WHEREAS, Rezoning #01-05 for Russell 150, was submitted by Greenway Engineering to rezone 96.28 acres from RA (Rural Areas) District to B2 (General Business) District and 54 acres from RA (Rural Areas) District to RP (Residential Performance) District. This property fronts on the west side of Front Royal Pike (Route 522), opposite Airport Road (Route 645), in the Shawnee Magisterial District, and is identified by Property Identification Numbers (PINs) 64-A-10 and 64-A-12. The property also fronts on the east side of Interstate 81.

WHEREAS, the Planning Commission held a public hearing on this rezoning on March 16, 2005; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on April 13, 2005; 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 change 96.28 acres from RA (Rural Areas) District to B2 (General Business) District and 54 acres from RA (Rural Areas) District to RP (Residential Performance) District, as described by the application and plat submitted, subject to the attached conditions voluntarily proffered in writing by the applicant and the property owner.

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

Passed this 28th day of September, 2005 by the following recorded vote:

Richard C. Shickle, Chairman	Aye	Barbara E. Van Osten	Aye
Gina A. Forrester	Nay	Gary Dove	Aye
Lynda J. Tyler	Aye	Bill M. Ewing	Aye
Gene F. Fisher	Aye		

A COPY ATTEST

John K. Riley, Jr.
Frederick County Administrator

RUSSELL 150, LC - PROFFER STATEMENT

REZONING:	RZ# 01-05 Rural Areas (RA) to Business General (B2) and Residential Performance (RP)
PROPERTY:	150.28-acres +/-; Tax Parcels #64-((A))-10 & 64-((A))-12
RECORD OWNER:	Russell 150, LC
APPLICANT:	Russell 150, LC (here-in after the **"Applicant"**)
PROJECT NAME:	Russell 150
ORIGINAL DATE OF PROFFERS:	October 22, 2004
REVISION DATE:	September 16, 2005

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 applicant hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application #01 -05 for the rezoning of 150.28±-acres from the Rural Areas (RA) District to 96.28±-acres of Business General (B2) District and 54.0±-acres Residential Performance (RP) District, 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 applicant 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 Applicant and any legal successors, heirs, or assigns.

The Property, identified as Russell 150, and more particularly described as the lands owned by Russell 150, LC, being all of Tax Map Parcels 64-((A))-10 and 64-((A))-12 and further as shown on a plat entitled Survey of the Remaining Lands of June H. Russell, by Ebert and Associates dated February 13, 1998.

I. Generalized Development Plan

The Applicant hereby proffers to develop the Property in substantial conformance with a Generalized Development Plan prepared by Greenway Engineering dated September 16, 2005 **("GDP")** approved as part of the rezoning application. The GDP is intended to delineate the major thoroughfares that will traverse the Property and provide access to the commercial and residential land bays. The roundabout design identified at the intersection of Warrior Drive and Airport Road Extended is intended to be developed unless the Virginia Department of Transportation **("VDOT")** determines that another intersection design is warranted during the review and approval of the Public Improvement Plan for this transportation improvement. VDOT approval of another intersection design at Warrior Drive and Airport Road Extended will not necessitate approval of a new GDP by the Board of Supervisors. The GDP identifies the 96.28±-acre Business General (B2) District land bay and the 54.0±-acre Residential Performance (RP) District land bay.

II. Transportation

A. Community Development Authority (Agreement to Participate)

The Applicant hereby proffers to participate fully in the Community Development Authority **("CDA")** special taxing district for the purpose of financing the construction of specified public infrastructure, briefly described as (1) the Interstate-81/East Tevis Street flyover bridge, (2) the thoroughfares of Warrior Drive, Airport Road Extended, and East Tevis Street and associated bicycle lanes within the Property, and (3) certain water and sewer capital facilities associated with these thoroughfares. The utilization of the CDA provides funding for the simultaneous development of all covered public infrastructure, thus enabling the construction of all of these facilities in a single unified project concurrent with the first phase of private improvements. If for any reason the described improvements within this section are unable to be completed through the CDA funding source, the Applicant agrees to fund and complete said improvements concurrent with the first phase of improvements by the Applicant.

B. Warrior Drive

The Applicant hereby proffers to construct the ultimate section of Warrior Drive within the Property in conformance with the Public Improvement Plan that will be approved by VDOT prior to any development activity on the Property. The Applicant shall dedicate a minimum 120-foot wide right-of-way extending from the intersection with East Tevis Street to the southern boundary of the Property, in an alignment consistent with the GDP and the VDOT approved Public Improvement Plan. The intersection of Warrior Drive and East Tevis Street shall be configured so as to maintain East Tevis Street as the through movement. The intersection with Airport Road Extended shall be in the form of

a roundabout, unless VDOT determines that another intersection design is warranted during the review and approval of the Public Improvement Plan for this transportation improvement. If for any reason the described improvements within this section are unable to be completed through the CDA funding source, the Applicant agrees to fund and complete said improvements concurrent with the first phase of improvements by the Applicant.

C. Airport Road Extended

The Applicant hereby proffers to construct the ultimate section of Airport Road Extended within the Property in conformance with the Public Improvement Plan that will be approved by VDOT prior to any development activity on the Property. The Applicant shall dedicate right-of-way as required by VDOT, extending from the eastern boundary of the Property to the intersection with Warrior Drive, in an alignment consistent with the GDP and the VDOT approved Public Improvement Plan. The Applicant shall install full intersection improvements at the Front Royal Pike (Route 522) and Airport Road Extended intersection as warranted by VDOT. The intersection with Warrior Drive shall be in the form of a roundabout unless VDOT determines that another intersection design is warranted during the review and approval of the Public Improvement Plan for this transportation improvement. If for any reason the described improvements within this section are unable to be completed through the CDA funding source, the Applicant agrees to fund and complete said improvements concurrent with the first phase of improvements by the Applicant.

D. Interstate 81/East Tevis Street Flyover Bridge

The Applicant hereby proffers to construct a four-lane flyover bridge crossing of Interstate 81 to allow for the East Tevis Street connection between Frederick County and the City of Winchester. The construction of the four-lane flyover bridge and associated sidewalks will be in conformance with the Public Improvement Plan that will be approved by VDOT prior to any development activity on the Property. If for any reason the described improvements within this section are unable to be completed through the CDA funding source, the Applicant agrees to fund and complete said improvements concurrent with the first phase of improvements by the Applicant.

E. East Tevis Street Within Property

The Applicant hereby proffers to construct the ultimate section of East Tevis Street within the Property in conformance with the Public Improvement Plan that will be approved by VDOT prior to any development activity on the Property. The Applicant shall dedicate a minimum 120-foot wide right-of-way extending from the western boundary of the Property to the northern boundary of the Property in an alignment consistent with the GDP and the VDOT approved Public Improvement Plan. If for any

reason the described improvements within this section are unable to be completed through the CDA funding source, the Applicant agrees to fund and complete said improvements concurrent with the first phase of improvements by the Applicant.

F. Contribution to Frederick County General Transportation Fund

The Applicant hereby proffers to provide a monetary contribution unconditionally to the Frederick County General Transportation Fund in the amount of $1,000,000.00. This monetary contribution shall be paid to Frederick County at the time of building permit issuance for the residential portion of the Property. The Applicant shall provide a per unit monetary contribution of $3,500.00 to fund the $1,000,000.00 commitment, or such additional amounts based upon the total number of approved residential units which will equal $1,000,000.00.

G. Tax Map Parcel 64-((A))-18 Inter-Parcel Connection

The Applicant hereby proffers to provide for an inter-parcel public street connection between the residential portion of the Property and Tax Map Parcel 64-((A))-18. If an inter-parcel connection cannot be constructed to connect with another public street on Tax Map Parcel 64-((A))-18 at the time of development of the final residential phase within the Property, the Applicant will dedicate a 50-foot right-of-way between the public street serving the residential portion of the Property and Tax Map Parcel 64-((A))-18, and will construct the public street serving the residential portion of the Property to connect to Front Royal Pike (Route 522).

H. Bicycle Lanes

The Applicant hereby proffers to construct bicycle lanes along Warrior Drive, Airport Road Extended, and East Tevis Street within the Property as depicted on the GDP. These bicycle lanes will be designed as 10-foot wide asphalt lanes separate from the vehicular travel lanes and included as part of the VDOT approved Public Improvement Plan for each of the roads described above. If for any reason the described improvements within this section are unable to be completed through the CDA funding source, the Applicant agrees to fund and complete said improvements concurrent with the first phase of improvements by the Applicant.

III. Residential

A. Residential Use Restriction

The Applicant hereby proffers to prohibit the following housing types within the Property:

1. Single-family detached rural traditional
2. Single-family detached traditional
3. Garden apartments

B. Phasing

The Applicant hereby proffers that residential development shall be phased to limit the number of residential dwelling unit building permits to forty (40) per calendar year beginning in the calendar year in which the Master Development Plan is approved.

C. Architectural Treatment

The applicant hereby proffers that primary structures within the Residential Performance (RP) District land bay shall be constructed with masonry wall treatments (i.e. brick, architectural block, natural or cultured stone, or equivalent) over a minimum of eighty percent (80%) of the exterior wall surface, exclusive of glazing and roofing.

D. Monetary Contribution to Establish Homeowners' Association Fund

The Applicant hereby proffers to establish a start-up fund for the residential development within the Property that will include an initial lump sum payment of $2,500.00 by the Applicant and an additional payment of $100.00 for each platted lot, of which the assessment for each platted lot is to be collected at the time of initial transfer of title and to be directed to the Homeowners' Association ("HOA") fund. Language will be incorporated into the Declaration of Restrictive Covenant Document and Deed of Dedication that ensures the availability of these funds prior to the transfer of ownership and maintenance responsibility from the Applicant to the HOA. The start-up funds for the HOA shall be made available for the purpose of maintenance of all improvements within the common open space areas, liability insurance, street light assessments, and property management and/or legal fees.

IV. Monetary Contributions to Offset Impact of Development

The undersigned owners of the above-described property hereby voluntarily proffer that in the event rezoning application # 01-05 is approved, the undersigned will pay to the Treasurer of Frederick County, Virginia contributions as follows. It is noted that the Fiscal Impact Model Output Module prepared by the Frederick County Planning Department on October 26, 2004 indicates the combined residential and commercial uses proffered through this rezoning will yield a substantial net fiscal impact gain to Frederick County. This monetary contribution exceeds that indicated by the results of the Fiscal Impact Model Output Module.

A. Public School System

The Applicant hereby proffers to contribute $3,000.00 per residential unit to be directed to Frederick County Public Schools. This monetary contribution shall be paid at the time of building permit issuance of each residential dwelling unit on the Property.

B. Fire and Rescue Services

The Applicant hereby proffers to contribute $10,000.00 for fire and rescue services to be directed to the local fire and rescue company providing first response service to the Property. This monetary contribution shall be paid at the time of issuance of the first building permit on the Property.

V. Stormwater Quality Measures

The applicant hereby proffers that all commercial and residential site plans submitted to Frederick County will be designed to implement Low Impact Development (LID) and/or Best Management Practices (BMP) to promote stormwater quality measures. A statement will be provided on each commercial and residential site plan identifying the party or parties responsible for maintaining these LID and/or BMP facilities as a condition of site plan approval.

The Applicant hereby proffers to establish a no disturbance easement within the Buffalo Lick Run stream valley that is depicted on the GDP. The purpose of this no disturbance easement is to prohibit development activities within the commercial and residential land bays that are located within the defined area. The only activity that may occur within this no disturbance easement will include utility installation and a single road crossing for the continuation of Warrior Drive.

VI. Signature

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in the interest of the applicant and 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: _____ 9-30-05

Denver E. Quinnelly, Manager
Russell 150, LC

Date

Commonwealth of Virginia,

City/County of Frederick To Wit:

The foregoing instrument was acknowledged before me this 30th day of September

2005 by Denver E. Quinnelly, manager-Russell 150, LC

Donna K. Melvin
Notary Public

My Commission Expires February 29, 2008

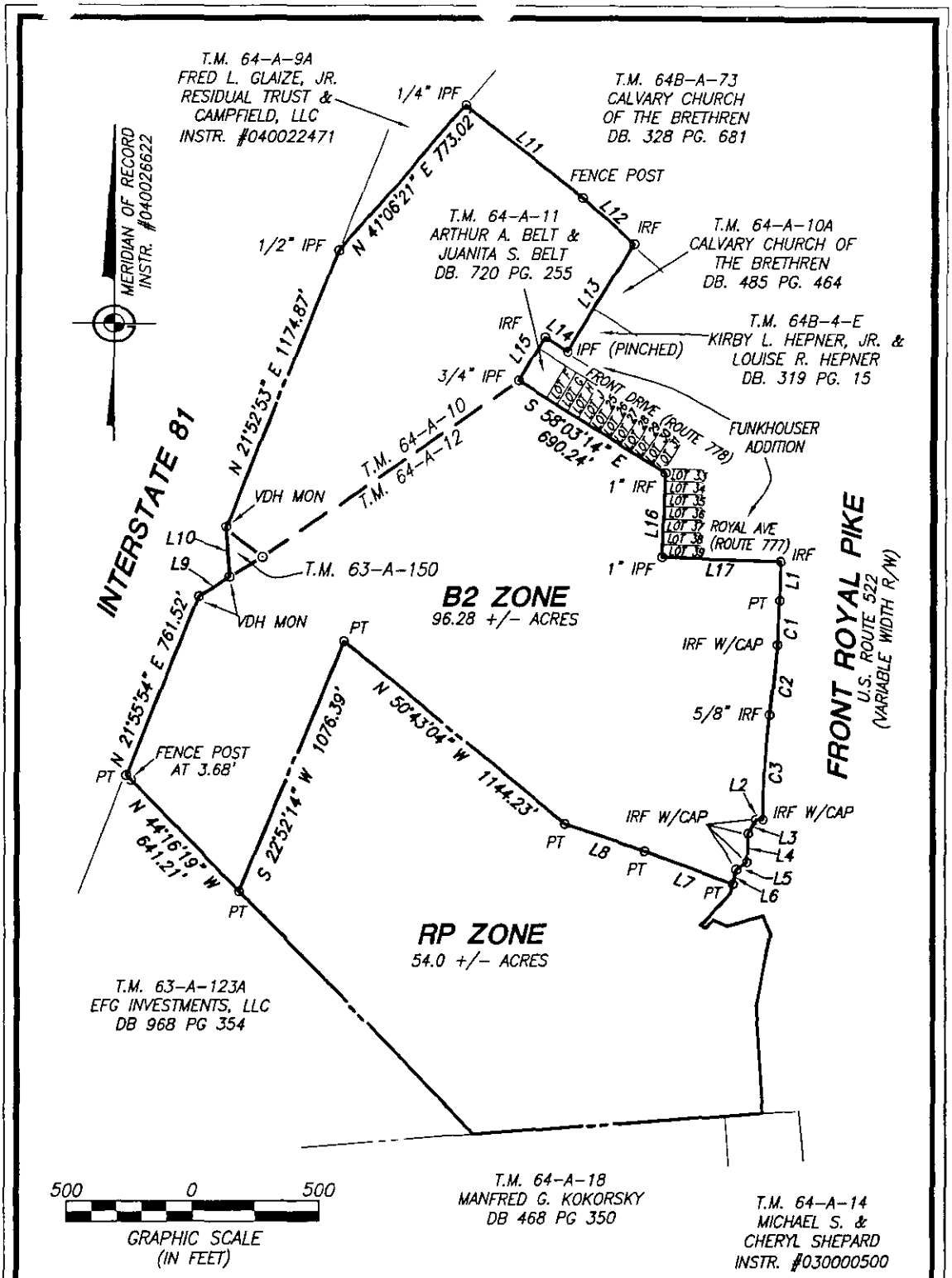


EXHIBIT SHOWING

ZONING DISTRICT LINE BETWEEN RP ZONE AND B2 ZONE

ON THE LAND OF

RUSSELL 150, LC

SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: 1"=300'	DATE: SEPTEMBER 16, 2005	

GREENWAY ENGINEERING

Engineers
Surveyors

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

Founded in 1971

3701 SHEET 1 OF 2

LINE DATA

L1	S 01°46'21" W	154.61'
L2	S 89°40'20" W	26.96'
L3	S 29°13'19" W	64.04'
L4	S 01°47'41" W	112.92'
L5	S 55°53'57" W	51.18'
L6	S 14°08'24" W	59.50'
L7	N 69°51'16" W	375.10'
L8	N 71°05'58" W	333.41'
L9	N 56°54'19" E	145.10'
L10	N 03°14'46" W	197.69'
L11	S 51°51'35" E	600.62'
L12	S 47°49'22" E	272.65'
L13	S 31°28'35" W	497.94'
L14	N 58°15'41" W	107.60'
L15	S 31°06'34" W	199.82'
L16	S 02°01'18" W	332.70'
L17	S 87°53'44" E	470.95'

CURVE DATA

CURVE	RADIUS	ARC	CHORD	BEARING	DELTA
C1	5674.58'	174.64'	174.63'	S 02°39'21" W	01°45'48"
C2	6161.16'	277.02'	276.99'	S 05°59'39" W	02°34'34"
C3	3169.87'	417.88'	417.58'	S 03°29'56" W	07°33'11"

NOTES

1. THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY BY THIS FIRM, COMPLETED ON MAY 18, 2005.

2. NO TITLE REPORT FURNISHED. EASEMENTS MAY EXIST WHICH ARE NOT SHOWN.

LEGEND:

IRF = 1/2" IRON REBAR FOUND
IPF = IRON PIPE FOUND
VDH MON = CONCRETE VDH MONUMENT FOUND
PT = POINT (UNMONUMENTED)

EXHIBIT SHOWING

ZONING DISTRICT LINE BETWEEN RP ZONE AND B2 ZONE

ON THE LAND OF

RUSSELL 150, LC

SHAWNEE MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

SCALE: N/A | DATE: SEPTEMBER 16, 2005

GREENWAY ENGINEERING

Engineers
Surveyors

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

Founded in 1971

THE ROUNDABOUT WILL BE DEVELOPED UNLESS VDOT DETERMINES THAT AN ALTERNATIVE INTERSECTION DESIGN IS WARRANTED.

GLAIZE PROPERTY

BY OTHERS

CITY OF WINCHESTER

I-81 INTERSTATE

BUFFALO LICK RUN STREAM VALLEY NON-DISTURBANCE AREA

120' R/W

120' R/W

120' R/W

WARRIOR DRIVE

WARRIOR DRIVE

EAST LEWIS STREET

10' ASPHALT BICYCLE LANE

10' ASPHALT BICYCLE LANE

10' ASPHALT BICYCLE LANE

10' ASPHALT BICYCLE LANE

PAPER MILL ROAD ROUTE 644

P.I.N. 63-((A))-123A
INVESTMENTS, L.L.C.
INSTR# 000006149 EFG
ZONED: RA, USE: VACANT

RP DISTRICT LAND BAY
54.00± ACRES

BUFFALO LICK RUN STREAM VALLEY NON-DISTURBANCE AREA

AIRPORT ROAD EXTENDED

B2 DISTRICT LAND BAY
96.28± ACRES

P.I.N. 64-((A))-9
GLAIZE
DB 736 PG 86
ZONED: M1 USE: VACANT

P.I.N. 64B-((A))-78
CALVARY CHURCH OF THE BRETHREN
DB 485 PG 464
ZONED: RA, USE: CHURCH

ROUTE 522

VDOT - WILEY & WILSON ALIGNMENT
PROJECT# 201034.01
BY OTHERS

P.I.N. 64-((A))-18
MANFRED G. KOKORSKY
DB 468 PG 950
ZONED: RA, USE: VACANT

FRONT ROYAL PIKE

AIRPORT ROAD ROUTE 646

APPROXIMATE LOCATION OF INTER-PARCEL CONNECTION TO TAXMAP PARCEL 64-((A))-18

200' 0 200 400
SCALE: 1" = 200'

ALL AREA TABULATIONS ARE MEASURED FROM CENTERLINE OF ROADS. FREDERICK COUNTY 5' TOPOGRAPHY.

GREENWAY ENGINEERING
151 Windy Hill Lane
Winchester, Virginia 22602
Telephone 540-662-4185
FAX 540-722-9528
www.greenwayeng.com
Founded in 1971
Engineers Surveyors

REVISION

DATE

COMMONWEALTH OF VIRGINIA
MARK D. SMITH
No.022837
PROFESSIONAL ENGINEER

GENERALIZED DEVELOPMENT PLAN

RUSSELL 150
SHAWNEE MAGISTERIAL DISTRICT
FREDERICK COUNTY, VA

DATE: 09/16/05
SCALE: 1" = 400'
DESIGNED BY: SBW
FILE NO. 3701
SHEET 1 OF 3

REZONING APPLICATION FORM
FREDERICK COUNTY, VIRGINIA

To be completed by Planning Staff:

Fee Amount Paid $ 25079.50

Zoning Amendment Number 02-14 Date Received Aug. 8, 2014

PC Hearing Date _____ BOS Hearing Date _____

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: Heritage Commons, LLC Telephone: (703) 338-9599

Address: 140 N. Hatcher Avenue
Purcellville, VA 20132

2. Property Owner (if different than above):

Name: R 150 SPE, LLC Telephone: (443) 263-2987

Address: 621 E. Pratt Street, Suite 600
Baltimore, MD 21202

3. Contact person if other than above:

Name: Thomas Moore Lawson, Esquire Telephone: (540) 665-0050

4. Property Information:

a. Property Identification Number(s): 63-A-150, 64-A-10, 64-A-12

b. Total acreage to be rezoned: 150.59 +-

c. Total acreage of the parcel(s) to be rezoned (if the entirety of the parcel(s) is not being rezoned): _____

d. Current zoning designation(s) and acreage(s) in each designation: RA and B2/RP

e. Proposed zoning designation(s) and acreage(s) in each designation: R4

f. Magisterial District(s): Shawnee

5. **Checklist:** Check the following items that have been included with this application.

Location map		Agency Comments	
Plat		Fees	
Deed to property		Impact Analysis Statement	
Verification of taxes paid		Proffer Statement	

Plat depicting exact meets and bounds for the proposed zoning district

Digital copies (pdf's) of all submitted documents, maps and exhibits

6. The <u>Code of Virginia</u> 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:

R 150 SPE, LLC; Heritage Commons, LLC; Frederick County Center, LLC

7. Adjoining Property:

PARCEL ID NUMBER	USE	ZONING
see attached		

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):

west side of Front Royal Pike (Route 522) opposite Airport Road (route 645) and has frontage on the east side of Interstate 81

9. The following information should be provided according to the type of rezoning proposed: See attached Amended Proffer Statement

Number of Units Proposed

Single Family homes: _____ Townhome: _____ Multi-Family: _____
Non-Residential Lots: _____ Mobile Home: _____ Hotel Rooms: _____

Square Footage of Proposed Uses

Office: _____ Service Station: _____
Retail: _____ Manufacturing: _____
Restaurant: _____ Warehouse: _____
Commercial: _____ Other: _____

10. Signature:

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance and to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): _____ Date: _____

_____ Date: _____

Owner(s): Earl W. Cole III Date: 8-6-2014

Earl W. Cole III
Executive Vice President Date: _____

9. The following information should be provided according to the type of rezoning proposed: See attached Amended Proffer Statement

Number of Units Proposed

Single Family homes: _____ Townhouse: _____ Multi-Family: _____
Non-Residential Lots: _____ Mobile Home: _____ Hotel Rooms: _____

Square Footage of Proposed Uses

Office: _____ Service Station: _____
Retail: _____ Manufacturing: _____
Restaurant: _____ Warehouse: _____
Commercial: _____ Other: _____

10. Signature:

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance and to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Applicant(s): Matthew B. Milstead — Date: 8-6-14
Matthew B. Milstead, MGR
Heritage Commons, LLC — Date: _____

Owner(s): Earl W. Cole III — Date: 8-6-2014
Earl W. Cole III
Executive Vice President — Date: _____

7. Adjoining Property:

PARCEL ID NUMBER	USE	ZONING
63-A-123A	Vacant land	RA
64-A-9	Vacant land	B2
64-A-10A	Vacant land for Church	RA
64-A-11	Residential	RP
64-A-14	Vacant land	B2
64-A-18	Vacant land	B2/RP
64B-A-4-91	Residential	RP
64B-A-73	Church	B2
64B-A-73B	Vacant land	RP
64B-A-89	Residential	RP
64B-A-92	Residential	RP
64B-4-E	Vacant land	RP
64B-4-F	Residential	RP
64B-4-H	Residential	RP
64B-4-8	Residential	RP
64B-4-9A	Residential	RP
64B-4-10A	Residential	RP
64B-4-25J	Residential	RP
64B-4-26	Vacant land	RP
64B-4-27	Vacant land	RP
64B-4-28	Residential	RP
64B-4-29	Vacant land	RP
64B-4-30	Residential	RP
64B-4-31	Vacant land	RP
64B-4-32	Vacant land	RP
64B-4-33	Residential	RP
64B-4-34	Residential	RP
64B-4-35	Vacant land	RP
64B-4-36	Vacant land	RP
64B-4-37	Residential	RP
64B-4-38	Residential	RP
64B-4-39	Vacant land	RP
64C-A-1	Residential	RP
64C-A-2	Residential	RP
64C-A-3	Residential	RP
64C-A-4	Residential	RP
64C-A-7	Residential	RP
64C-A-9	Vacant land	RP
64C-A-11	Residential	RP
64C-A-13	Residential	RP
64C-A-13A	Residential	RP
64C-1-15	Residential	RP

ADJOINING PROPERTY OWNERS

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 2nd floor of the Frederick County Administrative Building, 107 North Kent Street.*

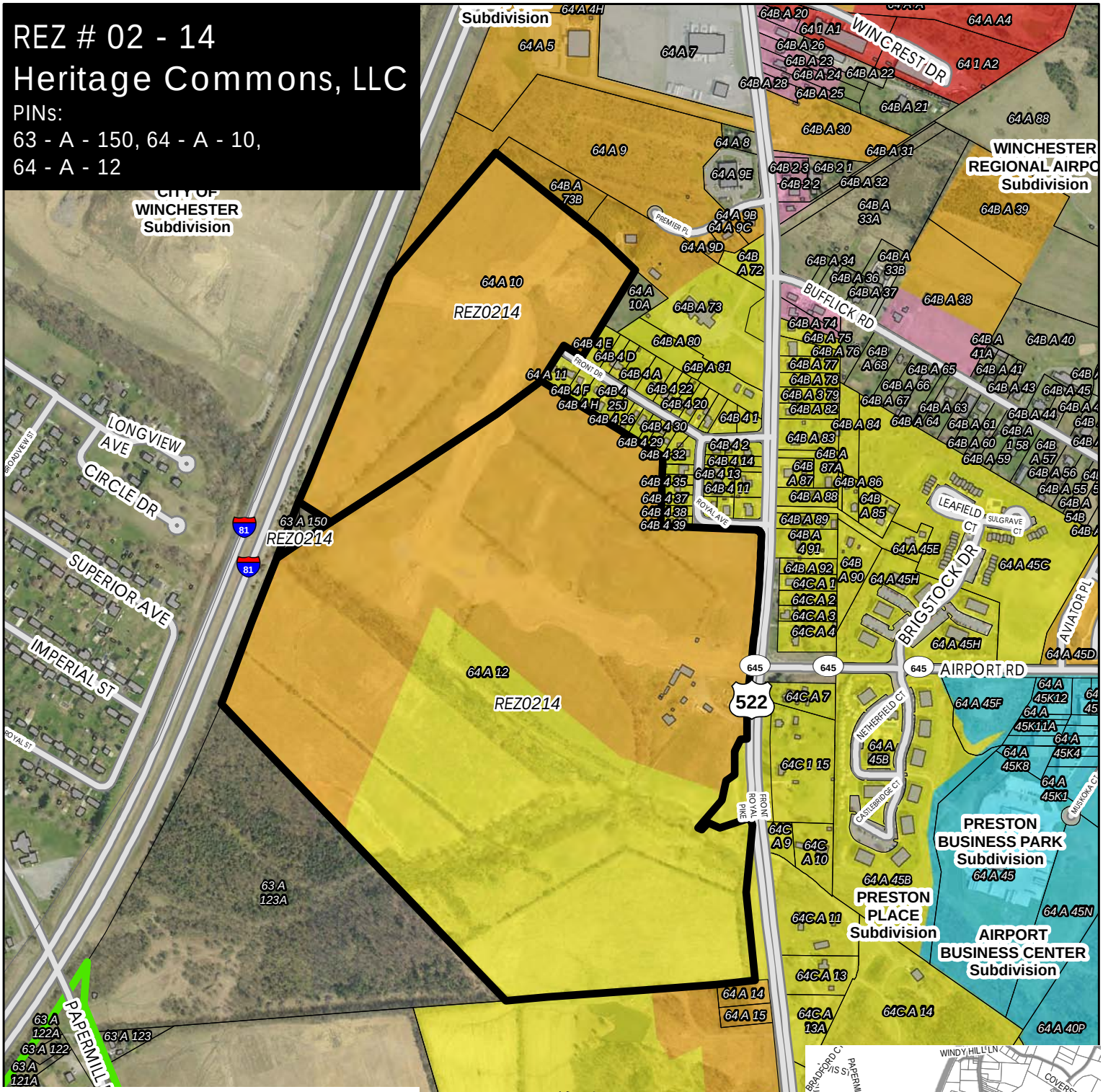
Name and Property Identification Number	Address
Name EFG Investments, LLC Property # 63-A-123A	340 W. Parkins Mill Road Winchester, VA 22602
Name Madison II, LLC Property # 64-A-18	558 Bennys Beach Road Front Royal, VA 22630
Name Michael and Cheryl Shepard Property # 64-A-14	179 George Drive Winchester, VA 22602
Name Montie Gibson, Jr. Property # 64C-A-13 and 64C-A-13A	867 Front Royal Pike Winchester, VA 22602
Name William and Krista Lucas Property # 64C-A-11	831 Front Royal Pike Winchester, VA 22602
Name Winchester Outdoor Property # 64C-A-9	355 S. Potomac Street Hagerstown, MD 21740
Name Cornerstone LP, LLP Property # 64C-1-15	PO Box 2497 Winchester, VA 22604
Name Elwood H. Whitacre, Sr. Property # 64C-A-7	721 Front Royal Pike Winchester, VA 22602
Name Charles and Darlene Barnard Property # 64C-A-4	PO Box 4585 Winchester, VA 22604

Name and Property Identification Number	Address
Name Joseph and Lynnette Embree Property # 64C-A-2 and 64C-A-3	687 Front Royal Pike Winchester, VA 22602
Name Ronald and Monica Grim Property # 64C-A-1	673 Front Royal Pike Winchester, VA 22602
Name Shelton and Geneve Conway Property # 64B-A-92	667 Front Royal Pike Winchester, VA 22602
Name Philip and Judy Young Property # 64B-A-4-91	655 Front Royal Pike Winchester, VA 22602
Name Scottie D. Dotson Property # 64B-A-89	371 Chimney Circle Middletown, VA 22645
Name Barbara Ann Hott, et al. c/o Wayne Godlove Property # 64B-4-8	325 Tevis Street Winchester, VA 22601
Name Charles and Elener McFarland and Charles C. McFarland, Jr. Property # 64B-4-9A and 64B-4-10A	116 Royal Avenue Winchester, VA 22602
Name Calvin and Dorothy Hott Property # 64B-4-38 and 64B-4-39	131 Royal Avenue Winchester, VA 22602
Name John and Marsha Kelly Property # 64B-4-36 and 64B-4-37	137 Royal Avenue Winchester, VA 22602
Name Eric P. Yowell Property # 64B-4-34 and 64B-4-35	149 Royal Avenue Winchester, VA 22602
Name The Brincefield Group, LLC Property # 64B-4-32 and 64B-4-33	PO Box 337 Ashton, MD 20861
Name Bonnie Jean Oates and Misty Dawn Miller Property # 64B-4-30 and 64B-4-31	151 Front Drive Winchester, VA 22602
Name Charles and Betty Courtney Property # 64B-4-26, 64B-4-27, 64B-4-28 and 64B-4-29	161 Front Drive Winchester, VA 22602
Name Thomas S. Mudd Property # 64B-4-25J	179 Front Drive Winchester, VA 22602

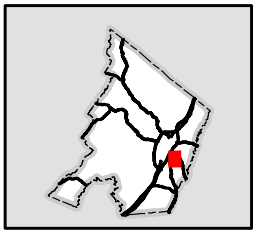
Name and Property Identification Number	Address
Name Robert and Patricia Shank Property # 64B-4-H	185 Front Drive Winchester, VA 22602
Name Tara M. Crosen Property # 64B-4-F	189 Front Drive Winchester, VA 22602
Name Arthur and Juanita Belt Property # 64-A-11	201 Front Drive Winchester, VA 22602
Name Daniel and Angela Hepner Property # 64B-4-E	256 Devland Drive Winchester, VA 22603
Name Calvary Church of the Brethren Property # 64-A-10A and 64B-A-73	578 Front Royal Pike Winchester, VA 22602
Name FLG Residual Trust Properties, LLC Property # 64-A-9	PO Box 888 Winchester, VA 22604
Name FLG Residual Trust Properties, LLC and Campfield, LLC Property # 64B-A-73B	PO Box 888 Winchester, VA 22604
Name Property #	
Name Property #	
Name Property #	
Name Property #	
Name Property #	
Name Property #	
Name Property #	

REZ # 02 - 14
Heritage Commons, LLC

PINs:
63 - A - 150, 64 - A - 10,
64 - A - 12



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 # 02 - 14
Heritage Commons, LLC
PINs:
63 - A - 150, 64 - A - 10,
64 - A - 12

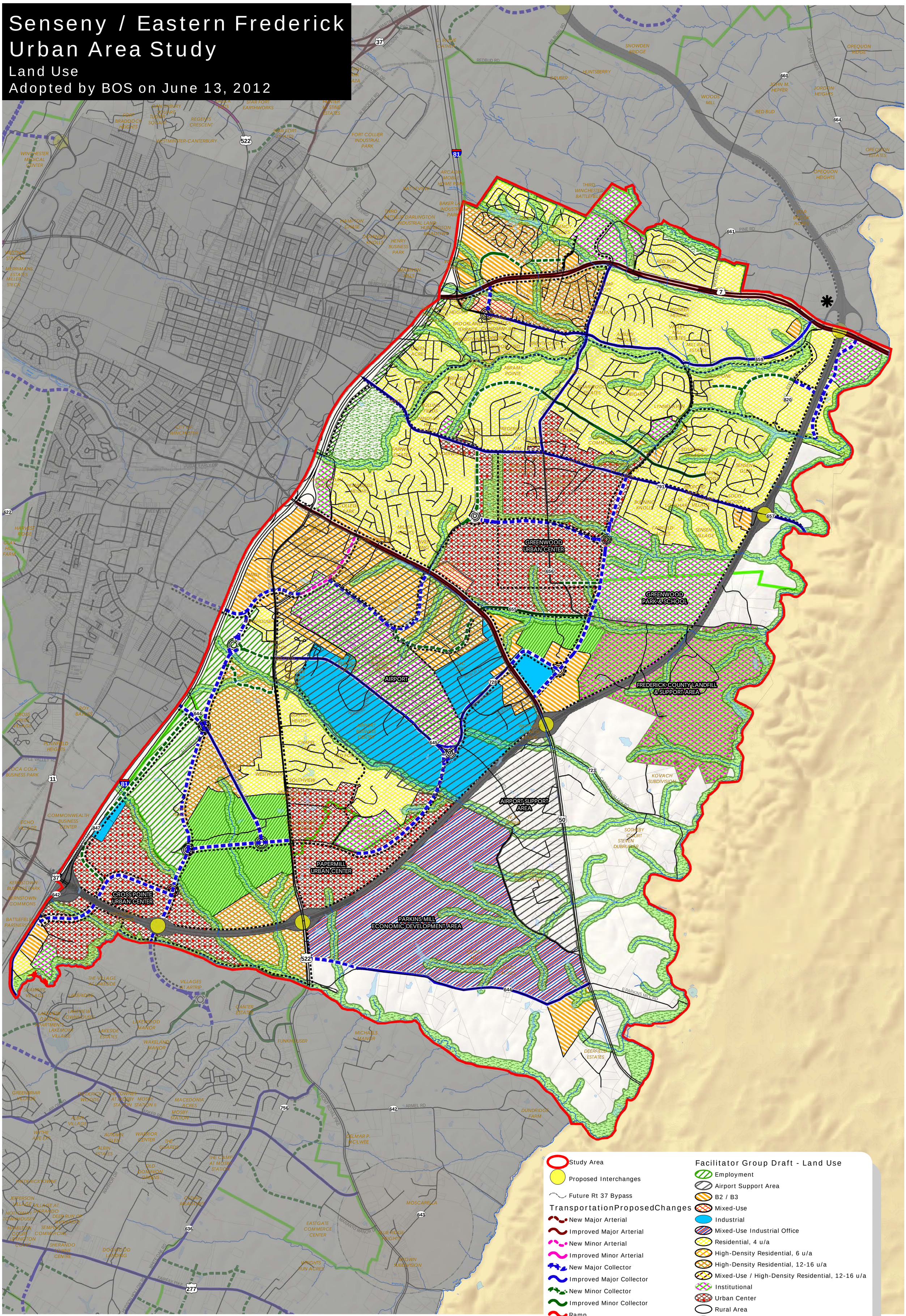
Note:
Frederick County Dept of
Planning & Development
107 N Kent St
Suite 202
Winchester, VA 22601
540 - 665 - 5651
Map Created: August 15, 2014
Staff: cperkins

0 420 840 1,680 Feet

Senseny / Eastern Frederick Urban Area Study

Land Use

Adopted by BOS on June 13, 2012



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Heritage Commons, LLC Rezoning – VDOT Proffer Review Comments

December 1, 2014

VDOT Staunton District Planning has completed a review of the revised proffers for the Heritage Commons, LLC rezoning, dated November 12, 2014 and offers the following comments. Previous proffer submissions in August 2014, September 2014, and October 2014 have been previously reviewed and comments generated by VDOT. In addition to the proffer reviews, VDOT submitted a letter to Frederick County planning staff on October 21, 2014, prior to the Planning Commission public hearing that summarized outstanding concerns and comments:

1. The current proffers still provide no indication of the level of nonresidential development to be proposed on the property. Proffer #3 states that the nonresidential development on the site will be limited by the previously approved total site trip generation of 23,177 vehicles per day provided in the Russell 150 Traffic Impact Analysis (TIA). This figure includes the residential uses on the site and is calculated by utilizing the Institute of Transportation Engineers (ITE) land use trip rates. The proffer goes on to state that once the maximum trip generation is reached based on residential units and nonresidential floor area, the applicant/owner may conduct traffic counts to determine daily trips. If the results of the counts are less than the maximum 23,177 total site trips, then the applicant/owner can proceed with additional nonresidential development on the site until such time that traffic counts illustrate that the 23,177 figure is achieved. There are two issues with this proffer. First, there is no method that VDOT or Frederick County can utilize to track the level of development in terms of accumulating vehicle trips through the phasing/site plan submission process of this development. Second, the former Russell 150 TIA utilized the proposed development, as well as future background development and growth in the analysis and development of proposed mitigation improvements. This project is not a standalone entity, but a major component in the regional transportation network that provides an important link across Interstate 81. The effectiveness of the roadway system proposed through the development cannot and should not be measured from the site specific development alone.

   In VDOT's opinion, Proffer #3 should be revised to provide specific maximum nonresidential development floor areas within each proposed land bay that as a total project generates less than the 23,177 vehicles per day threshold. If the applicant/owner wishes to exceed these proffered maximum development levels for any reason in the future, a proffer amendment should be required that includes a new traffic study in order for the additional development to be properly evaluated and approved.

   It should be noted that the applicants phrasing of the 23,177 daily trips expands with each new sentence, which clouds the intent of the proffer. For example, the applicant first states that they will proffer that their development will generate no more than an average of 23,177 daily trips. Followed later with a statement that they will conduct counts once an average 23,177 *or greater* has been reached. Followed by a statement that once an *aggregate* total of daily trips

of their development has been determined that they may proceed with either (a) additional development measured only by a yet to be determined counting method or phasing or (b) additional transportation mitigation. Since traffic growth is incremental, and in certain cases dependent upon the success of adjacent development projects, the proffer as written offers no protection to the County, and in essence risks near unlimited development density with no ability to retract approval once granted.

2. An updated GDP has not been included with the current proffer submission to verify if changes have been made per previous VDOT review comments.

3. The Department strongly objects to the use of the term "dictate(s)" as suggested by the applicant as it relates to all aspects of the road and bridge projects. These road systems are of mutual interest to the applicant, Frederick County and VDOT as evidenced by the applicant's willingness to wholly fund the Counties future revenue sharing apportionments. The Department has no intention to dictate the road requirements to serve a private development.

4. Proffer #3 has been revised to state the "applicant/owner agrees to enter into a separate binding agreement with Frederick County to provide for the reimbursement of Frederick County's share of the cost to construct the road improvements on the Property and the bridge pursuant to the terms of the Project Administration Agreement". However, specific details regarding the project related transportation improvements that the applicant/owner will be responsible for reimbursement to the county are not included in the proffer. If this detail is included in the referenced Project Administration Agreement, VDOT recommends that this document be included in the proffers as an exhibit and submitted for review.

5. Proffer #3 language addressing Warrior Drive states it is anticipated that the applicant/owner will enter into a separate Revenue Sharing Agreement with Frederick County at which time there is a separate Project Administration Agreement between Frederick County and VDOT to construct Warrior Drive through the property to the southern boundary. This proffer language does not provide a guarantee that Warrior Drive will be extended at a future date. It is VDOT's opinion that the proffer be expanded to include at a minimum a requirement to provide a full design of Warrior Drive through the property to the southern boundary with the initial site plan submission on the property. This would ensure that a full design of the road is documented and approved.

6. The applicant continues to include the following false statement in their proffer "*In addition, Applicant/Owner has been made aware of and received copies of traffic studies performed by VDOT which confirm that the revised road alignment as shown on the attached and incorporated Generalized Development Plan is more than sufficient to address not only the impacts coming from and being generated by the proposed development of the Heritage Commons site but also will accommodate anticipated through trips as a result of constructing through connections (two*

to Route 522 and one to the City of Winchester at Tevis Street)." As the Department has stated on numerous times, **VDOT has never performed a study** to confirm the adequacy of a road alignment to support this private development project. Continuing to include this statement *after repeated attempts* by the Department requesting its removal, clouds the intent of the applicant's proffers.

COMMONWEALTH of VIRGINIA
DEPARTMENT OF TRANSPORTATION
811 COMMERCE ROAD
STAUNTON, VIRGINIA 24401-9029
www.VirginiaDOT.org

Charles A. Kilpatrick, P.E.
Commissioner

October 21, 2014

Eric Lawrence
Director of Planning
Frederick County
107 North Kent Street, Suite 202
Winchester, VA 22601

Dear Mr. Lawrence:

This letter is in response to the current rezoning application for Heritage Commons (RZ# 02-14) as submitted to Frederick County on October 17, 2014 and scheduled for Planning Commission public hearing on November 5, 2014. Due to the limited review time in which the Virginia Department of Transportation (VDOT) received on the draft set of proffers prior to submission to the county, we would like to offer the additional observations for consideration by county planning staff and the Planning Commission. In a meeting held October 8, 2014 with the County, the Department and the Applicant, we feel it important to confer our understanding of the applicant's verbal commitments articulated during this meeting.

1. Proffer 2.C: To ensure that the wording more closely matches what we recall as the intent of the applicant's verbal proffer, we would suggest that the last sentence be revised as "The allowable percentage of business, commercial, industrial (Land Bay 7 only), office and/or retail development within individual Land Bays will be in accordance with the Land Bay Breakdown chart in Proffer 2.A.(2) above". We believe that the current wording of the proffer is unintentionally confusing in that it suggests there is no limit to the amount of nonresidential development associated with the project. The finalized maximum nonresidential development to be provided in Proffer 4 should also be included / referenced in Proffer 2.

2. Proffer 4: Throughout Proffer 4, the design of the internal road network on the subject property is referred to as a collaboration between Frederick County and VDOT only, when in fact, the land owner / developer has been included in the process from the beginning and will continue to be included in the process as the designs move forward.

3. Proffer 4: To ensure that the wording more closely matches what we recall as the intent of the applicant's proffer; we would suggest that the second paragraph contain additional description on the work included in the current Revenue Sharing Agreement between Frederick County and that the developer will be responsible for any reimbursements to the County. The current wording of the proffer could be misinterpreted that the developer will only be responsible for the road improvement on the subject property, but we recall that the developer would also be responsible for a portion of the roundabout and the Tevis Street bridge. We believe this is an important point requiring clarification to protect the County's interests.

4. Proffer 4: The third paragraph should be revised to state that all points of access, connections, and entrances as shown on the Generalized Development Plan (GDP) are conceptual. The placement and design of all development entrances shall be reviewed and approved during Final Site Plan. The GDP should be revised to add the word "potential" to all points of access / entrance labels and a general note that states the above should be included on the GDP.

5. Proffer 4: Please remove the fifth paragraph of Proffer 4 from the proffer statement. As previously discussed with the applicant, there have been no VDOT studies that indicate the current internal road design is sufficient to accommodate the Heritage Commons development. The only previous traffic study associated with the property is the Russell Farm Traffic Impact Analysis (TIA), prepared by Patton, Harris, Rust & Associates in 2004 that was part of the initial 2005 rezoning of the property.

6. Proffer 4: Paragraph six indicates that the nonresidential component of the project will not exceed 1,200,000 Gross Square Feet of use and that this will ensure that the overall project trip generation will not exceed the original Russell 150 rezoning traffic study (Russell Farm TIA). The trip generation summary from the Russell Farm TIA is provided below.

Table 2
Russell Farm
Trip Generation Summary

			AM Peak Hour			PM Peak Hour			
Code	Land Use	Amount	In	Out	Total	In	Out	Total	ADT
230	Townhouse/Condo	294 units	21	102	122	98	48	146	2,558
820	Retail	440,450 SF	232	149	381	799	866	1,666	17,802
710	Office	264,000 SF	359	49	408	64	311	374	2,817
		Total	612	299	911	961	1,225	2,186	23,177

Based on the proffered residential component of 1,200 single-family attached / multifamily units, there would be 12,737 remaining available daily trips for nonresidential use from the previous 23,177 daily trip total. This daily trip total could accommodate the following development based on Institute of Transportation Engineers (ITE) version 9 trip generation rates:

298,000 S.F. retail (ITE land use code 820)

Or

1,150,000 S.F. office (ITE land use code 710)

Or a *sample* combination of

175,000 S.F. retail, 100,000 S.F. light industrial (ITE land use code 110), and 400,000 S.F. office

As a result of this comparison of potential trip generation associated with the property and to ensure that the development will not exceed the total daily trips proposed in the Russell Farm TIA, in our opinion the nonresidential development described within the proffers should be more specific and maximum limits should be assigned for each type of nonresidential development. We're unclear who would be responsible for tallying, recording and approving the vehicle volume sub-totals created as part of future year site plan submittals as outlined in the current proffered arrangement.

7. Proffer 4: Consideration should be given to revise paragraph six to remove the language regarding the applicant/owner's ability to exceed the nonresidential development cap if the additional trip generation can be demonstrated to not have adverse impacts on the road network on the property. Once the maximum nonresidential development is determined and approved in the proffers, then any future deviation of that maximum development would require a proffer amendment, at which time a traffic study may be required to determine the potential impacts of the additional development.
8. Proffer 4: The fourth paragraph should be expanded upon in VDOT's opinion to include language to require a full design of Warrior Drive through the property to the southern property line be included with the initial site plan submission on the property by the applicant / developer. This would ensure that a full design of the road is documented and approved until such time that the road can be constructed by private developer or an additional Revenue Sharing Agreement between Frederick County and VDOT.
9. Exhibit C: Tevis Street typical sections should be revised to provide a minimum 16' wide to variable width median, which is consistent with current VDOT roadway design guidelines. This will ensure a minimum 4' wide concrete median along road segments where a left turn lane is introduced.

Should you have any questions, please feel free to contact me at 540-332 -2265.

Sincerely,

Jeffery A. Lineberry, P.E.
Transportation and Land Use Director
Virginia Department of Transportation - Staunton District
jeff.lineberry@VDOT.Virginia.gov

Frederick County Public Schools

... to ensure all students an excellent education

K. Wayne Lee, Jr. LEED AP • Coordinator of Planning and Development • leew@frederick.k12.va.us

September 25, 2014

Click here to return to Page 5 of the Staff Report

Mr. Ty Lawson
Lawson and Silek, P.L.C.
P.O. Box 2740
Winchester, VA 22604

Re: Heritage Commons Rezoning Application

Dear Ty:

Frederick County Public Schools has reviewed the Heritage Commons rezoning application submitted to us on September 18, 2014. We offer the following comments:

1. It is noted that there are no cash proffers and that the applicant's consultant has used an impact calculation different from the County's Development Impact Model. The applicant's calculation uses student generation rates based on only one existing development in Frederick County and does not match countywide student generation data. Please refer to the County's Development Impact Model for student generation rates based on countywide data.

2. The cumulative impact of this development and other developments in Frederick County will require construction of new schools and support facilities to accommodate increased student enrollment. This development proposal includes a range of possibilities. The case that generates the most students is 184 townhouses and 1,016 apartments. We estimate that, in this case, the development will house 309 students: 81 high school students, 69 middle school students, and 159 elementary school students. In order to properly serve these additional students, Frederick County Public Schools would spend an estimated $3,482,000 more per year in operating costs (or $2,902 average per unit per year) and an estimated $12,693,000 in one-time capital expenditures (or $10,578 average per unit). You will find, enclosed with this letter, a more detailed assessment of the estimated impact of Heritage Commons on FCPS, including attendance zone information.

Please feel free to contact me at leew@frederick.k12.va.us or 540-662-3888 x88249 if you have any questions or comments.

Sincerely,

K. Wayne Lee, Jr., LEED AP
Coordinator of Planning and Development

enclosure

cc: Dr. David Sovine, Superintendent of Schools
Mr. Albert Orndorff, Assistant Superintendent for Administration
Mr. John Grubbs, Transportation Director
Mrs. Elizabeth Brown, Supervisor of Driver Operations

Frederick County Public Schools
Development Assessment

Project Name: Heritage Commons
Assessment Date: September 25, 2014

Student Generation

Housing Type	Housing Units#	Elementary School Student Generation	Middle School Student Generation	High School Student Generation	Total Student Generation
Single-Family Detached	0	0	0	0	0
Single-Family Attached	184	23	13	13	49
Multifamily	1,016	136	56	68	260
Mobile Home/Other	0	0	0	0	0
Totals	**1,200**	**159**	**69**	**81**	**309**

Capital Costs

	Elementary School Cost (2014-19 CIP + one 3% inflation factor)	Middle School Cost (2015-20 CIP)	High School Cost (2015-20 CIP)	Total Capital Costs
School Cost	$24,179,250	$49,500,000	$70,000,000	
Program Capacity	850	940	1,250	
Per Student Cost	$28,446	$52,660	$56,000	
Students Generated by this Development	159	69	81	
This Development's Impact on FCPS Capital Costs	**$4,523,000**	**$3,634,000**	**$4,536,000**	**$12,693,000**
Average Capital Cost Per Unit				**$10,578**

Annual Operational Costs			
	FY 2015 Budgeted Cost Per Student (FY2015 Budget)	Total Student Generation	Annual Impact
This Development's Impact on FCPS Operational Costs	$11,269	309	**$3,482,000**
Average Annual Operational Cost Per Unit			**$2,902**

School Facility Information			
	Elementary School (Grades K-5)	Middle School (Grades 6-8)	High School (Grades 9-12)
2014-15 School Attendance Zone*	Evendale	Admiral Byrd	Millbrook
September 15, 2014 Student Enrollment	535	901	1,301
2014-15 Program Capacity	680	850	1,250

* - School Attendance Zones are subject to change.
# - Using applicant's assumptions regarding number of housing units.

Frederick County Public Schools Comment #	Agency Comments *All comments are verbatim from FCPS's comment letter.	Applicant's Response to FCPS Comment	Agency Comments Addressed in Proffer?
Comment #1	No cash proffers	Agreed that no cash proffers are provided.	No
Comment #2	Consultant used an impact calculation different from the County's Development Impact Model.	Agreed that the Impacts analysis utilizes a different calculation. Applicant will be constructing market rate apartments and this is why a different student generation calculation is utilized instead of basing it on actual numbers from existing projects in Frederick County	No
Comment #3	Calculation uses student generation rates based on only one existing development in Frederick County and does not match countywide student generation data.	Market rate units will have higher rents, younger tenants, older professionals with a higher than average household income and therefore fewer school age children.	No
Comment #4	The cumulative impact of this development and other developments in Frederick County will require construction of new schools and support facilities to accommodate increased student enrollment.	(No Response)	No
Comment #5	This development proposal includes a range of possibilities. The case that generates the most students is 184 townhouses and 1,016 apartments. We estimate that, in this case, the development will house 309 students: 81 high school students, 69 middle school students, and 159 elementary school students.	The school impact models that have been generated from actual students living in existing apartment stock in Frederick County have no application to the Heritage Commons proposed rezoning. Looking at the market analysis the market rate multi-family projects are tax positive to Frederick County taking into account all expenses including, but not limited to, school expenses.	No
Comment #6	In order to properly serve these additional students, Frederick County Public Schools would spend an estimated $3,482,000 more per year in operating costs (or $2,902 average per unit per year) and an estimated $12,693,000 in one-time capital expenditures (or $10,578 average per unit).	The Impact Analysis report shows that the mix proposed by the Heritage Commons rezoning generates a net positive tax generation to Frederick County taking account all expenses including, but not limited to, the school expenses incurred by Frederick County.	No

COUNTY of FREDERICK

Department of Public Works
540/665-5643
FAX: 540/678-0682

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September 26, 2014

Mr. Thomas Moore Lawson
Lawson and Silek, PLC
120 Exeter Drive, Suite 200
P.O. Box 2740
Winchester, Virginia 22604

RE: Heritage Commons Rezoning Application
Frederick County, Virginia

Dear Mr. Lawson:

We have completed our review of the revised Proffers for the Heritage Commons development. Our review was aided in part by your timely response to our request for the latest copies of Exhibits A and B. Contrary to your response that these exhibits had not been changed from the last submittal, our review revealed numerous changes to both documents.

It should be noted that our previous review was based on documents and exhibits dated September 5, 2013. We never received any responses to this previous review dated September 20, 2013. I have attached copies of these previous comments so that you will not need to go to the trouble of researching your files.

The following comments are related to our review of the September 18, 2014 proffer revisions and related Exhibit A and B dated August 7, 2014 and July 30, 2014, respectively:

1. Refer to the Executive Summary, Page 1: The summary indicates that the proffered improvements shall be provided at the time of development of that portion of the site adjacent to the improvement. This statement is a marked deviation from the approved rezoning dated September 5, 2005 which indicates that all improvements will be constructed prior to granting the first building permit.

2. Refer to Paragraph 3, Capital Facility Impacts, Page 4: A copy of the economic market analysis was not included with the review package. Therefore, there is no way to determine if the actual construction of commercial development will offset the impact of the development of 1,200 residential units.

3. Refer to Paragraph 4, Multi-Modal Transportation Improvements, Page 4: The applicant has made the assumption that revenue sharing will be available for the construction of the road network within the proposed development. This assumption is a marked deviation from the approved rezoning which indicates that the applicant will be responsible for the design and construction of the entire road network within the proposed development. It should also be noted that the approved proffers included the design and construction of the Tevis Bridge over I-81. Accepting a proffer statement in the proposed format could possibly obligate Frederick County to pay for half the cost of the road network if the Virginia Department of Transportation (VDOT) failed to approve the revenue sharing request.

   The discussion related to the construction of Warrior Drive is ambiguous and again assumes that revenue sharing will be available. This paragraph should be revised to indicate that the applicant will be responsible for providing the right-of-way, design and construction ofWarrior Drive within the project limits.

4. Refer to Paragraph 8, Phasing, Page 6/7: The discussion of the residential development in paragraph 8A limits the construction to no more than four hundred (400) units every two (2) years. Consequently, Frederick County could anticipate that the proposed 1,200 residential units could conceivably be built out in six (6) years.

   The subsequent discussion in paragraph 8B attempts to provide phasing between residential and commercial development. However, the construction of residential units is only limited to obtaining building permits for the commercial development. The phases should be specifically tied to actual completed construction, not just obtaining building permits. In addition, this discussion does not account for the entire 1,200 residential development and only references a total of 100,000 square feet of commercial development. We anticipate that the actual market analysis includes considerably more commercial development to justify a positive benefit. However, without a copy of the capital impact analysis, it is impossible to determine if the proposed phasing will provide an actual benefit to Frederick County. It is recommended that the phasing be revised so that the board of supervisors can clearly determine the potential impact to Frederick County.

I can be reached at 722-8214 if you should have any comments regarding the above comments.

Sincerely,

Harvey E. Strawsnyder, Jr., P.E.
Director of Public Works

HES/rls

Attachments: as stated

cc: Planning and Development
file

SCANNED → N/A
ALLOCATED → 1
EMAILED → 9/20/13 rlo

COUNTY of FREDERICK

Department of Public Works
540/665-5643
FAX: 540/678-0682

September 20, 2013

Mr. Thomas M. Lawson, Esquire
Lawson and Silek, P.L.C.
120 Exeter Drive, Suite 200
P.O. Box 2740
Winchester, Virginia 22604

RE: Rezoning Application for Heritage Commons f/k/a Russell 150
Frederick County, Virginia

Dear Mr. Lawson:

We have completed our review of the proposed rezoning application for Heritage Commons (f/k/a Russell 150) and offer the following comments:

1. Refer to the amended proffer statement, page 4, paragraph 4, multi-modal transportation improvements: Expand the narrative to adequately describe the road network that will be installed by the owner. Also, revise the Generalized Development Plan included as proffer Exhibit "A" to adequately depict the road network that will be the responsibility of the owner outlined on this rezoning application. For example, the GDP does not clearly indicate that the bridge over I-81 is the total responsibility of the owner.

   The amended proffer indicates that there will be a new design and installation that will occur as a result of a Revenue Sharing Agreement entered into by and between the Virginia Department of Transportation (VDOT) and Frederick County. This statement should be revised to indicate that this opportunity may be a potential possibility, but does not relieve the owner of the ultimate responsibility for installing the road network ultimately approved in this rezoning application.

2. Refer to Modification #8, Phasing: Phasing will be critical to the impact of this development on the services provided by Frederick County. Without phasing accountability, the actual financial impact cannot be realistically modeled. It could conceivably be possible to develop the entire residential component of 1,200 units without developing any of the commercial development. This occurrence would have a significant negative impact on Frederick County.

3. Refer to the Impact Analysis Statement: Provide separate narratives evaluating the impact of the proposed development on services provided by Frederick County including, but not limited to, water, sewer, solid waste and transportation.

4. Refer to Impact Analysis, Assumption for Development Program, Item #1: The tabulation of assumptions indicates that table #1 was based on 1,000 housing units. The narrative furnished

with the revised proffer statement indicates that the proposed development will include 1,200 units. Rectify the conflict in the number of residential units.

I can be reached at 722-8214 if you should have any questions regarding the above comments.

Sincerely,

Harvey E. Strawsnyder, Jr., P.E.
Director of Public Works

HES/rls

cc: Planning and Development
file

Frederick County Public Works Comment #	Agency Comments *All comments are verbatim from the Public Work's comment letter.	Applicant's Response to Public Works' Comment *All comments are verbatim from the applicant's response letter.	Agency Comments Addressed in Proffer?
Comment #1 (9/20/2013)	Refer to the amended proffer statement, page 4, paragraph 4, multi-modal transportation improvements: Expand the narrative to adequately describe the road network that will be installed by the owner. Also, revise the Generalized Development Plan included as proffer Exhibit "A" to adequately depict the road network that will be the responsibility of the owner outlined on this rezoning application. For example, the GDP does not clearly indicate that the bridge over I-81 is the total responsibility of the owner. The amended proffer indicates that there will be a new design and installation that will occur as a result of a Revenue Sharing Agreement entered into by and between the Virginia Department of Transportation (VDOT) and Frederick County. This statement should be revised to indicate that this opportunity may be a potential possibility, but does not relieve the owner of the ultimate responsibility for installing the road network ultimately approved in this rezoning application.	As the Frederick County department of Public Works well knows, the road network is being designed by Pennoni Associates, which was engaged to do the work that is the subject of a cost sharing agreement between Frederick County and VDOT for not only the road network, which runs across Heritage Commons, but also connects to the City's Tevis Street by bridge over I-81 and also crosses the property owned by the neighbor (Glaize) to connect to Route 522 at a traffic lighted intersection. The applicant and owner are not able to commit to the exact details of said transportation system until such time as that design has been approved by Frederick County and VDOT.	Not all responsive changes made. The County is not designing the roads on the applicant's property, nor have the county and the applicant entered into any agreements. *Cross sections have not been proffered by the applicant.
Comment #2 (9/20/2013)	Refer to Modification #8, Phasing: Phasing will be critical to the impact of this development on the services provided by Frederick County. Without phasing accountability, the actual financial impact cannot be realistically modeled. It could conceivably be possible to develop the entire residential component of 1,200 units	We believe that the revised proffers do address in greater detail phasing and, in particular, a commitment to the delivery of 50,000sf of commercial for every 300 multifamily residential units. The applicant further points out that according to the economic analysis performed by Patz, the multifamily component as it is proffered as market rate project will, in fact, have a net positive fiscal	Not all responsive changes made. *This project is not proffered to be market rate. *The proffer does not

Frederick County Public Works Comment #	Agency Comments *All comments are verbatim from the Public Work's comment letter.	Applicant's Response to Public Works' Comment *All comments are verbatim from the applicant's response letter.	Agency Comments Addressed in Proffer?
	without developing any of the commercial development. This occurrence would have a significant negative impact on Frederick County.	impact and as such phasing of same is not warranted.	guarantee the construction of any commercial, only that building permits will be obtained.
Comment #3 (9/20/2013)	Refer to the Impact Analysis Statement: Provide separate narratives evaluating the impact of the proposed development on services provided by Frederick County including, but not limited to, water, sewer, solid waste and transportation.	With regard to the impact analysis for water, sewer, solid waste and transportation, the application has received a positive comment on the availability of water/sewer services from the Sanitation Authority. With regard to solid waste, the Applicant has proffered to install dumpsters as part of its development, which will through private service arrangements, dispose of any and all solid waste,	No The applicant has not proffered any form of trash removal on the property.
Comment #4 (9/20/2013)	Refer to Impact Analysis, Assumption for Development Program, Item #1: The tabulation of assumptions indicates that table #1 was based on 1,000 housing units. The narrative furnished with the revised proffer statement indicates that the proposed development will include 1,200 units. Rectify the conflict in the number of residential units.	The comment regarding the cap on residential units of 1,200 is correct.	N/A
9/26/2014 Comments			
Comment #1 (9/26/2014)	Refer to the Executive Summary, Page 1: The summary indicates that the proffered improvements shall be provided at the time of development of that portion of the site adjacent to the improvement. This statement is a marked deviation from the approved rezoning dated September 5, 2005 which indicates that all improvements will be constructed prior to granting the first building	The comment correctly confirms that development of the site can commence after rezoning is approved. It should be noted, however, that road transportation improvements are on a construction schedule wherein all road and bridge improvements are anticipated to be completed and installed by the summer of 2016. The applicant would very much like to commence construction and delivery of the improvements described by the rezoning, but as a practical matter, it is believed that under the aforementioned	Not all responsive changes made.

Frederick County Public Works Comment #	Agency Comments *All comments are verbatim from the Public Work's comment letter.	Applicant's Response to Public Works' Comment *All comments are verbatim from the applicant's response letter.	Agency Comments Addressed in Proffer?
	permit.	schedule the road and bridge improvements will be completed before the applicant receives certificate of occupancy for the properties.	
Comment #2 (9/26/2014)	Refer to Paragraph 3, Capital Facility Impacts, Page 4: A copy of the economic market analysis was not included with the review package. Therefore, there is no way to determine if the actual construction of commercial development will offset the impact of the development of 1,200 residential units.	A copy of the most recent report has been provided to the department. The report confirms that the proposed commercial development and the multifamily development, each tested separately, provide for a net positive fiscal impacts to the County. The revised proffer, which provides there will be a minimum of 50,000sf of commercial delivered with every 300 multifamily units delivers an even greater net positive fiscal impact.	Not all responsive changes made. *The proffer does not guarantee the construction of any commercial, only that building permits will be obtained.
Comment #3 (9/26/2014)	Refer to Paragraph 4, Multi-Modal Transportation Improvements, Page 4: The applicant has made the assumption that revenue sharing will be available for the construction of the road network within the proposed development. This assumption is a marked deviation from the approved rezoning which indicates that the applicant will be responsible for the design and construction of the entire road network within the proposed development. It should also be noted that the approved proffers included the design and construction of the Tevis Bridge over I-81. Accepting a proffer statement in the proposed format could possibly obligate Frederick County to pay for half the cost of the road network if the Virginia Department of Transportation (VDOT) failed to approve the revenue sharing request. The discussion related to the construction of Warrior Drive is ambiguous and again assumes that revenue sharing will be available. This	The applicant does understand that VDOT has approved a cost sharing agreement that allows for the construction system across Heritage Commons and also the adjoining property (Glaize) and then provides for a connection to Tevis street by a bridge crossing over i-81. The applicant is further aware that ther is yet another agreement entered into between the adjoining property owner (Glaize) and the City of Winchester, which provides for the connection of the bridge to Tevis street. The comment appears to question the interpretation of the cost sharing agreement. As the applicant understands this said agreement there is an obligation on both the locality and VDOT by virtue of the cost sharing agreement to complete construction and pay for said improvements. Thos agreements available, in fact, by and between municipality and VDOT and are commonly used throughout the Commonwealth to complete and deliver necessary road systems. The applicant has proffered to pay for Frederick County's share of said costs pursuant to the terms of said agreement. There is a proffer to dedicate Warrior Drive when there is a need for same and, in particular when the connection of Warrior Drive is made available through the dedication and	Not all responsive changes made. *The applicant has not entered into any agreement with Frederick County or VDOT to pay the county match for the revenue sharing agreement.

Frederick County Public Works Comment #	Agency Comments *All comments are verbatim from the Public Work's comment letter.	Applicant's Response to Public Works' Comment *All comments are verbatim from the applicant's response letter.	Agency Comments Addressed in Proffer?
	paragraph should be revised to indicate that the applicant will be responsible for providing the right-of-way, design and construction of Warrior Drive within the project limits.	construction of Warrior Drive on the adjoining property to the south. The applicant does not see any benefit in building a road at great cost and expense that dead-ends and provides no additional access at this point in time. The applicant is certainly most interested in providing for Warrior Drive when the road does connect to the adjoining property and, therefore the road construction will be put in use for not only vehicular, but also multi-modal transportation.	
Comment #4 (9/26/2014)	Refer to Paragraph 8, Phasing, Page 6/7: The discussion of the residential development in paragraph 8A limits the construction to no more than four hundred (400) units every two (2) years. Consequently, Frederick County could anticipate that the proposed 1,200 residential units could conceivably be built out in six (6) years. • The subsequent discussion in paragraph 8B attempts to provide phasing between residential and commercial development. However, the construction of residential units is only limited to obtaining building permits for the commercial development. The phases should be specifically tied to actual completed construction, not just obtaining building permits. In addition, this discussion does not account for the entire 1,200 residential development and only references a total of 100,000 square feet of commercial development. We anticipate that the actual market analysis	As stated previously, it should be noted that the multifamily residential units are a net positive impact to Frederick County and, therefore, limiting same does not seem to be in Frederick County's interest. With regard to the comment about the proffer to deliver commercial along with multifamily residential, the applicant is, in fact, committing to deliver at least 50,000sf of commercial for every 300 multifamily units. To the extent that Frederick County believes this is ambiguous, the Applicant will be pleased to rephrase the proffer to confirm same.	Not all responsive changes made. *The proffer does not guarantee the construction of any commercial, only that building permits will be obtained.

Frederick County Public Works Comment #	Agency Comments *All comments are verbatim from the Public Work's comment letter.	Applicant's Response to Public Works' Comment *All comments are verbatim from the applicant's response letter.	Agency Comments Addressed in Proffer?
	includes considerably more commercial development to justify a positive benefit. However, without a copy of the capital impact analysis, it is impossible to determine if the proposed phasing will provide an actual benefit to Frederick County. It is recommended that the phasing be revised so that the board of supervisors can clearly determine the potential impact to Frederick County.		

COUNTY of FREDERICK

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December 3, 2014

Thomas Moore Lawson, Esq.
Lawson and Silek, P.L.C.
P.O. Box 2740
Winchester, Virginia 22604

Re: Rezoning Application – R 150 SPE, LLC property "Heritage Commons" (f/k/a Russell 150), Parcel Numbers 63-A-150, 64-A-10, 64-A-12, consisting of 150.59± acres – Proffer Statement, 8th revision, dated November 24, 2014

Dear Ty:

You have submitted to Frederick County for review the above-referenced proposed 8th revised proffer statement (the "Proffer Statement") for the proposed rezoning of the indicated property (the "Property") in the Shawnee Magisterial District from the RA (Rural Areas) District, the RP (Residential Performance) District, with proffers, and the B2 (General Business) District, with proffers, to the R4 (Residential Planned Community) District, with proffers. I have reviewed the Proffer Statement and it is my opinion that the Proffer Statement would only be in a form to meet the requirements of the Frederick County Zoning Ordinance and the Code of Virginia, and would only be legally sufficient as a proffer statement, subject to the following comments:

- Executive Summary – 1st paragraph, last sentence – When we met on November 10, we discussed revision of the "unless" clause to read "unless otherwise specified herein or required by ordinance".
- Proffer 1 – Design Modifications – 1st paragraph – Clarity would be best achieved if the term "market rate" were defined.
- Proffer 1 – Design Modifications – 2nd paragraph – This remains unclear, in particular the first sentence, which appears to require County approval of any modifications with respect to any subject previously addressed in the Proffer Statement. This would illegally

divest the Board of Supervisors of its authority to determine the zoning of properties, including as to allowed uses.

- Proffer 1 – Design Modification 9 – Phasing – To avoid any ambiguity, it would be helpful if the alternative design standard set forth in this modification stated, "A Phasing Plan and Phasing Schedule shall not be required for the Heritage Commons project, other than as set forth in Section 7 of the Proffer Statement."

- Proffer 1 – Design Modification 11 – Multifamily Residential Buildings – The modification does not make clear that, for these structures, which in fact may contain mixed residential and commercial uses, the only design modification is to the front setback.

- Proffer 2(A)(1) – Uses, Density, and Mix – Some of the housing types do not appear in the County Code; they should each have a design modification stating the design standards for such types, such as is proposed for modified apartment buildings in Design Modification 12.

- Proffer 4 – Transportation – 1st through 4th paragraphs:

  - As a general comment for the Board of Supervisors and staff, the Proffer does not actually commit to construct any roads other than those directly necessary to serve specific structures and specific aspects of development on the site.[1] The most recent draft we have received of a Revenue Sharing Agreement provides for the County to extend unsecured financing to R 150 SPE, LLC and/or Heritage Commons, LLC, neither of which is believed to hold any assets other than interests in the Property itself.[2] Accordingly, upon any default by R 150 SPE, LLC and Heritage Commons, LLC, no means would exist for the construction of the road system, other than the use of public funds.

  - Also as a comment for the Board of Supervisors and staff, Exhibit C identifies the exemplar road sections as pertaining only to Tevis Street and the bridge. The Proffer makes no commitment as to the lane configurations and road section for any road other than Tevis Street and the bridge.

  - Finally, I note that it seems that the language in these paragraphs could be simplified considerably by stating, in not more than two or three short sentences, just that the roads shall be as depicted in the GDP and Exhibit C and that Applicant/Owner will enter into a Revenue Sharing Agreement (no need for

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[1] Considered in the context of the phasing provisions of Proffer 7, the Applicant/Owner could, for instance, develop as many as 599 housing units and 50,000 square feet of commercial space and only be required to construct the roads necessary to serve that housing and commercial space. The majority of the roads necessary would not be those shown on the GDP, but instead be just those internal to the residential portion.

[2] Use of the Property as security is not viable, in light of the substantial future CDA Assessment obligations against the Property, which obligations would have priority over any mortgage or deed of trust against the Property.

separate Project Administration and Revenue Sharing Agreements) for their construction.

- Proffer 4 – Transportation – 5th and 6th paragraphs – To ensure enforceability of these provisions, the Proffer should state that no further building permits shall be issued if the development exceeds the indicated trip generation. Also, the Board of Supervisors and staff should be aware that the Proffer requires an actual vehicle count (which would likely involve measurements at a number of different locations within the Property and potentially be impractical) in addition to an ITE Manual determination.

- Proffer 7(B) – Phasing – The term "market rate" should be deleted, so that, in the event of any impediments to the development of market rate units, the Proffer remains clear that no units (market rate or otherwise) shall be constructed prior to satisfaction of the commercial development provisions.

I have not reviewed the substance of the proffers as to whether the proffers are suitable and appropriate for this specific development.

Sincerely yours,

Roderick B. Williams
County Attorney

cc: Board of Supervisors
John R. Riley, Jr., County Administrator
Eric R. Lawrence, Director of Planning and Development
Candice E. Perkins, Senior Planner

COUNTY of FREDERICK

Roderick B. Williams
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September 30, 2014

VIA E-MAIL – tlawson@lsplc.com – AND REGULAR MAIL

Thomas Moore Lawson, Esq.
Lawson and Silek, P.L.C.
P.O. Box 2740
Winchester, Virginia 22604

Re: Rezoning Application – R 150 SPE, LLC property "Heritage Commons" (f/k/a Russell 150), Parcel Numbers 63-A-150, 64-A-10, 64-A-12, consisting of 150.59± acres – Proffer Statement dated September 18, 2014

Dear Ty:

You have submitted to Frederick County for review the above-referenced proposed proffer statement (the "Proffer Statement") for the proposed rezoning of the indicated property (the "Property") in the Shawnee Magisterial District from the RA (Rural Areas) District, the RP (Residential Performance) District, with proffers, and the B2 (General Business) District, with proffers, to the R4 (Residential Planned Community) District, with proffers. I have now reviewed the Proffer Statement and it is my opinion that the Proffer Statement would only be in a form to meet the requirements of the Frederick County Zoning Ordinance and the Code of Virginia, and would only be legally sufficient as a proffer statement, subject to the following comments:

1. Designation of "Applicant" and "Record Owner"; power of attorney – The materials indicate that Heritage Commons, LLC is the Applicant and that R 150 SPE, LLC is the Record Owner. As the materials, including the Proffer Statement, already contemplate, signatures on behalf of R 150 SPE, LLC will be necessary. In addition, if Heritage Commons, LLC and/or any other person or entity is going to represent the interests of R 150 SPE, LLC with respect to the rezoning application, then R 150 SPE, LLC will need to execute a power of attorney granting authority to such person(s). Finally, I note that, repeatedly throughout the Proffer Statement, the

Proffer Statement indicates that the "Applicant" commits certain undertakings. In order to be effective, the commitments in the Proffer Statement need to be made by the "Record Owner" or, if so defined, the "Owner".

2. Rezoning Number – The Proffer Statement currently identifies the rezoning as RZ# 01-05. This reference should be to the current rezoning, RZ# 02-14.

3. Executive Summary – 1st sentence – Proffer statements themselves customarily include only specific future commitments with respect to the subject property and, as such, do not customarily and in fact have no reason to recite the zoning history of the subject property. Accordingly, the first sentence is completely unnecessary surplusage and should be deleted.

4. Executive Summary – 1st paragraph, last sentence – The timing commitment in this sentence, that proffered improvements "shall be provided at the time of development of that portion of the site adjacent to the improvement", renders the Proffer Statement inappropriately vague. Does "time of development" mean prior to site plan, prior to building permit, prior to occupancy permit, or something else? Not only does this vagueness substantially limit the efficacy of staff review of the Proffer Statement, but it would also present a myriad of potentially significant interpretation problems as the Property develops.

5. Proffer 1 – Design Modifications – County Code § 165-501.06(O) provides, in pertinent part, "An applicant may request as part of an application for rezoning to the R4 District that a modification to specific requirements of the Subdivision Ordinance, this chapter or other requirements of the Frederick County Code applicable to physical development be granted." Therefore, this proffer could simply state, "Pursuant to County Code § 165-501.06(O), the design modifications set forth in Exhibit B shall apply to the Property." The lengthy language of this proffer, in particular that of the paragraph following A and B, is unnecessary and unclear. If there is an actual need for the concluding paragraph, then it needs to be simplified down to perhaps a single sentence and it should under no circumstance purport to state any obligation on behalf of the County. With respect to the particular design modifications proposed, the following comments are in order:

- Modification #1 – § 165-501.02 – Rezoning procedure – While the Proffer Statement proffers reasons for waiving the requirement of a master development plan to be submitted with the Proffer Statement, the proposed modification lacks specificity with respect to precisely when any master development plan(s) would be provided. It might be appropriate to state that a master development plan would be provided for a particular land bay prior to issuance of any permits for work on that land bay.
- Modification #2 – § 165-501.03 – Permitted Uses – The proposed alternative standard states that M1 uses would be permitted, but this is inconsistent with Modification #5,

which states that "industrial uses should … not [be] allowed" in the Heritage Commons Land Bays.

- Modification #5 – § 165-501.06(D) – Commercial and industrial areas – The proposed alternative standard states that "industrial uses should … not [be] allowed", but does not indicate exactly which uses/zoning district uses would not be allowed, namely whether this is just uses in the M1 District or also those in the B3 District or some subset(s) of one or both of those districts. Also, the proffer would do well to replace the word "should" with "shall".
- Modification #9 – § 165-501.06(M) – Phasing – Please see the comment in number 15 below regarding phasing for this development. I also note that § 165-501.06(M)(3) requires that a "reasonable balance shall be maintained between residential and nonresidential uses".
- Modification #10 – § 165.201.03(B)(6) – Height Limitations – Staff should be aware that this proposed modification has been revised now to exclude entirely from the height limitations "architectural screening features" and "antenna structures." Such features and structures would apparently be subject to <u>no</u> limit under the proposed modification.
- Modification #11 – § 165-402.09(J)(D1) – Multifamily residential buildings – This modification, and the Proffer Statement in other places, refers to residential and commercial uses being contained in the same buildings in some instances, but the Proffer Statement does not include any design standards for carrying out such a concept.

6. Proffer 2(A)(1) – Uses, Density and Mix – This proffer identifies certain housing types – single-family attached, multi-family, gated single-family attached, and gated multi-family – that the Property "may include". Some of the housing type terms do not appear in the County Code. To prevent any ambiguities, a best practice would be for this proffer to use only those terms contained in County Code § 165-402.09. Also, by use of the term "may include", this proffer is ambiguous as to whether it prohibits other housing types that the County Code otherwise allows in RP zoning (which the R4 zoning follows for residential uses). If other housing types are to be prohibited, then this proffer should so state. If other housing types are not to be prohibited, then there is no purpose for the inclusion of Proffer 2(A)(1), as it has no effect.

7. Proffer 2(C) – Uses, Density and Mix – Other than stating the unit cap of 1,200 residential units within Land Bays 3, 5, and 7 and stating that no townhouses will be built in any Land Bay other than Land Bay 7, the proffer does not state any obligation and, accordingly, the remainder of the language in the proffer should be deleted.

8. Proffer 3 – Capital Facility Impacts – The purpose of a proffer statement is to state the obligations to be imposed upon the property being rezoned. Proffer 3 states no obligations. If the desire of the Owner and/or the Applicant is to include a paragraph regarding capital facility

impacts, the paragraph, should simply state, "Owner makes no monetary proffers to address any County capital facilities impacts." Also, please see the comment in number 15 below regarding phasing for this development. Finally, the undersigned previously provided certain comments on the impact analysis statement dated September 5, 2013, accompanying the proposed Proffer Statement of the same date; the County has since received an impact analysis statement dated October 2013 and this letter does not attempt to respond to that analysis.

9. Proffer 4 – Transportation – Paragraph 1 – The second sentence does not state an obligation of the Owner and therefore is inappropriate for inclusion in the proffer and should be deleted. The third sentence purports to obligate the County to enter into agreements with VDOT and the Applicant (should be Owner). The Board of Supervisors does not have the authority to commit to a future affirmative act in the context of a proffer statement and, therefore, the sentence should be deleted. With the deletion of the third sentence, the fourth sentence might best read, "Owner agrees to participate in one or more VDOT revenue sharing agreements for the funding of the design and the funding of the installation of the road network, which shall be in substantial conformance with the designs set forth in Exhibit A." The sentence should also indicate the level of Owner's "participation". Finally, the last sentence is not sufficiently definite at this point.

10. Proffer 4 – Transportation – Paragraph 2 (Warrior Drive) – The proffer is not sufficiently definite. With respect to right-of-way dedication, the proffer would best commit to a general location for right-of-way and to dedicate, at a specific time, right-of-way in substantial conformance with such location.

11. Proffer 4 – Transportation – Paragraph 3 – The proffer does not appear to state any obligation.

12. Proffer 6 – Recreational Amenities – The first two sentences do not state any obligations beyond any existing ordinance obligations and, as such, are not appropriate for inclusion in a proffer statement. Also, with respect to the provision of the last sentence of the first paragraph, it likewise does not state an obligation, with respect to public access, as it states only that "it is intended that the … trail(s) … will be available for public access."

13. Proffer 7 – Comprehensive Plan Conformity – This proffer is inappropriate, as it does not provide for what would be considered adequate notice for purposes of mandatory reviews under Va. Code § 15.2-2232. Specifically, at present, the Proffer Statement itself identifies only the trail as a public facility. Section 15.2-2232 requires: "unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, … whether publicly or privately owned, shall be constructed, established or authorized, unless and until the

general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof." The effect of the proffer, if approved, would prevent any and all review under Va. Code § 15.2-2232 of any and all additional public facilities, including in particular as to the "character" and "extent" of such facilities, and again, other than the trail, the Proffer Statement currently provides no information regarding the "character" and "extent" of any such future facilities.[1]

14. Proffer 8(A) – Phasing (biannual development limits) – The statement that "Applicant is prepared to commit that no more than four hundred (400) residential units will be developed and built within the first two (2) years of development" does not state an obligation. It should simply state that "no more than 400 residential units will be built" within the stated period.

15. Proffer 8(B) – Phasing (commercial development triggers) – The proffer, by referring to the issuance of building permits for commercial development, does not state a meaningful obligation for purposes of phasing. Mere issuance of a building permit, as the proffer currently commits, in no way obligates the construction of a structure, for purposes of rendering the phasing meaningful. Furthermore, not even the building permit trigger would affect the maximum 184 townhouses permitted on the Property. The proffer would best refer to issuance of an occupancy permit as the relevant event.

I have not reviewed the substance of the proffers as to whether the proffers are suitable and appropriate for this specific development, as it is my understanding that review will be done by staff and the Planning Commission.

Sincerely yours,

Roderick B. Williams
County Attorney

cc: Eric R. Lawrence, Director of Planning and Development
Candice E. Perkins, Senior Planner

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[1] The exception in subsection D of Va. Code § 15.2-2232 does not apply in the current circumstances because subsection D requires: "the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303." The Board of Supervisors has not by ordinance or resolution defined such standards. Likewise, as the Proffer Statement identifies only the trail, the Board of Supervisors cannot be considered to have approved any other facilities by acceptance of the Proffer Statement.

Click here to return to
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COUNTY of FREDERICK

Department of Planning and Development
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September 23, 2014

Mr. Thomas Moore Lawson
Lawson and Silek, P.L.C.
P.O. Box 2740
Winchester, Virginia 22601

RE: Rezoning #02-14 of the Heritage Commons Project (former Russell 150)
Property Identification Number (PIN): 63-A-150, 64-A10, 64-A-12
Second Comments

Dear Mr. Lawson:

I have had the opportunity to review the revised proffer for the Heritage Commons project dated September 7, 2013 and revised September 18, 2014. Staff's review comments are listed below for your consideration. A revised modification document and GDP were not provided with this submittal and therefore staff's previous comment letter dated September 12, 2013 should also be referenced.

Rezoning Comments

1. **Proffer 2 Uses, Density and Mix.** As stated in staff's September 12, 2013 comment letter, the proffer should show a maximum and minimum percentage of commercial and residential acreage being proposed with this rezoning. This area is proposed to consist of business/commercial and residential land uses and therefore, B3 (Industrial Transition) uses should be prohibited on the site.

2. **Impact on Community Facilities.** As previously stated in staff's September 12, 2013 comment letter, as part of your rezoning package a market and fiscal impact analysis was submitted that showed a positive fiscal gain; however, there is no proffered phasing or requirement that the commercial portion be constructed before the residential. The development impact model projects a negative impact of $13,062 per single family attached unit and $11,339 per multifamily unit on County capital facilities. Therefore, based on the unit cap of proffer 2C, the potential impact the residential units will have on County facilities is $13.9 million. The development should not utilize the future potential tax contributions of the commercial landbays to offset the residential landbays without phasing the commercial to be built in conjunction with the residential.

3. **Updated Fiscal Impact Analysis.** Staff was advised that the Fiscal Impact Analysis was updated to address inaccuracies in the input data. To date staff has not received a copy of this updated document.

4. **Monetary Proffers Omitted from New Rezoning.** As stated in staff's September 12, 2013 comment letter, it should be clarified why the new rezoning application has removed the following previously proffered monetary proffers:
   - $10,000 to Fire and Rescue
   - $3,000 per unit for Schools
   - $2,500 HOA start up proffer
   - 1 million for the general transportation fund ($3,500 per residential unit)

5. **Proffer 6 – Recreational Amenities.** As previously stated in staff's September 12, 2013 comment letter, this proffer speaks in general terms of what could be constructed as recreational amenities for the project, but does not commit to construct anything. Unless the owner is proffering a specific amenity, the proffer should be eliminated and the exact recreational unit type would be specified at the MDP stage. The proffer also states that walking trails and sidewalks will be provided within the community; the trail locations should be located on the GDP. Please note that sidewalks along roadways are required by County Code.

6. **Proffer 6 – Phasing**. The revised phasing proffer states that the applicant would need to apply for and receive a building permit for 50,000sf of commercial in order to construct the first 300 multifamily units. The proffer also states that this 50,000sf of commercial area would need to be constructed before the applicant could construct the 600th or greater multifamily units. This proffer does not guarantee the construction of any commercial square footage to offset impacts from the first 300 residential units; it simply guarantees that a building permit for a commercial use would be obtained. A more appropriate proffer should address acquisition of a Certificate of Occupancy for the commercial use. As written, the proffer would allow the construction of 599 multifamily units and 184 townhouses prior to any commercial development being constructed. This is not consistent with the Patz suggested phased approach to maintain economic balance, nor does this phasing proffer guarantee to offset impacts from residential uses. As written, the phasing proffer provides little if any benefit to the County and development.

7. **Mixed Use Development.** The proposed R4 zoning being sought with this rezoning application would enable a mixed use development; however, there are no assurances within the proffer statement that a core/town center area will be provided. As proffered, the development would be a traditional residential and commercial project, with the uses being clearly separate from one another.

Other

8. **Transportation Comments.** Please note that transportation comments on the rezoning application from John Bishop, Deputy Director of Transportation, are being provided to you in a separate letter.

9. **Agency Comments.** Please provide updated agency comments from the following (based on the updated proffer statement): Virginia Department of Transportation, Frederick County Department of Public Works, Frederick County Fire Marshall, Frederick County Department of Parks and Recreation, Frederick County Sanitation Authority, Frederick-Winchester Health Department, Frederick County Public Schools, the local Fire and Rescue Company and the Frederick-Winchester Service Authority. Once attorney comments are received by the Planning Department, they will be forwarded to your office. Attorney comments are required for scheduling of the rezoning application.

Please feel free to contact me with questions regarding this application.

Sincerely,

Candice E. Perkins, AICP
Senior Planner

CEP/pd

COUNTY of FREDERICK

Department of Planning and Development
540/665-5651
FAX: 540/665-6395

September 24, 2014

Mr. Thomas Moore Lawson
Lawson and Silek, P.L.C.
P.O. Box 2740
Winchester, Virginia 22604

RE: Rezoning #02-14 of the Heritage Commons Project (former Russell 150) Property Identification Number (PIN): 63-A-150, 64-A-10, 64-A-12

Dear Mr. Lawson:

This letter contains my comments on the updated proffer statement for the above noted rezoning received in this office on 09/18/2014 at approximately 4:00 p.m. and with a revision date of September 18, 2014. Thank you for the opportunity to comment. Please note that I am commenting from the transportation perspective.

My comments are as follows:

1. The version I received did not initially have a GDP which was referenced in the proffers. However, a GDP (unchanged from the original) was received in our office on September 23, 2014 and I will consider that as the GDP being referenced. If for some reason this is incorrect, I can modify my comments as needed.

2. Regarding the GDP, as I noted at the work session on September 3, 2014, it denotes several entrances that have not been modeled or evaluated and should be removed from this graphic. Proposed entrances should stand on their own merits relative to the prevailing VDOT standards for design and safety as well as local planning and should not be proffered unless what is being proffered is more restrictive than the current standard. I do not have concern with the updated general alignment that is shown.

3. While residential units are capped, there is no such limitation of office and commercial. This leads me to be concerned that this application may not be in compliance with Chapter 527. I have requested a determination on this from VDOT. To avoid this issue, I would recommend proffering a development cap that would keep trip generation in line with what was considered at the previous rezoning. The current narrative in the third paragraph of section 4 does not accomplish this. Right now that paragraph only seems to state what the author's interpretation of what studies have said, and what the applicant's engineer has said, and doesn't really appear to proffer anything. As such, it likely should not be in the proffer statement, but would more appropriately be included in another portion of the application.

4. As noted on September 3, 2014 the proffer continues to lack the detail, assurances, and performance triggers that were included in the existing proffer. The existing proffer is very specific in regards to Tevis St, Airport Rd, Warrior Drive, and the bridge over I-81. This proposed proffer relies instead on the GDP, which does not include an appropriate level of detail and does not have any performance triggers. While it is clear that the applicant intends to enter into agreement with the County for revenue sharing, there is no protection should the applicant and County be unable to come to terms. I would note that the existing proffer package guarantees the roads, details the roadways and performance triggers, and notes that the roads will be built even if the CDA is unable to do so.

5. This proposed proffer has no mention of the currently proffered bridge over I-81.

6. The proffered $1,000,000 in funds toward the transportation system has been removed as previously noted on September 3, 2014.

7. Paragraph 1 of section 4 continues to place the County into the position of agreeing that what is being proposed is substantially similar to what is already proffered. As noted on September 3, 2014, this is inappropriate.

Thank you for the opportunity to comment. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

John A. Bishop, AICP
Deputy Director-Transportation

JAB/pd

COUNTY of FREDERICK

Department of Planning and Development
540/665-5651
FAX: 540/665-6395

November 17, 2014

Mr. Thomas Moore Lawson
Lawson and Silek, P.L.C.
P.O. Box 2740
Winchester, Virginia 22604

RE: Rezoning #02-14 of the Heritage Commons Project (former Russell 150)
Property Identification Number (PIN): 63-A-150, 64-A10, 64-A-12

Dear Mr. Lawson:

I have had the opportunity to review the revised proffer for the Heritage Commons project dated September 7, 2013 and revised November 12, 2014. Staff acknowledges that many of the issues discussed at our meeting on Monday, November 10, 2014 have been addressed in the revised proffer; however, there are additional concerns still present with this rezoning application. Staff's review comments are listed below for your consideration.

Rezoning Comments

1. **Agency Comments.** Many of the Review Agency concerns and comments remain unaddressed, specifically VDOT, FCPS, Parks and Recreation, County Attorney and Public Works.

2. **Phasing and Impact on Community Facilities.** The negative fiscal impacts associated with the residential uses proposed on the property have not been satisfactorily addressed. The applicant's Market and Fiscal Impact Analysis (MFIA) by S. Patz & Associates shows a positive fiscal gain; however, the Patz report utilizes full build-out of the commercial and residential landbays to achieve this figure (15+/- years, 1,200 market rate residential units and 700,000sf of commercial). The phasing proffer does not achieve what the Patz model is utilizing to achieve the positive fiscal gain. The MFIA also fails to have addressed concerns raised by the Commissioner of the Revenue and the Treasurer, so its results are questionable.

3. **Access to Landbay 7.** As currently depicted, access to this landbay will solely be from Route 522. The land use table shows that this area (the largest landbay within the development) could be up to 90% residential and is proffered to contain all the townhouses. Staff has concerns that all the residential units could be constructed within this landbay (plus commercial) and there will be no access to Warrior Drive and the main transportation network within the development.

4. **Compliance with the 2030 Comprehensive Plan.** The land uses shown within landbays 3 and 7 are not supported by the 2030 Comprehensive Plan. The proffers

show landbay 3 with mixed residential and commercial land uses, the Comprehensive Plan designates this area for employment land uses. The proffers show landbay 7 (53.95 acres) with the ability to develop with 100% commercial uses. The Comprehensive Plan shows the entire area that encompasses landbay 7 as high density residential. Introducing commercial uses into landbay 7 is not supported by the 2030 Comprehensive Plan.

5. **Mixed Use Development.** The proposed R4 zoning being sought with this rezoning application would enable a mixed use development; however, there are no assurances within the proffer statement that a core/town center area will be provided. As proffered, the development would be a traditional residential and commercial project, with the uses being clearly separate from one another.

Transportation Comments

6. **Removal of $1,000,000 cash proffer to transportation.** The Russell 150 TIA, upon which this application is reliant and references with the trips limitation proffer, noted significant offsite impacts in addition to those that led to the proffered needs of the Warrior Drive connection to the south, connection to the north toward the Glaize property, and connection to the City via a bridge over I-81. This led to a $1,000,000 cash proffer which is not in the current package.

7. **Development ahead of transportation.** The current proffer should clarify that development will not occur ahead of implementation of the transportation system. While some concurrent development as the transportation system is being constructed would be sensible, protections should be in place so that significant development could not occur ahead of key roadway connections being in place, particularly the bridge over I-81.

8. **Warrior Drive.** Consider adding performance triggers tied to development for the Warrior Drive revenue sharing agreement. Currently the proffer gives no 'when' regarding how this will be implemented. The County can apply for additional revenue sharing funds for this project as early as November 2015.

9. **Revenue Sharing Agreement.** The roadway construction proffers remain solely reliant upon a revenue sharing agreement that does not yet exist. The County draft was rejected and staff rendered comment on a subsequent draft from the applicant on 10/29/14. However, nothing further has been heard at the staff level. At this point, the proffers do not address what happens if the proffered agreement does not materialize. At a minimum, staff would suggest an additional proffer that would restrict development without an executed revenue sharing agreement between the County and the applicant.

10. **Narrative comments in the proffer statement.** Staff would continue to note that

the narrative comments in the proffer statement that are not actual proffers should be removed and such comments confined to your write up and/or presentation to the Board.

Modification Document

11. **Modification #5.** The decrease of open space from 30 to 10% seems excessive. The minimum open space for B2 zoned developments is 15% and the minimum for mixed residential development is 30%. The justification for the modification states that rooftop green spaces and amenities could be provided, however there are no proffers or guarantees that these types of amenities will be provided. This modification has the potential to create a community with no outdoor areas for recreation and/or open space. Please note that open spaces do not have to be green areas, they can consist of central plazas and squares and therefore a proffer to provide these types of amenities is encouraged to justify any open space modifications. The modification needs to include the total acreage contained within the stream valley and within the developed portions of the property. It does not appear that the justification provided supports the request for the reduction.

12. **Modifications.** The rezoning package indicates that there is a desire to build residential units connected to commercial units (either on the second or higher floors or attached). As discussed the modification document should be updated to also allow uses and setbacks currently allowed in the TNDB Overlay District.

Please contact staff should you have any questions.

Sincerely,

Candice E. Perkins, AICP
Senior Planner

John Bishop, AICP
Deputy Director – Transportation

CEP/pd

COUNTY of FREDERICK

Department of Planning and Development
540/ 665-5651
Fax: 540/ 665-6395

December 1, 2014

Mr. Thomas Moore Lawson
Lawson and Silek, P.L.C.
P.O. Box 2740
Winchester, Virginia 22604

RE: Rezoning #02-14 of the Heritage Commons Project (former Russell 150)
Property Identification Number (PIN): 63-A-150, 64-A10, 64-A-12

Dear Mr. Lawson:

Staff is currently finalizing the staff report for this application, which is scheduled for a public hearing before the Board of Supervisors on December 10, 2014. While the staff report will be outlining a number of concerns still present with the rezoning application (which have been provided to you in previous correspondence), there are two primary impacts that are present with this rezoning application that staff feels need to be reiterated. The Heritage Commons rezoning application fails to address the impacts to the Frederick County Public School System and the transportation impacts.

1. ***Fiscal Impacts***: The negative fiscal impacts associated with the residential uses proposed on the property have not been satisfactorily addressed.
2. ***Transportation Concerns:*** The proffer statement does not provide for the construction of any of the necessary roadways within the Heritage Commons development. The roadway construction proffers continue to remain solely reliant upon a revenue sharing agreement (developer-county agreement) that does not yet exist, and there are no proffered commitments that guarantee that the developer will construct roads prior to development of residential and commercial uses.

Fiscal Impacts

The negative fiscal impacts associated with the residential uses proposed on the property have not been satisfactorily addressed.

The *Market and Fiscal Impacts Analysis (MFIA)*; authored by S. Patz and Associates, dated August 2014 and revised November 3, 2014 is based on the development's proposal of 1,200 housing units and 700,000 square feet of commercial development, including a new Frederick County office building. The 1,200 housing units include 1,050 apartments and 150 townhouses. The commercial space is modeled on: 220,000 square feet (county office and developer sponsored 70,000square foot building); 380,000 square feet office; and 100,000

square feet retail. The applicant's MFIA evaluates on-site and off-site revenue and expenses at build-out; build-out is projected to occur over a 15-year period. The applicant's MFIA projects an annual net fiscal benefit of $3,173,610 at build-out.

The phasing proffer does not achieve what the Patz model is utilizing to achieve the positive fiscal gain. As written, the proffer would allow the construction of 600 multifamily residential units and 184 townhouses with the construction of 100,000 square feet of commercial area. ***This phasing proffer is not consistent with the Patz suggested phased approach to maintain economic balance, nor does this phasing proffer guarantee to offset impacts from residential uses. If the applicant wants to rely on the outcome of the Patz study, the applicant should be proffering to implement the Patz study.*** As written, the phasing proffer provides little if any benefit to the County.

County Development Impact Model

The County's Development Impact Model (DIM) is utilized to project the capital fiscal impacts that a residential development will place on the county over a 20-year period. Through an extensive review in 2013/2014, the DIM policy was reaffirmed that the DIM projection would consider residential capital fiscal impacts and would not consider credits for commercial components of a development proposal. On June 25, 2014, the Board of Supervisors adopted the updated DIM for use in FY2014.

The following is a breakdown of the projected impacts per dwelling unit for each capital facility:

Capital facility	Town home	Apartment
Fire and Rescue	$412	$418
General Government	$33	$33
Public Safety	$0	$0
Library	$379	$379
Parks and Recreation	$1,332	$1,332
School Construction	**$11,281**	**$10,535**
Total	$13,437	$12,697

When applied to the residential mix used in the Patz report (1,050 apartments and 150 townhouses), the DIM projects negative capital fiscal impacts of $15,347,400. This projection solely considers capital fiscal impacts; the DIM projects that operational fiscal

impacts are generally much greater and collectively exceed the tax revenue generated by the multifamily residential use by a factor of 2:1.

In applying the DIM using the phasing proffer, the DIM projects that 300 multifamily and 50,000 square feet commercial could result in a projected annual negative impact of $400,000.

Transportation Concerns:
The proffer statement does not provide for the construction of any of the necessary roadways within the Heritage Commons development. The roadway construction proffers continue to remain solely reliant upon a revenue sharing agreement that does not yet exist. At a minimum, staff would suggest an additional proffer that would restrict development without an executed revenue sharing agreement between the County and the applicant.

The current proffer should clarify that development will not occur ahead of implementation of the transportation system. While some concurrent development as the transportation system is being constructed would be sensible, protections should be in place so that significant development could not occur ahead of key roadway connections being in place, particularly the bridge over I-81.

The proffers lack a commitment to construct the road network, and a phased approach when the network would be constructed. This could result in the development of residential and commercial units without realizing the construction of any of the necessary road network. ***Without the outside agreement, the proffers contain no commitments that the developer will construct the necessary road improvements.***

Please contact staff should you have any questions.

Sincerely,

Candice E. Perkins, AICP
Senior Planner

John Bishop, AICP
Deputy Director – Transportation

CEP/pd

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Candice Perkins

From: Jonathan Turkel
Sent: Wednesday, September 24, 2014 3:45 PM
To: Candice Perkins
Cc: Jason Robertson; Eric Lawrence
Subject: Heritage Commons Proffer Revision of 9/18/14 - P&R Comments

RE: Heritage Commons proffer revision dated Sept 18, 2014

Candice,

The updated proffer statement does not sufficiently address the concerns of the Parks and Recreation Department. The following outlines our comments:

1. We are not satisfied that monetary contributions are adequately addressed.

2. Proffer should clearly state that Airport Rd, Warrior Dr, and Tevis St, will have 10' bicycle/ pedestrian accommodation, (as is clearly identified in the Russell 150 proffer). Current language is vague in stating "road" when presumably referring to all roads, and stating a "ten foot (10') or such other appropriate width" rather than committing to a 10' width (as is recommended).

3. Beyond reference to ordinance requirements, The Recreational Amenities section appears to proffer:
   a. To "construct pedestrian trails and/or sidewalk systems, which connect each recreation area to the residential land uses within the Land Bay."
      Comment: Connecting recreation areas to users is appropriate.
   b. "to install a ten-foot (10') wide asphalt or concrete trail along the Buffalo Lick Run Stream Valley"
      Comment: Some indication of length should be provided for this proffer.

4. Bike/Pedestrian accommodation on the I-81 flyover bridge should be provided. This is greatly needed.

5. DESIGN MODIFICATION DOCUMENT – Modification #6
   Parks and Recreation recommends denial of this modification. This request significantly diminishes the open space requirement and leaves open the potential to claim other environmentally sensitive areas (flood plain, wetlands, and steep slopes) as open space.

Please let me know if you have any questions on any of the above.

Thank you,

Jon

Jon Turkel
Park and Stewardship Planner
Frederick County Parks and Recreation
107 N. Kent St.
Winchester, VA 22601
jturkel@fcva.us
O: (540) 722-8300
F: (540) 665-9687

Frederick County Parks & Recreation Comment #:	Agency Comment *All comments are verbatim from Staff's comment letter.	Applicant's Response to Parks & Recreation Comment	Agency Comments Addressed in Proffer?
Comment #1	We are not satisfied that monetary contributions are adequately addressed.	Heritage Commons has a net positive impact to Frederick County. There will be excess revenue that Frederick County can use as it sees fit.	Not all responsive changes made.
Comment #2	Proffer should clearly state that Airport Rd, Warrior Dr, and Tevis St, will have 10' bicycle/ pedestrian accommodation, (as is clearly identified in the Russell 150 proffer). Current language is vague in stating "road" when presumably referring to all roads, and stating a "ten foot (10') or such other appropriate width" rather than committing to a 10' width (as is recommended).	Applicant is not in control of the design of the transportation networks across its property to include the connection to Tevis Street, the adjoining Glaize property and the commencement of Warrior Drive. Applicant understands that the design includes 10' paths to accommodate Parks & Recreation's comments.	Not all responsive changes made. *Cross sections have been proffered for Tevis Street which show a 10' multiuse path. *Cross section have not been provided for Airport Road or Warrior Drive.
Comment #3	Beyond reference to ordinance requirements, The Recreational Amenities section appears to proffer: To "construct pedestrian trails and/or sidewalk systems, which connect each recreation area to the residential land uses within the Land Bay." Comment: Connecting recreation areas to users is appropriate. "to install a ten-foot (10') wide asphalt or concrete trail along the Buffalo Lick Run Stream Valley" Comment: Some indication of length should be provided for this proffer.	No Comment Applicant will measure the length of the proposed trail along Buffalo Lick Run.	Not all responsive changes made.
Comment #4	Bike/Pedestrian accommodation on the I-81	Applicant believes that the pedestrian/bicyclist	* Cross sections have

Frederick County Parks & Recreation Comment #:	Agency Comment *All comments are verbatim from Staff's comment letter.	Applicant's Response to Parks & Recreation Comment	Agency Comments Addressed in Proffer?
	flyover bridge should be provided. This is greatly needed.	accommodations are being made part of the design of the transportation network.	been proffered for the bridge which show 5' sidewalks on each side.
Comment #5	DESIGN MODIFICATION DOCUMENT – Modification #6 Parks and Recreation recommends denial of this modification. This request significantly diminishes the open space requirement and leaves open the potential to claim other environmentally sensitive areas (flood plain, wetlands, and steep slopes) as open space.	Purpose is to allow for the construction of a more compact mix of uses. The Comprehensive Plan calls for higher density uses, and said uses will be located close to one another to encourage a walkable community as opposed to one where the uses are separated and discourage this walkable aspect.	Not all responsive changes made. Applicant has made no changes and is requesting the open space modification.

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FREDERICK COUNTY SANITATION AUTHORITY

Post Office Box 1877
Winchester Virginia 22604-8377

PH. – (540)868-1061
Fax – (540)868-1429
www.fcsa-water.com

Uwe E. Weindel, P.E.
Engineer-Director

September 16, 2013

Mr. Thomas M. Lawson
Frederick County Center, LLC
C/o Lawson & Silek, PLC
P. O. Box 2740
Winchester, Virginia 22604

Ref.: Rezoning Comments
R 150 SPE, LLC
Tax Map # 63-A-150, 64-A-10 & 64-A-12

Dear Sir:

Per your request, a review of the proposed rezoning 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. Sanitary sewer treatment capacity at the waste water treatment plant is also presently available. Sanitary sewer conveyance capacity and layout will be contingent on the applicant performing a technical analysis of the existing sanitary sewer system within the area to be served and the ability of the existing conveyance system to accept additional load. Likewise, water distribution capacity will require the applicant to perform a technical analysis of the existing system within the area to be served to determine available capacity. Both water and sanitary sewer facilities are located within a reasonable distance from this site.

Since certain easements have already been filed, any modification to the previous existing layout will need to modify the FCSA easements for both water and sanitary sewer. In addition, any material exposed to weather and contemplated to be used will require manufacturer certification as to the integrity of the material to be used in constructing either the water or sanitary sewer system.

Please be aware that the Authority does not review or comment upon proffers and/or conditions proposed or submitted by the applicant in support of or in conjunction with this application for rezoning, 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.

Thank you;

Uwe E. Weindel, PE
Engineer-Director

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WINCHESTER REGIONAL AIRPORT

491 AIRPORT ROAD
WINCHESTER, VIRGINIA 22602
(540) 662-5786

October 10, 2013

Thomas M. Lawson, Esquire
Frederick County Center, LLC
Post Office Box 2740
Winchester, Virginia 22604

Re: Rezoning Application – RA & B2/RP to R4
Frederick County Center, LLC
R 150 SPE, LLC
Shawnee Magisterial District

Dear Mr. Lawson:

On behalf of the Winchester Regional Airport Authority I have reviewed the referenced proposed rezoning application and offer the following comments related to possible negative impacts on existing and future operations of the Winchester Regional Airport.

1. The request to change the current RP zoning to R4: - The proposal would allow an increase in acreage for residential use from fifty-four (54) acres to approximately seventy-two (72) acres and an increase in the current maximum allowance of two hundred ninety-four (294) townhomes to nine hundred (900) apartment units and one hundred (100) townhomes.

   - This parcel is located within close proximity and immediately under the traffic pattern of Winchester Regional Airport which is approximately 1,200 feet above the ground elevation. Residential development adjacent to or under a flight path used regularly by aircraft as they arrive or depart the Winchester Airport is subject to aircraft noise. Property owners or tenants are likely to experience aircraft noise from over flights of aircraft entering or departing the flight patterns. As the airport continues to expand services and operations, interactions between aircraft operations and residents are likely to increase. To ensure that potential buyers and tenants are made aware of the airport's existence and aircraft noise and fly-over potential, the County should work with the developer to develop a proffer provision that it will give written notice to future property owners or tenants of this potential through a disclosure statement as a covenant in their property deed or statement within their rental lease agreement. This would be consistent with previous requirements for residential zoning within close proximity of the airport.

   - Winchester Regional Airport is a vital link in the National Air Transportation System used by private citizens, commercial charter users, commercial aircraft, businesses and industries throughout the region to transport people and goods around the world. The system of airports in the Commonwealth provides numerous critical services to enhance the quality of life, health, safety and welfare of Virginia citizens.

- The Winchester Regional Airport has a direct and significant economic impact on our community and we continually work towards expanding its operations. The Virginia Department of Aviation 2011 Economic Impact Study shows that Winchester Regional Airport generated: 168 jobs, payroll of $5,882,000.00 and economic activity of $22,538,000.00 during 2010. To be successful in our ventures, we need citizen support, which is the reason for our concern regarding potential complaints about aircraft noise which could have a negative impact on the airport's twenty-four operation.

2. The Airport Authority is very concerned with the request to modify Frederick County zoning ordinance §165-201.03 (B) (6) Height Limitations increasing the maximum allowable height from sixty (60) feet to eighty (80) feet.

   - Because the parcel lies within the airport's flight pattern and CFR Part 77 protected airspace surfaces and close proximity to the extended centerline of Runway 14/32, future development(s) would require an airspace study in accordance with the Code of Virginia, Section 15.2-2294, and Title 14 of the Code of Federal Regulations (14 CFR) Part 77.

   - The prime objectives of the FAA are to promote air safety and the efficient use of the navigable airspace. To accomplish this aeronautical studies are conducted based on information provided by proponents on an FAA Form 7460-1, Notice of Proposed Construction or Alteration.

   - Determination of any impact to the navigable airspace of the Winchester Regional Airport by the proposed increase in the maximum allowable height to eighty (80) feet cannot be established at this time as the need for this increase has not been provided. The Airport Authority encourages the developer to submit this information at the time a specific development project has been identified.

The Winchester Regional Airport Authority cannot support high density residential development within close proximity of the airport. We also recognize the need to allow progress within the County of Frederick and the ability for land owners to propose what they feel best fits their needs however we must try to protect the future viability of the Winchester Regional Airport.

Thank you for giving this your consideration and should you have questions, please contact my office.

Sincerely,

Serena R. Manuel

Serena R. Manuel
Executive Director

Cc: Mark K. Flynn, WRAA Legal Counselor
Chad Carper, FAA/WADO
Scott Denny, VDOA

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Market and Fiscal Impacts Analyses
Heritage Commons
Frederick County, Virginia

Prepared for:

Mr. Bruce A. Griffin &
Mr. Matt Millstead
Frederick County Center, LLC

August, 2014

S. Patz and Associates, Inc.
46175 Westlake Drive, Suite 400
Potomac Falls, Virginia 20165

▪ S. PATZ & ASSOCIATES, INC ▪

▪ REAL ESTATE CONSULTANTS ▪

November 3, 2014

Mr. Bruce A. Griffin
&
Mr. Matt Milstead
C/o Frederick County Center, LLC
140 North Hatcher Avenue
Purcellville, Virginia 20132

Dear Mr. Griffin and Mr. Millstead:

This will submit our corrected report for the market and fiscal impacts analyses of the proposed Heritage Commons mixed-use development. We were provided input from Ms. Ellen Murphy, Commissioner of Revenue for Frederick County, Virginia, related to our evaluation of the personal property tax analysis used in our report. This is the only substitute change required for our analysis. Ms. Murphy provided other comments related to our report, which are included in the analysis, but these do not affect the report conclusions.

With the suggested changes to the personal property tax calculation from Ms. Murphy, our net fiscal analysis, shown below, generates nearly $3.2 million in net benefits to Frederick County, at project build-out. The suggested changes resulted in a reduction of $407,000 in net benefits to the County, as a result of the full build-out of Heritage Commons.

The chart below summarizes the net fiscal benefits at build out. These benefits include both on-site and off-site net revenues. We show the fiscal impacts analysis over a 15-year build out period, separated by five-year development periods, to show the net benefit if full project development does not occur.

Table A-8. Total On-site and Off-site Net Fiscal Benefits by Phase, Heritage Commons at Buildout (constant$2014)

	1st 5 yrs	2nd 5 Yrs	3rd 5 Yrs	Total
Apartments	$22,210	$22,210	$22,210	$66,640
Townhouses	$1,460	$730		$2,190
Commercial	$453,455	$226,723	$226,723	$906,900
Office	$488,420	$854,730	$854,730	$2,197,880
Total Net Benefit	$965,550	$1,104,390	$1,103,660	$3,173,610

46175 Westlake Drive ▪ Suite 400 ▪ Potomac Falls, Virginia 20165 ▪ 703.421.8101 ▪ 703.421.8109 fax ▪ spatzec@comcast.net

Mr. Bruce A. Griffin
Mr. Matt Milstead
November 3, 2014

The development program for Heritage Commons is fully described in the body of the attached report. We included a detailed site analysis and project setting, which shows the prime location of Heritage Commons near the Route 50 and I-81 interchange and within the right-of-way of a new bridge over I-81 which will connect to U.S. Route 522, the frontage road for Heritage Commons.

The market analysis section evaluates each of the four land uses under study for Heritage Commons, which includes demand factors such as the proposed bridge over I-81, the proposed new County Administration Building planned for the Heritage Commons site, and the expected large expansion of FBI employment.

We do understand that the timing of these proposals/projects can change from current plans, but all are currently committed/announced. Changes to construction timing of these projects will not change the overall "at build out" net benefit analysis.

Of special note is the value of the location of the new County Administration Building at Heritage Commons. This public investment will be one key anchor for the entire project and a catalyst for the $3.2 million annual net project benefit for the County.

We used conservative numbers in our analysis. All are shown in constant 2014 dollars. The detailed market and economic data that support our conclusions are presented in the attached report. Our methodology for the FIA calculation is fully described. If additional data or clarification are needed, please do not hesitate to contact us.

We remain available to continue to assist you with the successful development of Heritage Commons. The appendix to this report presents our evaluation of the County's proposed Development Impact Model.

Sincerely,

Stuart M. Patz
President

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Introduction

The following is the market study and Fiscal Impacts Analysis (FIA), prepared in August, 2014, in support of the proposed mixed-use development of the 150.6-acre Heritage Commons development proposal (formerly Russell 150, LLC) located along the west side of Front Royal Pike (U.S. Route 522), south of the I-81/U.S. Route 50 interchange and opposite Airport Road. The site extends approximately 1,250 feet along Route 522 and has frontage (1,300 feet) on the east side of I-81, at a location where a new overpass is planned that will extend East Tevis Street in the City of Winchester east into the Heritage Commons site and ultimately to an intersection with U.S. Route 522 at two locations.

The following report is prepared in two sections. The first section presents the market analysis in support of the mixed-use development proposal for Heritage Commons. The market analysis demonstrates that market support for the Heritage Commons proposal exists and is based on evolving market trends in a market area that consists of the City of Winchester and Frederick County. The expected development period for this 150± acre property, based on the development proposal and market trends, is approximately 15 years, from the projected start of building development in 2015 or 2016.

The second section of the report is the Fiscal Impacts Analysis, which shows the net revenues projected from project build-out compared with increased expenses to the County from the proposed on-site development. Given the fact that the development proposal has considerable commercial space planned within the 40± acres of commercially zoned area, or 30.0% of the total developable acreage, Heritage Commons will generate a positive FIA and will provide considerable new net tax revenue to Frederick County over the 2015 to 2030 period and beyond.

The FIA is prepared in three five-year development phases to illustrate that net revenues will accrue to the County during the entire 15+ year development period. All revenue and expense data are presented in constant 2014 dollar values. The phasing of

new development is based, in part, on the sponsor's existing commitments for site development at the time of the start of development, and in part, on the evolving development trends within the market area as calculated by the market analysis.

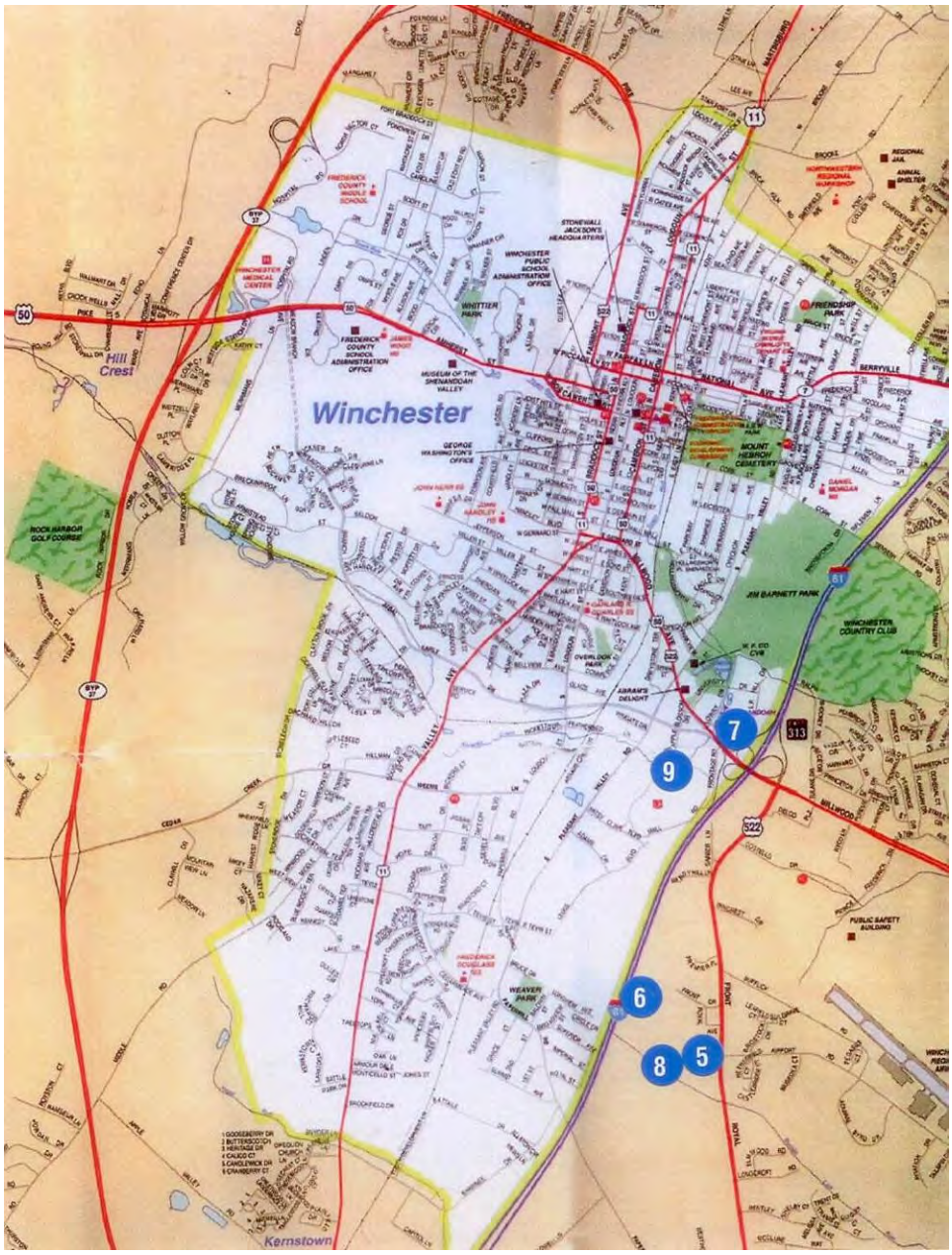
The following chart summarizes the overall development plan for Heritage Commons. It shows a master plan for 1,200 housing units on 75.3 acres of residential zoned land and 700,000 square feet of commercial development, including a proposed new Frederick County office building. The planned development program will be more fully expanded upon in the following analysis.

	Housing Units and Square Footage of Commercial Space
• Market Rate Apartments	1,050
• For-Sale Townhomes	150
Total residential	1,200
• Office Space, excluding County Bldg.	450,000
• County Office Building	150,000
• Retail & Service Commercial	100,000
Total Commercial	700,000

The site setting map of the Heritage Commons site is shown next. The site is adjacent to the City of Winchester along I-81 and located just over one mile south of the Route 50/17 interchange with I-81 near the Shenandoah University Campus. Number 5 on the map shows the location to the primary site entrance to Heritage Commons across from Airport Road. Number 6 is the location of the proposed new bridge over I-81. The Shenandoah University Campus is shown by Number 7. The site frontage runs north from just south of Buffalo Lick Run (No. 8) to the small residential subdivision along Front Royal Avenue on the north.

Map A also shows the site's close proximity to several of the Winchester area's regional highways. The Winchester Regional Airport, Shenandoah University Campus, historic downtown Winchester and Apple Blossom Mall (Number 9) are all within close proximity to the site. The new bridge over I-81, along with the extension of East Tevis

Street, will provide direct access to the Pleasant Valley Road corridor and to Jubal Early Drive, both area roadways with an abundance of retail space, medical office space and employment centers.



Map A – Heritage Commons Site Location Map

Site Description and Development Proposal

Site Description

The Heritage Commons site is a slightly rolling, irregularly shaped, 150-acre property located between Interstate 81 on the west and Front Royal Pike (U.S. 522) on the east at a location directly across from the entrance to Airport Road. The property is vacant and partially covered with small trees and bushes, but the property is predominantly meadowland. Part of the Buffalo Run stream runs through the property in an east-west direction and will be retained as open space and an amenity featuere for the development.

Following are photos of the site and it's setting along U.S. Route 522. The photos show views into the property from U.S. Route 522 West into the site and photos of the Route 522 corridor. At present, this is an undeveloped section of Front Royal Pike, but a second development proposal, adjacent to Heritage Commons, called Madison Village, is also being studied for new development, as described below.

View Into Site Showing Topography and Tree Coverage

Photos of Heritage Commons & Route 522 Corridor

View West From U.S. Route 522

Expanded View of Site

View North Along U.S. Route 522

View South From U.S. Route 522/Airport Road Intersection

Adjacent land uses consist of residential developments and vacant land. Development north of the site consists of the 40± unit Funkhouser single-family subdivision, which was developed in the mid-1990s. East of the site, along Front Royal Pike, are mature single-family homes in the Miller Heights subdivision.

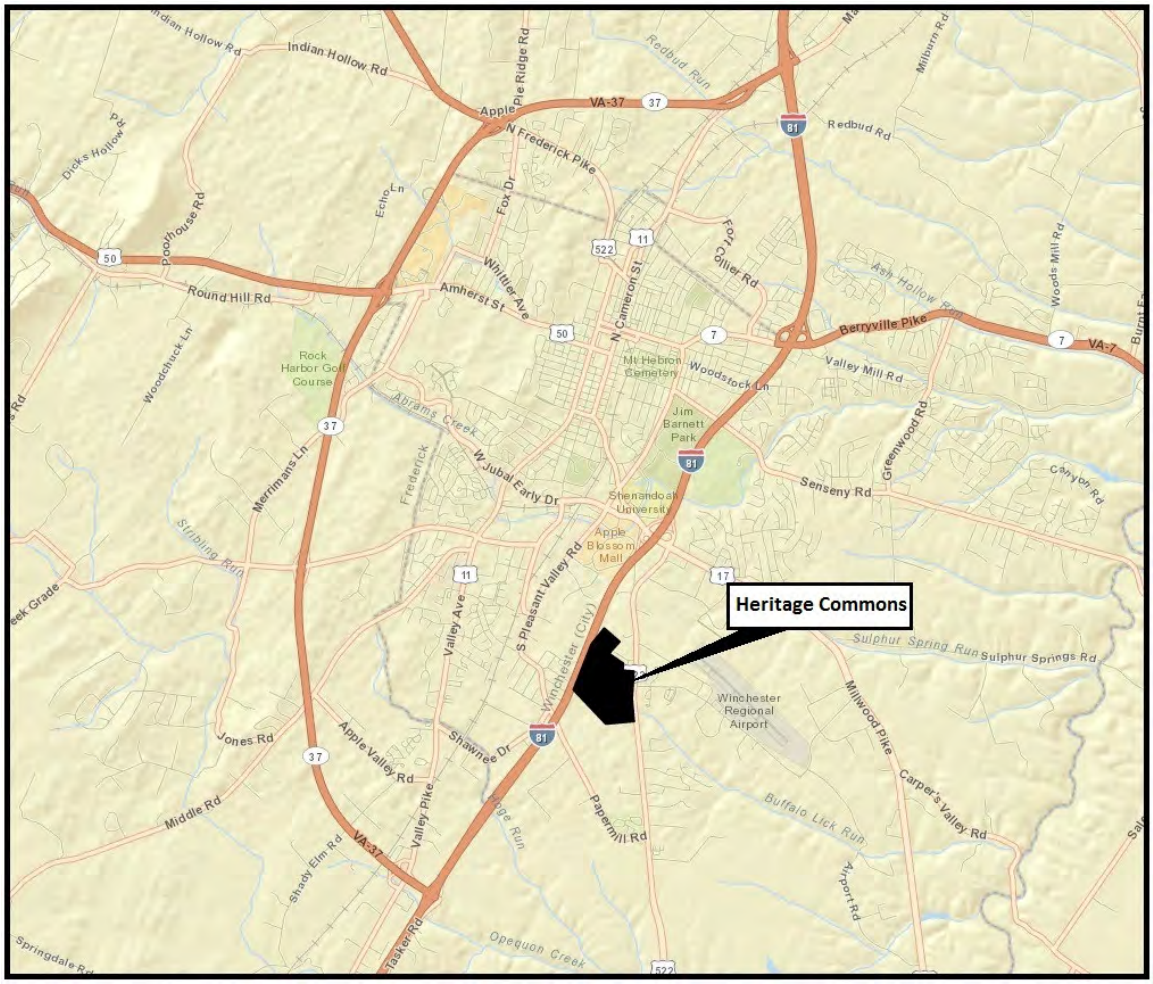
Land south of the Heritage Commons site is largely vacant, but with the adjacent parcel of 51.3 acres planned for a mixed-use development with a mix of towns and

apartments, called Madison Village (see Number 10). The 46.26-acre Madison Village site was rezoned recently to allow for 160 townhomes and 480 apartment units, plus 107,000± square feet of retail space. It is reported that some development on this property will be started by early- to mid-2015.

Aerial of Heritage Commons

The Heritage Commons site is presently only accessible via Front Royal Pike (Route 522). Route 522 is a regional arterial that runs north-south from the Frederick County line into the City of Winchester and then north somewhat circulating into West Virginia. Relevant for the Heritage Commons proposal is its interchange with Route 50 and close proximity to the Route 50/17 interchange with I-81.

In front of Heritage Commons, Route 522 is a four lane, undivided roadway that runs in a generally north-south direction parallel to Interstate 81. Route 522 provides quick access to Millwood Pike (U.S. Route 68), about one mile north, which accesses Interstate 81's Exit 313 and the City of Winchester. Route 522 also provides direct access to a 150,000± square foot Walmart located south at its intersection with Tasker Road that opened in early-2012. About 300 full-time employees work at the retailer, which includes a full grocery store, garden center and pharmacy.



Heritage Commons Site Setting

Adjacent to the Walmart are two small industrial parks: Eastgate Industrial Park and Jouan Global Center, which collectively include four tenants. The largest tenants in the industrial park are the FBI Records Management Division, which occupies 160,300± square feet at 170 Marcel Drive, and Home Depot Distribution Center, which occupies 755,860± square feet of space at 201 Rainville Road. Tenants in these parks are detailed in the table below.

Developments at Eastgate Industrial Park and Jouan Global Center			
Industrial Park	**Building Size (Sq Ft)**	**Years Built**	**Tenant**
Eastgate Industrial Park			
195 Rainville Rd	20,453	2003	Comcast Cable Communications
201 Rainville Rd	755,855	2003	Home Depot Distribution Center
(Subtotal)	*(776,308)*		
Jouan Global Center			
141 Marcel Dr	70,000	1998	SpecialMade Goods & Services
170 Marcel Dr	106,296	1997	FBI Records Management Division
(Subtotal)	*(176,296)*		
Total	**952,604**		

The next important development area near Heritage Commons is located along and off of Airport Road, immediately east of the site. Developments along Airport Road, which include residential, office and industrial uses, are detailed in the paragraphs below.

- **Preston Place**. East of the single-family homes that front Front Royal Pike is Preston Place, a 236-unit affordable apartment complex that was built in three phases under the federal LIHTC program during the 1992 to 1997 period. This property is typically fully occupied and was recently renovated.

- **Winchester Regional Airport**, a public use airport owned by the Winchester Regional Airport Authority, is located along this roadway. The airport covers 375 acres and has one asphalt paved runway. Approximately 45 people work at the airport.

- **Airport Business Park** is located across the street from the Winchester Regional Airport along Airport Road. The park consists of a total of nine structures on Aviation Drive, Airport Road, Admiral Byrd Drive and Muskoka Court. Collectively, development in this park contains 724,760± square feet of office and industrial space on 110± acres, though much of this space is flex space with office and industrial use.

  The largest tenant in the industrial park is Kohl's, which operates a 422,660± square foot distribution center that opened on a 64.27-acre parcel in 1997 and employs 300± people. M.I.C. Industries, a company that manufactures machines that build steel buildings, operates its International Manufacturing Facility in a 150,000± square foot facility at 390 Airport Road. The company opened with 100 employees and added an additional 139 employees in 2004.

The most recent building to open in the industrial park is a 17,340± square foot structure at 170 Muskoka Court, a service center operated by Averitt Express, a provider of freight transportation and supply chain management.

- **Westview Business Centre** is located east of the Winchester Regional Airport along Millwood Pike's intersections with Arbor Court and Victory Lane. This industrial park consists of 27 structures. Collectively, Westview Business Centre includes 802,310± square feet of space. The average structure size in this industrial park is 29,720± square feet.

  Several tenants in Westview Business Centre are not industrial in nature such as Valley Cycle Center and Grove's Winchester Harley-Davidson, two auto dealers that occupy over 50,000 square feet in the park. The largest structure in the park is a 100,000± square foot warehouse owned by Virginia Storage Services. Larger tenants in the park include:

  - **Blue Ridge Industries** is a Winchester-based company that specialize in manufacturing custom injecting molding. Blue Ridge Industries employs 60± people.

  - **Annandale Millwork and Allied Systems Corporation** is a Winchester-based manufacturer of wall panels, hand rails and stairs. The company employs 100± people on 40,000 square foot facility.

  - **Clariant Corporation**, a 30-employee chemical merchant wholesaler, occupies 30,000 square feet.

  - **Winchester Woodworking Corporation**, a manufacturer of custom millwork, employs 30 people and occupies 56,920 square feet.

  - **Probuild**, a manufacturer of wall panels, roof and floor trusses, employs over 100 people and occupies 28,320 square feet.

  - **Creative Urethanes**, a manufacturer of castable and reaction injecting molding and stamping, employs 30 people and occupies 30,000 square feet.

  - **A Prolawn Service Corp.**, a 15-employee Winchester-based landscaping company that occupies 12,150 square feet.

- **Action Concrete Supplies**, a 15-employee material merchant wholesaler that occupies 24,000 square feet.

- **Navy Federal Credit Union**, which operates in a 109,300 square foot office structure on Security Drive, where it employees 900± people.

These area industrial and manufacturing firms employ approximately 3,000 people and represent a ready market for new retail space at Heritage Commons.

There are also five modest sized office buildings along Airport Road with a total of nearly 70,000 square feet. These likely have 150+ employees.

The paragraphs to follow describe the developments north of Heritage Commons along Front Royal Pike and Millwood Pike, east of Interstate 81. Included in this area are structures occupied by FedEx Freight and Wilson Trucking Corporation, among others. This area consists primarily of hotels, retailers, and offices. There are older facilities but, in addition to the 3,000± employees at the industrial and office buildings along Airport Road, another 1,500± employees are located here in the following businesses.

- **Costco Warehouse**. The Costco store is 129,220± square feet with 200± employee.

- **Delco Plaza** is a 162,630± square foot retail center with a 52,690± square foot Gabriel Brothers, a 29,000± square foot Food Lion, a 24,480± square foot Room Store and a 14,400± square foot Body Renew.

- **Horizon Development Shopping Center** has a 34,150± square foot Big Lots Store and a 13,440± square foot Jo-Anne Fabrics & Crafts.

- **Restaurants** in this area include: Cracker Barrel, IHOP, Texas Steakhouse & Saloon, Hibachi Grill & Supreme Buffet, Golden Coral, Blue Fox Billiards Bar and Grill Waffle House, Subway and Los Toltecos Mexican Restaurant.

- **Gas Stations** in this area include: Citgo, Exxon, Shell and BP.

- **Office**. The newest office developments built in this area were constructed in the late-1980s and account for 73,100± square feet. The offices of the Middle East District, U.S. Army Corps of Engineers, has 600± people employed here.
- **Hotels**. Eight hotels consisting of a total of 808 rooms are located within this area. Four were built during the 1980s, none were built in the 1990s and four were

built during the 2000s decade. The newest of these hotels is the 70-room, six-story Aloft Winchester, which opened in June, 2010.

In summary, approximately 4,500± people are employed near the Heritage Commons property in the locations described above. The larger County employers close to the Heritage Commons site are shown in the map below. The purpose of the detailed analysis of area employment is for the evaluation of one source of demand for market support for the retail space planned for Heritage Commons.

Several retailers are located west of Interstate 81 along S. Pleasant Valley Road and Millwood Pike, south of Shenandoah University and near the Heritage Commons site. Retailers in this area are shown in the aerial below.

The above retailers consist of a mix of the large enclosed Apple Blossom Mall, several retail strip centers (Winchester Commons, Winchester Station, Apple Blossom Corners), and several large free-standing retailers such as K-Mart, Wal-Mart, Lowe's, and Best Buy. Major retailers in this area are listed in the chart below.

Retailers Along S. Pleasant Valley Road

Name	Size	Anchors
Apple Blossom Corners	240,560	Martin's, Office Max, Kohl's, Books-A-Million
Apple Blossom Mall	440,600	Belk, JCPenney, Sears
Delco Plaza	162,630	Gabriel Brothers, Food Lion, Room Store, Body Renew
Free Standing	--	K-Mart, Lowe's, Walmart, Best Buy
Pleasant Valley Marketplace	120,000	Staples, Dollar Tree
Winchester Commons	173,790	Target, T.J. Maxx, PetSmart, Home Depot, Pier 1 Imports,
Winchester Station	167,000	hhgregg, Ross, Bed Bath & Beyond, Michaels, Old Navy

Source: S. Patz & Associates field survey

Shenandoah University. The only university in Winchester-Frederick County is Shenandoah University, located approximately two miles north of the Heritage Commons site. The university currently employs 238 full-time and 189-part time

employees for a total of 427 employees. Enrollment trends are presented in the table below and show a Fall, 2013 enrollment of 4,003 students, of which 53.7% are undergraduate students and 46.3% are either graduate or professional students. Enrollment dropped by 173 in the Fall, 2013 semester, driven largely by a 252-student decline in undergraduate enrollment. Graduate and professional enrollment grew during this period.

Table 1: Fall Headcount Enrollment, Shenandoah University, Fall 2003 – Fall 2013

	Undergraduate	Graduate	Professional	Total
2003	1,415	1,030	406	2,851
2004	1,538	1,041	421	3,000
2005	1,606	968	424	2,998
2006	1,527	1,175	408	3,110
2007	1,658	1,295	440	3,393
2008	1,720	1,371	420	3,511
2009	1,767	1,418	434	3,619
2010	1,882	1,330	467	3,679
2011	2,290	1,301	461	4,052
2012	2,402	1,280	494	4,176
2013	2,150	1,320	533	4,003
Change	**735**	**290**	**127**	**1,152**

Source: State Council of Higher Education for Virginia

In terms of projected enrollment, Shenandoah University officials anticipate enrollment to remain essentially flat until at least 2019. The University's official enrollment projection for 2019 is 3,919 students, slightly below the current number.

Shenandoah University currently has 840 on-campus dorm beds for undergraduates, which are typically fully occupied, with the remaining non-commuting undergraduate and graduate students residing in off-campus, non-institutional supported housing. No exclusive graduate housing is provided at the University. Seventy-six percent of all First Year students (including transfer students) have lived on-campus in recent years.

Shenandoah University has early plans to increase their on-campus bed count from 840 to a target of 1,300 beds, which would allow the University to increase

enrollment. New construction in a phased-approach is planned to achieve this goal. With the net gain of beds, several existing residence halls will be phased out while the 115-bed Parker Residence Hall will be remodeled for first year students and reduced to 95 beds.

Due to planned expansion at the university, the existing 840 beds could increase to 950 beds by 2017, 1,190 beds by 2022 and 1,310 beds by 2027. This expansion plan could be speculative, but will clearly be set in place well after Heritage Commons is started and the addition of on-campus beds will be modest in the early stages of expansion. Data indicates that about 3,400± university students currently live off-campus, primarily in private apartments with some students living at their family home.

Data indicates that about 3,400± university students currently live off-campus, primarily in private apartments with some students living at their family home. Even with the planned expansion of on-campus beds to 1,300±, there will be at least 3,000± students living off-campus, not including any increases in enrollment. The presence of these students creates a strong market for apartments at nearby locations.

Summary. The above analysis has a three-fold purpose. First and foremost is to identify the site location and determine whether the setting is marketable for the types of land uses proposed. The site has excellent highway access, proximity to employment centers and commercial facilities and no nearby blighting land uses. It is an ideal location for students and staff from Shenandoah University.

Second, Heritage Commons is planned to have 100,000± square feet of retail space at build out. The 4,500± employees working in the immediate area, along Airport Road and Millwood Avenue, and 2,500± new employees in office and retail space to be built on site, represent a ready market for new retail tenants.

The third issue is to establish that, along with the new County office building that is planned for the site, this location will be competitive for new office space

development. The data presented above shows that between office space and flex industrial space, the Route 522/Airport Road corridor, have an abundance of office and flex space, albeit primarily mature space. As of the date of our study, the County office building is planned for the Heritage Commons site, however, a final decision has not been made.

Heritage Commons Development Plan

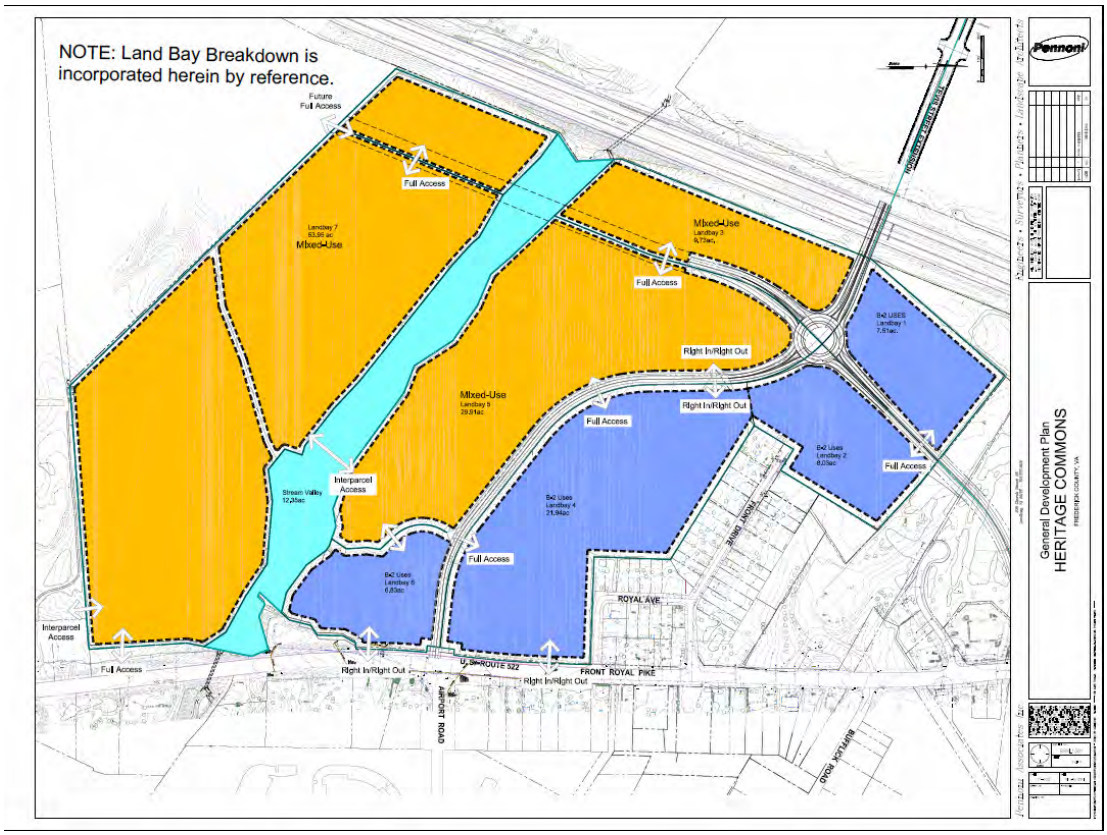
The proposed Generalized Development Plan (GDP) for Heritage Commons is presented below. It shows four commercial land bays with a total of 44± acres. These are located on the north side of the property. Two have frontage along Front Royal Pike and two have frontage on the new bridge that is planned for a I-81 crossing. The new 150,000 square foot County Administration Building could be located in Land Bay IV at the corner of Freedom Plaza and Front Royal Drive. Some changes may be made on land use locations, but the proposed level of development is set.

The County Administration Building is proposed to relocate to Heritage Commons. The relocation is not finalized. However, our research showed a likelihood for the relocation, and a tremendous economic benefit to the County with the building relocation as an "anchor" tenant for Heritage Commons. Thus, our analysis is based on the new County Administration Building being on site. The alternative is an expanded amount of retail space.

The residential area consists of two large and one small land bays with about 94 acres. These land bays are designated for apartment unit development and townhome development, as shown on page 3 above.

The GDP has 12.35 acres set aside for open space as part of an internal site trail system. The open space area includes the attractive Buffalo Lick Run Stream Valley. There are 23.42 acres of road network planned within the 150-acre property, including

the traffic circle that connects Freedom Plaza Boulevard, Warrior Drive and Center Boulevard.



The GDP is prepared in a general format at this time, as the site requires rezoning with Frederick County staff input to the plan. A more detailed development plan will be prepared as the planning process progresses. However, at this time, 1,050 market rate, upscale apartment units are planned and these will likely be built in several phases of 150 units per phase. This, of course, can change based on market trends, but a phased development is likely.

The townhomes are to be priced at approximately $240,000, when reported in constant 2014 dollars. This price excludes any "add-ons" to the base price. These homes will also be built in phases, with an expectation of 30± home sales per year, with the development pace dependent on the expected sales pace.

Site development could start by Spring, 2015 with the development of the access road. The County office building could be started at that time, or prior, pending final approval. The new bridge over I-81 is also expected to be started by early-2015, with completion scheduled for Summer, 2016. Construction timing of the bridge could change.

As noted above, Frederick County officials have selected the Heritage Commons property for the location of a new County administration building, which will be relocated from downtown Winchester.

- The County's current 65,000+ square foot office building at 107 No. Kent Street and other County occupied buildings contain approximately 100,000 square feet. The new building at Heritage Commons will have 150,000 square feet and may include employees of the County's School Board. In total, at least 300 people are expected to work at the building. Project opening is likely in 2015/16. Following is the conceptual rendering for the building with an exterior that is designed to resemble a historic textile mill.

County Office Building Elevation

With the County office building on site, the sponsors of Heritage Commons have committed to construct an adjacent 70,000± square foot office building to house offices

for companies that do business with County government staff. This building is planned to be built at the same time frame as the County office building.

These two buildings will account for 220,000 square feet of the proposed 600,000 square foot office space. The remaining 380,000 square feet will be built over the following 15± years, at a likely rate of 25,000 square feet per year on average, based on market trends, as presented in the paragraphs which follow.

Heritage Commons will also have 100,000± square feet of retail space. At this time, the Heritage Commons sponsor has verbal commitments for at least 30,000 square feet, including:

- A convenience center
- Two restaurants
- Bank
- Child day care center

This total is likely to be expanded to at least 50,000 square feet by project opening. Retail/Commercial space includes a wide range of uses for both residential consumers and area businesses.

Thus, at project opening, Heritage Commons is likely to have:

- 150± apartment units available for lease
- 30± townhomes for sale
- 220,000± square feet of office space built
- 50,000 square feet of retail space within a small center, on pad sites or as ground floor space within office buildings

The remaining portions of the development will be built over time, as described in the market analysis for each land use.

East Tevis Street/Freedom Plaza Bridge. In addition to the new County office building on site, Winchester City officials and Frederick County officials have approved the construction of the East Tevis Street extension through the Glaize Property in

Winchester east and on to the Heritage Commons property via a new bridge over I-81, as shown in the aerial to follow. The road alignment through the Heritage Commons property is also noted. Current plans are for the roadway improvements to be started in early-2015 and be completed in mid- 2016. No timing changes have been announced.

The Glaize Property is a proposed commercial site that will likely be developed with new retail space in time. The original site proposal for the Glaize Property was a project named The Shoppes at Tevis, but this is no longer active. The connection of the bridge to East Tevis Street at Legge Boulevard provides a direct connection to the Apple Blossom Mall area and the adjacent retail centers along Legge Boulevard and Pleasant Valley Road. The bridge connection at Freedom Plaza Boulevard through Heritage Commons extends to the primary site entrance at Front Royal Pike. Center Boulevard is another major arterial through Heritage Commons and could be extended past the site to Front Royal Pike near Patsy Cline Boulevard as part of this project, but that section is not part of the bridge funding.

This will be a major roadway improvement for the Heritage Commons site and is likely to be greatly used in time due to the planned replacement of the I-81 bridge at Exit 313 at the Route 50/522 interchange, as the current bridge requires replacement. This construction project could take 10 years before construction begins.

Alignment of East Tevis Street Extension and New I-81 Overpass

Section I Market Analysis

This section of the report is a summary market analysis in support of the four land uses proposed for Heritage Commons, including apartment unit development, for-sale townhome sales, office space and retail space. The analysis of each land use follows a demographic and economic analysis of the market area of Winchester and Frederick County.

Demographic Analysis

The Census total population count for 2010 for the two jurisdictions of the market area is a combined 104,510. The 2010 market area census is nearly 22,000 above the 2000 count, which is an average net population growth of 2,000 per year. The majority of the market area population, and most of the growth over the past 30± years, has been in the County. The most recent (2013) population estimate for the two jurisdiction market area is 108,540, or 4,000 above the 2010 census count.

The population forecast of 118,800 by 2018 is based on a lower growth rate in the market area compared with the 2000 decade. The growth during the 2010 to 2013 period has been slower due to the past recession and the effects of expected continued modest growth in the new home sales market. This trend is reflected in the American Community Survey (ACS) by the Census, which shows a 2012 population of 107,200 and a 2010 population of 108,540. However, jobs and employment are now increasing and the FBI, in particular, is expected to bring in 1,200 employees to the market area by 2016. While that is not a "hard and fast" date, many of the new employees are likely to move to the market area by 2018. The FBI already has staff in the County.

We used a four-year projection period, as that is likely the maximum period for a comfort level in forecasting for real estate development. The first phase of development at Heritage Commons will occur during this period. Thus, for housing, in particular, current trends are used for the post-2018 time frame.

Additionally, the comparison between at-place jobs and employment is modest in terms of out-commuting. The past higher gas prices have been a deterrent for market area workers to commute to Northern Virginia. This would change. All of these factors were taken into account for our forecast population of 118,800 by 2018.

Table 2: Trends and Projections of Population and Households by Tenure and Income, Heritage Commons, VA Market Area, 1990-2018 (Constant 2013 Dollars)

	1990	2000	2010	2018
Market Area Population	67,670	82,790	104,510	118,800
Winchester City	21,950	23,590	26,200	--
Frederick County	45,720	59,210	78,310	--
Group Quarters Population	1,220	1,570	1,940	2,100
Household Population	66,450	81,220	102,570	116,700
Persons Per Household	2.60	2.53	2.60	2.53
Households	25,550	32,100	39,470	46,130
Percent Renters	32.9%	30.5%	30.2%	30.7%
Renter Households	8,500	9,780	11,940	14,160
Renters Within Income Category 1/	4,220	4,530	5,140	6,070
Percent Within Income Category 1/	49.6%	46.4%	43.1%	42.9%

Note: 1/ Renter households with incomes exceeding $40,000.

Source: 1990, 2000 and 2010 U.S. Department of Commerce, Bureau of the Census; and S. Patz and Associates, Inc.

Half of the market area's Group Quarters population consists of students in on-campus dorms at Shenandoah University. The other part of the Group Quarters population is persons in hospitals, assisted living facilities and institutions. The growth in Group Quarters shown in Table 1 is based on the new dorm rooms expected to be built by Shenandoah University by 2018. The subtraction of Group Quarters population from total population is Household Population, which are the basis for the projection new housing unit demand.

Household Trends. In 2010, the market area had 39,470 households based on the census count. This total is 7,400± more than in 2000. A key point in the growth of households is that the average household size increased considerably during the 2000 decade from 2.53 to 2.60 in 2010. This is the result of persons doubling up during the recession due to job losses and/or salary deductions. It is also the result of persons not

forming their own household due to the overall economy. The increase in the average household size meant that growth in 2010 was below the level normally created by population growth.

For 2018, a reversal of the increase in the average household size is expected to decrease to 2.53, the same rate as in 2000. At this rate, households are expected to increase to 46,130 by 2018, a net growth of nearly 6,700 households.

Renter Households. In 2010, the census count showed that 30.2 percent of all market area households were renters. That percentage would include Shenandoah University students who live off campus. The percentage of renters in the market area declined over the past 20+ years. It has continuously been below the state and national averages. However, based on the data to be presented below on new apartment unit additions to the market area since 2010, and for the post-2013 period, a slight increase in the percentage of renters is expected. The market area is projected to have 30.6 percent renter households by 2018, or 14,110 renters.

Higher-Income Renter Households. We used $40,000 as the minimum household income for renters who can afford the rents at new apartment developments. Those rents are approximately $950 to $1,000 net for a new one-bedroom unit and $1,100 to $1,150 net for a two-bedroom with two full baths. At 30% of income allocated to net rent, a household with an income of $40,000 can afford a net rent of approximately $1,000. That is currently the market for new apartment units.

The 2010 Census did not provide income data. The ACS data are not fully usable related to household income calculation, as they are not consistent with past biannual census counts. Thus, the 2010 estimate for renters with incomes of $40,000, when incomes are reported in 2013 dollars, is based on a calculation of trend data from the 1990 and 2000 census by the staff of SPA.

Our estimates show that the market area has 5,100+ renters in the income category under study in 2010 and that total is expected to expand to 6,070 renters by 2018. The percentage of higher income renters is likely to continue to decline, due to the expected increase in the for-sale home market, but the absolute totals are expanding.

Overall, there has been steady demographic growth in the market area and that trend should continue. There has been a sizable growth in renters during the 2000 decade, with approximately 30 percent of net household growth renter households. These data show a continued need for new rental housing. In the paragraphs below, the rental household data and trends will be compared with past apartment unit development and active proposals to calculate net apartment unit demand over the forecast period.

Owner Households. As of 2010, the market area had 15,000± owner households with incomes, reported in constant 2013 dollars, of $75,000 and above. That is the income range identified as the target market for new home sales in the market area, including the type of for-sale housing proposed at Heritage Commons. By 2018, the number of home owners with incomes of $75,000 and above is expected to increase by 3,500.

Base Economic Trends. At-place jobs in the market area increased in 2010, 2011, 2012 and 2013, after a decline in 2009 during the recession. The 2013 data, not yet published, are likely to show the market area's at-place jobs are at or above the peak year of 2008 and are likely to continue to expand with an improving national economy.

This trend is also true for employment, which differs from at-place jobs and refers to the number of market area residents who are employed. Market area employment is increasing and unemployment is decreasing.

There are a few large developments in the market area that are expected to generate net population, employment and job growth, including:

- **Navy Federal Credit Union** completed construction on a 56,000 square foot Building II of its existing Frederick County campus on Security Drive in August, 2013, where 450 people will be hired by 2018. Since locating to the County in 2006, Navy Federal has grown from 60 to more than 1,000 employees. Most of the new jobs are customer support positions with salaries above $40,000.

- **Dormeo Octaspring**, a mattress manufacturer, opened its 2nd U.S. facility at 259 Brooke Road in the Fort Collier Industrial Park. Twenty people are now employed at the 38,000 square foot facility. The plant allows the company, part of London-based Studio Moderna Group, to produce its foam coils in the United States for the first time.

- **Barrett Machine**, a metal fabrication company, announced in March, 2014 that it would expand its Frederick County facility and hire 27 new employees.

- **M & H Plastics**, a manufacturer of plastic bottles and containers, announced in July, 2014 that it would add 45 new jobs.

- **Evolve Stone**, a manufacturer of natural themed play environments, announced in March, 2013 that it would hire 46 people at its 15,000 square foot facility in the Stonewall Industrial Park. Operations in the new factory began in May, 2013.

- **Creative Urethanes**, manufacturer of castable and reaction injecting molding and stamping, announced in February, 2014 that it would expand its Winchester operation at Westview Business Centre by adding 54 new employees.

- **White House Foods**, an apple products processing company, announced in March, 2014 that it would expand in Winchester by adding 31 new jobs.

- **Joe's Steakhouse** opened a new 11,000 square foot restaurant in Winchester in June, 2014 where it employs about 150 people.

- **Henkel-Harris Co.**, a household furniture manufacturer, announced in April, 2014 that it would hire 18 new employees at its Winchester location.

- **HP Hood** operates a 375,080± square foot milk plant at 160 Hood Way where it employs over 420 people. The company announced in May, 2013 that it would expand the facility to increase ultra-high temperature production capacity, creating 75 new jobs. The Winchester plant first opened in 2001 with 170 employees and has been steadily growing since then. The 75 additional jobs will bring its total employment up to 500 workers. The majority of these new jobs will be operating positions from within the plant and will be permanent hourly positions.

- **Pactiv Corporation**, a manufacturer of corrugated containers, announced in November, 2013 that it would hire 25 new employees.

- **Amherst Medical Office Building**. Construction on this three-story Class B office building began in early-2013 and was completed in mid-2014. This 57,695 square foot building is fully occupied with medical office tenants.

- **McKesson Corp.**, a health care services and information technology company, completed a new distribution center in 2013 that employs 200 people. The company distributes medical and surgical supplies to physician offices, surgery centers, long-term care facilities and home care businesses.

- **The Shenandoah Valley Discovery Museum** opened in a new 20,000 square foot location in mid-2014 at 19 W. Cork Street.

- **Chuck E. Cheese** opened a new location in August, 2013 in Winchester where it employs 50 people.

- **The FBI** is currently planning on building a 256,430± square foot facility in Frederick County, called the Records Management Facility. The facility will consolidate FBI's paper records and also provides storage for National Archives and Records Administration's (NARA) compliant records in an environmentally conditioned, fire-protected space. The proposed facility will include a record management building. This facility was anticipated to open in 2016 and employ as many as 1,200 people, but the timeline has been delayed. Construction could begin in 2017. As always, thee is no certainty with this proposal, but our research shows a strong likelihood that it will occur.

- **The Village at Orchard Ridge**. Plans are ongoing for the second phase of The Village at Orchard Ridge, a continuing care retirement community. The community is currently in pre-sales for its Phase II expansion, which will include additional 80 independent living apartments and 18 cottages, a 15,000 square foot wellness center with an indoor swimming pool, the expansion of the dining areas and an expansion of 10 suites to the skilled nursing neighborhood of Orchard Woods Health Center. Construction on the cottages began in April, 2014, with an expected completion date of spring 2015. Construction on all other buildings will commence in late-2014, and should be completed by the end of 2016.

- **Winchester Marketplace**. This 50,000 square foot retail center, to be located at 1523 S. Pleasant Valley Road, is currently under construction. It is located across South Pleasant Valley Road from Sheetz and beside Kmart. The property would include a 3,450 square foot Roy Rogers restaurant. Up to 180 permanent jobs could be created at the new retail center. The site plan includes a 5,700 square foot commercial pad site located behind the existing Jiffy Lube. Two more buildings are included in the site plans: an L-shaped building with wings measuring 21,000 and 12,000 square feet and another building measuring 8,141 square feet.

- Several small developments are in planning within the Frederick County, primarily in and around the industrial parks. These include a planned 75,000 square foot building expansion by Greenbay Packaging at 285 Park Center Drive and a 29,000 square foot warehouse expansion at 774 Smithfield Avenue.

In total, these new companies and local expansions will add approximately 2,600 new full-time employment, in addition to new construction jobs. These totals will increase on an annual basis.

There have been four major job loss announcements in Winchester-Fredrick County since 2013 that accounted for the loss of 240± jobs. These are detailed below.

- **Rubbermaid** announced in December, 2013 that it would move the headquarters of its Rubbermaid Commercial Products division from Winchester to Huntersville, N.C. The move will relocate 65 jobs in marketing, finance, planning and research and development, but will not affect the 750 employees involved in the factory, warehousing operations and distribution center.

- **Valley Health** announced in January, 2014 that it cut 33 positions as part of the health system's response to national changes in health care. In addition to those 33 job cuts, four employees within the system experienced a reduction in hours and 25 vacant positions were eliminated.

- **Chenega Integrated Systems**, a security service provider, announced in May, 2013 that it would reduce its Winchester employment base by 55 people by July, 2013.

- **Kmart** announced in February, 2014 that it would close its store on South Pleasant Valley Avenue in Winchester, resulting in the loss of 91 jobs.

Apartment Market Analysis

Following is a summary market analysis for new apartment unit development in the market area. For this analysis, we studied the market for 150-200 new units for initial project development at Heritage Commons. The study is for a new modern apartment complex with only one- and two-bedroom units. The forecast date for unit delivery is 2016/17. Current market area net rents (2014 dollars) for new attractive units at an amenitized apartment complex are $950 to $1,000 for a one-bedroom and $1,100+

net for a two-bedroom with two full baths. We also assume an apartment complex with a competitive mix of on-site amenities.

Within these parameters, market support is analyzed for renter households with incomes of $40,000 and above. A $950 net rent will require an income of $38,000 and above, based on 2014 dollars. Thus, to be somewhat conservative, we used $40,000 as the minimum household income for the target market.

The market area demographic analysis was presented in Table 1. The key demographic factor under study for new apartment unit development is the magnitude and growth of renters with incomes of $40,000 and above. Our analysis shows that the market area had approximately 5,100 renter households with incomes of $40,000+ in 2010, at the time of the Census count. By 2018, this total is expected to increase to about 6,100, or a growth of 900+ renters for the 2010 to 2018 period, or 100+ households per year on average.

Competitive Apartment Market. The following table shows a list of existing rental housing units that would be competitive, or somewhat competitive, with new units at Heritage Commons, once built. While most marketplaces throughout Virginia have had an abundance of new apartment unit development since the recession, this is not the case in the Winchester area.

The two newest apartment developments were built in 2005. There has been a considerable number of adaptive reuse buildings opened for apartment units in downtown Winchester, but overall, the Winchester area apartment market is modest with only a few upscale properties.

Summerfield and Stuart Hill are the two newer and better apartment properties in the market area. In studying the Winchester area apartment market, only 40± percent of the identified better rental units are in defined apartment complexes. There are

condos for rent, a sizable number of towns for rent by professional real estate companies, and currently 80± rentals in adaptive reuse buildings in Old Town.

This list does not include rentals by individual owners – we found very few available units on Craig's List – and does not include single-family rentals. Some of the units are rented by university students, but that is a small total of the occupancy shown in Table 3.

There are five key points shown by the data in Table 2 in regard to the magnitude and quality of the Winchester apartment market:

1. For a marketplace with 5,400+ renters (in 2013/14) with incomes of $40,000+, the total competitive apartment unit count is modest, at 1,360±, particularly given the fact that many of the apartment units listed in Table 2 are below the rents proposed for new apartment unit development and will not compete for the $40,000+ income renter;

2. The vacancy rate is near zero for the identified higher rent properties;

3. Most of the new apartment units being placed on the market at this time are one-bedroom units in upper floors of renovated Old Town buildings; (except for the units recently opened at Cedar Hill as noted below);

4. Nearly 60 percent of the apartment units that are listed in Table 2 were built prior to 2000; and

5. Tasker Village, with 64 units, is the only market rent newer apartment complex in Frederick County. Many of the other rental units in the County are at towns and condos for rent.

Table 3 Characteristics of Competitive Apartment Complexes and Other Higher End Rentals, Heritage Commons Market Area, August, 2014

	Date Built	Total Units
Apartment Complexes		
Summerfield	2005	64
Treetops	1995	52
Stuart Hill	2003	180
Tasker Village	2005	64
Pemberton	1998	120
Peppertree	1987/89	194
(Subtotal)		(672)
Other Rentals 1/		
Lakeside Condo	Mid-2000's	50
Tevis St. Apartments	1997	20
Fox Court	2002/03	25
Windstone TH's	2003	75
Limestone TH's	Mid-2000's	20
Old Town Rentals	2006/13	45
Saunders Construction Rentals	NA	120
Oakcrest Realtors	NA	130
Hables Real Estate	NA	210
(Subtotal)		(695)
Total 2/		1,359 2/

Notes: 1/ Totals include rentals that are managed by these companies.
2/ Excludes the recently built Cedar Hill Apartments.

Source: Field and telephone survey by S. Patz & Associates, Inc.

Pipeline Proposals. At this time, there are two active proposals for new apartment unit development in the market area.

1. Jubal Square is a 140-unit apartment proposal that has been approved by City officials for rezoning. Jubal Square is expected to attract Shenandoah University students for at least 40 of the 140 planned units. This proposal will likely be ready for occupancy by sometime in 2016/17. The expected start date is late-2014 or early-2015. The proposal includes 28 three-bedroom units and 20 two-bedroom units with dens. The remainder are one- and two-bedroom units.

2. Old town Properties. City officials have approved the addition of 120 apartment units in adaptive reuse buildings in Old Town. These will open for lease-up over the next year or two.

3. Cedar Hill is a new construction 48-unit apartment building that was opened in 12-unit phases. The first building opened in mid-2013. The second building was available for occupancy by the end of 2013. Both of these buildings are fully occupied. The last two buildings are still under construction, with one planned for completion in November, 2014 and the last expected to open in early-2015. This is a non-amenitized property and likely an attractive property for university students given its location. The units are two- and three-bedroom.

These pipeline proposals are summarized in the chart to follow with an adjustment for apartment units expected to have some units occupied by Shenandoah University students. These active pipeline proposals are all in the City. These data show, if Jubal Square is built as planned, the number of new competitive market area apartment units for families will be increased by 250 units. Twenty-four of the units at Cedar Hill are occupied and no longer pipeline.

Number of Planned Apartment Units (2013-2018)	
Jubal Square	100 1/
Cedar Hill	30 1/
Old Town Properties	120
Total	250 (rounded)
Note: 1/ Adjusted to exclude college student occupancy.	

Within the County, there are two active development proposals with apartment units as plan components. One is Heritage Commons. The other is Madison Village, which is located adjacent to the south side of Heritage Commons. Madison Village is planned for 640 housing units, of which 480 units will be apartment units. It too will likely be built in phases.

Conclusions. Our demand analysis shows market support for 800± new apartment units in the market area for the 2010 to 2018 period, excluding units to be occupied by area college students. This projection could be conservative, given the large number of rental units in investor-owned units and the recent increase and success of new apartment complexes. The chart on the above page shows that 250± units are likely to be built in the near future, with the 48-unit Cedar Hill Apartment currently under

construction with the last two buildings and continued addition of new units in the downtown with 120± units planned in adaptive reuse buildings in Old Town Winchester. Jubal Square is the only planned amenitized apartment property. The net demand for new units by 2018 is 550 units.

Jubal Square will be an attractive apartment property, but will have a large percentage of large two's and three's. In time, a large percentage of these apartment units may be occupied by college students. The photo below shows the type of apartment units to be built at Jubal Square.

Prototype for Jubal Square

Cedar Hill is a small, non-amenitized apartment complex with a mix of two's and three's. These units should be fully occupied by mid-2015.

Cedar Hill

Completed Building

Building Under Construction

The adaptive reuse apartment units in downtown Winchester are attractive, but serve a small, select segment of the rental housing market.

Overall, the existing apartment market in the greater Winchester area is modest. The pipeline units will not change that condition. The Winchester area has an abundance of mature townhomes for rent due to an underserved rental apartment market.

The sponsor of Madison Village has not yet submitted a site plan for review by County staff. This may not happen until mid-Fall, at the earliest. The project engineer reports that the initial part of the development will be for towns, not apartment unit development. This is opposite the development concept for Heritage Commons. Apartment unit development at Madison Village is likely to start by late-2016 at the earliest. The number of units to be built in the first phase is not now known.

Thus, the likely magnitude of new units to be built during the 2014-2018 period is 250±, excluding units designated to students at Shenandoah University. This total is well below the projected demand of 860± units. Under these expected market trends,

sufficient demand exists for new apartment unit development at Heritage Commons for delivery during the 2016 to 2018 period.

Townhomes

Heritage Commons will also have 150 townhomes that will be priced in the $240,000 range, as an average, with upgrades to the base price, and reported in constant 2014 dollars. The chart below shows that there are five active townhome subdivisions in the market area at this time. Excluded is Orchard Hill, which closed out in early-2013 and Brookland Manor, which closed out in 2012. The Towns at Tasker opened in May, 2014. The average base sales price for these homes is $244,000. These prices are in the same price range planned for Heritage Commons.

Table 4: Active Townhome Communities, Winchester-Frederick County, August, 2014

	Year Started	Approved Lots	Built Lots	2014 Average Sales Prices
Autumn Glen	1999	211	199	$290,670
Fieldstone	2004	225	69	$246,600
Snowden Bridge	2007	104	90	$222,890
Sovereign Village	2013	62	4	$244,900
Towns at Tasker	5/14	81	1	$207,000-$238,000
Total/Average		**683**	**363**	$244,000

Source: Frederick County Department of Planning and Development

There are only 300± lots available at these townhouse subdivisions at this time. Except for Sovereign Village and The Towns at Tasker, the other subdivisions were started prior to the recession and are large in terms of units planned.

Construction is ongoing on the first phase of 16 homes at The Townes at Tasker, developed by Dan Ryan Builders and located near the intersection of Tasker Road and Rutherford Lane between Winchester and Stephens City along Schramm Loop. This community will have 81 units at built out. The second phase will include 15 units, the third will include 18 units and the final phase will include 32 units.

Towns at Tasker

The two newest townhome subdivisions are modest in terms of the number of units planned. Clearly, the affects of the recession are still an issue with new home sales, but Sovereign Village opened in 2013 and The Townes at Tasker opened in 2014. New towns are likely to open in Madison Village in 2015 or 2016.

A smaller townhome community is proposed in Winchester City called 1570 Commerce Street. Commerce Street Apartments will consist of 26 three-bedroom townhome units ranging in size between 1,800 and 2,200 square feet. The developer is targeting households earning $60,000 per year. Occupancy could begin as soon as 2015.

Following are photos of townhomes at the other four active subdivisions. Autumn Glen is not included, as it is marketed as age-restricted housing.

Sovereign Village

Fieldstone

Orchard Hill

Snowden Bridge

The sales pace for new townhome sales in the market area was 10± in 2011, 50± in 2012, 60± in 2013 and approximately 20± to date in 2014. If current trends continue, the 2014 total will be near or slightly below the 2013 figure, when reported on an annualized basis. 2012 and 2013 represent start-up years for new home sales after the recent recession. None of the four townhomes built at Sovereign Village have sold yet.

These data show market support for new towns at Heritage Commons in time and the proposed price range for towns at Heritage Commons. New townhome sales are not likely at Heritage Commons during the first one or two phases of development. However, there has been an increase in new home development and this is expected to continue.

Office Space

Heritage Commons is planned for 600,000 square feet of office space. That total includes the proposed 150,000 square foot County office building and a 70,000 square foot building planned for development by the sponsor of Heritage Commons as new space for businesses that need close proximity to County government offices. The County office building will likely not open before 2016. The sponsor's planned building will likely open at the same time. In addition to the 220,000 square feet of office space in

these two buildings, Heritage Commons will have land and approved master plan for 380,000 square feet of additional space.

Excluding some of the older office buildings in the historic downtown of Winchester, and elsewhere in the region, and the buildings occupied by City agencies, the market area has approximately 1.4 million square feet of newer office space, with "newer" defined as space built since 1988. This total also excludes the existing 65,300 square foot County office building.

The following paragraphs summarize the findings of our research on the market area office space:

- Of the 1.4± million square feet of office space in the market area, 457,700± square feet (33±%) is medical office space. These buildings are clustered near the hospital on Amherst Street and along Jubal Early Drive. Both are locations in the City of Winchester. The Heritage Commons site is not likely to be a competitive location for medical office space.

- The only recent office construction is the Amherst Medical Office Building, which was completed in mid-2014 with 57,695 square feet of office space. The building includes 8 condo suites that have all sold as condominium sales. Most of the suites were sold to medical tenants.

- The medical office space is at a near 100% occupancy rate.

- Excluding the large government buildings, such as FEMA and USACE, the market area has 650,000± square feet of newer space. These are building buildings of mostly 10,000 to 50,000 square feet.

- For the 2000 to 2009 period, 12 non-medial related, general purpose office buildings were built with a total of 280,000 square feet. For the 2000 decade, the average annual building pace for general purpose office space was 28,000 square feet per year. This space has a 10± percent vacancy rate.

- The 501-519 Jubal Early Drive building with 39,500 square feet is the newest non-medical office building in the market area. The building was started during the recession and completed in 2012. It was purchased by a tenant who will occupy the majority of the building.

- The office space market in the market area "stopped" during the post-2008 recession period.

- Along Airport Road are several "flex" office buildings with a mix of office and industrial space. These buildings include 120,000 square feet of space, plus the 110,000 square foot Navy Federal Credit Union.

Overall, the general purpose office space market is somewhat stagnant with only the 39,000± square foot building on Jubal Early Drive built since 2009. The vacancy rate is high. However, there are three positive issues to reemphasize:

1. The Federal Government is increasing its "presence" in the area and expanding the amount of office space that it requires. In 2012, FEMA opened a 111,000 square foot building for 570 employees;

2. Over half of the general office space in the market area is mature; and

3. The County's mature market area flex space represents an expansion market for new office space.

The Heritage Commons site is well located for office space development, particularly with the new County office building on site. Thus, Heritage Commons will likely be competitive for new office space after the new County office building is open. At best, Heritage Commons will likely attract 25,000 square feet of office space per year, with expected additional County space and possibly a large federal government space. This pace of development would require 15± year for full build out of the "available" sites for 380,000 square feet of office space over and above the 220,000 committed square feet.

Retail Space

Heritage Commons will have approximately 100,000 square feet of retail/commercial space. This will be primarily restaurant space, personnel service space and non-retail space such as banks, child day care center, business service space, coffee shops, computer store, etc. Only half of the space is expected to be classified as retail space for resident expenditure potential. As shown above, the sponsor already has

discussions with businesses that would occupy 30,000 square feet, of which 20,000 square feet will compete for expenditure potential for consumer goods.

At build out, Heritage Commons will have 1,200 homes occupied by households with an average income (2014 dollars) of $65,000. These households have a combined household income of $78 million. Households in this income category will spend 15 percent of their income for: (1) food consumed away from home; (2) some food for home preparation; (3) miscellaneous purchases; (4) personal services; etc. That total is $11.7 million, of which 20 percent can be "captured" by on-site retailers, if retail space is available, or about $2.34 million.

On-Site Residential Retail Sales Analysis at Buildout (2014 dollars)	
	Number
On-Site Households	1,200
Average Household Income	$65,000
Total Household Income	$78,000,000
Convenience Purchases (at 15%)	$11,700,000
On-Site Capture (20%)	$2,340,000

There will be 2,000 on-site employees at the 600,000 square feet of on-site office space, if built, and 5,000± employees in area businesses. These employees will likely spend an average of $10 per day for 260 work days for lunch and other local purchases, for a total of $18.2 million. If attractive retail stores are available on site at Heritage Commons, 20 percent of this expenditure potential, or $3.6 million can be captured by on-site retail stores.

On-Site and Area Employee Retail Lunch Time Expenditure Potential (2014 dollars)	
	Number
On-Site and Area Employees	7,000
Lunchtime Daily Expenditure Potential (260 days)	$10.00
Annual Lunchtime Expenditure Potential	$18,200,000
Heritage Commons Retail Store Capture (at 20%)	$3,600,000

These two sources of retail sales expenditure, plus a 20% inflow sales from other area households, will generate total retail sales potential for on-site retailers of $7.13 million. At an average sales per square foot of $400, this annual sales potential will support nearly 30,000 square feet of retail space.

Thus, to support 100,000 square feet of commercial space on Heritage Commons, the majority of the space needs to be service and business related. This could be feasible with quality office tenants on site.

Market Study Conclusion

The projection of real estate development over a 15+ year period is speculative, at best. However, there are sufficient data to provide a comfort level that full market support exists for the Heritage Commons proposal, as presented, with the following qualifications:

- Even with increased competition, the apartment unit and townhome unit totals of 1,200 homes are marketable within a 15-year development period at Heritage Commons, an average occupancy of 80 homes per year. The market area population growth supports new housing unit demand, and current and pipeline competition is modest and not fully competitive for the market.

- To achieve 600,000 square feet of office space, in or beyond the 15± year development period, will require attracting one or more sizable users. The site setting and new bridge over I-81 should allow for that. However, reaching the 600,000 square foot total will require a strong marketing effort.

- To achieve 100,000 square feet of retail space, given the nearby competition, at least one sizable tenant of 15,000+ square feet will be required. This is likely.

We used the proposed land use totals for the FIA to follow. The results of the FIA are positive for the current development plan. Of special note is that the County office building is one key for project success for the commercial uses. The building will attract other office uses to the County and represents an important project component

for the large positive economic impact that Heritage Commons will generate for Frederick County.

Section II Fiscal and Economic Impacts Analysis

The fiscal and economic impacts analysis to follow is presented in two ways: first, those impacts which occur directly from activities on-site at Heritage Commons; and, second, those impacts which occur off-site due to multiplier or spin-off effects of resident and business expenditures in the County. The off-site impacts will be explained further on in this report; the present section deals with the on-site impacts. The on-site impacts include taxes generated by the development that will accrue to the County, such as the real property and personal property taxes for the development and its residents and businesses.

The fiscal impacts analysis also projects the public service and facility costs to be incurred by Frederick County by development on-site and for off-site spin-off effects. The results of the fiscal impacts analysis will be to compare the tax revenues generated by property development with the tax-supported costs incurred by the County to determine the net fiscal impacts in terms of a revenue surplus or deficit over costs. This is done for both on-site and off-site impacts. Total annual impacts for the property at buildout of the project will be projected at the outset, to be followed by impacts by five-year phases over the 15-year course of development of the site. Results are given in constant year 2014 dollars, rounded to the nearest ten dollars.

Summary of Fiscal Impacts

This section of the report for Heritage Commons will detail the economic and fiscal impacts of the planned Heritage Commons development as described above over as 15-year development period, with the recognition that the off-site impacts may lag somewhat behind development and on-site impacts as the market responds to changes in demand for goods and services. Table 6 presents a summary of the fiscal impacts that will be derived in this section of the report. It shows the sources of net fiscal benefits, being the difference between tax revenues generated and tax-supported costs incurred by the County to serve Heritage Commons. These are annual impacts, expressed in constant 2014 dollars, to avoid projecting inflation rates. The overall yearly impact of

Heritage Commons after buildout and full response by the local economy would be $3.2 million in net revenue surplus for Frederick County. The paragraphs to follow present the derivations of these figures.

Table 6. Summary of Tax Revenues, Tax-supported Costs, and Net Fiscal Benefits, On-site and Off-site, by Development Components at Buildout, Heritage Commons, Frederick County, Virginia (constant $2014)

Development Component	Tax Revenue	Tax-supported Costs	Net Fiscal Benefit
Apartments			
On-site Impacts	$1,537,250	$1,778,000	-$240,750
Off-site Impacts	$453,980	$146,590	$307,390
Total Impact	$1,991,230	$1,924,590	$66,640
Townhouses			
On-site Impacts	$351,460	$446,770	-$95,310
Off-site Impacts	$138,590	$41,090	$97,500
Total Impact	$490,050	$487,860	$2,190
Commercial Floor Space			
On-site Impacts	$612,030	$73,980	$538,050
Off-site Impacts	$515,440	$146,590	$368,850
Total Impact	$1,127,470	$220,570	$906,900
Office Floor Space			
On-site Impacts	$1,336,010	$554,850	$811,160
Off-site Impacts	$1,877,450	$490,730	$1,386,720
Total Impact	$3,243,460	$1,045,580	$2,197,880
Total Heritage Commons			
On-site Impacts	$3,866,750	$2,853,600	$1,013,150
Off-site Impacts	$2,985,460	$825,000	$2,160,460
Total Impact	$6,852,210	$3,678,600	$3,173,610

Sources: FY2015 Adopted Budget of Frederick County, Virginia; U.S. Department of Commerce; and S. Patz & Associates, Inc.

On-site Impacts: Tax Revenues

The revenues to be considered in this report are taxes collected by Frederick County for General Fund use. These include the property taxes, utility tax, and other smaller taxes. The paragraphs to follow document the derivation of the tax amounts for the on-site development at the property.

Real Property Tax. For convenience, the real property (or real estate) tax is treated, first, for the residential development on-site, and then for the non-residential development on-site. This separation is done to simplify the presentation. Total taxes for residential and non-residential will then be combined to give total on-site taxes. Table 7 presents the findings for the real property tax for the residential units to be built at Heritage Commons, which include both rental apartments and for-sale townhouses. The table is straightforward: numbers of units are multiplied by average market value per unit, and the result is taxes at the County tax rate of $0.585 per $100 of value. Market values per unit were confirmed by field research on competitive projects. The total tax from residential units at the property would be almost $917,000 at buildout.

Table 7. Derivation of Real Property Tax for Residential Units On-site at Heritage Commons, at Buildout, Frederick County, Virginia (constant $2014)

	Apartments	Townhouses	Subtotal
Cost Per Unit	$115,000	$240,000	$130,630
Number of Units	1,050	150	1,200
Total Market Value	$120,750,000	$36,000,000	$156,750,000
Real Estate Tax Per $100	$0.585	$0.585	$0.585
Total Real Estate Tax	$706,390	$210,600	$916,990
Tax Per Unit	$673	$1,404	$764

Sources: FY 2015 Adopted Budget for Frederick County, Virginia, and S. Patz & Assoc., Inc.

Market value for the non-residential (commercial and office) uses on site are based on developer hard costs, plus soft costs, land costs and site work. The commercial space includes both retail and services space. For the office space, only the taxable amount is included, which is 450,000 square feet out of the total of 600,000 square feet to be built on site. The remaining 150,000 square feet will be in public use and will be non-taxable. The methodology follows that for the commercial uses, with unit costs multiplied by number of square feet, and the resulting value multiplied by the real property tax rate. Together, the non-residential uses would produce almost $555,000 in taxes per year.

Table 8. Derivation of Real Property Tax for Non-residential Units On-site at Heritage Commons at Buildout (constant $2014)

	Commercial	Office	Subtotal
Cost Per Square foot	$122.00	$183.50	$172.32
Number of Square Feet	100,000	450,000	550,000
Total Market Value	$12,200,000	$82,575,000	$94,775,000
Real Estate Tax Per $100	$0.585	$0.585	$0.585
Total Real Estate Tax	$71,370	$483,060	$554,430
Tax Per Square Foot	$0.71	$1.07	$1.01

Sources: FY 2015 Adopted Budget for Frederick County, Virginia, and S. Patz & Assoc., Inc.

The chart below summarizes real property taxes at the property for all residential and non-residential uses. The total real property taxes from on-site development equals approximately $1.5 million at buildout.

	Residential	Non-residential	Total
Total Market Value	$156,750,000	$94,775,000	$251,525,000
Real Estate Tax Per $100	$0.585	$0.585	$0.585
Total Real Estate Tax	$916,990	$554,430	$1,471,420

Personal Property Taxes. Both residents and businesses are assessed personal (business) property taxes. For residents, this is a tax on motor vehicles; for businesses it is a tax on furniture, fixtures, and equipment (FF&E). To address residential personal property taxes, the first step is to estimate the average depreciated value per vehicle in the County. The sequence of calculation to achieve this are shown in Table 9 and summarized as follows:

- The FY 2015 Adopted Budget for Frederick County gives an allocation of $44.1 million for expected personal property taxes.
- Based on the percent of real estate assessments that are residential – 69 percent – it is estimated that residential personal property taxes are $30 million.
- Dividing the total residential personal property tax by the tax rate produces the total assessed value of vehicles in the County, $626 million.
- According to the statistics section of the current budget, there are over 31,000 households (occupied housing units) in the County, each having an average of 2.3 vehicles, for a County total of almost 72,000 vehicles.
- Dividing the number of vehicles into the total assessed value of vehicles gives an average assessed value per vehicle of $8,700.

Table 9. Estimation of the Average Depreciated Value of Residential Vehicles, Frederick County, Virginia (constant $2014)

	Amount
Personal Property Tax	$44,070,226
Percent Residential	0.69
Residential Prop. Tax	$30,408,456
Residential Depreciated Value	$625,688,394
Number of Households	31,345
Ave Vehicles Per Household	2.3
Number of Vehicles	72,094
Depreciated Value per Vehicle	$8,679

Sources: FY 2015 Adopted Budget and Statistical Section for Frederick County, Virginia, and Frederick County Department of Revenue

Table 10 applies the average assessed value per vehicle and the personal tax rate in the County to the numbers of apartments and townhouses to be built at Heritage Commons. This yields a personal property tax of $673,000 for the apartments and $114,000 for the townhouses, for a residential total of over $787,000. In the analysis, an occupancy rate of 95 percent is assumed to account for normal vacancy and turnover. This is a conservative figure, as actual occupancies may be higher.

Table 10. Personal Property Taxes For Residential Uses at Heritage Commons at Buildout (constant $2014)

	Apartments	Townhouses	Subtotal
Number of Households @95%	998	143	1,140
Vehicles Per Household	1.60	1.90	1.64
Number of Vehicles	1,596	271	1,867
Value Per Vehicle	$8,679	$8,679	$8,679
Total Depreciated Value	$13,851,290	$2,349,770	$16,201,060
Tax @ $4.86/$100	$673,170	$114,200	$787,370
Tax Per Unit	$641	$761	$691

Sources: S. Patz & Associates, Inc.

For non-residential floor space, an average and total FF&E cost is shown in Table 11. This is depreciated to an average of 40 percent. Multiplying by the tax rate yields the projected business property tax for the proposed development, a total of $204,000 for the non-residential properties.

Table 11 Personal Property Taxes For Non-residential Uses at Heritage Commons, at Buildout (constant $2014)

	Commercial	Office	Subtotal
Total Floor Space (Sq. Ft.)	100,000	450,000	550,000
FF&E/Square Foot	$15	$20	$19
Total FF&E	$1,500,000	$9,000,000	$10,500,000
Depreciated to 40%	$600,000	$3,600,000	$4,200,000
Tax @ $4.86/$100	$29,160	$174,960	$204,120
Tax Per Square Foot	$0.29	$0.39	$0.37

Sources: S. Patz & Assoc., Inc.

In the chart below, the on-site residential and non-residential personal property taxes at Heritage Commons are added to give $1.0 million in annual taxes after buildout.

	Residential	Non-residential	Total
Total Depreciated Taxable Value	$16,201,060	$4,200,000	$20,401,060
Tax at $4.86 Per $100	$787,370	$204,120	$991,490
Tax Per Unit/Square Foot	$691	$0.37	

Retail Sales Tax. Of the 100,000 square feet of commercial space, at Heritage Commons, it is estimated that 80 percent will be in convenience retail or restaurant space, both subject to the retail sales tax. The remaining 20 percent would be comprised of non-taxable personal and business services. This is a "best guess" estimate at this time as the list of expected retail tenants is not yet known. However, for the fiscal impacts analysis, it is a small tax and any changes will not greatly affect the overall net tax revenue analysis.

With average annual store sales of $400 per square foot (an estimate that may change over time depending on the retail/service space mix), sales receipts for the retail and restaurant space would come to $32 million annually. This sales level represents an average for small retailers and restaurants. There is a wide variation of sales at retail spaces depending upon the type of store and whether the store is a company store or is individually owned. The estimate of $400 per square foot in sales comes from area retail brokers and developers of retail space.

These are modest levels of business receipts. Retail stores at Heritage Commons will not have an anchor tenant such as a big box store or supermarket, so sales may be lower compared with larger retail centers. Taxable sales from on-site retail stores would yield $320,000 at 1.0 percent tax rate, based on a rate of sales of $400 per square foot.

Table 12. Retail Sales Tax for the Commercial Space at Heritage Commons at Buildout (constant $2014)

	Amount
Commercial Floor Space	100,000
Percent Retail/Restaurant	0.80
Retail/Restaurant Sq. Feet	80,000
Sales Per Square Foot	$400
Total Taxable Sales	$32,000,000
Sales Tax Rate	0.01
Total Sales Tax	$320,000
Sales Tax Per Gross SF	$3.20

Source: S/ Patz & Assoc., Inc.

Business License Taxes. Certain businesses are taxed in the County under the Business, Professional, and Occupational License (BPOL) tax. The two cases in effect here are taxes on retail sales and professional services, which include all private office space. The commercial space is limited to retail space, and the office space excludes government space. In Table 13, the respective BPOL tax rates are applied to the taxable receipts in commercial and private office space, yielding a total of $716,500 in BPOL taxes annually.

Table 13. Business, Professional, and Occupational (BPOL) Tax at the Non-residential Uses at Heritage Commons at Buildout (constant $2014)

	Commercial	Office	Total
Taxable Floor Space	80,000	450,000	530,000
Receipts Per Square Foot	$400	$250	
Total Receipts	$32,000,000	$112,500,000	$144,500,000
Tax Rate Per $100	$0.20	$0.58	
BPOL Tax	$64,000	$652,500	$716,500
Tax Per Gross Square Foot	$0.64	$1.45	$1.45

Source: S. Patz & Assoc., Inc.

Consumer Utility Taxes. Expenditures on utilities are typically taxed in Virginia municipalities on at least three of the following utilities: electric, gas, water, land line, cell phone, and internet. For households most utility taxes are approximately $3.00 per month per utility; for three utilities this is $108 per household per year. For the approximately 1,000 households in apartments, this comes to a tax of $107,730, and for the approximately 140 households in townhouses this tax comes to $15,390, for a total in residential units of $123,120.

Non-residential utility taxes are determined by backing residential utility taxes out of the total County FY 2015 budget for utilities of $4.25 million. This is done in Table 14, resulting in an estimate of $32 in utility taxes per employee per year. With an estimated 200 employees in commercial space, the utility tax for that space would come to $6,480. Similarly, with 1,500 employees in private office space, the utility taxes in offices would come to $48,610, for total non-residential utility taxes of $55,090.

Table 14. Utility Taxes Per Employee, Frederick County, Virginia (constant $2014)

	Amount
County Utility Taxes FY 2015	$4,250,000
Number of Households	31,345
Utility Taxes Per Household	$108
Residential Utility Taxes	$3,385,297
Non-Residential Utility Taxes	$864,703
Employment	26,684
Taxes Per Employee	$32

Sources: FY 2015 Adopted Budget and Statistical Section for Frederick County, Virginia

Total residential and non-residential utility taxes would total $178,210 annually after buildout in constant year 2014 dollars.

Meals Tax. Of the 100,000 square feet of commercial space at the site, up to 80,000 square feet could be convenience retail or restaurants, the latter comprising 10,000 square approximately. Restaurants are fairly receipts intensive, here assumed at $300 per square foot, for sales (receipts) of $3.0 million. Tax on $3.0 million of sales at four percent gives an amount of $120,000, as Table 15 shows.

Table 15. Meal Taxes at Heritage Commons at Buildout (constant $2014)	
	Amount
Restaurant Floor Space Sq. Feet	10,000
Sales Per Square Foot	$300
Total Sales	$3,000,000
Tax at 4.0%	$120,000
Tax Per Gross SF	$1.20
Sources: S. Patz & Assoc., Inc.	

Motor Vehicle Licenses. The analysis for personal property taxes estimated 1,596 vehicles at the apartments, and 271 at the townhouses. The license fee is $25 per vehicle, giving total fees of $39,900 at the apartments and $6,770 at the townhouses. Total fees would be $46,670.

Recordation Tax. Real estate ownership transfers are taxes at the state level at the rate of $0.25 per $100 of value. One third of this is returned to the municipality, a rate of $.0833 per $100. Assuming that townhouse units are registered for recordation three times in 20 years – initial recordation plus resales every 10 years – and apartments and non-residential are recorded twice in 20 years, the following annual average recordation taxes would accrue (see Table 16).

Table 16. Annual Average Recordation Tax at Heritage Commons, at Buildout (constant $2014)

	Taxable Value	Total 20-YearTax	Annual Ave. Tax.
Apartments	$241,500,000	$201,250	$10,060
Townhouses	$108,000,000	$90,000	$4,500
Residential	$349,500,000	$291,250	$14,560
Commercial	$24,400,000	$20,330	$1,020
Office	$165,150,000	$137,630	$6,880
Non-residential	$189,550,000	$157,960	$7,900
Total Recordation Tax	$539,050,000	$449,210	$22,460

Source: S. Patz & Assoc., Inc.

Summary of On-site Tax Revenues. Table 17 summarizes the taxes by type for residential uses at the site, and Table 18 presents those taxes for non-residential uses. Both tables are for project buildout. Residential taxes total $1.9 million and non-residential taxes total $2.0 million. As Table 16 shows, the total tax revenue to accrue to Frederick County at buildout of the site would come to $3.9 million annually, in constant year 2014 dollars. Among the residential taxes, the major source is the apartments, as they comprise many more units than do the townhouses.

Table 17. Summary of Taxes Residential Uses at Heritage Commons, at Buildout, Frederick County, Virginia (constant $2014)

	Apartments	Townhouses	Residential
Real Estate Tax	$706,390	$210,600	$916,990
Personal Property Tax	$673,170	$114,200	$787,370
Retail Sales Tax	$0	$0	$0
BPOL Tax	$0	$0	$0
Consumer Utility Tax	$107,730	$15,390	$123,120
Meals Tax	$0	$0	$0
Motor Vehicle Lic. Fee	$39,900	$6,770	$46,670
Recordation Tax	$10,060	$4,500	$14,560
Total Annual Taxes	$1,537,250	$351,460	$1,888,710
Taxes Per Unit	$1,464	$2,343	$1,574

Sources: S. Patz & Assoc., Inc.

Commercial space, being much less than office space, contributes a much smaller portion of the non-residential tax revenue, just over 30 percent. The total non-residential tax of $2.0 million averages $3.60 per square foot in taxes.

Table 18. Summary of Taxes Non-residential Uses at Heritage Commons, at Buildout, Frederick County, Virginia (constant $2014)

	Commercial	Office	Non-resid.
Real Estate Tax	$71,370	$483,060	$554,430
Personal Property Tax	$29,160	$174,960	$204,120
Retail Sales Tax	$320,000	$0	$320,000
BPOL Tax	$64,000	$652,500	$716,500
Consumer Utility Tax	$6,480	$48,610	$55,090
Meals Tax	$120,000	$0	$120,000
Motor Vehicle Lic. Fee	$0	$0	$0
Recordation Tax	$1,020	$6,880	$7,900
Total Annual Taxes	$612,030	$1,366,010	$1,978,040
Taxes Per Sq. Foot	$6.12	$3.04	$3.60

Sources: S. Patz & Assoc., Inc.

Among all taxes from the site, the two predominant ones are the two property taxes, with approximately $2.5 million in tax receipts for the County. This means that the property taxes account for almost 64 percent of total taxes. The BPOL tax is third in size, at $0.7 million, or 20 percent of the total. This tax derives primarily from the office space.

Table 19. Summary of Taxes From Residential and Non-residential Uses at Heritage Commons, at Buildout (constant $2014)

	Residential	Non-Resid.	Total Amount
Real Estate Tax	$916,990	$554,430	$1,471,420
Personal Property Tax	$1,150,590	$247,860	$991,490
Retail Sales Tax	$0	$320,000	$320,000
BPOL Tax	$0	$716,500	$716,500
Consumer Utility Tax	$123,120	$55,090	$178,210
Meals Tax	$0	$120,000	$120,000
Motor Vehicle Lic. Fee	$46,670	$0	$46,670
Recordation Tax	$14,560	$7,900	$22,460
Total Annual Taxes	$2,251,930	$2,021,780	$3,866,750

Sources: S. Patz & Assoc., Inc.

Costs to the County

The previous section derived the major tax revenues that would accrue to Frederick County from the on-site development at Heritage Commons, as planned. The fiscal impacts analysis compares revenues with costs. In this case, since taxes are deposited in the County's General Fund, those revenues for the site are compared with the tax-supported costs that the County would incur in serving the residents and businesses at the site. Other sources of revenue and costs are excluded, since they accrue to separate funds in which expenditures generally equal revenues.

The source for the tax-supported costs the County would incur for service to the residences and businesses at Heritage Commons is the County's FY 2015 Adopted Budget. In the succeeding paragraphs the budget is presented both in terms of budgeted revenues and budgeted expenses. The tax-supported portion of the budgeted expenditures is derived and expressed on a per capita basis – for population (representing residents), employment (representing businesses), and pupils

(representing costs of public education. The per capita costs to the County will be applied to the population, employment and pupils at the site to determine the overall costs to the County from the development of the site.

County Budget Revenues. The purpose of presenting a summary of County revenues in the chart below is to show what portion is from local taxes. This proportion represents the "tax burden" for the budget, representing the amount of the County's local revenues that County residents and businesses must make up in taxes. The chart shows that of $129.5 million in revenue from local sources in the FY2015 budget, fully 95.5 percent must come from local taxes.

General Fund Revenues	FY2015
General Property Taxes	$93,490,226
Other Local Taxes	$30,213,611
Subtotal Local Taxes	$123,703,837
Local Non-tax Revenue	$5,837,265
Total Local Revenue	$129,541,102
Percent Local Taxes	95.49%

County Budget Expenditures. Table 20 summaries FY2015 budgeted General Fund expenditures by major function for Frederick County and the portion that is to be funded from local sources. (A detailed table of expenditures is presented in Appendix Table A-1.) These data will be applied below to determine per capita costs of County services and facilities that must be supported by local taxes based on the ratio derived above that 95.5 percent of local funding for the General Fund must come from local taxes. The total General Fund budget for FY2015 is $142 million, of which $130 million must come from local sources. This is over 90 percent. Other sources are transfers from the State and Federal governments.

Table 20. Summary of Budgeted General Fund Expenditures and the Amount to come from Local Funds, Frederick County, Virginia, FY2015

General Fund Functional Areas Expenditure Budget	FY2015 Adopted	FY2015 Local Funds
General Gov't Administration	$8,834,088	$8,037,938
Judicial Administration	$2,273,085	$1,198,643
Public Safety	$28,411,307	$24,551,146
Public Works	$4,172,249	$3,312,968
Health and Welfare	$6,910,546	$3,490,604
Community College	$56,000	$56,000
Parks, Recreation & Culture	$5,530,713	$3,227,880
Community Development	$1,924,902	$1,514,744
County Debt Service	$2,561,645	$2,561,645
Other Departmental ex. Schools	$1,739,136	$1,739,136
Subtotal	$62,413,671	$49,690,704
Transfer to School Operating Fund	$65,347,740	$65,347,740
Transfer to School Debt Service	$14,626,151	$14,626,151
Subtotal Schools	$79,973,891	$79,973,891
Total General Fund	$142,387,562	$129,664,595

Source: Adopted FY2015 Annual Budget for Frederick County, Virginia

Per Capita County Costs. In Table 21 budgeted General Fund expenditures funded from local sources for FY2015 are allocated to population, employment, and public school pupils, and the local tax share is calculated. One hundred percent of the General Fund transfer to the School Fund is tax supported, meaning that General Fund tax-supported costs per pupil are $5,845 based on recent enrollment of 13,066 pupils in the County school system. Non-school expenditures are allocated by department to the two other classes of users, population and employment. For most functional non-school departments, total FY2015 expenditures are allocated to the users in proportion to their numbers, 76 percent population and 24 percent employment. The exceptions are health and welfare, community college, and parks, recreation and culture, which are allocated in their entirety to population. The table shows that the per capita tax-supported cost of

services and facilities for the population average $447 per capita; for employees, the amount is $370 per capita.

Table 21. General Fund Expenditures for Population, Employment, and Public School Pupils, Frederick County, Virginia, FY2015

General Fund Functional Areas Expenditure Budget	Population Share	Employment Share	Local Funding
	0.759154459	0.240845541	
General Gov't Administration	$6,102,036	$1,935,902	$8,037,938
Judicial Administration	$909,955	$288,688	$1,198,643
Public Safety	$18,638,112	$5,913,034	$24,551,146
Public Works	$2,515,054	$797,914	$3,312,968
Health and Welfare	$3,490,604	$0	$3,490,604
Community College	$56,000	$0	$56,000
Parks, Recreation & Culture	$3,227,880	$0	$3,227,880
Community Development	$1,149,925	$364,819	$1,514,744
County Debt Service	$1,944,684	$616,961	$2,561,645
Other Departmental ex. Schools	$1,320,273	$418,863	$1,739,136
Subtotal	$39,354,524	$10,336,180	$49,690,704
Percent Taxes	$1	$1	$1
Subtotal Taxes	$37,581,166	$9,870,421	$47,451,586
Number of Persons	84,109	26,684	110,793
Tax-expenditures Per Capita	$447	$370	$428
Transfer to School Oper. Fund	$65,347,740	$0	$65,347,740
Transfer to School Debt Serv.	$14,626,151	$0	$14,626,151
Subtotal Schools	$79,973,891	$0	$79,973,891
Subtotal School Taxes	$76,370,179	$0	$76,370,179
FY2015 Pupil Enrollment	13,066	0	13,066
School Tax-cost Per Pupil	$5,845	$0	$5,845
Total General Fund Expenditures	$119,328,415	$10,336,180	$129,664,595

Source: Adopted FY2015 Annual Budget for Frederick County, Virginia and Statistical Section.

On-site Costs to the County. Per capita costs for the County are multiplied by population, employees and pupils at Heritage Commons to estimate the tax-supported costs that Frederick County will incur in serving the Heritage Commons development at buildout. The following paragraphs derive the estimated costs to the County from the

development, first population, next pupils, and finally employment. Data in Table 19 show the number of households at 95 percent of all residential units, which it has been shown is conservative. At $447 per capita, the apartments entail County population tax-supported costs of $758,000 annually, in constant year 2014 dollars. By comparison, the townhouses entail $172,000 in population costs.

Table 22. General Fund Costs for Frederick County Allocated to Residents at Heritage Commons,(constant $2014)

	Apartments	Townhouses	Total
No. of Households	998	143	1,140
Population/Household	1.7	2.7	1.83
Total Population	1,696	385	2,081
Cost Per Capita	$447	$447	$447
Population Costs	$757,690	$171,910	$929,600
Costs Per Unit	$722	$1,146	

Sources: FY 2015 Adopted General Fund Budget and Statistical Section, Frederick County, Virginia, and S. Patz & Assoc., Inc.

School costs have the greatest cost impact from the site on the County. The key to school costs is the pupil generation rate, that is, the number of public school pupils that can be expected, on average, from each housing unit. The pupil generation rate for apartments is based on our research of the area's two better and most comparable apartments. Both happen to be in Winchester; there is only one non-subsidized apartment complex in the County, and it is not of the quality that will be developed at the Heritage Commons site. There are few decent apartment comparables to evaluate student generation rates for the study of Heritage Commons, as most area apartment communities are at lower rents. Pepper Tree and Stuart Hill are the two best examples of comparables to Heritage Commons where data were available. Pupil generation rates for those two apartments are shown in the chart below.

Apartments	Pupils	Units	Rate
Pepper Tree	20	194	0.103
Stuart Hill	9	180	0.050
Total	29	374	0.078

To be more conservative, a pupil generation rate of 0.175 pupils per apartment unit is assumed. For townhouses, the rate for better properties is 0.3 pupils per unit. For the townhouses, a similar approach had been taken, in the survey of existing new, active comparable townhouse developments to assess their pupil generation rates. There were more comparables for the townhome market. Overall, these are 0.33 pupils per townhouse, as follows (these data are from the Frederick County School District).

Townhouses	Pupils	Units	Rate
Brookland Manor	20	68	0.294
Snowden Bridge	20	44	0.455
Fieldstone	8	34	0.235
Total	48	146	0.329

There is considerable discussion on the per pupil ratio to use for Heritage Commons and other like properties. The two apartment buildings shown in the chart above would "suggest" a 0.1± rate of pupil per apartment unit. Higher rent apartment properties generate lower rates of students than lower rent properties. We used the ratio of 0.175 to be conservative, which is almost double the rate shown in the chart. Using this higher rate reduces net tax revenue by $440,000 annually at project built-out.

We believe that the 0.175 ratio for pupils per apartment unit is a current and conservative number based on our research for this study and others. Apartment units at Heritage Commons will be in a suburban setting. Within the Winchester marketplace, only the more modest rent apartment properties generate a sizable number of school children. The rate used for the apartment units at Heritage Commons is one-half the rate used for the townhomes. This is an appropriate ratio.

At $5,845 in General Fund taxes per pupil using the above ratios, the 222 pupils expected at the on-site housing would generate $1.3 million in tax-supported school costs for the County, $1.0 million from the apartments and $0.3 million for the townhouses.

Table 23. Costs to Support Public School Pupils at Heritage Commons by Housing Type (constant $2014)

	Apartments	Townhouses	Total
No. of Households	998	143	1,140
Pupils Per H'Hold	0.175	0.330	0.194
No. of Pupils	175	47	222
Cost Per Pupil	$5,845	$5,845	$5,845
School Costs	$1,020,310	$274,860	$1,295,170
Cost Per Unit	$972	$1,832	$1,079

Sources: FY 2015 Adopted General Fund Budget and Statistical Section, Frederick County, Virginia, Frederick County School District, and S. Patz & Assoc., Inc.

The following chart summarizes the costs to the County from the residential development proposed for the site:

	Apartments	Townhouses	Total
Population Costs	$757,690	$171,910	$929,600
School Costs	$1,020,310	$274,860	$1,295,170
Total Costs	$1,778,000	$446,770	$2,224,770

Costs from the businesses at Heritage Commons come from the number of employees at the establishments. Costs are relatively small from the commercial space since it is of limited extent, at $74,000 annually. Costs attributed to employees in office space would come to $555,000 for 1,500 employees.

Table 24. Costs for to Support Employees at Heritage Commons (constant $2014)

	Commercial	Office (Taxable)	Total
Floor Space SF	100,000	450,000	550,000
Sq. Ft./Employee	500	300	324
Employees	200	1,500	1,700
Cost Per Employee	$370	$370	$370
Employment Costs	$73,980	$554,850	$628,830
Costs Per Sq. Ft.	$0.74	$1.23	$1.14

Sources: FY 2015 Adopted General Fund Budget and Statistical Section, Frederick County, Virginia, and S. Patz & Assoc., Inc.

Net Fiscal Impact. The net fiscal impact is the net benefit in terms of the surplus (or deficit) of tax revenues compared to tax-supported costs for Frederick County from Heritage Commons, as planned. At buildout Heritage Commons would produce a total net surplus revenue of $1.0 million, as shown in Table 25. This is the difference between revenue of $3.9 million and costs of $2.9 million annually.

Table 25. Summary of On-site Tax Revenues, County Costs, and Net Fiscal Benefit, by Type of Development at Heritage Commons at Buildout (constant $2014)

	Apartments	Townhouses	Residential
Total Tax Revenue	$1,537,250	$351,460	$1,888,710
Tax-supported Costs	$1,778,000	$446,770	$2,224,770
Net Fiscal Benefit	-$240,750	-$95,310	-$336,060
Number of Units	1,050	150	1,200
Net Benefit Per Unit	-$229	-$635	
	Commercial	**Office**	**Non-residential**
Total Tax Revenue	$612,030	$1,366,010	$1,978,040
Tax-supported Costs	$73,980	$554,850	$628,830
Net Fiscal Benefit	$538,050	$811,160	$1,349,210
Number of Sq. Feet	100,000	450,000	550,000
Net Benefit Per S.F.	$5.38	$1.80	
	Residential	**Non-residential**	**Total**
Total Tax Revenue	$1,888,710	$1,978,040	$3,866,750
Tax-supported Costs	$2,224,770	$628,830	$2,853,600
Net Fiscal Benefit	-$336,060	$1,349,210	$1,013,150

Source: S. Patz & Associates, Inc.

Off-site Impacts: Economic and Fiscal

In addition to the revenues and costs that accrue to Frederick County from the development "on-site," as described above, there are also off-site impacts that occur as a result of residents, employees and businesses expenditures throughout the County, and as other businesses re-spend the business receipts off-site for the purchase of goods and services from other vendors in the County. The multipliers used in this analysis are specific to Frederick County, Virginia. Consumer budgets are identified by the U.S. Bureau of Labor Statistics by area and income level. There is no direct budget information for Frederick County, and the income level for the Washington, D.C. area is

too high to be applicable here. Instead, national data for a budget for household income in the $50,000's has been chosen for the apartments, and household incomes of $90,000 for residents in the townhouses.

About 77 percent of this income is spent, other uses being taxes, savings and transfers to others not living in the household. It is assumed that 40 percent of all consumer and businesses expenditures from the on-site development are made outside of Frederick County, and 60 percent are retained within the County. Among the larger expenditures by consumers are 19 percent for shelter and 27 percent for retail trade, including automobiles.

Consumer expenditures made off-site in the County are translated into economic impacts in the County using multiplier matrices provided for the local area by the U.S. Bureau of Economic Analysis. These multipliers capture the round-by-round flows of expenditures in the County initiated by residents and businesses from on-site. There are separate matrices for business receipts, employment and employee earnings. The items in the consumer budget are multiplied in turn by these expenditure-specific categories in each matrix and summed to give the "ripple effect," "spin-off," or "multiplier effect" of circulation of money through the economy. The ripple effects, plus the original consumer expenditures, equal the total economic impacts of apartment residents on the City economy.

Business Receipts

The chart below sets forth the economic dollar flows set in motion by expenditures off-site by residents and businesses at the Heritage Commons. The direct expenditures in the County represent the expenditures by on-site residents and businesses off-site directly. They total $170 million when housing units are occupied and businesses in operation. The largest component would come from the 450,000 square feet of privately-occupied office space.

This $170 million in expenditures for goods and services would be expected to comprise 60 percent in-county dollar flows, which would create another $221 million in ripple effects or spin-off within the County. The ripple effect would be two to three times direct expenditures. The exception is commercial, where retail trade can be expected to make most of its wholesale purchases of goods and services from sources outside the County. Residents of townhouses create relatively greater impacts than do apartment renters because of higher income of households in townhouses. Altogether, the business impact in Frederick County would come to $391 million. These off-site impacts also create tax receipts and costs to the County as do on-site impacts (see above).

Off-site Impacts by Land Use	Apartments	Townhouses	Commercial	Office
Direct Expenditures	$23,206,000	$6,365,000	$28,000,000	$112,500,000
Indirect Spin-off Effect	$47,651,000	$17,669,000	$8,026,000	$147,938,000
Total Business Receipts	$70,857,000	$24,034,000	$36,026,000	$260,438,000

Employment and Earnings

Previous analysis identified 1,700 employees that would be on-site at the property, most being occupants of office space. Another 2,240 jobs would be created off-site by the spin-off from the on-site development. The office space on-site at Heritage Commons would have the greatest impact, creating over 1,300 off-site jobs off-site in the County. These off-site employment impacts would generate $149 million in employee earnings in the County. This would be an average of about $67,000 per employee. This is heavily influenced by the higher income jobs spun-off from the offices on site.

Off-site Fiscal Impacts

The methodology used in projecting fiscal impacts off-site mirror those used to project fiscal impacts on-site. As before, revenues will be limited to taxes, and costs will be those that must be tax-supported, as based on employment. The RIMS II multipliers

from the Bureau of Economic Analysis break receipts, employment and earnings impacts down into 21 different sectors, and the impact dollar amounts (business revenues) in the sectors form the basis for determining taxes. Many taxes can be calculated directly from these receipts, or from employment created off-site in the same fashion as for on-site taxes. Costs to the County can likewise be calculated from off-site employment created.

Because of their commercial nature, the non-residential components at Heritage Commons would be expected to yield considerably greater off-site impacts than would the off-site expenditures of residents at the site. This is the case, with the non-residential components having a net fiscal benefit of $1.8 million annually, compared to $0.4 million for the residential components, for a total of $2.2 million annually after buildout in constant 2014 dollars. Table 26 below summarizes the off-site fiscal impacts by type of use. Appendix Tables A-2, A-3, and A-4 give the individual tax sources for each type of use.

Table 26. Summary of Off-site Spin-off Impacts for Heritage Commons, at Buildout, by Type of Use (constant $2014)

Type of Use	Tax Revenue	Tax-supported Costs	Net Fiscal Benefit
Apartments	$453,980	$146,590	$307,390
Townhouses	$138,590	$41,090	$97,500
Commercial	$515,440	$146,590	$368,850
Office	$1,877,450	$490,730	$1,386,720
Total Off-site Impacts	$2,985,460	$825,000	$2,160,460

Sources: Bureau of Economic Development and Bureau of Labor Statistics, U.S. Department of Commerce, Adopted FY2015 Budget for Frederick County, Virginia, and S. Patz & Associates, Inc.

Summary of On- and Off-site Impacts

The overall annual impacts, both on-site and off-site spinoff, would be substantial from Heritage Commons for Frederick County. Total tax revenue each year would be $6.9 million, compared to costs to the County of $3.7 million. This would leave a net fiscal benefit of $3.2 million annually for the County. These overall impacts are summarized in Table 27 by type of use on-site at Heritage Commons. Table 6, above in the introduction to this section, and Appendix Table A-5 provide detail on both the on-site and off-site impacts from the development.

Table 27. Summary of Total On-site and Off-site Impacts for Heritage Commons, at Buildout, by Type of Use (constant $2014)

	Tax Revenue	Tax-supported Costs	Net Fiscal Benefit
Apartments	$1,991,230	$1,924,590	$66,640
Townhouses	$490,050	$487,860	$2,190
Commercial	$1,127,470	$220,570	$906,900
Office	$3,243,460	$1,045,580	$2,197,880
Total Off-site Impacts	$6,852,210	$3,678,600	$3,173,610

Sources: Bureau of Economic Development and Bureau of Labor Statistics, U.S. Department of Commerce, Adopted FY2015 Budget for Frederick County, Virginia, and S. Patz & Associates, Inc.

Phasing of Heritage Commons

The development of Heritage Commons is planned for three five-year phases, for a buildout period of 15 years. The chart below sets forth the phasing scheme for Heritage Commons, and the discussion following the chart addresses the net fiscal benefit to accrue to the County for each type of use for each phase.

Phasing By Use	1st 5 yrs	2nd 5 Yrs	3rd 5 Yrs	Total
Apartment Units	350	350	350	1,050
Townhouse Units	100	50		150
Commercial Square Feet	50,000	25,000	25,000	100,000
Office Square Feet	100,000	175,000	175,000	450,000

The net fiscal benefits for each phase are calculated by multiplying the number of units or square feet of development for each development component times the net benefit per unit (for residential) or square foot (for non –residential). All of these benefit parameters have been derived and set forth in previous tables in this economic and fiscal impacts section of the report, or in Appendix tables in the case of off-site benefits. The calculations are summarized in Appendix Tables A-6, A-7, and A-8.

Heritage Commons would generate on-site net benefits of $300,000± during each phase of the three five-year phases in the 15-year development program. Only the townhouses show any on-site deficits, as has been shown previously, due to the high cost of educating public school students living in townhouses. These are annual amounts, in constant 2014 dollars. Total annual on-site benefits at the end of the 15-year development program would come to $1.0 million each year. Off-site net fiscal benefits average about $700,000 each year, for a total of $2.2 million over the 15-year buildout period. It should be reiterated actual off-site benefits may lag behind on-site development and impacts due to give the market time to respond to increased demand in the County from Heritage Commons.

Total net fiscal benefits – on-site and off-site – would be in the $1.0 million to $1.1 million range for each five year development phase in the 15-year development program. The commercial space would contribute about $900,000 in benefits over buildout, with the office space contributing $2.2 million. The total annual net fiscal benefit for Heritage Commons would be $3.2 million. Total on-site and off-site net fiscal benefits are summarized in Table 28 by type of development component and five-year phase (see Appendix tables).

Table 28. Total On-site and Off-site Net Fiscal Benefits for Heritage Commons, By Five-Year Phase, at Buildout, Frederick County, Virginia (constant $2014)

Phases	1st 5 yrs	2nd 5 Yrs	3rd 5 Yrs	Total
Apartments	$22,210	$22,210	$22,210	$66,640
Townhouses	$1,460	$730		$2,190
Commercial Floor Space	$453,450	$226,725	$226,725	$906,900
Office Floor Space	$488,420	$854,730	$854,730	$2,197,880
Total Net Benefit	$965,545	$1,104,393	$1,103,663	$3,173,610

Source: S. Patz & Associates, Inc.

APPENDIX A: Review of Development Impacts Model

APPENDIX A: Review of Development Impacts Model

Following is our brief review of the County's proposed Development Impact Model (DIM), which is a planning tool to provide guidance to County staff and elected officials on the evaluation of new development proposals and rezoning. There are a number of factors described in the DIM that, in our judgment, are incorrect or poor comparables and thus could generate an incorrect conclusion for some reviews.

It is not the purpose of this brief analysis and evaluation of the DIM to be critical, rather, our purpose is to identify issues that may require more review. Following is a list of report assumptions that we would like to discuss, as County officials review our attached FIA for Heritage Commons.

1. The DIM uses U.S. Census data to determine the average household size in the County and the number of students per housing unit by type. While these are clearly correct data, they often do not represent comparable data for the evaluation of a new development proposal, particularly a more upscale new proposal compared with the County average.

   Using census data for both calculations includes all housing types, i.e., market rent, affordable, mature, new, etc. For apartment units, the older and lower rent units often have an abundance of three-bedroom units, which in turn, generates more school children. The comparison of census data is therefore problematic in the evaluation of a new apartment proposal without three-bedroom units, in particular. The pupil generation ratio could be much lower for these higher rent apartment units compared with the County average.

2. If our analysis of the DIM is correct, it does not include all taxes paid by home owners or renters. There is a wide range of taxes, in addition to real estate and personal property taxes, that accrue to the County from County households. These are shown in our FIA of Heritage Commons.

3. Most important in the comparison of revenues and expenses from County households is the off-site expenditures from households, i.e., the amount of money spent at local commercial establishments. This expenditure creates a "spin-off" or "ripple effect" of monies within a jurisdiction which generates a ratio of 1.8 times the on-site benefits of real estate and personnel taxes.

> This ratio, calculated by officials of the Federal Bureau of Economic Analysis, shows that total net revenues from new housing units is nearly double the on-site benefits of real estate and personnel taxes.

In conclusion, our analysis is intended to state that new housing units can generate a net positive economic impact for the County, depending upon the value of the home and incomes of the occupants. This conclusion is not evident in the DIM.

Additionally, retail space and office space, in particular, cannot be successful without a sizable and expanding population. That can only come from the addition of new housing. The DIM does not calculate the amount of tax revenue from commercial establishments that are derived from household expenditures.

Our FIA for Heritage Commons includes the assumptions and calculations discussed in this Appendix. We welcome any discussion as we present our report to County officials.

APPENDIX B: TABLES

Table A-1. Detailed General Fund Budget for FY2015 Showing Share of Expenditures Coming From Local Funds, Frederick County, Virginia (current dollars)

General Fund Functional Areas Expenditure Budget	FY2015 Adopted	FY2015 Local Funds
GENERAL GOV'T ADMINISTRATION		
Board of Supervisors	$248,336	$248,336
County Administrator	$702,539	$702,539
County Attorney	$239,668	$239,668
Human Resources	$320,209	$320,209
Independent Auditor	$66,000	$66,000
Commissioner of Revenue	$1,200,010	$1,000,106
Reassessment	$193,948	$193,948
Treasurer	$1,179,735	$655,235
Finance	$763,469	$763,469
Information Technologies	$1,191,998	$1,163,298
Management Information System	$523,810	$523,810
Other	$1,935,084	$1,935,084
Electoral Board	$106,413	$106,413
General Registrar	$162,769	$119,823
Subtotal	$8,834,088	$8,037,938
JUDICIAL ADMINISTRATION		
Circuit Court	$61,300	$61,300
General District Court	$15,926	$15,926
Juvenile $ Domestic Relations Court	$19,785	$19,785
Clerk of the Circuit Court	$741,447	$242,185
Law Library	$12,000	$0
Commonwealth's Attorney	$1,296,557	$833,377
Virginia Witness Program	$126,070	$26,070
Subtotal	$2,273,085	$1,198,643
PUBLIC SAFETY		
Sheriff	$11,241,515	$8,426,862
Volunteer Fire Departments	$842,560	$642,560
Ambulance and Rescue Services	$395,200	$315,200
Public Safety Contributions	$5,467,925	$5,467,925
Juvenile Court Probation	$141,780	$21,780
Inspections	$1,090,017	$399,917
Fire and Rescue	$7,871,989	$7,983,581
Public Safety Commission	$1,360,321	$1,293,321
Subtotal	$28,411,307	$24,551,146

Table A-1. Detailed General Fund Budget for FY2015 Showing Share of Expenditures Coming From Local Funds, Frederick County, Virginia (current dollars), continued

General Fund Functional Areas Expenditure Budget	FY2015 Adopted	FY2015 Local Funds
PUBLIC WORKS		
Road Administration	$28,000	$27,000
Street Lights	$43,000	$0
General Engineering	$356,788	$219,788
Refuse Collection	$1,232,983	$974,215
Refuse Disposal	$375,000	$322,644
Litter Control	$24,384	$12,207
Maintenance Administration	$576,750	$273,645
County Office Buildings	$964,638	$964,638
Animal Shelter	$570,706	$518,831
Subtotal	$4,172,249	$3,312,968
HEALTH AND WELFARE		
Local Health Department	$301,000	$301,000
Northwestern Community Service	$318,000	$318,000
Area Agency on Aging	$60,000	$60,000
Property Tax Relief - Elderly	$520,000	$520,000
Social Services Administration	$4,248,461	$2,141,614
Public Assistance	$1,463,085	$149,990
Subtotal	$6,910,546	$3,490,604
COMMUNITY COLLEGE	$56,000	$56,000
PARKS, RECREATION & CULTURE		
Parks & Recreation - Administration	$582,853	$582,853
Parks Maintenance	$1,798,301	$1,434,601
Recreation Centers	$1,643,041	$30,008
Clearbrook Park	$346,984	$145,484
Sherando Park	$359,534	$234,934
Regional Library	$800,000	$800,000
Subtotal	$5,530,713	$3,227,880
COMMUNITY DEVELOPMENT		
Planning and Development	$1,098,754	$688,846
Economic Development Authority	$544,223	$543,973
Zoning Board	$6,368	$6,368
Building appeals Board	$550	$550
N.S.V. Regional Commission	$43,000	$43,000
Soil and Water Conservation	$7,000	$7,000
Extension	$225,007	$225,007
Subtotal	$1,924,902	$1,514,744

Table A-1. Detailed General Fund Budget for FY2015 Showing Share of Expenditures Coming From Local Funds, Frederick County, Virginia (current dollars), continued

General Fund Functional Areas Expenditure Budget	FY2015 Adopted	FY2015 Local Funds
COMMUNITY DEVELOPMENT		
Planning and Development	$1,098,754	$688,846
Economic Development Authority	$544,223	$543,973
Zoning Board	$6,368	$6,368
Building appeals Board	$550	$550
N.S.V. Regional Commission	$43,000	$43,000
Soil and Water Conservation	$7,000	$7,000
Extension	$225,007	$225,007
Subtotal	$1,924,902	$1,514,744
NON-DEPARTMENTAL		
Transfer to School Operating Fund	$65,347,740	$65,347,740
Transfer to School Debt Serv. Fund	$14,626,151	$14,626,151
Transfer to County Debt Service	$2,561,645	$2,561,645
Other Non-departmental	$1,739,136	$1,739,136
Subtotal	$84,274,672	$84,274,672
Total General Fund	$142,387,562	$129,664,595

Source: Adopted Budget for FY2015, Frederick County, Virginia

Table A-2. Summary of Annual Tax Revenues, County Costs, and Net Fiscal Benefit Created Off-site by the Residential Units at Heritage Commons, at Buildout (constant $2014)

	Apartments Impacts	Townhouses Impacts	Residential Impacts
Real Estate Tax	$104,320	$30,650	$134,970
Business Property Tax	$86,670	$25,460	$112,130
BPOL Tax	$81,900	$22,800	$104,700
Retail Sales Tax	$73,430	$24,910	$98,340
Motel Tax	$12,880	$4,370	$17,250
Meals Tax	$65,100	$22,080	$87,180
Motor Vehicle Licenses	$16,840	$4,720	$21,560
Utility Tax	$12,840	$3,600	$16,440
Total Revenue	$453,980	$138,590	$592,570
Less Costs	-$146,590	-$41,090	-$187,680
Net Fiscal Benefit	$307,390	$97,500	$404,890
Number Of Units	$293	$650	$337

Sources: Bureau of Economic Development and Bureau of Labor Statistics, U.S. Department of Commerce, Adopted FY2014 Budget for Frederick County, Virginia, and S. Patz & Associates, Inc.

Table A-3. Summary of Annual Tax Revenues, County Costs, and Net Fiscal Benefit Created Off-site by the Non-residential Components at Heritage Commons, at Buildout (constant $2014)

	Commercial Impacts	Office Impacts	Non-residential Impacts
Real Estate Tax	$104,320	$349,240	$453,560
Business Property Tax	$86,670	$290,140	$376,810
BPOL Tax	$11,020	$961,280	$972,300
Retail Sales Tax	$161,290	$21,040	$182,330
Motel Tax	$4,340	$71,780	$76,120
Meals Tax	$130,530	$84,600	$215,130
Motor Vehicle Licenses	$4,430	$56,380	$60,810
Utility Tax	$12,840	$42,990	$55,830
Total Revenue	$515,440	$1,877,450	$2,392,890
Less Costs	-$146,590	-$490,730	-$637,320
Net Fiscal Benefit	$368,850	$1,386,720	$1,755,570
Number of Sq. Feet	$3.69	$3.08	$3.19
Net Benefit Per S.F.	$104,320	$349,240	$453,560

Sources: Bureau of Economic Development and Bureau of Labor Statistics, U.S. Department of Commerce, Adopted FY2014 Budget for Frederick County, Virginia, and S. Patz & Associates, Inc.

Table A-4. Summary of Annual Tax Revenues, County Costs, and Net Fiscal Benefit Created Off-site by the Residential and Non-residential Components at Heritage Commons, at Buildout, Frederick County, Virginia (constant $2014)

	Residential Impacts	Non-residential Impacts	Total Impacts
Real Estate Tax	$134,970	$453,560	$588,530
Business Property Tax	$112,130	$376,810	$488,940
BPOL Tax	$104,700	$972,300	$1,077,000
Retail Sales Tax	$98,340	$182,330	$280,670
Motel Tax	$17,250	$76,120	$93,370
Meals Tax	$87,180	$215,130	$302,310
Motor Vehicle Licenses	$21,560	$60,810	$82,370
Utility Tax	$16,440	$55,830	$72,270
Total Revenue	$592,570	$2,392,890	$2,985,460
Less Costs	-$187,680	-$637,320	-$825,000
Net Fiscal Benefit	$404,890	$1,755,570	$2,160,460

Sources: Bureau of Economic Development and Bureau of Labor Statistics, U.S. Department of Commerce, Adopted FY2014 Budget for Frederick County, Virginia, and S. Patz & Associates, Inc.

Table A-5. Summary of All Annual On-site and Off-site Impacts of Heritage Commons by Type of Use on Site, at Buildout, Frederick County, Virginia (constant $2014)

	Apartments	Townhouses	Residential
Total Tax Revenue	$1,991,230	$490,050	$2,481,280
Tax-supported Costs	-$1,924,590	-$487,860	-$2,412,450
Net Fiscal Benefit	$66,640	$2,190	$68,830
Units	1,050	150	1,200
Net Benefit Per Unit	$63	$15	
	Commercial	**Office**	**Non-residential**
Total Tax Revenue	$1,127,470	$3,243,460	$4,370,930
Tax-supported Costs	-$220,570	-$1,045,580	-$1,266,150
Net Fiscal Benefit	$906,900	$2,197,880	$3,104,780
Square Feet	100,000	450,000	550,000
Net Benefit Per S.F.	$9.07	$4.88	
	Residential	**Non-residential**	**Total**
Total Tax Revenue	$2,481,280	$4,370,930	$6,852,210
Tax-supported Costs	-$2,412,450	-$1,266,150	-$3,678,600
Net Fiscal Benefit	$68,830	$3,104,780	$3,173,610

Sources: Bureau of Economic Development and Bureau of Labor Statistics, U.S. Department of Commerce, Adopted FY2014 Budget for Frederick County, Virginia, and S. Patz & Associates, Inc.

Table A-6. Summary of On-site Net Fiscal Benefits for Each Development Component for Each Phase of the Development Program, Heritage Commons at Buildout, Frederick County, Virginia (constant $2014)

Phases	1st 5 yrs	2nd 5 Yrs	3rd 5 Yrs	Total
Number of Apartment Units	350	350	350	1,050
Net Benefit at -$229/Unit	-$80,250	-$80,250	-$80,250	-$240,750
Number of Townhouse Units	100	50		150
Net Benefit at -$635/Unit	-$63,540	-$31,770		-$95,310
Number of Commercial Sq. Ft.	50,000	25,000	25,000	100,000
Net Benefit at $5.38/SF	$269,030	$134,510	$134,510	$538,050
Number of Office Square Feet	100,000	175,000	175,000	450,000
Net Benefit at $1.80/SF	$180,260	$315,450	$315,450	$811,160
Total Net On-site Benefit	$305,500	$337,940	$369,710	$1,013,150

Source: S. Patz & Associates, Inc.

Table A-7. Summary of Off-site Net Fiscal Benefits for Each Development Component for Each Phase of the Development Program, Heritage Commons at Buildout, Frederick County, Virginia (constant $2014)

Phases	1st 5 yrs	2nd 5 Yrs	3rd 5 Yrs	Total
Number of Apartment Units	350	350	3580	1,050
Net Benefit at $293/Unit	$102,460	$102,460	$102,460	$307,390
Number of Townhouse Units	100	50		150
Net Benefit at $650/Unit	$65,000	$32,500		$97,500
Number of Commercial Sq. Ft.	50,000	25,000	25,000	100,000
Net Benefit at $3.69/SF	$184,425	$92,213	$92,213	$368,850
Number of Office Square Feet	100,000	175,000	175,000	450,000
Net Benefit at $3.08/SF	$308,160	$539,280	$539,280	$1,386,720
Total Off-site Benefit	$660,050	$766,450	$733,950	$2,160,460

Source: S. Patz & Associates, Inc.

Table A-8. Total On-site and Off-site Net Fiscal Benefits by Phase, Heritage Commons at Buildout (constant$2014)

	1st 5 yrs	2nd 5 Yrs	3rd 5 Yrs	Total
Apartments	$22,210	$22,210	$22,210	$66,640
Townhouses	$1,460	$730		$2,190
Commercial	$453,455	$226,723	$226,723	$906,900
Office	$488,420	$854,730	$854,730	$2,197,880
Total Net Benefit	$965,550	$1,104,390	$1,103,660	$3,173,610

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Source: S. Patz & Associates, Inc.

M

COUNTY of FREDERICK

Department of Planning and Development
540/ 665-5651
Fax: 540/ 665-6395

Memorandum

To: Frederick County Board of Supervisors

From: Mark R. Cheran, Zoning and Subdivision Administrator MRC

Date: December 10, 2014

RE: Project/Subdivision – Revenue Sharing #0000-034-R47
UPC 91847 Renaissance Drive

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:

Prosperity Drive, State Route Number 1129	0.06 miles
Renaissance Drive, State Route Number 873	0.24 miles

Staff is available to answer any questions.

MRC/dlw

107 North Kent Street, Suite 202 • Winchester, Virginia 22601-5000

RESOLUTION
BY THE
FREDERICK COUNTY BOARD OF SUPERVISORS

The Board of Supervisors of Frederick County, in regular meeting on the 10th day of December, 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 33.2-705, 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

_____
John R. Riley, Jr.
Frederick County Administrator

PDRes. #35-14

In the County of Frederick

By resolution of the governing body adopted December 10, 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):* _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Revenue Sharing #0000-034-R47
UPC 91847 Renaissance Dr.

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: VDOT Project

Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

t Prosperity Drive, State Route Number 1129

Old Route Number: 0

l From: End of current State Maintenance south

To: Intersection with Renaissance Drive, Route 873, a distance of: 0.06 miles.

Recordation Reference: Instr. #120004193, Pg. 0126

Right of Way width (feet) = 60'

Street Name and/or Route Number

t Renaissance Drive, State Route Number 873

Old Route Number: 0

l From: Intersection of Route 11 West

To: Intersection with Prosperity Drive, Route 1129, a distance of: 0.24 miles.

Recordation Reference: Instr. #120004193, Pg. 0126

Right of Way width (feet) = 64'-80'