AGENDA
BOARD OF SUPERVISORS
WEDNESDAY, SEPTEMBER 23, 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 September 9, 2026

   BOS09-23-26MinutesRegMtg260909.pdf

   6.B. Approval of Minutes of Closed Session & Work Session of Sept. 14, 2026

   BOS09-23-26MinutesClosedAndWorkSession260914.pdf

   6.C. Acceptance of Finance Committee Report of September 16, 2026

   BOS09-23-26FinanceCommReportSept2026.pdf

   6.D. Finance Committee Item: The Parks & Recreation Director requests a $67,814 FY 2027 General Fund carry forward appropriation representing unspent FY 2026 funds for outstanding projects at Sherando Park. The Committee recommends approval.

   Parks CF.pdf

   6.E. Finance Committee Item: The Virginia Cooperative Extension Agent requests a $4,007 FY 2027 General Fund carry forward appropriation representing unspent FY 2026 agent salaries and benefits. FY 2027 personnel costs are projected to be higher than originally budgeted. The Committee recommends approval.

   Extensions CF.pdf

Consent Agenda, *continued*

6.F. Confirmation of Granting Voting Credentials on Behalf of Frederick County to Chairman John Jewell, with Deputy County Administrator Jay Tibbs as Alternate, for the 2026 Virginia Association of Counties Annual Business Meeting

BOS09-09-26VACoVotingCredentials2026.pdf

6.G. Appointment of CPMT Nominee Courtney Phillips as Juvenile Court Services Unit (JCSU) Representative on the Community Policy & Management Team

BOS09-23-26CPMT_ApptRec_Redacted.pdf

6.H. Resolution for Changes in the Secondary System of State Highways: Abrams Pointe, Phases II & IV

BOS09-23-26RoadResAbramsPointePhasesII&IV.pdf

6.I. Resolution for Changes in the Secondary System of State Highways: The Oaks at Braddock Crossing

BOS09-23-26RoadResOaksAtBraddockCrossing.pdf

7. **Board of Supervisors Comments**

8. **County Officials**

8.A. Update: Transmission Line Projects

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

9.A. Winchester Regional Airport Authority
4-year term of Carley Walker expires 10-10-26
Ms. Walker is eligible and wishes to be reappointed.

10. **Committee Business - Finance Committee**

10.A. The Planning Director requests a $300,000 General Fund supplemental appropriation to establish a reserved fund balance available, by request, to the Conservation Easement Authority. Any spending from the reserved funds would require a separate appropriation approved by the Board of Supervisors. No additional local funds are required. Solar siting funds received in 2025 are available in the County Capital Fund to fund this request. The committee recommends approval.

CEA Funding.pdf

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

12. **Planning Commission Business - Public Hearings**

12.A.

Conditional Use Permit #04-26 for D & S Investments, LLC., (Mountain Falls Market) to Utilize an Existing Building for a General Store without Fuel Sales. The Subject Property is Located at 5387 Wardensville Grade, Winchester, Virginia and is Identified with Property Identification Number (PIN) 70-A-73 in the Back Creek Magisterial District.

BOS09-23-26_CUP04-26_Redacted.pdf

12.B.

Ordinance Amendment to the Frederick County Code – Modifications 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).

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.

BOS09-23-26_OA_DataCenters.pdf

Optional Action Item:

A Resolution Providing for Grandfathering of Certain Land Use Applications Submitted Prior to Zoning Amendments Adopted on September 23, 2026

BOS09-23-26ResProvidingGrandfatherCertLandUseApps.pdf

Planning Commission Business - Public Hearings, *continued*

12.C.

Ordinance Amendment to the Frederick County Code – Modifications to Remove the TM (Technology-Manufacturing Park) Zoning District and Other References to the TM Zoning District from the Ordinance.

Article III - Permits and Applications

Part 306. Master Development Plans.

Article IV - Primary Zoning Districts

Part 401. Establishment and Purpose.
Part 403. Encroachments and Exemptions.
Part 407. Industrial Districts.

Article VI - Use Matrix
Part 603. Use Permissions.

Article VII - Additional Regulations for Specific Uses

Part 704. Commercial Use Standards.
Part 705. Industrial Use Standards.
Part 706. Miscellaneous Use Standards.

Article VIII - Community Development Standards

Part 801. Nuisances.
Part 802. Buffers And Screening Requirements.
Part 804. Off-Street Parking, Loading and Access.
Part 807. Outdoor Lighting Standards.
Part 809. Signs.
Part 810. Walls and Fences.

BOS09-23-26_OA_TMDistrict.pdf

13. **Planning Commission Business - Other Planning Business** - None

14. **Board Liaison Reports**

15. **Citizen Comments**

16. **Board of Supervisors Comments**

17. **Adjourn**

Board of Supervisors
Agenda Item Detail
Meeting Date: September 23, 2026
Agenda Section: Consent Agenda

Title: Approval of Minutes of Regular Meeting of September 9, 2026

Attachments:
BOS09-23-26MinutesRegMtg260909.pdf

MINUTES
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, SEPTEMBER 9, 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; Albert L. Orndorff; and Gary R. Oates were present.

Staff present: Michael Bollhoefer, County Administrator; Jay E. Tibbs, Deputy County Administrator; Andrew R. Fox, County Attorney; John Bishop, Planning Director; Tonya Sibert, Commissioner of the Revenue; Sharon Kibler, Finance Director; 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

Pastor Bobby Alger of Crossroads Community Church offered the invocation.

PLEDGE OF ALLEGIANCE

Vice Chairman Wells led the Pledge of Allegiance.

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 - None

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ADOPTION OF CONSENT AGENDA – APPROVED

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

- Approval of Minutes of Regular Meeting of August 12, 2026 - CONSENT AGENDA APPROVAL

- Acceptance of Parks & Recreation Commission Report of August 11, 2026 - CONSENT AGENDA APPROVAL, Appendix 1

- Acceptance of Human Resources Committee Report of August 14, 2026 - CONSENT AGENDA APPROVAL Appendix 2

- Human Resources Committee Business: Approval of the addition of the Finance Systems & Business Analyst, Accounting Manager, and Finance Specialist – Payroll classifications to the County's Salary Administration Program by reclassifying three existing positions to enhance departmental efficiency. - CONSENT AGENDA APPROVAL

- Acceptance of Finance Committee Report of August 19, 2026 - CONSENT AGENDA APPROVAL, Appendix 3

- Approval of Finance Committee Business Items as Follows:

-The IT Director requests a $3,887 FY 2027 General Fund carry forward appropriation. This amount represents unspent FY 2026 funds for the ongoing Cognos Implementation Project.

-The Public Works Director requests a $5,035,197 FY 2027 Landfill Fund carry forward appropriation representing unspent FY 2026 funds for repair and maintenance projects, a water truck, and CDD Landfill construction and expansion.

-The Public Works Director requests a $49,438 FY 2027 General Fund supplemental appropriation representing a camera surveillance system and a pet pantry program at the Animal Shelter.

-The Parks & Recreation Director requests a $40,481 FY 2027 General Fund carry forward appropriation representing unspent FY 2026 SGEMF funds for the purchase of a vehicle.

-The Sheriff requests a $750 FY 2026 General Fund supplemental appropriation representing donations made for the impound lot building.

-The Sheriff requests a $137,704 FY 2027 General Fund carry forward appropriation. This amount represents unspent FY 2026 funds for the impound lot building.

-The HR Director requests a $11,222 FY 2027 General Fund carry forward appropriation representing unspent FY 2026 funds for LaserFiche Personnel Records Management Configuration Project that is currently in process.

-The NRADC Superintendent requests a $131,126 FY 2027 Jail Fund supplemental appropriation representing increased opioid abatement grant funds awarded.

-The WRAA Executive Director requests a $1,260,000 FY 2027 Airport Capital Fund

supplemental appropriation for the Northside Site Prep Phase 1 construction project. This amount is in excess of the $1,200,000 budgeted.

-The WRAA Executive Director requests a $424,800 FY 2027 Airport Capital Fund supplemental appropriation for the Taxiway Relocation Phase 3 construction project. This amount is in excess of the $7,000,000 budgeted.

-The Deputy County Administrator requests a $20,723 FY 2027 carry forward appropriation of unspent FY 2026 funds representing maintenance projects that are currently progressing.

-The Deputy County Administrator requests a $744,000 FY 2027 General Fund supplemental appropriation for the purchase and installation of a new rubber roof for the County Administration North and South buildings and the Board of Supervisors meeting room. Of this amount $450,000 is a carry forward of unspent FY 2026 funds approved for the project.

-The Finance Director provides a draft policy to establish the County's practice for the transfer and use of revenue generated from the local vehicle license ("decal") fee.

-Acceptance of Transportation Committee Report of August 24, 2026 - CONSENT AGENDA APPROVAL, Appendix 4

-Acknowledgment of Receipt of Certified Copies of Abstract of Votes from the 2026 August Republican Primary of August 4, 2026 CONSENT AGENDA APPROVAL, Appendix 5

- Approval of Supplemental Appropriation - Approval of Supplemental Appropriation - Winchester-Frederick County Convention and Visitors Bureau (CVB)- CONSENT AGENDA APPROVAL

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BOARD OF SUPERVISORS COMMENTS - None

COUNTY OFFICIALS

UPDATE ON THE REGIONAL BROADBAND PROJECT

County Administrator Bollhoefer introduced Tom Innes and Jason Smith of All Points Broadband, who commented on the Regional Broadband project, saying broadband installation in Frederick County is expected to be completed in 2027.

The Board, Mr. Innes, and Mr. Smith discussed the project timeline and current monthly billing options for various services.

LOCAL TAX EXEMPTIONS–TRIENNIAL REVIEW: ARTICLE XXV EXEMPTION FOR NONPROFIT ORGANIZATIONS – ORDINANCE ADOPTED

County Attorney Fox explained the ordinance updating Article XXV – Exemption for Nonprofit Organizations.

Supervisor Aikens moved for the adoption of the Ordinance Repealing and Readopting Article XXV Exemption For Nonprofit Organizations. Supervisor Guevremont seconded the motion, which 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**		

ORDINANCE REPEALING AND READOPTING ARTICLE XXV EXEMPTION FOR NONPROFIT ORGANIZATIONS

BE IT ORDAINED, by the Board of Supervisors of Frederick County, Virginia, that Article XXV Exemption for Nonprofit Organizations of the Frederick County Code be modified by repealing and readopting Sections 155-153 and 155-154 as attached:

Article XXV **Exemption for Nonprofit Organizations**

[Adopted 6-11-2003; amended in its entirety 2-12-2014[1]]

~~[1]~~

~~*Editor's Note: Section 3 of said ordinance stated that "the repeal herein of § **155-154** of the Code of Frederick County, Virginia, shall not affect the tax exemption of any organization as such tax exemption was in existence immediately prior to the adoption of this ordinance, but all such organizations are otherwise subject to the provisions of § **155-153** of the Code of Frederick County, Virginia, as amended herein, and each such organization much must comply with such provisions following the adoption of the ordinance in order to maintain its respective tax exemption(s)."*~~

§ 155-153 Property exempted from taxation **by the Frederick County Board of Supervisors** by designation.

§ 155-154~~(Reserved)~~ **Property exempted from taxation by Virginia Code 58.1-3600 et seq**

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§ 155-153 Property exempted from taxation **by the Frederick County Board of Supervisors** by designation.

A.

The real or personal property of an organization designated by the Board of Supervisors and used by such organization exclusively for one or more of the purposes as set forth in Article X, Section 6(a), of the Constitution of Virginia shall be exempt from taxation so long as such organization is operated not for profit and the property so exempted is used in accordance with the purpose(s) for which the organization is classified. ~~The indicated real or personal property of each of the following organizations is so designated by the Board of Supervisors pursuant to this section:~~

~~[Amended 12-9-2015]~~

~~(1)~~

~~ARC Northern Shenandoah Valley, Incorporated, The (formerly known as Winchester-Frederick County Association for Retarded Citizens and as Northern Shenandoah Valley Association for Retarded Citizens, Inc., The) - tax parcels 54J-2-3-59, 54J-2-3-60, and 54J-2-3-61;~~

~~(2)~~

~~Belle Grove, Inc. - tax parcels 90-A-33A and 90-A-37;~~

~~(3)~~

~~Blue Ridge Hospice, Inc. - personal property of thrift shop in Stephens City;~~

~~(4)~~

~~Cedar Creek Battlefield Foundation, Inc. - tax parcels 90-A-23A, 90-A-23B, 90-A-32A, 90-A-34, 90-A-55, 90-A-59A, and 91-A-28C;~~

~~(5)~~

~~Conservation Club [Winchester-Frederick County Conservation Club, Inc.] - tax parcels 19-A-27, 19-A-49, 19-A-~~

~~50, 19-A-51, 19-A-52E, 19-A-53A, 19-A-81A, 29-A-37B, 29-A-38, and 29-A-43B;~~
~~(6)~~
~~Fort Collier Civil War Center, Inc. – tax parcel 54-A-81G;~~
~~(7)~~
~~Frederick United Methodist Housing Development Corp. – tax parcel 75-A-80B;~~
~~(8)~~
~~Kernstown Battlefield Association, Inc. – tax parcels 63-A-6A, 63-A-7A, 63-A-18, 63-A-18A, 63-A-18B, 63-A-18C, and 63-A-18D;~~
~~(9)~~
~~Leary Educational Foundation, Inc. – tax parcels 6-A-17 and 6-A-18;~~
~~(10)~~
~~Nature Conservancy, The – tax parcels 48-A-45 and 48-A-47;~~
~~(11)~~
~~NW Works, Inc. (formerly known as Northwestern Workshop, Inc.) – tax parcel 75-A-1F;~~
~~(12)~~
~~People-to-People Health Foundation, Inc., The (Project Hope) – tax parcel 64-A-40C;~~
~~(13)~~
~~Potomac Appalachian Trail Club – tax parcels 19-A-41D, 28-A-119A, 48-A-29C, 48-A-33A, 48-A-37, 48-A-37I, 48-A-37A, 48-A-37R, 48-A-49B, and 49-1-2-48;~~
~~(14)~~
~~Salvation Army, The – tax parcel 54-A-36F;~~
~~(15)~~
~~Shenandoah Valley Battlefields Foundation – tax parcels 43-A-154, 43-A-155, 43-A-159A, 54-A-1B, 54-A-1C, 54-A-88, 54-A-89C, 54-A-90, 55-A-3, and 55-A-4;~~
~~(16)~~
~~Shenandoah Valley Community Residences, Inc. – tax parcels 54N-2-2-32 and 65H-12A-108;~~
~~(17)~~
~~Stone House Foundation – tax parcels 74A03-A-77, 74A03-A-141, 74A03-A-142, 74A03-A-144, and 74A03-A-146;~~
~~(18)~~
~~Wayside Foundation for the Arts, Inc., The – tax parcel 91B-1-B-27;~~
~~(19)~~
~~Winchester Chapter of the Izaak Walton League – tax parcels 77-A-72 and 77-A-76A;~~
~~(20)~~
~~Woodmen of the World – tax parcel 54E-8-33; and~~
~~(21)~~
~~Youth Development Center, Inc., The – tax parcel 63-A-110B.~~

B.

Each organization which owns real property exempt from taxation pursuant to designation ~~of~~ **by** the Board of Supervisors ~~or pursuant to designation of the General Assembly~~ shall file triennially, commencing on November 15, 2014, an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. The Commissioner of the Revenue shall send notice of this requirement to each such organization by no later than ~~September 15~~ **August 1** preceding the ~~November 15~~ **October 1** on which such application is due. Such application shall show the ownership and usage of such property, and such other information as the entity deems desirable, for the property for which retention of such exemption is sought.

The triennial application and supporting documentation is to be submitted to the Commissioner of the Revenue for review, then provided to the County Attorney to prepare for presentation to the Board of Supervisors.

C.

Initial applications for tax designated exemption can be submitted to the Commissioner of the Revenue outside of the triennial cycle. If the application is approved by the Board of Supervisors, the exemption will be effective January 1st of the following tax year and will then need to be renewed during the triennial cycle.

~~C.~~ **D.**

Exemptions of property from taxation under this article shall be strictly construed in accordance with the provisions of Article **X**, Section 6(f), of the Constitution of Virginia.

§ 155-154 ~~(Reserved)~~ Property exempted from taxation by Virginia Code 58.1-3600 et seq

A.

The real and personal property of an organization classified in § 58.1-3610 through § 58.1-3621 and used by such organization for a religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purpose as set forth in Article X, § 6 (a) (6) of the Constitution of Virginia, the particular purpose for which such organization is classified being specifically set forth within each section, shall be exempt from taxation, so long as such organization is operated not for profit and the property so exempt is used in accordance with the purpose for which the organization is classified. The real and personal property of an organization classified in § 58.1-3622 and used by such organization for charitable and benevolent purposes as set forth in Article X, § 6 (a) (6) of the Constitution of Virginia shall be exempt from taxation. The property exempted from taxation pursuant to this section shall include the real and personal property of a single member limited liability company whose sole member is an organization classified in § 58.1-3610 through § 58.1-3622.

B.

The real and personal property of an organization designated by § 58.1-3650.1 through § 58.1-3650.1001 and used by such organization exclusively for a religious, charitable, patriotic, historical, benevolent, cultural or public park and playground purpose as set forth in Article X, Section 6 (a) (6) of the Constitution of Virginia, the particular purpose for which such organization is classified being specifically set forth within each section, shall be exempt from taxation so long as such organization is operated not for profit and the property so exempt is used in accordance with the purpose for which the organization is classified. In addition, such exemption may be revoked in accordance with the provisions of § 58.1-3605.

C.

Each organization which owns real property exempt from taxation pursuant to designation or classification shall file triennially, commencing on November 15, 2014, an application with the Commissioner of the Revenue. The Commissioner of the Revenue shall send notice of this requirement to each such organization by no later than August 1 preceding the October 1 on which such application is due. Such application shall show the ownership and usage of such property, and such other information as the entity deems desirable, for the property for which retention of such exemption is sought.

D.

Exemptions of property from taxation under this article shall be strictly construed in accordance with the provisions of Article X, Section 6(f), of the Constitution of Virginia.

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PRESENTATION: 1% SALES TAX SCHOOL FUNDING REFERENDUM

County Administrator Bollhoefer reviewed the County's current and future debt service requirements in light of the expected capital needs and the upcoming referendum to allow the Board to enact up to a one percent sales tax for school funding. He explained that the financial model he used to provide data to the Board was developed by the Berkley Group consultants, who have financial experts on staff.

The Board discussed directing staff to hire a financial advisor to assist with further financial planning and forecasting. By consensus, the Board agreed to allow the County Administrator to continue working with the Berkley Group in the short term when financial planning assistance is needed.

ORDINANCE CREATING A POLICY FOR DISTRIBUTION OF TRANSIENT OCCUPANCY TAX REVENUES – SENT FORWARD TO PUBLIC HEARING

County Administrator Bollhoefer explained the draft ordinance on the distribution of Frederick County Transient Occupancy Tax Revenues, saying it provides the direction of the Board regarding these revenues. He noted that a public hearing could be held on October 14 if the Board so desires.

Supervisor Aikens moved to send the draft ordinance forward to a public hearing on October 14. Supervisor Guevremont seconded the motion, which carried on a voice vote.

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APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS

TIFFANY SNOW APPOINTED TO NORTHWESTERN COMMUNITY SERVICES BOARD - APPROVED

On motion of Supervisor Liero, seconded by Vice Chairman Wells, Tiffany Snow was appointed to fill a vacant 4-year term expiring December 31, 2028, on the Northwestern Community Services Board.

EVA MILLER REAPPOINTED TO SHENANDOAH AGENCY ON AGING BOARD - APPROVED

On motion of Supervisor Liero, seconded by Supervisor Guevremont, Eva Miller was reappointed by a voice vote to the Shenandoah Agency on Aging Board (Seniors First) for a 4-year term ending September 30, 2030.

KARI RUSHING APPOINTED TO TOURISM BOARD AS FOR-PROFIT SECTOR REP.- APPROVED

On motion of Supervisor Liero, seconded by Supervisor Aikens, Kari Rushing was appointed as a For-Proft Sector Rep. to fill a vacant 3-year term expiring June 30, 2029, on the Tourism Board.

COMMITTEE BUSINESS – None

PUBLIC HEARINGS (NON PLANNING ISSUES) - None

PLANNING COMMISSION BUSINESS – PUBLIC HEARINGS - None

PLANNING COMMISSION BUSINESS - OTHER PLANNING BUSINESS - None

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BOARD LIAISON REPORTS

Supervisor Aikens provided updates from the Tourism Board and the EDA.

Supervisor Liero provided an update from the Social Services Board.

Supervisor Orndorff provided updates from the Planning Commission and the Conservation Easement Authority.

Chairman Jewell noted the recent joint meeting with the City and Clarke County for discussion of possible collaborative efforts.

Supervisor Wells provided an update from Frederick Water.

CITIZEN COMMENTS

David Dixon, Stonewall District, discussed blasting work at the Carmeuse quarry site and noted damage to one homeowner's well and washing machine.

Richard McGough, Stonewall District, spoke in opposition to the proposed Valley North Electrical Transmission Line Project.

Jennifer McDonald, Back Creek District, responded to citizen comments at the last meeting regarding her property and its suitability for a data center project.

Leslie Spencer, Gainesboro District, made general comments about preserving the rural nature of Frederick County.

ADJOURN

On motion of Vice Chairman Wells, seconded by Chairman Jewell, the meeting was adjourned at 8:33 p.m.

Board of Supervisors
Agenda Item Detail
Meeting Date: September 23, 2026
Agenda Section: Consent Agenda

Title: Approval of Minutes of Closed Session & Work Session of Sept. 14, 2026

Attachments:
BOS09-23-26MinutesClosedAndWorkSession260914.pdf

MINUTES
CLOSED & WORK SESSION
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, SEPTEMBER 14, 2026
6:00 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; Albert L. Orndorff; and Gary R. Oates were present. Michael D. Guevremont was absent.

Staff present: Michael Bollhoefer, County Administrator; Jay E. Tibbs, Deputy County Administrator; Wyatt Pearson, Deputy County Administrator; Andrew R. Fox, County Attorney; Amanda Killen, EDA Executive Director; Shayla Rickard, Business Retention Manager; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

Berkley Group Attendees: Karen Edmonds and Doug Walker

CALL TO ORDER

Chairman Jewell called the meeting to order at 6:00 p.m.

CLOSED SESSION

Vice Chairman Wells moved that the Board of Supervisors of Frederick County enter a closed session pursuant to Virginia Code Section 2.2-3711 (A)(5) for discussion concerning a prospective business or industry and the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. Supervisor Oates seconded the motion, which carried on a voice vote.

At 6:11 p.m., the Board members being assembled within the designated meeting place in the presence of members of the public and the media desiring to attend, the meeting was reconvened on the motion of Vice Chairman Wells, seconded by Supervisor Aikens, and carrying on a voice vote. Vice Chairman Wells moved that the Board of Supervisors of Frederick County certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and (ii) only such public business matters as were identified in the

motion convening the closed meeting were heard, discussed, or considered by the Board. Supervisor Aikens seconded the motion, which carried as follows on a 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**		

WORK SESSION

COUNTY ADMINISTRATOR RECRUITMENT DISCUSSION

With the planned retirement of County Administrator Bollhoefer, Karen Edmonds and Doug Walker of the Berkley Group led the discussion of developing the County profile for distribution to prospective County Administrator applicants and reviewed the candidate selection process.

The Board discussed County attributes they wished to be included in the profile and the desired traits and experience they would like to see in applicants for the County Administrator position.

The Board agreed to the suggested timeline and tentatively scheduled a work session on November 12 to review applications.

ADJOURN

There being no further business, the meeting was adjourned at 7:45 p.m.

Board of Supervisors
Agenda Item Detail
Meeting Date: September 23, 2026
Agenda Section: Consent Agenda

Title: Acceptance of Finance Committee Report of September 16, 2026

Attachments:
BOS09-23-26FinanceCommReportSept2026.pdf

REPORT & RECOMMENDATIONS

FINANCE COMMITTEE
WEDNESDAY, SEPTEMBER 16, 2026
8:30 AM
FIRST FLOOR CONFERENCE ROOM
107 NORTH KENT STREET
WINCHESTER, VA 22601

ATTENDEES

Committee Members Present: Gary Oates, Chairman; Al Orndorff; Jason Aikens; and Angela Wiseman.

Committee Members Absent: Chad DeHaven and Don Price.

Non-Voting Liaisons Present: Tonya Sibert, Commissioner of the Revenue; and William Orndoff, Treasurer.

Staff Present: Sharon Kibler, Finance Director; Melody Ramey, Accounting Manager; Michael Bollhoefer, County Administrator; Wyatt Pearson, Deputy County Administrator; Stacy Herbaugh, Parks & Recreation Director; Lauren Morrison, Deputy Treasurer; Wayne Corbett, Deputy Treasurer; John Bishop, Planning Director; Steve Majchrzak, F&R Chief; Page Whitacre, F&R Deputy Chief; Ben Coffman, F&R Deputy Chief; Mark Sutphin, Virginia Cooperative Extensions Agent; Karen Orndorff, Purchasing Manager; and John Jewell, BOS Chairman.

Others Present: Mark Dalton, Middletown F&R Chief.

A. **Consent Agenda** – The following item(s) could be considered on consent if the committee chooses. All are either (1) 'no local funds required' or (2) a fiscal year carry forward of previously appropriated funds.

The committee recommends approval of the consent agenda.

A.1. The Virginia Cooperative Extensions Agent requests a $4,007 FY 2027 General Fund carry forward appropriation representing unspent FY 2026 agent salaries and benefits. FY 2027 personnel costs are projected to be higher than originally budgeted. No additional local funds above the existing appropriation are required.

Extensions CF.pdf

A.2. The Parks & Recreation Director requests a $67,814 FY 2027 General Fund carry forward appropriation representing unspent FY 2026 funds for outstanding projects at Sherando Park. No additional local funds above the existing appropriation are requested.

Parks CF.pdf

B. **Discussion & Action Items** – The following item(s) are presented for committee discussion and action.

B.1. The Planning Director requests a $300,000 General Fund supplemental appropriation to establish a reserved fund balance available, by request, to the Conservation Easement Authority. Any spending from the reserved funds would require a separate appropriation approved by the Board of Supervisors. No additional local funds are required. Solar siting funds received in 2025 are available in the County Capital Fund to fund this request.

The committee recommends approval.

CEA Funding.pdf

C. **Information & Discussion Items** – The following item(s) are presented for committee information and discussion. No formal action is required; however, the committee could choose to forward a recommendation(s) to the Board of Supervisors.

C.1. At the request of the committee, Fire & Rescue information is provided for discussion.

The committee recommends that the Board of Supervisors form a committee to review and recommend funding policies for the Fire & Rescue system.

2025 Fire Company Audit Summary.pdf
EMS Revenue Recovery Information and Model.pdf
Expense Recovery MOU.pdf
Final Draft Apparatus Joint Purchase Agreement 9032026.pdf
Final Draft Apparatus Policy 9032026.pdf
Frederick County Fire Rescue 10-Year Plan - 2026 Final.pdf

D. **Information Only Items** – The following item(s) are included for information only. No discussion or action required.

D.1. The Government Finance Officers Association (GFOA) has awarded the County the Distinguished Budget Presentation Award for the 2027 fiscal year.

This is the 40th consecutive year that Frederick County has received this award.

GFOA Budget Award 2027.pdf

Finance Committee
Agenda Item Detail
Meeting Date: September 16, 2026
Agenda Section: ATTENDEES

Title: Committee Members Present: Gary Oates, Chairman; Al Orndorff; Jason Aikens; and Angela Wiseman.

Committee Members Absent: Chad DeHaven and Don Price.

Non-Voting Liaisons Present: Tonya Sibert, Commissioner of the Revenue; and William Orndoff, Treasurer.

Staff Present: Sharon Kibler, Finance Director; Melody Ramey, Accounting Manager; Michael Bollhoefer, County Administrator; Wyatt Pearson, Deputy County Administrator; Stacy Herbaugh, Parks & Recreation Director; Lauren Morrison, Deputy Treasurer; Wayne Corbett, Deputy Treasurer; John Bishop, Planning Director; Steve Majchrzak, F&R Chief; Page Whitacre, F&R Deputy Chief; Ben Coffman, F&R Deputy Chief; Mark Sutphin, Virginia Cooperative Extensions Agent; Karen Orndorff, Purchasing Manager; and John Jewell, BOS Chairman.

Others Present: Mark Dalton, Middletown F&R Chief.

Attachments:

Finance Committee
Agenda Item Detail
Meeting Date: September 16, 2026
Agenda Section: Consent Agenda

Title: The Virginia Cooperative Extensions Agent requests a $4,007 FY 2027 General Fund carry forward appropriation representing unspent FY 2026 agent salaries and benefits. FY 2027 personnel costs are projected to be higher than originally budgeted. No additional local funds above the existing appropriation are required.

Attachments:
Extensions CF.pdf

Virginia Cooperative Extension
Virginia Tech • Virginia State University

VCE-Frederick County
107 N. Kent Street
Winchester, Virginia 22601
P: 540.665.5699 | **F:** 540.722.8380
mark.sutphin@vt.edu |
frederick.ext.vt.edu

MEMORANDUM

TO: Sharon Kibler, Finance Director – County of Frederick

FROM: Mark Sutphin, Extension Agent and Unit Coordinator – VCE Frederick

SUBJECT: FY26 Carryover Request

DATE: June 15, 2026; edited August 31, 2026

Virginia Cooperative Extension - Frederick County requests a carryover appropriation of $4,007.00 from FY26 Account 083010-3002-000-000 (Professional Services - Other) to FY27 Account 083010-3002-000-000 (Professional Services - Other).

Additional funding is needed in FY27 to cover Virginia Cooperative Extension agent salaries and benefits that are billed to County of Frederick by Virginia Tech as professional services. Actual personnel costs are projected to exceed the amount included in the FY27 budget request prepared in November 2025. Specifically, Virginia Tech hires made in January and February 2026 had greater levels of experience than originally anticipated, resulting in higher salary and benefit costs than originally budgeted.

6/30/26 bal $13977

Finance Committee
Agenda Item Detail
Meeting Date: September 16, 2026
Agenda Section: Consent Agenda

Title: The Parks & Recreation Director requests a $67,814 FY 2027 General Fund carry forward appropriation representing unspent FY 2026 funds for outstanding projects at Sherando Park. No additional local funds above the existing appropriation are requested.

Attachments:
Parks CF.pdf

COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678
Fax: 540/665-9687
E-mail: fcprd@fcva.us
www.fcprd.net

MEMO

To: Finance Committee
From: Stacy Herbaugh, Director
Subject: FY 26 to FY 27 Carryforward Request
Date: August 27, 2026

The Parks and Recreation Department is requesting a fiscal 2026 fund carryforward of $67,814.25 in line 4-010-071100-8900-000-00 to fiscal 2027.

This amount represents remaining FY26 appropriated funds which will be used to complete the following outstanding project extending into FY 27:

- Sherando Soccer Field #5 (new)
- Sherando Soccer Restroom/Concession Building (new)
- NW Sherando Parking Expansion

The current end of FY26 line balance is: $67,814.25.

Finance Committee
Agenda Item Detail
Meeting Date: September 16, 2026
Agenda Section: Discussion & Action Items

Title: The Planning Director requests a $300,000 General Fund supplemental appropriation to establish a reserved fund balance available, by request, to the Conservation Easement Authority. Any spending from the reserved funds would require a separate appropriation approved by the Board of Supervisors. No additional local funds are required. Solar siting funds received in 2025 are available in the County Capital Fund to fund this request.

The committee recommends approval.

Attachments:
CEA Funding.pdf

COUNTY of FREDERICK

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

MEMORANDUM

TO: Finance Committee

FROM: John A. Bishop, AICP, Planning Director

RE: **CEA Activities Funding**

DATE: **September 11, 2026**

At the August 15th Finance Committee meeting the Committee directed that Staff return with a request to move $300,000.00 in Solar Siting Agreement funds from the Capital Fund (Fund 83) to the general fund conservation investment fund.

Purposes for this funding, upon request by CEA for access to spend, would be as follows:

1. Education and outreach for Conservation Easements
2. Spending related to putting Conservation Easements in place and/or holding/coholding conservation easements and Purchase of Development Rights for conservation
3. Matching funds for a number of potential State or Federal easement programs via agencies such as, but not limited to:

Virginia Land Conservation Fund
Virginia Outdoors Foundation
Virginia Battlefield Preservation Fund
USDA Agricultural Conservation Easement Program
Land and Water Conservation Fund

Staff is seeking a recommendation to the Board of Supervisors to place the above noted $300,000 of Solar Siting Agreement funds into the General Fund-Conservation Investment Fund and will be present to answer questions as needed.

Finance Committee
Agenda Item Detail
Meeting Date: September 16, 2026
Agenda Section: Information & Discussion Items

Title: At the request of the committee, Fire & Rescue information is provided for discussion.

The committee recommends that the Board of Supervisors form a committee to review and recommend funding policies for the Fire & Rescue system.

Attachments:
2025 Fire Company Audit Summary.pdf
EMS Revenue Recovery Information and Model.pdf
Expense Recovery MOU.pdf
Final Draft Apparatus Joint Purchase Agreement 9032026.pdf
Final Draft Apparatus Policy 9032026.pdf
Frederick County Fire Rescue 10-Year Plan - 2026 Final.pdf

Frederick County Fire & Rescue Companies
Year End December 31, 2025
per audited financial statements

	Cash-Year End	Total Receipts	Vehicle/ Equipment Maintenance/ Repairs	Fuel & Oil	Total Disbursements
Stephens City	896,723	696,952	211,004	5,275	563,011
Middletown	538,524	623,269	53,948	3,755	720,428
Clearbrook	690,055	1,354,786	74,365	188	1,178,977
Gore	449,764	270,400	56,680	1,070	248,750
Round Hill	653,210	1,103,315	112,072	2,374	1,738,056
Gainesboro	309,212	379,267	103,940	6,401	395,787
Star Tannery	378,689	257,693	52,643	694	138,301
Greenwood	2,788,264	674,736	126,475	1,999	257,185
North Mountain	314,151	204,235	46,904	1,540	152,153
Reynolds Store	488,646	350,028	48,034	1,523	223,549
Millwood Station	502,849	545,169	91,377		424,548
Frederick County Volunteer Assoc.	191,812	233,838			236,112

Notes:

The County funds the cost for apparatus fuel. Fuel cost shown here is only company paid.

Total Receipts	Frederick County Funding	Town/ Other County	Association	State	Other	$ Raised
696,952	462,298	15,512 (a)			4,670 (b)	214,472
623,269	221,098	21,500 (c)				380,671
1,354,786	760,441				500,000 (d)	94,345
270,400	144,195					126,205
1,103,315	357,419					745,896
379,267	195,754				4,300 (e)	179,213
257,693	135,423	39,000 (f)				83,270
674,736	392,829				3,342 (g)	278,565
204,235	164,404					39,831
350,028	216,371 ^					133,657
545,169	265,044					280,125
233,838	226,662				6,816 (h)	360
6,693,688	**3,541,938**	**76,012**	**0**	**0**	**519,128**	**2,556,610**
	*					

Notes:

(a) Town of Stephens City
(b) Grant - $4,670
(c) Middletown - $15,000; Warren $6,500
(d) Clearbrook - $500,000 Investment distribution
(e) Grant $3,000; Sale of Vehicle $1,300
(f) Shenandoah County
(g) Grant $2,503; Insurance Claim $839
(h) Insurance Claims $6,816

^ Audit: $216,385; County G/L: $216,372

* see 'attachment A' for detail.

FY 25 - FREDERICK COUNTY
1/1/2025 - 12/31/2025 - FIRE COMPANIES

	Total Disbursements	Total County Funding (3)(4)	% County Funded	Per Capita County Funded (2)	Cash End of Year	Debt Service (Principal + Interest)	Total Long Term Debt
Stephens City	$ 563,011	$ 462,298	82%	4.63	$ 896,723	$ 161,708	$ 931,236
Middletown	$ 720,428	$ 221,098	31%	2.21	$ 538,524	$ -	$ -
Clearbrook	$ 1,178,977	$ 760,441	65%	7.61	$ 690,055	$ -	$ -
Gore	$ 248,750	$ 144,195	58%	1.44	$ 449,764	$ 68,245	$ 177,220
Round Hill	$ 1,738,056	$ 357,419	21%	3.58	$ 653,210	$ 132,910	$ 1,209,943
Gainesboro	$ 395,787	$ 195,754	49%	1.96	$ 309,212	$ 158,957	$ 169,483
Star Tannery	$ 138,301	$ 135,423	98%	1.35	$ 378,689	$ -	$ -
Greenwood	$ 257,185	$ 392,829	153%	3.93	$ 2,788,264	$ -	$ -
North Mountain	$ 152,153	$ 164,404	108%	1.64	$ 314,151	$ 34,801	$ 296,951
Reynolds Store	$ 223,549	$ 216,371	97%	2.16	$ 488,646	$ 80,000	$ 645,991
Millwood Station	$ 424,548	$ 265,044	62%	2.65	$ 502,849	$ 80,049	$ 1,105,169
F&R Association	$ 236,112	$ 226,662	96%	2.27	$ 191,812		
Total Volunteer	**$ 6,276,857**	**$ 3,541,938**		**$ 35.44**	**$ 8,201,899**	**$ 716,670**	**$ 4,535,993**
Frederick Co (1)	$ 24,630,767	$ 24,630,767	100%	251.06	N/A	N/A	N/A
Total F&R & Ambulance	**$ 30,907,624**	**$ 28,172,705**		**$ 286.49**	**$ 8,201,899**	**$ 716,670**	**$ 4,535,993**

Notes:

(1) FY25 is 7/1/2024 - 6/30/2025 (expenses per Exhibit 12 of ACFR)

(2) 2025 Frederick County population 99,955 per US Census Bureau.

(3) Does not include Length of Service funding, audit costs, reduced PP tax, work comp, Millwood & Round Hill maintenance and debt service, vehicle fuel.
Does include $1,226,747 EMS Expense Recovery distributions.

(4) see 'Attachment A' for detail of County funding to volunteer fire companies.

CY 2025 PAYMENTS TO FIRE COMPANIES - per County general ledger

FEE FOR SERVICE

	RECOVERY	MILEAGE	FIRE PROGRAMS	4-FOR-LIFE (1)	SQUAD TRUCK / RESPONSE UNIT SUPPLEMENT (2)	COUNTY CONTRIBUTION	FIRE COMPANY CAPITAL FUNDS	TRAINING	OTHER	TOTAL
STEPHENS CITY	170,146	135,027	41,022	18,698	11,900	81,874		3,631		$ 462,298
MIDDLETOWN	32,110	36,702	41,022	18,698	31,900	59,651		1,016		$ 221,098
CLEARBROOK	85,894	45,297	41,022	18,698	-	66,698		2,832	500,000 (3)	$ 760,441
GORE	12,839	13,729	41,022	18,698		57,907				$ 144,195
ROUND HILL	143,552	30,921	41,022	18,698	11,900	68,869	40,000 (4)	2,457		$ 357,419
GAINESBORO	35,159	26,647	41,022	18,698	8,500	62,098		3,631		$ 195,754
STAR TANNERY	7,030	12,813	41,022	18,698		55,860				$ 135,423
GREENWOOD	165,848	84,249	41,022	18,698		75,557		1,456	6,000 (5)	$ 392,829
NORTH MOUNTAIN	24,467	19,949	41,022	18,698		60,018		250		$ 164,404
REYNOLDS STORE	16,225	20,961	41,022	18,698	11,900	57,565	50,000 (6)			$ 216,371 ^
MILLWOOD	72,226	34,956	41,022	18,698	11,900	61,242	25,000 (7)			$ 265,044
F.C. VOL ASSOCIATION						202,346 (8)			24,316	$ 226,662
TOTAL	$ 765,497	$ 461,250	$ 451,240	$ 205,676	$ 88,000	$ 909,685	$ 115,000	$ 15,274	$ 530,316	$ 3,541,938
										$ 3,541,938

Notes:
(1) 4-for-Life funds includes 2 years of payments
(2) Includes 2 years of payments
(3) $500,000 Proffer
(4) 2024 Ford F550 Horton $25,000 & 2024 Tahoe $15,000
(5) Convenience site lease
(6) 2025 Pierce Engine
(7) 2024 Ford F550 Horton
(8) Property and Auto Insurance Premiums

^ Audit: $216,385; County G/L: $216,372

Fire & Rescue

	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Total County Contributions to Vol F&R (CY) ^ per county G/L	2,044,766	2,242,216	2,364,022	1,903,857	2,355,147	2,818,827	2,781,567	3,157,331	2,324,185	3,541,938
Total Frederick Co F&R Dept expenditures (FY) per ACFR Exhibit 12	9,090,314	10,009,771	13,899,448	13,059,017	15,104,777	15,203,842	17,999,526	18,984,361	22,783,178	24,630,767
Grand Total	**11,135,080**	**12,251,987**	**16,263,470**	**14,962,874**	**17,459,924**	**18,022,669**	**20,781,093**	**22,141,692**	**25,107,363**	**28,172,705**

Sharon Kibler:
FY18 Co: SCBA replacement project $2.6 million

Total Fred Co F&R Dept full-time (FY) (per budget doc)	**95.5**	**105.5**	**117.5**	**131.5**	**140.5**	**148.5**	**156.5**	**161.5**	**169.5**	**185.5**
Total Fred Co F&R Dept part-time (FY) (per budget doc)	**28**	**25**	**27**	**29**	**28**	**10**	**8**	**8**	**10**	**10**

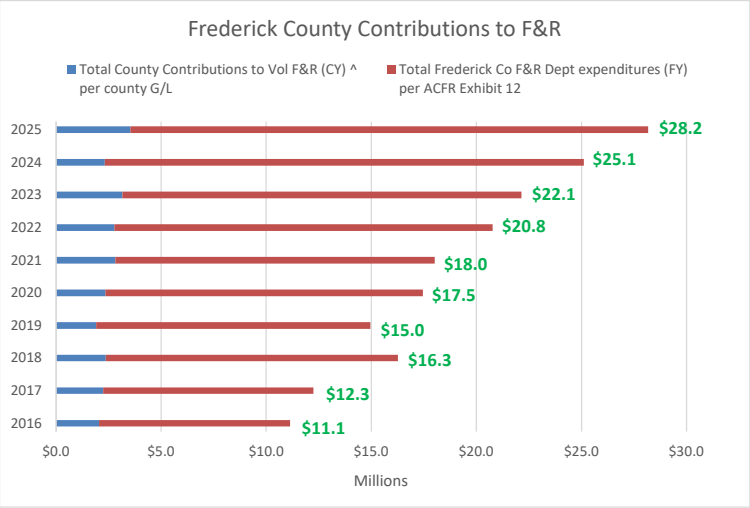
^ Funding components included above	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**	**2022**	**2023**	**2024**	**2025**
Annual Contributions	580,060 [1]	824,418	702,239	702,239	702,239	707,339	707,339	651,479 [7]	763,199	707,339
Truck Supplements	30,600	36,350	54,200	48,250	- [5]	92,250	44,000	44,000	- [9]	88,000
EMS Expense Recovery Mileage & Split	832,526	746,790	1,107,225 [3]	821,651	937,385	878,453	1,099,575	1,201,089	1,247,027	1,226,746
Volunteer Training		12,928	12,088	9,155	13,200	10,027	6,421	14,826	9,982	15,274
Fire Company Capital Program (spent)	58,335	103,808	70,411	222,208	27,134	-	107,365	247,148	57,700	115,000
Proffer Funding	135,771	210,136				501,600	139,000	325,047	-	500,000
4-for-Life	86,659	85,262	88,718	94,354	96,393	94,370	101,536	-	100,734	205,676 [10]
Fire Programs	219,662	205,724	306,044	- [4]	560,560	304,416	353,258	396,432	-	451,240
Property & Auto Insurance (2022+)							214,178	107,535	134,357	202,347
Other	101,153 [2]	16,800	23,097	6,000	18,236	230,372 [6]	8,895	169,775 [8]	11,186	30,316
	2,044,766	**2,242,216**	**2,364,022**	**1,903,857**	**2,355,147**	**2,818,827**	**2,781,567**	**3,157,331**	**2,324,185**	**3,541,938**

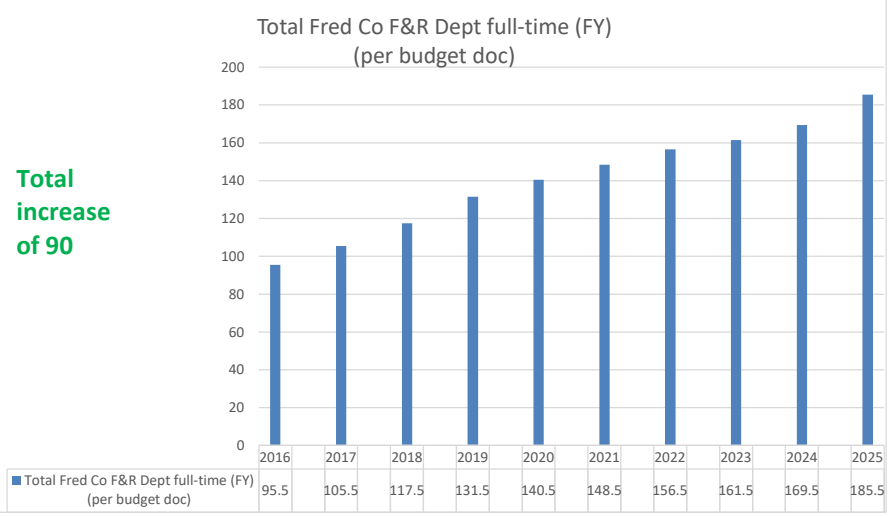
Funding components NOT included above

Audit Costs (@ $98,000/year)
Volunteer Length of Service Program (@ $96,000/year)
Work Comp Hospital/Medical (@ $77,000/year)
Ownership/maintenance Millwood & Round Hill $153,000)
Millwood Station Debt Service - County portion (@ $107,000/year through 2036)
Round Hill Debt Service - County portion (@ $240,000/year through 2036)
Fuel (@ $225,000/year)
Reduced Personal Property Tax Rate ($0 sticker & $2.25 vs. $4.23 = @$80,000/year)

Notes:

1 Round Hill & Star Tannery contributions were held for missing audit info. Paid in the next year.
2 includes a transfer from Co contingency of $94,553 for North Mtn construction
3 EMS Exp Recovery audit performed -- funds distributed from prior years
4 Fire Program funds received Sept 2019- $273,930. Held due to incomplete audit. Paid in 2020.
5 not paid due to an oversight by F&R -- paid in 2021 for 2020
6 $182k co purchased reserve units from vol. $41,652 fuel reimb to vol prior to co paying3
7 Star Tannery contrinbution was held for missing audit info. Paid in the next year.
8 includes $163,777 in insurance reimbursements.
9 not paid until Jan 2025
10 includes 2 years





EXAMPLE TO DEMONSTRATE HOW EACH CHART WORKS TOGETHER

PAGE #1

Frederick County Fire & Rescue Companies
Year End December 31, 2018
per audited financial statements

	Cash- Year End	Total Receipts	Vehicle/ Equipment Maintenance/ Repairs	Fuel & Oil	Total Disbursements
Stephens City	149,525	553,425	171,305	35,014	527,058
Middletown	361,272	442,821	(1) 92,091	12,114	423,285
Clearbrook	443,720	292,454	12,368	12,507	169,953
Gore					
Round Hill	1,840,252	1,153,494	53,464	13,765	499,063
Gainesboro	167,706	280,366	52,993	19,713	227,285
Star Tannery	399,351	212,200	30,386	8,698	109,012
Greenwood	1,858,290	603,391	52,530	23,054	323,697
North Mountain	112,000	183,082	15,987	9,000	169,485
Reynolds Store	290,850	286,337	38,907	10,507	265,159
Millwood Station (2)	210,405	351,433	83,498	13,483	413,429
Frederick County Volunteer Assoc.	185,090	90,394			107,221

Notes:
(1) Middletown F&R Supplies & Maintenance combined.
(2) Cash- Year End: Partially restricted - $68,734 Building Maintenance/Repair Reserve.

UPDATE ALL YELLOW AFTER AUDITS RECEIVED - waiting for Gore as of 10/29/19

Total Receipts	Frederick County Funding	Town/ Other County	Association	State	Other	$ Raised
553,425	395,229 ^	15,000 (a)			16,620 (b)	126,576
442,821	169,777 ^^	6,500 (c)			55,000 (d)	211,544
292,454	203,696 ^^					88,758
0	109,134					
1,153,494	310,835				462,803 (e)	379,856
280,366	157,993 ^^					122,373
212,200	135,833	35,409 (f)				40,958
603,391	334,986 ** ^^^					268,405
183,082	129,271 ^^				11,558 (g)	42,253
286,337	125,757				17,999 (h)	142,581
351,433	202,793			9,169		139,471
90,394	88,718 *					1,676
4,449,397	2,364,022 ***	56,909	0	9,169	563,980	1,564,451

Notes:
(a) Stephens City
(b) Insurance Proceeds
(b) Warren County
(d) Other govt grants - $10,000; Investment acct disbursement - $45,000
(e) Grants - $42,950; Sale of Property - $419,853
(f) Shenandoah County
(g) Grant
(h) Insurance Proceeds

* 4-for-Life: 2017 - $88,718 - Association rec'd in 2018, but did not disburse to companies until 2019.
** includes training reimbursements and hose testing from the County, per County G/L - not reimbursed in County contribution in audit doc.
Greenwood - $2,155. All others were reflected in audit doc.
*** see 'attachment A' for detail.

^ $600 for Battlefield Half Marathon
^^ includes Winter Storm Jonas FEMA reimb - Middletown $2,084; Clearbrook $105; Gainesboro $285; N. Mtn $54
^^^ includes $6,000 for convenience site lease

PAGE #2

UPDATE ALL YELLOW AFTER AUDITS RECEIVED - waiting for Gore as of 10/29/19

FY 18 - FREDERICK COUNTY
1/1/2018 - 12/31/2018 - FIRE COMPANIES

	Total Disbursements	Total County Funding (Co + Assoc) (3)	% County Funded	Per Capita County Funded (2)	Cash End of Year	Debt Service (Principal + Interest)	Total Long Term Debt
Stephens City	$ 527,058	$ 395,229 (5)	75%	$ 4.47	$ 149,525	$ 153,506	$ 829,309
Middletown	$ 423,285	$ 169,777	40%	$ 1.92	$ 361,272	$ 96,400	$ 286,615
Clearbrook	$ 169,953	$ 203,696	120%	$ 2.31	$ 443,720	$ -	$ -
Gore	$ -	$ 109,134 (6)	#DIV/0!	$ 1.24	$ -		
Round Hill	$ 499,063	$ 310,835	62%	$ 3.52	$ 1,840,252	$ 132,600	$ 2,261,147
Gainesboro	$ 227,285	$ 157,993	70%	$ 1.79	$ 167,706	$ -	$ -
Star Tannery	$ 109,012	$ 135,833	125%	$ 1.54	$ 399,351	$ -	$ -
Greenwood	$ 323,697	$ 334,986 (7)	103%	$ 3.79	$ 1,858,290	$ 77,297	$ 447,217
North Mountain	$ 169,485	$ 129,271	76%	$ 1.46	$ 112,000	$ 19,966	$ 17,000
Reynolds Store	$ 265,159	$ 125,757	47%	$ 1.42	$ 290,850	$ 31,073	$ 188,810
Millwood Station	$ 413,429	$ 202,793	49%	$ 2.30	$ 210,405 (4)	$ 108,431	$ 1,348,217
F&R Association	$ 107,221	$ 88,718			$ 185,090	$ -	$ -
Total Volunteer	$ 3,234,647	$ 2,364,022		$ 25.75	$ 6,018,461	$ 619,273	$ 5,378,315
Frederick Co (1)	$ 13,899,448	$ 13,899,448	100%	$ 160.72	N/A	N/A	N/A
Total F&R & Ambulance	$ 17,134,095	$ 16,263,470		$ 186.47	$ 6,018,461	$ 619,273	$ 5,378,315

Notes:
(1) FY is 7/1/2017 - 6/30/2018 (expenses per Exhibit 12 of CAFR)
(2) 2018 Frederick County population 88,355 per US Census Bureau.
(3) Does not include Length of Service funding. Includes $1,107,223 EMS Expense Recovery distributions. Includes $88,718 for 2017 4-for-Life.
(4) Cash- Year End: Partially restricted - $68,734 Building Maintenance/Repair Reserve.
(5) includes $600 for Battlefield Half Marathon.
(6) Gore audit not received
(7) includes $6,000 for convenience site lease.

PAGE #3

ATTACHMENT A

CY 2018 PAYMENTS TO FIRE COMPANIES - per County general ledger

FEE FOR SERVICE

	RECOVERY	MILEAGE	FIRE PROGRAMS	4-FOR-LIFE	SQUAD TRUCK / RESPONSE UNIT SUPPLEMENT	COUNTY CONTRIBUTION	FIRE COMPANY CAPITAL FUNDS	TRAINING	OTHER	TOTAL
STEPHENS CITY	163,429	85,419	23,666		5,950	81,874	13,871	6,450	14,569 (1)	$ 395,229
MIDDLETOWN	32,283	30,742	23,666		15,950	59,651	4,323	1,078	2,084 (2)	$ 169,777
CLEARBROOK	80,764	26,665	23,666			66,698	5,798		105 (2)	$ 203,696
GORE	14,316	12,687	23,666			57,907		557		$ 109,134
ROUND HILL (4)	156,988	20,839	46,524		11,900	68,869	5,064	650		$ 310,835
GAINESBORO	43,001	17,425	23,666		4,250	62,098	5,798	1,470	285 (2)	$ 157,993
STAR TANNERY (5)	16,798	17,047	46,524			53,310	2,004	150		$ 135,833
GREENWOOD	172,999	51,359	23,666		4,250	75,557	1,109	46	6,000 (3)	$ 334,986
NORTH MOUNTAIN	25,752	12,338	23,666			60,018	7,443		54 (2)	$ 129,271
REYNOLDS STORE	8,379	7,439	23,666		5,950	55,015	25,000	307		$ 125,757
MILLWOOD	84,842	25,712	23,666		5,950	61,242		1,381		$ 202,793
F.C. VOL ASSOCIATION				88,718						$ 88,718
TOTAL	$ 799,551	$ 307,672	$ 306,044	$ 88,718	$ 54,200	$ 702,239	$ 70,411	$ 12,088	$ 23,097	$ 2,364,022

Notes:
(1) Battlefield Half marathon - $600; $13,969 Ancillary Bldg
(2) Winter Storm Jonas FEMA reimbursement
(3) convenience site lease
(4) Round Hill Fire Programs and Truck Supplement doubled -- held in prior year for audit
(5) Star Tannery Fire Programs doubled -- held in prior year for audit

PAGE #4

Fire & Rescue

	2012	2013	2014	2015	2016	2017	2018	2019
Total County Contributions to Vol F&R (CY) *	865,797	1,066,759	1,882,274	2,072,402	2,044,766	2,242,216	2,364,022	1,903,857 per County G/L - 2019 audits not complete
Total Frederick Co F&R Dept expenditures (FY)	5,856,217	6,295,055	7,373,101	8,266,038	9,090,314	10,009,771	13,699,439	13,059,017 per CAFR Exhibit 12
Grand Total	6,722,014	7,361,814	9,255,375	10,338,440	11,135,080	12,251,987	16,263,470	14,962,874
Total Frederick Co F&R Dept full-time personnel (FY)	77.5	77.5	79.5	79.5	95.5	105.5	117.5	132.5

Sharon Kibler: FY18: SCBA replacement project $2.6 million

Sharon Kibler: FY19: $350k in unspent OT & uniforms. $144k in POs that carry forward to FY20.

* Vol F&R are based on calendar year (CY) audited financial statements.

^ Funding components included above (Vol F&R)	2012	2013	2014	2015	2016	2017	2018	2019
Annual Contributions	702,239	702,239	702,239	702,239	580,060	824,418	702,239	702,239
Truck Supplements	36,550	36,550	36,550	36,550	30,600	36,350	54,200	48,250
EMS Expense Recovery Mileage & Split (2014+)			505,453	904,207	832,526	746,790	1,107,225	821,650
Volunteer Training						12,928	12,088	9,155
Fire Company Capital Program		60,000	87,325	93,456	58,335	103,808	70,411	222,208
Proffer Funding					135,771	210,136		
4-for-Life	76,776	80,545	81,150	79,829	68,659	65,262	88,718	94,354
Fire Programs	28,410	180,950	462,732	249,521	219,662	205,724	306,044	-
Other	21,822	6,475	6,825	6,600	101,153	16,800	23,097	6,000
	865,797	1,066,759	1,882,274	2,072,402	2,044,766	2,242,216	2,364,022	1,903,856

Sharon Kibler: Fire Program funds were received in Sept 2019 - $273,930; however, disbursements held for all companies per Chief Linaburg due to Gore's incomplete audit. Paid in 2020.

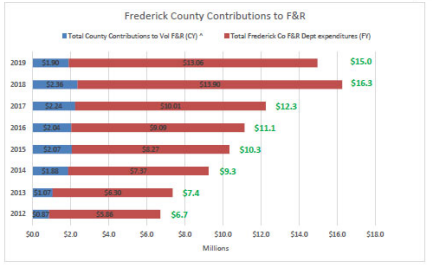
Funding components NOT included above
Audit Costs ($36,450/year)
Volunteer Length of Service Program (@$90,000/year)
Reduced Personal Property Tax Rate ($2.25 vs. $4.86 = @$81,000/year)
Work Comp Hospital/Medical (@$4,000/year)
Ownership/maintenance Millwood & Round Hill ($75,000/year)
Millwood Station Debt Service - County portion (@ &107,000/year through 2036)
Round Hill Debt Service - County portion (@240,000/year through 2036)

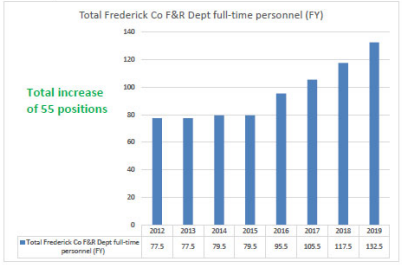
Sharon Kibler: audit docs and county general ledger are $3 different

Sharon Kibler: includes a transfer from Co contingency of $94,553 for North Mtn construction

Sharon Kibler: Round Hill & Star Tannery contributions were held for missing audit info. Paid in the next year.

Sharon Kibler: EMS Exp Recovery audit performed -- funds distributed from prior years





HCPCS Code	2026 Medicare Allowable Urban	Current Frederick Co Fees		125% Medicare Allowable	150% Medicare Allowable	175% Medicare Allowable
A0425 Mileage	$9.15	$11.00		$11.44	$13.73	$16.01
A0426 ALS 1 NE	$344.16	$512.00		$430.20	$516.24	$602.28
A0427 ALS 1 E	$544.91	$600.00		$681.14	$817.37	$953.59
A0428 BLS NE	$286.80	$431.00		$358.50	$430.20	$501.90
A0429 BLS E	$458.87	$500.00		$573.59	$688.31	$803.02
A0433 ALS 2	$788.69	$825.00		$985.86	$1,183.04	$1,380.21

Frederick County last rate change was in 2023.

Medicare announces new rate tables in December.

Frederick County's intent is to adjust rates to 175% of Medicare Allowable after the new rates are announced.

EXPENSE RECOVERY MEMORANDUM OF UNDERSTANDING

1. **Parties:** As of April 15, 2013, the parties to this Memorandum of Understanding ("MOU") are the County of Frederick, Virginia (the "County"), a political subdivision of Virginia, acting through its Fire and Rescue Department, the Frederick County Fire & Rescue Association (the "Association"), an unincorporated association, and the following "Participating Companies", each of which is a Virginia corporation: Stephens City Volunteer Fire and Rescue Company, Inc., Middletown Volunteer Fire and Rescue Company, Inc., Clear Brook Volunteer Fire and Rescue, Inc., Gore Volunteer Fire Company, Round Hill Community Fire and Rescue Company, Inc., Gainesboro Fire Company, Inc., Star Tannery Volunteer Fire Department, Greenwood Volunteer Fire and Rescue Company, Inc., North Mountain Volunteer Fire Company, Inc. and Millwood Station Volunteer Fire and Rescue Company 21, Inc. (each may be referred to individually herein as a "Participating Company"). The following "Non-Participating Companies", each of which is a Virginia corporation, join this MOU solely for purposes of Sections 1, 4, or 6: Reynolds Store Volunteer Fire and Rescue Company, Inc. (each may be referred to individually herein as a "Non-Participating Company"). As long as a company is a "Non-Participating Company", its consent shall not be required for amendments to this MOU, other than as to any amendment to Section 1, 4, or 6. The Participating Companies and the Non-Participating Companies are jointly referred to herein as a "Volunteer Company" or the "Volunteer Companies".

2. **Purpose:** The purpose of this MOU is to set forth the responsibilities of the County, the Association, and the Participating Companies for operation of the "Expense Recovery Program" (also referred to herein as the "Program"), under which program the County and the Participating Companies will seek to recover certain of their expenses incurred in providing emergency medical services ("EMS").

3. **County Responsibilities:** As part of the shared responsibility for the Expense Recovery Program, the County will:

   A. Pay all costs, including salary and benefits, associated with the utilization of one County employee intended specifically to provide on-going administrative support for Program, including all costs of any third-party billing services provider and including the cost of consumable equipment and supplies used on EMS calls, with all costs under this Section 3A to be subtracted and paid from the gross revenue collected under the Program, before disbursements are made, pursuant to Section 3D, to the County and to the Participating Companies.

   B. Maintain the revenue generated from the Program in an account dedicated to expense recovery and separate from any other County revenue.

   C. Provide a quarterly accounting related specifically to revenues and expenses associated with the Program.

   D. Distribute to the Participating Companies, no less frequently than quarterly, net revenue received under the Program, based on each individual Participating Company's actual

transports, to include 100% of billable mileage expenses and 50% of the net revenue after billable mileage expenses.

E. The County will not increase, reduce, or eliminate funding (to any amount different from what a Participating Company receives) for Non-Participating Companies.

4. **Volunteer Company Responsibilities:** As part of the shared responsibility for the Expense Recovery Program, the Volunteer Companies will:

   A. Maintain apparatus in serviceable condition to meet Virginia State Police vehicle inspection requirements and the Virginia Department of Health, Office of Emergency Medical Services regulations.

   B. Have and follow a preventative maintenance program for all fire and rescue apparatus.

   C. Keep maintenance records on file for all fire and rescue apparatus, to meet federal and state regulations, and make such records available for review by the County upon request.

   D. Adhere to all Standard Operating Guidelines established by the Association as approved by the Chiefs Workgroup.

   E. Submit an annual Capital Improvement Plan (CIP) to the County as part of the County's annual CIP process.

   F. Use the revenue generated from the Program only for purposes of covering:

      1. operating expenses;

      2. existing debt service, and

      3. new debt service (i.e., apparatus), but not for new debt service of bricks and mortar.

      The Volunteer Companies shall not, however, pledge, as security for any debt, any revenue generated from the Program.

   G. Submit an annual financial statement to the County for audit by the County's auditor that includes particular items as requested by the County's auditor.

   H. Not change second, third, due etc. assignments to prevent Participating Companies from responding into first due areas of Non-Participating Companies.

   I. Complete all incident documentation in a timely fashion, i.e. within 24 hours from the time an incident is handled.

5. **Joint Responsibilities of the County and the Participating Companies:** As part of the shared responsibility for the Expense Recovery Program, the County and the Participating Companies will:

   A. Manage the Program generally and select a private "third-party" billing agency.

   B. Pay all costs associated with the utilization of a private "third-party" billing agency, with such costs to be subtracted from the gross revenue collected under the Program, before disbursements are made to the County and to the Participating Companies.

C. Adhere to the practice of "soft billing", as described in the Expense Recovery Policies as set forth in the Standard Operating Guidelines.

6. **Association Responsibilities:** As part of the shared responsibility for the Expense Recovery Program, the Association will:

   A. Assist in ensuring compliance with all Standard Operating Guidelines established by the Association as approved by the Chiefs Workgroup.

   B. In the event amendments to this MOU are to be considered, the Association will act as the coordinator for the Volunteer Companies and as the representative between each Volunteer Company and the County.

7. **Amendments:**

   A. The County and the Volunteer Companies do not intend to modify any items listed in this MOU for a minimum of 2 years, but agree that, in the event of unforeseen circumstances, they will proceed in good faith to consider appropriate modification at such sooner time as may be necessary. The parties recognize that this MOU cannot address every procedural issue that may be encountered and they state their intention to review this MOU at least once every two years to identify appropriate amendments. This MOU may be amended only by a written document signed by all parties hereto.

   B. Should a Volunteer Company choose to opt in to become a "Participating Company" in the Expense Recovery Program or opt out from being a "Participating Company" in the Expense Recovery Program, it may only do so effective at the beginning of a fiscal year (July 1), upon 60 days advance written notice to the County and the Participating Companies and Non-Participating Companies. Opting in or opting out does not preclude a Volunteer Company from opting in or opting out for a future fiscal year.

COUNTY OF FREDERICK, VIRGINIA

By: _____ Date: 4-16-2013

Title: County Administrator

FREDERICK COUNTY VOLUNTEER FIRE & RESCUE ASSOCIATION

By: _____ Date: 4/15/13

Title: President

STEPHENS CITY VOLUNTEER FIRE AND RESCUE COMPANY, INCORPORATED

By: _____ Date: 4/15/2013

Title: President

MIDDLETOWN VOLUNTEER FIRE AND RESCUE COMPANY, INCORPORATED

By: _____ Date: 4/15/2013

Title: FIRE CHIEF

CLEAR BROOK VOLUNTEER FIRE AND RESCUE, INCORPORATED

By: _____ Date: 4/15/2013

Title: Fire chief

GORE VOLUNTEER FIRE COMPANY

By: B.H. McDonald Date: 4/15/2013

Title: safety off. / B.O.D.

ROUND HILL COMMUNITY FIRE AND RESCUE COMPANY, INCORPORATED

By: Elwood B. Patterson Date: 4/15/2013

Title: President

GAINESBORO FIRE COMPANY, INCORPORATED

By: _____ Date: 4/15/2013

Title: PRESIDENT

STAR TANNERY VOLUNTEER FIRE DEPARTMENT

By: Jay W. Clark Date: 4-15-2013

Title: President

GREENWOOD VOLUNTEER FIRE AND RESCUE COMPANY, INCORPORATED

By: Wade Clark Date: 15 April 2013

Title: President

NORTH MOUNTAIN VOLUNTEER FIRE COMPANY, INCORPORATED

By: Roger L. Milburn Date: 4-15-13

Title: Vice President

REYNOLDS STORE VOLUNTEER FIRE AND RESCUE COMPANY, INCORPORATED

By: James A Mills JR Date: 4-15-13

Title: Chief

MILLWOOD STATION VOLUNTEER FIRE AND RESCUE COMPANY 21, INCORPORATED

By: Robert A. Jenkins Date: 4-15-13

Title: Treasurer

FREDERICK COUNTY, VIRGINIA FIRE RESCUE

SECURITY AND LIEN AGREEMENT FOR JOINT PURCHASE, OPERATION, MAINTENANCE, AND DISPOSITION OF FIREFIGHTING APPARATUS

1. PARTIES AND PURPOSE

This Security and Lien Agreement for Joint Purchase, Operation, and Disposition of Firefighting Apparatus ("Agreement") is made and entered into this ____ day of _____, 2026, by and between the COUNTY OF FREDERICK, a political subdivision of the Commonwealth of Virginia ("County"), and _____ VOLUNTEER FIRE COMPANY, a Virginia non-stock corporation ("Fire Company"), collectively referred to as the "Parties."

WITNESSETH:

WHEREAS, the Parties desire to jointly purchase, operate, and maintain certain firefighting apparatus to serve the citizens of the County; and

WHEREAS, the Parties recognize the benefits of collaboration in providing emergency services in a cost-effective and efficient manner; and

WHEREAS, on or about _____, the County established its Policy for Funding Requests from Volunteer Fire and/or Rescue Corporations for Capital Apparatus Acquisition (“Policy”); and

WHERAS, pursuant to the Policy, the Parties wish to establish the terms and conditions for the joint purchase, operation, maintenance, and eventual disposition of such firefighting apparatus; and

WHEREAS, the Parties have the legal authority to enter into this Agreement pursuant to § 15.2-1300 of the Code of Virginia (1950, as amended); and

WHEREAS, this Agreement serves the public purpose of enhancing fire protection services within the County;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained

herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

2. CONTRACT DOCUMENTS

This Agreement shall consist of the following Documents, which are intended to be complementary and to the extent possible read in harmony with one another. To the extent of any real or apparent discrepancy between and among the Documents, such discrepancy shall be resolved according to the following hierarchy:

A. This Agreement including Exhibits A-B
B. The Policy
C. Other Documents including but not limited to specifications, requests for proposals or information, bids, quotations, or other related documents.

3. DEFINITIONS

As used in this Agreement, the following terms shall have the meanings set forth below:

3.1. "Apparatus" means the firefighting vehicle and all associated equipment, tools, and accessories jointly purchased by the Parties pursuant to this Agreement, as more particularly described in Exhibit A attached hereto.

3.2. "Effective Date" means the date on which this Agreement is fully executed by both Parties.

3.3. "Emergency Response" means any deployment of the Apparatus for fire suppression, rescue operations, hazardous materials incidents, or other emergency situations.

3.4 "Fiscal Year" means the County's fiscal year, which begins on July 1 and ends on June 30.

3.5. "Purchase Price" means the total cost of acquiring the Apparatus, including the base price, optional equipment, delivery charges, and any applicable taxes or fees.

3.6. "Service Area" means the geographical area within the County that is primarily served by the Fire Company.

3.7. "Frontline Life" means the estimated frontline service life of the Apparatus, which is anticipated to be 15 (15) years from the date of purchase, unless otherwise determined by the System Chief in consultation with the Apparatus Committee.

4. ACQUISITION AND OWNERSHIP

4.1 **Purchase.** The Parties agree to purchase the Apparatus described in Exhibit A for use in providing fire protection services within the County in accordance with the Policy and any and all applicable laws, regulations, and procedures as well as the following provisions.

4.2. **Purchase Process.** The procurement of the Apparatus shall be conducted in accordance with the Virginia Public Procurement Act (Va. Code § 2.2-4300 et seq.) and the County's procurement policies. The Parties shall determine whether the County or the Fire Company will serve as the purchasing agent for the Apparatus based on appropriation of funds, financing options, and consideration of other factors.

4.3. **Cost Allocation.** The Purchase Price of the Apparatus shall be allocated between the Parties as follows:

a. The County shall contribute xx percent (xx%) of the Purchase Price.

b. The Fire Company shall contribute yy percent (yy%) of the Purchase Price.

c. Any grants, donations, or other external funding sources obtained specifically for the purchase of the Apparatus shall be applied to reduce the total amount to be contributed by the Parties in accordance with the percentages specified above.

4.4. **Payment and Reimbursement; Payment Schedule.** The Party acting as purchasing agent shall pay the Purchase Price and any associated costs according to the Apparatus payment schedule entered into as part of the purchase agreement with the vendor. If the Fire Company acts as purchasing agent, the Fire Company shall submit requests for reimbursement of the County's portion of the Purchase Price within thirty (30) days of remittance of payment to the vendor. If the County acts as purchasing agent, the Fire Company shall pay for its share of the purchase price as set forth in Exhibit B or in a separate writing which shall be incorporated into this Agreement.

4.5. **Ownership.** Upon delivery and acceptance of the Apparatus, the Fire Company shall own the Apparatus, with the County owning a security interest in the apparatus equal to xx percent (xx%) of the Purchase Price.

4.6. **Title and Registration.** The Apparatus shall be titled and registered in the name of the Fire Company. The Fire Company shall be responsible for obtaining and maintaining the appropriate title and registration documents.

4.7. **Insurance.** The Fire Company shall maintain primary insurance coverage for the Apparatus, including comprehensive, collision, and liability insurance as set forth below in Paragraph 9.1. The County shall be named as an additional insured on any such policy.

5. OVERSIGHT AND GOVERNANCE

5.1. The Chief of Fire Rescue shall be responsible for administering the terms of this Agreement subject to the Policy and applicable law, regulations, and procedures.

6. OPERATION AND USE

6.1. **Primary Housing.** The Apparatus shall be primarily housed at the Fire Company's station located at [ADDRESS].

6.2. **Operational Authority.** The Fire Chief of the Fire Company shall have primary operational authority over the Apparatus during routine operations within the Service Area. The System Fire Chief shall have authority to deploy the Apparatus outside the Service Area as needed for mutual aid or other emergency response.

6.3. **Personnel and Staffing.** The Fire Company shall be responsible for providing qualified and properly trained personnel to operate the Apparatus. All operators must meet the minimum training standards established by the County and the Commonwealth of Virginia.

6.4. **Response Priority.** The Apparatus shall be used primarily for emergency responses within the Service Area. Secondary priority shall be given to mutual aid requests from neighboring jurisdictions with which the County has mutual aid agreements.

6.5. **Non-Emergency Use.** The Apparatus may be used for non-emergency purposes, such as training, public education events, and parades, with prior approval from the Fire Chief of the Fire Company.

6.6. **County-Wide Deployment.** The County reserves the right to deploy the Apparatus anywhere within the County during large-scale emergencies, as determined by the System Fire Chief or designee.

6.7. **Prohibited Uses.** The Apparatus shall not be used for any private, commercial, or political purpose or in any manner that violates applicable laws, regulations, or procedures.

6.8. **Operational Records.** The Fire Company shall maintain detailed records of all emergency responses, training activities, and other uses of the Apparatus. These records shall be submitted to the County on a schedule and in a format approved by the System Chief.

7. MAINTENANCE AND REPAIRS

7.1. **Routine Maintenance.** The Fire Company shall be responsible for performing and documenting all routine maintenance on the Apparatus in accordance with the manufacturer's recommendations and industry standards. This includes, but is not limited to:

a. Regular inspections and testing;
b. Fluid checks and changes;
d. Filter replacements;
e. Lubrication;
f. Pump testing; and
g. Cleaning and washing.

7.2. **Maintenance Records.** The Fire Company shall maintain detailed records of all maintenance performed on the Apparatus. These records shall be submitted to the County on a schedule and in a format approved by the System Chief.

7.3. **Repairs.** The Fire Company shall promptly address and repair any mechanical issues or damages. The Fire Company shall notify the County of any such needed repairs within twenty-four (24) hours.

7.4. **Annual Inspection.** The Apparatus shall undergo a comprehensive annual state inspection by a qualified mechanic. The inspection report shall be submitted on a schedule and in a format approved by the System Chief.

7.5. **Manufacturer Recalls.** The Fire Company shall promptly address any manufacturer recalls or safety notices related to the Apparatus and shall coordinate with the County to ensure compliance with all such notices.

8. FINANCIAL RESPONSIBILITIES

8.1 **Fuel Costs.** The County shall provide a fuel card for use with the Apparatus. All fuel purchases shall be documented and reported to the County on a monthly basis.

8.2. **Grant Funding.** The Parties shall cooperate in seeking grant funding for the maintenance, upgrade, or eventual replacement of the Apparatus. Any grant funds obtained shall be applied to reduce the shared costs in accordance with the percentages specified in Section 8.2.

9. LIABILITY AND INDEMNIFICATION

c. 9.1. **Insurance Requirement.** The Fire Company shall maintain comprehensive insurance coverage for the Apparatus, including general liability, property damage, and automobile liability, with limits of not less than $3,000,000 per occurrence. The County shall be named as an additional insured on all such policies.

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9.2. **Workers' Compensation.** The County shall be responsible for providing workers' compensation coverage for its own employees or volunteers who operate or maintain the Apparatus.

9.3. **Liability During Operation.** During emergency response operations, the liability for the Apparatus shall be governed by the Virginia Fire and EMS Immunity Statute (Va. Code § 27-23.6).

9.4. **Mutual Indemnification.** To the extent allowed by law, each Party shall indemnify, defend, and hold harmless the other Party from and against any and all claims, damages, liabilities, losses, and expenses arising out of or resulting from the indemnifying Party's negligence, recklessness, or willful misconduct in connection with the operation, maintenance, or use of the Apparatus.

9.5. **Limitation of Liability.** Neither Party shall be liable to the other for any indirect, incidental, special, or consequential damages arising out of or in connection with this Agreement, regardless of whether such damages were foreseeable or whether either Party had been advised of the possibility of such damages.

9.6. **Third-Party Claims.** In the event of a third-party claim arising from the operation or maintenance of the Apparatus, the Parties agree to cooperate fully in the defense of such claim. The costs of defending against such claims shall be shared in accordance with the percentages specified in Section 8.2, unless the claim arises solely from the negligence of one Party.

7. REPLACEMENT AND DISPOSITION

10.1. **Replacement Planning.** Beginning in the tenth (10th) year after the purchase of the Apparatus, the System Apparatus Committee shall develop and recommend a replacement plan, including a proposed timeline and funding strategy.

10.2. **End of Frontline Life.** When the Apparatus reaches the end of its Frontline Life, as determined by the System Chief, the Parties shall mutually agree on one or more of the following options:

a. Replacement of the Apparatus with a new firefighting apparatus under the same or revised ownership arrangement;

b. Sale or trade-in of the Apparatus to offset the cost of a replacement;

a. Disposition of the Apparatus through sale, auction, or donation;

b. Placement of the Apparatus in reserve status.

10.3. **Early Replacement.** If, prior to the end of its Useful Life, the Apparatus requires repairs that exceed fifty percent (50%) of its then-current fair market value, the System Apparatus Committee may recommend early replacement or disposition.

10.4. **Sale Proceeds.** In the event the Apparatus is sold, the net proceeds (after deducting all costs associated with the sale) shall be allocated toward the purchase of a new Apparatus subject to the Policy and the determination of the County as advised by the System Apparatus Committee and the System Steering Committee regarding the requirement for a new Apparatus.

10.5. **Placement in Reserve Status**. In the event the Apparatus is placed in reserve status and not sold or otherwise disposed of, the Fire Company shall be awarded credit toward the purchase of a new Apparatus in an amount equivalent to yy% of the sale value of the Apparatus as determined by a qualified appraiser.

10.6. **Donation.** If the Parties agree to donate the Apparatus, they shall mutually agree on the recipient, which shall be a governmental entity or nonprofit organization engaged in fire protection or public safety.

10.7. **Documentation.** Upon disposition of the Apparatus, the Parties shall execute all necessary documents to transfer title and ownership in accordance with Virginia law.

8. TERM AND TERMINATION

11.1. **Term.** This Agreement shall commence on the Effective Date and shall remain in effect for the Useful Life of the Apparatus, unless earlier terminated as provided herein.

11.2. **Termination by Mutual Agreement.** This Agreement may be terminated at any time by mutual written agreement of the Parties.

11.3. **Termination for Cause.** Either Party may terminate this Agreement for cause if the other Party materially breaches any term or condition of this Agreement and fails to cure such breach within sixty (60) days after receiving written notice thereof.

11.4. **Termination by Fire Company.** The Fire Company may terminate this Agreement upon one hundred eighty (180) days' written notice to the County if:

a. The Fire Company ceases to provide fire protection services within the County; or

b. The Fire Company determines that it can no longer fulfill its obligations under this Agreement.

11.5. **Termination by County.** The County may terminate this Agreement upon one hundred eighty (180) days' written notice to the Fire Company if:

a. The County establishes a career fire department that assumes responsibility for the Service Area; or

b. The County determines that the Fire Company is not operating the Apparatus in accordance with applicable laws, regulations, or standards.

11.6. **Effect of Termination.** Upon termination of this Agreement, the Parties shall mutually agree on one of the following options:

a. One Party may purchase the other Party's interest in the Apparatus at fair market value, as determined by a qualified appraiser mutually selected by the Parties;

b. The Apparatus may be sold to a third party, with the proceeds distributed between the Parties in proportion to their respective ownership interests; or

c. The Parties may continue to jointly own the Apparatus under a new agreement with revised terms and conditions.

11.7. **Continuing Obligations.** The termination of this Agreement shall not relieve either Party of any obligations accrued prior to the effective date of termination.

9. DISPUTE RESOLUTION

12.1. **Good Faith Negotiations.** The Parties agree to work together in good faith to resolve any disputes arising under or in connection with this Agreement.

12.2. **Mediation.** If the Parties are unable to resolve a dispute through good faith negotiations, the County may require that the dispute shall be submitted to mediation before a mediator mutually selected by the Parties. The cost of mediation shall be shared equally by the Parties.

12.3. **Arbitration.** If mediation is unsuccessful in resolving the dispute within sixty (60) days after the appointment of a mediator, the dispute shall be submitted to arbitration in accordance with the rules of the American Arbitration Association. The arbitration shall be conducted in the County, and the cost of arbitration shall be shared equally by the Parties. The Arbitrator's decision shall be advisory and shall be presented to the Board of Supervisors within thirty (30) days of issuance.

12.4. **Final Decision.** The final decision regarding the resolution of any dispute arising under this Agreement shall be made by the Board of Supervisors by passage of a motion at a regular or special meeting of the Board.

12.5. **Continued Performance.** Pending final resolution of any dispute, the Parties shall continue to fulfill their respective obligations under this Agreement.

10. MISCELLANEOUS PROVISIONS

13.1. **Entire Agreement.** This Agreement, including all exhibits attached hereto, constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior negotiations, understandings, and agreements, whether written or oral.

13.2. **Amendments.** This Agreement may be amended only by a written instrument executed by both Parties.

13.3. **Notices.** All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been duly given when delivered personally, sent by certified mail, return receipt requested, or sent by overnight courier service, addressed as follows:

If to the County:
County Administrator
107 N. Kent St.
Winchester, VA 22601

With a copy to:

Frederick County Fire Rescue System Chief
1080 Coverstone Drive
Winchester, VA 22602

and

County Attorney
107 N. Kent St.
Winchester, VA 22601

If to the Fire Company:
President
[FIRE COMPANY NAME]
[FIRE COMPANY ADDRESS]
[CITY, VA ZIP CODE]

13.4. **Governing Law.** This Agreement shall be governed by and construed in accordance with

the laws of the Commonwealth of Virginia, without giving effect to any choice or conflict of law provision or rule.

13.5. **Severability.** If any provision of this Agreement is held to be illegal, invalid, or unenforceable under present or future laws, such provision shall be fully severable, and this Agreement shall be construed and enforced as if such illegal, invalid, or unenforceable provision had never been part of this Agreement, and the remaining provisions shall remain in full force and effect.

13.6. **Waiver.** The failure of either Party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that Party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

13.7. **Assignment.** Neither Party may assign its rights or delegate its obligations under this Agreement without the prior written consent of the other Party.

13.8. **No Third-Party Beneficiaries.** This Agreement is for the sole benefit of the Parties and their respective successors and permitted assigns, and nothing herein, express or implied, is intended to or shall confer upon any other person or entity any legal or equitable right, benefit, or remedy of any nature whatsoever under or by reason of this Agreement.

13.9. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same agreement. A signed copy of this Agreement delivered by facsimile, email, or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

13.10. **Authority to Execute.** Each Party represents and warrants that it has full power and authority to enter into this Agreement and that this Agreement has been duly authorized, executed, and delivered and constitutes a valid and binding agreement enforceable in accordance with its terms.

13.11. **Headings.** The headings in this Agreement are for reference only and shall not affect the interpretation of this Agreement.

13.12. **Time is of the Essence.** Time is of the essence with respect to all provisions of this Agreement that specify a time for performance.

13.13. **Survival.** Any provisions of this Agreement that, by their nature, extend beyond the termination of this Agreement shall survive such termination and shall remain in effect until all obligations are satisfied.

13.14. **Force Majeure.** Neither Party shall be liable or responsible to the other Party, nor be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement, when and to the extent such failure or delay is caused by or results from acts beyond the affected Party's reasonable control, including, without limitation, acts of God, flood, fire, earthquake, explosion, governmental actions, war, invasion, or hostilities, terrorist threats or acts, riot, or other civil unrest, national emergency, revolution, insurrection, epidemic, lock-outs, strikes or other labor disputes, or restraints or delays affecting carriers or inability or delay in obtaining supplies of adequate or suitable materials.

13.15. **Compliance with Laws.** Each Party shall comply with all applicable federal, state, and local laws, regulations, and ordinances in performing its obligations under this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first above written.

COUNTY OF FREDERICK, VIRGINIA

By: _____
[NAME], County Administrator

ATTEST:

_____
[NAME], County Clerk

APPROVED AS TO FORM:

_____
[NAME], County Attorney

[FIRE COMPANY NAME] VOLUNTEER FIRE COMPANY

By: _____
[NAME], President

ATTEST:

_____
[NAME], Secretary

EXHIBIT A

DESCRIPTION OF APPARATUS

Detailed description of the firefighting apparatus, including:

1. Make and model
2. Year of manufacture
3. Vehicle Identification Number (VIN)
4. Engine specifications
5. Pump capacity
6. Water tank capacity
7. Aerial device specifications (if applicable)
8. List of major components and equipment
9. Purchase price
10. Warranty information

EXHIBIT B

PAYMENT SCHEDULE

The _____ shall pay its contribution toward the Purchase Price of the Apparatus according to the following schedule:

A. Initial Payment: $_____ due _____

B. Subsequent Payments $_____ due _____

C. Final Payment: $_____ due _____

Total Fire Company Contribution: $_____ (yy% of Purchase Price)

County Contribution: $_____ (xx% of Purchase Price)

Total Purchase Price: $_____

Frederick County Policy

Joint County and Volunteer Fire and/or Rescue Corporations for Acquisition, Operation, Maintenance, and Disposition of Fire Apparatus

PURPOSE: To establish a mechanism for Volunteer Fire and/or Rescue Corporations recognized under Chapter 89 of the codified ordinances of Frederick County to request funding for capital apparatus acquisition under the County's Capital Improvement Program (CIP) in accordance with Frederick County and Frederick County Fire Rescue System (FCFRS) policies; and to govern the procurement, operation, maintenance, and disposition of such equipment. This policy is primarily designed to function as an apparatus replacement program for existing services and is not generally designed to fund new services.

DEFINITIONS:

Aerial Apparatus: An apparatus designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations. Said apparatus is equipped with an aerial ladder, elevating platform, or water tower that is designed and certified to support firefighting and rescue operations by positioning personnel, handling materials, providing continuous egress, and/or discharging water at positions elevated from the ground. Apparatuses in this category may be referred to as a Ladder Truck, Ladder Tower, Tower Ladder, Tractor-drawn Aerial Ladder Truck, or Quint.

Capital Improvement Program: As required by Virginia law and approved by the Board of Supervisors, provides a five-year forecast of the County's General Government and Public Schools' land, facility, and equipment needs, with a financing plan to implement each need. The CIP facilitates land acquisition, design, construction, and capital equipment procurement for each project. Potential projects are evaluated in relation to each other to ensure that the highest priority projects receive public funding, with essential improvements planned in a manner commensurate with the County's ability to pay.

EMS Transport Unit: As defined by § 32.1-111.1 of the Code of Virginia, any apparatus that holds a valid permit issued by the Office of EMS and that is specially constructed, equipped, maintained and operated, and intended to be used for emergency medical care and the transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless.

Fire Engine: An apparatus designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations. Said apparatus shall be equipped with a permanently mounted fire pump of at least 1,500 gpm (3000 L/min) capacity, water tank, and hose body whose primary purpose is to combat structural and other fires. Apparatuses in this category may generally be referred to as an Engine or Pumper.

Frederick County Fire and Rescue System Chief: The individual who has the responsibility of overseeing and leading the FCFRS, with the duties and responsibilities outlined in Chapter 89 of the Codified Ordinances of Frederick County and who is the department head of the Department of

Fire, Rescue, and Emergency Management, or similarly named county government agency as established pursuant to Va. Code Title 27. The System Chief shall be hired by and report to the County Administrator.

Rescue Squad/Rescue Engine: An apparatus designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations. Said apparatus are equipped with a compliment of tools, supplies and materials to provide a wide array of rescue services encountered in man-made and natural emergencies. Apparatuses in this category may be generally referred to as a Heavy Rescue, Rescue, Technical Rescue Apparatus or Rescue Engine.

Security and Lien Agreement: A legal document defining the relationship between Frederick County and Volunteer Fire or Rescue Companies as identified in Chapter 89 of the Codified Ordinances of Frederick County who receive public funds to purchase apparatuses under the CIP program. Appropriated CIP funds and a fully executed agreement must be in place prior to the purchase of the apparatus pursuant to this policy.

System Apparatus Committee: a committee of subject matter experts on apparatus specifications, service life, usage, maintenance, and other factors composed of members appointed by the System Chief, including but not limited to County personnel and Volunteer personnel which shall advise the System Chief on matters related to apparatuses and the administration of this policy.

System Steering Committee: a committee of subject matter experts on fire prevention, emergency management, medical response, and other responsibilities of the County Fire Rescue department composed of members appointed by the System Chief in consultation with the Chief's Work Group Chair and the Volunteer Association President, including but not limited to County personnel and Volunteer personnel which shall advise the System Chief on matters related to the general administration of the System including the implementation of this policy.

Tanker/Tender: An apparatus designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations. Said apparatus generally carries 1,500 to 4,000 gallons of water and is designed primarily for transporting water to assist in the control of fires.

Volunteer Fire and/or Rescue Company/Corporation: A volunteer firefighting or EMS organization formed pursuant to Va. Code § 27-8 *et seq.*, as recognized by the Board of Supervisors under Chapter 89 of the codified ordinances of Frederick County, located within the geographic boundaries of Frederick County.

Wildland/Brush Apparatus: An apparatus designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of wildland urban interface fires, brush, and grass fires. Said apparatuses are equipped with a complement of tools, supplies and materials to extinguish these types of fires. Apparatuses in this category may be generally referred to as an Attack, or Brush.

PROCEDURES/POLICY:

The Board of Supervisors (Board), at its discretion, provides funding to assist volunteer fire and/or rescue corporations recognized under Chapter 89 of the Codified Ordinances of Frederick County with the purchase of certain fire and rescue apparatus. For this policy, the term "apparatus" generally refers to Fire Engines, Tankers/Tenders, Aerial Apparatus, Rescue Squads, Rescue Engines, Wildland/Brush and EMS transport units as defined above. Other apparatuses that provide unique, one-of-a-kind services will be evaluated on a case-by-case basis. A request from a Company to the County to partially or fully fund apparatus acquisition shall also include the cost of fully outfitting and equipping the apparatus to the County's specifications; otherwise, this policy is not intended to fund supplemental equipment for apparatuses. This policy outlines the administration of capital funding allocations in the County's Capital Improvement Program (CIP).

1. All funding requests for fire and/or rescue apparatus made by Volunteer Fire and/or Rescue Corporations to the County shall only be accommodated in the County's five-year CIP budget based upon revenue availability. The County shall accept or reject requests for capital funding from Volunteer Corporations based upon available capital funds and in accordance with County fiscal policies. When funding requests are accepted, the County will attempt to honor funding requests made by Volunteer Corporations in the requested timeframe. The Board of Supervisors retains absolute discretion regarding the CIP and appropriation of County funds.

2. To qualify for consideration, the value of apparatus must exceed $100,000.00 per apparatus, and have useful life of longer than five years per County fiscal policy.

3. Under this policy, there are two funding options whereby Volunteer Corporations can request funding from the County: up to 60% County funded or 100% County funded. The percentage of requested funding shall determine the relationship between the County and the Volunteer Corporation with respect to the procurement and disposition of the apparatus. Responsibility for operation and maintenance of the apparatus shall be governed by this policy and the security and lien agreement.

4. All requests for capital apparatus funding made by Volunteer Fire and/or Rescue Corporations must be directed to the System Chief of FCFRS no later than September 1 of each calendar year. The request must consist of written correspondence on corporate letterhead from the Volunteer Fire and/or Rescue Corporation's President that clearly outlines the specifics of the request (amount of requested funding, type of apparatus, etc.).

5. When a funding request for Fire and/or Rescue Capital Apparatus is made by a Volunteer Corporation at the level of up to 60% County funding, the following information must be included in the letter from the volunteer corporation:
    a. Description of requested apparatus(s) and intended use.
    b. Statement of Need for the Apparatus and commitment to ensure that the apparatus will comply with applicable County/State/Federal/National Fire Protection Association (NFPA) standards.

c. Whether the funding request is for a new apparatus or to replace an existing apparatus in the Volunteer Company's fleet.
d. Statement of intent for replaced apparatuses (e.g. to be sold; added to existing reserve fleet)
e. Payment schedule and outstanding debt related to other apparatuses and facilities owned by the Volunteer Corporation
f. Volunteer Corporation Funding Plan for apparatus acquisition
g. The Volunteer Corporation's ability to pay for the apparatus, to include down payments, cash payments and ongoing debt service or loan payments.
h. Description of and copy of pleadings for any pending legal action, civil and/or criminal investigations, or litigation against the Volunteer Corporation including any liens or encumbrances recorded against its apparatuses or property. In the event that a court of competent jurisdiction has directed that all documents pertaining to a case are sealed from public disclosure, said determination shall be reported.

6. At the up to 60% request, the System Chief, with input from the System Steering Committee and System Apparatus Committee, will review funding requests for fire and/or rescue apparatus made by Volunteer Corporations for the following reasons:
    a. Consistency with the current Board-adopted Service Plan.
    b. The need for the type of apparatus requested from an operational service and response time standard in conjunction with the Volunteer Corporation's existing apparatus inventory (if applicable) and other nearby stations and response corridors.
    c. Volunteer Corporation Funding Plan and budgeted cost estimation for the apparatus acquisition
    d. The Volunteer Corporation's ability to pay for the apparatus, to include down payments, cash payments and ongoing debt service or loan payments.
    e. Pending legal action, civil and/or criminal investigations, or litigation against the Volunteer Corporation.

7. When a funding request for Fire and/or Rescue Capital Apparatus is made by a Volunteer Corporation at the level of 100% County funding, the following information must be included in the letter from the volunteer corporation:
    a. Description of requested apparatus(s) and intended use.
    b. Statement of Need for the Apparatus
    c. Whether the funding request is for a new apparatus or to replace an existing apparatus in the Volunteer Company's fleet.
    d. Statement of intent for replaced apparatuses (e.g. to be sold; added to existing reserve fleet)

e. The Volunteer Corporation's Owned Apparatus Inventory
f. Description of and copy of pleadings for any pending legal action, civil and/or criminal investigations, or litigation against the Volunteer Corporation including any liens or encumbrances recorded against its apparatuses or property. In the event that a court of competent jurisdiction has directed that all documents pertaining to a case are sealed from public disclosure, said determination shall be reported.

8. At the 100% request, the System Chief, with input from the System Steering Committee and System Apparatus Committee, will review funding requests for fire and/or rescue apparatus made by Volunteer Corporations for the following factors:
    a. Consistency with the current Board-adopted Service Plan.
    b. The need for the type of apparatus requested from an operational service and response time standard in conjunction with the Volunteer Corporation's existing apparatus inventory (if applicable) and other nearby stations and response corridors.
    c. Pending legal action, civil and/or criminal investigations, or litigation against the Volunteer Corporation

9. Requests received by the System Chief will be evaluated and consolidated into a single actionable item and forwarded to the FCFRS System Steering Committee and, System Apparatus Committee for review. The role of the System Steering Committee and System Apparatus Committee is advisory to the System Chief in determining the priority of funding requests as well as providing recommendations for approval and/or denial of requests.

10. Requests recommended by the System Chief will be forwarded to the County Administrator for funding consideration in the County's five- year CIP. The Chief of the FCFRS will ensure that Companies engaged in the CIP process are regularly updated concerning the status of their request in the CIP process.

11. The County Administrator retains discretion to include funding requests submitted by the System Chief as part of the Proposed Fiscal Plan and CIP Budget provided to the Board of Supervisors for their consideration for appropriation in the County's annual Fiscal Plan.

12. All apparatuses purchased under this program must include graphics that identify the apparatus as a component of the FCFRS. Such graphics shall be consistent with the graphics package of the apparatus and shall, at a minimum, include the words "Frederick County".

13. In instances where the Volunteer Corporation is requesting up to 60% of the purchase price from the County in accordance with sub-section 5 of this policy:
    a. The parties will collaborate to procure the apparatus in accordance with the Virginia Public Procurement Act and associated regulations and policies.
    b. The Apparatus shall be titled and registered in the name of the Fire Company.
    c. The Volunteer Corporation agrees to enter into a *Security and Lien Agreement* with the County for the established front-line service life of the apparatus as defined in the *Security and Lien Agreement* and FCFRS policy. The County must prospectively approve the release of any Lien.
    d. The Volunteer Corporation assumes full and complete responsibility for the insurance, maintenance, fuel and repairs of the apparatus, unless otherwise agreed upon between the County and the Corporation.
    e. The contract for the purchase must be executed within 12 months of funding appropriation in the CIP. A single six-month extension may be granted by the System Chief. If the purchase is not executed within 18 months, the funding will be forfeited, and the corporation will have to re-apply for future CIP funding.

14. In those instances where the Volunteer Corporation seeks 100% funding by the County, the specifications for the apparatus and procurement process shall be controlled by the County exclusively. The apparatus shall be delivered in the color scheme and graphics package, which will include the name and lettering of the Volunteer Company, approved by the System Chief.

15. Requests for funding new types of capital apparatus not typically purchased by Frederick County must obtain the endorsement of the System Steering Committee, and System Apparatus Committee of the Frederick County Fire Rescue System and approval of the System Chief of the FCFRS in writing prior to its inclusion in any capital funding in the County's CIP.

16. This is a reimbursement program when shared funding occurs between the County and a Volunteer Corporation pursuant to this policy and the security lien agreement for the apparatus. The Volunteer Corporation must execute the security and lien agreement.

17. If the Volunteer Corporation elects for the County to procure the apparatus and for the Volunteer Corporation to reimburse the county at least 40% of the acquisition price, the County will procure the apparatus and the security and lien agreement will reflect the Volunteer Corporation's intent to proceed in this fashion as approved by the System Chief, including the schedule and terms of the reimbursement.

18. It is the intent of the County to fund this program using local tax funding. In the event the use of debt financing is required, the Volunteer Corporation shall execute all tax disclosures and other documents reasonably requested by the County's bond counsel in a timely manner in order to receive reimbursement from the proceeds of any bonds issued by the County.

19. Following purchase and placement in service, operation and maintenance of the apparatus shall be the responsibility of the Volunteer Corporation as more fully set out in the security and lien agreement.

20. At the end of its service life or for other good cause as set forth in the security and lien agreement, the County and the Volunteer Corporation may dispose of the apparatus by sale, donation, or other agreed-upon means with any proceeds of the disposition being divided between the County and the Volunteer Corporation; or may place the apparatus in reserve status. Proceeds of the sale of an apparatus shall be allocated toward purchase of a new Apparatus subject to this policy and the advice of the System Apparatus Committee and the System Steering Committee.

21. If the apparatus is placed in reserve status, the Volunteer Company shall receive credit toward the purchase of a new apparatus subject to this policy in an amount equivalent to the original contributed percentage of the agreed current sale value of the apparatus being placed in reserve status

22. Should a Volunteer Company be dissolved during the term of a security and lien agreement for the purchase of an apparatus, either by its own action or by action of the Board of Supervisors, the System Steering Committee and System Apparatus Committee shall recommend to the System Chief whether to keep in service or dispose of any apparatus procured pursuant to this policy. For apparatuses kept in service, the System Chief shall recommend to the County Administrator for his/her consideration and approval by the Board of Supervisors any equitable payment to the Volunteer Company based on its actual contributions toward the purchase of the apparatus or a proportionate share of the depreciated value of the apparatus, whichever is less. For apparatuses determined to be disposed of, the System chief shall make a corresponding recommendation regarding any sales proceeds. Any payment or proceeds described above may only be used by the dissolved Volunteer Corporation for the satisfaction of liabilities or as otherwise allowed by law.

Frederick County Fire & Rescue

10-Year Plan

January 1, 2026 – January 1, 2036

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Frederick County Fire & Rescue System

Fire and Rescue services in Frederick County were originally provided by a collection of individual volunteer fire companies. The companies were formed, often in response to a significant local incident, by concerned citizens to help protect their neighbors and communities. In addition to giving their time to volunteer, some of the individuals who helped found the first volunteer fire companies put their own homes up as collateral to finance the purchase of the initial fire apparatus and fire stations.

In August of 1990, the career Frederick County Fire & Rescue Department was established and began placing full-time paid staff in the volunteer stations. Over the next 30 years the Fire & Rescue service in Frederick County continued to grow and evolve, culminating in the official establishment of the combination career-volunteer Frederick County Fire Rescue System per Chapter 89 of the Frederick County Code under the unified command of the System Chief.

The establishment of the Fire & Rescue System continues the legacy of the selfless contributions of the volunteer companies and their members while recognizing the challenges of the modern Fire and Rescue world. Increasing call volumes and ever-evolving training needs contribute to the nationwide and local reality of decreasing volunteer participation.

The System today is served by 188 career uniformed staff members and approximately 140 volunteer operational members. While most daily incident responses are handled by career staff, the volunteer operational members maintain a critical surge capacity for the System.

The Fire & Rescue System provides wide-ranging emergency services:

- Structural and wildland firefighting
- Basic and advanced emergency medical services
- Specialized responses: hazardous materials response, swift water rescue
- Emergency management planning and hazards mitigation
- Fire prevention education, inspections, and building plans review
- Fire and hazardous materials investigations

The volunteer companies maintain a like number of non-operational “administrative” members who play a pivotal role in the funding and operation of the volunteer companies. In addition to the similar struggle with declining membership seen on the operational side, the administrative volunteers face exponential increases in the cost to acquire and maintain emergency apparatus, facilities, and equipment.

Historically, the eleven volunteer companies have utilized a combination of fundraising, grants, County, and state funding to construct and maintain fire stations, purchase and maintain apparatus, and train and equip operational volunteer members. Specific funding sources include:

- Direct fundraisers and community donations
- Private, state, and federal grants
- A portion of EMS Fee for Service reimbursements
- State Fire Program Aid to Localities (ATL) and EMS 4-For-Life funds
- Frederick County direct contributions to individual companies under a formula that has not been updated in over 15 years
- Frederick County assumption of fuel and insurance costs for frontline apparatus
- Frederick County contributions for volunteer length of service awards, training, and apparatus reimbursement, which is capped at $25,000 per vehicle

As the volunteer companies have evolved, Frederick County now owns two of the fire stations, jointly operating them with their respective volunteer companies under lease agreements. The remaining nine fire stations remain under volunteer ownership. None of the nine volunteer-owned fire stations were constructed to house 24/7 career staffing and some were not originally constructed as fire stations. Numerous additions and renovations have been made to accommodate career staffing and modern fire apparatus.

Frederick County is currently constructing its first non-volunteer fire station near the intersection of Tasker Road and Route 522 in southeast Frederick County. This fire station, Fire Station 22, will be designed to accommodate 24/7 staffing in a modern, efficient facility. Fire Station 22 is projected to open in Fall 2027. Additional information about Fire Station 22, along with other system improvements in staffing, apparatus, and facilities, are detailed in this 10-Year Plan.

Fire & Rescue Department

Headed by the System Chief, the Fire & Rescue Department is organized into 5 divisions, each led by a Deputy Fire Chief.

Administration Division

- Responsible for Human Resources, Health & Wellness, and Training

Emergency Management & Planning

- Responsible for Emergency Management, including the Emergency Management Coordinator and the Deputy Emergency Management Coordinator
- Responsible for the Frederick County Emergency Operations Center
- Responsible for system-level strategic planning

Life Safety

- Responsible for fire protection plans review, fire inspections, fire investigations, fire code permits, and fire code enforcement

Operations

- Responsible for fire, rescue, and emergency medical service operations and management
- Organized into 3 shifts (A, B, & C), each working 24 hours and led by a Battalion Chief
- Geographically structured into 3 Battalions
    - Battalion 1: Fire Stations 11, 12, 17, and 19
    - Battalion 2: Fire Stations 13, 18, and 21
    - Battalion 3: Fire Stations 14, 15, 16, and 20

Support Services

- Responsible for apparatus, facilities, and logistics functions

Fire and Rescue Association & Chiefs Work Group

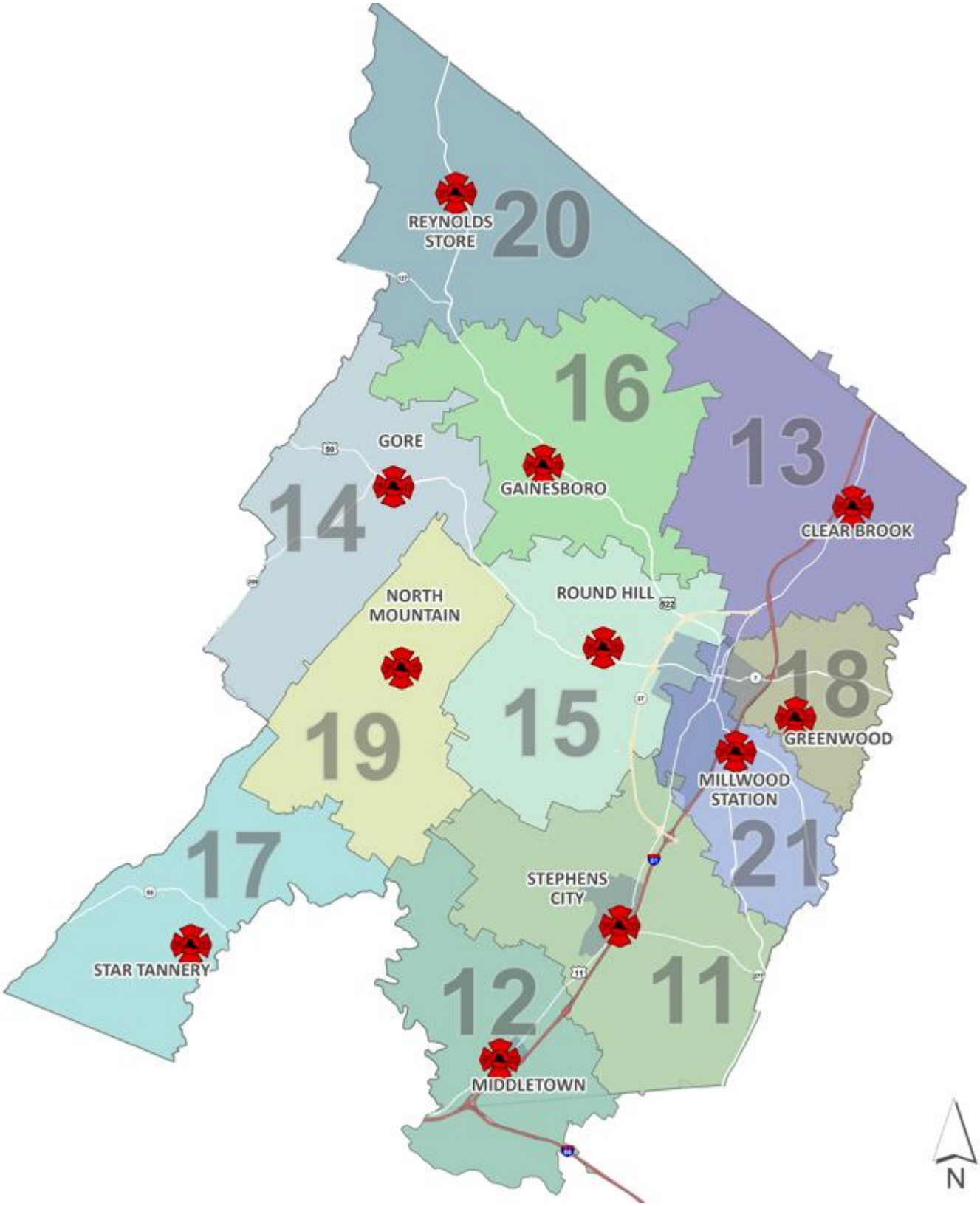
The Frederick County Fire and Rescue Association is established under Chapter 89 of the Code of Frederick County. The purpose of the Association is to provide "advice, counsel, and recommendations to the System Chief on matters pertaining to FCFRS which include but are not limited to administration guidelines, policies, procedures, fiscal matters, recruitment and retention, and objectives of the volunteer companies." The Code of Frederick County also established the Chiefs Work Group, a standing committee of the Association that serves as an operational advisory group to the System Chief. The Chiefs Work Group provides "advice, counsel, and recommendations to the Association and System Chief on matters pertaining to operational policies, equipment standardization, EMS and fire-related rescues and responses, fire prevention, and fire suppression, as well as operational objectives of the volunteer companies." The Fire and Rescue Association serves as an administrative advisory group while the Chiefs Work Group serves as an operational advisory group.

Volunteer Fire Companies

Fire Company	District Area (mile^2)	Road Miles in District	Population
FS11 Stephens City	52.2	237	31,058
FS12 Middletown[1]	36.2	81 (117[1])	4,220 (4,930[1])
FS13 Clear Brook	51.7	185	12,706
FS14 Gore	40.6	101	3,040
FS15 Round Hill	42.9	163	10,287
FS16 Gainesboro	44.8	138	7,036
FS17 Star Tannery[2]	37.0	70 (118[2])	1,323 (2,683[2])
FS18 Greenwood	17.3	106	21,997
FS19 North Mountain	38.2	124	5,837
FS20 Reynolds Store	52.6	112	2,768
FS21 Millwood Station	21.9	84	8,772

1. *Fire Station 12 Middletown has a designated first due area, providing primary fire & rescue service, in a portion of Warren County. The data in parentheses reflects the full coverage area.*
2. *Fire Station 17 Star Tannery has a designated first due area, providing primary fire & rescue service, in a portion of Shenandoah County. The data in parentheses reflects the full coverage area.*

Fire Station Response Areas



10-Year Plan Overview

The Frederick County Fire & Rescue System has developed a 10-Year Plan to explain the overall direction of the department and characterize major initiatives. The 10-Year Plan is a living document that will be updated annually as reflected by changing conditions or opportunities.

Planning Approach

The plan utilizes a system-wide approach that includes both career and volunteer considerations for three overarching initiatives:

- Staffing
- Apparatus
- Facilities

The three overarching initiatives are contingent upon adequate funding in the form of annual operating budget and capital improvement plan requests, as explained within this 10-Year Plan.

Service Level Expectations

As a combination career-volunteer department, the Fire & Rescue System has established realistic and achievable deployment standards in coordination with the Frederick County Board of Supervisors. The National Fire Protection Association's standard 1720 *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments*, which also applies to combination departments, served as the basis for the deployment standards.

- Response Distance
  - Travel time from the fire station to the incident scene
- Response Availability
  - The availability of staffed units
  - The availability of volunteers for additional personnel and/or units
  - The availability of units to handle concurrent calls in the same response district
- Effective Response Force
  - The ability to respond with an appropriate number & type of resources
  - The ability to respond with the appropriate trained & equipped resources

NFPA 1720 Performance Standards by Demand Zone

Demand Zone	Demographics	Minimum Staffing	Response Time	Goal (% of time)
Urban	>1000 people/mi^2	15	9 Minutes	90%
Suburban	500-1000 people/mi^2	10	10 Minutes	80%
Rural	<500 people/mi^2	6	14 Minutes	80%
Remote	Travel Distance >8 Miles	4	Determined by FD	90%
Special Risks	Determined by FD	Risk Based	Determined by FD	90%

Based on a 2,000sq/ft 2-story single-family home without a basement or exposures such as other nearby houses.

In the table, Response Time refers to the time elapsed between dispatch notifying crews of the emergency and the arrival of crews on the incident scene. This includes turnout time, which is the time for crews to don necessary protective gear and board their apparatus. Response Time does not include the time for dispatch to answer and process a 911 call before notifying the appropriate companies. Dispatch standards recommend that 911 calls be answered within 20 seconds 95% of the time and that 911 calls are processed in 60 seconds or less 90% of the time.

Deployment Planning

Within the past 10 years Frederick County has utilized multiple fire service consultants to analyze the department and produce data and recommendations to enhance service delivery, including data to support site selection for Fire Station 22.

- Community Risk Assessment and Standards of Cover Study January 2018
- Service Delivery and Performance Assessment September 2022
- Service Delivery Analysis September 2025

The 10-Year plan has been informed by these and other sources to guide the direction of the System forward effectively and efficiently.

System Goals

The Fire & Rescue Department is focused on 3 primary goals within the 10-Year Plan.

Staffing	Apparatus	Facilities
- Provide safe staffing for all fire stations - Provide sufficient personnel to staff concurrent calls at selected fire stations - Implement staffing policies that promote crew integrity & area familiarity	- Create apparatus standards for uniformity in purchasing and maintenance - "Right Size" the fleet to provide the appropriate types and numbers of primary and reserve apparatus - Support apparatus purchases to modernize the fleet for safety and efficiency	- Provide adequate dormitory and living space for assigned staff - Reduce or eliminate contamination & exposure in fire station living spaces - Provide sufficient space for apparatus and equipment storage

System Accomplishments

Since the joining of career and volunteer agencies in 2020, the Frederick County Fire & Rescue System has experienced significant growth that required cultural and structural innovations.

Emergency Medical Services

- Implemented in-house certification programs for Advanced Emergency Medical Technician (AEMT) and Paramedic through an education partnership with *Associates in Emergency Care*. These programs ease the burden for personnel completing ALS certification and have been successful, increasing our number of ALS providers from 8 per shift to 12 and increasing the number of stations with a minimum-staffed medic from 7 to 8.
- Added the EMS Battalion Chief position to the Operations Division, coordinating the delivery of Emergency Medical Services
- Created ALS 10, a roving surge medic chase vehicle staffed during our busiest times of day, business hours Monday through Friday
- Implemented Critical Care Paramedic training, equipment, and protocols that allow our paramedics to provide advanced intensive care bridging the gap between the incident scene and the emergency room for critically ill or injured patients.
- Licensed all frontline apparatus as Basic Life Support non-transport units, each with an assigned AED and medical aid bag
- Developed & implemented an in-house pharmacy program, with medication exchange facilities at both Sunnyside Plaza and the Public Safety Building
- Implementation of PulsePoint citizen responder program in January 2026 to provide early intervention in cardiac arrest incidents

Apparatus

- Established a County-owned reserve apparatus fleet with the purchase of reserve engines and reserve ambulances, allowing for continued service delivery when frontline apparatus are out of service for maintenance
- Implemented daily fire and rescue apparatus checks documented in the Vector Solutions Check-It program, ensuring all fire & rescue department apparatus and equipment are in good working condition and prepared to respond to emergencies
- Purchased County-owned frontline apparatus for Fire Station 22, including an engine, tanker, and two ambulances
- Purchased a County-owned frontline tanker for Fire Station 21, filling an immediate need in a response district with large areas without fire hydrants
- During scheduled replacement, converted 2 fire marshal pickup trucks into County-owned brush trucks for Fire Station 21 and Fire Station 22.

Special Operations

- Integrated trained & equipped career personnel into the existing volunteer swift water rescue team at Stephens City Volunteer Fire & Rescue
- Trained all career personnel to Swift Water Awareness level and purchased appropriate water rescue protective equipment for frontline apparatus
- Implemented the Rescue Task Force concept with training & protective equipment to provide the most up-to-date response capabilities for violent or active shooter events
- Established a Wildland Fire Team with trained personnel, a UTV, trailer, and tow vehicle
- Became the sole provider of the regional hazardous materials response team

Emergency Management

- Created full-time Emergency Management Coordinator and Deputy Emergency Management Coordinator roles, supporting emergency management planning, preparation, and disaster response throughout the County
- Implemented AlertFredCoVA, an emergency public notification system, to provide critical notifications to the public of active public safety events, severe weather threats, and other emergency information using the Everbridge emergency alerting platform

Health & Safety

- Established the Health & Safety Battalion Chief position, tasked with promoting the health of all personnel, career and volunteer, coordinating the care of injured or ill personnel to ensure their return to full duty, and investigating workplace accidents
- Implemented enhanced diagnostic health screenings of career personnel for early detection of major illnesses such as cancer and heart disease
- Installed diesel fuel exhaust direct-capture systems on all frontline fire apparatus to reduce contamination of fire department facilities from exhaust fumes
- Established a behavioral health program utilizing *Aspire365* contracting service to ensure all personnel have access to behavioral and mental health support whenever needed
- Established a fitness program for new recruits utilizing contract facilities and instructors in the absence of a fire & rescue department fitness facility
- Installed extractor washers in all fire stations to decontaminate personal protective gear

Support Services

- Upgrading the Frederick County public safety radio system with new radio towers, mobile & portable radios, and radio frequency management system in conjunction with other County agencies
- Issued a new portable radio to each career member and active operational volunteers

- Installed new mobile radios in all frontline and reserve apparatus within the system
- Implemented Mobile Data Terminal program to provide direct CAD access in all frontline fire and rescue apparatus
- Implemented FirstDue response software to provide dispatch notifications via smartphone app including direct access to pre-plans and incident data

Operations

- Increased minimum staffing to 4 personnel at five stations and 3 personnel at two stations
- This 10-Year Plan describes the continuation of the staffing plan to ensure a minimum 4-person staffing at all fire stations across the County with some stations increasing to a minimum 6-person staffing based on call volume and incident concurrency
- Implemented pre-planning of facilities and hazards at special risk locations within each station's first due area
- Implemented an officer development training program to ensure all fire officers receive up-to-date instruction in tactics, leadership, and administration frequently

Volunteers

- Implemented annual medical evaluations for all active operational volunteer personnel, ensuring their health and safety in performing firefighting or emergency medical duties
- Implemented Frederick County budget items to fund the costs of insurance for volunteer facilities, personnel, and apparatus, as well as fuel costs for frontline volunteer apparatus
- Upgraded volunteer firefighting protective equipment to include emergency escape systems, allowing firefighters to safely escape burning buildings when no ladder or other means of egress are available
- Implemented a master volunteer roster process to ensure full accountability of all personnel in the Frederick County Fire & Rescue system at all times
- Fire & Rescue Explorer Post 154 evolved from a SAFER grant-funded camp to a year-round program for teenagers to discover fire & emergency medical services

System Performance

Achieving the System Goals begins with evaluating current System Performance. The Fire & Rescue System leverages a variety of data sources to obtain a clear picture of our performance in providing fire and rescue services to Frederick County. The data is collected and analyzed for the following categories:

- Incident Response Volume
    - How many incidents do we respond to?
- Incident Concurrency
    - How many incidents occur at the same time?

- Response Times
    - How long does it take us to arrive at each incident?
- Resource Deployment
    - How well are we able to get the right people and equipment to the incident scene?

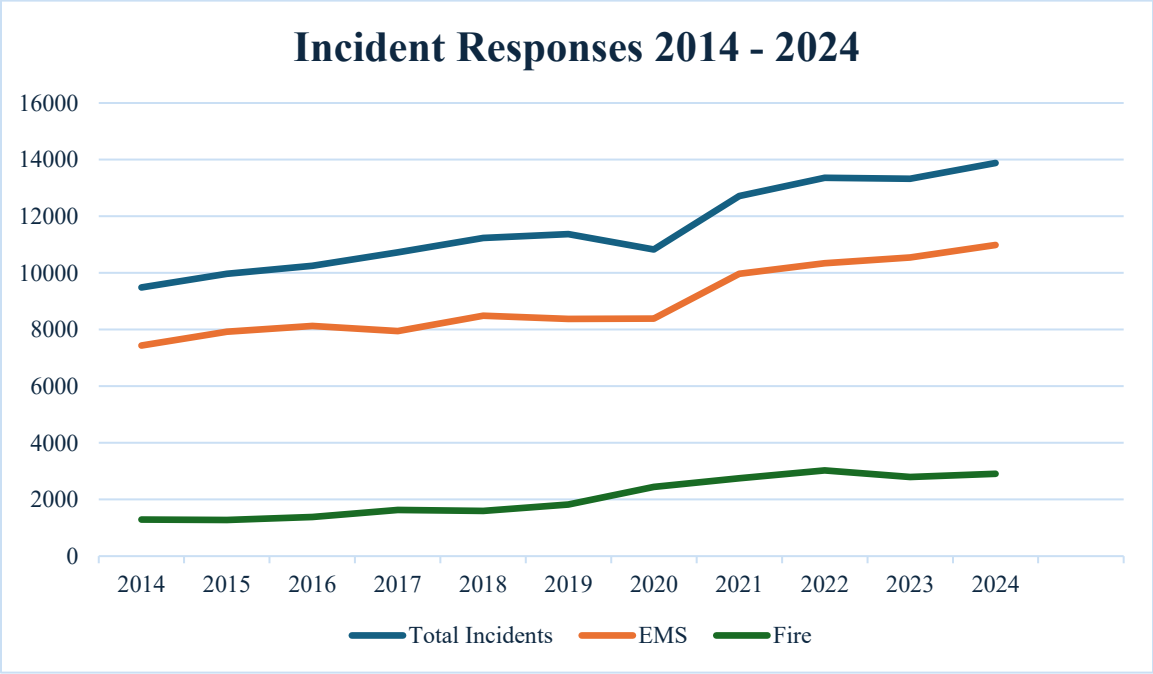
Incident Response "Call" Volume

An "incident" is a specific event and may call upon multiple units and stations due to the size and complexity of the event. The table below illustrates the increasing number of incidents within Frederick County.

Annual Incident Response Data 2014-2025

Calendar Year	Total Incidents	EMS Incidents	BLS Transports	ALS Transports	Fire Incidents	Incidents per Day
2025	14.909	11,656	4,453	4,240	3,193	41
2024	13,882	10,986	4,231	3,672	2,902	37.7
2023	13,330	10,545	4,327	3,333	2,790	36.5
2022	13,357	10,345	4,225	3,037	3,027	36.5
2021	12,717	9,973	4,052	3,183	2,744	34.8
2020	10,833	8,385	3,491	2,736	2,448	29.6
2019	11,371	8,372	3,523	2,719	1,827	31.1
2018	11,236	8,488	3,394	2,961	1,600	30.7
2017	10,726	7,944	2,958	2,884	1,634	29.3
2016	10,250	8,133	2,762	3,189	1,379	28.1
2015	9,967	7,922	2,915	3,085	1,277	27.3
2014	9,487	7,437	*	*	1,287	26.0

**Data is not available for these categories*



Company & Staffed Unit Incident Response Volume

Examining incidents by individual companies provides insight into the distribution of the incident response workload across the 11 fire stations and 2 Advanced Life Support units in Frederick County.

Annual Incident Responses by Company 2020-2025

Company/Unit	2020	2021	2022	2023	2024	2025	Incidents per Day[3]
ALS 1[1]	---	---	630	572	472	412	1.29
ALS 10[2]	---	---	155	241	294	311	1.10
FS11 Stephens City	2,709	3,136	3,234	3,257	3,471	3,654	9.50
FS12 Middletown	970	1,092	1,116	1,066	1,156	1,202	3.16
FS13 Clear Brook	1,505	1,792	1,902	1,836	1,897	2,136	5.19
FS14 Gore	407	519	559	514	510	486	1.39
FS15 Round Hill	1,736	2,118	2,304	2,138	2,232	2,427	6.11
FS16 Gainesboro	718	862	965	982	922	952	2.52
FS17 Star Tannery	245	262	289	272	280	266	0.77
FS18 Greenwood	2,475	3,015	3,247	3,204	3,158	3,477	8.65
FS19 North Mountain	507	607	666	664	657	723	1.80
FS20 Reynolds Store	370	468	514	518	472	580	1.29
FS21 Millwood Station	1,778	2,259	2,311	2,145	2,112	2,376	5.79

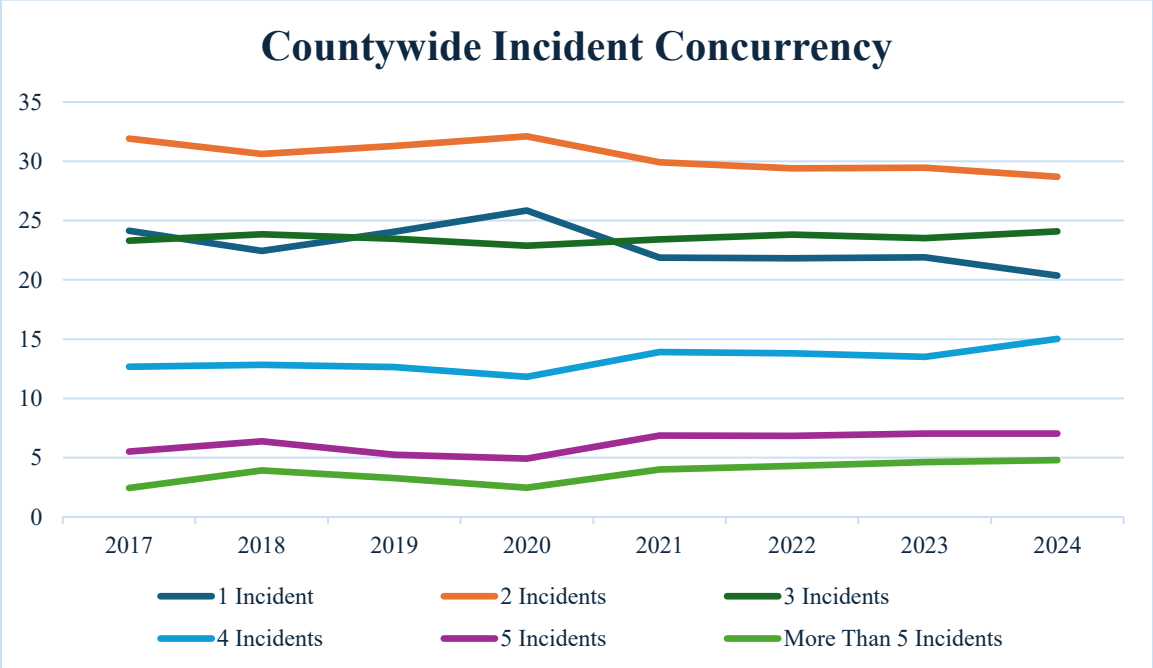
1. *3,477ALS 1 is stationed at Fire Station 16 Gainesboro and provides Advanced Life Support coverage for the western portion of the County. It is staffed by the on-duty medic at Fire Station 16.*
2. *ALS 10 is assigned to the eastern portion of the County, providing a medic to support the frequent concurrent calls in the area. It is staffed by part-time and overtime medics during business hours.*
3. *Based on 2024 Response Data*

Incident Concurrency

The term incident concurrency refers to when additional calls for service occur while the department is already responding to other incidents. As the number of concurrent incidents increases, the resources available to respond to additional calls for service may be limited and can result in extended response times to those incidents. Incident Concurrency is expressed as a percentage of time.

Incident Concurrency Countywide 2017-2024

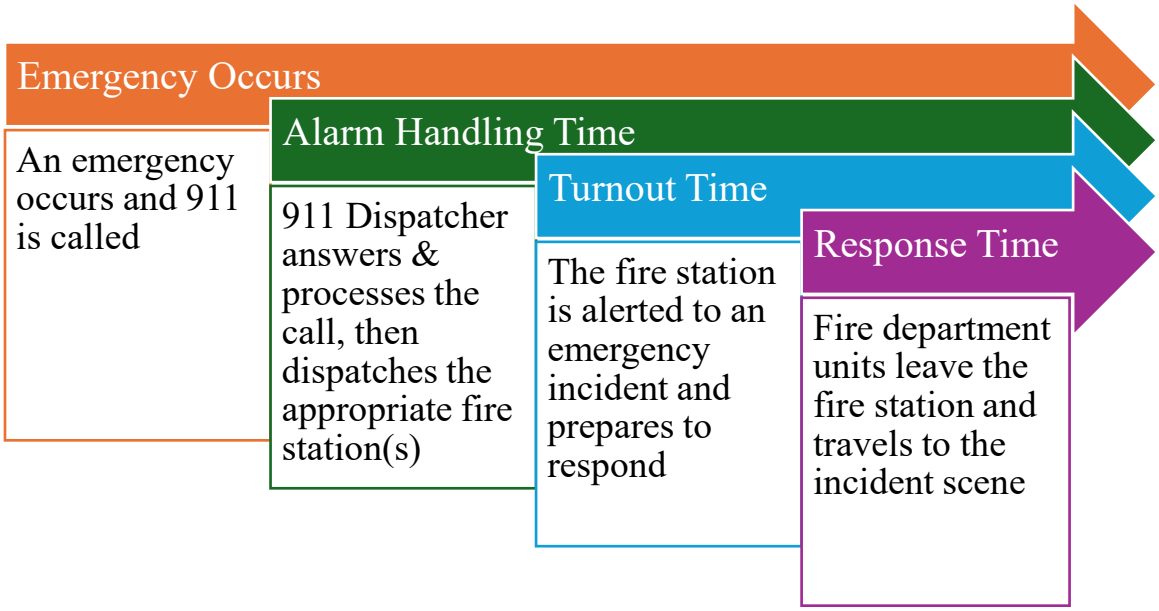
Countywide (All Fire Stations)									
Unit	**2017**	**2018**	**2019**	**2020**	**2021**	**2022**	**2023**	**2024**	**Change**
Total Incidents	10,276	11,236	11,371	10,830	12,716	13,355	13,333	13,882	+29.42%
Single Incident	24.15%	22.43%	24.07%	25.82%	21.87%	21.83%	21.89%	20.36%	-15.69%
Two Incidents	31.91%	30.62%	31.31%	32.11%	29.93%	29.41%	29.45%	28.70%	-10.06%
Three Incidents	23.31%	23.85%	23.47%	22.88%	23.42%	23.83%	23.53%	24.09%	+3.35%
Four Incidents	12.66%	12.82%	12.63%	11.82%	13.92%	13.79%	13.50%	15.02%	+18.64%
Five Incidents	5.52%	6.37%	5.25%	4.92%	6.86%	6.84%	7.03%	7.03%	+27.36%
More Than Five Incidents	2.44%	3.91%	3.28%	2.45%	4.00%	4.30%	4.61%	4.79%	+96.31%



Incident Concurrency data informs staffing decisions as the Department works to increase minimum staffing across all fire stations. Fire Station 12 Middletown and Fire Station 16 Gainesboro each were assigned an additional minimum staff position on March 1, 2025. These additional personnel were intended to address high call volumes and concurrent incidents within their assigned response districts as well as neighboring response districts.

Response Time Performance

Response time is a continuum from the time that an emergency occurs until fire & rescue units arrive on scene to take action.



Alarm Handling Time is a function of the Department of Public Safety Communications. The Fire & Rescue Department meets regularly with both the Department of Public Safety Communications and the Sheriff's Office to ensure that alarm handling functions are coordinated among all agencies. Department of Public Safety Communications personnel train frequently and utilize a variety of computer programs to perform alarm handling as efficiently as possible.

Turnout Time begins when fire & rescue personnel are notified of an incident and ends when fire & rescue units are enroute to an incident. During this time fire & rescue personnel prepare to respond by donning protective equipment, securing the fire station and/or apparatus, and determining the most efficient travel route to the incident scene. The Fire & Rescue Department established a 2-minute Turnout Time goal for all incidents.

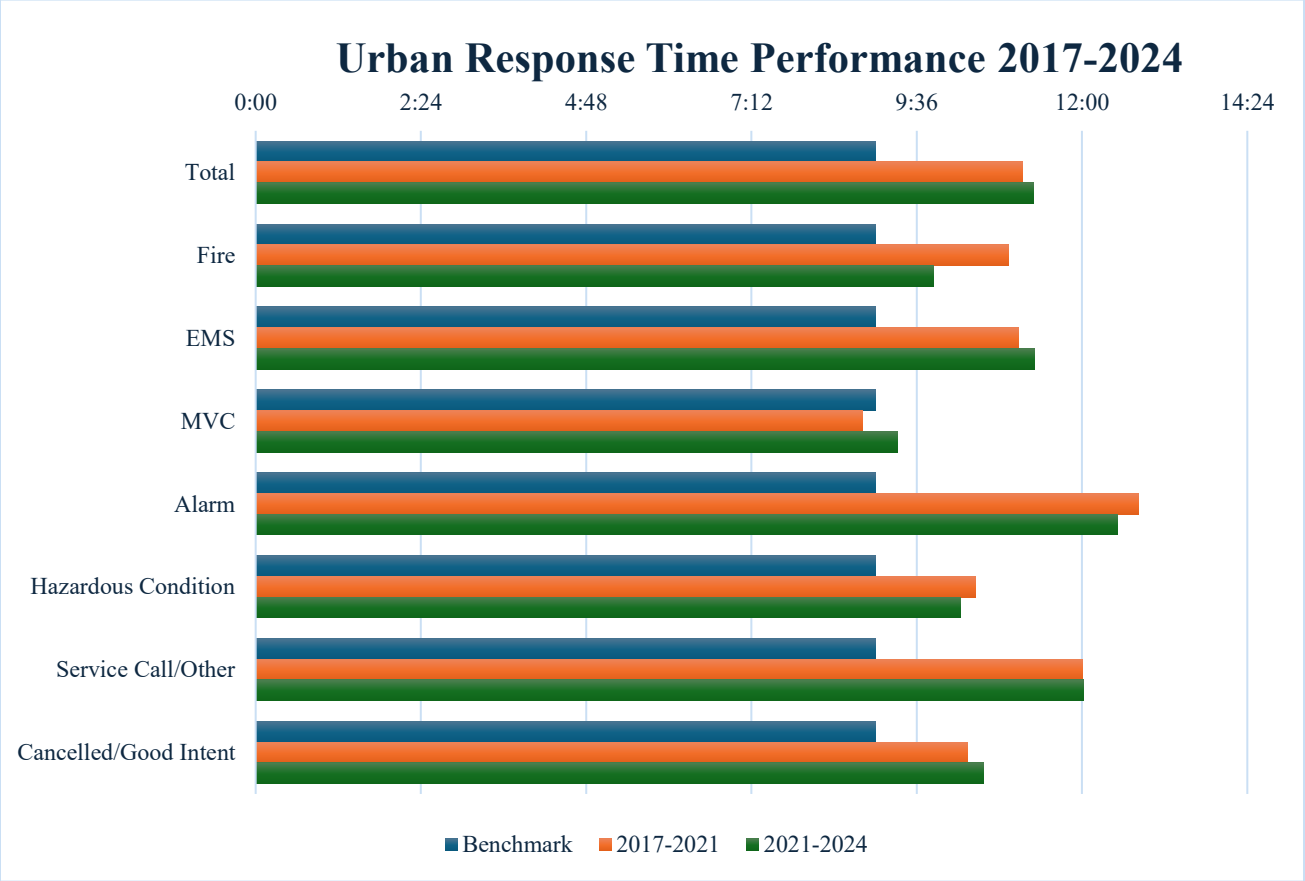
Response Time starts when fire & rescue units begin their travel to an incident scene and ends when the units arrive at the scene. Response Time includes travel along a variety of roadways from interstates to small gravel driveways, in a variety of environmental conditions including ice or snow, and through traffic conditions including rush hour or backups from accidents or construction. NFPA 1720 provides benchmark objectives for response time.

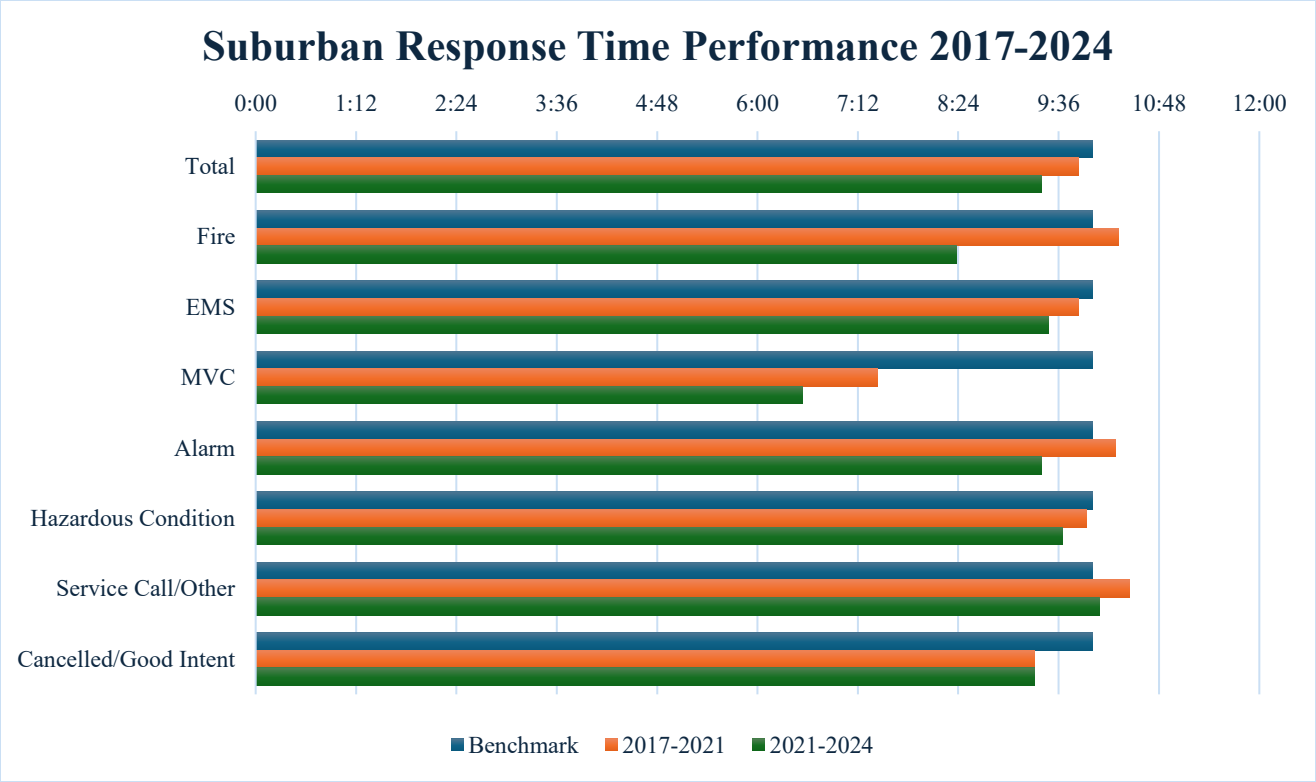
NFPA 1720 Performance Standards by Demand Zone

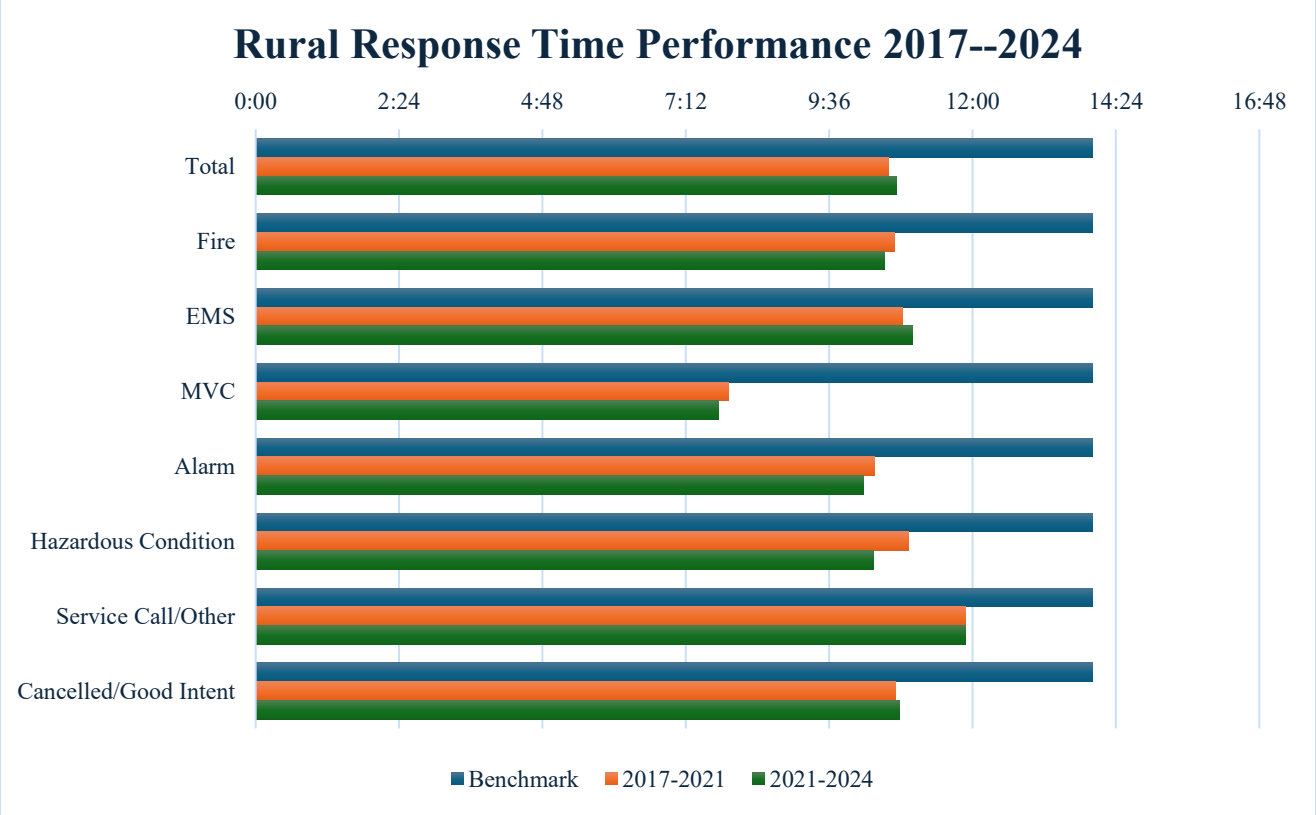
Demand Zone	Demographics	Response Time	Goal (% of time)
Urban	>1000 people/mi^2	9 Minutes	90%
Suburban	500-1000 people/mi^2	10 Minutes	80%
Rural	<500 people/mi^2	14 Minutes	80%
Remote	Travel Distance >8 Miles	Determined by FD	90%
Special Risks	Determined by FD	Determined by FD	90%

Due to the wide geographic diversity of the County, the Fire & Rescue Department has not established specific response time performance standards for Remote areas or Special Risks.

Response Time performance is illustrated in the following charts, which display response time performance in Urban, Suburban, and Rural Demand Zones.

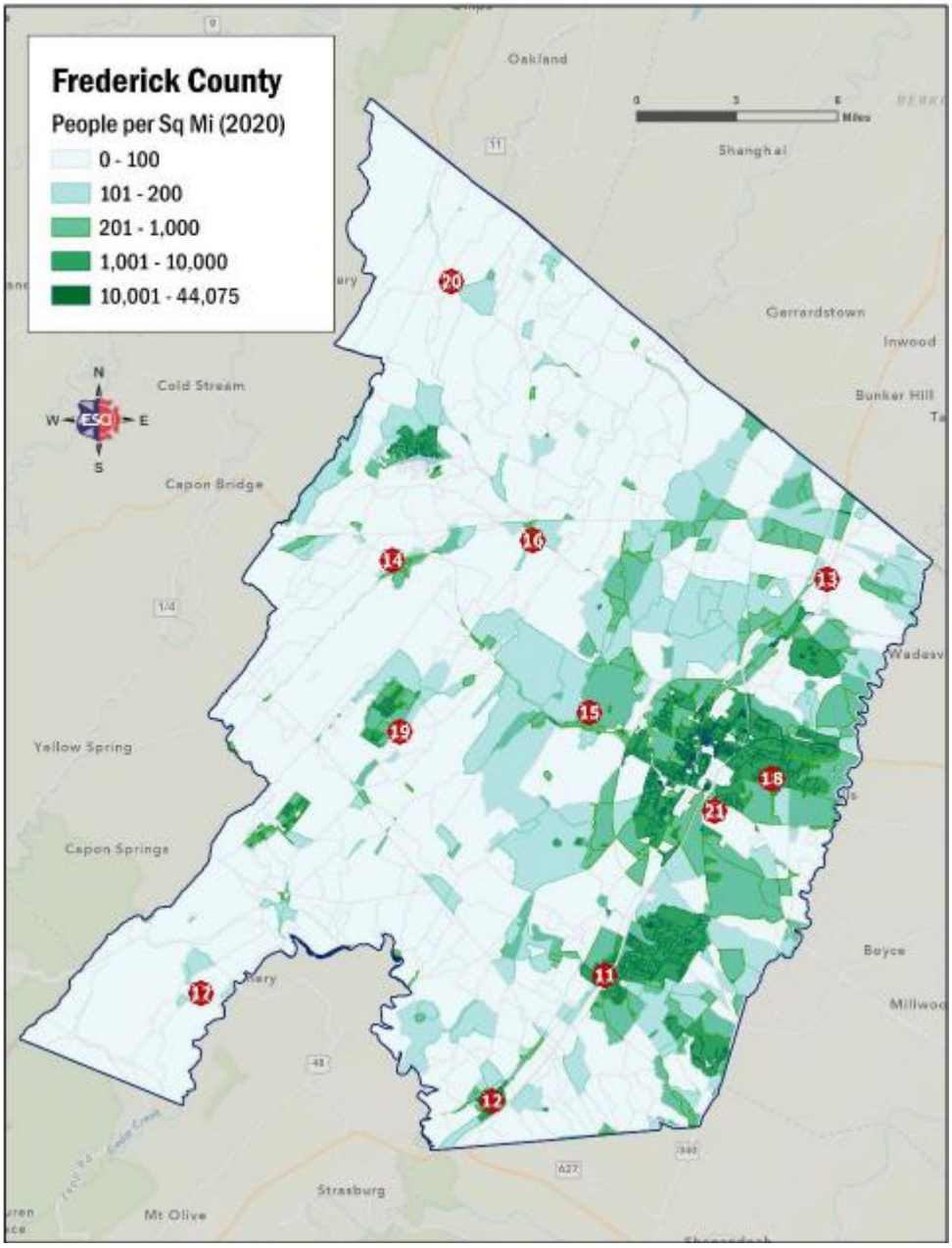



Suburban Response Time Performance 2017-2024
0:00
1:12
2:24
3:36
4:48
6:00
7:12
8:24
9:36
10:48
12:00
Total
Fire
EMS
MVC
Alarm
Hazardous Condition
Service Call/Other
Cancelled/Good Intent
Benchmark
2017-2021
2021-2024


Rural Response Time Performance 2017--2024
0:00
2:24
4:48
7:12
9:36
12:00
14:24
16:48
Total
Fire
EMS
MVC
Alarm
Hazardous Condition
Service Call/Other
Cancelled/Good Intent
Benchmark
2017-2021
2021-2024

Response Time Considerations

Despite the best efforts of our fire & rescue personnel, some response times exceed established performance goals. A review of population densities within Frederick County provides context for the longer response times. As shown in the graphic below, some portions of Frederick County have developed urban population densities despite their distance from our current fire station locations.

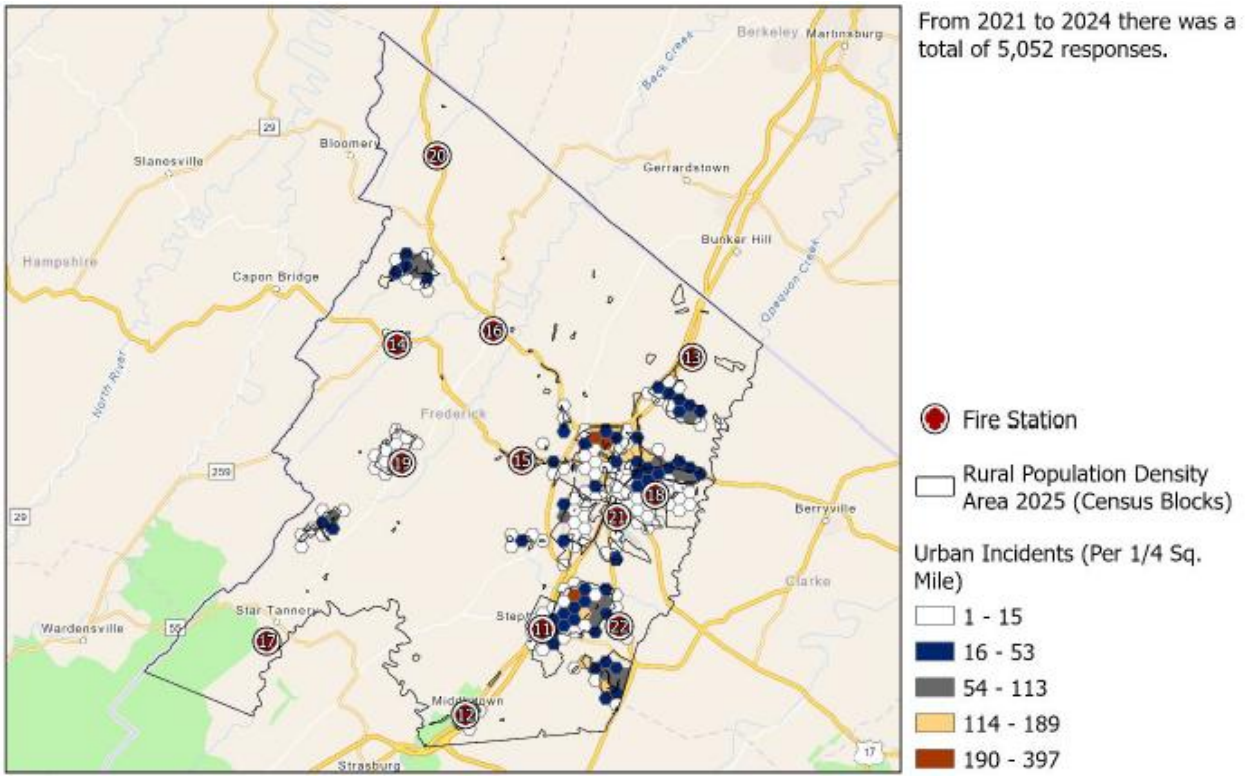


Urban Response Times Exceeding 9 Minutes

Urban areas within Frederick County include high densities of both the population and emergency incidents. While some areas are well-positioned in relation to fire stations, others are

positioned at longer distances, leading to increased response times. As shown in the following graphic, urban areas located further from a fire station sometimes experience longer than desired response times. Areas such as Lake Frederick, Lake Holiday, Mountain Falls, and Stephenson have developed into busy communities with urban populations and high incident densities. The Fire & Rescue Department anticipates addressing these areas through a multi-faceted approach, including upstaffing for incident concurrency, assessing the effect of new fire stations, and considering potential relocations of existing fire stations. Fire Station 22, being constructed near the intersection of Route 522 and Tasker Road, will address high incident densities and long response times in the Armel, Canter Estates, and Lake Frederick areas.

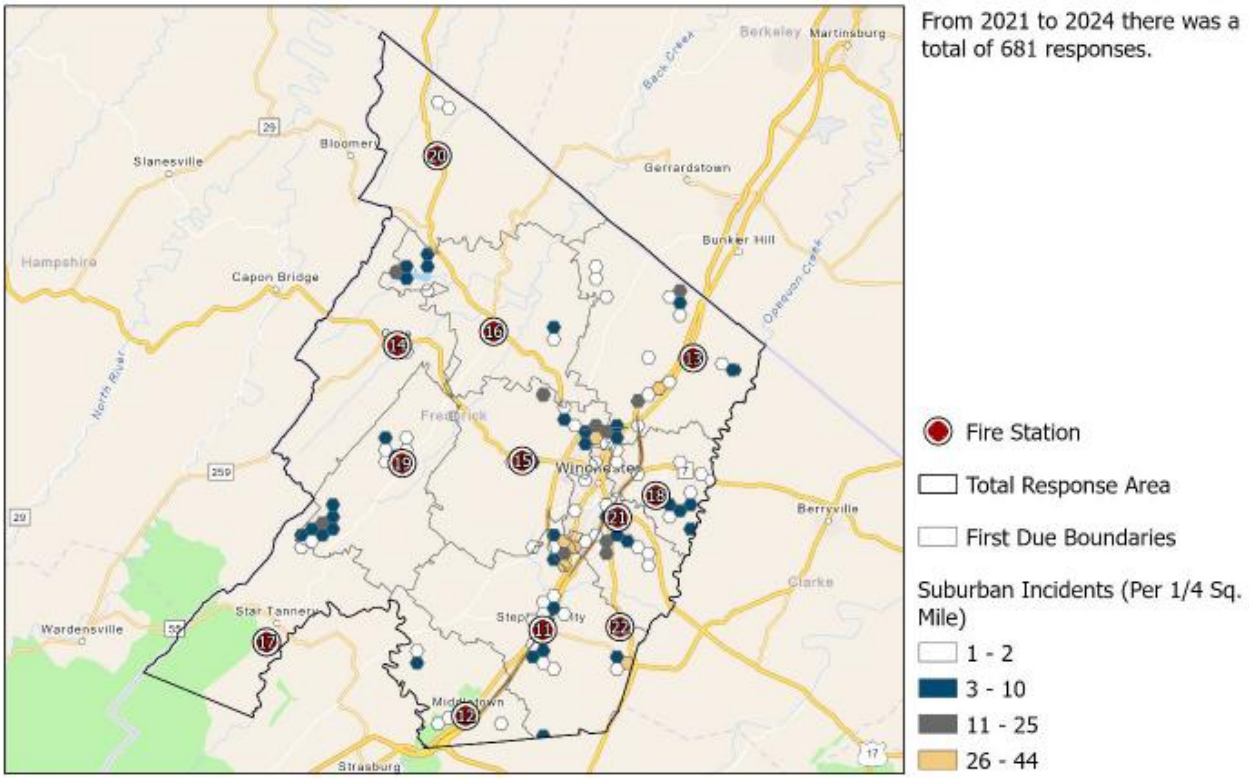
Urban Response Times Exceeding 9 Minutes 2021-2024



Suburban Response Times Exceeding 10 Minutes

Many communities with urban densities in Frederick County have surrounding suburban population densities. Other areas have grown beyond their traditional rural densities with new neighborhoods or other developments. These areas also experience higher incident densities and the resulting longer response times than those areas closer to fire stations. The Fire & Rescue Department anticipates addressing these areas through a multi-faceted approach including upstaffing for incident concurrency, assessing the effect of new fire stations, and considering potential relocations of existing fire stations.

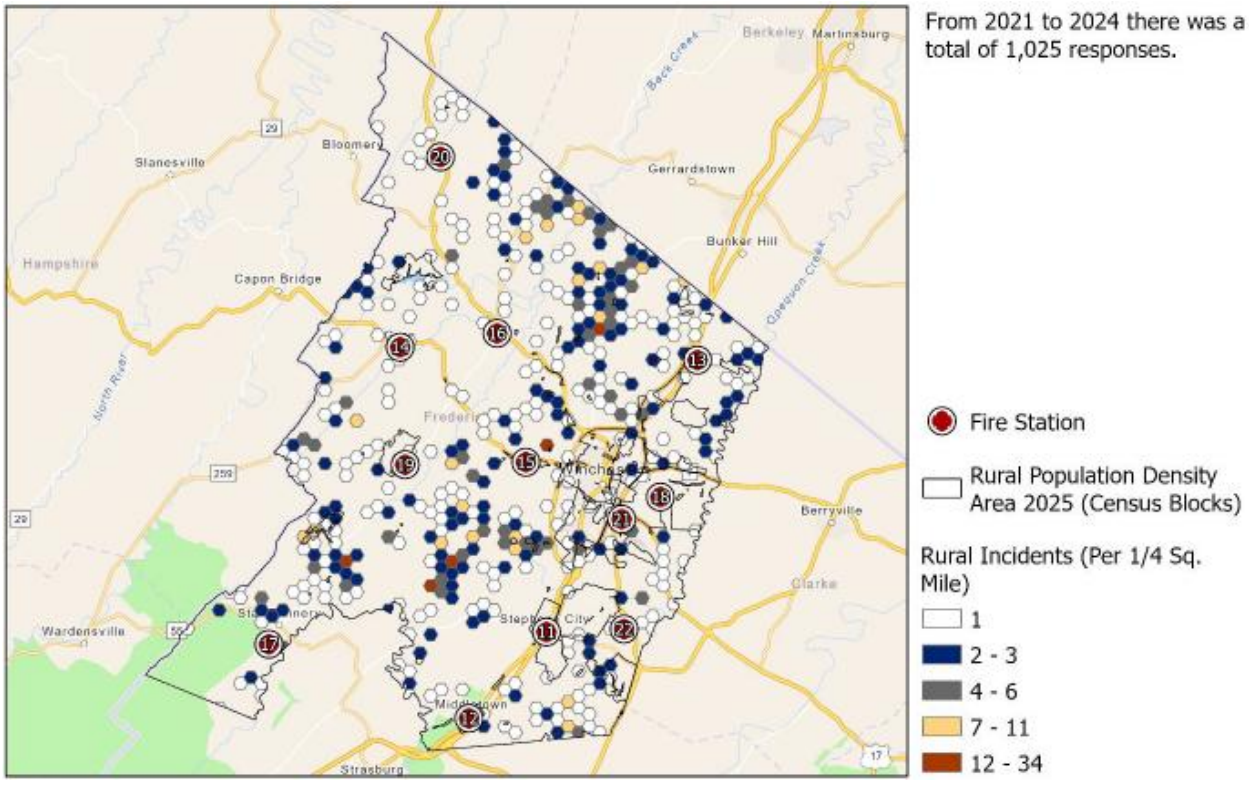
Suburban Response Times Exceeding 10 Minutes 2021-2024



Rural Response Times Exceeding 14 Minutes

Development within rural portions of Frederick County poses a challenge for the Fire & Rescue Department. While response times sometimes exceed performance goals, the overall number of incidents remains low in rural areas with significant population growth, as found along Apple Pie Ridge Road and Cedar Creek Grade. The Fire & Rescue Department anticipates addressing these areas through a multi-faceted approach including upstaffing for incident concurrency, assessing the effect of new fire stations, and considering potential relocations of existing fire stations.

Rural Response Times Exceeding 14 Minutes 2021-2024



Staffing

Staffing is provided by both career personnel and operational volunteer members. All Frederick County fire stations are staffed with a minimum of 2 career personnel 24/7. Fire stations with high call volumes are staffed with a minimum of 4 career personnel. Operational volunteer members provide extra personnel on staffed units or respond with additional units.

Frederick County Staffing by Company

Company	Current Staffing	Planned Staffing	Order of Priority
FS11 Stephens City	4	6	4
FS12 Middletown	3	4	2
FS13 Clear Brook	4	6	12
FS14 Gore	2	4	10
FS15 Round Hill	4	6	6
FS16 Gainesboro	3	4	1
FS17 Star Tannery	2	4	11
FS18 Greenwood	4	6	5
FS19 North Mountain	2	4	7
FS20 Reynolds Store	2	4	9
FS21 Millwood Station	4	6	8
FS22 Tasker Road	Hiring In Progress	4	3

**Based on Funding and Available Staff*

The Deployment Planning Process identified the need for a minimum of 4 personnel on duty in all fire stations and 6 personnel on duty in fire stations with a high call volume. This ensures that all fire stations have a minimum staffing level while busier stations have multiple crews available to handle frequent concurrent incidents. A new fire station, Fire Station 22, will be constructed near Tasker Road and Route 522 to address high call volumes and lengthy response times from existing fire stations in the southeastern portion of the County. A second new fire station, Fire Station 23, is needed in the northern I-81/Rt. 37 interchange area to address high call volumes and lengthy responses in the northeastern portion of the County.

Budgetary requests for additional career personnel are intended to meet the minimum staffing requirements established in the Deployment Planning Process. Recruitment and retention strategies will be assessed and applied to meet the requirements, while also addressing routine attrition. Recruit schools extend for 7 months as new hires are trained as firefighters and EMT's. Following recruit school graduation, personnel are assigned to a fire station for their probationary training, which requires approximately 6 months. The total firefighter pipeline from initial application to full qualification as an operational Firefighter/EMT encompasses approximately 18 months.

The Fire & Rescue Department also utilizes a lateral hiring process, primarily to address routine attrition. Lateral hires are experienced firefighters that can be immediately moved into fire station roles without requiring attendance at a full recruit school. Lateral hires greatly reduce the length and cost of the firefighter pipeline, but experienced firefighters are a source of fierce

competition, leaving the County to compete with larger Northern Virginia departments for the limited lateral hire pool.

Medics

In addition to the daily minimum staffed career personnel, the Department also maintains a daily minimum number of Advanced Life Support Providers (also known as Medics) across the County. The addition of a medic at Fire Station 19 in Spring 2025 brought the total minimum medic staffing to 8 daily. The opening of Fire Station 22 will add one additional medic, bringing the total to a minimum of 9 medics on duty.

The Department utilizes 2 ALS chase vehicles, ALS-1 and ALS-10. Assigned to Fire Station 16 Gainesboro, ALS-1 is staffed by the daily minimum staffing medic at the station and responds as needed to provide medic support for Basic Life Support providers in the western portion of the County. ALS-10 is a “peak-load” surge unit, staffed by a combination of part-time and overtime personnel during the highest call volume periods of business hours Monday through Friday. ALS-10 responds as needed to provide medic support for frequent concurrent emergency medical incidents in the busy eastern portion of the County.

Apparatus

Most of the fire & rescue apparatus in Frederick County are volunteer owned. Traditionally, each volunteer company raised its own funds and purchased apparatus that met its needs as they were able to afford to do so. This resulted in many different types and ages of apparatus throughout the County, with many over 20 years of age and some over 30 years old.

The Fire & Rescue System has implemented a plan to collaboratively manage County and volunteer-owned apparatus across the System. This includes developing minimum standards for each type of apparatus and conducting a needs assessment to ensure a right-sized apparatus fleet. A plan has been developed to guide the replacement of apparatus at appropriate common intervals.

The replacement plan is based on the National Fire Protection Association's (NFPA) standard 1900 *Standard for Aircraft Rescue and Firefighting Vehicles, Automotive Fire Apparatus, Wildland Fire Apparatus, and Automotive Ambulances* and incorporates anticipated utilization within the Frederick County system. To maximize firefighter capabilities and provide the latest safety features, NFPA 1900 recommends moving any fire apparatus more than 15 years old into a reserve status and the replacement of any fire apparatus over 25 years old. NFPA 1900 does not address replacement intervals for ambulances and brush trucks, but both are incorporated into the replacement plan based on industry best practices and anticipated Frederick County utilization.

Apparatus Replacement Intervals

Frederick County Apparatus Types	NFPA 1900 Recommendations	Frederick County Replacement Plan
Aerial & Tower Ladders	15 Years	15 Years
Ambulances	Not Addressed	10 Years
Attack Pumpers	15 Years	15 Years
Brush Trucks	Not Addressed	20 Years
Engines	15 Years	15 Years
Rescue Engines	15 Years	15 Years
Special Service Units • Rescue Squads, HazMats	15 Years	15 Years
Tankers	15 Years	15 Years

Apparatus Deployment Principles

The planning process to right-size the apparatus fleet developed deployment principles to ensure that every fire station was equipped with the necessary apparatus to effectively serve the community.

- At Every Fire Station
  - Engine
  - Ambulance
  - Brush Truck

- Stationed Strategically throughout the County
    - Rescue Engines & Rescue Squads (specialized vehicles with vehicle extrication and technical rescue equipment)
    - Water Tankers
    - Attack Engines (4x4 with pump & water)
    - Aerial Ladders & Tower Ladders
    - Ready Reserve Apparatus (engines and ambulances)

Recommended Apparatus Replacement Funding

Frederick County supports apparatus replacement for both County-owned and volunteer-owned apparatus. Apparatus replacement requests are submitted to the System Chief for review. Upon approval, apparatus replacement requests will be included in the Capital Improvement Plan recommendations submitted to the County Administrator.

Apparatus replacement requests are reviewed and approved under the following criteria:

- Consistency with the System adopted 10-Year Plan
- The need for the type of apparatus requested to support operational service delivery and response time standards in conjunction with the Company's existing apparatus inventory and other resources within the System
- The volunteer company's funding plan and budgeted cost estimate and the company's ability to pay for the apparatus, to include down payments, cash payments, and on-going debt service or loan payments.
- Consistency with the System's minimum standards for the type of apparatus

Apparatus Funding Type & Eligibility

Apparatus Type	County Funding	Company Funding	Ownership
First-Out Ambulance[1]	0%	100%	Company
First-Out Engine	60%	40%	Company
Tanker	100%	0%	County
Special Service[2, 3]	60%	40%	Company
Brush Truck/Attack	60%	40%	Company
Serv/Chief/Command	0%	100%	Company
Reserve Apparatus	100%	0%	County

1. *Volunteer companies receive revenue recovery funds and are eligible for State Rescue Squad Assistance grants to provide funding for the purchase of ambulances.*
2. *Special Service Apparatus includes Aerial Ladders, Tower Ladders, Rescue Engines, Rescue Squads, and Hazardous Materials Units and may be funded at 100% County funding, with the County then holding ownership and responsibility for maintenance and repairs.*

Recommended Apparatus Replacement Schedule

Fiscal Year	Apparatus	Vehicle Year	Full Cost	Volunteer Funding	County Funding
27	Engine 21	2007	1,200,000	480,000	720,000
	Tanker 16	1989	675,000	0	675,000
	Tanker 19	1995	675,000	0	675,000
	Tanker 14	1997	675,000	0	675,000
	Ambulance 19-1	2008	475,000	0	475,000
	Ambulance 16-2	2008	475,000	0	475,000
	Rescue Squad 21	1999	1,500,000	0	1,500,000
	Attack 19	1986	750,000	300,000	450,000
Fiscal Year Total Costs			**6,425,000**	**780,000**	**5,645,000**

Fiscal Year	Apparatus	Vehicle Year	Full Cost	Volunteer Funding	County Funding
28	Rescue Engine 20	2003	1,500,000	600,000	900,000
	Engine 15	2008	1,290,000	516,000	774,000
	Attack 16	1979	810,000	324,000	486,000
	Attack 14	1999	810,000	324,000	486,000
	Ambulance 20-2	2010	510,625	0	510,625
	Ambulance 21-2	2016	510,625	510,625	0
	Tanker 12	2013	725,625	0	725,625
	Tanker 13	2007	725,625	0	725,625
	Brush 11	1985	225,000	90,000	135,000
Fiscal Year Total Costs			**7,107,500**	**2,364,625**	**4,742,875**

Fiscal Year	Apparatus	Vehicle Year	Full Cost	Volunteer Funding	County Funding
29	Tanker 20	2010	776,250	0	776,250
	Brush 16	1970	245,000	98,000	147,000
	Ambulance 18-2	2018	548,922	548,922	0
	Brush 20	1992	245,000	98,000	147,000
	Tower 16	1982	2,700,000	1,080,000	1,620,000
	Brush 19	1985	245,000	98,000	147,000
	Ambulance 16-1	2016	548,922	548,922	0
	Ambulance 17-1	2017	548,922	548,922	0
Fiscal Year Total Costs			**5,858,016**	**3,020,766**	**2,837,250**

Fiscal Year	Apparatus	Vehicle Year	Full Cost	Volunteer Funding	County Funding
30	Ambulance 14-1	2019	590,091	590,091	0
	Ambulance 15-1	2019	590,091	590,091	0
	Ambulance 20-1	2017	590,091	590,091	0
	Tanker 17	2015	834,469	0	834,469
	Ambulance 11-2	2019	590,091	590,091	0
	Ambulance 10-1	2019	590,091	0	590,091
Fiscal Year Total Costs			**3,784,924**	**2,360,364**	**1,424,560**

Fiscal Year	Apparatus	Vehicle Year	Full Cost	Volunteer Funding	County Funding
31	Ambulance 12-1	2021	634,348	0	634,348
	Attack 12	2006	992,250	396,900	595,350
	Brush 13	2003	281,750	112,700	169,050
	Brush 14	2006	281,750	112,700	169,050
	Brush 18	1986	281,750	112,700	169,050
Fiscal Year Total Costs			**2,471,848**	**735,000**	**1,736,848**

Fiscal Year	Apparatus	Vehicle Year	Full Cost	Volunteer Funding	County Funding
32	Ambulance 18-3	2022	665,700	665,700	0
	Ambulance 13-1	2022	665,700	665,700	0
	Attack 17		1,041,862	416,745	625,117
	Engine 11	2017	1,631,850	652,740	979,110
Fiscal Year Total Costs			**4,005,112**	**2,400,885**	**1,604,227**

Fiscal Year	Apparatus	Vehicle Year	Full Cost	Volunteer Funding	County Funding
33	Quint 18	2018	2,800,000	1,120,000	1,680,000
Fiscal Year Total Costs			**2,800,000**	**1,120,000**	**1,680,000**

Fiscal Year	Apparatus	Vehicle Year	Full Cost	Volunteer Funding	County Funding
34	Ambulance 11-1	2025	731,500	731,500	0
	Ambulance 22-1	2024	731,500	0	731,500
	Ambulance 22-2	2024	731,500	0	731,500
			2,194,500	**731,500**	**1,463,000**

Fiscal Year	Apparatus	Vehicle Year	Full Cost	Volunteer Funding	County Funding
35	Brush 15	2015	310,000	124,000	186,000
	Ambulance 12-2	2025	767,500	767,500	0
	Ambulance 21-1	2025	767,500	767,500	0
Fiscal Year Total Costs			**1,845,000**	**1,659,000**	**186,000**

	Full Cost	Volunteer Funding	County Funding
10-Year Year Total Costs	**36,491,900**	**15,172,140**	**21,319,760**

Facilities

Traditionally, all Frederick County fire stations were owned and maintained by volunteer fire & rescue companies. Two fire stations (Fire Station 15 Round Hill and Fire Station 21 Millwood Station) are now County-owned but jointly operated with their respective volunteer fire & rescue companies. Fire Station 22 and proposed Fire Station 23 will be County-owned and operated.

As with apparatus, the volunteer companies purchased, maintained, and added to their facilities as needs arose and funds became available. None of the volunteer-owned facilities were designed to house living quarters and at least one facility was not constructed to be a fire station at all. Each of the existing fire stations has required extensive additions and renovations to accommodate 24/7 career firefighter staffing. This process resulted in a wide variety of building ages, sizes, and capacities.

To better understand the state of the facilities within the System, ZMM Architects & Engineers was engaged to conduct an engineering review of each fire station and provide a detailed report, including recommendations for continued operation. In addition, ZMM Architects & Engineers was provided with early concepts of the 10-year plan for staffing and apparatus to be utilized during the assessment process. The facility assessments were conducted in Fall 2023 with a draft report received in early 2024. Each volunteer fire & rescue reviewed their respective report and provided feedback, with finalized reports completed in August 2024.

The facility assessments revealed that some rehabilitation and renovation was necessary at each fire station to ensure its continued effective operation. Seven of the eleven existing fire stations were found to have inadequate capacity to house the staffing or apparatus within the 10-year plan. Two of these fire stations, Fire Station 16 Gainesboro and Fire Station 17 Star Tannery, are also in poor physical condition. As a result, the engineering assessment recommended construction of replacement stations.

Most of the other fire stations will require the construction of living quarters as well as renovation of outdated facilities. Each fire station requires standard maintenance and repair of deficiencies. ZMM Architects & Engineers produced reports of the work to be done at each fire station, both new construction and existing maintenance and repairs. Each fire station's facility needs were reviewed and prioritized based on the fire station's condition and it's anticipated staffing and apparatus within the 10-year plan. Estimated costs are displayed in the tables below; however, detailed plans and an engineering cost analysis will be required for individual projects.

Recommended Facility Construction and Renovation Projects

Fiscal Year 2027		
Facility	**Project**	**Cost**
FS12 Middletown	Replace Original Building with New Addition, Replace Roof, Renovate Kitchen	2,078,977
FS22 Tasker Road	Year 1 of New Fire Station Construction	3,750,000
FS23 Land Purchase	Location TBD near Northern Interchange of Rt. 37 & I-81	1,750,000
Total Facility Costs		**7,578,977**

Fiscal Year 2028		
Facility	**Project**	**Cost**
FS11 Stephens City	Construct Living Quarters Addition, Roof & Window Replacement, Exterior Waterproofing	1,595,292
FS17 Star Tannery	Land Acquisition, New Fire Station Design & Engineering	1,500,000
FS22 Tasker Road	Year 2 of New Fire Station Construction	3,750,000
Total Facility Costs		**6,845,292**

Fiscal Year 2029		
Facility	**Project**	**Cost**
FS16 Gainesboro	Land Acquisition, New Fire Station Design & Engineering	1,750,000
FS19 North Mountain	Construct Living Quarters Addition, Construct Apparatus Bay Addition	2,304,328
Total Facility Costs		**4,054,328**

Fiscal Year 2030		
Facility	**Project**	**Cost**
FS14 Gore	Construct Living Quarters Addition, Parking Lot Repairs	1,226,209
FS16 Gainesboro	Year 1 New Fire Station Construction	3,994,082
Total Facility Costs		**5,220,291**

Fiscal Year 2031		
Facility	**Project**	**Cost**
FS16 Gainesboro	Year 2 New Fire Station Construction	3,994,082
FS20 Reynolds Store	Construct Living Quarters Addition, Roof Replacement	1,540,496
Total Facility Costs		**5,534,578**

Fiscal Year 2032		
Facility	**Project**	**Cost**
FS15 Round Hill	Building & Grounds Rehabilitation	89,137
FS16 Gainesboro	Year 3 (Final Year) New Fire Station Construction	3,994,082
Total Facility Costs		**4,083,219**

Fiscal Year 2033		
Facility	**Project**	**Cost**
FS12 Middletown	Parking Lot Replacement, Grounds Rehabilitation	204,498
FS17 Star Tannery	Year 1 New Fire Station Construction	2,800,000
FS18 Greenwood	Building & Grounds Rehabilitation	921,242
FS19 North Mountain	Parking Lot Repair, Building & Grounds Rehabilitation	224.692
Total Facility Costs		**4,150,432**

Fiscal Year 2034		
Facility	**Project**	**Cost**
FS11 Stephens City	Parking Lot Repair, Building & Grounds Rehabilitation	181,675
FS17 Star Tannery	Year 2 New Fire Station Construction	2,800,000
FS21 Millwood Station	Parking Lot Repair, Building & Grounds Rehabilitation	435,426
Total Facility Costs		**3,417,101**

Fiscal Year 2035		
Facility	**Project**	**Cost**
FS13 Clear Brook	Parking Lot Repair, Building & Grounds Rehabilitation	400,667
FS17 Star Tannery	Year 3 (Final Year) New Fire Station Construction	2,800,000
Total Facility Costs		**3,200,667**

Fiscal Year 2036		
Facility	**Project**	**Cost**
FS20 Reynolds Store	Parking Lot Repair, Building & Grounds Rehabilitation	230,445
FS23 I-81/Rt 37 North	Year 1 New Fire Station Construction	3,200,000
Total Facility Costs		**3,430,445**
10-Year Year Total Costs		**47,515,330**

Fire Station 22

Frederick County has acquired a suitable site and begun the process of constructing a new fire station in the southeastern portion of the County. This area of the County was prioritized due to the high call volume and frequency of concurrent incidents within FS11 Stephens City's response district. Designated Fire Station 22, the new fire station site is near Tasker Road and Route 522. Fire Station 22 is tentatively projected to open in Fall 2027.

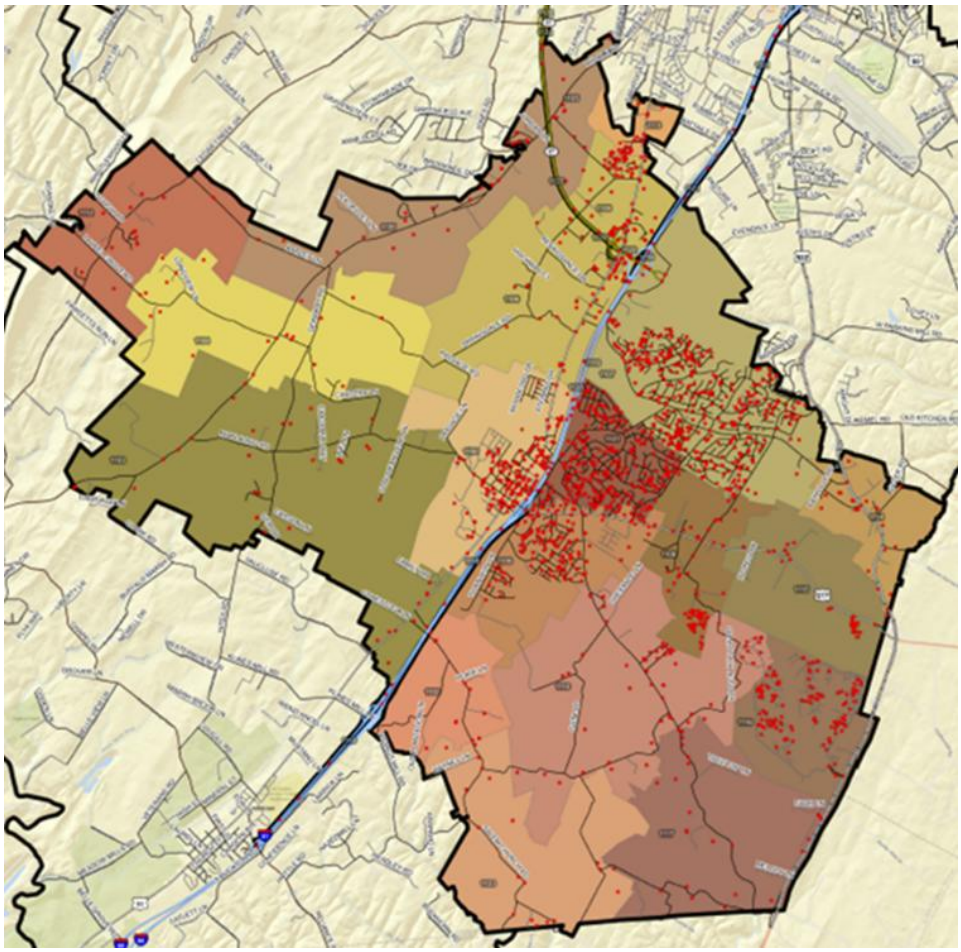
Site Selection

The Frederick County Fire & Rescue System identified several goals in selecting a site for the new station, including:

- Reduce the number of concurrent incidents primarily in FS11 Stephens City's response district and secondarily in FS21 Millwood Station's response district
- Reduce the travel distance and response time to as many incidents as possible
- Reduce the travel distance and response to as wide an area as possible

The site selection process began with an analysis of incident locations within FS11 Stephens City's response district. Incident response data revealed a large concentration of incidents occurred in the communities surrounding Tasker Road and Warrior Drive. Another high concentration of incidents occurred in the communities surrounding Fairfax Pike and Route 522. The map shown below shows the distribution of emergency incidents within FS11 Stephens City's response district.

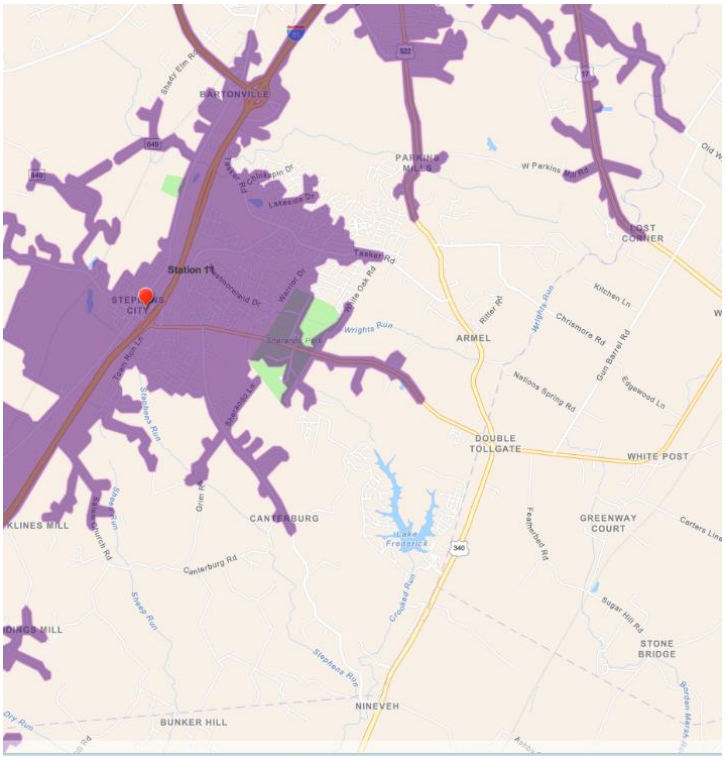
Fire Station 11 Stephens City First Due Incident Distribution 2023



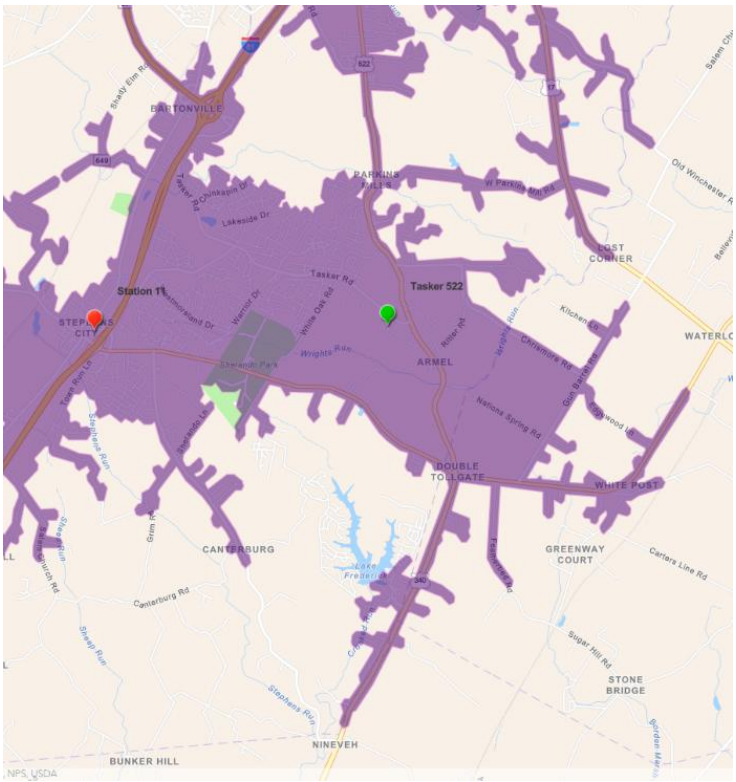
Each red circle indicates the location of one incident

The analysis revealed that the most effective location to meet the goals was near the intersection of Tasker Road and Route 522. The following maps indicate the effective coverage area of the fire station to meet the urban response time goals.

Urban Response Time Goal from the Existing Fire Station 11



Urban Response Time Goal Including the New Fire Station 22



Station Design

Fire Station 22 will have an approximate footprint of 15,000 square feet, including 3 drive-through apparatus bays. The fire station will initially house a minimum of 4 career staff (24/7 – 365) on each of 3 shifts. The living quarters will be able to accommodate up to 12 staff members to ensure adequate facilities for trainees or additional personnel as needed. The station will incorporate administrative offices, a classroom, indoor & outdoor training areas, a kitchen and dining area, individual bunk rooms, individual toilet/shower rooms, public restrooms, a physical fitness area, and equipment & supply storage.

10-Year Plan Implementation

The 10-Year Plan will be implemented through the combined actions of the Frederick County Board of Supervisors and the Frederick County Fire & Rescue Association including its Steering Committee and Chief's Workgroup. Career and volunteer personnel working together will guide the implementation of the plan, navigating challenges, and steering the course forward. Support from the Frederick County Board of Supervisors is critical, with the funding of the 10-Year Plan underpinning the entire process. While the plan looks specifically at the next 10 years, the processes and principles it enacts will set the direction of fire & rescue services in Frederick County for the next 20 to 50 years.

Finance Committee
Agenda Item Detail
Meeting Date: September 16, 2026
Agenda Section: Information Only Items

Title: The Government Finance Officers Association (GFOA) has awarded the County the Distinguished Budget Presentation Award for the 2027 fiscal year.

This is the 40th consecutive year that Frederick County has received this award.

Attachments:
GFOA Budget Award 2027.pdf

GOVERNMENT FINANCE OFFICERS ASSOCIATION

NEWS RELEASE

FOR IMMEDIATE RELEASE

8/26/2026

For more information, contact:
Technical Services Center
Phone: (312) 977-9700
Email: budgetaward@gfoa.org

(Chicago, Illinois)—Government Finance Officers Association is pleased to announce that **County of Frederick, Virginia** received GFOA's Distinguished Budget Presentation Award for its budget.

The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Budget documents must be rated "proficient" in all four categories, and in the fourteen mandatory criteria within those categories, to receive the award.

There are over 1,900 participants in the Budget Awards Program. The most recent Budget Award recipients, along with their corresponding budget documents, are posted quarterly on GFOA's website. Award recipients have pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.

Government Finance Officers Association (GFOA) advances excellence in government finance by providing best practices, professional development, resources, and practical research for more than 25,000 members and the communities they serve.

Board of Supervisors
Agenda Item Detail
Meeting Date: September 23, 2026
Agenda Section: Consent Agenda

Title: Finance Committee Item: The Parks & Recreation Director requests a $67,814 FY 2027 General Fund carry forward appropriation representing unspent FY 2026 funds for outstanding projects at Sherando Park. The Committee recommends approval.

Attachments:
Parks CF.pdf

COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678
Fax: 540/665-9687
E-mail: fcprd@fcva.us
www.fcprd.net

MEMO

To: Finance Committee
From: Stacy Herbaugh, Director
Subject: FY 26 to FY 27 Carryforward Request
Date: August 27, 2026

The Parks and Recreation Department is requesting a fiscal 2026 fund carryforward of $67,814.25 in line 4-010-071100-8900-000-00 to fiscal 2027.

This amount represents remaining FY26 appropriated funds which will be used to complete the following outstanding project extending into FY 27:

- Sherando Soccer Field #5 (new)
- Sherando Soccer Restroom/Concession Building (new)
- NW Sherando Parking Expansion

The current end of FY26 line balance is: $67,814.25.

Board of Supervisors
Agenda Item Detail
Meeting Date: September 23, 2026
Agenda Section: Consent Agenda

Title: Finance Committee Item: The Virginia Cooperative Extension Agent requests a $4,007 FY 2027 General Fund carry forward appropriation representing unspent FY 2026 agent salaries and benefits. FY 2027 personnel costs are projected to be higher than originally budgeted. The Committee recommends approval.

Attachments:
Extensions CF.pdf

Virginia Cooperative Extension
Virginia Tech • Virginia State University

VCE-Frederick County
107 N. Kent Street
Winchester, Virginia 22601
P: 540.665.5699 | **F:** 540.722.8380
mark.sutphin@vt.edu |
frederick.ext.vt.edu

MEMORANDUM

TO: Sharon Kibler, Finance Director – County of Frederick

FROM: Mark Sutphin, Extension Agent and Unit Coordinator – VCE Frederick

SUBJECT: FY26 Carryover Request

DATE: June 15, 2026; edited August 31, 2026

Virginia Cooperative Extension - Frederick County requests a carryover appropriation of $4,007.00 from FY26 Account 083010-3002-000-000 (Professional Services - Other) to FY27 Account 083010-3002-000-000 (Professional Services - Other).

Additional funding is needed in FY27 to cover Virginia Cooperative Extension agent salaries and benefits that are billed to County of Frederick by Virginia Tech as professional services. Actual personnel costs are projected to exceed the amount included in the FY27 budget request prepared in November 2025. Specifically, Virginia Tech hires made in January and February 2026 had greater levels of experience than originally anticipated, resulting in higher salary and benefit costs than originally budgeted.

6/30/26 bal $13977

Board of Supervisors
Agenda Item Detail
Meeting Date: September 23, 2026
Agenda Section: Consent Agenda

Title:

Confirmation of Granting Voting Credentials on Behalf of Frederick County to Chairman John Jewell, with Deputy County Administrator Jay Tibbs as Alternate, for the 2026 Virginia Association of Counties Annual Business Meeting

Attachments:
BOS09-09-26VACoVotingCredentials2026.pdf

COUNTY of FREDERICK

Office of the County Administrator

Tel: 540.665.6382
Fax: 540.667.0370

M E M O R A N D U M

To: Frederick County Board of Supervisors

From: Ann W. Phillips, Deputy Clerk

Date: September 18, 2026

Re: Voting Credentials for the VACo 2026 Annual Business Meeting

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The 2026 Annual Business Meeting of the Virginia Association of Counties will be held on November 10, 2026.

Article VI, VACo Bylaws, states that each county shall designate a representative of its Board of Supervisors to cast its vote(s) at the Annual Business Meeting. If no Board member will be in attendance, a non-elected official can be designated to vote.

With the understanding that Supervisor John Jewell and Deputy County Administrator Jay Tibbs will attend the meeting, and pending the Board's approval, staff will submit the attached Voting Credentials Form designating Supervisor Jewell to cast Frederick County's vote(s) at the VACo 2026 Annual Meeting. Mr. Tibbs will be designated as the Alternate Delegate.

107 North Kent Street ● Winchester, Virginia 22601

Virginia Association of Counties

VACo 2026 Annual Meeting - Tuesday, November 10, 2026

Voting Credentials Form

Please return completed form to: sklaczynski@vaco.org by Friday, October 23, 2026

County:_____

Voting Delegate:
(Supervisor) Name:_____

Title:_____

Alternate Delegate:
(Supervisor) Name:_____

Title:_____

County Verification:

Name:_____

Title:_____

Section to be competed only if Voting Delegate or Alternate Delegate for the County listed above cannot attend the Annual Meeting on November 10, 2026:

VACo 2026 Annual Meeting
Proxy Statement Form

_____ County authorizes the following person to cast its votes at the 2026 Annual Meeting of the Virginia Association of Counties on Tuesday, November 10, 2026.

_____, a non-elected official of this county.

-OR-

_____, a supervisor from _____ County.

This authorization is:

☐ Uninstructed. The proxy may use their own discretion to cast _____ County's votes on any issue to come before the annual meeting.

☐ Instructed. The proxy is limited in how they may cast _____ County's votes. The issues on which they may cast those votes and specific voting instructions are attached to this form.
(List issues and specific instructions on a separate sheet and include with this form.)

County Verification:

Name:_____

Title:_____

Board of Supervisors
Agenda Item Detail
Meeting Date: September 23, 2026
Agenda Section: Consent Agenda

Title: Appointment of CPMT Nominee Courtney Phillips as Juvenile Court Services Unit (JCSU) Representative on the Community Policy & Management Team

Attachments:
BOS09-23-26CPMT_ApptRec_Redacted.pdf

Frederick County, Virginia
Comprehensive Services Act
107 North Kent Street, 3rd Floor
Winchester, VA 22601
Office: (540) 665-5688
FAX: (540) 535-2146

August 24, 2026

Mr. Michael Bollhoefer
Frederick County Administrator
107 N. Kent Street
Winchester, Virginia 22601

Dear Mr. Bollhoefer,

As CSA Coordinator of Frederick County, I request that the nomination of Courtney Phillips to the Juvenile Court Services Unit (JCSU) Representative position on the Community Policy & Management Team (CPMT), be brought forth to the Board of Supervisors for consideration. Ms. Phillips holds the position of Director of the 26th District Juvenile Court Services unit and has been recommended by her superiors to represent the agency.

The JCSU Representative is a mandated position on the CPMT. The Code of Virginia § 2.2-5204 directs the governing body of a locality to appoint members from the following community agencies: community services board, juvenile court services unit, department of health, department of social services, and the local school division. This section also provides for the inclusion of a private provider and parent representative. Appointments are for a two-year term with members being eligible for reappointment.

The JCSU is a partner agency that provides critical services to the community by identifying youth at risk of engaging in illegal activity as an adult and intervening to prevent future offending. Among other services, the JCSU provides supervision, monitoring, and referrals for appropriate and necessary care. Ms. Phillips will be replacing Jerry Stollings, who was promoted to Regional Manager.

The CPMT appreciates your consideration to appoint Ms. Courtney Phillips to the position of JCSU Representative on the Frederick County CPMT.

Sincerely,

[redacted]

Jacquelynn Jury, MS, LPC
CSA Coordinator
Frederick County

Board of Supervisors
Agenda Item Detail
Meeting Date: September 23, 2026
Agenda Section: Consent Agenda

Title:

Resolution for Changes in the Secondary System of State Highways:

Abrams Pointe, Phases II & IV

Attachments:
BOS09-23-26RoadResAbramsPointePhasesII&IV.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: September 23, 2026

RE: Abrams Pointe, Phases II & IV

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 1653 Williamson Road	Addition	0.05 mile
Route 1653 Williamson Road	Addition	0.14 mile
Route 1653 Williamson Road	Addition	0.08 mile
Route 1692 Triangle Court	Addition	0.09 mile
Route 1692 Triangle Court	Addition	0.14 mile
Route 1693 Sundial Court	Addition	0.09 mile
Route 1694 Petry Court	Addition	0.03 mile
Route 1695 Pawn Court	Addition	0.15 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 23rd day of September, 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 Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on June 9, 1993, for comprehensive stormwater detention which applies to this request for addition; and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the streets described in the attached Form AM-4.3 to the secondary system of state highways, pursuant to 33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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 09/10/2026)

ICR ID: 43881834
SSR

VDOT

COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION

Form AM 4.3

In Frederick County

by Resolution of the governing body adopted 9/23/2026

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: **Abrams Pointe, Phases II & IV**

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 1653 - Williamson Road	New subdivision street §33.2-705	Abrams Pointe Boulevard, Route 1650	Triangle Court, Route 1692	0.05	2	Instrument No. 210016364	54
Addition	Rt. 1653 - Williamson Road	New subdivision street §33.2-705	Triangle Court, Route 1692	Pawn Court, Route 1695	0.14	2	Instrument No. 210016364	54
Addition	Rt. 1653 - Williamson Road	New subdivision street §33.2-705	Pawn Court, Route 1695	Malbec Court (private)	0.08	2	Instrument No. 210016364	54
Addition	Rt. 1692 - Triangle Court	New subdivision street §33.2-705	Williamson Road, Route 1653	Petry Court , Route 1694	0.09	2	Instrument No. 210016364	50
Addition	Rt. 1692 - Triangle Court	New subdivision street §33.2-705	Petry Court, Route 1694	Cul-de-sac/End of State Maintenance	0.14	2	Instrument No. 210016364	50
Addition	Rt. 1693 - Sundial Court	New subdivision street §33.2-705	Williamson Road, Route 1653	Cul-de-sac/End of State Maintenance	0.09	2	Instrument No. 210016364	50
Addition	Rt. 1694 - Petry Court	New subdivision street §33.2-705	Triangle Court, Route 1692	Cul-de-sac/End of State Maintenance	0.03	2	Instrument No. 210016364	50
Addition	Rt. 1695 - Pawn Court	New subdivision street §33.2-705	Williamson Road, Route 1653	Cul-de-sac/End of State Maintenance	0.15	2	Instrument No. 210016364	50

Board of Supervisors
Agenda Item Detail
Meeting Date: September 23, 2026
Agenda Section: Consent Agenda

Title:

Resolution for Changes in the Secondary System of State Highways:

The Oaks at Braddock Crossing

Attachments:
BOS09-23-26RoadResOaksAtBraddockCrossing.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: September 23, 2026

RE: The Oaks at Braddock Crossing

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 1638 Eyles Lane	Addition	0.68 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 23rd day of September, 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 Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on June 9, 1993, for comprehensive stormwater detention which applies to this request for addition; and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the streets described in the attached Form AM-4.3 to the secondary system of state highways, pursuant to 33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED, this Board guarantees the performance of the street(s) requested herein to become part of the Secondary System of State Highways for a period of one year from the date of the acceptance of the referenced street(s) by VDOT into the Secondary System of State Highways. This Board will completely reimburse all costs incurred by VDOT, up toe $28,000.00, to repair any faults in the workmanship or materials of the referenced street(s) and related drainage facilities as determined exclusively by VDOT; 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 09/16/2026)

ICR ID: 40860330
SSR

COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
Form AM 4.3

In Frederick County

by Resolution of the governing body adopted

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: **The Oaks at Braddock Crossing**

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 1638 - Eyles Lane	New subdivision street §33.2-705	Route 608, Hunting Ridge Road	ESM	0.68	2	Instrument 070017398 Page 0128	50

Board of Supervisors
Agenda Item Detail
Meeting Date: September 23, 2026
Agenda Section: County Officials

Title: Update: Transmission Line Projects

Attachments:

Board of Supervisors
Agenda Item Detail
Meeting Date: September 23, 2026
Agenda Section: Appointments to Boards, Committees, and Commissions

Title:

Winchester Regional Airport Authority

4-year term of Carley Walker expires 10-10-26

Ms. Walker is eligible and wishes to be reappointed.

Attachments:

Board of Supervisors
Agenda Item Detail
Meeting Date: September 23, 2026
Agenda Section: Committee Business - Finance Committee

Title: The Planning Director requests a $300,000 General Fund supplemental appropriation to establish a reserved fund balance available, by request, to the Conservation Easement Authority. Any spending from the reserved funds would require a separate appropriation approved by the Board of Supervisors. No additional local funds are required. Solar siting funds received in 2025 are available in the County Capital Fund to fund this request. The committee recommends approval.

Attachments:
CEA Funding.pdf

COUNTY of FREDERICK

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

MEMORANDUM

TO: Finance Committee

FROM: John A. Bishop, AICP, Planning Director

RE: **CEA Activities Funding**

DATE: **September 11, 2026**

At the August 15th Finance Committee meeting the Committee directed that Staff return with a request to move $300,000.00 in Solar Siting Agreement funds from the Capital Fund (Fund 83) to the general fund conservation investment fund.

Purposes for this funding, upon request by CEA for access to spend, would be as follows:

1. Education and outreach for Conservation Easements
2. Spending related to putting Conservation Easements in place and/or holding/coholding conservation easements and Purchase of Development Rights for conservation
3. Matching funds for a number of potential State or Federal easement programs via agencies such as, but not limited to:

Virginia Land Conservation Fund
Virginia Outdoors Foundation
Virginia Battlefield Preservation Fund
USDA Agricultural Conservation Easement Program
Land and Water Conservation Fund

Staff is seeking a recommendation to the Board of Supervisors to place the above noted $300,000 of Solar Siting Agreement funds into the General Fund-Conservation Investment Fund and will be present to answer questions as needed.

Board of Supervisors
Agenda Item Detail
Meeting Date: September 23, 2026
Agenda Section: Planning Commission Business - Public Hearings

Title:

Conditional Use Permit #04-26 for D & S Investments, LLC., (Mountain Falls Market) to Utilize an Existing Building for a General Store without Fuel Sales. The Subject Property is Located at 5387 Wardensville Grade, Winchester, Virginia and is Identified with Property Identification Number (PIN) 70-A-73 in the Back Creek Magisterial District.

Attachments:
BOS09-23-26_CUP04-26_Redacted.pdf

CONDITIONAL USE PERMIT #04-26
D & S Investments, LLC.
General Store without Fuel Sales
Staff Report for the Board of Supervisors
Prepared: September 11, 2026
Staff Contact: Amy Feltner, Planner

Executive Summary:

Meeting Schedule	
Planning Commission: September 2, 2026	Action: Recommended Approval
Board of Supervisors: September 23, 2026	Action: Public Hearing; Pending
Property Information	
Property Identification Number (PIN)	70-A-73
Address	5387 Wardensville Grade
Magisterial District	Back Creek
Acreage	+/- 2.402 acres
Zoning & Present Land Use	Zoning: RA (Rural Areas) Land Use: General Store
Adjoining Property Zoning & Present Land Use	
North: RA (Rural Areas) District	Land Use: Residential
South: RA (Rural Areas) District	Land Use: Residential
East: RA (Rural Areas) District	Land Use: Residential
West: RA (Rural Areas) District	Land Use: Residential
Proposed Use	
This is a request for a conditional use permit (CUP) for a General Store without fuel sales in the RA (Rural Areas) Zoning District.	

Review Agency Comments:

Review Agency	Comment Date	Comment Summary
Virginia Department of Transportation (VDOT)	June 15, 2026	VDOT has reviewed the CUP and has talked with the surveyor. VDOT can support the CUP, however, the existing entrance (Wardensville Grade) would need to be removed and existing culvert relocated. The new entrance must be relocated to Mountain Falls Road. The applicant will need to provide a commercial entrance plan for approval that meets all of our Commercial Entrance Checklist requirements.
Frederick-Winchester Health Department	July 15, 2026	No objection since it appears the store has an approved well proposal and sewage disposal system for the proposed business. The use of the property is limited to 16 employees working up to an 8-hour shift each day. Public bathrooms and food preparation is not an approved use for the facility.
Frederick County (FC) Inspections	June 16, 2026	Change of use permit shall be obtained for the existing structure. The structure shall meet the requirements of the VCC for Business/Mercantile use group. Handicap accessible restroom, parking and access to structure is required. Building plans shall be submitted with application. A Certificate of Occupancy shall be obtained.
FC Fire Marshal	July 01, 2026	Approved with conditions. Provide portable fire

		extinguishers. Preparing food that produces grease laden vapors/gas appliances requires an approved commercial kitchen hood with a suppression system.
FC Public Works	June 15, 2026	No comment. Disturbance over 10,000 sq. ft. will require an erosion and sediment control plan and a land disturbance permit.
GIS	June 23, 2026	The current address for the store structure is 5387 Wardensville Grade.

Planning & Zoning:

Application Proposal:

This is a request for a conditional use permit (CUP) for a "General Store" without fuel sales in the RA (Rural Areas) Zoning District on +/-2.402-acres. The proposed general store will operate inside an existing 1,860 square-foot structure. The use will consist of the retail sale of convenience goods, food items, and household necessities intended to serve the surrounding community. Exterior activities will be limited to customer access, on-site parking, and routine delivery functions. The hours of operation as proposed in the application are 6 a.m. – 9 p.m. daily. The business is requesting three (3) full-time employees. The anticipated number of customers in the application is 65 customers per day/500 customers weekly. Deliveries will consist of standard retail goods with approximately four (4) truck deliveries weekly. The use is designed to remain low-density and compatible with surrounding properties. The operation will not create undue noise, vibrations, glare, or odors. No high-impact activities are proposed.

Staff Analysis:

§165-304.02 of the Federick County Zoning Ordinance for Conditional Use Permits (CUP) states that the Planning Commission and Board shall consider the following standards when considering Conditional Use Permits:

A. The conditional use shall not tend to change the character and established pattern of development of the area of the proposed use.

- A general store is designed for as a retail business, without accessory fuel sales, not to exceed 3,500 square feet gross retail floor area, which sells groceries along with a variety of other retail goods. (§165-1105-04). The proposed use is permitted in the RA (Rural Area) District with an approved conditional use permit. The property is surrounded by other RA (Rural Area) zoned properties, which includes vacant agricultural and single-family

detached residences. The property is zoned RA (Rural Area) and if all conditions are adhered to, will not change the character and established development of the area.

B. The conditional use shall be in harmony with and shall not adversely affect the use and enjoyment of surrounding properties.

- The property is surrounded by other RA (Rural Area) zoned properties, which includes vacant agricultural and single-family detached residences. The proposed use will not adversely affect the use and enjoyment of the surrounding properties if operated under the conditions specified.

C. The conditional use shall be in accord with the policies expressed in the Comprehensive Plan of the County and with the intent of this chapter.

- The Comprehensive Plan identifies this area of the County as "rural" and is to remain agricultural in nature and is not part of any land use study.

D. The conditional use shall not adversely affect the natural character and environment of the County.

- No new structures are proposed, and if the operation is conducted inside an existing facility as proposed and in accordance with all conditions, the proposal would not adversely affect the nature and character of the environment.

E. The conditional use permit shall be approved only if adequate facilities, roads, safe access and drainage are provided.

- A site plan shall be submitted to and approved by Frederick County prior to the establishment of the use. (§165-704.07(4)).

F. The conditional use shall conform with all applicable regulations of the district in which it is located.

- The Zoning Ordinance provides additional regulations for Country General Store without fuel sales in §165-704.07. The additional regulation for specific uses is as follows:
    - The use shall adhere to the B2 Zoning District dimension standards established in Article IV, Part 406.
    - A Country General Store shall not exceed 3,500 square feet of gross retail floor area.
    - Country general stores may not include accessory fuel sales.
    - A site plan shall be submitted to and approved by Frederick County prior to the establishment of the use in accordance with Article III, Permits and Applications, of this Ordinance.
    - All new buildings require building permits reviewed and approved by the Building Official. Existing buildings should conform to the requirements under Article IX, Nonconformities, of this Ordinance.

- Any expansion of an approved country general store shall require the approval of a new CUP in accordance with Article III, Permits and Applications, of this Ordinance.

Staff would note there is *uncertainty* about whether a public restroom will be required by the Building Official. The applicant is aware that modification may be necessary to accommodate those building code requirements through the governing agencies and the building permit process.

Conditions of Approval:

Should the Planning Commission find the conditional use to be appropriate, staff would suggest the following conditions for the CUP:

1. All review agency comments and requirements shall be complied with at all times.

2. A site plan shall be submitted to and approved by Frederick County and all improvements completed prior to the establishment of the use.

3. All parking areas shall have a gravel or hard surface.

4. The hours of operation shall be from 6 a.m. to 9 p.m. daily.

5. Any expansion or change of use shall require a new Conditional Use Permit.

Planning Commission Summary & Action from the September 2, 2026 Meeting:

The Planning Commission held a public hearing at their regular scheduled meeting on September 2, 2026. The Planning Commission wanted clarification on the retail sales to ensure that the operation was not a tobacco hut. The applicant responded that it was a convenience store with bread, milk, and other household items.

The Planning Commission unanimously recommended **approval (13-0).**

Following a public hearing, staff is seeking a decision by the Board of Supervisors on this CUP application.

CUP # 04 - 26: D and S Investments, LLC

PIN: 70 - A - 73

Mountain Falls Market

Zoning Map



Application

Parcels



N

W E

S

0 55 110 220 Feet

Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651

Map Created: July 23, 2026

CUP # 04 - 26: D and S Investments, LLC

PIN: 70 - A - 73

Mountain Falls Market

Location Map



Application

Parcels



N

W E

S

0 55 110 220 Feet

Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651

Map Created: July 23, 2026

Submittal Deadline	08/07/26
P/C Meeting	09/02/26
BOS Meeting	09/23/26

APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA

1. Property Owner(s) (please attach additional page(s) if more than two owners):

   Name: D & S Investments, LLC

   Specific Contact Person if Other than Above: Scott Wolford

   Address: 2400 Valley Avenue, Suite 4, Winchester, Va 22601

   Telephone: 540 514 5698 Email: office@scottandscottconstruction.com

   Name: _____

   Specific Contact Person if Other than Above: _____

   Address: _____

   Telephone: _____ Email: _____

2. Other Interested Parties (such as a contract purchaser) (please attach additional page(s) if necessary):

   Name: _____

   Specific Contact Person if Other than Above: _____

   Address: _____

   Telephone: _____ Email: _____

3. Law firm, engineering firm, or other person, if any, serving as the primary contact person for this application:

   Firm Name: _____

   Specific Contact Person at Firm: _____

   Address: _____

Telephone: _____ Email: _____

4. The property has a road frontage of 617.29 feet and a depth of 293.18 feet and consists of 2.402 acres. (Please be exact)

5. The property is owned by D & S Investments, LLC as evidenced by deed from Ralph I. & Janet D. Lowery (previous owner) recorded in deed book no. 260003960 on page _____, as recorded in the records of the Clerk of the Circuit Court, County of Frederick.

6. Property Identification Number(s) (P.I.N.): 70 (A) 73
Magisterial District: Back Creek
Current Zoning: RA

7. Adjoining Properties:

	Zoning:	Use:
North:	Rt. 608	
South:	RA	Residential
East:	RA	Residential
West:	Rt. 606	

8. Conditional use(s) proposed: (consult with the Planning Dept. before completing):

General Store No Fuel

9. Describe, if applicable, any new buildings to-be-constructed associated with this use (attach additional documentation as necessary):

No new buildings to be constructed. See sketch plan

10. The following are all of the individuals, firms, or corporations owning property adjacent to all sides (including across street from) the property where the requested use will be conducted. These people will be notified by mail of this application:

Name and Property Identification Number	Address
Name D & S Investments, LLC	2400 Valley Avenue, Suite 4, Winchester, Va 22601
Property # 70 A 73A	
Name Josh Terrell	35 Morningside Dr., Winchester, Va 22601
Property # 70 A 72	

7/28 adjoiners updated by Staff alf

Name John Boyd, Jr. Property # 70 A 70	108 Mountain Falls Road, Winchester, Va 22602
Name Jeffery Jensen & Larry Jensen Property # 70 A 74A & Ruth Davidson	5228 Wardensville Grade, Winchester, Va 22602
Name Ralph Lowery & Janet Lowery Property # 70 A 74	5347 Wardensville Grade, Winchester, VA 22602 222 Crestwood Lane, 22602
Name Property #	
Name Property #	
Name Property #	
Name Property #	
Name Property #	

10. Please attach a sketch of the property (refer to "Application Steps").

11. Please attach a written description of the proposed use (refer to "Application Steps").

I (we), the undersigned, do hereby respectfully make application and petition the governing body of Frederick County, Virginia to allow the use described in this application. I understand that the sign issued to me when this application is submitted must be placed at the front property line at least seven (7) days prior to the first public hearing and maintained so as to be visible until after the Board of Supervisors' public hearing. Your application for a Conditional Use Permit authorizes any member of the Frederick County Planning Commission, Board of Supervisors or Planning and Development Department to inspect your property where the proposed use will be conducted.

*All owners listed on the property record shall sign the application.

Signature of Applicant [redacted]

Signature of Owner(s) [redacted]

Owners' Mailing Address 384 Mountain Falls Road Winchester VA 22602

Owners' Telephone No. 54[redacted]

*A signed Power of Attorney form is required if someone is signing on the owner(s) behalf.

Conditional Use Permit Narrative

Mountain Falls Market – General Store (No Fuel)

Nature and Operation of the Use

The applicant proposes to operate **Mountain Falls Market**, a small 1860 sq.ft. general store, within an existing building on the subject property. No expansion of the structure is proposed. No fuel sales are proposed.

The use will consist of the retail sale of convenience goods, food items, and household necessities intended to serve the surrounding community. All operations will occur within the existing building. No manufacturing, processing, or other high-intensity commercial activities are proposed.

Exterior activity will be limited to customer access, on-site parking, and routine delivery functions. An outdoor refrigeration storage area is proposed. All activities will be conducted in a manner that does not create excessive noise, traffic impacts, or visual impacts to adjacent properties.

Days and Hours of Operation

The proposed hours of operation are as follows:

- **Seven (7) days per week**
- **6:00 AM to 9:00 PM**

Employees

The business will initially be operated by approximately three (3) full-time employees. Staffing may increase to a maximum of approximately seven (7) employees, or as otherwise permitted by applicable health department regulations. Employee levels will remain consistent with a small general store.

Customer Traffic

Customer activity is expected to be moderate and consistent with a neighborhood-serving general store. Anticipated traffic is as follows:

- Approximately **65 customers per day**
- Approximately **500 customers per week**

Traffic generation is not expected to exceed that typical of a small general store and will not adversely impact adjacent roadways.

Deliveries

Deliveries will consist of standard retail goods and are expected to occur as follows:

- Approximately **four (4) truck deliveries per week**

All deliveries will occur during normal business hours and will be accommodated on-site without disruption to traffic circulation.

Additional Standards and Compliance

The proposed use will comply with all applicable provisions of §165-204 of the Frederick County Zoning Ordinance and all other applicable local, state, and federal regulations.

The use is designed to remain low-intensity and compatible with surrounding properties. The operation will not create undue noise, lighting, glare, vibration, or odors, and no high-impact activities are proposed.

30' 0' 30'
GRAPHIC SCALE

70-(A)-73
RALPH L. & JANET D. LOWERY
DB 434, PG 728
ZONED: RA
USE: AGR.
±12.61 ACRES

RT. 608 - WARDENSVILLE GRADE
40' R.O.W - DB 297, PG 325

RT. 600 - BACK MOUNTAIN RD.

DRAINFIELD

N 46°01'00" E - 245.00'

C-2
RADIUS =934.93'
LENGTH =105.80'
TANGENT =52.95'
CHORD =105.74'
BEARING =N 42°46'30" E
DELTA =6°29'01"

C-2

60' BRL

70-(A)-73
D & S INVESTMENTS, LLC
#260003960
ZONED: RA
USE: RESIDENTIAL
2.402 ACRES

50' BRL

REMAINS OF OLD FENCE OBSERVED ALONG THE BOUNDARY LINE

S 59°49'04" W - 448.34'

DISTURBED AREA
9,773 SF

DuMeter

18'

EX. GRAVEL AREAS
TO BE REMOVED.
APPLY TOPSOIL AND
SEEDING.

12'x45' Loading Space

TPED

70-(A)-72
JOSH TERRELL
#200014689
ZONED: RA
USE: RESIDENTIAL
± 2.0 ACRES

70-(A)-74A
JEFFERY JENSEN
#170011129
ZONED: RA
USE: RESIDENTIAL
± 5.0 ACRES

N 39°31'59" E
14.56'

RAMP
PR. 5' S/W
RAMP
RAMP
FREEZER

60' BRL

20'
9'

Porch=837.9'
Existing
Country Store
FF=838.0'
1,860 sf

PROPOSED
PARKING LOT

C-1
RADIUS =592.98'
LENGTH =77.14'
TANGENT =38.62'
CHORD =77.09'
BEARING =N 43°15'35" E
DELTA =7°27'13"

C-1

13.6'

24'

33.4'

INSTALL PAVEMENT

GRAVEL ROAD

RT. 606 - MOUNTAIN FALLS RD.
30' PRESCRIPTIVE EASEMENT

120 AADT's

N 37°59'00" W - 174.79'

EP
EG

RT. 600 - WARDENSVILLE GRADE
40' R.O.W - DB 246, PG 35

190 AADT's

70-(A)-70
JOHN R. BOYD, JR
#040023728
ZONED: RA
USE: RESIDENTIAL
± 3.0 ACRES

GreyWolfe, Inc.
Land Surveying and Consulting
1073 Redbud Road
Winchester, VA 22603
(540) 667-2001 OFC

THESE PLANS ARE IN CONFORMANCE WITH COUNTY OF FREDERICK STANDARDS AND CONSTRUCTION AND NO FIELD OR CHANGE IN THESE PLANS SHALL BE APPROVED BY THE ZONING ADMINISTRATOR PRIOR TO CONSTRUCTION.

DATE	REVISION
7/7/26	Rev. per Planning

SKETCH PLAN FOR
MOUNTAIN FALLS MARKET
5387 WARDENSVILLE GRADE, WINCHESTER, VA 22602
BACK CREEK MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

DATE:	JUNE 11, 202
SCALE:	1" = 3(
FILE NO.	1079-CUI
SHEET	1 OF 1

REQUEST FOR CONDITIONAL USE PERMIT (CUP) COMMENTS

Project Name: D & S Investments, LLC (Mountain Falls Market General Store)

Acreage (Disturbed Area Acreage): 2.59 Acres (9580 sq ft disturbed)

PIN(s): 70-A-73

Address (or general location):
5347 Wardensville Grade

Existing Zoning: RA (Rural Area)

Proposed Conditional Use: Country General Store without Fuel Sales

Staff Name (Email Address): alight@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☑ FC Public Works
- ☐ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): _____

Reviewer Name (Email Address): bwhitlock@fcva.us

Review Agency Comments:
**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

No comments from Public Works. Disturbance over 10,000 sq. ft. will require an erosion and sediment control plan and a land disturbance permit.

Resubmission to address comments requested? Y ☐ or N ☑

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- ☐ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☑ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): _____

Reviewer Name (Email Address): 6/16/26 John Lee. Johnathan.Lee@fcva.us

Review Agency Comments:
**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

Change of use permit shall be obtained for the existing structure. The structure shall meet the requirements of VCC for B/M use group
Handicap accessible bathroom, parking and access to structure is required. Building plans shall be submitted with application.
A certificate of Occupancy shall be obtained.

Resubmission to address comments requested? Y ☐ or N ☑

REQUEST FOR CONDITIONAL USE PERMIT (CUP) COMMENTS

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Staff Name (Email Address): alight@fcva.us

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- ☐ Frederick Water
- ☑ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☐ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): _____

Reviewer Name (Email Address): Ryan Spielman joseph.spielman@vdot.virginia.gov

Review Agency Comments:
**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

VDOT has reviewed the CUP and have talked with the Surveyor working on the plan. VDOT can support the CUP, however, the existing entrance that fronts Wardensville Grade would need to be removed and an existing culvert located. The new entrance must be relocated to Mountain Falls Road. The applicant will need to provide a commercial entrance plan for approval that meets all of our Commercial Entrance Checklist requirements.

Resubmission to address comments requested? Y ☑ or N ☐

Delete | Archive | Report | Move to | Share to Teams

'[External]'Re: VDOT meeting

SR

Spielman, Ryan (VDOT)<Joseph.Spielman@vdot.virginia.gov>

To: Amy Feltner

Tue 8/4/2026 6:57 AM

1

You replied on Tue 8/4/2026 11:45 AM View conversation

Yes, we would be comfortable with a condition of approval based on a submitted site plan that would meets VDOT requirements.

Ryan

Joseph Ryan Spielman
Land Development Engineer / Edinburg Residency
Virginia Department of Transportation
540-535-1829
joseph.spielman@vdot.virginia.gov

From: Amy Feltner <alight@fcva.us>
Sent: Monday, August 3, 2026 5:05 PM
To: Spielman, Ryan (VDOT) <joseph.spielman@vdot.virginia.gov>
Subject: VDOT meeting

I wont make the meeting tomorrow. I was wondering if you had time for a quick phone call tomorrow afternoon.
Mountain Falls Market was (or is) a sketch plan and we are planning on condition their approval on an approved site plan and an approved VDOT commercial entrance. Would that satisfy your concern?
I spoke to Gary and he stated he does not do site plan anymore so they would need to find another site engineer to make the corrections suitable for your final approval on a site plan (not the sketch plan).
Just checking. If you need them to resubmit their sketch plan, I can request that they do so.

Amy L. Feltner, CZA
Planner
Frederick County Planning and Development
107 N Kent Street, Suite 202
Winchester, Virginia 22601

REQUEST FOR CONDITIONAL USE PERMIT (CUP) COMMENTS

Project Name: D & S Investments, LLC (Mountain Falls Market General Store)

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Staff Name (Email Address): alight@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☐ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☑ Other (Specify): GIS

Reviewer Name (Email Address): Ethan Homesley ethan.homesley@fcva.us 6-23-2026

Review Agency Comments:
**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

No further road names or addresses required. The address already on the proposed store structure is 5387 Wardensville Gr.

Resubmission to address comments requested? Y ☐ or N ☑

REQUEST FOR CONDITIONAL USE PERMIT (CUP) COMMENTS

Project Name: D & S Investments, LLC (Mountain Falls Market General Store)

Acreage (Disturbed Area Acreage): 2.59 Acres (9580 sq ft disturbed)

PIN(s): 70-A-73

Address (or general location):
5347 Wardensville Grade

Existing Zoning: RA (Rural Area)

Proposed Conditional Use: Country General Store without Fuel Sales

Staff Name (Email Address): alight@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☐ FC Inspections
- ☑ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): _____

Reviewer Name (Email Address): Adam Hounshell fmo@fcva.us

Review Agency Comments:
**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

See attached

Resubmission to address comments requested? Y ☐ or N ☑

Frederick County Fire and Rescue Department

Office of the Fire Marshal
1080 Coverstone Drive
Winchester, VA 22602
Phone: 540-665-6350 Fax: 540-678-4739
fmo@fcva.us

Plan Review

Conditional Use

Status: Approved with Conditions

Business Name
Mountain Falls Market – General Store
5387 Wardensville Grade
Winchester, Virginia 22602

Owner:
Scott Wolford

Printed Date: 07/01/2026

General Information

Received Date:	06/11/2026	Occupancy Type:	Business, mercantile
Review Begin Date:	07/01/2026	Property Use:	Mercantile, business
Review End Date:	07/01/2026	Activity Number:	I066070
Hours:	1.5000	Review Cause:	Application

Activity Details

Project Name: General Store (No Fuel)

Comments:

1. Please provide portable fire extinguishers.

2. Preparing food that produces grease laden vapors or using gas appliances shall require an approved commercial kitchen hood with a suppression system.

[redacted]

Adam Hounshell
Lieutenant/Assistant Fire Marshal

REQUEST FOR CONDITIONAL USE PERMIT (CUP) COMMENTS

Project Name: D & S Investments, LLC (Mountain Falls Market General Store)

Acreage (Disturbed Area Acreage): 2.59 Acres (9580 sq ft disturbed)

PIN(s): 70-A-73

Address (or general location):
5387 Wardensville Grade

Existing Zoning: RA (Rural Area)

Proposed Conditional Use: Country General Store without Fuel Sales

Staff Name (Email Address): alight@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☑ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☐ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): _____

Reviewer Name (Email Address): kevin d yost kevin.yost@vdh.virginia.gov

Review Agency Comments:
**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

The Frederick County Health Department has no objection since it appears the store has an approved proposed well and sewgae disposal system for the proposed business. The use for the property is limited to 16 employees working up to an 8 hour shift each a day. Public bathrooms and food preparation is not an approved use for the facility.

kdy 7-15-2026

Resubmission to address comments requested? Y ☐ or N ☑

VDH VIRGINIA DEPARTMENT OF HEALTH
To protect the health and promote the well-being of all people in Virginia

Frederick/Winchester Environmental Health
107 North Kent Street
Suite 201
Winchester, VA 22601
(540) 722-3480

Private Sector Construction Permit 32.1-163.5

May 18, 2026

Onsite Sewage System Construction Permit - Va. Code §32.1-163.5

D&S Investments LLC
2400 Valley Ave #4 Winchester, VA 22601

FREDERICK COUNTY HEALTH DEPARTMENT
CLEARANCE FOR A BUILDING PERMIT
EXPIRES 11/18/2027

RE: 5387 Wardensville Grade , Winchester, VA 22602
Tax Map: 70-A-73 County: FREDERICK/069
Permit ID: 069-STS-40384 Reserve: 100% reserve area provided
System Capacity: Non-Residential, 240 gallons per day
Occupancy Limit: Employee bathroom only, 8 employees, 15 GPD per employee, 2 shifts per day (240 GPD total)

Dear D&S Investments, LLC:

This letter and the drawings, specifications, and calculations (14 pages) dated 05/02/2026 by Stephen White, AOSE, constitute your permit to install a sewage disposal system and well if applicable on the property referenced above. Your application for a permit was submitted pursuant to §32.1-163.5 of the Code of Virginia, which requires the Virginia Department of Health to accept private soil evaluations and designs from an Onsite Soil Evaluator (OSE) or Professional Engineer (PE). VDH is not required to perform a field check to verify the private evaluations of OSEs or PEs and such a field check may not have been conducted for the issuance of this permit.

The soil absorption area ("site"), sewage system design, and the well location and construction if applicable were certified by Stephen White Private OSE as substantially complying with the Board of Health's regulations. This permit is issued in reliance upon that certification. VDH hereby recognizes that the soil and site conditions acknowledged by this permit are suitable for the installation of an onsite sewage system. The attached plat shows the approved area for the sewage disposal system; there are additional records on file with the Frederick/Winchester Environmental Health pertaining to this permit, including the Site and Soil Evaluation Report. This construction permit is null and void if any substantial physical change in the soil or site conditions occurs where a sewage disposal system is to be located.

If modifications or revisions are necessary between now and when you construct your dwelling, please contact the OSE/PE who performed the evaluation and design on which this permit is based. Should revisions be necessary during construction, your contractor should consult with the OSE/PE that submitted the site evaluation or site evaluation and design. The OSE/PE is authorized to make minor adjustments in the location or design of the system at the time of construction provided adequate documentation is provided to the Frederick/Winchester Environmental Health. The OSE/PE that submitted the certified design for this permit is required to conduct a final inspection of this sewage system when it is installed and to submit an inspection report and completion statement. As the owner, you are responsible for giving reasonable notice to the OSE/PE of the need for a final inspection. No part of this installation shall be covered until it has been inspected by the OSE/PE as noted herein. The sewage system may not be placed into operation until you have obtained an Operation Permit from the Frederick/Winchester Environmental Health.

This Construction Permit is null and void if conditions are changed from those shown on your application or if conditions are changed from those shown on the Site and Soil Evaluation Report and the attached construction drawings, specifications, and calculations. VDH may revoke or modify any permit if, at a later date, it finds that the site and soil conditions and/or design do not substantially comply with the Sewage Handling and Disposal Regulations, 12 VAC 5-610-20 et seq., or if the system would threaten public health or the environment.

This permit approval has been issued in accordance with applicable regulations based on the information and materials provided at the time of application. There may be other local, state, or federal laws or regulations that apply to the proposed construction of this onsite sewage system. The owner is responsible at all times for complying with all applicable local, state, and federal laws and regulations. This construction permit is transferrable until expired or deemed null and void. A permit transfer form may be found on the VDH website at http://www.vdh.virginia.gov/environmental-health/gmp-2015-01-forms/ .

If you have any questions, please contact me. 540-771-3044

This permit expires: 11/18/2027.

Sincerely,

[redacted]

Chris Zurinski, EHS3

CC: Stephen White Private OSE

Well and Sewage Contractors: Please notify Health Department and OSE or PE 48 hours prior to installation to arrange for inspection.

WHAT YOU WILL NEED TO GET YOUR SEPTIC SYSTEM OPERATION PERMIT

Your system must have a satisfactory inspection at the time of installation. This will be done by either a private OSE or a PE, depending on the designer of your permitted system. Your OSE or PE must submit a copy of the inspection results, complete with an as-built diagram, to the Health Department.

Please ensure that your contractor turns in a Completion Statement to the local Health Department after installation.

If your permit is for an alternative system, you must sign, have notarized, and record the attached Notice of Recordation in your locality's land records. Please bring proof of this recordation to the local Health Department

If you have a conditional permit then you must sign, have notarized, and record the permit in your locality's land records. Please bring proof of this recordation to the Health Department.

IF YOUR PERMIT IS FOR BOTH A SEPTIC SYSTEM AND WELL
YOU WILL ALSO NEED

Your well must have satisfactory inspection results after installation. Please give the Health Department several days notice to schedule this inspection before your Operation Permit will be requested.

The Health Department must receive a copy of your water sample test result being negative/satisfactory for coliform bacteria. You are responsible for performing this test and ensuring the results are received at the Health Department

Please ensure that your Well Driller submits a Uniform Water Well Completion Statement or GW-2 to the Health Department, including documentation of a proper well abandonment if required by permit

Allow 5 business days after the last piece of documentation is received for the Operation Permit to be issued. To avoid delays, clearly label each piece of documentation with the property Tax Map/GPIN number and HDID number shown above and on your construction permit. Please note that due to the individual circumstances of your permit there may be additional required items not covered by this checklist.

If you have any questions about any of the items on this list, please do not hesitate to contact the Frederick/Winchester Environmental Health.

VDH VIRGINIA DEPARTMENT OF HEALTH
To protect the health and promote the well-being of all people in Virginia

Frederick/Winchester Environmental Health
107 North Kent Street
Suite 201
Winchester, VA 22601
(540) 722-3480

Private Well Construction Permit

May 18, 2026

Private Well Construction Permit

Owner Name: D&S Investments LLC
Mailing Address: 2400 Valley Ave #4, Winchester, VA 22601
Property Address: 5387 Wardensville Grade Winchester, VA 22602
Tax Map #: 70-A-73

Well Permit ID: 069-WW-20863
HDID #: 069-26-0222

The drawings and specifications dated 5/2/2026 by Stephen White, AOSE, constitute your permit to install a private well on the property referenced above. This permit is null and void if conditions are changed from those shown on your application or if conditions are changed from those shown on the attached construction drawings and specifications. VDH may revoke or modify any permit if, at a later date, it finds that the site conditions, well location, and/or design do not substantially comply with the Private Well Regulations, 12 VAC 5-630-10 et seq, or if the well would threaten public health or the environment. There may be other local, state, or federal laws or regulations that apply to the proposed construction of this private well. The landowner is responsible at all times for complying with all applicable local, state, and federal laws and regulations, and for ensuring that the water well is properly located on the landowner's property and in the approved area indicated on the attached schematic.

Your private well must be inspected by a representative of the local health department. Your private well may not be placed into operation until you have obtained a Record of this Inspection (ROI) from the Frederick/Winchester Environmental Health.

Before you can obtain your ROI, you must provide the Health Department with a Uniform Water Well Completion Report /GW-2 from your well driller and a record of a satisfactory bacteriological sample result.

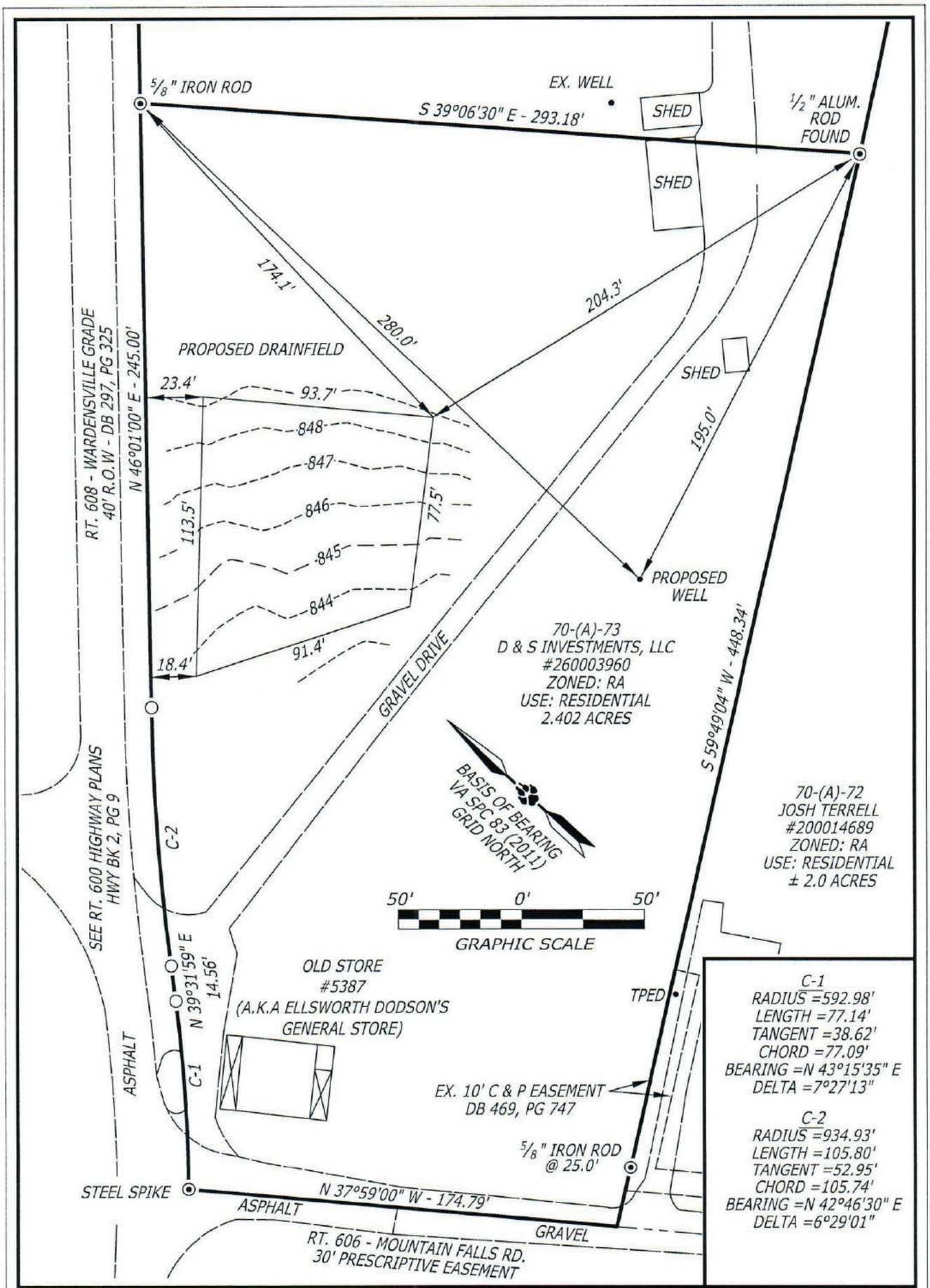
Well Class: IIIB
Well Purpose: Drinking/Domestic Use
Minimum Casing Depth: 50 '
Minimum Grout Depth: 50 '

THIS PERMIT EXPIRES: 11/18/2027

Issued by:

[redacted] Date:_____
Chris Zurinski, EHSS

cc: Stephen White, AOSE



COMMONWEALTH OF VIRGINIA
[redacted]
GARY R. OATES
No. 1518-B
4-27-26
LAND SURVEYOR

FINAL PLAT OF A PROPOSED DRAINFIELD LOCATION SURVEY

D & S INVESTMENTS, LLC

TAX MAP 70-(A)-73
BACK CREEK MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

GreyWolfe, Inc.
Land Surveying and Consulting

1073 Redbud Road
Winchester, VA 22603
GreyWolfeInc@aol.com
540-667-2001 OFC
540-545-4001 FAX

FILE NO: 1079	DATE: APRIL 27, 2026	SCALE: 1" = 50'	SHEET 1 OF 1

260003960

Prepared by:
Michael E. Briel, VSB# 28003
Briel PC Attorneys
440 W. Jubal Early Drive, Suite 200
Winchester, VA 22601
File Number: WR26-03-1088

After Recording Return To:
Briel PC Attorneys
440 West Jubal Early Drive
Suite 200
Winchester, VA 22601

Consideration: $100,000.00
Assessed Value: $132,788.00
Parcel ID: 70-A-73
Insured By: Old Republic National Title Insurance Company
Grantee Address:
2400 Valley Avenue, Suite 4, Winchester, VA 22601

WARRANTY DEED

This Deed, made this 21st day of April, 2026, by and between **Ralph L. Lowery and Janet D. Lowery, a married couple**, GRANTORS, and **D & S Investments LLC, a Virginia Limited Liability Company**, GRANTEE;

WITNESSETH: THAT, for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the GRANTORS do hereby grant, bargain, sell and convey, in fee simple and with General Warranty and English Covenants of Title, unto the GRANTEE, all that certain lot or parcel of land together with the improvements thereon and all appurtenances thereunto belonging, more particularly described as follows:

> All that certain tract or parcel of land, lying and being situate in Back Creek Magisterial District, Frederick County, Virginia, 2.402 acres, more or less, as shown on a plat of survey made by Gary R. Oates, L.S., dated March 18, 2026, attached hereto and made a part hereof.
>
> For Informational Purposes Only:
> Property Address: 5387 Wardensville Grade, Winchester, VA 22602
> Tax Map ID: 70-A-73

AND BEING the same property conveyed to the Grantors herein by Deed dated November 2, 1981, and recorded on November 9, 1981, in the aforesaid Clerk's Office in Deed Book 542, Page 444.

This conveyance is made subject to covenants, conditions, restrictions, easements and rights of way of record.

The GRANTORS covenant that said GRANTORS have the right to convey the aforesaid property; that the GRANTORS have done no act to encumber said property; and that the GRANTORS will execute such further assurances as may be requisite.

WITNESS the following signatures and seals:

[redacted]
Ralph L. Lowery

[redacted]
Janet D. Lowery

COMMONWEALTH OF VIRGINIA
CITY OF WINCHESTER

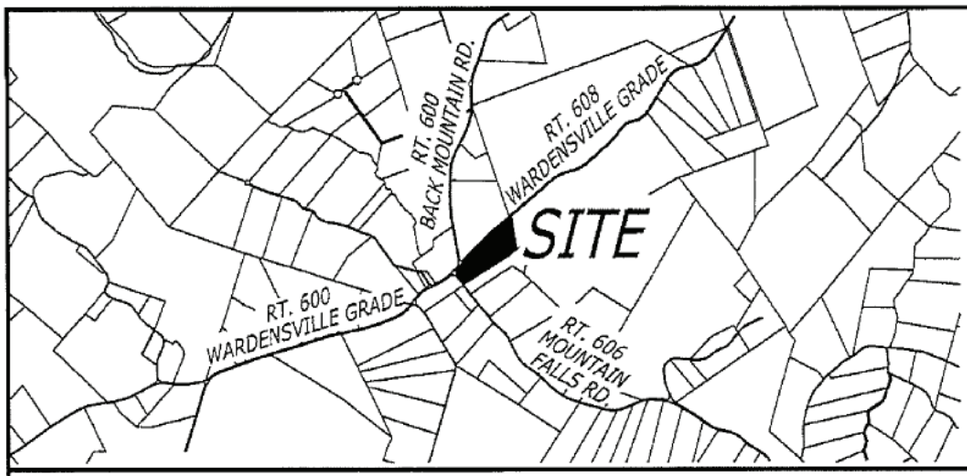
The foregoing instrument was acknowledged before me this 22nd day of April, 2026 by Ralph L. Lowery and Janet D. Lowery.

[redacted]
Notary Public's signature

Hannah Elizabeth Redick
Commonwealth of Virginia
Notary Public
Commission No. 00396806
My Commission Expires 10/31/2029

Notary registration number: 00396806

My commission expires: 10/31/29



1" = 2000'
VICINITY MAP

FINAL PLAT OF A BOUNDARY SURVEY OF THE LANDS OF

RALPH L. & JANET D. LOWERY

TAX MAP 70-(A)-73 & TAX MAP 70-(A)-73A
BACK CREEK MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA
MARCH 18, 2026

NOTES

1. A FIELD SURVEY WAS PERFORMED BY GREYWOLFE, INC. IN MARCH 2026.
2. A TITLE REPORT HAS NOT BEEN FURNISHED; THEREFORE, OTHER EASEMENTS OR ENCUMBRANCES MAY EXIST THAT ARE NOT SHOWN ON THIS PLAT.
3. THERE WAS NO READILY APPARENT EVIDENCE OF A CEMETERY WITHIN CLOSE PROXIMITY TO THE BOUNDARY LINES.
4. THESE PARCELS ARE LOCATED ON FLOOD INSURANCE RATE MAPS No. 51079C0300E IN FLOOD ZONE 'X' AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, DATED JANUARY 29, 2021.

ABBREVIATIONS

DB = DEED BOOK
IRF = IRON ROD FOUND
PG = PAGE
R.O.W = RIGHT OF WAY
TPED = TELEPHONE PEDESTAL

LEGEND

⊙ = PROPERTY CORNER FOUND
○ = REFERENCE POINT
◔ = 5/8"X24" IRON ROD SET

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THE PARCELS CONTAINED IN THIS BOUNDARY SURVEY ARE THE LANDS CONVEYED TO RALPH L. LOWERY AND JANET D. LOWERY, FROM EDNA D. DODSON, JANET D. LOWERY, RALPH L. LOWERY, LOU ANN PUGH, AND HARRY D. PUGH, BY DEED DATED NOVEMBER 9, 1981, IN DEED BOOK 542 AT PAGE 444; AND FROM JANET DODSON LOWERY AND RALPH L. LOWERY, BY DEED DATED FEBRUARY 22, 1991, IN DEED BOOK 756 AT PAGE 1137, OF RECORD IN THE FREDERICK COUNTY CIRCUIT COURT CLERK'S OFFICE.

COMMONWEALTH OF VIRGINIA
[redacted]
GARY R. GATES
No. 1518-B
3-18-26
LAND SURVEYOR

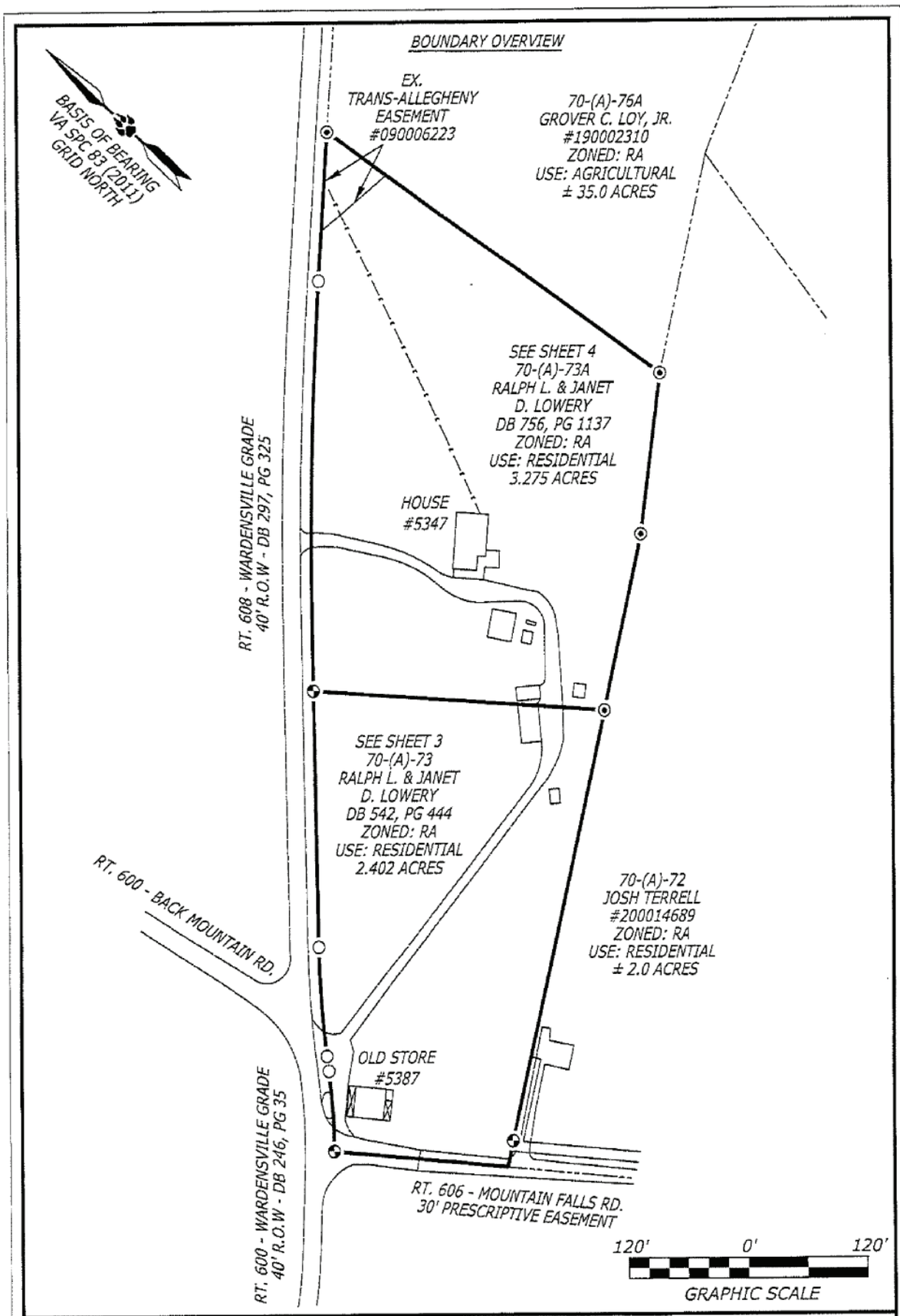
[redacted]
GARY R. GATES, LAND SURVEYOR

GreyWolfe, Inc.
Land Surveying and Consulting

1073 Redbud Road
Winchester, VA 22603
GreyWolfeInc@aol.com
540-667-2001 OFC
540-545-4001 FAX

DRAWN BY:	CBC	FILE NO:	1079	SHEET	1 OF 4

3



FINAL PLAT OF A BOUNDARY SURVEY OF THE LANDS OF

RALPH L. & JANET D. LOWERY

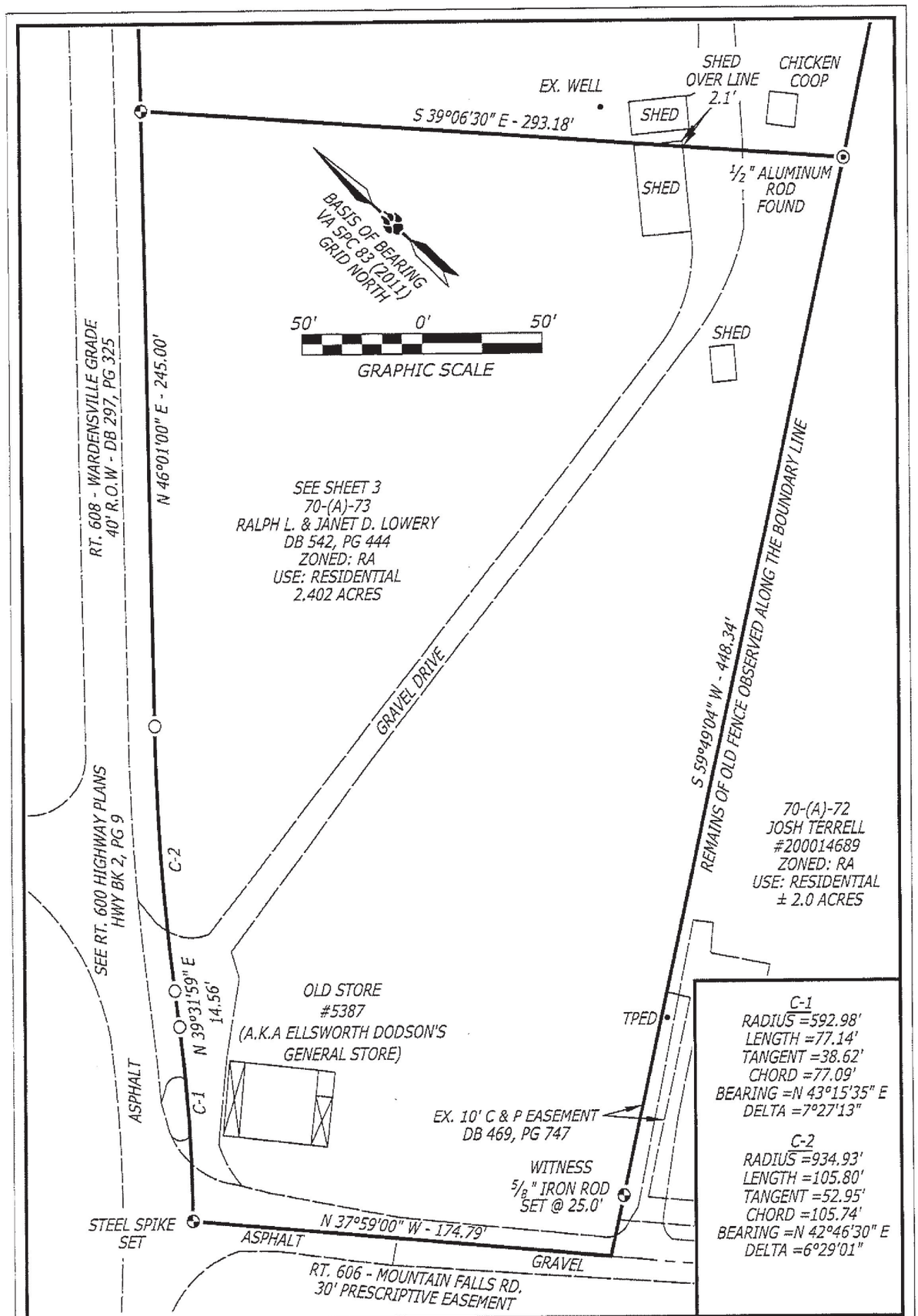
TAX MAP 70-(A)-73 & TAX MAP 70-(A)-73A
BACK CREEK MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

COMMONWEALTH OF VIRGINIA
[redacted]
GARY R. GAYLES
No. 1518-B
3-18-26
LAND SURVEYOR

GreyWolfe, Inc.
Land Surveying and Consulting
1073 Redbud Road
Winchester, VA 22603
GreyWolfeInc@aol.com
540-667-2001 OFC
540-545-4001 FAX

FILE NO: 1079	DATE: MARCH 18, 2026	SCALE: 1" = 120'	SHEET 2 OF 4

4



COMMONWEALTH OF VIRGINIA
GARY R. OATES
No. 1518-B
3-18-26
LAND SURVEYOR

FINAL PLAT OF A BOUNDARY SURVEY OF THE LANDS OF

RALPH L. & JANET D. LOWERY

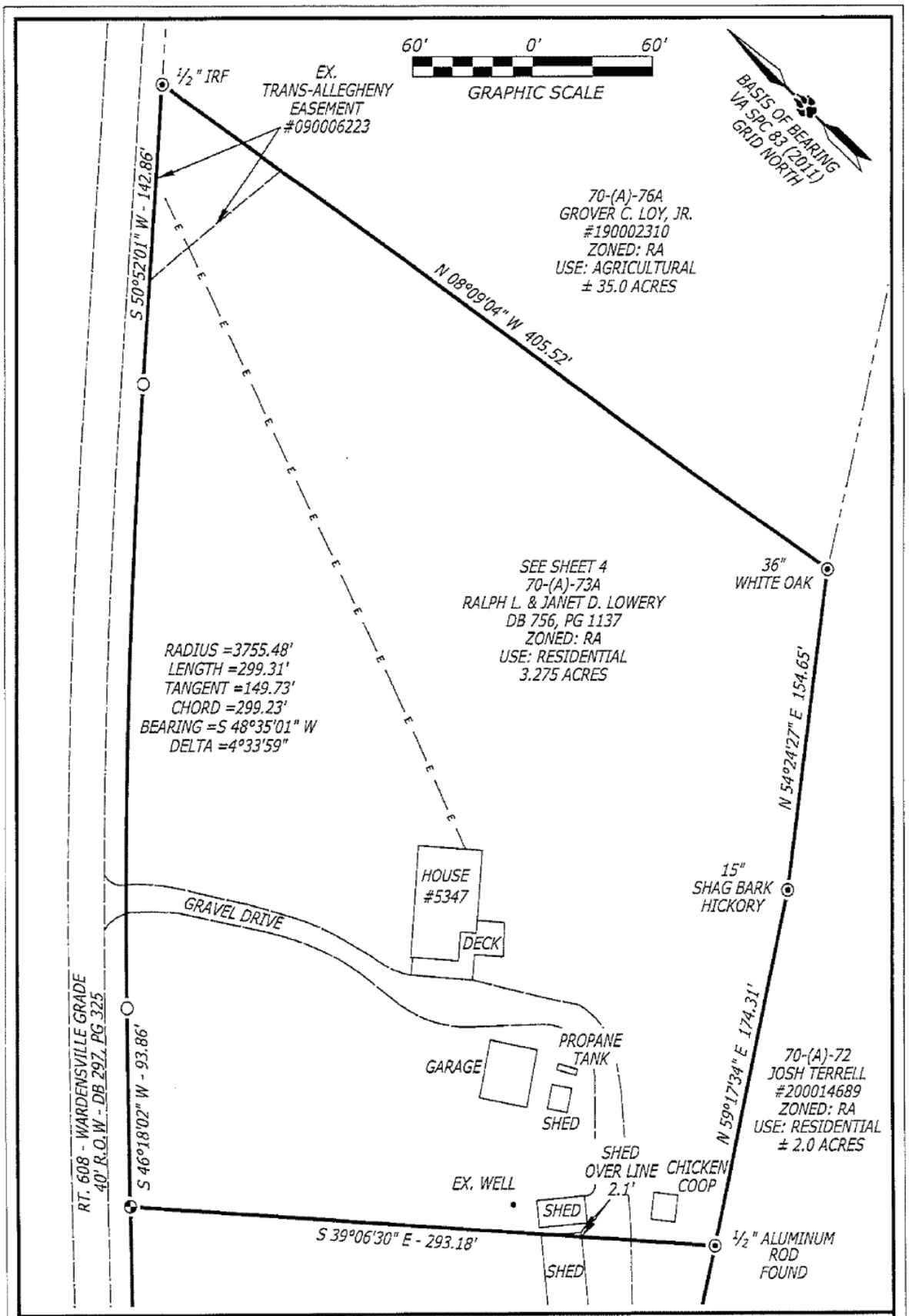
TAX MAP 70-(A)-73 & TAX MAP 70-(A)-73A
BACK CREEK MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

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FILE NO: 1079	DATE: MARCH 18, 2026	SCALE: 1" = 50'	SHEET 3 OF 4

5



FINAL PLAT OF A BOUNDARY SURVEY OF THE LANDS OF

RALPH L. & JANET D. LOWERY

TAX MAP 70-(A)-73 & TAX MAP 70-(A)-73A
BACK CREEK MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA

COMMONWEALTH OF VIRGINIA
[redacted]
No. 1518-B
3-18-26
LAND SURVEYOR

GreyWolfe, Inc.
Land Surveying and Consulting

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Winchester, VA 22603
GreyWolfeInc@aol.com
540-667-2001 OFC
540-545-4001 FAX

FILE NO: 1079	DATE: MARCH 18, 2026	SCALE: 1" = 60'	SHEET 4 OF 4

6

T A X R E C E I P T - Y E A R 2 0 2 6 - 1st H A Ticket #:00257950001 @@

FREDERICK COUNTY
C. WILLIAM ORNDOFF, JR
P.O. BOX 225

WINCHESTER VA 22604-0225

Date : 5/11/2026
Register: LBX/TREJLSC
Trans. #: 04158
Dept # : RE202601
ACCT# : 8021873

2026 REAL ESTATE
2.73 ACRES

70 A 73
Acres: 2.73

Land: 74500 Imp: 58300

LOWERY RALPH L
LOWERY JANET D
5347 WARDENSVILLE GRADE
WINCHESTER VA 22602

Previous Balance $	351.92
Principal Being Paid $	351.92
Penalty $	.00
Interest $	.00
Amount Paid $	351.92
*Balance Due as of 5/11/2026 $	.00
Check# 056001066003138$	351.92

Pd by

ANY BALANCE DUE DOES NOT INCLUDE PENALTY AND INTEREST. (DUPLICATE)

Collegegrayworks inc.com

ORDINANCE

Action:

PLANNING COMMISSION:	September 2, 2026	Recommended Approval
BOARD OF SUPERVISORS:	September 23, 2026	Pending

CONDITIONAL USE PERMIT #04-26
COUNTRY GENERAL STORE without FUEL SALES (D & S INVESTMENTS, LLC)

WHEREAS, **CONDITIONAL USE PERMIT APPLICATION #04-26** was submitted by D & S Investments, LLC, for a Country General Store without Fuel Sales. The property is located at 5387 Wardensville Grade, Winchester, Virginia and is identified with Property Identification Number 70-A-73 in the Back Creek Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this Conditional Use Permit on September 2, 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 September 23, 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 #04-26 to allow for country general store without fuel sales on the parcel identified with Property Identification Number 70-A-73 is approved with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.

2. A site plan shall be submitted to and approved by Frederick County and all improvements completed prior to the establishment of the use.

3. All parking areas shall have a gravel or hard surface.

4. The hours of operation shall be from 6 a.m. to 9 p.m. daily.

5. Any expansion or change of use shall require a new Conditional Use Permit.

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

Passed this 23rd, day of September 2026 by the following recorded vote:

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

A COPY ATTEST

_____
Michael L. Bollhoefer
Frederick County Administrator

Board of Supervisors
Agenda Item Detail
Meeting Date: September 23, 2026
Agenda Section: Planning Commission Business - Public Hearings

Title:

Ordinance Amendment to the Frederick County Code – Modifications 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).

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.

Optional Action Item:

A Resolution Providing for Grandfathering of Certain Land Use Applications

Submitted Prior to Zoning Amendments Adopted on September 23, 2026

Attachments:
BOS09-23-26_OA_DataCenters.pdf
BOS09-23-26ResProvidingGrandfatherCertLandUseApps.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 – Data Centers Removal

DATE: September 3, 2026

Proposal:
This is a proposal to amend Chapter 165 - Zoning Ordinance to remove data centers as permitted and/or conditional uses across all zoning districts and to remove other references to data centers from the ordinance.

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 (§165-1105.05) and additional regulations for specific uses (§165-705.01) are also included in the Zoning Ordinance.

The current requirements for data centers were adopted by the Board of Supervisors in April 2025 and readopted in the Phase I update adopted in May 2026.

Summary & Requested Action:
The Board of Supervisors at their August 11, 2026, regular meeting authorized staff to remove data centers from the Zoning Ordinance and proceed with committee review and advertising for public hearing (Planning Commission public hearing – September 2, 2026). The County Attorney has further reviewed the Code of Virginia and other best practices, and this proposal is the recommended legal remedy to "prohibit" data centers in all zoning districts.

The Development Review and Regulations Committee (DRRC) will meet and discussed the proposed amendment on August 27, 2026.

The Planning Commission held a public hearing on September 2, 2026. Thirteen (13) members of the public spoke on the proposed ordinance amendment, some expressing concerns that the amendment, as proposed, did not appear to prohibit data centers explicitly enough. The County Attorney reinforced the inclusive nature of the County's Zoning Ordinance and the proposed amendment to fully remove the use and all references to the use as the right approach. One Commissioner expressed concerns that the ordinance may not prevent "loopholes" where a developer could site a data center; a second Commissioner noted keeping data centers as a conditional use (requiring a CUP) in certain districts was their preferred alternative, particularly given the need for data centers in America as a matter of national security. Following a discussion, the Planning Commission voted to recommend approval of the ordinance amendment as presented (12-1; Commissioner Kerns – No).

Following a public hearing, Staff is seeking a decision by the Board of Supervisors on this proposed

ordinance amendment.

Questions regarding the proposal may be directed to staff.

MTK/pd

Attachments: 1. Draft Ordinance Amendment
2. County Attorney Memo – August 31, 2026
3. Resolution

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.~~

COUNTY OF FREDERICK

Andrew R. Fox
County Attorney

540/722-8383
Fax 540/667-0370
Andrew.fox@fcva.us

LEGAL MEMORANDUM

TO: Frederick County Planning Commission

CC: John Bishop, Director of Planning and Development
Wyatt Pearson, Deputy County Administrator

FROM: County Attorney

DATE: August 31, 2026

RE: **Prohibition of Data Centers as a Permitted Use in Frederick County**

Introduction and Purpose

The purpose of this memorandum is (1) to summarize the current status of data center regulations and applications including the proposed text amendment to the Frederick County Zoning Ordinance (CZO) that would remove data centers as a permitted use in any zoning district in Frederick County; and (2) review the applicable land use law that must be considered in prohibiting a use in a Virginia county zoning ordinance.

The CZO consists of a text portion that lays out the guidelines for zoning and land use throughout the county, as well as zoning maps that identify the various zoning districts within the county and the zoning designation of individual parcels. Changes to the CZO generally fall into the categories of text amendments or map amendments (generally referred to as "rezonings"). Text amendments must be initiated by a resolution of the Board of Supervisors followed by consideration by the Planning Commission at an advertised public hearing and then a vote by the Board of Supervisors, also at an advertised public hearing.

In this case, at its July 8, 2026 meeting, the Board of Supervisors directed Planning staff to prepare an initiating resolution to bring forth a CZO text amendment removing data centers as a permitted use in Frederick County. The Board then unanimously passed a resolution on August 12, 2026 formally initiating the process of enacting a text amendment to the CZO that would (1) prohibit data centers as a permitted use in Frederick County and (2) remove the Technology-Manufacturing Park (TM) District from the CZO. In response, Planning staff have worked closely with the County Attorney and an outside advising attorney to prepare a draft

ordinance that would accomplish the Board of Supervisor's direction. The Planning Commission will consider the draft ordinance at its September 2, 2026 meeting and recommend further action by the Board of Supervisors.

Current Status of Data Centers in Frederick County

Frederick County adopted a text amendment to the CZO on April 9, 2025, to only allow data centers via conditional use permit (CUP) in most industrial zoning districts. The text amendment also continued to allow data centers by right in the Technology Manufacturing Park - TM district along with several other technology and other manufacturing uses. Before the enactment of the text amendment, the County zoning administrator had determined that data centers were classified under "Computer programming, data processing, and other computer-related services" as a by-right use in most business and industrial zoning districts. On July 10, 2024 an ordinance amendment was passed specifically listing data centers as a use codifying the interpretation. A small data center has been operating in Middletown under this classification for several years.

Since adoption of the April 2025 text amendment, data centers have ceased to be a by-right use in any existing Frederick County zoning district. Under the current CZO, they are permitted by right only in TM districts and as a conditional use in other districts with substantial requirements regarding mitigation of the various associated impacts. Additionally, a data center that is reasonably anticipated to require 100MW or more of electrical power is classified under the Code of Virginia as a "high use energy facility" and must meet various requirements to be permitted. The General Assembly considered other legislative actions including a statewide moratorium on new data center approvals, but has not as of this time taken that step.

There are two active applications to establish data center uses in Frederick County; one is for a Conditional Use Permit on property zoned M1 Light Industrial (Winchester Gateway), and one is to rezone land currently zoned RA Rural Areas to TM Technology Manufacturing Park with the intent of constructing data centers on the property (Virginia Technology Park). Additionally, there is one other current application for rezoning to TM but that does not identify data centers as a proposed use and concerning which the applicant has indicated their intention to seek a different zoning classification that would allow the contemplated use.

Virginia Technology Park's application was considered by the Planning Commission on June 3, 2026, resulting in a unanimous vote of all commissioners present to recommend denial of the application by the Board of Supervisors. The Board of Supervisors must act on the Planning Commission's recommendation by May of 2027, however the applicant has not requested to go before the Board at this time and the Board of Supervisors has not exercised its discretion to act on the Planning Commission's recommendation

Winchester Gateway's conditional use permit (CUP) application will be reviewed by the Planning Commission including a public hearing on September 2, 2026. According to normal scheduling procedures, the Planning Commission's recommended action will be reviewed by the Board of Supervisors and put to a final vote at the Board's September 23, 2026 business meeting, including advertisement and a public hearing.

The Middletown Data Center owners have approached County staff about expanding their current facility onto a neighboring parcel, but have not filed a completed application at this time. The Planning Commission would be required to hold a public hearing on any such application within ninety days after filing.

Inclusive Zoning and Prohibited Uses

Under Virginia law, uses must be specifically identified and permitted to be allowable, and uses that are not identified and permitted are not allowed even in the absence of a specific prohibition. This principle is rooted in the concept of "inclusive zoning ordinances," which are widely recognized and upheld in Virginia. Inclusive zoning ordinances specify permitted uses within zoning districts and, by implication, prohibit all other uses not expressly permitted. The Virginia Supreme Court has consistently upheld the validity of inclusive zoning ordinances. For example, in *Board of Supervisors v. Gaffney*, 244 Va. 545 (1992), the Court emphasized that inclusive zoning ordinances permit only those uses specifically enumerated within a zoning district, and all other uses are prohibited unless explicitly allowed by amendment or special use permit. In *Vaughn v. City of Newport News*, 20 Va. App. 530 (1995), the Virginia Court of Appeals affirmed that a zoning ordinance's inclusive nature creates a prohibition on uses not expressly permitted even if the use could be argued to be within the contemplation of the permitted use. Va. Code § 15.2-2286 further supports this interpretation by granting localities the authority to enforce zoning ordinances that regulate land use within specified districts. The statute allows for the imposition of conditions on uses within certain districts, but it does not mandate that such uses be permitted in other districts unless explicitly stated. Va. Code Ann. § 15.2-2286.

The Zoning Ordinance supplies its own rules of interpretation, which are supplemented by the general rules of statutory interpretation applicable to local ordinances. Section 165-101.05 of the CZO states that “no building or structure may be used, occupied, developed, located, relocated, constructed, reconstructed, enlarged or structurally altered except in compliance with the terms and conditions of this Ordinance….” Further, “no land shall be used, occupied or developed or lots created or altered except in compliance with the terms and provisions of this Ordinance and any other applicable ordinances and regulations.” In general, the “words of the ordinance are to be given their plain and natural meaning.” *McClung v. Henrico Cnty*., 200 Va. 870, 875 (1959). A zoning ordinance is intended to be interpreted in light of its purposes. *Gough v. Shaner*, 197 Va. 572, 575 (1955). The County’s CZO also contains the applicable purposes for each district. In general, other principles of interpretation are built around the standard canons of statutory interpretation that courts apply.

While it would be possible to include an explicit prohibition of data centers as part of the text amendment prohibiting them as a use in all zoning districts, doing so would be inconsistent with the doctrine of inclusive zoning. A basic principle of statutory construction is that the expression of one prohibition indicates the intent to exclude others. Thus, if one use (*e.g.*, data centers) is expressly prohibited, this raises the concern that a court would interpret other uses not explicitly prohibited as being permitted. Of greater concern, doing so would also have the negative consequence of creating additional uncertainty regarding other uses that are limited to

specified zoning districts, thereby significantly and impermissibly weakening the County's zoning enforcement authority.

Data Centers as a "Use Not Provided"

Members of the public have expressed concern that, absent an explicit prohibition of data centers as a permitted use County-wide, an applicant could establish a data center by claiming that it is "part of an existing use classification or use type" as contemplated in CZO § 165-602.01, which would then be subject to the determination of the County zoning administrator. The zoning administrator's discretion to interpret the CZO is limited and defined to be "on behalf of the governing body." Va. Code § 15.2-2286(A)(4); see also *Wolfe v. Bd. of Zoning Appeals of Fairfax Cnty.*, 260 Va. 7, 20–21 (2000). When the Board of Supervisors ultimately acts on the zoning ordinance text amendment to prohibit data centers, it will do so by means of a written ordinance. This ordinance, at least in part, will be codified in accordance with Virginia Code § 15.2-1433 to include legislative findings underlying the text amendment (the "WHEREAS" clauses). The recitals included in the current draft of the text amendment that data centers be prohibited as a permitted use in Frederick County are unambiguous and would be cited by courts and administrative officials to interpret the purpose of the legislation. If adopted as proposed, zoning administrators, boards of zoning appeals and courts would have a clear, unambiguous statement of purpose in interpreting the meaning of this ordinance that its intent is that data centers are not allowed in Frederick County. While not every situation can be foreseen, legal counsel and staff are unable to identify any scenario where a data center is permitted as "part of an existing use classification." Furthermore, the state definition of a high energy use facility (HEUF) described above would also be required to be considered in determining whether a proposed use meets the "use not provided" definition of the ordinance.

Maintaining a Data Center Definition in the CZO

Members of the public have also advocated for maintaining a definition of data centers in the CZO as a further explicit description of the use that is intended to be prohibited. However, doing so could lead to unforeseen issues and challenges. Adding a comprehensive, detailed definition for data centers while at the same time removing them as a permitted use in all County zoning districts would cause confusion and could be argued to indicate some intent of the Board of Supervisors to allow data centers that did not fall within the definition as a use. Even if the definition accompanied an explicit prohibition provision in the CZO, it would be difficult to craft a definition that was both broad enough to encompass any kind of contemplated data center and detailed enough to allow it to be applied to a specific proposed land use. Striking any definition of data center in the CZO further supports the application of inclusive zoning in carrying out the Board of Supervisors' unambiguous direction that data centers be prohibited as a use throughout Frederick County.

Consideration of Current Applications; Nonconforming Use(s)

Planning Commissions and governing bodies cannot suspend or decline to review applications for uses that are permitted under the current CZO. The Frederick County Planning Commission must act on a land use application within 100 days after referral of a matter to it,

and the Board of Supervisors must act on all land use applications within twelve months of the application being filed. Accordingly, the Planning Commission is obligated to review, consider, and render a recommendation on the Winchester Gateway Conditional Use Permit application at its September 2, 2026 meeting while also reviewing the proposed CZO text amendments discussed above. The Planning Commission must consider the CUP application in accordance with the current CZO and state law requirements and render its recommendation as it did in the case of Virginia Technology Park's rezoning application. Virginia courts recognize that zoning decisions must not be arbitrary, capricious, or unreasonable and are subject to judicial review. The Planning Commission must continue to observe all advertising and public hearing/public comment procedures in its review both of the current application and the proposed CZO text amendments, and render its recommendations in the form of recorded votes on all matters.

As a use that was permitted under the prior CZO, the Middletown Data Center has a vested right to continue to operate as a use subject to the requirements of the CZO and the Code of Virginia concerning nonconforming uses. Nonconforming uses may not increase their degree of nonconformity but are otherwise permitted to continue to operate as long as they observe the requirements in place at the time they were established and do not cease operation for two years. While the owners of the Middletown Data Center have approached staff about possible expansion of the facility, any significant change would not be allowed under their nonconforming use status and would require approval under the CZO as amended.

With regard to pending applications, the Board of Supervisors can take legislative action to extend the time for an applicant to pursue approval for a land use that is subject to a prohibition via a CZO text amendment, called "grandfathering." Such an action is appropriate where applicants have acted in good faith and the Board desires out of a sense of fairness to afford them an opportunity for review under the prior CZO guidelines. This action in no way obligates the Planning Commission to recommend approval or the Board to ultimately approve any such application. This action would further establish requirements for any such use that are consistent with the prior CZO and which would allow the County to enforce those requirements so long as the use continues after approval.

ORDINANCE

Action:		
PLANNING COMMISSION:	September 2, 2026	Recommended Approval
BOARD OF SUPERVISORS:	September 23, 2026	Pending

TO AMEND 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 all zoning districts and to remove all other references to data centers including definitions (§165-1105.05) and additional regulations for specific uses (§165-705.01) for the explicit purpose of prohibiting the development of data centers in Frederick County; and

WHEREAS, the Board of Supervisors authorized staff to draft an ordinance amendment and hold public hearings on August 12, 2026; and

WHEREAS, it is the intent of the Board of Supervisors that data centers, as defined and set forth in §165-603.02 – Use Matrix and §165-705.01 and §165-1105.05 of the County Code in effect prior to the enactment of this Ordinance amendment, shall not be construed to be similar to any use listed in the Zoning Ordinance on the effective date of this Ordinance for the purposes of Section §165-602.01 of the County Code;

WHEREAS, the Development Review and Regulations Committee (DRRC) met and discussed this proposed amendment at their August 27, 2026 regular meeting; and

WHEREAS, the Planning Commission held a public hearing on September 2, 2026 and recommended approval of the ordinance amendment to remove data centers for the explicit purpose of prohibiting the development of data centers in Frederick County; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed ordinance amendment September 23, 2026;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that in the interest of public health, safety, general welfare, and good zoning practice, the amendment to Chapter 165 to remove data centers as a permitted and/or conditional use (§165-603.02) in all zoning districts and to remove all other

references to data centers including definitions (§165-1105.05) and additional regulations for specific uses (§165-705.01) for the explicit purpose of prohibiting the development of data centers in Frederick County is adopted.

Passed this September 23, 2026, by the following recorded vote:

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

A COPY ATTEST

_____
Michael L. Bollhoefer
Frederick County Administrator

COUNTY OF FREDERICK

Andrew R. Fox
County Attorney

540/722-8383
Fax 540/667-0370
Andrew.fox@fcva.us

MEMORANDUM

TO: Board of Supervisors

CC: Michael Bollhoefer, County Administrator
John Bishop, Director of Planning

FROM: County Attorney

DATE: September 23, 2026

RE: Resolution Providing for Grandfathering of Certain Land Use Applications Submitted Prior to Zoning Amendments Removing Data Centers as a Permitted Use

Attached please find a proposed resolution that would modify the Board's action of removing data centers as a permitted use in all Frederick County zoning districts for a limited and specific time and purpose to allow for the Board to consider and act upon two pending land use applications for data center development. The Resolution is limited in application to Conditional Use Permit Application #03-26 (Winchester Gateway, LLC) and Rezoning Application #04-26 (Virginia Technology Park). It would extend the Board's ability to advertise, hold a public hearing, and vote to approve or deny these applications subject to the current provisions of the County Zoning Ordinance pertaining to data centers in the M1 and TM zoning districts. The Resolution contemplates that any such action must occur on or before the December 9, 2026 Board of Supervisors Meeting.

As stated in the Resolution, this action seeks to balance the reasonable expectations of the applicants that have proceeded pursuant to the current County Zoning Ordinance to receive final action on their applications with the Board's prerogative to amend the zoning ordinance in the public interest and in the deliberative procedural manner required by the Code of Virginia.

As proposed, the Resolution does not allow for grandfathering of any application not specifically named therein, including any future application or any application that may have been submitted prior to the enactment of the zoning amendment on September 23.

Attachment

A RESOLUTION PROVIDING FOR GRANDFATHERING OF CERTAIN LAND USE APPLICATIONS SUBMITTED PRIOR TO ZONING AMENDMENTS ADOPTED ON SEPTEMBER 23, 2026

WHEREAS, on July 8, 2026, the Board of Supervisors of Frederick County, Virginia (the "Board") adopted a resolution initiating amendments to the existing Frederick County Zoning Ordinance, Chapter 165 of the County Code (the "Zoning Ordinance") for the purpose of removing data centers as a permitted use in all County zoning districts and removing the Technology Manufacturing district as a zoning district as set forth in the Zoning Ordinance; and

WHEREAS, after a period of extensive public engagement, including input from affected regulatory agencies and departments, stakeholder groups, residents, business owners and other interested parties, County staff prepared draft Zoning Ordinance text amendments (the "Text Amendments") for consideration by the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing on September 2, 2026, and received comment from the public on the Text Amendments and forwarded the Text Amendments to the Board with a recommendation of adoption; and

WHEREAS, on this day, following public hearing on the Text Amendments and this Ordinance, the Board adopted the Text Amendment removing data centers as a permitted use; and

WEHREAS, a grandfathering provision provides a legislative gratuity, permitting certain applications that have not yet met the standard for a vested right to continue through the process until ultimate approval or denial in accordance with prior law; and

WHEREAS, the Board seeks to balance the reasonable expectations of applicants seeking development approvals with the need to adopt Zoning Ordinance amendments to protect the long-term public health, safety and general welfare.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Frederick County, Virginia that:

1. Subject to the terms and conditions of this resolution, applicants who have submitted an application for a legislative approval that has been officially accepted for review in accordance with applicable Frederick County ordinances and policies and which has been subject to one or more public hearings before the Planning Commission and for which the Planning Commission has rendered its recommendation pursuant to Virgina Code § 2285 and Part 302 of the Zoning Ordinance may continue to pursue, and the County will continue to process, their legislative application in accordance with the Use Table at Part 603 and Section 165-705.01 of the Zoning Ordinance in effect as of September 23, 2026, provided the applicant (i) does not make substantial modification(s) to such application , defined as a change that would require a new zoning amendment or conditional use application, unless it is offered as a result of comments from the Board or the Planning Commission in open meeting, or in response to a written comment from the Zoning Administrator and (ii) diligently pursues such application in accordance with Section 2 below. If approved by the Board, the terms, conditions, proffers, and all existing requirements of the Zoning Ordinance as it existed prior to the amendments made this day remain in effect with

respect to the application; and the application, if approved by the Board shall be treated as a "significant affirmative governmental act" for the purposes of Section 15.2-2307 of the Code of Virginia of 1950, as amended. This description is determined to apply only to application for conditional use permit #03-26 Winchester Gateway, LLC and to application for rezoning #04-26 Virginia Technology Park.

2. Any such application will retain its grandfathered status so long as the applicant diligently pursues approval of the application before the Board of Supervisors at a duly noticed and advertised public hearing occurring on or before December 10, 2026.

3. This resolution applies only to grandfathered applications with respect to the requirements of Use Table at Part 603 and Section 165-705.01 of the County Code. Nothing in this resolution is intended to grandfather, nor to be interpreted as grandfathering, any other applicable regulations under the Zoning Ordinance, Subdivision Ordinance or any other ordinance.

4. This resolution shall be in effect upon adoption.

Adopted this 23rd day of September 2026 on 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: September 23, 2026
Agenda Section: Planning Commission Business - Public Hearings

Title:

Ordinance Amendment to the Frederick County Code – Modifications to Remove the TM (Technology-Manufacturing Park) Zoning District and Other References to the TM Zoning District from the Ordinance.

Article III - Permits and Applications

Part 306. Master Development Plans.

Article IV - Primary Zoning Districts

Part 401. Establishment and Purpose.

Part 403. Encroachments and Exemptions.

Part 407. Industrial Districts.

Article VI - Use Matrix

Part 603. Use Permissions.

Article VII - Additional Regulations for Specific Uses

Part 704. Commercial Use Standards.

Part 705. Industrial Use Standards.

Part 706. Miscellaneous Use Standards.

Article VIII - Community Development Standards

Part 801. Nuisances.

Part 802. Buffers And Screening Requirements.

Part 804. Off-Street Parking, Loading and Access.

Part 807. Outdoor Lighting Standards.

Part 809. Signs.

Part 810. Walls and Fences.

Attachments:
BOS09-23-26_OA_TMDistrict.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 – TM - Technology-Manufacturing Park District (Removal)

DATE: September 3, 2026

Proposal:
This is a proposal to amend Chapter 165 – Zoning Ordinance to remove the TM (Technology-Manufacturing Park) Zoning District and other references to the TM Zoning District from the ordinance.

Current Standard:
The TM District was crafted to provide areas for Economic Development Authority (EDA) targeted industries, data centers, offices, low-impact industrial, assembly, and manufacturing uses which do not create significant noise beyond the property line, smoke, dust or other hazards. This district designed to function as a business campus-like setting with direct access to major transportation networks and/or rail facilities and areas where there is availability and/or close proximity to overhead electrical transmission lines.

In addition to district specific uses described above and contained in the Use Matrix (§165-603.02), the ordinance also contains specific district standards (§165-407.01) and numerous references and exceptions in other sections of the ordinance (Parts 306, 401, 403, 704, 507, 706, 801, 802, 804, 809 and 810).

The current requirements for the TM Zoning District were adopted in 2024 and readopted in the Phase I update adopted in May 2026.

Summary & Requested Action:
The Board of Supervisors at their August 11, 2026, regular meeting directed and authorized staff to remove the TM Zoning District from the Zoning Ordinance and proceed with committee review and advertising for public hearing (Planning Commission public hearing – September 2, 2026).

The Development Review and Regulations Committee (DRRC) will meet and discussed the proposed amendment on August 27, 2026.

The Planning Commission held a public hearing on September 2, 2026. Four (4) members of the public expressed support for the ordinance amendment to remove the TM Zoning District. Following a brief discussion, the Planning Commission unanimously voted to recommend approval of the ordinance amendment as presented.

Following a public hearing, Staff are seeking a decision by the Board of Supervisors on this proposed ordinance amendment.

Questions regarding the proposal may be directed to staff.

MTK/pd

Attachments: 1. Proposed Changes
2. Resolution

Proposed Changes: TM - Technology Manufacturing Park District (Removal)	
Chapter 165 - Zoning Ordinance	
Article III. Permits and Applications.	
Part 306. Master Development Plans.	
§165-306.03. Waivers.	C
§165-306.04. Contents of Master Development Plans.	C
Article IV. Primary Zoning Districts.	
Park 401. Establishment and Purpose.	
§165-401.01. General.	C
§165-401.02. Purpose and Intent of Primary Zoning Districts.	D.1.
Part 403. Encroachments and Exemptions.	
§165-403.03. Height exemptions and Waivers.	B.3.xvi., C.1., C.3.i.; C.3.i.a
Part 407. Industrial Districts.	
§165-407.01. Industrial District Standards.	Table IV-11; A
Article VI. Use Matrix.	
Part 603. Use Permissions.	
§165-603.02. Use Matrix.	Use Matrix
Article VII. Additional Regulations for Specific Uses.	
Part 704. Commercial Use Standards.	
§165-704.02. Automotive Oil Change and Lubrication Shops; Building Materials, Hardware, Garden Supply, and Retail Nurseries; General Automotive, Motorcycle and Truck Repair, Services and Parking.	B.1.; C
§165-704.05. Commercial Recreation; Indoors or Outdoors	A
§165-704.09. Flex-Tech.	C
Part 705. Industrial Use Standards.	
§165-705.01. Computing Infrastructure Providers, Data Processing, and Data Centers.	A.4.ii.a.
§165-705.05. Self-Service Storage Facilities.	D.6.
§165-705.08. Warehousing and Storage.	Remove full section
Part 706. Miscellaneous Use Standards.	
§165-706.02. Accessory Uses.	A; A.2.
Article VIII. Community Development Standards.	
Part 801. Nuisances.	
§165-801.01. General Requirements.	A.8.
Part 802. Buffers and Landscaping.	
§165-802.04. Business and Industrial Developments.	Table VIII-3
§165-802.08. Buffer and Screening Requirements.	Table VIII-8; D.4.i.; D.6.ii.
Part 804. Off-Street Parking, Loading and Access.	

§165-804.06. Parking Design Standards.	F.4.
Part 807. Outdoor Lighting Standards.	
§165-807.04. General Lighting Standards.	D.1.i.; D.1.ii.
Part 809. Signs.	
§165-809.03. General Sign Requirements.	Table VIII-21
Part 810. Walls and Fences.	
§165-810.01. General.	A.1.i.e.
Revised 08.17.26	

ORDINANCE

Action:		
PLANNING COMMISSION:	September 2, 2026	Recommended Approval
BOARD OF SUPERVISORS:	September 23, 2026	Pending

TO AMEND CHAPTER 165, ZONING ORDINANCE

ARTICLE III
PERMITS AND APPLICATIONS
PART 306. MASTER DEVELOPMENT PLANS

ARTICLE IV
PRIMARY ZONING DISTRICTS
PART 401. ESTABLISHMENT AND PURPOSE
PART 403. ENCROACHMENT AND EXEMPTIONS
PART 407. INDUSTRIAL DISTRICTS

ARTICLE VI
USE MATRIX
PART 603. USE PERMISSIONS

ARTICLE VII
ADDITIONAL REGULATIONS FOR SPECIFIC USES
PART 704. COMMERICAL USE STANDARDS
PART 705. INDUSTRIAL USE STANDARDS
PART 706. MISCELLANEOUS USE STANDARDS

ARTICLE VIII
COMMUNITY DEVELOPMENT STANDARDS
PART 801. NUISANCES
PART 802. BUFFERS AND SCREENING REQUIREMENTS
PART 804. OFF-STREET PARKING, LOADING AND ACCESS
PART 807. OUTDOOR LIGHTING STANDARDS
PART 810. WALLS AND FENCES.

WHEREAS, a proposal to amend Chapter 165 – Zoning Ordinance to remove the TM (Technology-Manufacturing Park) Zoning District and other references to the TM Zoning District from the ordinance; and

WHEREAS, the Board of Supervisors authorized staff to draft an ordinance amendment and hold public hearings on August 12, 2026; and

WHEREAS, the Development Review and Regulations Committee (DRRC) met and discussed this proposed amendment at their August 27, 2026 regular meeting; and

WHEREAS, the Planning Commission held a public hearing on September 2, 2026 and recommended approval of the ordinance amendment; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed ordinance amendment September 23, 2026;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that in the interest of public health, safety, general welfare, and good zoning practice, the amendment to Chapter 165 to remove the TM (Technology-Manufacturing Park) Zoning District and other references to the TM Zoning District from the ordinance is adopted.

Passed this September 23, 2026, by the following recorded vote:

John F. Jewell, Chairman

Albert L. Orndorff

Jason C. Aikens

Robert T. Liero

Michael D. Guevremont

Robert W. Wells

Gary R. Oates

A COPY ATTEST

_____
Michael L. Bollhoefer
Frederick County Administrator