AGENDA
BOARD OF SUPERVISORS
WEDNESDAY, AUGUST 12, 2026
7:00 PM
BOARD MEETING ROOM
107 NORTH KENT STREET, WINCHESTER, VIRGINIA 22601

1. **Call to Order**
2. **Invocation**
3. **Pledge of Allegiance**
4. **Adoption of Agenda**
5. **Citizen Comments – For agenda items that are not the subject of a Public Hearing**
6. **Consent Agenda - *Roll Call Vote***

6.A. Approval of Minutes of Regular Meeting of July 8, 2026

BOS08-12-26MinutesRegMtg260708.pdf

6.B. Approval of Minutes of the Board-Planning Commission Joint Work Session of July 23, 2026

BOS08-12-26MinutesJointWorkSession260723.pdf

6.C. Acceptance of Public Works Committee Report of June 30, 2026

BOS08-12-26PublicWorksCommReport2026June30.pdf

6.D. Acceptance of Transportation Committee Meeting of July 27, 2026

BOS08-12-26TransportationCommReport.pdf

6.E. Transportation Committee Business: Authorization for staff to proceed with all Smart Scale applications as outlined in the Committee Report and maintain the 20% funding commitment for this year.

6.F. Acceptance of the Summary Report of the Board of Supervisors-Planning Commission Joint Work Session of July 23, 2026

BOS08-12-26JointWorkSessionSummary.pdf

Consent Agenda, *continued*

6.G. Request from the Commissioner of the Revenue for Refunds and Supplemental Appropriations:

JB Hunt Transport Inc.- $226,823.23
Schenker Inc.- $26,133.13

BOS08-12-26RequestForRefund-Hunt.pdf

BOS08-12-26RequestForRefund-Schenker.pdf

6.H.
Memorandum of Agreement Among the Federal Communications Commission, the Virginia Department of Historic Resources, the County of Frederick, VA, the Shenandoah Valley Battlefields Foundation, and Belle Grove, Inc. Regarding the County of Frederick's Emergency Communications Tower at 269 Klines Mill Lane, Middletown, Frederick County, Virginia. TCNS #288286

BOS08-12-26MitigationMOA_WeighStation.pdf

6.I. Resolution for Changes in the Secondary System of State Highways: Freedom Manor

BOS08-12-26RoadResFreedomManor.pdf

6.J. Resolution for Changes in the Secondary System of State Highways: Quail Hill, Section 2

BOS08-12-26RoadResQuailHillSection2.pdf

7. **Board of Supervisors Comments**

8. **County Officials**

8.A. Update on the Regional Broadband Project

8.B. Update on the Valley North Electric Transmission Line Project

BOS08-12-26EngagementLtrFrederickCo_ValleyNorth_Redacted.pdf

BOS08-12-26ResolutionValleyNorthAuthorizingRetention.pdf

9. **Appointments to Boards, Committees, and Commissions**

9.A. Conservation Easement Authority

3-year term of Philip Haines expires 8/24/26.
3-year term of Diane Kearns expires 8/24/26.
3-year term of Board of Supervisors' Rep. Al Orndorff expires 8/24/26.

All three members are eligible and willing for reappointment.

9.B. Economic Development Authority
4-year term of Doug Rinker expires 9-10-26

Mr. Rinker was recently appointed to fill an unexpired term and is eligible and willing to continue serving.

10. **Committee Business** - None

11. **Public Hearings (Non Planning Issues)** - None

12. **Planning Commission Business - Public Hearings** - None

13. **Planning Commission Business - Other Planning Business**

13.A. Information/Discussion: Ordinance Amendment – Subdivision and Zoning Ordinance Updates, Ph. 1 Companion Amendments

BOS08-12-26OA_Subdivision_ZoningUpdatePH1.pdf

13.B. Information/Discussion: Ordinance Amendment – 2026 General Assembly Provisions

BOS08-12-26OA_ Legislative_ Update2026.pdf

13.C. Information/Discussion: Ordinance Amendment – Data Centers (Removal as an Allowed Use)

BOS08-12-26OA_DataCenters_Removal_Final.pdf

14. **Board Liaison Reports**

15. **Citizen Comments**

16. **Board of Supervisors Comments**

17. **Adjourn**

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: Consent Agenda

Title: Approval of Minutes of Regular Meeting of July 8, 2026

Attachments:
BOS08-12-26MinutesRegMtg260708.pdf

MINUTES
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, JULY 8, 2026
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES

Board of Supervisors: John F. Jewell, Chairman; Robert W. Wells, Vice Chairman; Robert T. Liero; Jason C. Aikens; Michael D. Guevremont; and Gary R. Oates were present. Albert L. Orndorff participated remotely from Myrtle Beach, SC, for personal business reasons.

Staff present: Michael Bollhoefer, County Administrator; Jay E. Tibbs, Deputy County Administrator; Wyatt Pearson, Deputy County Administrator; Andrew R. Fox, County Attorney; Wendy May, Communications Director; John Bishop, Incoming Planning Director; Eric Bittner, Planner II; Patrick Fly, Director of Information Technologies; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

CALL TO ORDER

Chairman Jewell called the meeting to order at 7:00 p.m.

INVOCATION

Vice Chairman Wells offered the invocation.

PLEDGE OF ALLEGIANCE

Vice Chairman Wells led the Pledge of Allegiance.

REMOTE PARTICIPATION APPROVED

Vice Chairman Wells moved that the Board authorize remote participation by Supervisor Albert Orndorff for personal business reasons. Supervisor Aikens seconded the motion, which carried on a voice vote.

ADOPTION OF AGENDA - APPROVED

Vice Chairman Wells moved for the adoption of the draft agenda. Supervisor Guevremont seconded the motion, which carried on a voice vote.

CITIZEN COMMENTS

Charleen Anderson, Shawnee District, noted her concerns about the Comprehensive Policy Plan Amendment application named AMK Properties.

Frank Yurkovich, Shawnee District, said he was opposed to the Comprehensive Policy Plan Amendment application named AMK Properties being sent forward for more study.

Leslie Spencer, Gainesboro District, spoke in favor of more study on the Comprehensive Policy Plan Amendment application named AMK Properties.

The following spoke in opposition to the Valley North Electric Transmission line project and asked the Board to fight the project being located in the County:

Donald Matlock, Gainsboro District
Bryan Nuri, Opequon District
Allen Hahn, Gainsboro District
Nick Floyd, Gainsboro District
Robert Budenhop, Opequon District
Scott Lynch, Stonewall District
Rysa Hulsey, Back Creek District
Terri Flyn, Back Creek District
Rebecca Rager, Gainesboro District
David Dixon, Stonewall District
Jenise Dixon, Stonewall District
Rebecca Shannon, Gainesboro District
Penny Smith, Opequon District
Joe DeZarn, Gainesboro District
Alexander Ritter, Opequon District
Vaughn Whitacre, Gainesboro District

Karen Weimer, Back Creek District, asked the Board to join the fight against the MARL transmission line project in her district.

Jeff Milburn, City of Winchester, commented on unification efforts between the City of Winchester and Frederick County.

ADOPTION OF CONSENT AGENDA – APPROVED

Vice Chairman Wells moved for the adoption of the consent agenda. Supervisor Aikens seconded the motion.

Supervisor Liero noted his opposition to further study of the Comprehensive Policy Plan Amendment application named AMK Properties and said he would vote no for that reason.

The motion carried on the following recorded vote:

Michael D. Guevremont	**Aye**	**Robert T. Liero**	**No**
Albert L. Orndorff	**Aye**	**Robert W. Wells**	**Aye**
Gary R. Oates	**Aye**	**Jason C. Aikens**	**Aye**
John F. Jewell, Chairman	**Aye**		

- Approval of Work Session and Regular Meeting Minutes of June 10, 2026 - CONSENT AGENDA APPROVAL

- Approval of Work Session Minutes of June 17, 2026 - CONSENT AGENDA APPROVAL

- Acceptance of the Public Safety Committee Report of June 18, 2026 - CONSENT AGENDA APPROVAL, Appendix 1

- Acceptance of Parks & Recreation Commission Report of June 9, 2026 - CONSENT AGENDA APPROVAL, Appendix 2

- Acceptance of Human Resources Committee Report of June 26, 2026 - CONSENT AGENDA APPROVAL, Appendix 3

- Acceptance of Transportation Committee Report of June 29, 2026 - CONSENT AGENDA APPROVAL, Appendix 4

-Transportation Committee Business Item: Authorization for staff to execute a contract with the Timmons Group to complete the required Transportation Alternatives Program (TAP) Warrior Drive Trail Extension project. The proposal from Timmons Group is $17,000, and the committee and staff recommended the inclusion of a 15% contingency for a total of $19,550. - CONSENT AGENDA APPROVAL

- Transportation Committee Business Item: Authorization for staff to execute a contract with McCormick Taylor to support the County's Comprehensive Plan Update. The proposal from McCormick Taylor is $94,718.19, and the committee and staff recommended the inclusion of a 15% contingency for a total of $108,925.92- CONSENT AGENDA APPROVAL

- Request from the Commissioner of the Revenue for Refund and Supplemental Appropriation: Emmart Oil Company LLC- $24,900.64: - CONSENT AGENDA APPROVAL

- Authorization for the County Administrator to Execute the Updated Memorandum of Understanding Between Virginia Cooperative Extension and the County of Frederick: - CONSENT AGENDA APPROVAL

- Approval for Sheriff's Office to Apply for DOJ FY 2026 BIDEN Grant - Axon Air /Skydio Drone as First Responder Program (No Local Funds Required) - CONSENT AGENDA APPROVAL

- Resolution Directing Further Study of Comprehensive Policy Plan Amendment (CPPA) Applications: AMK Properties; BHS LC Property; Carmeuse Lime & Stone; and KSS LC Property - CONSENT AGENDA APPROVAL

RESOLUTION DIRECTING FURTHER STUDY OF COMPREHENSIVE POLICY PLAN AMENDMENT (CPPA) APPLICATIONS

WHEREAS, The Comprehensive Plan, The Plan, was adopted by the Board of Supervisors on November 10th, 2021; and

WHEREAS, the Board of Supervisors and the Planning Commission had a joint work session on June 17, 2026, to discuss the 2026 Comprehensive Policy Plan Amendment (CPPA) applications known as:

1. AMK Properties - Application to designate +/-99.25 acres from "Industrial" and "Residential, 4 Units per Acre" to "Sensitive Natural Areas".
2. BHS LC Property - Application to designate +/-37.35 acres from "Business" to "Recreation".
3. Carmeuse Lime & Stone - Application to designate +/-47.58 acres from "Industrial" and "Heavy Industrial" to "Extractive Mining".
4. KSS LC Property - Application to designate +/-30.10 acres from "Business" to "Recreation".

WHEREAS, the Frederick County Board of Supervisors finds it appropriate in the public necessity, convenience, general welfare, and good planning practice to direct staff and the Comprehensive Plans and Programs Committee (CPPC) to study the aforementioned requests further;

NOW, THEREFORE, BE IT REQUESTED by the Frederick County Board of Supervisors that the Frederick County Planning Commission shall hold the necessary public hearings to consider amendments to the Comprehensive Plan.

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BOARD OF SUPERVISORS COMMENTS

RECOGNITION OF EXCELLENCE - PRESENTATION TO MASTER DEPUTIES DANIEL CHESHIRE AND DAVID SAMPSON

Chairman Jewell and County Administrator Michael Bollhoefer recognized and thanked Master Deputy Daniel Cheshire and Master Deputy David Sampson on behalf of the Board for their professionalism while assisting at the data center public information forum held earlier in the year.

STAFF DIRECTED TO PREPARE A RESOLUTION DIRECTING STAFF TO AUTHORIZE FOR PUBLIC HEARING AN ORDINANCE AMENDMENT TO REMOVE DATA CENTERS AS AN ALLOWED USE FROM ALL COUNTY ZONING DISTRICTS – APPROVED

Chairman Jewell noted that the topic of data centers had been taking a lot of time and focus from other important areas. He moved that the Board direct staff to prepare a resolution to authorize for public hearing an ordinance amendment to remove data centers as an allowed use in all of the County's zoning

districts. Further, he said, he wanted to clarify that the Board should hear out the existing applications filed and under consideration to establish data centers and that this change is not to impact them. He said those projects will need to be fairly debated by the Board, and that he has severe concerns about both of them. He added that if anyone is considering filing a new application to develop a data center in our County, this is fair warning that the Board is not interested in considering those right now. He continued, saying the County is in the middle of a Comprehensive Plan Update, the State has enacted legislation relative to data centers including granting DEQ some direction on regulating water use and noise, the community has made it abundantly clear they are worried about these things, and he thinks the Board should wait and see how some of those actions pan out. He restated his motion saying, "I move to direct staff to prepare a resolution to authorize for public hearing an ordinance amendment to remove data centers as an allowed use in all of the County's zoning districts."

Vice Chairman Wells seconded the motion.

Supervisor Oates asked how the two existing applications would be affected by the motion. County Attorney Andrew Fox said the two processes may proceed at the same time.

Chairman Jewell's motion carried on the following recorded vote:

Michael D. Guevremont	**Aye**	**Robert T. Liero**	**Aye**
Albert L. Orndorff	**Aye**	**Robert W. Wells**	**Aye**
Gary R. Oates	**Aye**	**Jason C. Aikens**	**Aye**
John F. Jewell, Chairman	**Aye**		

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COUNTY OFFICIALS

RESOLUTION INITIATING A REFERENDUM PURSUANT TO SECTION 58.1-605.1 OF THE CODE OF VIRGINIA AS AMENDED BY THE 2026 BIENNIAL BUDGET OF THE COMMONWEALTH OF VIRGINIA TO AUTHORIZE IMPOSITION OF A LOCAL GENERAL RETAIL SALES TAX NOT TO EXCEED 1%, THE PROCEEDS OF WHICH TAX WOULD BE TO PROVIDE REVENUE SOLELY FOR CAPITAL PROJECTS FOR CONSTRUCTION OR MAJOR RENOVATION OF SCHOOLS IN FREDERICK COUNTY INCLUDING REPAYMENT OF BONDS ISSUED FOR SCHOOL CONSTRUCTION OR MAJOR RENOVATION CAPITAL PROJECTS. - APPROVED

Vice Chairman Wells moved for adoption of the draft resolution initiating a referendum pursuant to Section 58.1-605.1 of the Code of Virginia as amended by the 2026 Biennial Budget of the Commonwealth of Virginia to authorize imposition of a local general retail sales tax not to exceed 1%, the proceeds of which

tax would be to provide revenue solely for capital projects for construction or major renovation of schools in Frederick County including repayment of bonds issued for school construction or major renovation capital projects.

Supervisor Aikens seconded the motion.

Supervisor Liero and County Attorney Fox discussed the timing of when the tax would be enacted.

The motion carried on the following recorded vote:

Michael D. Guevremont	**Aye**	**Robert T. Liero**	**Aye**
Albert L. Orndorff	**Aye**	**Robert W. Wells**	**Aye**
Gary R. Oates	**Aye**	**Jason C. Aikens**	**Aye**
John F. Jewell, Chairman	**Aye**		

RESOLUTION

A RESOLUTION OF THE FREDERICK COUNTY BOARD OF SUPERVISORS INITIATING A REFERENDUM PURSUANT TO SECTION 58.1-605.1 OF THE CODE OF VIRGINIA AS AMENDED BY THE 2026 BIENNIAL BUDGET OF THE COMMONWEALTH OF VIRGINIA TO AUTHORIZE IMPOSITION OF A LOCAL GENERAL RETAIL SALES TAX NOT TO EXCEED 1%, THE PROCEEDS OF WHICH TAX WOULD BE TO PROVIDE REVENUE SOLELY FOR CAPITAL PROJECTS FOR CONSTRUCTION OR MAJOR RENOVATION OF SCHOOLS IN FREDERICK COUNTY INCLUDING REPAYMENT OF BONDS ISSUED FOR SCHOOL CONSTRUCTION OR MAJOR RENOVATION CAPITAL PROJECTS.

WHEREAS, effective July 1, 2026, the Virginia General Assembly has enacted its biennial budget and appropriation legislation ("Budget Bill") for the biennium commencing July 1, 2026 and ending June 30, 2028; and

WHEREAS, the Budget Bill enacts amendments to Section 58.1-605.1 of the Code of Virginia authorizing all Virginia cities and counties to levy a general retail sales tax at a rate not to exceed 1% to provide revenue solely for new construction and major renovation of schools; and

WHEREAS, said tax may only be levied if it is approved in a referendum within the County, said referendum to be initiated by this Resolution; and

WHEREAS, any such tax approved by referendum and imposed by the County shall expire (i) upon repayment of bonds or loans issued for school construction or major renovation projects or (ii) if the school construction or renovation projects are not to be financed by bonds or loans, on or before June 30, 2046; and

WHEREAS, the Board of Supervisors desires to initiate a referendum for the purposes herein set forth.

NOW THEREFORE BE IT RESOLVED by the Frederick County Board of Supervisors as follows:

1. That the Board of Supervisors hereby requests that the Circuit Court of Frederick County order a referendum pursuant to Virginia Code Sections 24.2-684 and 58.1-605.1, as amended by the Budget Bill, on the issue of whether the County may levy a general retail sales tax at a rate not to exceed 1% to provide revenue solely for capital projects for the construction or major renovation of public schools in Frederick County.
2. For any such capital projects for the construction or major renovation of schools in the County financed by bonds or loans, the tax levied pursuant to this Resolution, if approved by referendum, shall expire on the date by which such bonds or loans shall be repaid.
3. For any such capital projects for the construction or major renovation of schools in the County not financed by bonds or loans, the tax levied pursuant to this Resolution, if approved by referendum, shall expire on June 30, 2046.
4. An attested copy of this Resolution shall be forwarded by the County Clerk to the Clerk of the Circuit Court for consideration and approval by the Court, if deemed to be in order, and for processing and publication in accordance with state code requirements.

5. The language to appear on the ballot on the referendum is proposed by the Board of Supervisors to be as follows: Shall Frederick County, Virginia be allowed to enact a local retail sales tax of up to one percent (1%) to provide funds that can only be used for construction or major renovation of public schools in Frederick County for a period of not more than twenty years?
6. An attested copy of this Resolution shall be forwarded by the County Clerk to the Registrar and the Electoral Board of the County.

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RESOLUTION OPPOSING THE VALLEY NORTH ELECTRICAL TRANSMISSION LINE PROJECT - APPROVED

County Administrator Bollhoefer noted the draft letter of opposition included in the meeting agenda packet and explained that Board members had asked for options for a stronger response to oppose the proposed Valley North Transmission project. He said staff had prepared a resolution similar to those being approved in other localities, which had been added to the agenda packet.

Vice Chairman Wells moved to approve the Resolution Opposing the Valley North Electrical Transmission Line Project. Supervisor Aikens seconded the motion.

Supervisor Oates suggested the Board could use the same legal counsel contracted by Frederick Water. He said the County should have a web page and a point person to handle information on the Valley North project. He noted that the State Corporation Commission has the ultimate influence on the project location, and that letters from constituents to the State Corporation Commission will help the effort.

Supervisor Aikens agreed and said that comments can be submitted on the State Corporation Commission website.

The motion carried on the following recorded vote:

Michael D. Guevremont	**Aye**	**Robert T. Liero**	**Aye**
Albert L. Orndorff	**Aye**	**Robert W. Wells**	**Aye**
Gary R. Oates	**Aye**	**Jason C. Aikens**	**Aye**
John F. Jewell, Chairman	**Aye**		

A RESOLUTION OF THE FREDERICK COUNTY BOARD OF SUPERVISORS OPPOSING THE VALLEY NORTH ELECTRICAL TRANSMISSION LINE PROJECT

WHEREAS, Valley Link, a joint venture of Dominion Virginia Power, FirstEnergy Generation Corporation, and Transource Virginia, Inc., proposes to construct and operate a new 765-kilovolt electrical transmission line known as the Valley North project; and

WHEREAS, all study areas and proposed routes for the Valley North project specify that the new transmission line will traverse the entire breadth of Frederick County at one of three locations, any and all of which will significantly impact the citizens of Frederick County as is more fully set forth below; and

WHEREAS, the Valley North project will require the construction of steel lattice towers with an average

height of 150-175 feet and the acquisition of a continuous 200-foot right of way along the transmission path; and

WHEREAS, the Valley North project will require that Valley Link acquire through the exercise of eminent domain or other methods easements and other property interests impacting hundreds or thousands of private property owners in Frederick County; and

WHEREAS, the Valley North project will negatively impact and irreparably harm farms, active orchards, forests, and other agricultural resources; scenic landscapes; conservation easements; property owners' and citizens' quiet enjoyment of their properties and public lands; and potential economic opportunities in Frederick County; and

WHEREAS, construction of the Valley North Project along any and all of the current study areas and proposed routes is inconsistent with Frederick County's Comprehensive Plan; and

WHEREAS, the study areas and proposed routes for the Valley North project directly violate the intent of the Agricultural and Forestal Districts Act by impacting the County's adopted districts in an adverse manner; and

WHEREAS, the Valley North project presents no apparent benefit to the citizens of Frederick County who will shoulder a disproportionate share of all of the above-stated burdens of the project; and

WHEREAS, Valley North is only one of several actual or potential major electrical transmission line and infrastructure projects targeting Frederick County and the Shenandoah Valley region as part of an overall effort to serve electrical users, including data centers, in the Northern Virginia region; and

WHEREAS, the Board of Supervisors joins in these and other concerns raised by the Honorable Virginia State Senator Timmy French and Delegates Bill Wiley and Delores Oates in their statement of June 11, 2026, opposing the Valley North project; and

WHEREAS, it is the responsibility and mandate of the Frederick County Board of Supervisors to act on behalf of all citizens of Frederick County to ensure the health, safety, and welfare of all of Frederick County;

NOW THEREFORE BE IT RESOLVED by the Frederick County Board of Supervisors as follows:

1. That the Board of Supervisors hereby expresses its strong opposition to the Valley North 765-kilovolt electrical transmission project as planned and proposed by Valley Link.
2. That the Board of Supervisors hereby authorizes and directs the County Administrator to do all things necessary to oppose the Valley North project being sited along any and all of the proposed study areas and routes located in Frederick County, including but not limited to formally participating in any action before the Virginia State Corporation Commission, any applicable federal agency, or in any court of competent jurisdiction within the Commonwealth of Virginia.
3. That the Chairman of the Board of Supervisors and the County Administrator are authorized to coordinate with the governing bodies, staff, and legal counsel for the City of Winchester and Clarke, Loudoun, and other counties or localities affected by the proposed Valley North project to oppose or otherwise mitigate the negative effects of the project.
4. That the County Administrator and County Attorney are authorized to retain specialized legal and consulting services as necessary and within available or subsequently authorized appropriations to assist in the County's formal opposition to the Valley North project, including entry into any joint representation pact with other affected localities as set forth above.
5. That the County Administrator shall transmit a certified copy of this Resolution to the Governor of Virginia, the Honorable Senator Timmy French, the Honorable Delegates Bill Wiley and Delores Oates, the clerks of the City of Winchester and Clarke and Loudoun Counties, and to Valley Link Transmission Company, LLC and its affiliated partners.

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APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS

LUCAS COOK REAPPOINTED TO HISTORIC RESOURCES ADVISORY BOARD AS SHAWNEE DISTRICT REP. -APPROVED

On motion of Supervisor Liero, seconded by Supervisor Guevremont, Lucas Cook was reappointed by a voice vote to the Historic Resources Advisory Board as Shawnee District rep. for a 4-year term ending July 13, 2030.

STEVE CANTU REAPPOINTED TO HISTORIC RESOURCES ADVISORY BOARD AS AT-LARGE - APPROVED

On motion of Supervisor Liero, seconded by Supervisor Guevremont, Steve Cantu was reappointed by a voice vote to the Historic Resources Advisory Board as an At-large rep. for a 4-year term ending August 8, 2030.

COMMITTEE BUSINESS – None

PUBLIC HEARINGS (NON PLANNING ISSUES) - None

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PLANNING COMMISSION BUSINESS – PUBLIC HEARINGS

CONDITIONAL USE PERMIT #02-26 FOR LAMAR ROSENBERRY – APPROVED

Planner Eric Bittner reviewed the request for a conditional use permit (CUP) for a public garage for automotive repair in the RA (Rural Areas) Zoning District on approximately 9.88 acres. He said the proposed repair garage will be operated inside an existing 28' x 52' area inside the existing structure (garage), the repairs and services will consist of preventive maintenance, computer diagnostics, and failed sensor/parts and replacements. He concluded by saying no engine or major automotive component overhauling will be conducted, and waste and scrap materials will be stored inside the facility and recycled on a consistent basis.

Vice Chairman Wells and the Applicant, Lamar Rosenberry, discussed the meaning of "not a performance garage" as stated in the application. Mr. Rosenberry said he will not be rebuilding race car engines and will not be generating much engine noise.

Chairman Jewell opened the public comment period.

No one addressed the Board.

Chairman Jewell closed the public comment period.

Supervisor Aikens moved to approve CONDITIONAL USE PERMIT #02-26 FOR LAMAR ROSENBERRY. Supervisor Guevremont seconded the motion, which carried on a recorded vote as follows:

Michael D. Guevremont	**Aye**	**Robert T. Liero**	**Aye**
Albert L. Orndorff	**Aye**	**Robert W. Wells**	**Aye**
Gary R. Oates	**Aye**	**Jason C. Aikens**	**Aye**
John F. Jewell, Chairman	**Aye**		

ORDINANCE
CONDITIONAL USE PERMIT #02-26
PUBLIC GARAGE (LAMAR ROSENBERRY)

WHEREAS, CONDITIONAL USE PERMIT APPLICATION #02-26 was submitted by Lamar Rosenberry for a Public Garage. The property is located at 730 Packhorse Road, Winchester, Virginia and is identified with Property Identification Number 07-6-2 in the Gainesboro Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this Conditional Use Permit on June 3, 2026, and deferred the public hearing; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this Conditional Use Permit on July 1, 2026, and recommended approval; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on July 8, 2026; 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, and welfare, and in conformance with the Comprehensive Plan; and

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that in accordance with Chapter 165 of the Frederick County Code, Zoning, Conditional Use Permit #02-26 to allow for a public garage on the parcel identified with Property Identification Number 07-6-2 is approved with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. The required drainfield/septic approval shall be inspected and approved by the Virginia Department of Health prior to the establishment of the use.
3. An illustrative sketch plan shall be submitted to and approved by Frederick County and all improvements completed prior to the establishment of the use.
4. All automotive repair-related activities, including repairs, shall occur entirely within an enclosed structure. Any exterior storage of parts and equipment shall be screened from view by an opaque fence or screen at least six (6) feet in height.
5. All parking areas shall have a gravel or hard surface.
6. The business is not permitted employees beyond those residing on the property.
7. The hours of operation shall be from 8 a.m. to 5 p.m. Monday through Friday. Saturday and Sunday by appointment only.
8. A maximum of three (3) vehicles awaiting service is permitted.
9. Any expansion or change of use shall require a new Conditional Use Permit.

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REZONING #05 -26 FOR BUSY BEEZ (CLEAR BROOK RENTALS, LLC) – APPROVED

Planner Eric Bittner explained the request to rezone approximately 0.56 acres from B2 (General Business) Zoning District with proffers to B2 Zoning District with revised proffers. He said the proposed proffers would enable "health care services" as a permitted use.

Chairman Jewell opened the public comment period.

No one addressed the Board.

Chairman Jewell closed the public comment period.

Supervisor Oates moved to approve REZONING #05-26 FOR BUSY BEEZ (CLEAR BROOK RENTALS, LLC. Vice Chairman Wells seconded the motion, which carried on a recorded vote as follows:

Michael D. Guevremont	**Aye**	**Robert T. Liero**	**Aye**
Albert L. Orndorff	**Aye**	**Robert W. Wells**	**Aye**
Gary R. Oates	**Aye**	**Jason C. Aikens**	**Aye**
John F. Jewell, Chairman	**Aye**		

ORDINANCE
AMENDING THE ZONING DISTRICT MAP
REZONING #05-26 FOR BUSY BEEZ DAYCARE
(CLEAR BROOK RENTALS, LLC)

WHEREAS, REZONING #05-26 of Busy Beez Daycare (Clear Brook Rentals, LLC) submitted to rezone 0.56+/- acres from B2 (General Business) Zoning District with proffers to the B2 (General Business) Zoning District with revised proffers to allow for health care services. The property is located at 4489 Martinsburg Pike, Clear Brook and is identified by Property Identification Number 33-A-93 in the Stonewall Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this rezoning on July 1, 2026, and recommended approval; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on July 8, 2026; and

WHEREAS, the Frederick County Board of Supervisors finds the approval of this rezoning to be in the best interest of public health, safety, and welfare, and in conformance with the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, the Zoning District Map is amended in accordance with Rezoning #05-26 of Busy Beez Daycare (Clear Brook Rentals, LLC) submitted to rezone 0.56+/- acres from B2 (General Business) Zoning District with proffers to the B2 (General Business) Zoning District with revised proffers dated May 7, 2026. The conditions voluntarily proffered in writing by the Applicant and the Property Owner are attached.

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PLANNING COMMISSION BUSINESS - OTHER PLANNING BUSINESS

FURTHER STUDY OF COMPREHENSIVE POLICY PLAN AMENDMENT (CPPA) APPLICATION – PINE HILL PROPERTIES – DENIED

Incoming Planning Director John Bishop reviewed the request to amend the Comprehensive Plan to change the designation of three (3) parcels totaling approximately 50.0 acres from an "urban center" land use designation to a "residential" land use designation and to include the properties in the limits of the County's Urban Development Area (UDA) and Sewer and Water Service Area (SWSA). He said the properties are presently zoned RA (Rural Areas), the current use is vacant/agriculture, and the properties are located adjacent to Justes Drive and east of Route 522. He concluded by saying that at the joint Board-Planning Commission work session on June 17th, the Board did not reach consensus on this CPPA.

Supervisor Liero noted his concern about the ongoing comprehensive plan update process and traffic in the subject area and said the topic of additional housing needs to be studied further before this application is addressed. He moved that the application not be sent forward for further study at this time. Supervisor Oates seconded the motion, which carried on a recorded vote as follows:

Michael D. Guevremont	**Aye**	**Robert T. Liero**	**Aye**
Albert L. Orndorff	**Aye**	**Robert W. Wells**	**Aye**
Gary R. Oates	**Aye**	**Jason C. Aikens**	**No**
John F. Jewell, Chairman	**Aye**		

Mr. Bishop noted that the while application will not immediately go to further study by the Planning Commission, it will continue to move through the process as part of the comprehensive plan update.

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BOARD LIAISON REPORTS

Vice Chairman Wells provided an update from the Public Safety Committee.

Supervisor Aikens provided an update regarding the hiring of the EDA Director.

Supervisor Guevremont noted the recent firefighter recruit graduation.

CITIZEN COMMENTS

Vicki Michaels, Stonewall District, thanked the Board for adopting the resolution opposing the Valley North Transmission Line and for listening to the constituents about data centers.

Theresa Ostertag, Back Creek District, thanked the Board for directing staff to prepare a resolution to schedule public hearings on an ordinance amendment to remove data centers as an allowed use from all county zoning districts.

Leslie Spencer, Gainesboro District, thanked the Board for directing staff to prepare a resolution to schedule public hearings on an ordinance amendment to remove data centers as an allowed use from all county zoning districts.

Penny Smith, Opequon District, said she was concerned about development at the Gibson property site near Lake Frederick, saying if a data center or industrial area is built, she is worried about contamination.

BOARD OF SUPERVISORS COMMENTS

STAFF DIRECTED TO REVIEW NOISE ORDINANCE IN RA DISTRICT

Supervisor Aikens moved to direct staff to review the current noise ordinance concerning animals and fowl, which he said is not enforceable in the RA district. He asked that staff look at lot size in subdivisions and address noise, excluding agricultural noise. Supervisor Guevremont seconded the motion, which carried on a recorded vote as follows:

Michael D. Guevremont	**Aye**	**Robert T. Liero**	**Aye**
Albert L. Orndorff	**Aye**	**Robert W. Wells**	**Aye**
Gary R. Oates	**No**	**Jason C. Aikens**	**Aye**
John F. Jewell, Chairman	**Aye**		

Supervisor Oates said he voted no because he is concerned that changing the noise ordinance will negatively affect farmers.

Vice Chairman Wells said it will be difficult to change the ordinance, and neighbors need to get along.

Supervisor Oates said houses are the biggest threat to farmers.

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Vice Chairman Wells endorsed the Sheriff's Office Summer Youth Camp.

Supervisor Liero praised the Parks & Recreation Department for the July 4 festivities and fireworks.

ADJOURN

On motion of Vice Chairman Wells, seconded by Chairman Jewell, the meeting was adjourned at 8:36 p.m.

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: Consent Agenda

Title: Approval of Minutes of the Board-Planning Commission Joint Work Session of July 23, 2026

Attachments:
BOS08-12-26MinutesJointWorkSession260723.pdf

MINUTES
JOINT WORK SESSION
FREDERICK COUNTY BOARD OF SUPERVISORS
FREDERICK COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 23, 2026
8:30 A.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES

Board of Supervisors: John F. Jewell, Chairman; Robert W. Wells, Vice Chairman; Robert T. Liero; Jason C. Aikens; Albert L. Orndorff; and Gary R. Oates were present. Michael D. Guevremont was absent.

Planning Commission: Tim Stowe, Chairman; Roger L. Thomas; Chad DeHaven; Vaughn Whitacre; Betsy Brumback; Thomas Bottorf; Kevin Sneddon; Joe Crane; Charles Markert; Elizabeth D. Kozel; and John Lamanna were present. Jeff McKay; and Justin Kerns were absent.

Staff Present: Staff present: Michael Bollhoefer, County Administrator; Wyatt Pearson, Deputy County Administrator; Andrew R. Fox, County Attorney; Wendy May, Communications Director; John Bishop, Incoming Director of Planning; Tyler Klein, Senior Planner; Mark Cheran, Zoning & Subdivision Administrator; Amy Feltner, Planner I; Eric Bittner, Planner II; Tonya Sibert, Commissioner of the Revenue; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

CALL TO ORDER

Chairman Jewell called the meeting to order at 8:30 a.m.

BOARD OF SUPERVISORS RESOLUTION - SUPPORT FOR FREDERICK COUNTY AND REGIONAL SMART SCALE APPLICATIONS – APPROVED

Vice Chairman Wells moved for adoption of the draft Resolution of Support for Frederick County and Regional Smart Scale Applications. Supervisor Oates seconded the motion, which carried on the following recorded vote:

Michael D. Guevremont	**Absent**	**Robert T. Liero**	**Aye**
Albert L. Orndorff	**Aye**	**Robert W. Wells**	**Aye**
Gary R. Oates	**Aye**	**Jason C. Aikens**	**Aye**
John F. Jewell, Chairman	**Aye**		

RESOLUTION - SUPPORT FOR FREDERICK COUNTY
AND REGIONAL SMARTSCALE
APPLICATIONS

WHEREAS, this resolution supports the following Frederick County and Regional SmartScale Applications within Frederick County for the following projects:

Frederick County Applications
- US 522/Route 37, Apple Pie Ridge, and James Wood High School Entrance Improvements
- US 50 West – Stony Hill Road Area Improvements
- Route 7 Gateway Area Improvements
- Route 7 and Greenwood Road/First Woods Drive Turn Lanes

Winchester-Frederick County MPO Applications
- Exit 307/Route 277 Improvements

Northern Shenandoah Valley Regional Commission Applications
- Route 522/Siler Road unsignalized R-Cut intersection
- US 50 Corridor Safety Improvements

WHEREAS, the Virginia Department of Transportation (hereafter referred to as the DEPARTMENT) has adopted procedures for evaluating and scoring projects consistent with SmartScale requirements; and

WHEREAS, the DEPARTMENT has requested applications to be submitted by localities to be considered for inclusion in the DEPARTMENT'S Six-Year Improvement Program for Fiscal Years 2028 through 2033; and

WHEREAS, projects will be evaluated for inclusion in the Six-Year Improvement Program through screening and scoring process to be undertaken by the DEPARTMENT; and

WHEREAS, each of the listed projects play important roles in the County's long-range transportation plan, and near-term traffic safety concerns; and

WHEREAS, The Couty of Frederick is an eligible entity to apply for transportation funding under House Bill 2;

NOW, THEREFORE, BE IT RESOLVED, that the Frederick County Board of Supervisors is supportive of each of these applications for inclusion into the Six-Year Improvement Program fiscal years 2028 through 2033.

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COMPREHENSIVE PLAN UPDATE DISCUSSION ITEMS

BACKGROUND STUDIES – KEY FINDINGS

The Board and Planning Commission reviewed the Community Profile, Market Analysis, and the Cost of Land Use Fiscal Analysis presented by staff.

PHASE II COMMUNITY ENGAGEMENT SUMMARY

The Board and Planning Commission reviewed the Community Survey #1 Results and the Big Board Questionnaire Results presented by staff.

KEY TOPICS & THEMES PRIORITIZATION

Staff facilitated a topic-based discussion on key topics & themes, explaining that feedback from these break-out groups will be used to guide staff during the next phase of the project.

PRIORITIES ROUND UP

The Board and Planning Commission discussed the priorities identified in the Break-Out Groups, the Route 37/Eastern Frederick County Transportation Study (EFCTS, Rural Residential/Minimum Rural Lot Sizes, Minimum Density in UDA, and SWSA and UDA Sizing.

WRAP-UP

The Board and Planning Commission discussed the project schedule for the Comprehensive Plan update and the next steps.

ADJOURN

The meeting was adjourned at 11:35 a.m.

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: Consent Agenda

Title: Acceptance of Public Works Committee Report of June 30, 2026

Attachments:
BOS08-12-26PublicWorksCommReport2026June30.pdf

JOINT PUBLIC WORKS COMMITTEE REPORT
to the BOARD OF SUPERVISORS
Tuesday, June 30, 2026
9:00 a.m.
Public Works Conference Room
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

PUBLIC WORKS COMMITTEE ATTENDEES:

Committee Members Present: Bob Wells, Chair; Al Orndorff; Kevin Kenney; Kris Tierney; Gene Fisher; Ed Strawsnyder;

Committee Members Absent: John Jewel; Gary Longerbeam

Staff present: Joe C. Wilder, Director of Public Works; Andy Fox, County Attorney; Ron Kimble, Landfill Manager; Christina Tasker, Animal Shelter Manager; Tracy Boyd, Assistant Animal Shelter Manager; Olivia Bryan, Environmental Inspector

Attachment 1 - Agenda

ITEMS FOR INFORMATION ONLY

1. Update: Public Works Projects

Currently, Strickler Signs has begun construction of the new Animal Shelter sign. We anticipate completion of the project within two months. We have completed the fencing project for the pet recreation area at the Animal Shelter. Funding for both projects came from the Animal Shelter donation reserve.

We updated the committee on the development of the County's MS4 Stormwater Committee. We have updated the County's website with information related to MS4 and put educational information onto county social media accounts. We are also going through the hiring process for the new environmental specialist position which should be completed by August 1.

2. Update: Landfill Projects/Concerns

We continue to go through the CDD Landfill expansion permitting process. We anticipate having DEQ approval of our permit expansion in the first quarter of 2027. We are excavating soil and rock from the CDD Area 2 and performing other site work. We are experiencing some subsurface fires at the CDD Landfill. We are currently performing engineering field studies to determine more information related to causes and solutions.

3. Carry Forward Requests: Landfill

We presented several carry forward requests for the landfill related to on-going projects and equipment upgrades (see attachment 2). The total carry forward amount for all line items is $5,035,197.00 or the remaining FY2026 balances of each line item. A motion was made by Committee Member Tierney to approve the request and to forward it to the Finance Committee for consideration. The motion was seconded by Committee Member Strawsnyder and unanimously approved by the Committee.

4. Animal Shelter Requests – Donation Reserve Funds

We presented two requests to the Committee requesting funding from the Donation Reserve Fund (see attachment 3). One request is for the replacement and expansion of the Shelter's camera surveillance system. The request was in the amount of $25,437.72. The second request was to establish and sustain a Pet Pantry Program (Kibble Korner). This program would provide temporary assistance with pet food and basic pet care supplies. The total request for this program is $24,000.

A motion was made by Committee Member Fisher to approve the request of a supplemental appropriation in the amount of $50,000 from the Animal Shelter reserve fund and to forward the request to the Finance Committee. The motion was seconded by Committee Member Strawsnyder. The committee unanimously approved the request.

Respectfully submitted,

Public Works Committee

Bob Wells
John Jewell
Al Orndorff
Kris Tierney
Gene Fisher
Kevin Kenney
Ed Strawsnyder
Gary Longerbeam

By: Joe C. Wilder
Public Works Director

JCW/amr

Attachments: as stated

cc: Michael Bollhoefer, County Administrator
Jay Tibbs, Deputy County Administrator
Andrew Fox, County Attorney
Ron Kimble, Landfill Manager
Christina Tasker, Animal Shelter Manager
Tracy Boyd, Assistant Animal Shelter Manager
Olivia Bryan, Environmental Inspector

file

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

MEMORANDUM

TO: Public Works Committee

FROM: Joe C. Wilder, Director of Public Works

SUBJECT: Revised Public Works Committee Agenda – June 30, 2026

DATE: June 23, 2026

Please be advised that a revised agenda is being issued for the Public Works Committee meeting scheduled for June 30, 2026.

The Sherando Park Dog Park agenda item has been removed and will not be discussed at this meeting. Attached is the revised agenda reflecting this change.

Please replace any previously distributed agenda with the attached revised version.

Thank you.

JCW/amr

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

MEMORANDUM

TO: **Public Works Committee**

FROM: **Ron Kimble, Landfill Manager**

THROUGH: **Joe C. Wilder, Director of Public Works**

SUBJECT: **Carry Forwards to 2026/2027 Fiscal Year**

DATE: **June 17, 2026**

We are requesting that the funding remaining at the end of the 2026 fiscal year in each of the following line items be carried over into the new 2026/2027 budget.

12-4204-3004-04 Repair and Maintenance- Generators

We are requesting to carry forward funds remaining in this line item to cover costs associated with repairs that have previously been completed, that are currently in the dispute process for invoicing. The dispute process with Innio is lengthy and resolution of the following invoices is not expected to occur until after the current budget cycle.

Engine decokes were billed at a higher rate than quoted and approved by landfill staff.

Invoice # 2025400737	$15,425.00
Invoice # 2025400738	$19,043.25

Camshaft warranty replacement work was invoiced at full value. Landfill staff has documentation from Innio that all parts and labor for the repair should have been covered under warranty.

Invoice # 2024700825	$64,329.25

In addition, both units need rooftop table cooler replacements. These coolers have approximately 110,000 hours of use and are beginning to fail. An estimated cost to complete this work including labor and crane services is set at $100,000.

The current balance in this line item is **$208,412.**

12-4204-5408-03 Repair and Maintenance Parts- Generators

The rooftop table coolers on both generator sets need full replacement. Both units have been temporarily repaired to maintain operations. These repairs are not intended to be a permanent fix; therefore, the units should be replaced to prevent future downtime. Each unit is estimated to cost $150,000. The current funds available in this line item that we request to carry forward is **$98,416.**

12-4204-8006 Construction Vehicles and Equipment

We would like to carry forward the remaining funds of **$221,147** into the 26/27 budget to assist with the purchase of a new water truck for the facility. During the budget process staff inadvertently underpriced the cost of a new truck and hydroseeder. The 26/27 budget has $300,000 allocated for this purchase. Recent discussions with vendors have indicated that the truck chassis is approximately $230,000 while the hydroseeder and fitment is an additional $180,000.

12-4204-8900 Improvements Other than Buildings

Committee members are aware of the current CDD Landfill construction and expansion. The current liability for work in progress is $5,840,140. This includes the following:

Stormwater management ponds, leachate line relocation	$456,575
CDD area 2 cell 1 clearing and grubbing	$86,823
CDD area 2 cell 1 topsoil removal	$77,596
Garber stockpile expansion	$223,179
CDD area 2 cell 1 grading plan	$4,996,167

The FY25/26 budget has approximately **$4,507,222** remaining that is needed to continue this work.

In total, we would like to move approximately **$5,035,197** from the FY25/26 budget into the FY 26/27 budget to maintain and continue the funding for outstanding and necessary projects.

FREDERICK COUNTY - ANIMAL SHELTER

Christina Tasker
Shelter Manager
540/667-9192 ext. 2502
FAX 540/722-6108
E-mail: ctasker@fcva.us

MEMORANDUM

TO: Joe Wilder, Director of Public Works

FROM: Christina Tasker, Shelter Manager

SUBJECT: Animal Shelter Camera System Update

DATE: 06/05/2026

Purpose

The purpose of this memorandum is to request funding approval for the replacement and expansion of the Animal Shelter's camera surveillance system. Increased animal intake volumes, heightened staff safety concerns, growing evidentiary needs, and the County's ongoing risk-management objectives necessitate a modern surveillance system capable of supporting shelter operations and protecting County resources.

Background

Over the past several years, the Animal Shelter has experienced increasing operational demands resulting from higher intake numbers, longer animal stays, increased public interaction, and expanded enforcement activities. These factors have increased the need for reliable surveillance throughout the facility.

The current camera system no longer adequately supports shelter operations due to aging equipment, limited camera coverage, insufficient image quality, and restricted video retention capabilities. As a result, the shelter lacks the comprehensive monitoring and documentation necessary to effectively manage modern animal shelter operations.

Increased Animal Intake and Operational Demands

The shelter is responsible for housing a growing number of animals with varying behavioral, medical, and legal considerations. Increased intake numbers result in:

- Greater staff interaction with animals.
- Increased movement of animals throughout the facility.
- Higher public visitation and adoption traffic.
- More frequent animal control investigations and court-related cases.
- Greater demand for documentation of animal care and handling.

As shelter populations increase, so does the likelihood of incidents involving animals, staff, volunteers, visitors, and contractors. Comprehensive video coverage is necessary to effectively monitor these activities and maintain operational accountability.

Staff Safety Concerns

Animal shelter employees routinely work with frightened, injured, aggressive, or unpredictable animals. Staff are frequently required to:

- Handle animals with unknown histories.
- Respond to aggressive animal behavior.
- Conduct intake evaluations.
- Administer medical treatments.
- Move animals throughout the facility.

- Interact with members of the public during emotionally charged situations.

A modern surveillance system would provide enhanced monitoring of these activities, allowing management to review incidents, identify safety concerns, improve training opportunities, and document workplace injuries when they occur.

Video documentation also assists in determining the circumstances surrounding bites, scratches, falls, employee injuries, and other workplace incidents, thereby supporting workers' compensation investigations and corrective actions.

Evidence Collection and Investigative Support

The shelter regularly assists with investigations by housing animals involved in:

- Dangerous dog cases.
- Animal cruelty investigations.
- Animal neglect cases.
- Bite incidents.
- Rabies exposure investigations.
- Criminal matters involving animals.

High-quality video footage can provide valuable monitoring of evidence that supports investigations conducted by Animal Control, law enforcement, prosecutors, and County attorneys.

Improved surveillance capabilities would allow staff to accurately document animal behavior, interactions between individuals and animals, and events occurring within the facility. This documentation may be critical in supporting enforcement actions and defending County decisions.

Protection Against False Complaints and Allegations

As a public-facing agency, the shelter occasionally receives complaints regarding:

- Animal care practices.
- Adoption decisions.
- Euthanasia procedures.
- Staff conduct.
- Customer service interactions.
- Animal handling methods.

Video footage provides objective documentation that can quickly confirm or refute allegations. This capability protects both County employees and the public by ensuring that complaints are evaluated using factual evidence rather than conflicting accounts.

The availability of recorded footage frequently reduces the time required to investigate complaints and can help avoid unnecessary legal expenses or reputational harm to the County.

County Risk-Management Objectives

The proposed camera system directly supports County risk-management goals by:

- Reducing liability exposure through documented evidence.
- Enhancing employee safety and accountability.
- Protecting County facilities and assets.
- Improving incident investigation capabilities.
- Supporting compliance with established policies and procedures.
- Providing objective documentation during claims, litigation, and insurance matters.
- Increasing transparency in shelter operations.

A comprehensive surveillance system serves as both a preventative and investigative tool, helping mitigate risks before incidents occur while preserving critical evidence when they do.

Proposed Improvements

The proposed system would include:

- High-definition interior and exterior cameras.
- Expanded coverage of kennel areas, intake rooms, euthanasia rooms, adoption areas, hallways, storage areas, and public spaces.
- Coverage of parking lots, entrances, sally ports, and exercise yards.
- Extended video retention capabilities.
- Secure cloud or network-based storage.

- Remote viewing access for authorized personnel.
- Improved reliability and system redundancy.
- Capacity for future expansion.

Fiscal Impact

The estimated project cost is $25437.72, including equipment, installation, software licensing, storage, and training. I am requesting the cost of this project to be funded from the Animal Shelter Donation/Reserve Fund. The long-term benefits of reduced liability exposure, improved incident documentation, enhanced employee safety, and strengthened operational accountability are expected to outweigh the initial investment.

Recommendation

Approval is requested to replace and expand the Animal Shelter camera surveillance system. This project represents a critical investment in employee safety, animal welfare oversight, evidentiary documentation, facility security, and County risk management. The proposed system will provide the tools necessary to support increasing operational demands while protecting County employees, assets, and the public.

Requested Action: Approve funding and authorization to proceed with procurement and installation of a modern surveillance system for the Animal Shelter.

Christina Tasker
Animal Shelter Manager

Christina Tasker
Shelter Manager
540/667-9192 ext. 2502
FAX 540/722-6108
E-mail: ctasker@fcva.us

MEMORANDUM

TO: Joe Wilder, Director of Public Works

FROM: Christina Tasker, Shelter Manager

SUBJECT: Frederick County Pet Pantry "Kibble Korner"

DATE: 06/03/2026

The purpose of this memorandum is to request funding to establish and sustain a Pet Pantry Program (Kibble Korner) through the Frederick County Animal Shelter. This program will provide temporary assistance with pet food and basic pet care supplies to county residents experiencing financial hardship, helping them retain ownership of their pets during difficult circumstances.

Background
Economic challenges continue to impact many households within our community. Rising costs of housing, utilities, healthcare, and food often force pet owners to make difficult decisions regarding the care of their animals. In many cases, owners surrender otherwise healthy and well-cared-for pets solely because they can no longer afford food or basic supplies.
The Frederick County Animal Shelter has observed owner surrender requests where financial hardship is identified as a primary contributing factor. These animals often enter an already strained shelter system despite having homes and families willing to care for them if temporary assistance were available.

Proposal
The pet pantry program, "Kibble Korner" would provide eligible residents with limited quantities of pet food and essential pet care items during periods of financial hardship. Assistance would be intended as a temporary resource to help families maintain ownership of their pets while stabilizing their circumstances.
The program would:
• Reduce owner surrenders attributable to financial hardship.
• Keep pets in their homes and out of the shelter system.
• Decrease shelter intake and associated housing costs.
• Reduce euthanasia risk associated with shelter overcrowding.
• Strengthen community relationships and public perception of County animal services.
• Support vulnerable populations, including seniors, veterans, and low-income households.

Funding Request
Annual funding is requested at $24,000.00 ($2,000/month) to be withdrawn from the Frederick County Animal Shelter Donation/Reserve Fund.
• Dog and cat food purchases.
• Storage containers and shelving.
• Basic pet supplies such as collars, leashes, bowls, and litter.

The shelter will continue to accept donations and community partnerships; however, dedicated funding is necessary to ensure the program remains reliable and available throughout the year regardless of fluctuations in donations.

Impact
Providing pet food assistance is significantly less expensive than the cost of sheltering surrendered animals. The average cost of housing, feeding, cleaning, providing veterinary care, and ultimately placing or otherwise managing a surrendered animal often exceeds the cost of providing several months of pet food assistance to the owner.
By preventing even a small number of owner surrenders annually, the Kibble Korner Pet Pantry program can assist the community in keeping their pets in their home while reducing demand on shelter resources and staff time.

Attached are copies of my organizational plan as well as a copy of the pet pantry application.

Christina Tasker
Animal Shelter Manager

Enclosures: Organizational Plan, Kibble Korner application

🐾 Free Pet Pantry Organizational Plan

1. Purpose & Goals

Mission:
Provide free pet food and basic supplies to residents in need to keep pets in their homes and reduce shelter intake.

Key Goals:

- Reduce owner surrenders due to financial hardship
- Support low-income and vulnerable pet owners
- Strengthen community relationships
- Promote responsible pet ownership

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2. Target Population

- Low-income households
- Seniors on fixed income
- Unemployed/underemployed individuals
- Families experiencing temporary hardship

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3. Services Provided

- Dog and cat food (dry and wet)
- Cat litter
- Basic supplies (leashes, collars, bowls)
- Limited specialty items (puppy/kitten food, senior diets when available)

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4. Distribution Model

Option A: Scheduled Pantry Days

- During regular business hours

- First-come, first-served

---

5. Eligibility Guidelines

- Self-declaration of need
- Proof of residency (county only,)
- Proof of age (18+ only)
- Limit per household (food for up to 3 pets)

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6. Inventory & Supply Management

Sourcing:

- Animal Shelter reserve fund- annually budgeted

Storage:

- Dry, pest-free storage area
- Clearly labeled shelving by type/size
- FIFO system (first in, first out)

Tracking:

- An excel spreadsheet has already been created
- Track:
    - Recipients
    - Inventory
    - Number of visits per recipient
    - Number of application periods

---

7. Staffing & Volunteers

Roles:

- Program Coordinator (staff or lead volunteer)

- Inventory manager

---

9. Outreach & Marketing

- Social media
- Shelter website page
- Flyers at:
    - Libraries
    - Community centers
    - Vet clinics
- Local media / community newsletters

Messaging Focus:

- “Keeping pets with families”
- “No judgment, just support”

---

10. Budget Considerations

Expenses:

- $2,000/month ($24,000/fiscal year)
- Food purchases
- Basic supply purchases (leashes, bowls, litter, etc.)
- Storage bins/shelving

---

11. Policies & Procedures

- Limit quantities per visit
- Limit number of visits per application period (6 visits per 6 months)
- Clear guidelines for aggressive behavior (both human and pet)
- No resale policy

- Application with ID cards
- Liability waivers

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12. Data Collection & Evaluation

Track:

- Number of households served
- Number of pets supported
- Amount of food distributed
- Reduction in owner surrenders (if measurable)

Use data for:

- County reporting
- Program improvement

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13. Implementation Timeline

Month 1:

- Secure approval & funding
- Name the Pantry- conduct a poll with potential options for the “Name” of the pantry and let community decide

Month 2:

- Launch pilot distribution
- Gather feedback
- Adjust operations

Frederick County Animal Shelter
“_____” Enrollment Form

Services are available only to Frederick County, VA residents during regular business hours.

Applicant Information

Full Name: _____

Address: _____

City/State/Zip: _____

Phone Number: _____

Email (optional): _____

Date of Birth (Age 18+ Required): _____
Proof of Frederick County residency is required (valid ID, utility bill, or lease).

Pet Information

Number of Dogs: _____ Number of Cats: _____

Other Pets (type/number): _____
Please list pet details:

Pet Name | Species | Breed | Age | Special Diet Needs

_____

_____

_____

Program Guidelines

-Visits limited to 6 per application lifetime (6 per 6 months)

- Limit per visit: 1 bag of food OR up to 6 cans of food per pet, with a 3 pet limit.

- Supplies are subject to availability.

- This program is intended as supplementary assistance.

Participant Agreement (Initial Each)

_____ I understand this program is meant to be supplementary assistance.

_____ I confirm that all animals listed are owned companion animals (not feral or stray animals).

_____ I understand assistance is available only as supplies allow.

_____ I agree not to take on additional animals while receiving assistance.

_____ I agree not to resell, redistribute, or attempt to return any food or care items received. Violation will result in disqualification from future assistance.

_____ I understand the shelter reserves the right to deny service or make exceptions based on individual circumstances.

_____ I agree to conduct myself in a courteous and lawful manner while on the premises.

_____ I understand that inappropriate behavior (on-site or online), discourtesy, or disturbances will result in immediate and permanent disqualification.

Liability Waiver

I acknowledge that pet food and supplies are provided as donations and may vary in brand and type. I agree that Frederick County Animal Shelter and its staff/volunteers are not liable for any illness, injury, or adverse reaction resulting from use of these products. I accept all items at my own risk.

Signature: _____ Date: _____

Pet Pantry ID Card (Office Use Only)

Participant Name: _____

ID Number: _____

Approved Pets: _____

Start Date: _____

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: Consent Agenda

Title: Acceptance of Transportation Committee Meeting of July 27, 2026

Attachments:
BOS08-12-26TransportationCommReport.pdf

TRANSPORTATION COMMITTEE REPORT to the BOARD OF SUPERVISORS
Monday, July 27, 2026
8:30 a.m.
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES:

Committee Members Present: John Jewell Chair (Voting), Jason Aikens, (Voting) Dustin Simkhovitch (Voting) Kevin Kenney (Voting) and Tim Stowe (Voting)

Committee Members Absent: Robert Liero (Voting)

Staff Present: John Bishop, Assistant Director and Kathy Smith

ITEMS REQUIRING ACTION BY THE BOARD OF SUPERVISORS

SmartScale Leveraged Funds: The committee reviewed the upcoming Smart Scale Transportation applications and confirmed the county's leverage funding commitments. Seven projects were discussed, including the large Exit 307 bridge replacement and interchange upgrade, several Route 50 Safety upgrades, Siler Road Intersection, Route 50 West (Stony Hill Road), Route 522 improvements at Route 37 and Apple Pie Ridge Road, Route 7 Gateway Drive area upgrades and Route 7 and Greenwood Road Intersection upgrades. Because VDOT's cost estimates are still being finalized, the Committee agreed to continue using a 20 percent local funding commitment for all projects this year, including Exit 307, while recognizing that long term planning will be needed as total future obligations could reach more than $45 million.

Recommended Action: Upon a motion made by Jason Aikens, seconded by Tim Stowe, to proceed with all Smart Scale applications as outlined and maintain the 20% funding commitment, including keeping Exit 307 at 20% for this year. Motion passed unanimously.

ITEMS FOR INFORMATION ONLY:

VDOT Project Updates, Redbud Road and Old Charlestown Road: VDOT provided updates on major ongoing projects: the Redbud Road realignment has begun initial work with completion expected in late 2027, though utility conflicts may affect timing, and the Old Charlestown Road roundabout remains in right-of-way acquisition with construction anticipated in early 2028. Members expressed concerns about the necessity of the roundabout, potential traffic impacts, and access for nearby properties. Additional discussion covered potential future Route 11 widening and the effect of new development and rezoning activity.

Through Truck Restriction Request for Jones Road and Cougill Road: The committee also considered truck restriction requests for Jones Road and Cougill Road but agreed that restrictions would be difficult to enforce and may not solve residents' complaints. For the time being, VDOT will conduct traffic counts and install "Not Recommended for Truck Traffic" signs before further

action.

County Projects Update: Renaissance Drive CSX reports project closeout is still in process.

Gainesboro Road: 60% school portion design expected mid-August; remainder in early September.
Comprehensive Plan Modeling: The Board of Supervisors has approved the project and notice to proceed has been issued.
Eastern Frederick County Transportation Study Phase II: The Board of Supervisors has approved the project and notice to proceed has been issued.
Warrior Path Environmental Work: The Board of Supervisors has approved the project and notice to proceed has been issued.

Other Business: Next meeting will primarily focus on the Transportation chapter of the Comprehensive Plan update, including safety improvements, transit options, airport master plan integration, and multimodal enhancements. CTB membership changes were noted with two representatives departing.

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: Consent Agenda

Title: Transportation Committee Business: Authorization for staff to proceed with all Smart Scale applications as outlined in the Committee Report and maintain the 20% funding commitment for this year.

Attachments:

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: Consent Agenda

Title: Acceptance of the Summary Report of the Board of Supervisors-Planning Commission Joint Work Session of July 23, 2026

Attachments:
BOS08-12-26JointWorkSessionSummary.pdf

COUNTY of FREDERICK

Department of Planning and Development
540/ 665-5651
Fax: 540/ 665-6395

MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Planning and Development Department

DATE: August 5, 2026

RE: Comprehensive Plan Update – Joint Work Session #2 - Summary

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The attached summarizes key topics and themes discussed at the joint work session on Thursday July 23, 2026. These will form the foundation of the plan update.

Following the break-out groups, staff polled the Planning Commission and Board of Supervisors regarding what growth scenario was most appropriate when initiating the plan drafting. Twelve (12) of the seventeen (17) participants expressed support for utilizing a sustained growth rate (1.8%) or a high growth rate (2%) for planning assumption for the update of the Comprehensive Plan.

These growth rates were pulled from the Community Profile (2025) and Market Analysis (2026) reports prepared in support of the plan update.

Requested Action

No action required. Please contact the Planning Department should you have any questions regarding this information.

Attachments:

1. Key Topics and Themes Work Session Summary

Community Facilities

- Plan for additional recreation amenities, including an indoor recreation facility.
- Explore policies for public-private partnership for future facilities, including shared facilities with public schools.
- Ensure new development forecasts for residential including corresponding expansions to public schools.

Water/Environment/Natural Resources

- Expand Sewer and Water Sewer Area (SWSA) boundary particularly along east side of Route 522 to support industrial development.
- Include Water Supply Planning elements and policies for drought resiliency
- Define soils and prime farmland and policies for preservation of these areas
- Policies to support use of native species, preservation of existing trees and wooded areas

Housing/Residential Development

- Rethink urban centers/neighborhood villages land use designation; consider higher density residential clusters around existing public-school campuses, particularly site of new 4th high schools
- Residential development west of Route 37 should be limited to 5-acre lots and revise policies for rural preservation subdivisions to encourage the preservation of large tracts of agriculture and open space. Evaluate rural preservation options as small as 0.5 or 1-acre tract with a large percentage "preserved."
- Evaluate UDA boundary in areas east of I-81 to accommodate *Market Study* forecasted growth and future housing need
- Include new housing types ("missing middle") and infill policies to support better utilization of UDA area
- Set minimum residential densities in the UDA
-
- Policies to support housing affordability & work force housing
- Community design standards for housing/residential development within the UDA, particularly policies that support and allow for infill development.

Rural Preservation/Historic Resources

- Provide a clear definition for "rural areas" and "rural preservation" in the context of present and future Frederick County.
- Examine the suitability of Rural Community Centers for rural housing development; consider removal of conflicting RCC information if incompatible with rural preservation and rural housing goals.
- Emphasis on rural economy and policies to support rural business owners, including farmers.
- Policy to support preservation of battlefields and surrounding areas planning to limit development pressure on historic resources and tourism opportunities.
- Transfer of Development Rights (TDR) policies and revisions to sending and receive areas map to correspond to TDR Working Group outcomes.
- Policies to develop Purchase of Development Rights (PDR) program
- Keep 5-acre by-right rural residential densities while expanding rural preservation subdivision policies
- Policy to support property owner awareness of conservation tools (easement, forestal districts, TDR) and how to best utilize these tools to achieve broader rural preservation goals.
- Policy to support creation of rural advisory body to promote rural policies, conservation programs, grants and funding, and monitor plan implementation.

Transportation

- Remove Route 37 Eastern Bypass and implement Eastern Frederick County Transportation Study (EFCTS) alternative alignment
- Evaluate Eastern Road Plan (ERP) facilities to only those that are needed and can be funded.
- Safety improvements, particularly for rural roadways
- Incorporate policies that support transit and mobility
- Incorporate Complete Streets policies
- Defined planning areas around interstate interchanges

Economic Development

- Designate and provide policies for utility corridors and locations for future substations
- Expansion of Commercial/Industrial base balance and opportunities for an additional industrial park along Route 522. Less policy on adherence to EDA targeted industries and identifying potential locations for these targeted uses.
- Policies that support and enhance rural economy and prioritize opportunities for agritourism, tourism and agribusiness
- Policies about high-quality site design, layout, setbacks, landscaping and green spaces for new commercial and industrial development being mindful of planned areas and existing adjoining rural areas.
- Enhancement of polices to prioritize Airport Support Area; policy regarding the type industries and development that could develop around the airport and enhance airport operations.

Other

- Sustained or High Growth scenario preferred.
- Policies that support "development pays for itself" mantra
- General land use map classification clean-up; description crosswalk with preferred zoning district
- Targeted areas to revisit planned land sues:
    - Appleland Properties (Kernstown Area Plan)
    - Pine Hill Properties (Senseny/Eastern Frederick Area Plan)
    - Middletown/Reliance Road/Lord Fairfax Area Plan
    - Joint planning areas in vicinity of Towns/City

Provisions Enabled by State Code to include:

- Environmental Justice
- Community Health
- Dam Inundation Zones
- Affordable Dwelling
- Units Mineral Resource Map
- Recreation and Sports Resource Map

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: Consent Agenda

Title:

Request from the Commissioner of the Revenue for Refunds and Supplemental Appropriations:

JB Hunt Transport Inc.- $226,823.23
Schenker Inc.- $26,133.13

Attachments:
BOS08-12-26RequestForRefund-Hunt.pdf
BOS08-12-26RequestForRefund-Schenker.pdf

COUNTY OF FREDERICK

Andrew R. Fox
County Attorney

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

MEMORANDUM

TO: Frederick County Board of Supervisors

CC: Michael Bollhoefer, County Administrator

FROM: Andrew R. Fox, County Attorney

DATE: July 21, 2026

RE: Commissioner of Revenue Refund Requests

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

1. JB Hunt Transport Inc.- $226,823.23

Attachments

COUNTY OF FREDERICK

Andrew R. Fox
County Attorney

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

MEMORANDUM

TO: Frederick County Board of Supervisors

CC: Michael Bollhoefer, County Administrator

FROM: Andrew R. Fox, County Attorney

DATE: July 21, 2026

RE: Refund – JB Hunt Transport Inc

I am in receipt of the Commissioner's request, dated July 7, 2026, to authorize the Treasurer to refund JB Hunt Transport Inc, $226,823.23 for the 2026 Personal Property tax year, based on corrections to assessment resulting from removal of sold assets, the application of Virginia International Fuel Tax Agreement (IFTA) mileage to qualifying vehicles, and the corresponding adjustment to the Contract Carrier rate. Approval is requested pursuant to Virginia State Code §58.1-3990.

Board approval is required in order for the Treasurer to issue this refund in compliance with Virginia State Code and Frederick County ordinance. The Commissioner's office has verified all required data, and supporting documentation is filed with the Commissioner of the Revenue.

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

Attachment

Frederick County, Virginia

OFFICE OF
COMMISSIONER OF THE REVENUE
107 North Kent Street P.O. Box 552
Winchester VA 22601Winchester VA 22604-0552
Tonva.Sibert@fcva.us or www.fcva.us/cor

July 7th, 2026

To: Andrew Fox, County Attorney
Frederick County Board of Supervisors
Michael Bollhoefer, County Administrator
Sharon Kibler, Finance Director

From: Tonya C. Sibert, Commissioner of the Revenue

RE: J B Hunt Transport

Please approve a refund of $226,823.23 to J.B. Hunt Transport Inc for the 2026 Personal Property tax year, based on corrections to assessment resulting from removal of sold assets, the application of Virginia International Fuel Tax Agreement (IFTA) mileage to qualifying vehicles, and the corresponding adjustment to the Contract Carrier rate. Approval is requested pursuant to Virginia State Code §58.1-3990

To comply with requirements for the Treasurer to issue this refund, Board action is required.

The Commissioner's staff has verified all required data, and the paperwork is in care of the Commissioner of the Revenue.

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

Exoneration $226,823.23

Date: 6/17/26 Cash Register: COUNTY OF FREDERICK Time: 14:28:06

Cashier: Total Transactions: 976

Customer Name: J B HUNT TRANSPORT Customer Transactions: 274

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
_	PP2026	1	01179780001	$331.15-	$.00	$331.15-
_	PP2026	2	01179780003	$331.15-	$.00	$331.15-
_	PP2026	3	01179780005	$648.81-	$.00	$648.81-
_	PP2026	4	01179780007	$648.81-	$.00	$648.81-
_	PP2026	5	01179780009	$648.81-	$.00	$648.81-
_	PP2026	6	01179780011	$648.81-	$.00	$648.81-
_	PP2026	7	01179780013	$648.81-	$.00	$648.81-
_	PP2026	8	01179780015	$255.02-	$.00	$255.02-
_	PP2026	9	01179780017	$234.90-	$.00	$234.90-
_	PP2026	10	01179780019	$234.90-	$.00	$234.90-
_	PP2026	11	01179780021	$258.18-	$.00	$258.18-
_	PP2026	12	01179780023	$688.39-	$.00	$688.39-
_	PP2026	13	01179780025	$688.39-	$.00	$688.39-
_	PP2026	14	01179780027	$688.39-	$.00	$688.39-
_	PP2026	15	01179780029	$688.39-	$.00	$688.39-
_	PP2026	16	01179780031	$688.39-	$.00	$688.39-
_	PP2026	17	01179780033	$875.44-	$.00	$875.44-
_	PP2026	18	01179780035	$875.44-	$.00	$875.44-
_	PP2026	19	01179780037	$875.44-	$.00	$875.44-
_	PP2026	20	01179780039	$875.44-	$.00	$875.44-
_	PP2026	21	01179780041	$875.44-	$.00	$875.44-
_	PP2026	22	01179780043	$940.69-	$.00	$940.69-
_	PP2026	23	01179780045	$875.44-	$.00	$875.44-
_	PP2026	24	01179780047	$875.44-	$.00	$875.44-
_	PP2026	25	01179780049	$875.44-	$.00	$875.44-
_	PP2026	26	01179780051	$875.44-	$.00	$875.44-
_	PP2026	27	01179780053	$1,393.09-	$.00	$1,393.09-
_	PP2026	28	01179780055	$1,393.09-	$.00	$1,393.09-
_	PP2026	29	01179780057	$1,393.09-	$.00	$1,393.09-
_	PP2026	30	01179780059	$875.44-	$.00	$875.44-
_	PP2026	31	01179780061	$962.98-	$.00	$962.98-
_	PP2026	32	01179780063	$962.98-	$.00	$962.98-
_	PP2026	33	01179780065	$962.98-	$.00	$962.98-
_	PP2026	34	01179780067	$962.98-	$.00	$962.98-
_	PP2026	35	01179780069	$1,389.83-	$.00	$1,389.83-
	PP2026	36	01179780071	$1,389.83-	$.00	$1,389.83-

Date: 6/17/26 Cash Register: COUNTY OF FREDERICK Time: 14:28:06

Cashier: Total Transactions: 976

Customer Name: J B HUNT TRANSPORT Customer Transactions: 274

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
_	PP2026	37	01179780073	$1,250.63-	$.00	$1,250.63-
_	PP2026	38	01179780075	$1,250.63-	$.00	$1,250.63-
_	PP2026	39	01179780077	$1,389.83-	$.00	$1,389.83-
_	PP2026	40	01179780079	$1,389.83-	$.00	$1,389.83-
_	PP2026	41	01179780081	$601.39-	$.00	$601.39-
_	PP2026	42	01179780083	$601.39-	$.00	$601.39-
_	PP2026	43	01179780085	$601.39-	$.00	$601.39-
_	PP2026	44	01179780087	$601.39-	$.00	$601.39-
_	PP2026	45	01179780089	$601.39-	$.00	$601.39-
_	PP2026	46	01179780091	$601.39-	$.00	$601.39-
_	PP2026	47	01179780093	$601.39-	$.00	$601.39-
_	PP2026	48	01179780095	$601.39-	$.00	$601.39-
_	PP2026	49	01179780097	$601.39-	$.00	$601.39-
_	PP2026	50	01179780099	$601.39-	$.00	$601.39-
_	PP2026	51	01179780101	$601.39-	$.00	$601.39-
_	PP2026	52	01179780103	$601.39-	$.00	$601.39-
_	PP2026	53	01179780105	$601.39-	$.00	$601.39-
_	PP2026	54	01179780107	$601.39-	$.00	$601.39-
_	PP2026	55	01179780109	$797.14-	$.00	$797.14-
_	PP2026	56	01179780111	$601.39-	$.00	$601.39-
_	PP2026	57	01179780113	$601.39-	$.00	$601.39-
_	PP2026	58	01179780115	$601.39-	$.00	$601.39-
_	PP2026	59	01179780117	$601.39-	$.00	$601.39-
_	PP2026	60	01179780119	$601.39-	$.00	$601.39-
_	PP2026	61	01179780121	$601.39-	$.00	$601.39-
_	PP2026	62	01179780123	$601.39-	$.00	$601.39-
_	PP2026	63	01179780125	$601.39-	$.00	$601.39-
_	PP2026	64	01179780127	$601.39-	$.00	$601.39-
_	PP2026	65	01179780129	$601.39-	$.00	$601.39-
_	PP2026	66	01179780131	$601.39-	$.00	$601.39-
_	PP2026	67	01179780133	$883.05-	$.00	$883.05-
_	PP2026	68	01179780135	$688.39-	$.00	$688.39-
_	PP2026	69	01179780137	$601.39-	$.00	$601.39-
_	PP2026	70	01179780139	$688.39-	$.00	$688.39-
_	PP2026	71	01179780141	$688.39-	$.00	$688.39-
_	PP2026	72	01179780143	$688.39-	$.00	$688.39

Date: 6/17/26 Cash Register: COUNTY OF FREDERICK Time: 12:12:14

Cashier: Total Transactions: 976

Customer Name: J B HUNT TRANSPORT Customer Transactions: 12

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
_	PP2026	73	01179780145	$688.39-	$.00	$688.39-
_	PP2026	74	01179780147	$688.39-	$.00	$688.39-
_	PP2026	75	01179780149	$688.39-	$.00	$688.39-
_	PP2026	76	01179780151	$688.39-	$.00	$688.39-
_	PP2026	77	01179780153	$688.39-	$.00	$688.39-
_	PP2026	78	01179780155	$688.39-	$.00	$688.39-
_	PP2026	79	01179780157	$688.39-	$.00	$688.39-
_	PP2026	80	01179780159	$688.39-	$.00	$688.39-
_	PP2026	81	01179780161	$688.39-	$.00	$688.39-
_	PP2026	82	01179780163	$688.39-	$.00	$688.39-
_	PP2026	83	01179780165	$848.25-	$.00	$848.25-
_	PP2026	84	01179780167	$848.25-	$.00	$848.25-
_	PP2026	85	01179780169	$848.25-	$.00	$848.25-
_	PP2026	86	01179780171	$875.44-	$.00	$875.44-
_	PP2026	87	01179780173	$875.44-	$.00	$875.44-
_	PP2026	88	01179780175	$848.25-	$.00	$848.25-
_	PP2026	89	01179780177	$848.25-	$.00	$848.25-
_	PP2026	90	01179780179	$1,459.43-	$.00	$1,459.43-
_	PP2026	91	01179780181	$1,459.43-	$.00	$1,459.43-
_	PP2026	92	01179780183	$1,459.43-	$.00	$1,459.43-
_	PP2026	93	01179780185	$1,459.43-	$.00	$1,459.43-
_	PP2026	94	01179780187	$1,459.43-	$.00	$1,459.43-
_	PP2026	95	01179780189	$1,459.43-	$.00	$1,459.43-
_	PP2026	96	01179780191	$1,459.43-	$.00	$1,459.43-
_	PP2026	97	01179780193	$1,459.43-	$.00	$1,459.43-
_	PP2026	98	01179780195	$1,459.43-	$.00	$1,459.43-
_	PP2026	99	01179780197	$1,459.43-	$.00	$1,459.43-
_	PP2026	100	01179780199	$1,459.43-	$.00	$1,459.43-
_	PP2026	101	01179780201	$1,923.79-	$.00	$1,923.79-
_	PP2026	102	01179780203	$1,923.79-	$.00	$1,923.79-
_	PP2026	103	01179780205	$1,923.79-	$.00	$1,923.79-
_	PP2026	104	01179780207	$1,923.79-	$.00	$1,923.79-
_	PP2026	105	01179780209	$1,923.79-	$.00	$1,923.79-
_	PP2026	106	01179780211	$1,923.79-	$.00	$1,923.79-
_	PP2026	107	01179780213	$1,650.28-	$.00	$1,650.28-
_	PP2026	108	01179780215	$1,923.79-	$.00	$1,923.79

Date: 6/17/26 Cash Register: COUNTY OF FREDERICK Time: 14:28:06

Cashier: Total Transactions: 976

Customer Name: J B HUNT TRANSPORT Customer Transactions: 274

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
_	PP2026	109	01179780217	$1,650.28-	$.00	$1,650.28-
_	PP2026	110	01179780219	$1,650.28-	$.00	$1,650.28-
_	PP2026	111	01179780221	$1,099.47-	$.00	$1,099.47-
_	PP2026	112	01179780223	$1,128.28-	$.00	$1,128.28-
_	PP2026	113	01179780225	$1,290.65-	$.00	$1,290.65-
_	PP2026	114	01179780227	$1,095.44-	$.00	$1,095.44-
_	PP2026	115	01179780229	$1,606.89-	$.00	$1,606.89-
_	PP2026	116	01179780231	$1,927.16-	$.00	$1,927.16-
_	PP2026	117	01179780233	$1,384.28-	$.00	$1,384.28-
_	PP2026	118	01179780235	$1,843.10-	$.00	$1,843.10-
_	PP2026	119	01179780237	$2,068.86-	$.00	$2,068.86-
_	PP2026	120	01179780239	$1,908.78-	$.00	$1,908.78-
_	PP2026	121	01179780241	$1,910.31-	$.00	$1,910.31-
_	PP2026	122	01179780243	$1,910.31-	$.00	$1,910.31-
_	PP2026	123	01179780245	$2,122.37-	$.00	$2,122.37-
_	PP2026	124	01179780247	$2,171.74-	$.00	$2,171.74-
_	PP2026	125	01179780249	$2,171.85-	$.00	$2,171.85-
_	PP2026	126	01179780251	$2,492.23-	$.00	$2,492.23-
_	PP2026	127	01179780253	$2,482.11-	$.00	$2,482.11-
_	PP2026	128	01179780255	$2,050.48-	$.00	$2,050.48-
_	PP2026	129	01179780257	$2,807.06-	$.00	$2,807.06-
_	PP2026	130	01179780259	$2,793.79-	$.00	$2,793.79-
_	PP2026	131	01179780261	$2,793.79-	$.00	$2,793.79-
_	PP2026	132	01179780263	$2,793.79-	$.00	$2,793.79-
_	PP2026	133	01179780265	$2,793.79-	$.00	$2,793.79-
_	PP2026	134	01179780267	$2,822.61-	$.00	$2,822.61-
_	PP2026	135	01179780269	$2,822.61-	$.00	$2,822.61-
_	PP2026	136	01179780271	$2,822.61-	$.00	$2,822.61-
_	PP2026	137	01179780273	$2,822.61-	$.00	$2,822.61-
_	PP2026	138	01179780275	$2,822.61-	$.00	$2,822.61-
_	PP2026	139	01179780277	$2,822.61-	$.00	$2,822.61-
_	PP2026	140	01179780279	$2,892.32-	$.00	$2,892.32-
_	PP2026	141	01179780281	$2,892.32-	$.00	$2,892.32-
_	PP2026	142	01179780283	$3,044.13-	$.00	$3,044.13-
_	PP2026	143	01179780285	$3,044.13-	$.00	$3,044.13-
_	PP2026	144	01179780287	$2,867.52-	$.00	$2,867.52-

Date: 6/17/26 Cash Register: COUNTY OF FREDERICK Time: 14:28:06

Cashier: Total Transactions: 976

Customer Name: J B HUNT TRANSPORT Customer Transactions: 274

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
_	PP2026	145	01179780289	$577.47-	$.00	$577.47-
_	PP2026	146	01179780291	$587.47-	$.00	$587.47-
_	PP2026	147	01179780293	$587.47-	$.00	$587.47-
_	PP2026	148	01179780295	$196.95-	$.00	$196.95-
_	PP2026	149	01179780297	$196.95-	$.00	$196.95-
_	PP2026	150	01179780299	$196.95-	$.00	$196.95-
_	PP2026	151	01179780301	$196.95-	$.00	$196.95-
_	PP2026	152	01179780303	$196.95-	$.00	$196.95-
_	PP2026	153	01179780305	$196.95-	$.00	$196.95-
_	PP2026	154	01179780307	$199.12-	$.00	$199.12-
_	PP2026	155	01179780309	$202.17-	$.00	$202.17-
_	PP2026	156	01179780311	$202.17-	$.00	$202.17-
_	PP2026	157	01179780313	$202.17-	$.00	$202.17-
_	PP2026	158	01179780315	$202.17-	$.00	$202.17-
_	PP2026	159	01179780317	$202.17-	$.00	$202.17-
_	PP2026	160	01179780319	$202.17-	$.00	$202.17-
_	PP2026	161	01179780321	$187.27-	$.00	$187.27-
_	PP2026	162	01179780323	$196.95-	$.00	$196.95-
_	PP2026	163	01179780325	$196.95-	$.00	$196.95-
_	PP2026	164	01179780327	$196.95-	$.00	$196.95-
_	PP2026	165	01179780329	$196.95-	$.00	$196.95-
_	PP2026	166	01179780331	$196.95-	$.00	$196.95-
_	PP2026	167	01179780333	$196.95-	$.00	$196.95-
_	PP2026	168	01179780335	$196.95-	$.00	$196.95-
_	PP2026	169	01179780337	$196.95-	$.00	$196.95-
_	PP2026	170	01179780339	$196.95-	$.00	$196.95-
_	PP2026	171	01179780341	$196.95-	$.00	$196.95-
_	PP2026	172	01179780343	$196.95-	$.00	$196.95-
_	PP2026	173	01179780345	$196.95-	$.00	$196.95-
_	PP2026	174	01179780347	$196.95-	$.00	$196.95-
_	PP2026	175	01179780349	$196.95-	$.00	$196.95-
_	PP2026	176	01179780351	$196.95-	$.00	$196.95-
_	PP2026	177	01179780353	$196.95-	$.00	$196.95-
_	PP2026	178	01179780355	$196.95-	$.00	$196.95-
_	PP2026	179	01179780357	$196.95-	$.00	$196.95-
_	PP2026	180	01179780359	$196.95-	$.00	$196.95

Date: 6/17/26 Cash Register: COUNTY OF FREDERICK Time: 14:28:06

Cashier: Total Transactions: 976

Customer Name: J B HUNT TRANSPORT Customer Transactions: 274

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
_	PP2026	181	01179780361	$196.95-	$.00	$196.95-
_	PP2026	182	01179780363	$196.95-	$.00	$196.95-
_	PP2026	183	01179780365	$196.95-	$.00	$196.95-
_	PP2026	184	01179780367	$196.95-	$.00	$196.95-
_	PP2026	185	01179780369	$196.95-	$.00	$196.95-
_	PP2026	186	01179780371	$196.95-	$.00	$196.95-
_	PP2026	187	01179780373	$196.95-	$.00	$196.95-
_	PP2026	188	01179780375	$196.95-	$.00	$196.95-
_	PP2026	189	01179780377	$196.95-	$.00	$196.95-
_	PP2026	190	01179780379	$196.95-	$.00	$196.95-
_	PP2026	191	01179780381	$196.95-	$.00	$196.95-
_	PP2026	192	01179780383	$196.95-	$.00	$196.95-
_	PP2026	193	01179780385	$196.95-	$.00	$196.95-
_	PP2026	194	01179780387	$196.95-	$.00	$196.95-
_	PP2026	195	01179780389	$196.95-	$.00	$196.95-
_	PP2026	196	01179780391	$196.95-	$.00	$196.95-
_	PP2026	197	01179780393	$196.95-	$.00	$196.95-
_	PP2026	198	01179780395	$196.95-	$.00	$196.95-
_	PP2026	199	01179780397	$196.95-	$.00	$196.95-
_	PP2026	200	01179780399	$196.95-	$.00	$196.95-
_	PP2026	201	01179780401	$196.95-	$.00	$196.95-
_	PP2026	202	01179780403	$1,738.92-	$.00	$1,738.92-
_	PP2026	203	01179780405	$1,738.92-	$.00	$1,738.92-
_	PP2026	204	01179780407	$1,738.92-	$.00	$1,738.92-
_	PP2026	205	01179780409	$1,745.01-	$.00	$1,745.01-
_	PP2026	206	01179780413	$1,745.01-	$.00	$1,745.01-
_	PP2026	207	01179780415	$1,745.01-	$.00	$1,745.01-
_	PP2026	208	01179780417	$2,467.11-	$.00	$2,467.11-
_	PP2026	209	01179780419	$1,738.92-	$.00	$1,738.92-
_	PP2026	210	01179780421	$757.99-	$.00	$757.99-
_	PP2026	211	01179780423	$132.46-	$.00	$132.46-
_	PP2026	212	01179780425	$132.24-	$.00	$132.24-
_	PP2026	213	01179780427	$133.11-	$.00	$133.11-
_	PP2026	214	01179780429	$133.44-	$.00	$133.44-
_	PP2026	215	01179780431	$144.10-	$.00	$144.10-
_	PP2026	216	01179780433	$584.75-	$.00	$584.75-

Date: 6/17/26 Cash Register: COUNTY OF FREDERICK Time: 14:28:06

Cashier: Total Transactions: 976

Customer Name: J B HUNT TRANSPORT Customer Transactions: 274

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
_	PP2026	217	01179780435	$584.75-	$.00	$584.75-
_	PP2026	218	01179780437	$584.75-	$.00	$584.75-
_	PP2026	219	01179780439	$599.54-	$.00	$599.54-
_	PP2026	220	01179780441	$599.54-	$.00	$599.54-
_	PP2026	221	01179780443	$599.54-	$.00	$599.54-
_	PP2026	222	01179780445	$584.75-	$.00	$584.75-
_	PP2026	223	01179780447	$584.75-	$.00	$584.75-
_	PP2026	224	01179780449	$582.47-	$.00	$582.47-
_	PP2026	225	01179780451	$584.75-	$.00	$584.75-
_	PP2026	226	01179780453	$584.75-	$.00	$584.75-
_	PP2026	227	01179780455	$584.75-	$.00	$584.75-
_	PP2026	228	01179780457	$582.47-	$.00	$582.47-
_	PP2026	229	01179780459	$584.75-	$.00	$584.75-
_	PP2026	230	01179780461	$584.75-	$.00	$584.75-
_	PP2026	231	01179780463	$584.75-	$.00	$584.75-
_	PP2026	232	01179780465	$584.75-	$.00	$584.75-
_	PP2026	233	01179780467	$584.75-	$.00	$584.75-
_	PP2026	234	01179780469	$584.75-	$.00	$584.75-
_	PP2026	235	01179780471	$584.75-	$.00	$584.75-
_	PP2026	236	01179780473	$584.75-	$.00	$584.75-
_	PP2026	237	01179780475	$584.75-	$.00	$584.75-
_	PP2026	238	01179780477	$584.75-	$.00	$584.75-
_	PP2026	239	01179780479	$584.75-	$.00	$584.75-
_	PP2026	240	01179780481	$67.97-	$.00	$67.97-
_	PP2026	241	01179780483	$2,548.89-	$.00	$2,548.89-
_	PP2026	242	01179780485	$64.17-	$.00	$64.17-
_	PP2026	243	01179780487	$121.15-	$.00	$121.15-
_	PP2026	244	01179780489	$351.48-	$.00	$351.48-
_	PP2026	245	01179780491	$365.29-	$.00	$365.29-
_	VL2026	246	01565980001	$30.00-	$.00	$30.00-
_	VL2026	247	01565990001	$30.00-	$.00	$30.00-
_	VL2026	248	01566000001	$30.00-	$.00	$30.00-
_	VL2026	249	01566010001	$30.00-	$.00	$30.00-
_	VL2026	250	01566020001	$30.00-	$.00	$30.00-
_	VL2026	251	01566040001	$30.00-	$.00	$30.00-
_	VL2026	252	01566060001	$30.00-	$.00	$30.00-

Date: 6/17/26 Cash Register: COUNTY OF FREDERICK Time: 14:28:06

Cashier: Total Transactions: 976

Customer Name: J B HUNT TRANSPORT Customer Transactions: 274

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
_	VL2026	253	01566230001	$30.00-	$.00	$30.00-
_	VL2026	254	01566310001	$30.00-	$.00	$30.00-
_	VL2026	255	01566320001	$30.00-	$.00	$30.00-
_	VL2026	256	01566330001	$30.00-	$.00	$30.00-
_	VL2026	257	01566340001	$30.00-	$.00	$30.00-
_	VL2026	258	01566350001	$30.00-	$.00	$30.00-
_	VL2026	259	01566360001	$30.00-	$.00	$30.00-
_	VL2026	260	01566370001	$30.00-	$.00	$30.00-
_	VL2026	261	01566380001	$30.00-	$.00	$30.00-
_	VL2026	262	01566390001	$30.00-	$.00	$30.00-
_	VL2026	263	01566400001	$30.00-	$.00	$30.00-
_	VL2026	264	01566410001	$30.00-	$.00	$30.00-
_	VL2026	265	01566420001	$30.00-	$.00	$30.00-
_	VL2026	266	01566430001	$30.00-	$.00	$30.00-
_	VL2026	267	01566440001	$30.00-	$.00	$30.00-
_	VL2026	268	01566450001	$30.00-	$.00	$30.00-
_	VL2026	269	01566460001	$30.00-	$.00	$30.00-
_	VL2026	270	01566470001	$30.00-	$.00	$30.00-
_	VL2026	271	01566500001	$30.00-	$.00	$30.00-
_	VL2026	272	01566520001	$30.00-	$.00	$30.00-
_	VL2026	273	01566530001	$30.00-	$.00	$30.00-
_	VL2026	274	01566540001	$30.00-	$.00	$30.00-

Multiple Pages Total Paid : $226,823.23

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

F20=Attach

Needs Board Approval

COUNTY OF FREDERICK

Andrew R. Fox
County Attorney

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

MEMORANDUM

TO: Frederick County Board of Supervisors

CC: Michael Bollhoefer, County Administrator

FROM: Andrew R. Fox, County Attorney

DATE: August 3, 2026

RE: Commissioner of Revenue Refund Requests

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

1. Schenker Inc.- $26,133.13

Attachments

COUNTY OF FREDERICK

Andrew R. Fox
County Attorney

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

MEMORANDUM

TO: Frederick County Board of Supervisors

CC: Michael Bollhoefer, County Administrator

FROM: Andrew R. Fox, County Attorney

DATE: August 3, 2026

RE: Refund – Schenker Inc

I am in receipt of the Commissioner's request, dated July 24, 2026, to authorize the Treasurer to refund Schenker Inc, $26,133.13, for the business license tax assessed for and paid by Schenker, Inc. for 2025. This business just notified us they closed their 291 Park Center Drive location in Winchester, Virginia on 8/04/2025. Since the business only operated a partial year, their license taxes have been prorated, causing a partial refund.

Board approval is required in order for the Treasurer to issue this refund in compliance with Virginia State Code and Frederick County ordinance. The Commissioner's office has verified all required data, and supporting documentation is filed with the Commissioner of the Revenue.

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

Attachment

Frederick County, Virginia

OFFICE OF

COMMISSIONER OF THE REVENUE

107 North Kent Street
Winchester VA 22601

P.O. Box 552
Winchester VA 22604-0552

tonya.sibert@fcva.us
www.fcva.us/cor

TONYA C. SIBERT
COMMISSIONER

Phone: 540-665-5681
Fax: 540-667-6487

July 24, 2026

TO: Andrew Fox, County Attorney
Sharon Kibler, Finance Director
Frederick County Board of Supervisors
Michael Bollhoefer, County Administrator

FROM: Tonya C. Sibert, Commissioner of the Revenue

RE: Exoneration – Schenker Inc.

Please approve a refund of $26,133.13 for the business license tax assessed for and paid by Schenker, Inc. for 2025. This business just notified us they closed their 291 Park Center Drive location in Winchester, Virginia on 8/04/2025. Since the business only operated a partial year, their license taxes have been prorated, causing a partial refund.

To comply with the requirements for the Treasurer to issue this refund, Board action is required.

The Commissioner's staff has verified all required data, and the paperwork is in the care of the Commissioner of the Revenue.

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

Exoneration is $26,133.13.

Date: 7/23/26 Cash Register: COUNTY OF FREDERICK Time: 17:05:48

Cashier: [redacted] Total Transactions: 983

Customer Name: SCHENKER INC Customer Transactions: 1

Options: 2=Edit 4=Delete 5=View

Opt	Dept	Trans	Ticket No.	Tax Amount	Penalty/Int	Amount Paid
_	BL2025	1	00048680001	$26,133.13-	$.00	$26,133.13-

Total Paid : $26,133.13

F3=Exit F14=Show Map# F15=Show Balance F18=Sort-Entered F20=Attach

- Needs Board Approval

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: Consent Agenda

Title:

Memorandum of Agreement Among the Federal Communications Commission, the Virginia Department of Historic Resources, the County of Frederick, VA, the Shenandoah Valley Battlefields Foundation, and Belle Grove, Inc. Regarding the County of Frederick's Emergency Communications Tower at 269 Klines Mill Lane, Middletown, Frederick County, Virginia. TCNS #288286

Attachments:
BOS08-12-26MitigationMOA_WeighStation.pdf

COUNTY ADMINISTRATOR'S OFFICE
COUNTY of FREDERICK

Jay E. Tibbs
Deputy County Administrator

540/665-6382
Fax: 540/667-0370
E-mail: jtibbs@fcva.us

To: Board of Supervisors

From: Jay E. Tibbs, Deputy County Administrator

Date: August 6, 2026

Re: Memorandum of Agreement for Emergency Communications Tower, Middletown

Attached, please find a Memorandum of Agreement between the Federal Communications Commission, the Virginia Department of Historic Resources, the County of Frederick, VA, the Shenandoah Valley Battlefields Foundation, and Belle Grove, Inc. regarding the County of Frederick's emergency communications tower at 269 Klines Mill Lane, Middletown, Frederick County, Virginia. TCNS #288286. The purpose of this agreement is to help mitigate any visual impact to the Cedar Creek & Belle Grove National Historic Park caused by the County's emergency communications tower to be located near the I-81 south weigh station at 269 Klines Mill Lane.

This agreement was developed as part of mandatory historic preservation review under Section 106 of the National Historic Preservation Act, which is part of the review of the County's FCC licensing application for this site. The Section 106 process requires applicants to evaluate the potential effects of proposed communication towers and related facilities on historic properties (sites, buildings, districts, or archaeology) before construction. This review typically focuses on an Area of Potential Effect (APE) within a ½ to ¾ mile radius. The Shenandoah Valley Battlefields Foundation's (SVBF) property located at Rienzi Knoll falls within the APE; thus, mitigation will be provided to SVBF to address impacts on this property.

The other party receiving mitigation under this agreement is Belle Gove Plantation. While this structure is located outside of the APE, given the historic importance of the Cedar Creek & Belle Grove National Historic Park and Belle Groves' prominence, the consulting parties found mitigation warranted to address possible visual impacts to the Belle Grove property and manor house.

Staff is requesting Board approval of this agreement and authorization for the County Administrator to sign on behalf of the County.

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL COMMUNICATIONS COMMISSION,
THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES,
THE COUNTY OF FREDERICK, VA
THE SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION, and
BELLE GROVE, INC.
REGARDING
THE COUNTY OF FREDERICK'S EMERGENCY COMMUNICATIONS TOWER at 269 KLINES MILL LANE, MIDDLETOWN, FREDERICK COUNTY, VIRGINIA
TCNS #288286

WHEREAS, the County of Frederick (County) proposes to construct a 254-foot self-support lattice tower (overall height with lightning rod) at the Virginia Department of Motor Vehicles (DMV) Service Center, located at 269 Klines Mill Lane, Middletown, Frederick County, Virginia (39° 02' 53.20" N, 78° 14' 54.63" W) to support communications facilities for its Federal Communications Commission (FCC)-licensed service (Project); and

WHEREAS, the County is a licensee of the FCC and intends to use antennas on the tower in connection with its licensed service to provide emergency communications; and

WHEREAS, the proposed tower requires antenna structure registration with the FCC pursuant to 47 CFR 17.4(a); and

WHEREAS, the FCC has determined that the Project is a federal undertaking subject to review under the National Historic Preservation Act (NHPA), as amended, by National Park Service and Related Programs (Pub. L 113-287, § 3, Dec. 19, 2014, 128 Stat. 3227 (54 U.S.C. § 306108); and

WHEREAS, the County, as required by the FCC at 47 CFR §§ 1.1307(a)(4), 1.1320, and acting under delegation from the FCC, initiated review for the Project pursuant to 36 CFR Part 800, which includes the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, the County has consulted with the State Historic Preservation Office (SHPO) pursuant to 36 CFR Part 800, as well as pursuant to the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission* (NPA) at 47 CFR Part 1, App. C, and is a signatory to this MOA; and

WHEREAS, the FCC, in consultation with the SHPO, established the Area of Potential Effects (APE), consistent with Stipulation VI of the NPA, to include the area of potential ground disturbance and any property that will be physically altered or destroyed by the Project, as well as the geographic area in which the project introduces new visual elements; and

WHEREAS, the FCC and the SHPO determined that the proposed Project will have an adverse effect on the Cedar Creek Battlefield and Belle Grove Plantation National Historic Landmark, DHR ID #034-0303 and 034-0002) (NHL), which is listed in the National Register of Historic Places (NRHP); and

WHEREAS, the County has consulted with the Cedar Creek & Belle Grove National Historic Park, American Battlefield Trust, Cedar Creek Battlefield Foundation, National Trust for Historic Preservation, and National Park Service Historic Landmark Program regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as concurring parties; and

WHEREAS, the County has consulted with the Shenandoah Valley Battlefields Foundation (SVBF) and Belle Grove, Inc. regarding the effects of the undertaking on historic properties, and has invited them to sign this MOA as invited signatories participating in mitigation as described in Stipulation I; and

WHEREAS, the County, consistent with the FCC's requirements for environmental review, has considered and evaluated a number of alternatives for the project and concluded that these options are either unavailable to the County, or do not meet the technical requirements necessary to satisfy the coverage needs of the emergency telecommunications systems to be supported by the P25 Countywide Emergency Communications System consisting of ten (10) interdependent sites; and

WHEREAS, members of the public were afforded a 30-day period to participate in and comment on this proceeding pursuant to a notice published in the *Winchester Star* on November 26, 2024, December 3, 2024, and December 19, 2024, and no objections pertaining to effects on Historic Properties were received; and

WHEREAS, the local government officials were afforded an opportunity to participate in and provide comments on this proceeding pursuant to Section V of the NPA and any comments were addressed during the consultation process; and

WHEREAS, the County has made a reasonable and good faith effort to identify and notify Federally-recognized Tribal Nations that might attach religious and cultural significance to Historic Properties within the APE, including the Bad River Band of Lake Superior Tribe of Chippewa Indians, Catawba Indian Nation, Chickahominy Indian Tribe, Cultural Heritage Partners, Delaware Nation, Eastern Shawnee Tribe of Oklahoma, Monacan Nation, Nansemond Indian Tribe, Pamunkey Indian Tribe, Prairie Island Indian Community, The Upper Mattaponi Indian Tribe, and Tuscarora Nation, and none of the notified Tribal Nations have objected to the Project; and

WHEREAS, in accordance with Stipulation VII.D.2 of the NPA, the County has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with the specified and required documentation, and the ACHP has declined to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, upon transfer of any ownership interest in the aforementioned Project, any and all assignees shall be subject to all terms and conditions of this agreement.

NOW, THEREFORE, the FCC, the SHPO, the County, the SVBF, and Belle Grove, Inc. agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effects of the project on Historic Properties and agree that the following measures shall constitute full, complete, and adequate mitigation under the NHPA, as amended, the implementing regulations of the ACHP, and the FCC's rules.

STIPULATIONS

The FCC, through coordination with the County, and its assignees, shall ensure that the following measures are carried out following execution of this MOA:

I. MITIGATION OF ADVERSE EFFECT

The County shall implement measures to help minimize visual impacts, enhance the existing vehicle pull-off area (a/k/a turnout) at the Cedar Creek and Belle Grove National Historical Park, make a payment to the SVBF to install a parking area, and make a payment to Belle Grove, Inc. to construct a trail and install permanent lighting on the Manor House.

A. Lattice Tower Design

1. The tower will not exceed the proposed height of 250 feet (254 feet with lightning rod).

2. The tower will be made of galvanized, low-reflective metal.

B. Enhancing Pull-Off Area

1. The County will enhance the existing pull-off area at Cedar Creek and Belle Grove National Historical Park Driving Tour Stop 7 (The Miller's Mill), which is located adjacent to 210 Cougill Road.

    a. The County will install a gravel pull-off loop around the existing signage.
    b. The pull-off area will accommodate up to three (3) passenger vehicles. This will allow for ease of ingress and egress at the Miller's Mill tour stop.
    c. The County shall post "No Dumping" signage on the property to deter the future dumping of tires and other garbage on the property.

2. The County will electronically submit plans to the SHPO, Cedar Creek, and Belle Grove National Historic Park for review and comment depicting the layout of the pull-in loop, as well as mock-ups and placement of the signage as described in I.A.1.c.

3. If the County does not receive a response within one review period of thirty (30) days, they may proceed with construction of the loop and placement of the signs.

C. Parking Area Construction

1. The County will make a payment of fifty thousand dollars ($50,000) to the SVBF for construction of a parking area on property owned by the SVBF (PIN:84-4-1).

    a. The added parking will enable SVBF and other entities to offer programming at the Rienzi Knoll property, which is currently unavailable due to insufficient visitor parking.
    b. The County shall work cooperatively with the SVBF to approve expeditiously permitting or approvals (if any) required for the construction and installation of the parking area.

D. Trail Construction and House Lighting

1. The County will make a payment of twenty-five thousand dollars ($25,000) to Belle Grove, Inc., which operates Belle Grove Plantation.

2. The payment will assist with construction of a trail on the north portion of the property to highlight the historic quarry and lime kiln, as well as the installation of permanent lighting on the Manor House.

    a. The lighting shall accentuate the beauty of the historic structure to increase visibility from the road and to enhance safety around the structure for evening events. The County shall work cooperatively with Belle Grove. Inc. to expedite any permits or other approvals required for construction and installation of the trail and its lighting.

II. REPORTING

Following the execution of this MOA and until it expires following the duration of this MOA, as described at Part V, below, or is terminated, the County shall electronically provide all parties to this MOA an annual summary report and a final report when the County completes the mitigation, detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and/or objections received in carrying out the terms of this MOA.

III. DISPUTE RESOLUTION

If any signatory to this MOA at any time objects to either any actions proposed or the manner of implementation of the terms of this MOA, the FCC shall consult with such party to resolve the objection. If the FCC determines that such objection(a) cannot be resolved, the FCC will:

A. Forward all documentation relevant to the dispute (including but not limited to the FCC's proposed resolution), to the ACHP. The ACHP's policy is to provide the FCC with its advice on the resolution of any objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FCC shall prepare a written response that accounts for any timely advice or comments received from the ACHP, signatories, and concurring parties. These parties will be provided a copy of this written response. The FCC will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day period, the FCC may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, the FCC shall prepare a written response that accounts for any timely comments received from the signatories and concurring parties to the MOA regarding the dispute and provide a copy of such written response to these the signatories, concurring parties, and the ACHP.

C. The FCC's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remains unchanged.

IV. REMOVAL

If the County, abandons the facilities at the Project site, the County, will remove all of its antennas and equipment and restore the Project area to the same condition as existed prior to commencement of the Project.

V. DURATION

This MOA will expire if its terms are not carried out within a period of five (5) years from the date of its execution. Prior to such time, the FCC may consult with the other signatories to evaluate the terms of the MOA, and amend the MOA in accordance with Stipulation VII below.

VI. POST-REVIEW DISCOVERIES

If the County discovers a previously unidentified site within the APE that may be a Historic Property that would be affected by the Project, the County shall promptly stop work and notify the FCC, the SHPO, and any potentially affected Indian tribe.

If the County and the SHPO concur that the discovered resource is eligible for listing in the National Register, the County will consult with the SHPO, and Indian tribes as appropriate, to evaluate measures that will avoid, minimize, or mitigate adverse effects. Upon agreement regarding such measures, the County shall implement them and notify the FCC of its action.

If the County and the SHPO cannot reach agreement regarding the eligibility of a post-review discovery, the matter will be referred to the FCC for review. If the County and the SHPO cannot reach agreement on measures to avoid, minimize, or mitigate adverse effects, the matter shall be referred to the FCC for appropriate action.

If the County discovers any human or burial remains during implementation of the Project, the County shall cease work immediately, notify the SHPO and FCC, and adhere to applicable State and Federal laws regarding the treatment of human or burial remains.

VII. AMENDMENTS

This MOA may be amended prior to its expiration or termination when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

VIII. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VII, above. If within thirty (30) days (or alternative period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated and prior to resumption of work on the Project, the FCC must either (a) execute a MOA pursuant to 36 CFR Subpart B Section 800.6 or (b) request, take into account, and respond to ACHP comments pursuant to 36 CFR Subpart B Section 800.7. The FCC shall notify the signatories as to the course of action from among these options.

Execution of this MOA and implementation of its terms evidence that the FCC has accounted for the effects of this project on Historic Properties and afforded the ACHP an opportunity to comment.

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL COMMUNICATIONS COMMISSION,
THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES,
THE COUNTY OF FREDERICK, VA,
THE SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION, and
BELLE GROVE, INC.
REGARDING
THE COUNTY OF FREDERICK'S EMERGENCY COMMUNICATIONS TOWER at 269 KLINES MILL LANE, MIDDLETOWN, FREDERICK COUNTY VIRGINIA
TCNS #288286

SIGNATORY:
Federal Communications Commission

_____

Robert Krinsky — Date
Attorney Advisor
Competition and Infrastructure Policy Division
Wireless Telecommunications Bureau

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL COMMUNICATIONS COMMISSION,
THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES,
THE COUNTY OF FREDERICK, VA
THE SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION, and
BELLE GROVE, INC.
REGARDING
THE COUNTY OF FREDERICK'S EMERGENCY COMMUNICATIONS TOWER at 269 KLINES MILL LANE, MIDDLETOWN, FREDERICK COUNTY, VIRGINIA
TCNS #288286

SIGNATORY:
State Historic Preservation Office

_____

Roger W. Kirchen — Date
State Historic Preservation Officer
Department of Historic Resources

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL COMMUNICATIONS COMMISSION,
THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES,
THE COUNTY OF FREDERICK, VA
THE SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION, and
BELLE GROVE, INC.
REGARDING
THE COUNTY OF FREDERICK'S EMERGENCY COMMUNICATIONS TOWER at
269 KLINES MILL LANE, MIDDLETOWN, FREDERICK COUNTY, VIRGINIA
TCNS #288286

SIGNATORY:
County of Frederick

_____

Michael Bollhoefer — Date
County Administrator
County of Frederick, Virginia

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL COMMUNICATIONS COMMISSION,
THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES,
THE COUNTY OF FREDERICK, VA
THE SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION, and
BELLE GROVE, INC.
REGARDING
THE COUNTY OF FREDERICK'S EMERGENCY COMMUNICATIONS TOWER at 269 KLINES MILL LANE, MIDDLETOWN, FREDERICK COUNTY, VIRGINIA
TCNS #288286

INVITED SIGNATORY:
Belle Grove, Inc.

_____

Kristen Laise — Date
Executive Director

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL COMMUNICATIONS COMMISSION,
THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES,
THE COUNTY OF FREDERICK, VA
THE SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION, and
BELLE GROVE, INC.
REGARDING
THE COUNTY OF FREDERICK'S EMERGENCY COMMUNICATIONS TOWER at
269 KLINES MILL LANE, MIDDLETOWN, FREDERICK COUNTY, VIRGINIA
TCNS #288286

INVITED SIGNATORY:
Shenandoah Valley Battlefields Foundation

_____

Keven M. Walker — Date
Chief Executive Officer

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL COMMUNICATIONS COMMISSION,
THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES,
THE COUNTY OF FREDERICK, VA
THE SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION, and
BELLE GROVE, INC.
REGARDING
THE COUNTY OF FREDERICK'S EMERGENCY COMMUNICATIONS TOWER at 269 KLINES MILL LANE, MIDDLETOWN, FREDERICK COUNTY, VIRGINIA
TCNS #288286

CONCURRING PARTY:
Cedar Creek and Belle Grove National Historic Park

_____

Tracy J. Stakely — Date
Superintendent
Cedar Creek and Belle Grove NHP

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL COMMUNICATIONS COMMISSION,
THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES,
THE COUNTY OF FREDERICK, VA
THE SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION, and
BELLE GROVE, INC.
REGARDING
THE COUNTY OF FREDERICK'S EMERGENCY COMMUNICATIONS TOWER at 269 KLINES MILL LANE, MIDDLETOWN, FREDERICK COUNTY, VIRGINIA
TCNS #288286

CONCURRING PARTY:
National Park Service National Historic Landmarks Program

_____

J. Tracy Stakely — Date
Superintendent
National Park Service

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL COMMUNICATIONS COMMISSION,
THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES,
THE COUNTY OF FREDERICK, VA
THE SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION, and
BELLE GROVE, INC.
REGARDING
THE COUNTY OF FREDERICK'S EMERGENCY COMMUNICATIONS TOWER at 269 KLINES MILL LANE, MIDDLETOWN, FREDERICK COUNTY, VIRGINIA
TCNS #288286

CONCURRING PARTY:
American Battlefield Trust

_____

(name, title, entity) Date

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL COMMUNICATIONS COMMISSION,
THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES,
THE COUNTY OF FREDERICK, VA
THE SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION, and
BELLE GROVE, INC.
REGARDING
THE COUNTY OF FREDERICK'S EMERGENCY COMMUNICATIONS TOWER at 269 KLINES MILL LANE, MIDDLETOWN, FREDERICK COUNTY, VIRGINIA
TCNS #288286

CONCURRING PARTY:
Cedar Creek Battlefield Foundation

_____

(name, title, entity) Date

MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL COMMUNICATIONS COMMISSION,
THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES,
THE COUNTY OF FREDERICK, VA
THE SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION, and
BELLE GROVE, INC.
REGARDING
THE COUNTY OF FREDERICK'S EMERGENCY COMMUNICATIONS TOWER at 269 KLINES MILL LANE, MIDDLETOWN, FREDERICK COUNTY, VIRGINIA
TCNS #288286

CONCURRING PARTY:
National Trust for Historic Preservation

_____

(name, title, entity) Date

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: Consent Agenda

Title:

Resolution for Changes in the Secondary System of State Highways:

Freedom Manor

Attachments:
BOS08-12-26RoadResFreedomManor.pdf

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

Date: August 12, 2026

RE: Freedom Manor

The following abandonment and addition 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:

Route 1669 David Drive	Addition	0.04 mile
Route 1669 David Drive	Addition	0.06 mile
Route 1669 David Drive	Addition	

Staff is available to answer any questions.

MRC/slc

RESOLUTION
BY THE
FREDERICK COUNTY BOARD OF SUPERVISORS

The Board of Supervisors of Frederick County, in regular meeting on the 12th day of August, 2026, 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 Secondary Street Acceptance 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 Secondary Street Acceptance 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.

John F. Jewell, Chairman

Jason C. Aikens

Albert L. Orndorff

Robert W. Wells

Michael D. Guevremont

Robert T. Liero

Gary R. Oates

A COPY ATTEST

_____
Michael Bollhoefer
Frederick County Administrator

Form AM 4.3
(Rev 07/28/2026)

ICR ID: 43724088
SSAR

COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
Form AM 4.3

In Frederick County

by Resolution of the governing body adopted 8/12/2026

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee Signed (County Official):_____

Report of Changes in the Secondary System of State Highways

Project/Subdivision: **Freedom Manor**

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 1669 - David Drive	New subdivision street §33.2-705	Stribling Way (private)	Copeley Circle (private)	0.04	2	Instrument No. 190004229	56
Addition	Rt. 1669 - David Drive	New subdivision street §33.2-705	Route 1691, Alliance Court	Route 1689, Sovereign Court	0.06	2	Instrument No. 190004229	56
Addition	Rt. 1669 - David Drive (Roundabout)	New subdivision street §33.2-705	0.03 Mile North Route 644, Papermill Road	Route 1691, Alliance Court	0.04	2	Instrument No. 190004229	88
Addition	Rt. 1669 - David Drive	New subdivision street §33.2-705	Alderman Way (private)	Stribling Way (private)	0.05	2	Instrument No. 190004229	56
Addition	Rt. 1669 - David Drive	New subdivision street §33.2-705	Route 1688, Ratification Court	Alderman Way (private)	0.08	2	Instrument No. 190004229	56
Addition	Rt. 1669 - David Drive	New subdivision street §33.2-705	Route 1689, Sovereign Court	Route 1688, Ratification Court	0.1	2	Instrument No. 190004229	56
Addition	Rt. 1669 - David Drive (Roundabout)	New subdivision street §33.2-705	Route 644, Papermill Road	0.03 Mile North of Route 644, Papermill Road	0.03	2	Instrument No. 190004229	270
Addition	Rt. 1688 - Ratification Court	New subdivision street §33.2-705	Route 1669, David Drive	End State Maintenance	0.07	2	Instrument No. 190004229	50
Addition	Rt. 1689 - Sovereign Court	New subdivision street §33.2-705	Route 1669, David Drive	Route 1690, Equity Way	0.07	2	Instrument No. 190004229	50
Addition	Rt. 1689 - Sovereign Court	New subdivision street §33.2-705	Route 1690, Equity Way	End of State Maintenance	0.06	2	Instrument No. 190004229	50
Addition	Rt. 1690 - Equity Way	New subdivision street §33.2-705	Route 1691, Alliance Court	Route 1689, Sovereign Court	0.08	2	Instrument No. 190004229	50
Addition	Rt. 1691 - Alliance Court	New subdivision street §33.2-705	Route 1690, Equity Way	End of State Maintenance	0.1	2	Instrument No. 190004229	50
Addition	Rt. 1691 - Alliance Court	New subdivision street §33.2-705	Route 1669, David Drive	Route 1690, Equity Way	0.11	2	Instrument No. 190004229	50

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: Consent Agenda

Title:

Resolution for Changes in the Secondary System of State Highways:

Quail Hill, Section 2

Attachments:
BOS08-12-26RoadResQuailHillSection2.pdf

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

Date: August 12, 2026

RE: Quail Hill, Section 2

The following abandonment and addition 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:

Route 922 Sunrise Drive	Addition	0.1 mile

Staff is available to answer any questions.

MRC/slc

RESOLUTION
BY THE
FREDERICK COUNTY BOARD OF SUPERVISORS

The Board of Supervisors of Frederick County, in regular meeting on the 12th day of August, 2026, 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 Secondary Street Acceptance 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 Secondary Street Acceptance 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.

John F. Jewell, Chairman

Jason C. Aikens

Albert L. Orndorff

Robert W. Wells

Michael D. Guevremont

Robert T. Liero

Gary R. Oates

A COPY ATTEST

_____
Michael Bollhoefer
Frederick County Administrator

Form AM 4.3
(Rev 07/21/2026)

ICR ID: 43810219
SSR

COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
Form AM 4.3

In Frederick County

by Resolution of the governing body adopted 8/12/2026

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee Signed (County Official):_____

Report of Changes in the Secondary System of State Highways

Project/Subdivision: **Quail Hill, Section Two**

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 922 - Sunrise Drive	New subdivision street §33.2-705	Route 610, Muse Drive	End State Maintenance	0.1	2	Instrument 070014247 Page 628	50

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: County Officials

Title: Update on the Regional Broadband Project

Attachments:

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: County Officials

Title: Update on the Valley North Electric Transmission Line Project

Attachments:
BOS08-12-26EngagementLtrFrederickCo_ValleyNorth_Redacted.pdf
BOS08-12-26ResolutionValleyNorthAuthorizingRetention.pdf

WHITEFORD

Two James Center
1021 East Cary Street, Suite 2001
Richmond, VA 23219-4341
804.977.3300

Dale G. Mullen
Partner
804.799.7854
DMullen@whitefordlaw.com

July 27, 2026

CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGE ASSERTED

VIA ELECTRONIC MAIL ONLY
Frederick County, Virginia
c/o Andrew Fox, County Attorney
c/o John Jewell, Chairman, Frederick County Board of Supervisors
107 North Kent Street
3rd Floor
Winchester VA 22601

Re: ***Engagement of Whiteford, Taylor & Preston L.L.P. (the "Firm" or "Whiteford") – Opposition to Valley North Transmission Project***

Dear Chairman Jewell and Mr. Fox:

As an initial matter, let me thank the County Attorney and the Board of Supervisors for the opportunity to work with Frederick County, Virginia (the "**County**"). This letter will confirm the terms and conditions under which Whiteford will represent the County with respect to the Project, defined below, and in such other matters as may be requested by the County and we agree in writing to undertake (collectively, the "**Representation**"). This letter will also provide the County with certain information concerning our fees, billing policies, and other terms that will govern our relationship.

The Firm will represent the County in connection with its evaluation of and opposition to the Valley North transmission project, a proposed line of approximately 260 miles of 765 kV transmission facilities extending from Putnam County, West Virginia, to a new substation in Frederick County, Maryland, with an additional substation in Hardy County, West Virginia, developed by Valley Link Transmission and its affiliates (the "Project").

*Whiteford, Taylor & Preston LLP is a limited liability partnership. Our Delaware offices are operated under a separate Delaware limited liability company, Whiteford, Taylor & Preston LLC



This letter supersedes all prior oral or written agreements related to the matters set forth herein and represents the entire agreement between the County and Whiteford.

I will lead the Representation, with assistance from Michael H. Brady and P. Thomas DiStanislao and other colleagues at Whiteford. At this time, we expect that an Associate, Nicole E. Bemberis, will assist in performing the Representation efficiently, effectively, and economically. We will draw on the expertise of other attorneys, paralegals, and support staff in Whiteford as appropriate and to control the costs of the Representation.

Throughout the Representation, Whiteford will bill for services on an hourly basis, in one-tenth-of-an-hour increments. As this is a locality engagement, Mr. Mullen and Mr. Brady will bill at the negotiated locality rates of $725.00 and $625.00 per hour, respectively, rather than a percentage discount off their standard rates, and Mr. DiStanislao and Ms. Bemberis will bill at a 10% discount off their standard rates of $665.00 and $380.00. Below is a list of our standard and discounted hourly rates for the aforementioned timekeepers:

Attorney	2026 Standard Rate	Discounted Rate
Dale G. Mullen	$1,065.00	$725.00
Michael H. Brady	$780.00	$625.00
P. Thomas DiStanislao	$665.00	$585.00
Nicole E. Bemberis	$380.00	$342.00

Please note that the Firm will increase rates in January 2027 unless otherwise agreed in writing.

We will issue invoices for our services and expenses on a monthly basis, which invoices will contain a summary of services rendered and expenses incurred during the applicable period. Of course, we welcome your inquiry as to any charges included in invoices, and we will make adjustments if appropriate.

Any concerns about Whiteford's bills are due thirty (30) days from the date the invoice is received. If invoices are not timely paid, you understand and agree that Whiteford may pause work on the Representation and/or terminate the same and may be entitled to interest on said fees.

Our attorney-client relationship is one of mutual trust and confidence. We do our best to see that our clients are satisfied with every aspect of our services, but also with the fees charged for those services. Whenever you have any questions or comments regarding our services, or the status of the Representation, or whenever any new facts or considerations come to your attention, please contact me. Whiteford encourages clients to inquire about any matter relating to fee arrangements or monthly statements that are in any manner unclear or unsatisfactory.

Conflicts of Interest & Other Standard Terms of Engagement

Whiteford is a large firm, with many clients. We are aware of no present engagements with clients who are adverse to you. Whiteford will not in the future represent clients whose interests directly conflict with your interests in the Representation or any other matters for which we are to be engaged to represent you. However, Whiteford may be inclined to accept engagements in the future from parties who are actually or technically adverse to you in matters unrelated to the Representation. As a condition of entry into this engagement, Whiteford requests that you prospectively waive any actual or apparent and any present or future conflict of interest with respect to clients who Whiteford represents in matters unrelated to the Representation. Should any of its attorneys take on an engagement adverse to you as permitted by this waiver, Whiteford will protect the confidentiality of your information and abide by all other ethical and legal obligations. Agreement to this waiver is effected by the signing of this letter.

Attached is a copy of Whiteford's Standard Terms of Engagement, which provide all other terms governing our relationship. Our Management Committee has asked that such terms accompany all engagement letters and be accepted by all clients. Please review them and let me know if you have any questions concerning these terms. By dating, signing and returning this letter, you acknowledge your agreement to engage Whiteford on the foregoing terms and in accordance with the attached Standard Terms of Engagement.

* * *

We are pleased to represent the County in opposing the Project. If there is ever a question or concern about our services, please contact me on my mobile phone number, 804.887.0778, immediately. We sincerely appreciate the confidence placed in us and look forward to representing the County in this important matter.

Sincerely,

Dale G. Mullen

[redacted]

Partner

FREDERICK COUNTY, VIRGINIA

_____

John Jewell
Chairman, Frederick County Board of Supervisors
Frederick County, Virginia

APPROVED AS TO FORM:

_____

Andrew Fox, County Attorney
Frederick County, Virginia

RESOLUTION

A RESOLUTION OF THE FREDERICK COUNTY BOARD OF SUPERVISORS AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO RETAIN OUTSIDE LEGAL COUNSEL TO OPPOSE THE VALLEY NORTH ELECTRICAL TRANSMISSION LINE PROJECT

WHEREAS, on July 9, 2026, the Frederick County Board of Supervisors unanimously passed a Resolution opposing the Valley North electrical transmission line project; and

WHEREAS, the Resolution authorized and directed the County Administrator to do all things necessary to oppose the Valley North project being sited along any and all of the proposed study areas and routes located in Frederick County; and

WHEREAS, the Resolution further authorized the County Administrator and the County Attorney to retain specialized legal and consulting services as necessary to assist in the County's formal opposition to the Valley North project;

NOW THEREFORE BE IT RESOLVED by the Frederick County Board of Supervisors as follows:

1. That the County Administrator and County Attorney are hereby authorized to retain the services of Whiteford, Taylor & Preston L.L.P. to provide outside legal counsel in opposing the Valley North project. The Chairman shall authorize said representation as set forth in the engagement letter attached hereto as Exhibit A, which has been redacted in part pursuant to attorney-client privilege.
2. That the County Administrator is hereby authorized and directed to identify and set aside funds for said representation in an amount not to exceed Two Hundred Fifty Thousand Dollars ($250,000) from appropriated funds of the County. The County Administrator and County Attorney shall regularly report to the Board the activities of outside counsel and status of funds expended.

Adopted this 12th day of August 2026 by the following recorded vote:

John F. Jewell, Chairman

Jason C. Aikens

Albert L. Orndorff

Robert W. Wells

Michael D. Guevremont

Robert T. Liero

Gary R. Oates

A COPY ATTEST

_____

Michael Bollhoefer
Frederick County Administrator

No.

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: Appointments to Boards, Committees, and Commissions

Title:

Conservation Easement Authority

3-year term of Philip Haines expires 8/24/26.

3-year term of Diane Kearns expires 8/24/26.
3-year term of Board of Supervisors' Rep. Al Orndorff expires 8/24/26.

All three members are eligible and willing for reappointment.

Attachments:

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: Appointments to Boards, Committees, and Commissions

Title:

Economic Development Authority

4-year term of Doug Rinker expires 9-10-26

Mr. Rinker was recently appointed to fill an unexpired term and is eligible and willing to continue serving.

Attachments:

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: Planning Commission Business - Other Planning Business

Title:

Information/Discussion: Ordinance Amendment – Subdivision and Zoning Ordinance Updates, Ph. 1 Companion Amendments

Attachments:
BOS08-12-26OA_Subdivision_ZoningUpdatePH1.pdf

COUNTY of FREDERICK

Department of Planning and Development
540/ 665-5651
Fax: 540/ 665-6395

MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Planning and Development Staff

SUBJECT: Ordinance Amendment – Subdivision and Zoning Ordinance Updates

DATE: July 17, 2026

Proposal:
This is a proposal to amend Chapter 144 – Subdivision Ordinance and Chapter 165 - Zoning Ordinance to incorporate Phase I ordinance update recommendations from the Berkley Group. These recommendations were identified during the Phase I Subdivision and Zoning Ordinance Update but were "policy" type changes outside of the Phase I project scope.

Proposed changes to **Chapter 144** include implementing best practices for waivers, exemptions and alternative use standards at the discretion of the Subdivisions Administrator rather than an action of the Board of Supervisors for certain requirements contained in §144-302 (General Access; Streets, Sidewalks; Easements) and to remove an outdated requirement at the direction of Public Works contained in §144-302.13 (Environmental Features and Protections)

Proposed changes **Chapter 165** include removal of the County Administrator signature requirement from Master Development Plans (§165-306.06(D)) and implement best practices for waivers, exemptions and alternative use standards at the discretion of the Zoning Administrator rather than an action of the Board of Supervisors for certain requirements contained in §165-407 (Industrial District Standards), §165-408 (Planned Development Districts), §165-703 (Public/Civic/Recreational Use Standards), §165-704 (Commercial Use Standards), §165-705 (Industrial Use Standards).

Current Standard:
Chapter 144 – Subdivision Ordinance and Chapter 165 – Zoning Ordinance was adopted by the Board of Supervisors on May 13, 2026.

Summary & Requested Action:
Staff are seeking authorization to proceed with ordinance amendment process, including review by the Development Review and Regulations Committee (DRRC) and advertising for public hearing (dates TBD).

Questions regarding the proposal may be directed to staff.

JB/pd

Attachment:
1. Draft Ordinance Amendment
2. Resolution to Authorize Public Hearing – Chapter 144
3. Resolution to Authorize Public Hearing – Chapter 165

Chapter 144 – Subdivision Ordinance

Article III. Subdivision Standards.

§144-302.05. General Access.

B. **Exempt.**

1) The ***Subdivision Administrator*** ~~Board of Supervisors~~ may waive the public street requirement specified in A, above, to allow for a complete system of private streets within proffered age-restricted communities.

§144-302.07. Streets; Sidewalks.

A. **Public Streets.** The following standards are intended to ensure that an adequate network of streets is created which provides multiple access points to subdivisions.

1) All proposed subdivision streets shall be public streets dedicated to Frederick County for eventual acceptance into the state secondary road system and shall meet the following design standards, as well as the subdivision street requirements of VDOT. Where conflicts occur, the more restrictive requirement shall apply.

iii. **Interparcel Connectivity.** Provisions shall be made for the continuation of planned, existing, or platted streets on adjoining lots. The design of such streets shall be coordinated in terms of location, width, grades, and drainage.

e. The requirement for interparcel connector streets may be waived by the ***Subdivision Administrator*** ~~Board of Supervisor~~s, if the ***Subdivision Administrator*** ~~Board~~ finds that:

i. A connector street to an adjoining lot is not likely to be needed;
ii. The connector street would be required to be placed in a location which is impractical for location of a street;
iii. An adjoining undeveloped lot is not likely to be developed in a manner to make a connector street necessary or appropriate; or
iv. Other good cause shown by the applicant not contrary to good planning policy.

v. **Intersections.** Streets shall intersect at approximately right angles.

a. The ***Subdivision Administrator*** ~~Board of Supervisors~~ may allow intersections of lesser angles. However, in no case shall a street intersect another at an angle of less than 80°.

vii. **Cul-de-sacs**.

a. A permanent cul-de-sac shall not exceed 1,000 feet in length unless required by VDOT standards for connectivity.

i. The turnaround provided shall have a ROW radius of not less than 50 feet and a paved radius of not less than 45 feet.

ii. The ***Subdivision Administrator*** ~~Board of Supervisors~~ may waive this requirement in cases where extreme topography or other factors make it impractical.
iii. Loop streets are preferred to a cul-de-sac, where possible.
iv. In no case shall the street serve more than 25 lots.

xiv. **Streetlights**.

~~d. The Board of Supervisors may waive the requirement for streetlights.~~

B. Private Streets.

3) In addition, curb and gutters, standard curb CG-6, CG-7 or roll-top curb and sidewalks shall be provided along private roads~~; however, the Subdivision Administrator may approve a waiver of sidewalks on private streets, provided that another recreational amenity is substituted for the sidewalk~~.

§144-302.11. Easements.

B. **Communication Easements.** In accordance with Code of Virginia § 15.2-2241(A)(6), once a developer conveys a common or shared easement permitting electric, cable, or telephone service to be furnished to a subdivision, the developer shall, within 30 days after written request, grant an easement to such provider for the purpose of furnishing cable television and/or communications services to the subdivision.

3) **Underground Utilities.** All electric, telephone and cable television lines shall be installed underground. ~~This requirement may be waived by the~~ Board of Supervisors ~~for the following:~~

~~i. Subdivisions and lots in business and industrial zoning districts not requiring an approved MDP; or~~
~~ii. Subdivisions in business and industrial zoning districts that were approved prior to May 13, 2026.~~

§144-302.13. Environmental Features and Protections.

E. **Stormwater Management.**

1. Stormwater Management Plan.

~~iii. The Subdivision Administrator may exempt subdivisions in which all lots are 15,000 square feet or more in area from the above requirements; this waiver shall only be permitted when acceptable to the Director of Public Works. In such cases, the exempted subdivision shall meet the requirements of 9VAC25-875-560.(A)(19).~~

Chapter 165 – Zoning Ordinance

Article III. Permits and Applications.

Part 306. Master Development Plans.

§165-306.06. Final Master Development Plan Submission.

D. An MDP shall not be considered final and approved until it is signed by the Director of Planning and Development ~~and the County Administrator~~.

Article IV. Primary Zoning Districts.

Part 407. Industrial Districts.

§165-407.01. Industrial District Standards.

B. **EM, Extractive Manufacturing Standards**

1) **General**. All uses shall conform to applicable state, federal, and local regulations, including those governing noise and vibration.

2) **Development Standards.**
   i. ***All crushing or screening machinery shall be set back at least 300 feet from any property boundary. If such equipment is fully enclosed within a building which maintains the effective protection afforded adjacent properties, the yard requirement may be reduced to a minimum of 200 feet.*** ~~All crushing or screening machinery shall be set back at least 300 feet from any property boundary. If such equipment is fully enclosed within a building which maintains the effective protection afforded adjacent properties, the Board of Supervisors may reduce this yard requirement to a minimum of 200 feet.~~

Part 408. Planned Development Districts.

§165-408.02. R5. Residential Recreational Community District Standards.

C. **Street Standards.** The residential recreational community shall be provided with a complete system of public streets dedicated to VDOT. The road system shall conform with the Frederick County Comprehensive Plan and with road improvement plans adopted by the County.

1) Within any portion of a residential recreational community, the Board of Supervisors may waive the public street requirement and allow for the installation of private streets, provided that a program for the perpetual maintenance of all streets is provided which is acceptable to the Board of Supervisors and the Zoning Administrator.
   i. Three (3) classes of private streets permitted shall be identified on an MDP as follows:

a. **Greenways.** All private streets with a projected Average Daily Traffic (ADT) count of over 3,000 shall have a minimum ROW of 50 feet and shall have no direct lot frontage. Greenways shall be lined on both sides with street trees having a minimum caliper of two (2) inches at the time of planting, spaced not more than 50 feet apart. Along the portions of ROW which abut mature woodland, the ~~Planning Director~~ ***Zoning Administrator*** may waive the requirement for street trees. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 30 miles per hour (mph).

Article VII. Additional Regulations for Specific Uses.
Part 703. Public/Civic/Recreational Use Standards.

§165-703.03. Frederick County Sanitary Landfill.

B. **Landfills.**

1) A minimum buffer of 600 feet shall be maintained on parcels containing a landfill adjacent to properties containing residences or properties zoned RP, MH1, R4, or R5.
   i. Such buffers shall be along the boundary of the property adjacent to the properties so zoned or containing the residences.
   ii. In addition, ~~the Board of Supervisors may require~~ ***a*** landscape screen~~ing~~ or full screening in the buffer as described Article VIII, Part 802, of this Ordinance ***is required***.

Part 704. Commercial Use Standards.

§165-704.18. Welding Repair.

B. **General Standards.**

1) Hours of operation shall not exceed 7:00 a.m. through 7:00 p.m., Monday through Saturday.
2) All outdoor storage or repair areas shall be screened by a six (6) foot board-on-board fence, evergreen screen or berm.
~~3) The Board of Supervisors may require buffer and screening elements and/or distance when deemed necessary to protect existing adjacent uses.~~

Part 705. Industrial Use Standards.

§165-705.06. Tractor Truck and Tractor Trailer Truck Parking.

A. **General Standards.**

1) No facility shall be located adjacent to residential uses.

2) All areas utilized for the parking of tractor trucks and the storage of trailers shall utilize a gravel or paved surface.
    i. All paved and gravel surfaces shall be properly maintained to ensure that dirt, mud, gravel, or the like is not distributed onto roadways.
3) The following activities shall be prohibited at such facilities:
    i. Fuel sales;
    ii. Maintenance of trucks and trailers; and
    iii. The parking or storage of inoperable tractor trucks, damaged/salvage trailers, or unlicensed trailers.
4) Facilities shall be required to landscape the yard area within the front setback to provide for a double row of evergreen trees that are staggered and planted a maximum of 12 feet on center. The side and rear yards shall be planted with a single row of evergreen trees that are planted a maximum of 40 feet on center.
    i. All trees shall be a minimum of four (4) feet in height at the time of planting.
    ii. The ***Zoning Administrator*** ~~Board of Supervisors~~ may allow for alternative landscaping based on topography and/or adjacent land uses.
5) A Site Plan in accordance with the requirements of Article III, Permits and Applications of this Ordinance, shall be submitted to and approved by Frederick County.

RESOLUTION

Action:
BOARD OF SUPERVISORS: August 12, 2026 Pending

DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING REGARDING CHAPTER 144 SUBDIVISION ORDINANCE

ARTICLE III
SUBDIVISION STANDARDS

WHEREAS, a proposal to amend Chapter 144 – Subdivision Ordinance to incorporate Phase I ordinance update recommendations from the Berkley Group to implement best practices for waivers, exemptions and alternative use standards at the discretion of the Subdivision Administrator to certain requirements and to remove an outdated requirement for stormwater management contained in §144-302.13; and

WHEREAS, the Frederick County Board of Supervisors finds it appropriate in the public necessity, convenience, general welfare, and good zoning practice to direct the Frederick County Planning Commission to hold a public hearing regarding an amendment to Chapter 165;

NOW, THEREFORE, BE IT REQUESTED by the Frederick County Board of Supervisors, that in the interest of public health, safety, general welfare, and good zoning practice, the Frederick County Planning Commission hold a public hearing to consider changes to Chapter 144 to incorporate Phase I ordinance update recommendations from the Berkley Group.

Passed this August 12, 2026, by the following recorded vote:

John Jewel, Chairman	Mike Guevremont
Albert Orndorff	Robert W. Wells
Jason C. Aikens	Gary Oates
Robert T. Liero	**A COPY ATTEST**

_____
Michael L. Bollhoefer
Frederick County Administrator

RESOLUTION

Action:
BOARD OF SUPERVISORS: August 12, 2026 Pending

DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING REGARDING CHAPTER 165 – ZONING ORDINANCE

ARTICLE III
PERMITS AND APPLICATIONS
PART 306 – MASTER DEVELOPMENT PLANS

ARTICLE IV
PRIMARY ZONING DISTRICTS
PART 407 – INDUSTRIAL DISTRICTS
PART 408 – PLANNED DEVELOPMENT DISTRICTS

ARTICLE VII
ADDITIONAL REGULATIONS FOR SPECIFIC USES
PART 703 – PUBLIC/CIVIV/RECREATIONAL USE STANDARDS
PART 704 – COMMERCIAL USE STANDARDS
PART 705 – INDUSTRIAL USE STANDARDS

WHEREAS, a proposal to amend Chapter 165 – Zoning Ordinance to incorporate Phase I ordinance update recommendations from the Berkley Group to address remove County Administrator signature requirement from Master Development Plans and implement best practices for waivers, exemptions and alternative use standards at the discretion of the Zoning Administrator to certain requirements; and

WHEREAS, the Frederick County Board of Supervisors finds it appropriate in the public necessity, convenience, general welfare, and good zoning practice to direct the Frederick County Planning Commission to hold a public hearing regarding an amendment to Chapter 165;

NOW, THEREFORE, BE IT REQUESTED by the Frederick County Board of Supervisors, that in the interest of public health, safety, general welfare, and good zoning practice, the Frederick County Planning Commission hold a public hearing to consider changes to Chapter 165 to incorporate Phase I ordinance update recommendations from the Berkley Group.

Passed this August 12, 2026, by the following recorded vote:

John Jewel, Chairman	Mike Guevremont
Albert Orndorff	Robert W. Wells
Jason C. Aikens	Gary Oates
Robert T. Liero	**A COPY ATTEST**

_____
Michael L. Bollhoefer
Frederick County Administrator

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: Planning Commission Business - Other Planning Business

Title:

Information/Discussion: Ordinance Amendment – 2026 General Assembly Provisions

Attachments:
BOS08-12-26OA_ Legislative_ Update2026.pdf

COUNTY of FREDERICK

Department of Planning and Development
540/ 665-5651
Fax: 540/ 665-6395

MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Planning and Development Staff

RE: 2026 Legislative Update

DATE: July 29, 2026

Background:

As noted in the discussion of the Phase I Subdivision and Zoning Ordinance Update, which was adopted May 13, 2026, amendments to the Code of Virginia enacted by the General Assembly and signed into law by the Governor of the Commonwealth of Virginia should be annually reviewed, and where applicable, incorporated in the County ordinances. Applicable laws have been reviewed by staff and key bills are summarized below.

2026 Legislative Update:

Bill Number	Description	Recommended Action	
HB 1212	Any locality with a population of 20,000 or more shall adopt and maintain a zoning district classification that permits one-family and two-family dwellings and townhouses as a by-right use on lots with a minimum lot area not exceeding 3,000 square feet.	**Ordinance Amendment**	Amend §165-405.01 (RP, Residential Performance District Standards) to reduce single-family small lot "minimum lot size" to comply with state code.
HB 1279 SB 288	Allows for the administrative approval of development and construction of housing on land owned by property tax-exempt religious organizations or certain property tax-exempt nonprofit organizations and provides that zoning ordinances shall allow the by-right development and construction of housing on real property owned by such organizations, subject to various conditions and limitations. The bill provides that the review of such developments be completed pursuant to	**No Action; hold on amendment until 2031**	Legislation does not take effect until January 1, 2027, and has a sunset clause of January 1, 2031. Staff will implement it in practice, *honoring* any application under this provision that come in, and wait for reenactment of the legislation after

	general law and states that localities shall not require a special exception, special use permit, conditional use permit, rezoning, or any discretionary review or approval process. The bill requires that at least 60 percent of the housing development's total units be for affordable housing and that the housing development remain affordable for at least 30 years. The bill also provides that all such housing is subject to local real property taxation following completion, unless explicitly exempted by the locality. The bill has a delayed effective date of January 1, 2027, and expires on January 1, 2031.		January 1, 2031 before amending ordinance.
HB 1463	Provides that a landowner or homeowner may place a manufactured home that meets the current HUD manufactured housing code upon any open lot in a valid nonconforming mobile or manufactured home park regardless of whether a valid nonconforming manufactured home is currently located on such lot. The bill also provides that, for the purposes of determining whether a use has been continuous, an existing mobile or manufactured home shall be considered a valid nonconforming mobile or manufactured home regardless of whether such mobile or manufactured home has been occupied during the preceding two-year period.	**No Action; Ordinance Compliant**	§165-104.04 includes the necessary state code reference.
SB 531	Requires a locality to include in its zoning ordinances for single-family residential zoning districts accessory dwelling units, or ADUs, as defined in the bill, as a permitted accessory use. The bill requires a person to seek a permit for an ADU from the locality, requires the locality to issue such permit if the person meets certain requirements enumerated in the bill, and restricts the fee for such permit to $500 or less. The bill prohibits the locality from requiring (i) setbacks for the ADU that are greater	**No Action; Ordinance Compliant**	§165-706.01 includes the necessary requirements set forth in the amendment.

	than the setback required for the primary dwelling or the setback required for accessory structures on the residential lot, whichever is less; (ii) conditions for ADUs that are more restrictive than those for single-family dwellings within the same zoning area with regard to height, rear, or side setbacks, lot size or coverage, or building frontage; or (iii) consanguinity or affinity between the occupants of the ADU and the primary dwelling. The bill has a delayed effective date of July 1, 2027.		

Summary & Requested Action:

Staff is seeking authorization to proceed with ordinance amendment process to incorporate HB 1212 amendment requirements into the Zoning Ordinance, including review by the Development Review and Regulations Committee (DRRC) and advertising for public hearing (dates TBD).

Questions regarding the proposal may be directed to staff.

Attachments:
1. Code of Virginia Amendments (applicable)
2. Resolution to Authorize Public Hearing – Chapter 165

CHAPTER 751

An Act to amend the Code of Virginia by adding a section numbered 15.2-2286.2, relating to small lot residential zoning district.

[H 1212]

Approved April 13, 2026

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2286.2 as follows:

§ 15.2-2286.2. Small lot residential zoning district required.

A. Any locality with a population of 50,000 or more shall adopt, maintain, and apply to land within its boundaries at least one zoning district classification that permits a single-family dwelling on a lot with a minimum lot area not exceeding 3,000 square feet.

B. Such zoning district classifications shall not impose minimum lot widths exceeding 30 feet or setback, lot coverage, or density requirements that would preclude construction of eligible dwellings on conforming lots.

C. A locality shall satisfy the requirements of this section through either (i) the maintenance of one or more existing zoning district classifications already applying to land within the locality's boundaries and meeting the requirements of this section or (ii) the amendment of the requirements of one or more existing zoning district classifications already applying to land within the locality's boundaries to meet the requirements of this section.

D. This section shall not apply to areas within a historic district established pursuant to § 15.2-2306.

CHAPTER 1096

An Act to amend and reenact §§ 15.2-2201 and 15.2-2286 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2288.9, relating to affordable housing; religious organizations and other nonprofit tax-exempt properties.

[H 1279]

Approved April 22, 2026

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2201 and 15.2-2286 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2288.9 as follows:

§ 15.2-2201. Definitions.

As used in this chapter, unless the context requires a different meaning:

"501(c)(3) property tax-exempt nonprofit organization" means any organization exempt from taxation pursuant to § 501(c)(3) of the Internal Revenue Code of 1954 and whose real property taxes are exempt pursuant to § 58.1-3609.

"Affordable housing" means, as a guideline, housing that is affordable to households with incomes at or below the area median income, provided that the occupant pays no more than thirty percent of his gross income for gross housing costs, including utilities. For the purpose of administering affordable dwelling unit ordinances authorized by this chapter, local governments may establish individual definitions of affordable housing and affordable dwelling units including determination of the appropriate percent of area median income and percent of gross income.

"Conditional zoning" means, as part of classifying land within a locality into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

"Designated agent" means any agent employed or authorized by a locality and designated by the governing body to review and act on subdivision plats, site plans, and plans of development. "Designated agent" does not include the local planning commission. However, the local planning commission may serve as the designated agent of any locality with a population of 5,000 or less.

"Development" means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any tract of land which will be principally devoted to agricultural production.

"Historic area" means an area containing one or more buildings or places in which historic events occurred or having special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

"Incentive zoning" means the use of bonuses in the form of increased project density or other benefits to a developer in return for the developer providing certain features, design elements, uses, services, or amenities desired by the locality, including but not limited to, site design incorporating principles of new urbanism and traditional neighborhood development, environmentally sustainable and energy-efficient building design, affordable housing creation and preservation, and historical preservation, as part of the development.

"Local planning commission" means a municipal planning commission or a county planning commission.

"Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under jurisdiction of the U.S. Department of Defense, including any leased facility, or any land or interest in land owned by the Commonwealth and administered by the Adjutant General of Virginia or the Virginia Department of Military Affairs. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

"Mixed use development" means property that incorporates two or more different uses, and may include a variety of housing types, within a single development.

"Official map" means a map of legally established and proposed public streets, waterways, and public areas adopted by a locality in accordance with the provisions of Article 4 (§ 15.2-2233 et seq.) hereof.

"Planned unit development" means a form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

"Planning district commission" means a regional planning agency chartered under the provisions of Chapter 42 (§ 15.2-4200 et seq.) ~~of this title~~.

"Plat" or "plat of subdivision" means the schematic representation of land divided or to be divided and information in accordance with the provisions of §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and 15.2-2264, and other applicable statutes.

"Preliminary subdivision plat" means the proposed schematic representation of development or subdivision that establishes how the provisions of §§ 15.2-2241 and 15.2-2242, and other applicable statutes will be achieved.

"Religious organization" means the same as that term is described in § 58.1-3617.

"Resident curator" means a person, firm, or corporation that leases or otherwise contracts to manage, preserve, maintain, operate, or reside in a historic property in accordance with the provisions of § 15.2-2306 and other applicable statutes.

"Site plan" means the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.

"Special exception" means a special use that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith.

"Street" means highway, street, avenue, boulevard, road, lane, alley, or any public way.

"Subdivision," unless otherwise defined in an ordinance adopted pursuant to § 15.2-2240, means the division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance with § 15.2-2258. Nothing in this definition, section, nor any ordinance adopted pursuant to § 15.2-2240 shall preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line agreement with one another so long as such agreement is only used to resolve a bona fide property line dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted line or alter either parcel's resultant acreage by more than five percent of the smaller parcel size, and such agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater street frontage, or interfere with a recorded easement, and such agreement shall not result in any nonconformity with local ordinances and health department regulations. Notice shall be provided to the zoning administrator of the locality in which the parcels are located for review. For any property affected by this definition, any division of land subject to a partition suit by virtue of order or decree by a court of competent jurisdiction shall take precedence over the requirements of Article 6 (§ 15.2-2240 et seq.) and the minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by more than 20 percent. A copy of the final decree shall be provided to the zoning administrator of the locality in which the property is located.

"Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

"Working waterfront" means an area or structure on, over, or adjacent to navigable waters that provides access to the water and is used for water-dependent commercial, industrial, or governmental activities, including commercial and recreational fishing; tourism; aquaculture; boat and ship building, repair, and services; seafood processing and sales; transportation; shipping; marine construction; and military activities.

"Working waterfront development area" means an area containing one or more working waterfronts having economic, cultural, or historic public value of such significance as to warrant development and reparation.

"Zoning" or "to zone" means the process of classifying land within a locality into areas and districts, such areas and districts being generally referred to as "zones," by legislative action and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement and uses to which land, buildings and structures within such designated areas and districts may be put.

§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties.

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.

2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of

the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing. Conditions may include the period of validity for a special exception or special use permit; however, in the case of a special exception or special use permit for residential projects, the period of validity shall be no less than three years.

The governing body or the board of zoning appeals of the Cities of Hampton and Norfolk may impose a condition upon any special exception or use permit relating to retail alcoholic beverage control licensees which provides that such special exception or use permit will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility, or the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307 or subsection C of § 15.2-2311.

Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the provisions of § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving (a) the storage or disposal of nonagricultural excavation material, waste, and debris or (b) temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that: (1) the strict application of the ordinance would produce undue hardship; (2) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (3) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall constitute a decision within the purview of § 15.2-2311, and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by § 15.2-2314.

The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period. If the

decision or determination by the zoning administrator could impair the ability of an adjacent property owner to satisfy the minimum storage capacity and yield requirements for a residential drinking well pursuant to § 32.1-176.4 or any regulation adopted thereunder, the zoning administrator shall provide a copy of such decision or determination to such adjacent property owner so affected.

5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not more than $1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than $1,000; any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than $1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than $2,000.

However, any conviction resulting from a violation of provisions regulating the storage or disposal of nonagricultural excavation material, waste, and debris shall be punishable by a fine of $2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of $5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of $7,500.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to $2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to $5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to $7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.). A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

8. For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

9. For areas and districts designated for mixed use developments or planned unit developments as defined in § 15.2-2201.

10. For the administration of incentive zoning as defined in § 15.2-2201.

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted

national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

13. Provisions to incorporate generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electrotechnical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2.

14. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

15. For the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.

16. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may make an affidavit under oath before a magistrate or court of competent jurisdiction and, if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the zoning administrator or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

17. For the administrative approval of development and construction of housing on land owned by 501(c)(3) property tax-exempt nonprofit organizations pursuant to § 15.2-2288.9.

B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer.

§ 15.2-2288.9. Affordable housing; religious organizations and other tax-exempt properties.

A. Notwithstanding any contrary provision of law, general or special, any locality that has adopted a zoning ordinance pursuant to this article shall allow by right, and not require a rezoning or other legislative approval as a precondition to the review or approval of a site plan or subdivision plat, the development or construction of a mixed-use or residential project by a property tax-exempt religious organization or a 501(c)(3) property tax-exempt nonprofit organization.

B. Such mixed-use or residential project shall be permitted by right, notwithstanding the use, height, or density otherwise permitted under the local zoning ordinance. No locality shall require, as a condition of approval of a subdivision plat, site plan, or plan of development, that a special exception, special use permit, conditional use permit, or any other discretionary approval be obtained for such mixed-use or residential project. The review of such mixed-use or residential projects shall be conducted in accordance with the provisions of §§ 15.2-2258 through 15.2-2261.

C. Mixed-use or residential projects shall be permitted by right as described in subsection B, provided the proposed mixed use or residential project meets all of the following conditions:

1. The property has been owned continuously by the property tax-exempt religious organization or 501(c)(3) property tax-exempt nonprofit organization for five years prior to the development application.

2. At least 60 percent of the mixed use or residential project's total housing units are for affordable housing at 80 percent or less of the area median income, as defined by the U.S. Department of Housing and Urban Development income limits and rent schedules, for rental units and up to 120 percent of the area median income for for-sale units, and such affordability is recorded and preserved for a minimum of 30 years by deed restrictions or other legally binding requirements.

3. All housing built is subject to local real property taxation following completion.

4. The housing is open to the general public and follows nondiscrimination rules as provided by the Virginia Fair Housing Law (§ 36-96.1 et seq.).

5. The property is served by or within an area planned for public water and sewer and the mixed-use or residential project complies with all environmental, historic, siting, and archeological local, state, and federal laws and regulations applicable to similar projects, including local environmental, historic, and archaeological standards and siting provisions contained in zoning and land use codes; Department of Environmental Quality laws and regulations related to wetland protection, stormwater management, and erosion and sediment control; Department of Transportation laws governing highway access and secondary streets; and Department of Health laws governing water and wastewater.

D. If a mixed-use or residential project meets the requirements of subsection C, local zoning ordinances shall be deemed to allow, at a minimum (i) a building height of 45 feet, or the height of the tallest existing building within 500 feet, whichever is greater, excluding any building granted any additional height above what is permitted by right in the zoning district in which that building is located via a special exception approval; however, for a property located within a designated historic district established as of January 1, 2026, the maximum permitted building height shall be controlled by the regulations governing the historic district; (ii) a density of 20 units per acre, or the most intensive existing residential unit density within 500 feet of the property line of the proposed project, whichever is greater; however, a locality may by ordinance establish higher minimum residential densities for properties within a revitalization area, transit area, or area located within a small area plan or sector plan; (iii) setbacks of 10 feet or the smallest setback allowed for any existing property within 500 feet, whichever is less; (iv) construction of mixed-use and residential developments with a variety of housing types, including detached, attached, and multifamily housing units; and (v) residential use of at least 70 percent of the gross floor area, and the remaining uses, not to exceed 30 percent of the gross floor area, may include public accessible ground-floor nonresidential facilities. Otherwise, the maximum permitted height shall be 45 feet. Permitted nonresidential uses shall include religious worship space, child day centers as defined in § 22.1-289.02, health clinics, coffee shops, or other uses that are ancillary to the operation or mission of the property tax-exempt religious organization or 501(c)(3) property tax-exempt nonprofit organization. No additional requirements shall be imposed regarding floor-area ratio, minimum unit size, or minimum lot size. Residential parking requirements shall be limited to no more than one space per residential unit, or the fewest parking spaces required for the by-right residential parking standard under the local zoning ordinance, whichever is less. Parking requirements for all other permitted nonresidential uses shall be limited to no more than one space per 300 square feet, or the fewest parking spaces required for that use type under the local zoning ordinance, whichever is less.

E. The provisions of this section shall not apply to property zoned for or adjacent to land zoned for industrial use.

F. Nothing in this section shall apply to any existing permits for a housing development on real property owned by a property tax-exempt religious organization or a 501(c)(3) property tax-exempt nonprofit organization approved by the locality prior to January 1, 2027.

G. Nothing in this section shall be construed to restrict a locality's passage prior to January 1, 2027, of an ordinance for the development of housing on real property owned by a property tax-exempt religious organization or a 501(c)(3) property tax-exempt nonprofit organization, or a subsequent amendment thereof, that substantially complies with the requirements of this section.

H. Notwithstanding the provisions of subsection A, this section shall not apply to any parcel located within the Air Installation Compatible Use Zones footprint in any locality in which a United States military air installation or an auxiliary landing field used in connection with flight operations arising from a master jet base is located. Additionally, nothing in this subsection shall be construed as limiting the authority of localities to adopt ordinances pursuant to §§ 10.1-2206.1 and 15.2-2306 designed to protect existing or future areas of historic or archaeological significance, historic sites, historic landmarks, and historic buildings and structures, or to establish local historic districts.

I. Nothing in this section shall apply to an application for a rezoning, special exception, or special use permit that is submitted prior to July 1, 2026.

J. Any residential or mixed-use project built pursuant to this section shall be deemed to be substantially in accord with the comprehensive plan of the host locality.

2. That the provisions of this act shall become effective on January 1, 2027.

3. That property tax-exempt religious organizations or 501(c)(3) property tax-exempt nonprofit organizations are encouraged to consult resources available on the Department of Housing and Community Development's website regarding stimulating affordable housing and strategies on property owned by a property tax-exempt nonprofit organization.

4. That the provisions of this act shall expire on January 1, 2031.

CHAPTER 471

An Act to amend and reenact § 15.2-2307 of the Code of Virginia, relating to zoning; nonconforming uses; manufactured homes.

[H 1463]

Approved April 8, 2026

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2307 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2307. Vested rights not impaired; nonconforming uses.

A. Nothing in this article shall be construed to authorize the impairment of any vested right. Without limiting the time when rights might otherwise vest, a landowner's rights shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment to a zoning ordinance when the landowner (i) obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project, (ii) relies in good faith on the significant affirmative governmental act, and (iii) incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

B. For purposes of this section and without limitation, the following are deemed to be significant affirmative governmental acts allowing development of a specific project: (i) the governing body has accepted proffers or proffered conditions which specify use related to a zoning amendment; (ii) the governing body has approved an application for a rezoning for a specific use or density; (iii) the governing body or board of zoning appeals has granted a special exception or use permit with conditions; (iv) the board of zoning appeals has approved a variance; (v) the designated agent has approved a preliminary subdivision plat, site plan or plan of development for the landowner's property and the applicant diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances; (vi) the designated agent has approved a final subdivision plat, site plan or plan of development for the landowner's property; or (vii) the zoning administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to change, modification or reversal under subsection C of § 15.2-2311.

C. A zoning ordinance may provide that land, buildings, and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as the then existing or a more restricted use continues and such use is not discontinued for more than two years, and so long as the buildings or structures are maintained in their then structural condition; and that the uses of such buildings or structures shall conform to such regulations whenever, with respect to the building or structure, the square footage of a building or structure is enlarged, or the building or structure is structurally altered as provided in the Uniform Statewide Building Code (§ 36-97 et seq.). If a use does not conform to the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by the locality for such use and (ii) the holder of such business license has operated continuously in the same location for at least 15 years and has paid all local taxes related to such use, the locality shall permit the holder of such business license to apply for a rezoning or a special use permit without charge by the locality or any agency affiliated with the locality for fees associated with such filing. Further, a zoning ordinance may provide that no nonconforming use may be expanded, or that no nonconforming building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such nonconforming use.

D. Notwithstanding any local ordinance to the contrary, if (i) the local government has issued a building permit, the building or structure was thereafter constructed in accordance with the building permit, and upon completion of construction, the local government issued a certificate of occupancy or a use permit therefor, (ii) a property owner, relying in good faith on the issuance of a building permit, incurs extensive obligations or substantial expenses in diligent pursuit of a building project that is in conformance with the building permit and the Uniform Statewide Building Code (§ 36-97 et seq.), or (iii) the owner of the building or structure has paid taxes to the locality for such building or structure for a period of more than the previous 15 years, a zoning ordinance shall not provide that such building or structure is illegal and subject to removal solely due to such nonconformity. Such building or structure shall be nonconforming. A zoning ordinance may provide that such building or structure be brought in compliance with the Uniform Statewide Building Code, provided that to do so shall not affect the nonconforming status of such building or structure. If the local government has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit, the ordinance may provide that the improvements are nonconforming, but not illegal. If the structure is one that requires no permit, and an authorized local government official informs the property owner that

the structure will comply with the zoning ordinance, and the improvement was thereafter constructed, a zoning ordinance may provide that the structure is nonconforming but shall not provide that such structure is illegal and subject to removal solely due to such nonconformity. In any proceeding when the authorized government official is deceased or is otherwise unavailable to testify, uncorroborated testimony of the oral statement of such official shall not be sufficient evidence to prove that the authorized government official made such statement.

E. A zoning ordinance shall permit the owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in § 15.2-2310. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.) and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning ordinance of the locality. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the zoning ordinance shall provide for an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph. For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under § 18.2-77 or 18.2-80, and obtain vested rights under this section.

F. Notwithstanding any local ordinance to the contrary, an owner of real property shall be permitted to replace an existing on-site sewage system for any existing building in the same general location on the property even if a new on-site sewage system would not otherwise be permitted in that location, unless access to a public sanitary sewer is available to the property. If access to a sanitary sewer system is available, then the connection to such system shall be required. Any new on-site system shall be installed in compliance with applicable regulations of the Department of Health in effect at the time of the installation.

G. Nothing in this section shall be construed to prevent a locality, after making a reasonable attempt to notify such property owner, from ordering the removal of a nonconforming sign that has been abandoned. For purposes of this section, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years. Any locality may, by ordinance, provide that following the expiration of the two-year period any abandoned nonconforming sign shall be removed by the owner of the property on which the sign is located, if notified by the locality to do so. If, following such two-year period, the locality has made a reasonable attempt to notify the property owner, the locality through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property. Nothing herein shall prevent the locality from applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy.

H. Nothing in this section shall be construed to prevent the land owner or home owner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. *A land owner or home owner may also place a manufactured home that meets the current HUD manufactured housing code upon any open lot in a valid nonconforming mobile or manufactured home park regardless of whether a valid nonconforming manufactured home is currently located on such lot.* In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home.

I. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. *For the purposes of determining whether a use has been continuous pursuant to subsection C and this subsection, an existing mobile or manufactured home shall be considered a valid nonconforming mobile or manufactured home regardless of whether such mobile or manufactured home has been occupied during the preceding two-year period.* Any such replacement home shall retain the valid nonconforming status of the prior home.

CHAPTER 895

An Act to amend the Code of Virginia by adding a section numbered 15.2-2292.3, relating to zoning; development and use of accessory dwelling units.

[S 531]

Approved April 13, 2026

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2292.3 as follows:

§ 15.2-2292.3. Development and use of accessory dwelling units.

A. As used in this section, "accessory dwelling unit" or "ADU" means an attached or detached dwelling unit on a residential dwelling lot that:

1. Provides complete independent living facilities for one or more individuals;

2. Is located on the same lot as a proposed or existing primary residence; and

3. Includes facilities for living, sleeping, eating, cooking, and sanitation.

B. Zoning ordinances for single-family residential zoning districts shall be deemed to include accessory dwelling units as a permitted accessory use, and no locality shall require compliance with any other requirements except as provided in this section.

C. Any person proposing an ADU shall first obtain an ADU permit from the locality, for which the locality may charge a fee of no more than $500. Such fee shall be in addition to any other applicable fees, including inspection, site, or building permit fees, that may be required in connection with the ADU. A locality shall issue the permit if the applicant demonstrates that the ADU complies with the requirements of this section and the local codes and ordinances referenced herein.

D. Localities may require the following:

1. A lease term for the rental of an ADU of 30 consecutive days or longer;

2. Replacement of a primary dwelling's required parking if the construction of the ADU eliminates such parking;

3. Dedicated parking for the ADU;

4. Limits on floor area, lot coverage, and impervious area of an ADU of no less than (i) 350 square feet on lots less than 2,500 square feet and (ii) 500 square feet on lots 2,500 square feet or greater;

5. Compliance with (i) building codes, including the requirements of the Uniform Statewide Building Code (§ 36-97 et seq.), for an accessory dwelling unit if the ADU is attached or for a dwelling unit if the ADU is detached; (ii) water, sewer, septic, emergency access, flood zone, and stormwater requirements; (iii) historic and architectural districts and corridor protection restrictions; and (iv) Air Installations Compatible Use Zone restrictions;

6. Owner occupancy of the ADU or the primary dwelling, but not both, only at the time an application is submitted to construct or convert an accessory dwelling unit;

7. That the ADU shall be no more than 500 feet from the primary dwelling;

8. No ADUs on a residential lot that has more than one dwelling unit; and

9. No ADUs sold separately or subdivided from the primary dwelling.

E. Localities shall not require the following:

1. Rear or side setbacks for the ADU that are greater than the setback required for the primary dwelling or the setback required for accessory structures on the residential lot, whichever is less;

2. Restrictions for ADUs that are more restrictive than those for single-family dwellings within the same zoning area with regard to height, rear or side setbacks, lot size or coverage, or building frontage;

3. A restrictive covenant concerning an ADU on a lot or parcel zoned for residential use by a single-family dwelling;

4. Improvements to public streets as a condition of allowing an ADU, except as necessary to reconstruct or repair a public street that is disturbed as a result of the construction of the ADU; or

5. Consanguinity or affinity between the occupants of an ADU and the primary dwelling.

F. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

G. Nothing in this section shall apply to any existing permits for an ADU approved by the locality prior to July 1, 2027.

H. Nothing in this section shall be construed to restrict a locality's passage prior to July 1, 2027, of an ADU ordinance, or a subsequent amendment thereof, that substantially complies with the requirements of this section.

I. Nothing in this section shall apply to a locality that adopted an ADU ordinance prior to January 1, 2026.

2. That the provisions of this act shall become effective on July 1, 2027.

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RESOLUTION

Action:
BOARD OF SUPERVISORS: August 12, 2026 Pending

DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING REGARDING CHAPTER 165 – ZONING ORDINANCE

ARTICLE IV
PRIMARY ZONING DISTRICTS
PART 405 – RESIDENTIAL DISTRICTS

WHEREAS, a proposal to amend Chapter 165 – Zoning Ordinance to incorporate 2026 amendments to the Code of Virginia enacted by the General Assembly and signed into law by the Governor of the Commonwealth of Virginia; and

WHEREAS, a proposal to amend Chapter 165 – Zoning Ordinance would modify §165-405.01 (RP, Residential Performance District Standards) to reduce the minimum lot size for single-family small lot developments; and

WHEREAS, the Frederick County Board of Supervisors finds it appropriate in the public necessity, convenience, general welfare, and good zoning practice to direct the Frederick County Planning Commission to hold a public hearing regarding an amendment to Chapter 165;

NOW, THEREFORE, BE IT REQUESTED by the Frederick County Board of Supervisors, that in the interest of public health, safety, general welfare, and good zoning practice, the Frederick County Planning Commission hold a public hearing to consider changes to Chapter 165 to incorporate 2026 amendments to the Code of Virginia.

Passed this August 12, 2026, by the following recorded vote:

John Jewel, Chairman	Mike Guevremont
Albert Orndorff	Robert W. Wells
Jason C. Aikens	Gary Oates
Robert T. Liero	**A COPY ATTEST**

_____
Michael L. Bollhoefer
Frederick County Administrator

Board of Supervisors
Agenda Item Detail
Meeting Date: August 12, 2026
Agenda Section: Planning Commission Business - Other Planning Business

Title: Information/Discussion: Ordinance Amendment – Data Centers (Removal as an Allowed Use)

Attachments:
BOS08-12-26OA_DataCenters_Removal_Final.pdf

COUNTY of FREDERICK

Department of Planning and Development
540/ 665-5651
Fax: 540/ 665-6395

MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: John Bishop, AICP, Planning Director

SUBJECT: Ordinance Amendment – Data Centers Removal

DATE: August 7, 2026

Proposal:
This is a proposal to amend the Chapter 165 - Zoning Ordinance to remove data centers as a permitted and/or conditional use (§165-603.02) in certain zoning districts and to remove other references to data centers including definitions (§165-1105.05) and additional regulations for specific uses (§165-705.01).

Current Standard:
Data centers are presently permitted by-right only in the TM (Technology-Manufacturing Park) Zoning District and as a conditional use in the B3 (Industrial Transition), M1 (Light Industrial) & M2 (Industrial General) Zoning Districts. A definition and additional regulations for specific uses are also included in the Zoning Ordinance.

The current requirements for data centers were adopted by the Board of Supervisors in April 2025.

Summary & Requested Action:
The Board of Supervisors at its July 8, 2026, regular meeting discussed data center concerns and instructed Planning and Development staff to prepare an authorizing resolution to remove data centers from the Zoning Ordinance.

Staff are requesting authorization to proceed with ordinance amendment process, including reviewed by the Development Review and Regulations Committee (DRRC) and advertising for public hearing (dates TBD). This process first requires that the possible amendment be referred to the Planning Commission for public hearing and a recommendation to the Board of Supervisors. The recommendation must be returned to the Board within 90 days after the Commission's next meeting.

Questions regarding the proposal may be directed to staff.

JB/pd

Attachment:
1. Draft Ordinance Amendment
2. Resolution to Authorize Public Hearing

Chapter 165 – Zoning Ordinance

ARTICLE VI
USE MATRIX
PART 603. USE PERMISSIONS.

Use Type	Primary Zoning Districts														Use Performance Standards
	RA	RP	MH1	R4	R5	MS	B1	B2	B3	TM	M1	M2	EM	HE	
	P = Permitted CUP = Permitted w/Conditional Use Permit A = Accessory														
~~Computing Infrastructure Providers, Data Processing, and Data Centers~~				~~**CUP**~~					~~**CUP**~~	~~**P**~~	~~**CUP**~~	~~**CUP**~~			~~**165-705.01**~~

ARTICLE VII
ADDITIONAL REGULATIONS FOR SPECIFIC USES
PART 705 – INDUSTRIAL USE STANDARDS.

§165-705.01. ~~Data Centers.~~ ***[Reserved]***

~~All data centers must meet the following requirements:~~

~~A. Prior to the approval of a rezoning application or conditional use permit the following shall be provided:~~

~~*(1)* A site assessment to examine the sound profile of the data center on residential units and schools located within 500 feet of the data center property boundary in accordance with subsection E.~~

~~*(2)* A site assessment evaluating the effect of the proposed facility on (i) ground and surface water resources, (ii) agricultural resources, (iii) parks, (iv) registered historic sites, and (v) forestland on the data center site or immediately contiguous land.~~

~~*(3)* Details of any new or existing substations that will be used to serve the data center and (ii) the anticipated transmission voltage required to serve the data center.~~

~~B. Generator testing and cycling shall be limited to weekdays (Monday to Friday) between the hours of 8:00 a.m. to 5:00 p.m. Notwithstanding the foregoing, all noise generated by any on-site generator shall comply with County Code §165-201.12.~~

~~C. Mechanical Equipment.~~

~~*(1)* Location. Ground mounted mechanical equipment shall be prohibited in the primary setback.~~

~~*(2)* Screening. Ground mounted and roof top mechanical equipment shall be screened from public roadways and adjoining properties on all sides.~~

~~a. Generators. All generators shall be enclosed with a manufacturer approved enclosure or located within the primary structure.~~

~~b. Other Mechanical Equipment. An opaque screen shall be provided by either the principal building, louvered wall, or equivalent screen approved~~

by the Zoning Administrator. The maximum height of the opaque screen should correspond to the tallest piece of equipment being shielded from view.

D. Setback & Screening Requirements.

(1) Structures must be set back at least 200 feet from the common property line when adjoining land is zoned RA, RP, R4, R5 & MH1. Otherwise, the base zoning district dimensional standards shall apply.

(2) A category C full screen type buffer shall be provided around the perimeter of the property. If the adjoining property is zoned B3, TM, M1, or M2, no buffer is required.

E. Noise and Noise Monitoring.

(1) The applicant shall submit an Environmental Noise Impact Assessment prepared by a qualified full member of the Acoustical Society of America (ASA), a member of the Institute of Noise Control Engineering (INCE), or a member of the National Association of Acoustical Consultants (NCAC). The purpose of such noise impact assessment, modeled in SoundPLAN, CadnaA, or accepted equivalent, shall model anticipated noise levels as a result of facility operation and establish a baseline noise level prior to approval of a rezoning or conditional use permit.

(2) A noise study certifying noise levels shall be conducted 12 months after the issuance of the first Certificate of Occupancy (CO) and every five (5) years thereafter. Each noise study shall be submitted for review to the Zoning Administrator and/or his/her designee to assess the actual impact of the completed project.

a. The measurement of sound or noise pursuant to this section shall be as follows:

1. The measurement of sound or noise shall be made with a Type 1 or Type 2 sound level meter which meet the standards prescribed in ANSI S1.4:2014, "Specification for Sound Level Meters." The instruments shall be maintained in calibration and good working order. A minimum of three (3) sound level readings shall be taken. The average of these readings will be used as the average sound level. If the background noise is equal to the levels set forth in this section, three (3) dB shall be subtracted out of the average sound level.
2. The slow meter response of the sound level meter shall be used to determine that the average amplitude has not exceeded the dBA readings or the limiting noise spectra set forth in this section.
3. Unless otherwise specified, the measurement shall be taken at the property boundary on which such noise is generated.

b. Any additions, alterations, or expansion of a facility or its equipment shall require a new noise impact assessment to be submitted and approved by the Zoning Administrator.

c. If the post construction noise study exceeds the maximum noise level permitted, additional noise mitigation strategies, improvements, or operational changes shall be required.

(3) Any equipment necessary for cooling, ventilating, or otherwise operating the facility, including power generators or other power supply equipment on the Property, whether ground-mounted or roof-mounted, shall include the following noise mitigation elements:

~~a. Low noise emission fans.~~
~~b. Acoustic wraps for compressors and oil separators; and~~
~~c. An acoustic perimeter, which may include a perimeter around a group of individual chillers, which may be louvered or solid.~~
~~d. Other sound attenuation measures as approved by the Zoning Administrator.~~

~~The Owner shall provide documentation, in the form of technical specifications, photographs, and/or engineered plans, of the above mitigation measures contained in (2) with each building permit for a data center building on the Property and shall further provide documentation that such measures have been installed concurrently with each occupancy.~~

ARTICLE XI
DEFINITIONS
PART 1105 – USE TERMS.

§165-1105.05. ~~Data Centers. A premises in which the majority of the use is occupied by computers and/or telecommunications and related equipment for processing, storing, or transferring information. Infrastructure such as utility substations, power generators, and other supporting equipment may also be included.~~

RESOLUTION

Action:
BOARD OF SUPERVISORS: August 12, 2026 Pending

DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING REGARDING CHAPTER 165, ZONING ORDINANCE

ARTICLE VI
USE MATRIX
PART 603. USE PERMISSIONS.

ARTICLE VII
ADDITIONAL REGULATIONS FOR SPECIFIC USES
PART 705 – INDUSTRIAL USE STANDARDS.

ARTICLE XI
DEFINITIONS
PART 1105 – USE TERMS.

WHEREAS, a proposal to amend Chapter 165 – Zoning Ordinance to remove data centers as a permitted and/or conditional use (§165-603.02) in certain zoning districts and to remove other references to data centers including definitions (§165-1105.05) and additional regulations for specific uses (§165-705.01) has been presented to the Board of Supervisors; and

WHEREAS, the Board of Supervisors discussed data centers and voted unanimously to instruct staff to prepare an authorizing resolution on July 8, 2026; and

WHEREAS, the Frederick County Board of Supervisors finds it appropriate and required by the public necessity, convenience, general welfare, and good zoning practice to direct the Frederick County Planning Commission to hold a public hearing and make recommendation to the Board regarding an amendment to Chapter 165:

NOW, THEREFORE, BE IT RESOLVED by the Frederick County Board of Supervisors, that the public health, safety, general welfare, and good zoning practice require that the Frederick County Planning Commission hold a public hearing to consider changes to Chapter 165 to remove data centers as a permitted and/or conditional use (§165-603.02) in certain zoning districts and to remove other references to data centers including definitions (§165-1105.05) and additional regulations for specific uses (§165-705.01), and make a recommendation to the Board of Supervisors thereon within 90 days after its next meeting after this resolution is adopted.

Passed this August 12, 2026, by the following recorded vote:

John F. Jewell, Chairman
Albert L. Orndorff
Michael D. Guevremont
Gary R. Oates
Jason C. Aikens
Robert W. Wells
Robert T. Liero

A COPY ATTEST

_____
Michael Bollhoefer
Frederick County Administrator

No.