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Marshall Minute

**July
August 2019**

Visit our website: www.MarshallVIRGINIA.ORG

For helpful links for residents and businesses; see something missing?

Email us at mbraeditor@gmail.com or call 540-364-3400

No Meeting in August but mark your calendars for 7:30 pm **Tuesday, September 10th**

Come hear special guest

Ben Shoemaker,
Executive Director

Fauquier County Water &
Sanitation Authority

*Ben will speak and then have
Question & Answer time!*

Marshall Community Center
4133A Rectortown Road
Marshall, VA 20115

**MBRA 2019 "PARTY ON MAIN STREET"
Free Summer Fun Events for the Community**

July Party at 8349 West Main Street!

5 to 6 pm Tuesday, July 30th at

JOE'S PIZZA & SUBS

Joe's is generously giving away ONE FREE SLICE
of Cheese Pizza for everyone who comes BETWEEN 5-6 PM
Free raffle ticket for Door Prize drawing at 6 pm!

August Party at 8440 West Main Street!

3 to 4 pm Saturday, August 10th

BEAR'S SOFT SERVE

Bear's is generously giving away one small cone or cup for everyone
who comes BETWEEN 3-4 PM

Free raffle ticket for Door Prize drawing at 4 pm!

BEAR'S SOFT SERVE NOW HAS:



**FRESH GARDEN TOMATOES
FOR SALE ~ Delicious!**

8440 West Main Street in Marshall

**The MBRA wants to hear
from you about having a
Marshall Carnival!**

*Let us know your thoughts about having
a carnival like Marshall used to have
back in the day. Thank you to those of
you who email us your support! We
look forward to hearing from everyone:
Email us at mbraeditor@gmail.com or
call 540-364-3400*

Have questions or speaker suggestions?
Contact Mary Wilkerson, MBRA President
(540) 364-3400; mbraeditor@gmail.com
Editor: Mary Wilkerson; Copyright July 2019

***It's never too soon to be
planning your parade entry!***
The MBRA Christmas Parade is
Saturday, December 7, 2019
Many thanks to our volunteers
Brenda & Eddie Payne, who are once
again donating trophies and
organizing the MBRA parade!!
Brenda says: "I will be sending out
entry forms in October. Phone# is
540-270-1795; email is:
marshallchristmasparade@gmail.com

FREE SWING DANCE

Saturday August 3rd, 7-10 pm

Emmanuel Episcopal Church

9668 Maidstone Road in Delaplane

With guest dance teacher Ewa Burak

Fun for all ages! Free admission

Beverages welcome but NO alcohol

Donations welcome

**Free Community Luncheon
at noon on**

Thursday, August 1st

**Marshall United
Methodist Church**

8405 W. Main Street, Marshall, VA 20115

**Bring a dish to share if you wish, or
just come and enjoy!**

540-364-2506

**Mark your calendars for
the Community Center's**

Marshall Day 2019!

Saturday, Sept. 7th

Family Fun from 12-4 pm

SEE Ad Pages for flyer —>

June 11th Community Meeting Notes:

Mary Wilkerson, President, opened the meeting at 7:02 pm. She said that we are very happy to host **Andrew Hopewell and Supervisor Mary Leigh McDaniel** tonight. Hope everyone got out to vote today. There will be no Door Prize Raffle tonight, but we have free refreshments in the back that everyone can enjoy. Last Saturday we had a great Showcase Mixer at Joe Sarsour's **Nick's Deli**, great turnout, featuring free fried chicken and soda, very generous. Thank you to Joe Sarsour! About 50 people turned out for the event and about 27 participated in the Free Raffle, for which Joe generously donated a cowboy hat. The MBRA will be having additional Showcase Mixers on Main Street, free to the community this summer, so keep an eye out for that: www.MarshallVirginia.org.

Duke Bland, Marshall District School Board Member, could not attend this evening but wanted to pass along that Fauquier County schools have had a very good year: There were no surprises, it has been uneventful, which is very good! Duke passed along that he will be here next month with lots of information because it will be the end of the fiscal year.

Mary introduced our featured speaker of the night, **Andrew Hopewell, Fauquier County Assistant Chief of Planning**. He is the main person who has been working on the Rural Lands Draft Plan chapter that they want to amend for Fauquier County. So, it is great that he was here in March, but there were technical difficulties, so now he's got a fantastic presentation for us. He has lots of time to answer all our questions for us, and we really look forward to hearing from Andrew tonight. So without further ado, let's welcome Andrew! *(Apparently two versions of the RLDP existed and Andrew presented Version B this evening.)*

Andrew Hopewell: Thank you for having me in. As you can see we're already off to a better start than we were last time, we've got the presentation up and running. I want to take a step back and look at exactly how we got here with

this draft and with this update that we're proposing. The current language that we have on the books in the Comprehensive Plan for the rural lands was adopted way back in 1995. As you can imagine, some of those policies are a little dated at this time so it was time for a refresh of this.

In 2017, as part of their Strategic Plan, the Board of Supervisors (BoS), as one of their action items, actually identified this chapter as one that they wanted to update, and this is in line with Virginia state code, which does require localities to examine their Comprehensive Plans every 5 years, to review and update those. So we are certainly due to look at this Chapter and update it.

In 2017, the Department of Community Development started working with consultants with Renaissance Planning out of Charlottesville to do this. We looked at the existing language we had on the books, as well as language from other jurisdictions within Virginia and in the summer of 2018, the Board of Supervisors formally initiated the update. What we did throughout the rest of 2018 was provided presentations to a number of different community organizations.

We also distributed a draft of the plan as it stood at that stage to a list of concerned citizens that had contacted us – it was a list of over 300 or so – community residents who had contacted and received a draft plan. As we proceeded into the latter part of 2018, we held work sessions with the Board of Supervisors and Planning Commission and culminating in a Public Hearing with the Planning Commission in December.

At that time, they asked for us to restructure the draft, and so we went back and did that starting off in 2019 working on that re-draft, but it also gave us the opportunity to give presentations to the Rappahannock Regional Rapidan Commission, as well as the presentation here in March 2019. In March then, we had a work session with the Planning Commission, followed by a Public Hearing in April, and then a work session and Public Hearing with the Board of Supervisors last month (May).

At that time, they (BoS) tabled it for 60 days, at the request of citizens who wanted a little bit more time to consider the plan and provide some input and feedback on it.

So, the way I've structured it this evening is: there was a request to really be able to look and to understand what's changing from what we have presently on the books. In order to do that, I wanted to look first at the 1995 plan, the existing plan that's on the books. The purpose of that one is to address land use in rural areas of the County and to outline the County's policies and plans to protect farmland, historic sites, and open space. So, it's very much focused on that land use and preserving the agriculture, preserving the character of that part of the County.

They identified 4 specific policy headings that they wanted to utilize for that. Measures to help preserve agricultural land, the preservation of environmental resources, the preservation of cultural resources, and to establish strict controls over new development in the rural areas.

One of the things that we saw with this that had changed since this was originally adopted is, 3 years ago we adopted a much stronger Natural Resources Chapter to our Comprehensive Plan, as well as a Heritage Resources Chapter to our Comprehensive Plan and so, that addressed a lot of those concerns we had about the protection and preservation of both environmental and cultural resources within the County.

We knew going into this process that we would have changes to the Rural Lands Chapter stemming from changes we had made to the Natural Resource Chapter

Looking at the policies that they had proposed to help preserve the agricultural land. The first was to retain the Land Use Taxation.

Andrew then presented on the existing 1995 Rural Lands Chapter currently in place. See slideshow on our website: www.MarshallVirginia.org *Notes cont:*

June 11th Meeting Notes continued:

So that brings us into where we are in the Draft Plan that we're taking forward today. As I mentioned, a number of those policies were carried over and what we've done with the new Plan is divide it into 2 different sections.

The first section we believe is largely a continuation of the existing policy, and that's where many of those policies were carried over to. And that's the Rural Development and Character of the County. And so, in order to do that from a background perspective, we've laid it out where we put the background which looks at the existing agricultural and forestry trends that we have within the County; it looks at the existing pattern of development as well as development potential that we have within the County.

It looks at our septic and wastewater management within that part of the County because the other section of the Comprehensive Plan that addresses this is specific to Public Facilities within the Service Districts, so we felt it was appropriate to provide some guidance as to septic and wastewater development in the Rural Lands of the County.

The second grouping we had here are the Land Conservation Tools and Trends. Again, the preservation of that rural character is so important; we've been very, very successful in preserving it and it's those land tools and trends that have done that. The Zoning and Subdivision Ordinances that we have within the County, the Conservation Easements, including the County's **Purchase of Development Rights (PDR) Program**, as well as the **Ag & Forestal Districts**, which help to serve almost as term easements, with term limits on development on the land, as well as the Land Use Taxation Program.

Finally, the third section we looked at here was the Rural Character. We looked at Viewshed Protection because that's really one of the things that we've heard people identify as a crucial part of that rural character of viewsheds that you see from many of the public roads when you traverse Fauquier County.

Dark Sky Protection: In um, particularly up at um, in part of the County we have

a burgeoning dark sky industry actually, tourism industry that is starting to take off there of star-watching and things like that, because of the proximity to Washington D.C. and the light pollution that they experience there, the ability to come a relative short distance to Fauquier County and enjoy the clear night skies here, is something that we want to see continue.

The rural settlements and settlement edges: ensuring that we have those appropriate transitions between our villages and our settlements that are within the Rural Lands as well as even the Service Districts so that we don't see the sprawl or expansion and the creep of these developed areas; we want to see those clear boundaries between the rural lands and these developed areas.

And finally, our Rural Historic Districts to see our preservation of that heritage and those cultural resources that exist there.

The second part of the Draft Plan is essentially the new part, and it focuses on the Rural Economy. What we've seen over the past 25 years is, we've done a great job of preserving the character of the Rural Lands but there've been some pressures that we have seen from economic development perspective and so what we want to do is try and provide appropriate guidance so that the property owners in Rural Lands are able to recognize the maximum economic benefit from their properties but not impact that rural character, not impact those intrinsic values that many of the residents of Fauquier hold so dearly and actually moved here for. So we want to try and provide some guidance as to appropriate rural economic development that can benefit and build on that rural character without harming it.

So the 1st group under Rural Economy we look at is *Agriculture*, the traditional farming that we have throughout Fauquier County, and then also look at on-farm value-added activities, chances to try and expand those opportunities for the farmers to recognize and realize the economic benefit from the produce on their farms. This would look at things like wayside stands and opportunities to

provide some economic benefit in those ways.

We also look at the equine and other animal activities. Horses are, as you know, are obviously a huge part of our local economy. There's other animal activities that take place in the Rural Lands: kennels and things of that nature that we want to provide appropriate guidance for so that these activities can occur but without adversely impacting neighboring properties.

The 2nd grouping [under Rural Economy] was Rural Tourism: The first one there we have Agritourism, Ecotourism, and Heritage Tourism. These are rapidly growing industries and again, with our location so close to that urban center of Washington D.C. and the Northern Virginia area, we have some very unique opportunities to market ourselves in these 3 tourism fields. We have a number of resources and I think it's important that we look to try to leverage them to the maximum economic benefit of our community. Again, we want to make sure that we're having activities that build their value off of the land, off of the rural character, and not are simply located there because the land may be cheaper. So we wanted to build on and enhance that rural character, rather than impede it in any way.

The second category under Rural Tourism is *Wineries/Breweries/Distilleries/Cideries*. Again, these have the potential to be a great benefit and boom to the County but wanted to make sure that they don't have adverse impacts on the rural character and neighboring properties. So we wanted to look at things like transportation infrastructure, the roads that are supporting these, and making sure that they're adequate for the additional traffic that these sorts of uses generate.

The third category are the Rural Businesses. The first one there is our Home-Based Businesses or our home-based occupations where folks are working out of their homes. We are optimistic that, as we see the expansion of rural broadband throughout the County, that there could be greater opportunities for people to be working,

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greater opportunities for them to be running their own businesses from home, so wanting to provide guidance on appropriate developments in that realm.

Rural Businesses & Services: These are the industries that are help providing Services to the rural residents, so again, trying to provide guidance as to what's appropriate, what's the balance between local serving community organization versus something that is out of scale and out of place within the rural lands.

And finally looking at **Alternative Energy Operations:** We've seen in some other relatively nearby communities within Virginia, large tracts of solar farms being proposed . . . we talk about wind energy in these locations. So wanting to provide some guidance and some policies to ensure that in some places these developments may be appropriate, but we need to ensure that there are protections in place so that they don't hinder and harm that rural character that we have.

Looking at some of the **New Objectives** that we're proposing here: the 1st one is to minimize the impact of wastewater disposal systems on groundwater resources. This is one that we touched on earlier in terms of policies that were being carried over. But we've strengthened the language a little bit on this one and we have a number of different action items where again, continuations of some of the policies to limit our residential densities in our rural lands, to identify and work with owners to remediate failing systems, to prioritize the way they may be having impacts on impaired streams within the County; to work with the Fauquier County Water and Sanitation Authority (FC WSA) to potentially, in some cases where there are failing systems, introduce communal systems and even ultimately see if WSA may be the appropriate entity to take those over and manage them for various communities. Also, looking to support legislation requiring disclosures with property transfers to ensure that homebuyers are aware that they are purchasing homes with individual sanitary sewer systems.

Unfortunately what we see a number of times is that these property owners are moving out from the more urbanized areas and not recognizing that you have to maintain your septic system. You can't flush everything down the toilet that they may have been used to doing in the more urbanized areas. And so they are essentially damaging and destroying their septic fields, so we're wanting to help to educate them to ensure that those problems are alleviated.

Watch full Rural Lands presentation at:
www.MarshallVirginia.ORG

Q&A was kindly answered by Andrew Hopewell, unless otherwise noted.

AH: (r.e. sliding scale development) The goal here is essentially to try and keep the larger lots where possible, 'cause also within that sliding scale, for those parcels that are over 30 acres in size, 85% of that lot has to be maintained in one parcel, so essentially you cluster all the other ones but you keep one large parcel so we can help to try and preserve that rural countryside, those large hopefully agriculturally viable parcels as one lot so we don't see them subdivided off into a 20-acre Mc-Mansion, 20-acre Mc-Mansion, 20-acre Mc-Mansion. We'd much rather see essentially a 50-acre farmette and then 3- acre parcels, or whatever the case may be.

Q: It sounds like Agricultural and Forestal District term easements are kind of the worst of both worlds because the County forgoes receiving tax revenue from it only for it to be potentially developed in 8 to 10 years. Is that the case?

AH: Yes; to some extent. Essentially it is a state code provision but the intention of it essentially is to allow these areas to congregate and see a like interest of agricultural producers, of forestal producers that can be weighed upon and can be considered by the Board of Supervisors in land-use decisions. So essentially, you have to have a critical mass of at least 200 contiguous acres to form an Ag. and Forestal District and so that essentially by accumulating that and declaring and going through the process to become an

Ag. & Forestal District, you're indicating to the BOS that this is an area that has an interest and is primarily dedicated to these land uses. And so the Board is then required as a trade-off to take that into account when making land use decisions. as well as things like infrastructure decisions - so roads, and things of that nature.

So it does limit the County in terms of does it enable these parcels to qualify for land-use taxation. But I think it also helps to - particularly here in Fauquier where we have a very, very robust Ag. & Forestal District program relative to the rest of the Commonwealth - it helps land owners to very clearly give themselves an identity as embracing the rural character and embracing that agricultural land use or that forestal land use. So from a strictly numbers standpoint, it may be somewhat problematic, but I think again, as we tighten up the barriers to entry and are ensuring that these are legitimate parcels that either have prime ag. soils or are actively engaged in ag. or forestry operations, it really will help to benefit the County and help to benefit that rural character and that rural, agricultural economy.

Q: Going back to the 85%-15%, on the subject of 85% having to be open, are they revisiting that as how that can happen? I've seen too many of these where what ends up happening, is the larger tract is on the inside of the property, and then the developed lots are on the road fronts; in essence, blocking the view that you're trying to preserve with this whole thing in the first place, by keeping open land so you end up really shooting yourself in the foot.

AH: And you almost end up having strip residential along the road frontages and the preserved lands -

Q: - right. Are they looking at that and how to limit that?

AH: It's been talked about internally but again, the devil is in the details of how you write an ordinance and we haven't been able to come up with any way to get around that problem.

Notes continued —>>>

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The way that it's written in the Plan and it's ideally situated: the ideal way that it's described for these to take place is essentially looking at the land and identifying where these sets of land are, and there is the requirement that all of the environmentally sensitive lands and all of the natural resources are within that 85% or larger parcel. It often ends up that they are still able to work and so the density occurs along the road frontage; and from a development perspective there's a benefit to them to do that because they don't have to create the road access themselves within the parcels, so there's a cost savings.

Q: But in that instance wouldn't it have been better to forego the 85%-15% rule and split it into whatever parcels, preserving more visual open space access?

AH: It's tough because what you potentially then wind up seeing here is simply the Mc-Mansions along the road of 20-acre parcels and so it doesn't necessarily get you any better off. In this instance, you at least still have that viable parcel for potentially a farm, an agricultural use,

Q: No, I understand the theory and the theory works really good on paper but in reality it kind of messes things up in many instances.

Supervisor McDaniel: I agree with that but the bottom line is we still have 85% that's available hopefully at some point is kept in viable for -

AH: Yeah, it's got that non-common open space easement on it, so it's gotta be preserved in its entirety.

Supervisor McDaniel: And there's a boundary.

Q: So, it's good in theory.

Audience Member: Part of it is driven by the fact that the subdivision ordinance itself requires a certain amount of public road frontage, so the developer is driven towards the public road, or build your own road.

Original Q: Right, and it's much more cost-effective to use an existing road and so they put it on the front. So I guess my point is, you're trying to legislate something that is gonna be impossible to legislate. It's not balancing well for the visual rural preservation.

AH: Well, except, I don't think the alternative necessarily benefits the visual either, and at least out of this one we get that large contiguous tract of land reserved, because even if you take it out, they're still going to look to locate the houses along the road frontage to save costs.

Q: Is it true that the Rural Lands Plan is just a plan and a guideline and it has no real, it's not a tool for enforcement like a subdivision ordinance, right?

AH: Correct. This, the Comprehensive Plan as a whole is the County's guiding document for development and for its future. It essentially paints the picture of where we would like to be going forward. It is not regulatory like a zoning ordinance, like a subdivision ordinance ***It is used as an evaluation tool when we have legislative applications, so: rezoning applications, Special Use Permit, the Special Exception, those are evaluated against the Comprehensive Plan for their conformance with it. It does also potentially lay the groundwork for amendments to the zoning ordinance or amendments to the subdivision ordinance. But it in and of itself is not a regulatory document.***

Q: When we sit in at the Work Sessions of the Planning Commission and the Board of Supervisors, we hear them frequently reference the Comprehensive Plan as to whether or not they're going to decide one way or another in situation after situation, and I've heard the Comprehensive Plan called the Bible of Zoning because that is basically where ordinances and everything are based on; that's basically a mandate of this going forward, a vision for the County, that then the ordinances and decisions and determinations are based on and that, for example, if there is ever a court case where something is challenged, then what I understand is that the judge would look at the Comp Plan. So in that

sense, even though the Comp Plan, it's my understanding is not an ordinance itself, it is the basis for ordinances and determinations and decisions going forward.

AH: Yes and no, just like everything. The Comp Plan, as I stated, is the County's vision. The zoning ordinance, subdivision ordinance, all those different other things, are then the tools and the mechanisms by which the County strives to achieve that vision. So, when we have land use decisions that come up, those cases, those legislative ones as I said, they are required to be in conformance with the Comprehensive Plan; they are required to essentially show how these changes to the land uses that we have help to accomplish the County and the community's vision for what it wants to be in the future, and the way that they do that is through the Comprehensive Plan.

When we do see lawsuits and things like that, it depends what the nature of that particular lawsuit may be as to whether or not the Comprehensive Plan is invoked. But the Comprehensive Plan is by its very nature a very broad and a very vast document because it is looking at the entirety of the County and trying to provide general guidance to an entire County.

When you look at specific parcels and specific land use applications that come in, there are going to be different parts of the C.P. that come into play that may not always be in complete concert with one another and so it's up to the BoS ultimately - the Planning Commission can make a recommendation - but ultimately the BoS, to weigh that application against the CP and the different parts of the CP to make the determination whether ultimately it is generally in accord with that CP and generally helps to accomplish that vision of the future that the County has laid out within the Plan.

Q: So am I correct in understanding that with this change of the Comp Plan, the County is eliminating the in-law suite option on certain properties?

AH: This is not changing in any way, shape, or form the zoning ordinance.

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Q: Right, but I think one of the things you said was 'removing tenant houses' or something like that. What is that?

AH: No, what that was, was in the 1995 Plan, they had advocated for allowing multiple tenant houses, as though you were subdividing the parcel without actually subdividing the parcel. That was never adopted, that was never put on the books in that same way. We're advocating not continuing that, because there's the strong potential for that to be exploited essentially with the concentration of those tenant houses in one portion of the property that you then subdivided off the remainder of the parcel and so essentially saw far more residential units on that property than would be allowed.

Q: Thank you. One other question: what are you referring to with the sliding scale and steep slope? You had covered a part of that. What is that relationship with the steep slope and sliding scale?

AH: There was a time when the way the yield with the sliding scale was calculated omitted certain lands certain acreages, that's been subsequently modified. At one time they had omitted those steep slopes and other environmentally sensitive areas from the calculation, essentially de-creasing the yield on the property, but it was determined at some point in the last 25 years that that was not appropriate and potentially penalized those property owners so that was removed.

Q: And with the septic systems, wastewater systems, and the new environmentally friendly ones you're trying to promote with this Comp Plan, about what percentage more expensive, do you know, are these systems vs the more traditional ones?

AH: Well to take a step back, the Comp Plan itself is not promoting alternative systems. What it's promoting is the potential utilization of these alternative systems where a conventional system wouldn't work. What we had in the past was if you couldn't utilize a conventional system, the traditional way of doing it, you couldn't necessarily do any development at all. So what we're advocating for now is with the advancement of technology of these

alternative systems is to allow them to be utilized. So allow development to potentially occur where it couldn't occur in the past, particularly for where we're seeing a number of the traditional systems in cluster developments failing. What we're saying here in this Rural Lands Draft Plan is, let's consider putting in a communal alternative system here to help remediate this situation where we have the failing systems, where we have essentially the wastewater flowing freely out of these properties. Let's try and address the health issues. Similar to what the County has done in Catlett and Calverton where the County has actually gone in and put in a system. In this case it wouldn't be the County, but allowing a community themselves to go in and put in an alternative system, which is a system that wasn't envisioned 25 years ago, wasn't feasible. Allow that to potentially go in and put in a system that addresses all of their failing properties, all their failing systems, to allow them really to continue to live there.

Supervisor **McDaniel:** That's for existing buildings in the villages, correct?

AH: Correct, yes.

Supervisor McDaniel: So not new development but basically to fix people's where they live and have failing systems, to give them a way to correct so they don't have to move.

AH: For those communal systems. Alternative systems can be utilized on an individual basis. But we want to be very careful with these communal systems because we don't want to see these communal systems to become a way to increase development in the Rural Lands but we do want to see it as an option to be able to help those out who are already there who may have failing systems.

Q: Is that something that was recently talked about - is it currently being enabled in some situations throughout the County? You referenced Catlett; throughout the County, do you currently have that option where they can come before the BoS or the Planning Commission and request a communal system?

AH: There are, within very strict circumstances, and the BoS right now has just recently adopted a new provision in certain areas to allow these communal systems to be utilized for existing structures. So it's something, again, that we're moving forward and moving toward allowing these systems, again, to address where we have the failing systems because recognizing that in some cases it's just not feasible on an individual property basis, some of the lots that we've seen that have been in existence for a long time simply don't have the acreage on the individual lot with their existing failed system, to put in any sort of new system, and so trying to find workable solutions for these properties. This is one of the ways that we're saying could work going forward. Again they're gonna need to be looked at on a case-by-case basis and it's gonna be involving working very closely with the Virginia Department of Health to try and come up with the optimal solution.

Q: You had mentioned in the old Comprehensive Plan that they were gonna map the County water resources and aquifers. Has that been done?

AH: That is currently underway right now. The County is in the middle of a 5-year agreement with the U.S. Geologic Society to map our aquifers and our recharge areas to be able to have a better sense of where our water is and where it's coming from. And so the extension of that is to know which areas ideally we need to protect so that we don't see the degradation of that water because obviously the more polluted the water is, the more expensive it is for us to have to clean it and purify it before it goes into the public system. So, it's taking place right now.

When this Plan went through in 1995, if you look at it, they're still considering the impoundment areas for surface water, which the County has subsequently decided to move away from. But there's a map in there that shows the potential location of Auburn Dam and things like that. So that in particular, is an aspect that really needed updating. But it took us a while to get around to actually map these water supplies. What we had been doing was simply compiling every time we had development proposals come in and they were submitting *Notes continued* —>

June 11th Meeting Notes concluded:

hydrogeo reports, it was essentially creating a library of hydrogeo reports throughout the County that you could kind of piecemeal together. But this study that's going on right now is a more wholesale approach with the County trying to better identify and understand our water is and what we can do to protect it.

Q: But that's not part of the Comprehensive Plan? It's part of something else, that work?

AH: The work is separate and stand-alone. At such time that it's completed we could certainly see adopting into the Comprehensive Plan as an appendix to the Natural Resources Chapter, most likely would be the most appropriate location for it. But right now we're in year 3 of 5, so it's still got a little ways to go and the final reporting to be done.

Q: You mentioned at the end of your presentation, and thank you very much, and realizing that the Comprehensive Plan paints things with a very broad brush; it's not specific thing, a broad brush approach. **So the Board of Supervisors is under no obligation though, nor the staff, to go along with this if that's: 'well, we don't agree with that so we're not going to do it. We wrote the document here sometime in the near past, but we're under no obligation to go by it'? It's merely like, 'that looks really nice, but I don't think we want to do that'?**

AH: I'd be careful, that's where you potentially get into the lawsuits that Ms. Wilkerson was referencing. If a locality is ignoring its Comprehensive Plan in land use decisions, it's -

Q: - I didn't say 'ignore it', I just said, 'they're under no obligation to go by it.'

AH: When you're evaluating a legislative application that comes in, there are a set of defined standards and obligations, including conformity with the Comprehensive Plan that you are required to evaluate and so you would need to find some grounds that the application either did or did not conform to the Comprehensive Plan to base your, to justify your decision; so that's where that interpretation by the BoS

comes in. And again, this is where I reference, there may be applications that come in that have conflicting guidance from the Comprehensive Plan: some sections that may support it, some sections that may oppose it, and that's where it's up to the BoS to weigh that and to weigh which section is going to trump another one. You know, we talk about Rural Economic Development but then we also talk about the need to balance that with the rural character. That's where they're faced with those tough decisions of what is appropriate and what is not, and this [Rural Lands Chapter] is the starting point of providing the guide, but then it does require that collective discretion and that collective decision by the BoS as to whether or not the application meets the intent of the Comprehensive Plan.

Supervisor McDaniel: And it's never easy, I guarantee you. We struggle with that all the time.

Q: Regarding the easements and land use taxations, on page 12 on the draft it says that "In total, approximately 71% of the County has some form of protection from non-agricultural development through one or more of these preservation programs, with the vast majority of this acreage in rural areas." What is the County's end goal percentage of how much of the County they want preserved?

AH: I don't know that the County has a specific number in mind. The goal is really the preservation of the rural character. I think that that is something that so many County residents identify with and pride themselves on being Fauquier residents is that rural character, and so I don't know that there's a specific number that is an aspirational goal, that number right there is significantly higher than most other jurisdictions that I'm aware of, and I think it's a testament to the County's land owners to an extent putting their money where their mouth is of saying, 'we want to preserve the land and preserve this rural character.'

Q: Yeah, I was surprised at how large a number it is and I know there's a lot of dissatisfaction among people in the County with the PDR Program because

of what that does with tax revenue, and so, with such a large number of the County already preserved, I guess I was wondering if there is a percentage that it'll reach where the County will say, 'okay, this is a good number'?

Audience Member: The PDR Program in Fauquier County has saved the taxpayers thousands of dollars. If you don't believe it, just go over east and see the large development, 'we're gonna put up these big housing development, gotta have a new fire department, a new high school, a new hospital.' Taxes went up.

AH: And again, that 71% is including land use taxation and the Ag & Forestal Districts, which are not perpetual so, but there's always the opportunity for those to evolve and move into some sort of perpetual easement.

Q: Some of the concerns I've heard is that this language is very vague and kind of open-ended so there's a certain uncertainty and perhaps lack of clarity on where this could go. And then also it seems like many of these things are already able to be done or have been being done by the County, so how would you sum up in a nutshell why having this Rural Lands, which is much more difficult to read than the existing 1995 chapter, what about this is so important that we need to have *this right now in this language*?

AH: I think in large part it comes down to we're moving forward here and we're seeing increased pressure for development in our Rural Lands.

We've done a great job over the last 25 years in preserving our Rural Lands under the old chapter and that's why we wanted to continue and carry over many of those policies, but moving forward we need to provide appropriate guidance for what economic development we can see in the Rural Lands that is supportive, and that's really I think the crux of why we're advocating for the changes we're advocating for, is why to give 1) landowners, but 2) the BoS that tool to be able to say this is what we want in the Rural Lands,

Continued on pg. 1 of ads—————>

Andrew Hopewell, Community Development:

Continued from page 7:

this is the type of development that we see fitting in with the existing development but that will allow property owners to maximize the economic benefits from their land, and the existing language doesn't really do that.

It does a great job of speaking to land preservation and preservation of, in part, the agricultural industry within the Rural Lands, but it doesn't go any further because in large part I don't think those pressures were being kind of subjected to at that time.

They weren't envisioning the proliferation of wineries and the fine line they walk between serving as wineries and serving as event centers, and the impacts that those have on the neighboring parcels when you have potentially 150 cars coming to a property on a Saturday night and then celebrations into all hours in the morning. Those just weren't things that were being considered 25 years ago and so this new step provides some guidance, again, not only to the BoS but also to property owners who are looking to try and see what the County wants going forward; how can they best maximize the economic development potential of their property and be supported by the County.

Q: Aren't these businesses, though, that are proposed or that you're talking about, aren't we already pretty well controlling them and don't we have special exception things now where the County has good control over what they permit and they customize each decision - is this good or is that not good? - Don't we have those kinds of things that are operating well for us, in place?

AH: "We have minimal guidance from the Comprehensive Plan at this stage on those and so it becomes a difficult thing for the BoS to be able to provide justification for their decision when the Comprehensive Plan is largely silent on these issues.

If it did come to instances of lawsuits and opposition to Board decisions, there's not as much for the Board to fall back on to justify their decision in the Plan; they're having to base it now almost solely on their interpretations of impacts on surrounding property owners, which is carried over, but it's more formalized and codified with this draft.."

Minutes by Mary-Elizabeth Wilkerson, Secy.

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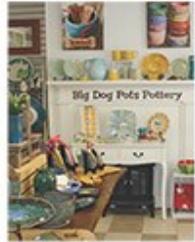
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