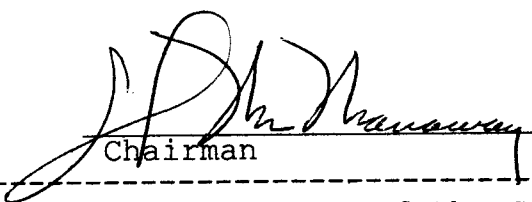


Mr. Stanley felt that it would be in the County's best interests if the Board members reviewed the different options being proposed by the consultant on the tax mapping program. Mr. McManaway suggested that he coordinate a time for a work session with the Board members.

Adjournment

On a motion by Mr. Haynes and by unanimous vote, the Board adjourned the meeting.

  
Chairman

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At a special meeting of the Board of Supervisors of the County of Warren held in the Courthouse on August 23, 1996 at 7:00 P.M.

PRESENT:

- Board of Supervisors - James L. McManaway, Chairman; Matthew A. Tederick, Vice-Chairman; B. K. Haynes, Jr.; James B. Jacobson; Stuart L. Rudacille; also Douglas W. Napier, County Attorney; and R. Edward Duncan, County Administrator
- Planning Commission - Sally Cable, Chairman; George Baggarly, Vice-Chairman; Judi Booe; Millard Stockner; and Richard Traczyk

ABSENT: None

Joint Board of Supervisors/Planning Commission Public Hearing -

An Amendment to the Warren County Comprehensive Plan and Future Land Use Map to Extend Industrial Uses Northward up the Corridor on the East Side of Winchester Road (Route 340/522) to North of Fairground Road (Route 661)

R96-08-09 - Montreville Farm, Inc. and Family Dollar Services, Inc. - Request to Rezoning a 110 +/- Acre Parcel from Agricultural (A) to Industrial (I) in order to Construct a Distribution Facility

An Amendment to the Warren County Zoning Map to include the Johns Farm (AKA Montreville Farm)

Mr. McManaway opened the Public Hearing on an amendment to the Warren County Comprehensive Plan and future land use map to extend industrial uses northward up the corridor on the east side of Winchester Road (Route 340/522) to the north of Fairground Road (Route 661) with a general usage and density range of industrial with a minimum lot size of one acre as permitted by Section 180-28 of the Warren County Zoning Ordinance; a request from Montreville Farm, Inc. and Family Dollar Services, Inc. to rezone a 110 +/- acre parcel from Agricultural (A) to Industrial (I) in order to construct a Distribution Facility located at the northeast intersection of Winchester Road (Route 340/522 North) and Fairground Road (Route 661) and identified on Tax Map 5 as Parcel 10 with a general usage and density range of industrial with a minimum lot size of one acre as permitted by Section 180-28 of the Warren County Zoning Ordinance; and an amendment to the Warren County Zoning Map to include the Johns Farm (AKA Montreville Farm), identified on Tax Map 5, Parcel 10, as being zoned Industrial with the general usage and density range of industrial with a minimum lot size of one acre as permitted by Section 180-28 of the Warren County Zoning Ordinance.

As legal counsel for the Industrial Development Authority of Front Royal-Warren County (IDA), the co-applicant with Family

Dollar for the rezoning application of the 110 +/- acre parcel, Mr. Eric Adamson noted that this was a reapplication of a rezoning which had been approved after an extensive public hearing on July 16, 1996. A suit had been filed alleging that there were certain deficiencies in the technical requirements of the prior application.

Mr. Adamson did not want to address the issues raised in the suit, but wanted to dispel some misconceptions regarding some of the issues that would be raised tonight. One misconception was that one must rezone property before the IDA or the County could acquire it. This was not required by law in Virginia. Not only was the Johns Farm purchased before it was rezoned, but so was the Happy Creek Industrial Park, the Kelley Industrial Park, the Toray property, and the Success Farm.

Another misconception was that, in order to be rezoned industrial, the property must be located within the Enterprise Zone. Every industrial park in Warren County was not in the Enterprise Zone with the exception of the Success Farm. The Enterprise Zone was created by Virginia Law as an incentive with certain exemptions from taxes used to induce industry to locate in a particular area and it was not meant to be a requirement that industry locate there.

Another misconception was that the IDA and the Board of Supervisors could not meet in executive session to consider the purchase or sale of land or real estate. The Virginia Code specifically authorized these bodies to meet behind closed doors in executive session to make these decisions for the obvious reasons that the price and terms are to be kept secret until the purchase or sale has been concluded.

Mr. Adamson continued with another misconception that the lawsuit filed by Mr. Stephens was bad. Every person is entitled to redress their grievances in a Court of Law. Mr. Stephens felt that his Constitutional rights had been abridged and had the strength and conviction to take it to Court. Mr. Adamson did not feel that Mr. Stephens' rights had been violated, but Mr. Stephens still had the right to file suit. Each side asked the Court to rule that the loser pay legal costs and attorneys' fees.

Mr. Adamson stated that, if approved, the 110 +/- acres would be irrevocably changed to Industrial; the distribution center located across from Mr. Stephens' house would affect him in a substantial manner. Industrial use and growth had progressed from the I-66 interchange northward since DuPont came to Warren County 18 years ago and sewer and water had been extended out the Route 340/522 corridor; the community welcomed Family Dollar to Warren County; the objections have been primarily to the location of the facility on this particular tract of land; the Board and Planning Commission had a responsibility to all the citizens of Warren County including young people who needed jobs, the unemployed, commuters who needed local jobs, and its farmers and preservationists.

Mr. Adamson pointed out that the proposed use was a non-polluting facility which would employ up to 450 persons.

Mr. Bill Nicholls, architect for Family Dollar, presented drawings and renderings of the proposed facility noting modifications and refinements which had been made since the Board's meeting of July 16. The Virginia Department of Transportation will require that the northern section of Fairgrounds Road be expanded on the Family Dollar side to a three lane road with turn lanes into three entrances to the facility. They will provide signalization at the intersection and turn lanes in all directions. The Lord Fairfax Soil and Water Conservation District preferred that the retention basin be located in the northwest corner of the property. The retention basin had been designed so as to act as a retention basin, a sedimentation basin during the life of the development, and a filter for oil and other pollutants from the trucks. The retention basin will be behind the ten foot berm and be screened by cyprus trees.

Mr. James Stephens, adjacent property owner, stated that he had to bring a lawsuit to bring the community together and work together as a team. He said that there had been zero citizen input. He commented that after much persuasion a meeting had been held to discuss the possibility of relocating the proposed water tower and he was of the understanding that there was not sufficient time to move the water tower which was to be located 200 feet from his property. He was trying to provide the time to relocate the water tower. He had previously inquired if any studies had been conducted on other properties within the Enterprise Zone. He noted that Clifford and Associates had indicated that no engineering study had been conducted as to why Family Dollar could not fit within another available property.

Mr. Stephens asked for the same consideration as provided in option 2 of the agreement with Family Dollar that the extra parcel not be used in such a manner as to produce noise, dust, smoke, odor, toxic gases, hazardous substance, waste or vibrations, or any other emissions which would adversely impact the value of their lot.

Mr. Stephens was opposed to the requested rezoning application.

Mr. Dean Worcester, attorney representing James and Judith Stephens, pointed out that the rezoning application completely overlooked the fact that on July 16 the Board of Supervisors had approved the rezoning of the Johns Farm property to Industrial and listed the current zoning of the property as being Agricultural. He said in effect this made the public hearing a sham.

Mr. Worcester stated further that in correspondence dated March 18, 1996 a proposal from Stephen Heavener of the IDA was sent to Family Dollar offering them the Johns Farm site at a price which included the installation of new water and waste water distribution and collection pipes to this property. This \$4 million investment by the Town of Front Royal and the County of Warren also included the construction of a one million gallon elevated storage tank near the property. Warren County will apply to expand the Cedarville Enterprise Zone to include this site within sixty days. Should the property be placed in the enterprise zone, it may not qualify for some tax exemptions. Correspondence dated March 8 indicated that the Warren County Supervisors had committed to make the total five years savings to Family Dollar of \$568,800 available by legal methods. In April the Johns family entered into an option contract with the Industrial Development Authority at \$10,000 per acre. This contract was not contingent upon any rezoning or Family Dollar acquiring the property. Also, in April the Town of Front Royal adopted a resolution authorizing the IDA to enter into a contract with Family Dollar based upon discussions to offer the Johns Farm property to Family Dollar at \$10,000 per acre. In May the Board of Supervisors passed a resolution authorizing the IDA to exercise the Montreville Farm option for the purchase of the 110 acre Johns Farm with the County providing funding. This demonstrated that a decision had been made long before the first public hearing was held. He asked if the end justified the means.

Ms. Pam Rhodes, 3141 Mountain Road, was appalled at how politics helped pushed industrial growth down the throats of Warren County citizens and did not listen to their concerns.

Mr. Chip Knave, Happy Creek District, was in favor of Family Dollar locating in Warren County because of the additional jobs that would be provided and the increase in the tax base. He felt that with a greater tax base, Warren County could provide the schools that were needed. He felt Mr. Heavener should be given credit for helping bring jobs to Warren County. Mr. Knave's father had commuted to the city for twenty-five years and was looking for a job closer to home.

Mr. Doug Pifer, 624 Fairgrounds Road, asked the Board not to change the Comprehensive Plan. He felt the Board was only using planning and zoning as tools to entice and benefit industry at the expense of the County. The real reasons for planning and zoning were to protect the rights of residents to ensure that all the

resources of an area were wisely used and preserved to balance land uses and to provide future generations with a healthy community. He felt the Board had yet to seriously acknowledge residents' concerns about the loss of agricultural and rural land and the potential damage to the land caused by industry.

Mr. Ben Weddle did not feel it was a good time to make a change to the Comprehensive Plan. He felt it was a terrible mistake to change it piece-meal because one could not look at it as it related to the whole. He asked that action be tabled until the entire Comprehensive Plan could be considered as a package.

Mr. John Thomson, Ashby Station Road, cited Virginia Code Sections 15.1-1512 and 15.1-1511 which stipulated that the Commissioner of Revenue shall identify the parcels of land in the Agricultural and Forestal District in the land book and on the tax map and the local governing body shall identify such parcels on the zoning map where applicable and shall designate the districts on the official Comprehensive Plan Map each time the Comprehensive Plan Map is updated. He felt the Comprehensive Plan amendments were illegal according to these two sections of the code. The text of the amendment covered 2,000 acres, not just the 110 acre parcel of the Johns Farm. The map of the amendment included additional parcels of land already in the Agricultural District which was a conflict. Wording of the text was also illegal because it covered 2,000 acres with that statement and there were Agricultural Districts within that area.

Ms. Carol Weddle was opposed to the proposed change to the Comprehensive Plan and proposed rezoning. She felt the Board was changing the rules to suit its purposes. She did not feel the Board knew their County nor their constituents.

Ms. Donna Ralls, 842 Fairground Road, was disappointed with Warren County and its leadership. She felt there was plenty of land available in the County for this particular type of facility. She was very concerned about the roadways.

Dr. V. J. Malta noted that, when Fishnet was before the Board for approval, the same people opposed it and it was approved. Dr. Malta noted that the water tower issue was discussed at the time Toray Plastics addressed their need for water which occurred before Family Dollar indicated any interest in locating in Warren County. He felt the County needed to help its citizens by allowing industry to locate in Warren County.

Mr. Wayne Chatfield-Taylor was opposed to the entire proposed project because Warren County would lose prime farmland. He was also opposed to giving all the taxes to the IDA.

Mr. Tom Logie, Front Royal resident, believed that the County needed the economic activity and jobs generated by the proposed project. He felt the Board was going in the right direction by expanding the enterprise zone and rezoning the Johns Farm site. He felt the Board should allow Family Dollar to locate in Warren County. He noted that there were many people in Warren County who needed local jobs.

Mr. John Cuddeback, Front Royal resident, noted that at the first public hearing the majority spoke against the proposed rezoning. Individuals gave specific reasons why they felt Family Dollar should not locate on the Johns Farm site. He stated that the Johns Farm site was an important scenic area at the north entrance to the County. No reason was ever given as to why Family Dollar must locate on this particular site. He came to the conclusion that a few businessmen spent the taxpayers money to purchase the Johns Farm for a specific purpose and committed the County without any input from the community on this massive project. He asked that the Board show the citizens that their serious concerns about the location made a difference.

Mr. John Thomas, Happy Creek District, felt that the integrity issue was the main issue because the citizens elected the Board and trusted them. He felt that the Board had to be able to deal in executive session. He said that character and integrity were doing

what was right when no one was watching and that was what the citizens paid the Board to do.

Ms. Susie Chatfield-Taylor was opposed to the proposed rezoning.

Mr. David Alexander of Family Dollar noted that they had looked at seven states and reviewed a significant number of sites. They selected Warren County for a number of reasons and selected the Johns Farm site. He said that there was not another site in Warren County that met their needs. The second possible site they chose was not located in Warren County.

Mr. Lionell Boger, 7274 Winchester Road, stated that there were sixteen property owners who would be adversely impacted by the rezoning of the Johns Farm site. At no time until recently did they see anything about a community impact statement and he asked what was the secret. He asked the Board to think about the location of the water tower very seriously before casting a vote.

Dr. Malta asked how many people present were opposed to the country clubs and subdivision developed by Lynwood Morrison. He said that some of them probably lived in some of those homes.

Mr. Pifer felt it would be irresponsible to rezone the Johns Farm because it would result in total unnecessary loss and value of agricultural and rural land. He did not feel that the options the Board considered for the Johns Farm site could possibly outweigh the need for the site to remain zoned Agricultural. He noted that there were other sites in the area already properly zoned for industry and commerce which could be used to bring jobs to the area and to increase the tax base. Requirements for farming and wildlife made it imperative that when rural areas are set aside adequate numbers of acres remain uninterrupted by industry and residential growth. The Board was chipping away at Warren County's rural land without understanding that the losses were not just cumulative or isolated, but expeditious. The Johns Farm, like other local farms, contributed significantly and directly to Warren County's prosperity through food production.

Mr. Thomson stated that Section 15.1-1512, paragraph B of the Code of Virginia stipulated that no local government shall exercise any of its powers to enact local laws or ordinances within a district in a manner which would unreasonably restrict or regulate farm structures or farming and forestry practices in contravention of the purposes of this chapter unless such restrictions or regulations bear a direct relationship to public health and safety. The Comprehensive Plan and Zoning and Subdivision Ordinances shall be applicable within said districts to the extent that such ordinances are not in conflict with the conditions to creation or continuation of a district set forth in the ordinance creating or continuing the district or for the purposes of this chapter. Nothing in this chapter shall affect the authority of the local governing body to regulate the processing of retail sales of agricultural and forestal products or structures. Local ordinances, comprehensive plans, land use planning decisions, administrative decisions, and procedures affecting parcels of land adjacent to any district shall take into account the existence of such district and the purposes of this chapter. The Rockland Agricultural District, established in 1977, was the first Agricultural District established in Virginia. Mr. Thomson pointed out that the Comprehensive Plan Map included parcels in addition to the Johns Farm property of which some were in the Agricultural District and it would be illegal for the Board to rezone them industrial.

Mr. Weddle was of the opinion that it was the intent of the previous Board that the northern boundary of the enterprise zone be Route 661 and that, with the addition of Toray Plastics and other recent industries, the need for additional jobs would be met until sometime in the future. He felt that Mr. Rudacille's proposal of August 20 to maintain the northern boundary should be given consideration.

Ms. Rhodes felt that Warren County should chose where industry locates or allow them to locate elsewhere.

Mr. Knave asked if an automobile manufacture offering 1,000 jobs at \$50 per hour would have as much difficulty in locating in Warren County as Family Dollar.

Mr. Jim Stephens, Sr., Fairground Road, did not feel the Board was hearing the public's concerns. He felt the water tower should be located out of view. He did not feel that Mr. Johns received a fair offer for his land.

There being no further input by the public, the hearing was closed.

Mr. McManaway turned the floor over to the Planning Commission.

Mr. Doug Stanley, Planning Director, reminded the Planning Commission that there was property located to the north and east of the Johns Farm that was part of the Rockland Agricultural and Forestal District and both the Planning Commission and Board of Supervisors should take into consideration this district in whatever action they take on the matters before them.

Ms. Booe stated that, due to the fact that she had been out of town for two months and did not have all the pertinent facts on the zoning issue to make an educated decision, she would abstain from voting.

Mr. Stockner resented the idea that he had made up his mind before hearing public comments. He noted that, as stated in the newspaper, the average wage in the northern Shenandoah Valley was \$12 per hour and his son who had a four year college degree did not earn \$25,000 per year working for the Commonwealth of Virginia. The Johns Farm site was selected by Family Dollar and he was glad that they selected a site in Warren County because Warren County desperately needed jobs. When Avtex closed, the County lost 1,500 jobs. Some people who commuted outside Warren County did not earn \$10 an hour. Every business that located in Warren County had presented the Planning Commission with a community impact statement. He had visited the small stores and talked with individuals about Family Dollar and not one was opposed to Family Dollar, therefore, he had no choice, but to vote in favor of the rezoning and Family Dollar.

Ms. Cable had discussions with members of the Johns family and learned that it was not profitable to raise corn and it had been over twenty years since the land had been tilled. She had also been informed that the farm was going to be sold. If the IDA had not purchased the site, a developer would have done so. The potential for groundwater pollution in this area was very high and she was concerned about the number of individual drainfields should this property be developed for housing. The Planning Commission's primary responsibility was land use and, in her opinion, an industry connected to the Town's water and sewer system was the best use of this property and she supported the proposed amendments and rezoning.

Mr. Traczyk had studied the proposed amendments and rezoning request very carefully, talked to many people, lived in the area, attended a public meeting in that community, reviewed the zoning changes from many prospectives, reviewed the Comprehensive Plan, reviewed the job opportunities for Warren County, the tax revenue, the tax burdens to the residents which continued to grow with the development of housing, and public services which continued to place greater demands on the community. He considered whether this zoning change would help the young high school graduates and offer opportunities for higher pay to college graduates, returning servicemen, and local crafts people. If the property were rezoned, it would bring in millions in tax revenue to help balance the residential community tax base and allow the Board of Supervisors to move the community forward. The Warren County community could not survive financially on a home real estate tax base without raising taxes through the roof. If the property was sold to

developers as had been suggested, over 100 homes would be constructed with an average of two children per household. The proposed facility was environmentally clean, had a wide range pay scale, and was a good sound business which was needed in Warren County. He was in support of the proposed amendments and rezoning.

Mr. Baggarly agreed with the other Planning Commission members and supported the proposed amendments and rezoning for those reasons stated.

Mr. Traczyk moved that the Planning Commission has made careful and comprehensive surveys and studies of the existing conditions and trends of growth in the community, and of the possible future requirements of the County's territory and inhabitants. The Comprehensive Plan needs to be amended so as to accomplish its purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the County's territory which will, in accordance with the present and possible future needs and resources of the County, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants of the County.

Accordingly, it is my motion that the Planning Commission recommends and certifies to the Board of Supervisors that the County's Future Land Use Plan be amended and adopted in accordance with the plan I have in my hand and marked Exhibit "A". This Future Land Use Plan as amended, shows the future land use of the County along the U.S. Route 522 corridor from just north of the Town of Front Royal at the I-66 interchange to past the Fairgrounds Road (Route 661) to be zoned industrial or industrial/commercial, as shown on this amended Future Land Use Plan.

This amended Future Land Use Plan is to include the water tower and water line, marked in blue, and the sewer line, marked in red, that is to be extended north from the Town of Front Royal to this industrial and industrial/commercial area including the Johns Farm as shown on the amended Future Land Use Plan.

My motion includes my giving a copy of this written motion with Future Land Use Plan marked as "A" to the secretary for inclusion in the records of this matter.

My motion takes into account the Rockland Agricultural and Forestal District which applies to land adjacent to the land in Exhibit "A".

The motion was seconded by Mr. Stockner and approved by the following 4-0-1 vote:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>
Baggarly		Booe
Cable		
Stockner		
Traczyk		

Mr. Traczyk moved that the Planning Commission has made careful and comprehensive surveys and studies of the existing conditions and trends of growth in the community, and of the possible future requirements of the County's territory and inhabitants. The Comprehensive Plan needs to be amended so as to accomplish its purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the County's territory which will, in accordance with the present and possible future needs and resources of the County, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants of the County.

Accordingly, it is my motion that the Planning Commission recommends and certifies to the Board of Supervisors that the text on Page IX 15, Paragraph 4 of the County's Comprehensive Plan, as shown on Exhibit "B" attached hereto, be amended and adopted to read as follows:

INDUSTRIAL

"Areas suitable for industrial sites have been identified in the Cedarville area between 340/522 and the rail track from the I-66 interchange to North of Fairground Road (Route 661). In addition to the availability to public water and sewer, this area also has excellent access to I-66, the Virginia Inland Port and to rail facilities. (See Map of Development Areas - Front Royal and Linden Interchanges, Fig. 3)."

My motion includes my giving a copy of this written motion with the text changes to the Comprehensive Plan marked as "B" to the secretary for inclusion in the records of this matter.

My motion takes into account the Rockland Agricultural and Forestal District which applies to land adjacent to the land in Exhibit "A".

The motion was seconded by Mr. Baggarly and approved by the following 4-0-1 vote:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>
Baggarly Cable Stockner Traczyk		Booe

Mr. Stockner stated that with the same preamble as the previous two motions, and because the public necessity, convenience, and general welfare and good zoning practice require, and as set out in the purpose and intent portion of the County Zoning Ordinance, Section 180-2, I move that the 110 plus or minus acre parcel known as the Johns Farm, Tax Map 5, Parcel 10, located on the east side of U.S. Route 522 and the north side of Fairground Road (State Route 661) be rezoned to industrial, and that the County's Zoning Map and Zoning Map Classification also be amended and adopted to reflect this rezoning. The general usage and density range of this area shall be industrial with a minimum lot size of one acre as permitted by Section 180-28 of the Warren County Zoning Ordinance.

My motion takes into account the Rockland Agricultural and Forestal District which applies to land adjacent to the land in Exhibit "A".

The motion was seconded by Mr. Baggarly and approved by the following 4-0-1 vote:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>
Baggarly Cable Stockner Traczyk		Booe

Ms. Cable forwarded the three items to the Board of Supervisors recommending approval.

Mr. McManaway relinquished the Chair to Mr. Tederick.

Mr. McManaway felt that the rezoning of the Johns Farm site would adversely affect some of the land values and some of the people in the Rockland district, however, it was by far to the greater good of the County.

Mr. McManaway moved that the Planning Commission and the Board of Supervisors have made careful and comprehensive surveys and studies of the existing conditions and trends of growth in the County, and of the probable future requirements of the County's territory and inhabitants. The Comprehensive Plan needs to be amended so as to accomplish its purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the County's territory which will, in accordance with the present and possible future needs and resources of the County, best promote



the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants of the County.

Accordingly, it is my motion that the County's Future Land Use Plan be amended and adopted in accordance with the plan I have in my hand and marked Exhibit "A". This Future Land Use Plan as amended, shows the future land use of the County along the U.S. Route 522 corridor from just north of the Town of Front Royal at the I-66 interchange to past Fairgrounds Road (Route 661) to be zoned industrial or industrial/commercial, as shown on this amended Future Land Use Plan.

This amended Future Land Use Plan is to include the water tower and water line, marked in blue, and the sewer line, marked in red, that is to be extended north from the Town of Front Royal to this industrial and industrial/commercial area including the Johns Farm as shown on the amended Future Land Use Plan.

My motion includes my giving a copy of this written motion with Future Land Use Plan marked as "A" to the secretary for inclusion in the records of this matter.

My motion takes into account the Rockland Agricultural and Forestal District which applies to land adjacent to the land in Exhibit "A".

The motion was seconded by Mr. Jacobson.

Mr. Haynes felt that the motion may be somewhat ambiguous. He moved that the motion be amended to change paragraph 2 to read as follows:

Accordingly, it is my motion that the County's Future Land Use Plan be amended and adopted in accordance with the plan I have in my hand and marked Exhibit "A". This Future Land Use Plan as amended shows the future land use of the County along the U.S. Route 522 corridor from just north of the Town of Front Royal at the I-66 interchange to the Fairgrounds Road (Route 661) inclusive of the Johns Farm property (Parcel 10, Tax Map 5) to be zoned industrial or industrial/commercial as shown on this amended Future Lane Use Plan.

The motion to amend the original motion was approved by the following 3-2 vote:

<u>Ayes</u>	<u>Nays</u>
Haynes	Jacobson
Rudacille	McManaway
Tederick	

Mr. Tederick was in favor of the amendment because he felt the Comprehensive Plan should be amended and it should include the Johns Farm, but no further north of that area.

Mr. McManaway opposed the amendment, because the study on a plan for the development of the Route 340/522 North corridor was still ongoing and it did not take into consideration property west of Route 522 which may be included in the plan when it was completed.

Mr. Rudacille was in favor of the amendment. He felt the Board should set a limit as to how far north it was going.

Mr. Jacobson was opposed to the amendment. He felt it threw a curve ball to the County's progress. He did not want to support something for which he did not have prior information. He did not want to take any action that would slow Warren County's economic growth or stop productivity of the County.

Mr. Haynes supported the amendment in that it made it slightly more specific how far north they were going. He did not feel the motion changed with respect to the specifics of eastern or western development. He felt it was important to be specific as to how far north the development would go.

The motion as amended was approved by unanimous vote.

Mr. McManaway stated that, with the same preamble as the last motion, it is my motion that the text on Page IX-15, Paragraph 4, of the County's Comprehensive Plan, as shown on Exhibit "B" attached hereto, be amended and adopted to read as follows:

INDUSTRIAL

"Areas suitable for industrial sites have been identified in the Cedarville area between 340/522 and the rail track from the I-66 interchange to North of Fairground Road (Route 661). In addition to the availability of public water and sewer, this area also has excellent access to I-66, the Virginia Inland Port and to rail facilities. (See Map of Development Areas - Front Royal and Linden Interchanges, Fig. 3)."

My motion includes my giving a copy of this written motion with the text changes to the Comprehensive Plan marked as "B" to the secretary for inclusion in the records of this matter.

My motion takes into account the Rockland Agricultural and Forestal District which applies to land adjacent to the land in Exhibit "A".

The motion was seconded by Mr. Jacobson.

Mr. Haynes moved to amend paragraph 2 of the motion to read as follows:

"Areas suitable for industrial sites have been identified in the Cedarville area between 340/522 and the rail track from the I-66 interchange to Fairground Road (Route 661) inclusive of the Johns Farm property (Parcel 10, Tax Map 10). In addition to the availability of public water and sewer, this area also has excellent access to I-66, the Virginia Inland Port and to rail facilities. (See Map of Development Areas - Front Royal and Linden Interchanges, Fig. 3)."

Mr. Jacobson noted that he was not aware of the motions to amend and did not understand their intent. He would vote against the amendment.

Mr. Tederick understood the motion to include the Johns Farm specifically and he was in favor of the amendment.

Mr. Haynes was in favor of the amendment as previously stated.

Mr. Rudacille was in favor of the amendment as stated earlier.

Mr. McManaway was not in favor of the amendment for reasons stated previously.

The motion to amend the original motion was approved by the following 3-2 vote:

<u>Ayes</u>	<u>Nays</u>
Haynes	Jacobson
Rudacille	McManaway
Tederick	

The motion as amended was approved by unanimous vote.

Mr. McManaway stated that with the same preamble as the previous two motions, and because the public necessity, convenience, and general welfare and good zoning practice require, and as set out in the purpose and intent portion of the County Zoning Ordinance, Section 180-2, I move that the 110 plus or minus acre parcel known as the Johns Farm, Tax Map 5, Parcel 10, located on the east side of U.S. Route 522 and the north side of Fairground Road (State Route 661) be rezoned to industrial, and that the County's Zoning Map and Zoning Map Classification also be amended and adopted to reflect this rezoning. The general usage and density range of this area shall be industrial with a minimum lot

size of one acre as permitted by Section 180-28 of the Warren County Zoning Ordinance.

My motion takes into account the Rockland Agricultural and Forestal District which applies to land adjacent to the land in Exhibit "A".

The motion was seconded by Mr. Jacobson.

Mr. Jacobson appreciated the remarks from the public and what was presented by Mr. Stephens. He felt that the manner in which the Board had acted would preserve tomorrow for Warren County. If Warren County was ever to build new schools, new parks, new roads, and provide services to a growing population, they must provide a means to pay for them without taxing its citizens into poverty. New industry would give Warren County that ability and would provide for a strong, growing, vibrant economy. It would put Warren County citizens to work, it would provide a healthy tax base for the County's future. He believed in limited government and the rights of the individual. He felt that they must not forget that they were a County that had a government, not a government that had a County. Their job as government officials must be to provide opportunity. His job as a Supervisor was to work hard for a healthy, vigorous, growing economy that provides equal opportunity for all. He was representing all the people, not a select few. For those reasons he supported the motions.

Mr. Tederick said that he attempted to be open-minded on this issue and at all public hearings. He felt that the best use of the Johns Farm property was industrial. He intended to support the motion.

The motion was approved by unanimous vote.

Mr. McManaway resumed the Chair.

#### Adjournment

On a motion by Mr. Rudacille, seconded by Mr. Haynes, and by unanimous vote, the Board adjourned the meeting.

  
Chairman

At a regular meeting of the Board of Supervisors of the County of Warren held in the Courthouse on September 4, 1996 at 7:30 P.M. (The Board's regular meeting of September 3, 1996 had been postponed until September 4, 1996.)

Present: James L. McManaway, Chairman; Matthew A. Tederick, Vice-Chairman; James B. Jacobson; Stuart L. Rudacille; also Douglas W. Napier, County Attorney; and R. Edward Duncan, County Administrator

Absent: B. K. Haynes, Jr.

#### Approval of Minutes - Regular Meeting of August 20, 1996 Special Meeting of August 23, 1996

Mr. McManaway noted that the minutes of the Board of Supervisors' regular meeting of August 20, 1996 and special meeting of August 23, 1996 had not yet been completed.

#### Report - Virginia Department of Transportation - Randy Kiser

Mr. Randy Kiser, Resident Engineer of the Virginia Department of Transportation, asked that the Board schedule a work session to review the secondary six year plan.

Mr. Kiser noted that he had a conflict and could not make a report to the Board at its October 1, 1996 meeting.

Mr. Tederick suggested that the Town be involved in the work session as some of the County's plans for the next six years may incorporate the Town such as an interchange at Route 606 and Route 55. Mr. Kiser had no objections.

By consensus, the Board scheduled a work session with Mr. Kiser to review the secondary six year plan on October 16, 1996 at 9:30 a.m. in the EOC conference room.

Mr. Jacobson had received a request from Skyland Estate residents to widen the bus stop area. Mr. Kiser would get in touch with Mr. Jacobson on that matter at another time.

Discussion - Work Session re: Potomac Tributary Nutrient Strategy Plan for Warren County

By consensus, the Board scheduled a work session with Dr. Meryl Christiansen for September 18, 1996 at 9:30 a.m. to discuss a proposed nutrient reduction plan for Warren County.

Request - Signalization Agreement with Family Dollar and Virginia Department of Transportation

Correspondence had been received from the Virginia Department of Transportation requesting the Board's comments on a proposed agreement regarding the cost of signalization of the intersection of Routes 661 and 340/522 between Family Dollar, the Virginia Department of Transportation and Warren County. Mr. Kiser noted that the Board could request that Warren County be removed from the agreement if they so desire.

On a motion by Mr. Tederick, seconded by Mr. Rudacille, and by unanimous vote, the Board approved the signalization agreement between Family Dollar and the Virginia Department of Transportation with Warren County being removed from the agreement.

Request - Boundary Adjustment with Fauquier County, Lot B, Block N, High Knob - Daniel O'Connell, Jr.

Mr. Daniel O'Connell, Jr., representing the Kings whose parents originally owned Lot B, Block N of High Knob subdivision which was conveyed to Mr. and Mrs. Arthur when the Kings' parents died. It was thought that the entire development had been constructed in Warren County; but due to better survey equipment, it had been determined that this lot was actually in Fauquier County. The Arthurs received services from Warren County and paid taxes to Warren County and preferred that the property be located in Warren County.

Mr. O'Connell stated that Mr. Jim Green of the Fauquier County Board of Supervisors and Bob Lee, Fauquier County Administrator, were willing to agree with whatever action the Warren County Board of Supervisors took regarding this matter.

There was discussion concerning other lots in the High Knob Subdivision located in Fauquier County. Mr. O'Connell stressed the need to adjust the boundary line for this particular lot at this time, because the Kings would lose \$10,000 in escrow to the Arthurs if the adjustment was not made by November 1.

Mr. Duncan felt the Board may set a precedent unless they requested a formal adjustment of all the lots located in Fauquier County which could lead to future problems associated with the sale of other property.

Mr. McManaway asked, if the Board approved the boundary adjustment for Lot B of Block N, could the Board in the same resolution give Fauquier County notice as soon as possible that Warren County would request a property line adjustment for the