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

1. **Call to Order**

2. **Invocation**

3. **Pledge of Allegiance**

4. **Adoption of Agenda**

5. **Citizen Comments – For agenda items that are not the subject of a Public Hearing**

6. **Consent Agenda – *Roll Call Vote***

   6.A. Approval of Regular Meeting Minutes of October 28, 2026

   BOS11-12-26MinutesRegMtg261028.pdf

   6.B. Acceptance of Transportation Committee Report of October 26, 2026

   BOS11-12-26TransportationCommReport.pdf

   6.C. Approval of Draft 2027 Legislative Agenda

   BOS11-12-26_2027LegislativeInitiatives.pdf

   6.D. Resolution Authorizing Frederick County to Participate in the Valley Council of Governance

   BOS11-12-26AuthorizingValleyCouncilOfGovernance.pdf

7. **Board of Supervisors Comments**

8. **County Officials** - None

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

9.A. Handley Regional Library Board
4-year term of Brenda Nelson expires 11-30-26
Ms. Nelson does not wish to be reappointed.

See attached applications:

Angela Buckner BOS11-12-26App_AngelaBuckner_Redacted.pdf
Orianna Largent BOS11-12-26App_OriannaLargent_Redacted.pdf
Erin Willis BOS11-12-26App_ErinWillis_Redacted.pdf

9.B. Historic Resources Advisory Board - Back Creek Rep.
4-year term of Gary Crawford expires 12-10-26
Mr. Crawford is eligible and willing to serve another term.

9.C. Economic Development Authority
Two Vacant terms

See attached applications:

Jeff Coker BOS11-12-26App_JeffCoker_Redacted.pdf
Tony Cole BOS11-12-26App_TonyCole_Redacted.pdf
Craig Demko BOS11-12-26App_CraigDemko_Redacted.pdf
Lowman Hatfield BOS11-12-26App_LowmanHatfield_Redacted.pdf
Scott Johnson BOS11-12-26App_ScottJohnson_Redacted.pdf
Jeremy Mills BOS11-12-26App_JeremyMills_Redacted.pdf
Lauren Oscar BOS11-12-26App_LaurenOscar_Redacted.pdf

9.D. Board of Zoning Appeals
5-year terms of Eric Lowman (Red Bud), Dudley Rinker (Back Creek), and Ronald Madagan (At-large) expire 12-31-26

All three members are willing to serve again.

Recommendations for appointment are made by the Board of Supervisors and appointments made by the Judge of the Circuit Court.

Appointments to Boards, Committees, and Commissions, *continued*

9.E. Board of Equalization
3-year terms of Betsy Brumback and Scott Strosnider expire 12-31-26

Mr. Strosnider is willing to serve again. Ms. Brumback does not wish to be reappointed.

Recommendations for appointment are made by the Board of Supervisors and appointments made by the Judge of the Circuit Court.

10. **Committee Business** - None

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

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

12.A.
Conditional Use Permit #05-26 for 172 Fire House LLC., (Stephen Pettler, Jr.) for a Landscape Contractor Business. The Subject Property is Located at 171 Old Firehouse Lane, Winchester, Virginia and is Identified with Property Identification Number (PIN) 52-A-287B in the Back Creek Magisterial District.

BOS11-12-26_CUP05-26_Redacted.pdf

12.B.
Rezoning #09-26 for YDC Shawnee Drive Property (Youth Development Center, Inc.) to Rezone 3.12 +/- Acres from the M2 (Industrial General) Zoning District to B2 (General Business) Zoning District with Proffers. The Property is Located at the Northeast Corner of the Intersection of Shawnee Drive (Route 861) and Battaile Drive, Winchester and is Identified by Property Identification Number 63-A-110B in the Back Creek Magisterial District.

BOS11-12-26__REZ_09-26_Redacted.pdf

Planning Commission Business - Public Hearings,- *continued*

12.C.

Rezoning #10-26 for Carter Farm (Shenandoah Valley Battlefields Foundation) to Rezone 156.06 +/- Acres from the TM (Technology Manufacturing) Zoning District and RA (Rural Areas) Zoning District to the RA (Rural Areas) Zoning District with Proffers. The Property is Located at the Southeast Corner of the Intersection of Martinsburg Pike (Route 11) and Old Charles Town Road (Route 761), Winchester and is Identified by Property Identification Numbers (PINs) 44-A-40 and 44-A-25B in the Stonewall Magisterial District.

BOS11-12-26_REZ10-26_Redacted.pdf

12.D. **Comprehensive Policy Plan Amendment (CPPA) #01-26 for AMK Properties – Land Use Designation Change**, for Parcels: 64F-1-6, 64-A-37A, 64-5 -1, 64-5-D3, and 64-5-5A. This is a Request to Change the Future Land Use Classification on +/-99.25 Acres from Industrial and Residential to Rural Area. The Properties are Located Generally South of Aviation Drive (Route 990) and Airport Road (Route 645) at 846 Airport Road, Winchester in the Shawnee Magisterial District.

BOS11-12-26__CPPA01-26__AMKProperties_Redacted.pdf

12.E.

Comprehensive Policy Plan Amendment (CPPA) #02-26 for BHS LC – Land Use Designation Change, for Parcel: 53-A-A3. This is a Request to Change the Future Land Use Classification on +/-37.35 Acres from Business to Recreation. The Properties are Located Generally West of Echo Lane in the Gainesboro Magisterial District.

BOS11-12-26_CPPA02-26_BHS_LC_Redacted.pdf

12.F.

Comprehensive Policy Plan Amendment (CPPA) #03-26 for KSS LC – Land Use Designation Change, for Parcel: 53-A-70. This is a Request to Change the Future Land Use Classification on +/-30.10 Acres from Business to Recreation. The Properties are Located Generally North and West of Retail Boulevard (Route 804) in the Gainesboro Magisterial District.

BOS11-12-26_CPPA03-26_KSS_LC_Redacted.pdf

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

13.A. Ordinance Amendment – TM - Technology-Manufacturing Park District (Removal)

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. The Board of Supervisors held a public hearing on September 23, 2026. The Board tabled action to November 12, 2026.
BOS11-12-26_OA_TMDistrict.pdf

14. **Board Liaison Reports**

15. **Citizen Comments**

16. **Board of Supervisors Comments**

17. **Adjourn**

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

Title: Approval of Regular Meeting Minutes of October 28, 2026

Attachments:
BOS11-12-26MinutesRegMtg261028.pdf

MINUTES
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, OCTOBER 28, 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; Michael D. Guevremont; Albert L. Orndorff; and Gary R. Oates were present.

Staff present: Michael Bollhoefer, County Administrator; Jay E. Tibbs, Deputy County Administrator; Wyatt Pearson, Deputy County Administrator; Andrew R. Fox, County Attorney; Wendy May, Communications Director; John Bishop, Planning Director; Tyler Klein, Senior Planner; Shayla Rickard, EDA Business Retention Manager; 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 6:00 p.m.

INVOCATION

Pastor John Van Drunen of Fellowship Bible 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 Liero seconded the motion, which carried on a voice vote.

CITIZEN COMMENTS - None

+ + + + + + + + + + + + + +

ADOPTION OF CONSENT AGENDA – APPROVED

Vice Chairman Wells moved for the adoption of the consent agenda. 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**		

- Approval of Minutes of Regular Meeting of October 14, 2026 - CONSENT AGENDA APPROVAL

- Acceptance of Parks & Recreation Commission Report of October 13, 2026 - CONSENT AGENDA APPROVAL, Appendix 1

- Acceptance of Public Safety Committee Report of October 15, 2026 - CONSENT AGENDA APPROVAL, Appendix 2

- Acceptance of Finance Committee Report of October 21, 2026 - CONSENT AGENDA APPROVAL, Appendix 3

- Finance Committee Item: The WRAA Executive Director requests Airport Operating Fund and Airport Capital Fund supplemental appropriations in the amount of $125,000 for hangar facility roof repair. - CONSENT AGENDA APPROVAL

- Finance Committee Item: The WRAA Executive Director requests an Airport Operating Fund supplemental appropriation of $11,000 and an Airport Capital Fund supplemental appropriation of $110,000 for security upgrades. - CONSENT AGENDA APPROVAL

- Finance Committee Item: The FCPS Executive Director of Finance provides the FY 2026 Year End School Board Funds Financial Report and requests the following supplemental appropriations: School Capital Projects Fund carry forward appropriation of $1,962,621 for the Sherando High School HVAC capital project; Textbook Fund supplemental appropriation of $189,419.60 representing interest earnings; and General Fund and School Capital Projects Fund supplemental appropriations of $1,065,946 representing the unobligated surplus from the FY 2026 School Operating Fund to be used for HVAC replacements and playground equipment replacements. - CONSENT AGENDA APPROVAL

- Request from the Commissioner of the Revenue for Refund and Supplemental Appropriation: Shenandoah Cable Television LLC- $15,144.55 – CONSENT AGENDA APPROVAL

- Approval to Change the 2-year term expiration of Micah Jacobs on the Shawneeland Sanitary District Advisory Committee from November 9, 2028, to November 30, 2028 – CONSENT AGENDA APPROVAL

-Resolution of the Board of Supervisors of Frederick County Concurring With a Financing to be Undertaken by the Economic Development Authority of the Town of Woodstock, Virginia, to Benefit Shenandoah University – CONSENT AGENDA APPROVAL

RESOLUTION OF THE BOARD OF SUPERVISORS OF FREDERICK COUNTY CONCURRING WITH A FINANCING TO BE UNDERTAKEN BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE TOWN OF WOODSTOCK, VIRGINIA, TO BENEFIT SHENANDOAH UNIVERSITY

WHEREAS, Shenandoah University, a not-for-profit Virginia non-stock corporation (the "University"), has applied to the Economic Development Authority of the Town of Woodstock, Virginia (the "Authority"), requesting the Authority to issue its Educational Facilities Revenue and Refunding Bonds in an aggregate principal amount not to exceed $119,570,000 (collectively, the "Bonds") to (1) refund various obligations issued for the benefit of the University (the "Refunded Bonds") that financed University facilities described on Exhibit A attached hereto (the "Refinanced Projects"), and (2) finance and refinance facilities to be owned and operated by the University (the "New Capital Projects" and together with the Refinanced Projects, the "University Projects"), as also described on Exhibit A;

WHEREAS, Section 15.2-4905 of the Code of Virginia of 1950, as amended (the "Virginia Code"), states that an industrial development authority may not finance facilities in another jurisdiction that has created its own industrial development authority "unless the governing body of such locality in which the facilities are located or are proposed to be located, concurs with the inducement resolution adopted by the authority, and shows such concurrence in a duly adopted resolution;"

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code") requires that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of bonds is located approve the issuance of such bonds;

WHEREAS, Section 147(f) of the Internal Revenue Code requires that any such approval by the applicable governmental unit be given after a public hearing following reasonable public notice, which hearing may be held by the authority issuing the bonds;

WHEREAS, in accordance with the requirements of Section 147(f) of the Internal Revenue Code and Section 15.2-4906 of the Virginia Code, the Authority held on October 6, 2026, a public hearing and adopted an inducement resolution (the "Inducement Resolution"), a copy of which has been filed with the records of the Clerk of the Board of Supervisors of Frederick County, Virginia (the "County"); and

WHEREAS, the University has requested the Board of Supervisors of the County to express its concurrence with the Inducement Resolution so that a portion of the net proceeds of the Bonds may be loaned to the University to finance and refinance such University facilities located in the County that were financed by the Refunded Bonds and/or are to be financed as part of the New Capital Projects;

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

1. The Board of Supervisors hereby approves the issuance of the Bonds by the Authority for the benefit of the University, as required by Section 147(f) of the Internal Revenue Code and Section 15.2-4906 of the Virginia Code, and concurs with the Inducement Resolution adopted by the Authority for the benefit of the University to the extent required by Section 15.2-4905 of the Virginia Code to permit the Authority to loan the proceeds of the Bonds to the University to finance and refinance such University facilities located in the County that were financed by the Refunded Bonds and/or are to be financed as part of the New Capital Projects.

2. The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the University. As required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that the County will have no obligation to pay the Bonds or the interest thereon or other costs incident thereto.

3. All acts and doings of the officers of the County and members of the Board of Supervisors that are in conformity with the purposes and intent of this resolution shall be, and the same hereby are, in all respects approved and confirmed.

4. This Resolution shall take effect immediately.

+ + + + + + + + + + + + + +

BOARD OF SUPERVISORS COMMENTS - None

COUNTY OFFICIALS

APPROVAL OF MILLER MILLING PERFORMANCE AGREEMENT

Shayla Rickard, EDA Business Retention Manager, reviewed earlier Board discussion of potential performance incentives in support of Miller Milling's planned expansion in Frederick County. She said the proposed expansion represents a significant investment in the County with an anticipated capital investment of $56,400,000, and demonstrates the company's continued commitment to its Frederick County operations. Ms. Rickard concluded, saying the agreement presents an opportunity to support existing industry, strengthen the local economy, maintain employment opportunities within the community, and is intended to align the County's financial commitment with measurable economic benefits and ensure accountability for the County's investment.

Supervisor Aikens moved to approve the Resolution Approving Performance Agreement Miller Milling. Supervisor Guevremont seconded the motion, which carried on a recorded vote as follows:

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

RESOLUTION
APPROVING PERFORMANCE AGREEMENT
MILLER MILLING

WHEREAS, MILLER MILLING has made known its intent to expand its operation by making new taxable real estate and machinery investments and to retain and create jobs; and

WHEREAS, the stimulation of the additional tax revenue and economic activity to be generated by the Capital Investment constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for payment and a local economic development incentive grant to the company.

BE IT RESOLVED, that the Board of Supervisors of the County of Frederick, Virginia, does hereby approve and appropriate the payment of $550,000 in installments, as stated in the Performance Agreement, to the Economic Development Authority of Frederick County, Virginia, from Frederick County's Fund Balance to assist in expanding the operation for MILLER MILLING in Frederick County, Virginia.

BE IT FURTHER RESOLVED, that said funds are subject to an executed Performance Agreement outlining the required performance criteria.

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Frederick, Virginia, does authorize the Chairman to execute the Performance Agreement on its behalf.

+ + + + + + + + + + + + + +

APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS - None

COMMITTEE BUSINESS – None

PUBLIC HEARINGS (NON PLANNING ISSUES) - None

+ + + + + + + + + + + + + +

PLANNING COMMISSION BUSINESS – PUBLIC HEARINGS

CONDITIONAL USE PERMIT #03-26 FOR WINCHESTER GATEWAY LLC – DENIED

Senior Planner Tyler Klein reviewed the request for a conditional use permit (CUP) to establish a data center campus on property zoned M1 (Light Industrial) District.

The Board and staff briefly discussed the suggested conditions for the permit and the party responsible for funding power line construction.

Ty Lawson, representing the Applicant, briefly addressed the Board. He and the Board discussed the sound study included in the application and the location of proposed power lines.

Chairman Jewell opened the public comment period.

The following spoke opposing approval of Conditional Use Permit 03-26 for Winchester Gateway LLC:

Vicki Michaels, Stonewall District

Jay Marts, Gainesboro District

John Rutherford, Gainesboro District

Bob Curd, Back Creek District

Erin Fox, Back Creek District

Mark Steffler, Opequon District

Max Hokit, representing the Kernstown Battlefield Trust

Elizabeth Aylor, Back Creek District

Theresa Ostertag, Back Creek District

Gary Sheppard, Back Creek District

David Dixon, Stonewall District

Mary Margaret Barbe, Back Creek District

Alizah Lathrop, Red Bud District

Scott Lynch, Stonewall District

Bryan Nuri, Opequon District

Leslie Spencer, Gainesboro District

Rebecca Bronson, Stonewall District

Kurt Creager, Back Creek District

Joshua Glowacki, Back Creek District

Alexander Ritter, Opequon District

Jessica Bowen, Shawnee District

Elizabeth Moran, Stonewall District

Judy Nesslerodt, Shawnee District

Willie Deutsch, Opequon District

Becky Rager, Gainesboro District

Steve Karatchalo, Gainesboro District

Paige Felicicano, Gainesboro District

Julie Curd, Back Creek District

Caleb ?, Red Bud District

Lynn Glowacki, Back Creek District

Terry Whitmire, Gainesboro District

Jack Tinsley, Gainesboro District

Unknown speaker, Back Creek District

Chairman Jewell closed the public comment period.

Ty Lawson commented on some of the topics raised by some of the public hearing speakers.

Supervisor Orndorff moved to deny CONDITIONAL USE PERMIT #03-26 FOR WINCHESTER GATEWAY LLC. Vice Chairman Wells seconded the motion.

Supervisor Oates commented on the use of social media and electronic devices driving the demand for data centers.

Supervisor Liero commented on the speakers who questioned why the Board is still entertaining the data center application at this time, saying that the Board is following the process through, and the current application had been submitted before the Board voted to remove data centers as an allowed use in the zoning ordinance.

Supervisor Aikens said the subject property will be developed, but this application doesn't align with the County's expectations.

Supervisor Guevremont commented on a speaker's assertion that the property is not buildable.

Chairman Jewell reiterated that the Board is following the process begun when the application was received.

The motion to deny the CUP carried on a recorded vote as follows:

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

+ + + + + + + + + + + + + +

At 8:00 p.m., the Board took a brief recess and reconvened at 8:10 p.m.

+ + + + + + + + + + + + + +

REZONING #08-26 FOR GIBSON PROPERTY (ESTATE OF MONTIE WOOD GIBSON, JR.). – APPROVED

Senior Planner Tyler Klein explained the Rezoning #08-26 for Gibson Property (Estate of Montie Wood Gibson, Jr.) He reviewed the updated proffers dated October 27, 2026, stipulating that no data centers will be constructed on the subject property.

Taylor Chess of the Peterson Companies and Ty Lawson, representing the Applicant, reviewed the proposed project, including specific road improvements, buffering, landscaping, and possible building designs.

The Board and Mr. Chess discussed the distance from the site to Aylor Middle School, planned sewer capacity at the site, and the method for estimating expected revenues.

Chairman Jewell opened the public comment period.

The following spoke opposing approval of Rezoning #08-26 for Gibson Property:

Penny Smith, Opequon District
Jay Marts, Gainesboro District
Erin Fox, Back Creek District
Elizabeth Aylor, Back Creek District
Jerry Dickemper, Opequon District
Victoria Bullock, Opequon District
Mark Steffler, Opequon District
Vicent Riordan, Opequon District
Jack Tensley, Gainesboro District
Theresa Ostertag, Back Creek District
Paige Feliciano, Gainesboro District
Becky Rager, Gainesboro District
David Dixon, Stonewall District
Wendy Dorsey, Gainesboro District
Addie Jones, Opequon District
Leslie Spencer, Gainesboro District
Joan Hope, Shawnee District

Matthew James, Shawnee District
Todd Folmsbee, Opequon District
Kurt Creager, Back Creek District
Alexander Ritter, Opequon District
Jessican Bowen, Shawnee District
Susan Ritter, Opequon District
John Pellino, Opequon District
Robin Menefee, Opequon District

As the meeting had elapsed for four hours, per the Board-adopted Rules of Procedure, a decision was made to continue the meeting and complete the full agenda. A motion was made by Supervisor Aikens, seconded by Supervisor Liero, and carried on a voice vote.

The public hearing speakers opposing approval of Rezoning #08-26 for Gibson Property continued:

Steve Karatchalo, Gainesboro District
Willie Deutsch, Opequon District
Judy Nesselrodt, Shawnee District
Gary Adams, Shawnee District
Chelsea Dikus, Back Creek District
Tim Michaels, Stonewall District
Rani Hammond, Shawnee District
Carl Williams, Shawnee District
Kurt Botsche, Shawnee District

Chairman Jewell closed the public comment period.

Supervisor Liero commented on the County's growth and the need to balance revenues and provide services for the citizens. He said the subject property is designated for future industrial use and that, like most projects, the proposal has both pros and cons, providing some benefit with a few drawbacks. He moved to approve REZONING #08-26 FOR GIBSON PROPERTY (ESTATE OF MONTIE WOOD GIBSON, JR.). Supervisor Aikens seconded the motion.

At Supervisor Oates' request, County Attorney Fox confirmed his belief that the updated proffers

dated October 27, 2026, which prevent a data center from being built on the property, are binding.

The motion carried on a recorded vote as follows:

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

ORDINANCE
AMENDING THE ZONING DISTRICT MAP
REZONING #08-26 FOR GIBSON PROPERTY (ESTATE OF MONTIE WOOD GIBSON, JR.)

WHEREAS, REZONING #08-26 for Gibson Property submitted to rezone +/- 244.06-acres from the RA (Rural Areas) Zoning District to the M1 (Light Industrial) Zoning District with proffers. The property is located at 1787 Fairfax Pike and is generally north of Route 277 (Fairfax Pike) and west of Route 522 (Front Royal Pike) and is identified by Property Identification Numbers (PINs) 87-3-B, 87-A-16B, and 87-A-94 in the Shawnee Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a work session on this rezoning on September 16, 2026, and took no action; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this rezoning on October 7, 2026, and recommended denial; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on October 28, 2026; and

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

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, the Zoning District Map is amended in accordance with Rezoning #08-26 for Gibson Property submitted to rezone +/- 244.06-acres from the RA (Rural Areas) Zoning District to the M1 (Light Industrial) Zoning District with proffers dated October 27, 2026. The conditions voluntarily proffered in writing by the Applicant and the Property Owner are attached.

+ + + + + + + + + + + + + + +

PLANNING COMMISSION BUSINESS - OTHER PLANNING BUSINESS - None

BOARD LIAISON REPORTS

Supervisor Orndorff provided an update from the Planning Commission.

CITIZEN COMMENTS

Vaughn Whitacre, Gainesboro District, spoke about the upcoming election, saying the citizens need to take the County back from the Dillon Rule.

Chris Bright, Gainesboro District, spoke about his opposition to the Valley Link North Transmission Line project.

Leslie Spencer, Gainesboro District, said she was disappointed with the vote on the Gibson Property Rezoning and hopes the Board will reconsider the decision.

Elizabeth Aylor, Back Creek District, expressed disappointment with the vote on the Gibson Property Rezoning decision.

Jack Tinsley, Back Creek District, expressed disappointment with the vote on the Gibson Property Rezoning decision.

Becky Rager, Gainesboro District, expressed disappointment with the vote on the Gibson Property Rezoning decision.

BOARD OF SUPERVISORS COMMENTS - None

ADJOURN

On motion of Vice Chairman Wells, seconded by Chairman Jewell, the meeting was adjourned at 10:50 p.m.

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

Title: Acceptance of Transportation Committee Report of October 26, 2026

Attachments:
BOS11-12-26TransportationCommReport.pdf

TRANSPORTATION COMMITTEE REPORT to the BOARD OF SUPERVISORS
Monday, October 26, 2026
8:30 a.m.
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES:

Committee Members Present: John Jewell Chair (Voting), Dustin Simkhovitch (Voting) Kevin Kenney (Voting), Robert Liero (Voting) and Tim Stowe Voting.

Committee Members Absent: Jason Aikens (Voting)

Staff Present: John Bishop, Planning Director and Kathy Smith

ITEMS FOR INFORMATION ONLY:

Application Cycles Update- Upcoming Revenue Sharing and Transportation Alternatives: Staff reported that submitted Smart Scale applications were awaiting results and cautioned that statewide maintenance demands could reduce available funding. Staff outlined possible Revenue Sharing applications for Hopewell/Brucetown Road, Route 50/Back Mountain Road, a potential Inverlee connection between Senseny Road and Route 50, and the fourth high school secondary entrance. Staff also identified a possible smaller pedestrian-safety project near Inverlee for Transportation Alternatives or other safety funding.

VDOT Updates: VDOT staff presented to the Committee converting Cedar Creek Grade and Jones Road to an all-way stop. This would include illuminated stop signs, advance-warning signs, temporary public-notification measures, and removal of the existing flashing signal which are at the end of its service life. The Committee discussed the intersection's crash history, driver uncertainty, implementation timing, and advance warning. The Committee approved the recommendation for converting to an all -way stop unanimously.
Route 522/Clydesdale: VDOT discussed Route 522/Clydesdale safety improvements to the Committee regarding left-turn restrictions, U-turn movements, school-bus access, at the Armel school crossover and safety impacts. The Committee recommended deferring this item because of technical difficulties that limited the presentation. The Committee agreed to receive an in-person presentation with clearer exhibits at its next meeting.

Comprehensive Plan Modeling Status Check: McCormick Taylor consultant representatives: The consultants reported that the Comprehensive Plan transportation model would be updated using current land-use, demographic, and development assumptions. The consultants are preparing a web-based land-use review tool for County staff and anticipated having an updated model available after that review. Draft findings and recommendations will be presented to the Committee as the Comprehensive Plan update progresses, with substantial work anticipated in spring or summer 2027.

Eastern Frederick County Transportation Study Phase II Status Check: McCormick Taylor consultant representatives explained that Phase II of the Eastern Frederick County Transportation Study would focus on the projects and analyses most likely to support a competitive future funding application rather than advancing every concept equally. The consultants are coordinating with County staff and VDOT to determine the most relevant analysis and timing for the selected projects.

County Projects Update: Renaissance Drive: It was reported that Renaissance Drive was complete and that final reimbursement and invoicing documentation was being compiled with Public Works and VDOT.

Gainesboro Road*:* It was reported that review of the 60% Gainsboro Road plans was continuing. The school comments had been sent to the consultant, and VDOT review was underway. The estimated project cost had increased from approximately $7 million to approximately $13 million because of pavement, right-of-way, merge-lane, drainage, and related requirements.

Other: The Committee reviewed concerns with speeding and cut-through traffic in the Ravens Subdivision. Available data did not show a widespread speeding problem or meet cut-through traffic. Staff discussed speed and enforcement limitations. VDOT agreed to review the reported potholes on Custer Avenue and request review of Route 50 signal timing and left-turn operations.

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

Title:

Approval of Draft 2027 Legislative Agenda

Attachments:
BOS11-12-26_2027LegislativeInitiatives.pdf

COUNTY of FREDERICK

Office of the County Administrator

Tel: 540.665.6382
Fax: 540.667.0370

TO:	Board of Supervisors
FROM:	Jay E. Tibbs, Deputy County Administrator
SUBJECT:	Proposed 2026 Legislative Initiatives
DATE:	November 7, 2025

Attached please find a proposed draft of legislative priorities for the 2027 General Assembly session. Many of these priorities are the same as last year. There are two new items this year. The first is language regarding safety concerns on Route 7. This item came from the joint meeting with Clarke County and the City of Winchester.

The second item pertains to revenue collection authority. Currently, when growth in assessments results in an increase of more than 1% in the total real property tax levied, the governing body must reduce the tax rate accordingly, unless it holds a public hearing. The notice for the public hearing and the notice of change in assessment that is mailed to each property owner must include a calculation showing the tax rate that would levy the same amount of real estate tax as the previous year when applied to the total assessed value of real property (excluding new construction and improvements). Under current law, this calculation makes no allowance for inflation in the value of real estate, which has often exceeded 1%. As a result, advertising the lowered rate necessary to offset the increased assessment, as currently calculated, localities are communicating to the public a tax rate that would produce a reduction in revenue, when adjusted for inflation. Frederick County supports the ability of localities to communicate the lowered rate necessary to generate no more than a 1% increase in real estate tax revenue, after adjusting assessment growth for inflation, which would provide a more realistic picture of the tax rate proposed.

In past years, we have included several "other" positions relative to legislative matters, the majority of which came directly from the Virginia Association of Counties (VACo) legislative program. Because the County, through our attendees' participation at the VACo Annual Meeting, endorses the VACo legislative program, it seemed redundant to include the other positions.

It is important to note adopting this list does not prevent the Board from communicating support or opposition to other bills that might be introduced during this upcoming session.

If there are no proposed changes or additions to this proposed draft, staff is seeking adoption of the legislative priorities by the Board. Once adopted, a copy will be shared with our legislators, as well as our partners at the City of Winchester and Clarke County.

Attachment

2027 LEGISLATIVE INITIATIVES
FREDERICK COUNTY, VIRGINIA

Priority Items:

1. **Land Use Regulation and Development –** Frederick County supports maintaining and expanding local authority to plan and regulate land use and opposes any legislation that weakens these key local responsibilities. Frederick County supports the local government having the ability to impose proffers and impact fees to help lower the cost of new development and its direct impact on infrastructure, schools, and emergency services.

2. **Funding for Transportation Improvements** – Frederick County supports continued State actions to address the need for increasing state road construction and maintenance revenues for secondary roads and major State highways throughout the Commonwealth.

   Frederick County strongly supports Commonwealth action to address safety concerns on Route 7. A multi-faceted approach from the Commonwealth is needed and could include design solutions from the Viriginia Department of Transportation (with funding for those solutions from the General Assembly), increased enforcement tools for law enforcement (e.g. increased fines, Highway Safety Corridor designation, etc.) and more commuter ride share programs.

   Frederick County supports the widening of Interstate 81 through the entirety of Frederick County.

   Frederick County supports the continuation of the State and local matching revenue sharing program currently in place and encourages the expansion thereof.

   Frederick County supports the restoration of state recordation tax revenues distributed to counties and cities for use of transportation purposes.

3. **Education Funding** – Frederick County supports full funding of the Virginia Standards of Quality as recommended by the Board of Education and the Joint Legislative Audit & Review Commission. Full state funding should be achieved without reduction to other parts of the state public education budgets or to other core services. Further, Frederick County supports the state providing the full COCA (Cost of Competing Adjustment) for its teachers and support staff.

4. **Mental Health** – Frederick County supports efforts to address the continuing lack of patient space pressures at State hospitals through funding measures that will ensure

DRAFT

that all Stat hospitals have the capacity to receive admissions of individuals subject to temporary detention orders, without delay.

Frederick County supports increased budget allocations from the Commonwealth to address student mental health in our local school system.

5. **Revenue Collection Authority** – Currently, when growth in real estate assessments would result in an increase of more than 1 percent in the total real property tax levied, the governing body must reduce the tax rate accordingly, unless it holds a public hearing. Under current law, the calculation of that rate makes no allowance for inflation in the value of real estate, which has often exceeded 1 percent. The lowered rate necessary to offset the increase in assessments results in localities communicating to the public a tax rate that would produce a reduction in revenue. Frederick County supports the ability of localities to communicate the lowered tax rate necessary to generate no more than a one percent increase in real estate tax revenue, after adjusting the assessment growth for inflation, which would provide a more realistic picture of the tax rate proposed.

DRAFT

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

Title: Resolution Authorizing Frederick County to Participate in the Valley Council of Governance

Attachments:
BOS11-12-26AuthorizingValleyCouncilOfGovernance.pdf

COUNTY of FREDERICK

Michael Bollhoefer
County Administrator

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

TO: Frederick County Board of Supervisors

FROM: Mike Bollhoefer, County Administrator

SUBJECT: Resolution authorizing Frederick County to participate in the Valley Council of Governance

DATE: November 6, 2026

The attached Resolution authorizes Frederick County to participate in the Valley Council of Governance (the "Committee"). Currently the other members are Clarke County and the City of Winchester. The Committee generally meets once a quarter to discuss regional issues and to find ways to partner in addressing such issues. The Chairman and the Vice Chairman will serve as the representatives for Frederick County.

RESOLUTION AUTHORIZING THE COUNTY OF FREDERICK TO PARTNER IN A VALLEY REGIONAL COMMITTEE

WHEREAS, the County of Frederick, Virginia, benefits from working with its neighboring localities on regional and shared issues and topics; and

WHEREAS, Frederick County would like to partner with the City of Winchester and Clarke County in the formation of a committee, entitled Valley Council of Governance (the "Committee"), which intends to meet quarterly; and

WHEREAS, Frederick County would have one administrative member, as well as the Chairman and Vice Chairman of the Board of Supervisors; and

WHEREAS, the charge to this group is to meet to discuss issues surrounding our respective jurisdictions and work together to solve issues that affect the region; and

WHEREAS, the Board members who represent Frederick County will bring the discussion of the Committee back to the full Board of Supervisors for future action as needed; and

WHEREAS, Frederick County is willing and desirous of joining the Committee.

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

1. The Board selects the Chairman and Vice Chairman serve as members of the Committee, and the County Administrator is directed and authorized to take all actions that are reasonable and necessary to effectuate the purpose of the Committee and this Resolution. The County Administrator or designee shall serve as the administrative member of the Committee.

2. This Resolution shall take effect immediately upon adoption.

Passed this 12th day of November 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

No.

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

Title:

Handley Regional Library Board

4-year term of Brenda Nelson expires 11-30-26

Ms. Nelson does not wish to be reappointed.

See attached applications of Angela Buckner , Orianna Largent, and Erin Willis.

Attachments:
BOS11-12-26App_AngelaBuckner_Redacted.pdf
BOS11-12-26App_OriannaLargent_Redacted.pdf
BOS11-12-26App_ErinWillis_Redacted.pdf

Application Form

Profile

Angela
First Name

Buckner
Last Name

Email Address

Home Address

Stephens City
City

VA
State

22655
Postal Code

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

Handley Regional Library Board: Submitted

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting?

(•) Yes ( ) No

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee?

( ) Yes (•) No

Interests & Experiences

Why are you interested in serving on a board or commission?

To provide community support.

Application Form

Profile

Orianna (First Name) | U (Middle Initial) | Largent (Last Name)

Email Address

5736 Nortwestern Pike
Home Address

Gore (City) | VA (State) | 22637 (Postal Code)

Magisterial District:

- [x] Gainesboro

Primary Phone | Alternate Phone

Winchester Public Schools & United Way NSV (Employer) | Family liaison-Program coordinator (Job Title)

Which Boards would you like to apply for?

Handley Regional Library Board: Submitted

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting?

- (•) Yes
- ( ) No

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee?

- ( ) Yes
- (•) No

Civic/Community Activities:

-Co Creator and Coordinator, Leyendo Juntos– Lead a Hispanic family engagement and literacy initiative under the Winchester Campaign for Grade-Level Reading, promoting early literacy, equitable access to books, and meaningful family participation through community partnerships and outreach programs. - Campaign for Grade-Level Reading, United Way of Northern Shenandoah Valley – Support community literacy initiatives, educational outreach, volunteer engagement, and partnerships that strengthen reading opportunities for children and families. - Board Member, Learning Heroes (2025–2027) – Serve on the board of a national educational organization dedicated to empowering families and strengthening partnerships between parents, schools, and communities. - Family Engagement and Attendance Support, Winchester Public Schools – Work with multilingual families to strengthen school engagement, improve communication, address barriers to attendance, and connect families with educational resources. - Community Volunteer and Board Service, Yellow House – Support nonprofit initiatives, community events, and volunteer coordination. - Community Service and Outreach– Collaborate with local schools, libraries, nonprofit organizations, and community partners to organize literacy events, book distributions, family activities, and volunteer service opportunities throughout the Winchester and Frederick County area. -Volunteer Legal Clinic Interpreter, Just Neighbors – Provide volunteer Spanish-English interpretation services during legal clinics, helping Spanish-speaking individuals and families communicate effectively with legal professionals and access important legal information and resources.

Interests & Experiences

Why are you interested in serving on a board or commission?

I am interested in serving on the Handley Regional Library Board because I believe libraries are essential to building strong, educated, and connected communities. Through my work in literacy, education, and family engagement, I have seen firsthand how access to books, educational resources, and welcoming spaces can make a lasting difference in the lives of children and families. As a co creator of Leyendo Juntos, I have worked to bridge gaps between families and community resources, particularly among Hispanic and underserved populations. This experience has strengthened my commitment to ensuring that everyone, regardless of language, background, or circumstances, feels welcomed and represented in our community institutions. I would welcome the opportunity to bring my experience, community connections, and perspective to the Board while continuing to learn from others. I see board service as both a responsibility and an opportunity to give back to Frederick County, strengthen community partnerships, and help ensure our libraries remain accessible, inclusive, and valuable resources for generations to come.

Additional Information Or Comments You Would Like To Provide:

I would like to express my sincere appreciation for the opportunity to be reconsidered for service on the Handley Regional Library Board. Since submitting my original application in October 2025, I have continued expanding my involvement in community literacy, education, and nonprofit leadership, including serving on the Board of Learning Heroes, a national organization focused on strengthening family engagement in education. As both a Frederick County resident and an active community advocate, I would be honored to contribute my experience, dedication, and perspective to an institution that plays such an important role in our region. I am committed to listening, learning, collaborating, and helping ensure that our public libraries continue to serve the evolving needs of our diverse communities. Thank you for your time and consideration.

Application Form

Profile

Erin
First Name

Willis
Last Name

Email Address

374 Stonymeade Drive
Home Address

Winchester
City

VA
State

22602
Postal Code

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

Handley Regional Library Board: Submitted

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting?

(•) Yes ( ) No

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee?

( ) Yes (•) No

Civic/Community Activities:

Having recently moved to Winchester, I have been intentional about getting to know the community and becoming involved in local organizations. I am a member of the Museum of the Shenandoah Valley, joined the Apple Club, and became a season ticket holder at Shenandoah Conservatory to support the region’s arts and cultural life. I have also supported the Winchester SPCA, the WATTS program, and a local CSA, and I am in the process of applying to serve on additional city committees. These steps reflect my desire to contribute meaningfully, to support our local services and businesses, and to build long-term connections within the community. Community involvement has been a consistent priority throughout my life. While living overseas for several years, I volunteered with a community garden, a therapeutic riding program, and a food kitchen. Those experiences reinforced the importance of strong local institutions and the role volunteers play in sustaining them.

Interests & Experiences

Why are you interested in serving on a board or commission?

I am interested in serving because I value the role that local boards and commissions play in shaping and sustaining the civic life of a community. My professional background has involved strategic planning, organizational leadership, and working collaboratively to support shared goals, and I would welcome the opportunity to apply those skills in a public service capacity. Libraries, in particular, play a vital role in providing access to knowledge, fostering curiosity, and strengthening communities. As someone who has recently made Winchester my home, serving would be a meaningful way to contribute, support an institution that benefits residents across generations, and become more deeply connected to the community.

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

Title:

Historic Resources Advisory Board - Back Creek Rep.

4-year term of Gary Crawford expires 12-10-26

Mr. Crawford is eligible and willing to serve another term.

Attachments:

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

Title: Economic Development Authority
Two Vacant terms
See attached applications:
Jeff Coker
Tony Cole
Craig Demko
Lowman Hatfield
Scott Johnson
Jeremy Mills
Lauren Oscar

Attachments:
BOS11-12-26App_JeffCoker_Redacted.pdf
BOS11-12-26App_TonyCole_Redacted.pdf
BOS11-12-26App_CraigDemko_Redacted.pdf
BOS11-12-26App_LowmanHatfield_Redacted.pdf
BOS11-12-26App_ScottJohnson_Redacted.pdf
BOS11-12-26App_JeremyMills_Redacted.pdf
BOS11-12-26App_LaurenOscar_Redacted.pdf

Application Form

Profile

Jeff
First Name

W
Middle Initial

Coker
Last Name

Email Address

478 Brookneil Dr
Home Address

WINCHESTER
City

VA
State

22602
Postal Code

Magisterial District:

☑ Shawnee

Primary Phone

Alternate Phone

Shenandoah University
Employer

Dean, College of Business, Engineering, and Technology
Job Title

Which Boards would you like to apply for?

Economic Development Authority: Submitted

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting?

◉ Yes ○ No

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee?

○ Yes ◉ No

Civic/Community Activities:

Member, Board of Directors, Museum of the Shenandoah Valley; Former Regional Board Member, National Alliance on Mental Illness

Interests & Experiences

Why are you interested in serving on a board or commission?

For more than a decade, I have had the privilege of serving the Winchester-Frederick County area through my leadership at Shenandoah University, working closely with business leaders, nonprofit organizations, local government, and community partners to strengthen our region. More recently, my family and I chose to make Frederick County our home. I believe in its future and want to invest personally as well as professionally in its continued success. Frederick County is well-positioned to expand economic opportunity, attract and retain talent, support entrepreneurship, and strengthen the partnerships that bring together education, business, and the broader community. Serving on the Economic Development Authority would provide an opportunity to contribute my experience, continue to learn from others, and help shape the county's future.

Question applies to Economic Development Authority

Please Agree with the Following Statement

You agree that you will complete training on the Freedom of Information Act once every two years or as otherwise required by the Commonwealth of Virginia.

☑ I Agree

Question applies to Economic Development Authority

Please Agree with the Following Statement

You agree that you will file a Statement of Economic Interest as required by the Commonwealth of Virginia upon appointment and annually thereafter with the Deputy Clerk of the Board of Supervisors.

☑ I Agree

Additional Information Or Comments You Would Like To Provide:

Throughout my career, I have focused on bringing organizations together around a shared vision and building partnerships that create long-term value. As Dean of Shenandoah University's newly-created College of Business, Engineering, and Technology, I work at the intersection of workforce development, business, innovation, and regional economic growth. This role has given me the opportunity to collaborate with employers, entrepreneurs, elected officials, nonprofit organizations, and educational partners across the Shenandoah Valley. I believe one of Frederick County's greatest opportunities is to strengthen the connections among education, workforce development, entrepreneurship, and business investment. Sustainable economic development depends not only on attracting employers, but also on developing talent, fostering innovation, and creating an environment where businesses and communities can thrive together. I would welcome the opportunity to contribute that perspective as a collaborative member of the Economic Development Authority.

Application Form

Profile

Tony
First Name

Cole
Last Name

Email Address

140 Cahille Dr
Home Address

Winchester
City

VA
State

22602
Postal Code

Magisterial District:

☑ Shawnee

Primary Phone

Alternate Phone

ColeSec LLC
Employer

CEO
Job Title

Which Boards would you like to apply for?

Economic Development Authority: Submitted

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting?

◉ Yes ○ No

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee?

○ Yes ◉ No

Civic/Community Activities:

I'm a former president of the Information Systems Security Association -District of Columbia, a non-profit helping the cybersecurity community. I also served previously on Gula Tech's Foundation Grant Committee where we helped select non-profits related to the tech community for million-dollar quarterly grants. I'm also a founding member of the White Hat Gala that's raised over $7 million dollars for Children's National Hospital in Washington DC. I'm also a contributor to Blue Ridge Area Food Bank and DAV (Disabled American Veterans) two very noteworthy charities.

Interests & Experiences

Why are you interested in serving on a board or commission?

I've had a very successful technology career and think I can use my recently increased free time to help our economy in Frederick County by helping provide guidance and advice to our EDA to bring in businesses that can increase our tax base while increasing local employment.

Question applies to Economic Development Authority

Please Agree with the Following Statement

You agree that you will complete training on the Freedom of Information Act once every two years or as otherwise required by the Commonwealth of Virginia.

☑ I Agree

Question applies to Economic Development Authority

Please Agree with the Following Statement

You agree that you will file a Statement of Economic Interest as required by the Commonwealth of Virginia upon appointment and annually thereafter with the Deputy Clerk of the Board of Supervisors.

☑ I Agree

Additional Information Or Comments You Would Like To Provide:

Although I've been pretty vocal at some county meetings about data centers, I am absolutely not anti-technology and made my living in the technology space for my entire adult life. Data center siting in submitted applications was always my chief concern. I'd like to help our county grow through smart growth that our community can rally behind and benefit from through well-paying jobs and an increased tax base.

Application Form

Profile

Craig
First Name

J
Middle Initial

Demko
Last Name

Email Address

126 Lucy Long Ct
Home Address

Stephens City
City

VA
State

22655
Postal Code

Magisterial District:

☑ Shawnee

Primary Phone

Alternate Phone

Green Bay Packaging Inc
Employer

Director of Operations - Outlying Divisions
Job Title

Which Boards would you like to apply for?

Economic Development Authority: Submitted

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting?

◉ Yes ○ No

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee?

○ Yes ◉ No

Interests & Experiences

Why are you interested in serving on a board or commission?

I've lived in Frederick County for 30 yrs. It's an opportunity to give back and help ensure the community is able to support its continued growth and success.

Question applies to Economic Development Authority

Please Agree with the Following Statement

You agree that you will complete training on the Freedom of Information Act once every two years or as otherwise required by the Commonwealth of Virginia.

☑ I Agree

Question applies to Economic Development Authority

Please Agree with the Following Statement

You agree that you will file a Statement of Economic Interest as required by the Commonwealth of Virginia upon appointment and annually thereafter with the Deputy Clerk of the Board of Supervisors.

☑ I Agree

Additional Information Or Comments You Would Like To Provide:

Graduate of Community Leadership Program

Application Form

Profile

Lowman
First Name

C
Middle Initial

Hatfield
Last Name

Email Address

301 covey lane
Home Address

winchester
City

VA
State

22602
Postal Code

Magisterial District:

☑ Shawnee

Primary Phone

Alternate Phone

XMSTART
Employer

Director of Security
Job Title

Which Boards would you like to apply for?

Economic Development Authority: Submitted

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting?

◉ Yes ○ No

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee?

○ Yes ◉ No

Interests & Experiences

Why are you interested in serving on a board or commission?

I am interested in serving on the Economic Development Authority board, because I believe in contributing my professional experience, leadership capabilities, and knowledge to the community where I live. Having spent more than 25 years in progressively responsible leadership positions supporting the Department of Defense, Intelligence Community, and private sector, I bring a diverse background in organizational leadership, strategic planning, financial management, risk assessment, technology, and operational oversight. Throughout my career, I have worked with senior executives, government leadership, technical organizations, and multidisciplinary teams to address complex challenges, manage resources, establish priorities, and develop solutions that support long-term organizational objectives. My experience includes managing multimillion-dollar programs, developing five-year investment and budget plans, overseeing geographically distributed operations, evaluating organizational risks, and ensuring accountability in the use of resources. As a Director of Security and technical advisor, I have developed a strong appreciation for the importance of responsible governance, transparency, fiscal accountability, effective leadership, and informed decision-making. I believe these principles are equally important in local government, where decisions directly affect residents, businesses, public services, and the future growth of the community. I am particularly interested in bringing an experienced leadership perspective to the challenges facing Frederick County. Whether addressing infrastructure, public safety, technology modernization, economic development, financial priorities, or community planning, I believe thoughtful planning, collaboration, and responsible resource management are essential to achieving sustainable results. As a resident of Frederick County, I view board and commission service as an opportunity to give back to the community, contribute practical professional experience, and help support decisions that benefit both current residents and future generations. I would welcome the opportunity to work alongside county leadership and fellow community members to advance the County's objectives and strengthen the community we call home.

Question applies to Economic Development Authority

Please Agree with the Following Statement

You agree that you will complete training on the Freedom of Information Act once every two years or as otherwise required by the Commonwealth of Virginia.

☑ I Agree

Question applies to Economic Development Authority

Please Agree with the Following Statement

You agree that you will file a Statement of Economic Interest as required by the Commonwealth of Virginia upon appointment and annually thereafter with the Deputy Clerk of the Board of Supervisors.

☑ I Agree

Application Form

Profile

Scott
First Name

J
Middle Initial

Johnson
Last Name

Email Address

901 Kennedy Dr.
Home Address

Winchester
City

VA
State

22601
Postal Code

Magisterial District:

☑ N/A

Primary Phone

Alternate Phone

Shawnee Canning Co. Inc.
Employer

Senior Vice President
Job Title

Which Boards would you like to apply for?

Economic Development Authority: Submitted

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting?

◉ Yes ○ No

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee?

○ Yes ◉ No

Civic/Community Activities:

Top of Virginia Regional Chamber - Board Member Woodlawn Cemetery - Treasurer Alson H. Smith Research Board Horizon Farm Credit Customer Advisory Committee

Interests & Experiences

Why are you interested in serving on a board or commission?

Throughout my career, I have worked directly with workforce development challenges, capital investment decisions, regulatory considerations, and the day-to-day realities that shape the success of small and mid-sized businesses. These experiences have given me a practical understanding of what helps businesses thrive—and what barriers can hold them back. I am eager to bring that perspective to the EDA Board to help strengthen our business climate, attract new opportunities, and support the enterprises that form the backbone of our local economy. I am particularly motivated by the opportunity to collaborate with county leadership, fellow board members, and community stakeholders to advance initiatives that foster sustainable growth, job creation, and long-term economic resilience.

Question applies to Economic Development Authority

Please Agree with the Following Statement

You agree that you will complete training on the Freedom of Information Act once every two years or as otherwise required by the Commonwealth of Virginia.

☑ I Agree

Question applies to Economic Development Authority

Please Agree with the Following Statement

You agree that you will file a Statement of Economic Interest as required by the Commonwealth of Virginia upon appointment and annually thereafter with the Deputy Clerk of the Board of Supervisors.

☑ I Agree

Application Form

Profile

Jeremy
First Name

Mills
Last Name

Email Address

123 Branch CT
Home Address

Stephens City
City

VA
State

22655
Postal Code

Magisterial District:

☑ Opequon

Primary Phone

Alternate Phone

J.P. Morgan
Employer

Executive Director
Job Title

Which Boards would you like to apply for?

Economic Development Authority: Submitted

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting?

◉ Yes ○ No

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee?

○ Yes ◉ No

Civic/Community Activities:

I previously volunteered on the United Way Community Grant Investment Team, helping review and prioritize community funding requests. I also routinely participated in United Way Day of Caring events with a prior employer and have volunteered on multiple Habitat for Humanity build projects.

Interests & Experiences

Why are you interested in serving on a board or commission?

I’m interested in serving on the County Economic Development board because I care deeply about the long-term success of Frederick County and want to contribute my experience in a way that is practical and community-focused. As a nearly lifelong resident of the Shenandoah Valley and a commercial banker for close to two decades, I’ve worked alongside local businesses through growth, transitions, and challenging periods. That perspective has shown me how critical thoughtful economic development is to strengthening our tax base, expanding quality jobs, and supporting the small businesses that help define our community. As a father of two young children, I want to help ensure we are investing in the right opportunities now so Frederick County remains a place where families can build their future and local businesses can thrive for the next generation.

Question applies to Economic Development Authority

Please Agree with the Following Statement

You agree that you will complete training on the Freedom of Information Act once every two years or as otherwise required by the Commonwealth of Virginia.

☑ I Agree

Question applies to Economic Development Authority

Please Agree with the Following Statement

You agree that you will file a Statement of Economic Interest as required by the Commonwealth of Virginia upon appointment and annually thereafter with the Deputy Clerk of the Board of Supervisors.

☑ I Agree

Application Form

Profile

Lauren
First Name

D
Middle Initial

Oscar
Last Name

Email Address

118 Virginia Drive
Home Address

Stephens City
City

VA
State

22655
Postal Code

Magisterial District:

☑ Opequon

Primary Phone

Alternate Phone

Old Town ABA
Employer

Therapeutic Behavior Consultant/Behavior Analyst
Job Title

Which Boards would you like to apply for?

Economic Development Authority: Submitted

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting?

◉ Yes ○ No

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee?

○ Yes ◉ No

Civic/Community Activities:

Shred Day at NW Works 2014-2018, Apple Blossom Sports Breakfast 2016, Casino Night at NW Works 2015-2016, Connected Communities back-to-school community event 2024, Community Safety Fair 2024, regularly contribute to Bright Futures, Evans Home, Froggy's Closet & local school events & fundraisers

Interests & Experiences

Why are you interested in serving on a board or commission?

As a lifelong resident of Frederick County, Shenandoah University alumni x 2, and former employee of numerous local businesses, non-profits, and our school system, I have been searching for a way to give back to our community on a larger scale as I have settled into my career. As we attract businesses to our area and as I work with more families and providers, it does not appear we have a voice for a large population that our schools, non-profits, and community services board work so diligently to support. We need to increase access to inclusive spaces as we serve a larger population of children, adolescents, and adults with varying abilities and needs. Many families I have worked with are unable to regularly access community spaces as they are not conducive to their child or family members needs. That's less money spent within our community, fewer opportunities for support staff to conduct community engagement and assist individuals in finding employment, and fewer opportunities for our community to see the 'ability' in disability. A large population of employable individuals are being overlooked as many local businesses struggle to find and maintain employees. I would love the opportunity to share my outlook and ideas with our EDA.

Question applies to Economic Development Authority

Please Agree with the Following Statement

You agree that you will complete training on the Freedom of Information Act once every two years or as otherwise required by the Commonwealth of Virginia.

☑ I Agree

Question applies to Economic Development Authority

Please Agree with the Following Statement

You agree that you will file a Statement of Economic Interest as required by the Commonwealth of Virginia upon appointment and annually thereafter with the Deputy Clerk of the Board of Supervisors.

☑ I Agree

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

Title:

Board of Zoning Appeals

5-year terms of Eric Lowman (Red Bud), Dudley Rinker (Back Creek), and Ronald Madagan (At-large) expire 12-31-26

All three members are willing to serve again.

Recommendations for appointment are made by the Board of Supervisors and appointments made by the Judge of the Circuit Court.

Attachments:

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

Title:

Board of Equalization

3-year terms of Betsy Brumback and Scott Strosnider expire 12-31-26

Mr. Strosnider is willing to serve again. Ms. Brumback does not wish to be reappointed.

Recommendations for appointment are made by the Board of Supervisors and appointments made by the Judge of the Circuit Court.

Attachments:

Board of Supervisors
Agenda Item Detail
Meeting Date: November 12, 2026
Agenda Section: Planning Commission Business - Public Hearings

Title:

Conditional Use Permit #05-26 for 172 Fire House LLC., (Stephen Pettler, Jr.) for a Landscape Contractor Business. The Subject Property is Located at 171 Old Firehouse Lane, Winchester, Virginia and is Identified with Property Identification Number (PIN) 52-A-287B in the Back Creek Magisterial District.

Attachments:
BOS11-12-26_CUP05-26_Redacted.pdf

CONDITIONAL USE PERMIT #05-26
Fire House LLC and Barbara Singhas (Stephen Pettler POA)
Landscape Contracting Business
Staff Report for the Board of Supervisors
Prepared: November 5, 2026
Staff Contact: Amy Feltner, Planner

Executive Summary:

Meeting Schedule	
Planning Commission: October 21, 2026	Action: Recommended Approval
Board of Supervisors: November 12, 2026	Action: Pending
Property Information	
Property Identification Number (PIN)	52-A-287B
Address	171 Firehouse Lane
Magisterial District	Back Creek
Acreage	+/-5.00
Zoning & Present Land Use	Zoning: RA (Rural Areas) Land Use: Landscape Contracting Business
Adjoining Property Zoning & Present Land Use	
North: RA (Rural Areas) District	Land Use: Private school & residential
South: RA	Land Use: Special event facility
East: RA	Land Use: Agricultural/vacant
West: RA	Land Use: Special event facility
Proposed Use	
This is a request for a Conditional Use Permit (CUP) to reestablish a revoked permit for landscape contracting business 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 no comments on the CUP."
Frederick-Winchester Health Department	July 9, 2026	No objection to the proposed use of the property. "The existing sewage disposal system is designed for 8 employees for 8-hour shift & 40 field employees only. The well is required to be regulated by the Office of Driving Water if the water is used by 25 or more people for 60 or more days out of the year."
Frederick County (FC) Inspections	August 27, 2026	Change of use (R use to B use) permit is required for the existing structure (house) & site. At least one accessible restroom and accessible van parking space and accessible access to the house shall be provided. Asbestos inspection, building plans, and an approved site plan is required for the change of use permit. Commencement of renovations before obtaining permits shall be a violation of Sec. 108.1 of the Virginia Construction Code (VCC).
FC Fire Marshal	August 25, 2026	Approved with conditions. Above ground storage tanks shall comply with Chapter 23 of the F.C. Fire Prevention Code (FCFPC). Storage of wood chips or other hogged materials (mulch) shall comply with FCFPC, Chapter 28. All occupied structures for the purposes of business

		shall have portable fire extinguishers as outlined in the FCFPC.
FC Public Works	June 12, 2026	"No comments from Public Works. No proposed land disturbance or changes to grading or stormwater management."
FC GIS	June 22, 2026	"No further road names or addresses required."
HRAB	May 17, 2024	Recommends approval. Requests the applicant create a mixture of planting types when screening the property.

Planning & Zoning:

Application Proposal:

This is a request to reestablish a revoked conditional use permit (CUP) for a landscape contracting business in the RA (Rural Areas) Zoning District on +/-5.00-acres. The application proposed using the existing office trailer for a maximum of five (5) regular employees that work at the site daily. The hours of operation as proposed in the application are 6 a.m. – 8 p.m. Monday through Friday. The business generally does not have customers on site.

There are approximately forty-five (45) employees (depending on seasonal needs) of which only thirty (30) employees come to the site for work assignments. Only 20 employee vehicles will be parked on site at any time; all other employees report directly to the job site. Supplies and materials are typically obtained and transported by employees directly to the site, although some live plantings are stored and weekly fuel delivery and trash pickup are scheduled. Employees will load equipment and supplies early in the morning before leaving the property for the jobsite. After completion of the jobs, they return to the site and unload, clean, service the equipment and vehicles. There is an existing garage/shop on site where the equipment/vehicles are serviced.

The long-term plan is to utilize the existing dwelling that is currently located on site for an office. Additionally, as the business grows, the ability to have sixty (60) employees at this location.

Site History:

A conditional use permit was approved on August 14, 2024, by the Frederick County Board of Supervisors. A condition of approval at that time required submission and approval of a minor site plan prior to the establishment of the use. On April 8, 2026, the Board of Supervisors

revoked conditional use permit #03-24 due to the violation of said condition, as a site plan was not approved. The same applicant is requesting a new conditional use permit to reestablish the use.

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.

- The proposed use is permitted in the RA (Rural Area) District with an approved conditional use permit. (§165-603.01). The property is located within the Round Hill Rural Community Center and surrounded by other RA (Rural Area) zoned properties, which includes Independent School of Winchester, Fox Meadow (special event facility) and single-family detached residences. One goal of the Comprehensive Plan is to encourage appropriate mixes of residential, commercial and business uses within the Rural Community Centers. 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 institutional, agricultural, agritourism 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 located within the Round Hill Rural Community. A goal of the Comprehensive Plan is to encourage appropriate mixes of residential, commercial and business uses within the Rural Community Centers

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.

- The property is accessed via an existing private driveway located at 171 Old Firehouse Lane.

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 outdoor storage in §165-808.02. The additional regulation for specific uses is as follows:
    - When permitted, the outdoor storage or processing shall be completely screened from the view of road and street ROW and from surrounding properties by a six-foot-tall opaque fence, wall, berm or evergreen screen.
    - Outdoor storage surface areas shall consist of asphalt, concrete, stone, gravel or any other impervious surface approved by the Zoning Administrator.
    - Outdoor storage and processing shall not be permitted in any required front setback yard.

Conditions of Approval:

Should the Board of Supervisors find the landscape contracting business use to be appropriate, the Planning Commission 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 within ninety (90) days of approval of this conditional use permit. The Zoning Administrator may grant one additional 30-day extension if the site plan is submitted and under review by applicable agencies but not yet approved. All improvements required by the site plan shall be completed, installed and inspected by the Zoning Administrator prior to the establishment of the use. All improvements required by the site plan shall be installed within six (6) months of the approval of the site plan.

3. In the event the site plan is not approved by the Zoning Administrator in the time allotted in condition 2 above, the conditional use permit will be immediately void.

4. All outdoor storage of vehicles (operating or inoperable), landscape contracting equipment, trailers, fueling tanks, nursery stock and other landscaping raw materials shall be completely screened from the view of road and street ROW and from surrounding properties by a six-foot-tall opaque fence, wall, berm or evergreen screen. In addition, both a opaque fence and plantings are installed on the North and East side of the parcel.

5. The business is limited to 45 employees; no more than 25 employee vehicles are permitted on the property at any one time.

6. Hours of operation for the site shall be limited to 6:00 a.m. to 8 p.m. daily with the exceptions for emergency inclement weather services (snow removal and storm damage remediation).

7. A business licenses and zoning review form is required from the Commissioner of

Revenue office within 365-days of approval of this conditional use permit, and annually thereafter as required by the Commissioner of Revenue.

8. One monument style sign is permitted on the property, not to exceed 50 square feet in sign area and 12 feet in height.

9. Any change in the use for which the conditional use permit was granted shall require a new conditional use permit (CUP).

Planning Commission Summary & Action from the October 21, 2026 Meeting:

The Planning Commission held a public hearing during their regular meeting on October 21, 2026. The Planning Commission noted that the business is currently operating following the April 2026 revocation and continues to operate at this facility. The Zoning Administrator has requested continuance within the General District Court pending the outcome of this application. The next scheduled appearance is November 24, 2026.

The Planning Commission questioned the condition requiring approval of the site plan within ninety (90) days. Staff explained that a site plan approval would be needed in ninety (90) days otherwise condition 3 would immediately void the conditional use permit.

The Planning Commission asked for clarification of the limit of forty (40) field employees permitted on the site. The existing sewage disposal system is limited by the Virginia Department of Health with a "limit of 8 employees for 8-hour shift & forty (40) field employees." The business may have other employees at other locations not included in this total. The Planning Commission questioned the hours of operation and compared the current request with the conditions set for the previous conditional use permit. The hours of operation also included weekends for snow emergencies, snow plowing, and storm damage. The current application did not include the request, and the applicant acknowledge their desire to include that condition. It was also noted that 6 a.m. to 8 p.m. were the preferred hours of operation.

The Planning Commission inquired as to the completeness of the site plan which was submitted under the previous conditional use permit. Staff acknowledged that the sketch plan provided with the application was the site plan submitted under the old conditional use permit and that the changes necessary would not be substantial but nevertheless, changes were required. The previous site plan submitted was not approved. The Planning Commission noted that the complaints received from adjacent residents included numerous inoperable vehicles. Staff explained the applicant would be required to provide a site plan showing the location and areas of equipment storage. Additionally, the ordinance requires screening of any outdoor storage areas.

The Planning Commission noted the fueling area and the office trailer currently in use on the site. Staff stated the Building Inspection department and the Fire Marshal's office will address the permitting and approval of these items at the site plan submission and building permitting stage of the project.

The Planning Commission addressed the applicant to ensure he understood the conditions, accepts

the conditions and understands the ramifications of not meeting those conditions. The applicant agrees with the conditions and felt them to be reasonable, understands the costs, and understands the time frame. The only concern was the time necessary for the various agencies to provide comments or satisfy any corrections necessary. The applicant acknowledged the upgraded buffer requirement along the existing established residential uses. The applicant would prefer to have it completely screened to reduce conflict between neighbors.

One (1) neighbor spoke to the commitment from the applicant on the promise to make the site compliant. He addressed the trash, stored tires, and junk that he viewed daily.

The Planning Commission recommended adding the following recommendations:

1. Hours of operation for the site shall be limited to 6:00 a.m. to 8 p.m. daily with the exceptions for emergency inclement weather services (snow removal and storm damage remediation).
2. All improvements required by the approved site plan be completed within six (6) months after the site plan approval.

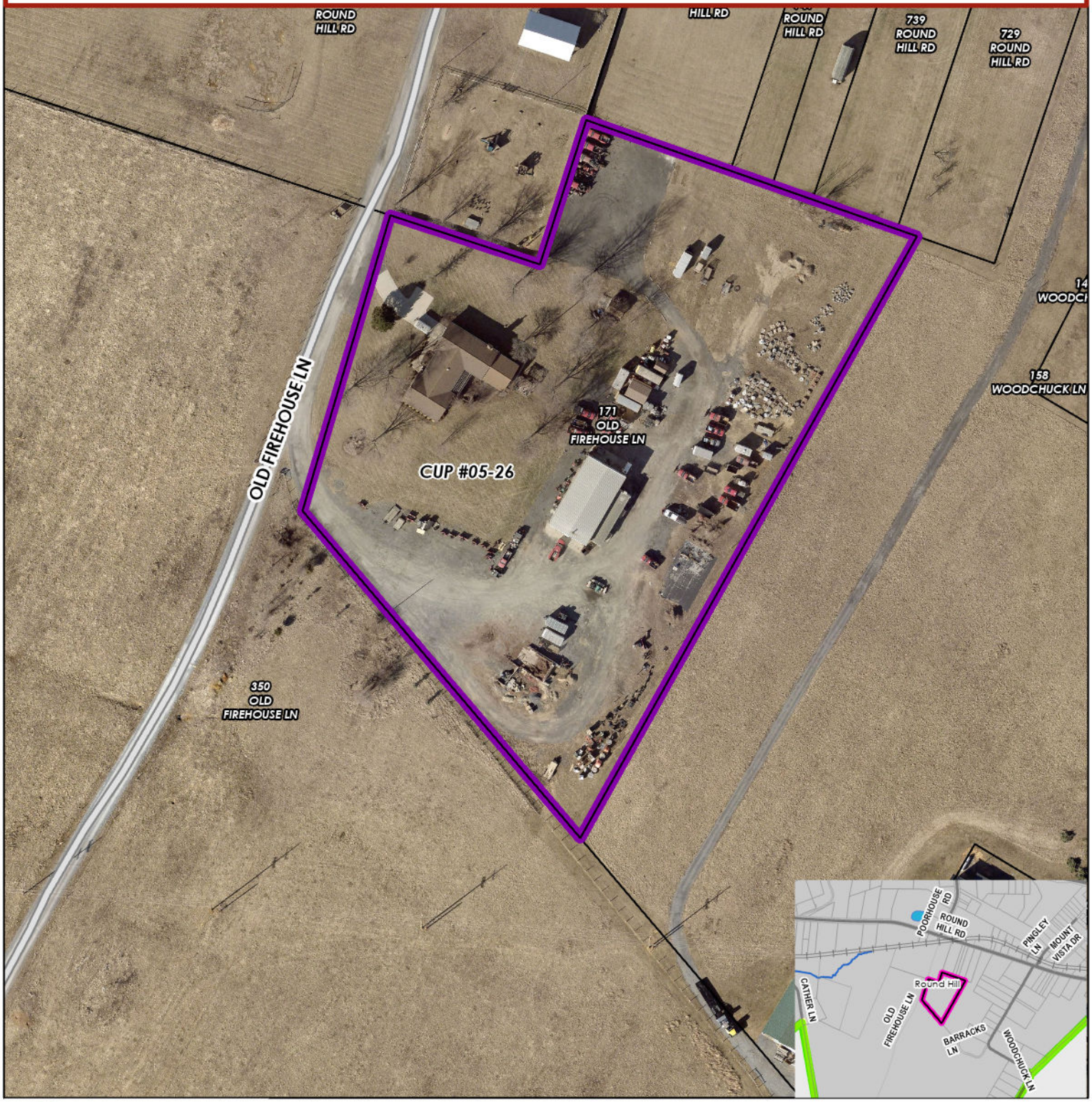
The Planning Commission recommended **approval** of the proposed conditional use permit application with the additional recommendations. (10-0, Kerns, Kozel, and Lamana were absent).

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

CUP # 05 - 26: Fire House Landscaping Company

PIN: 52 - A - 287B

Zoning Map



Application

Sewer and Water Service Area

Parcels



0 85 170 340 Feet

N W E S

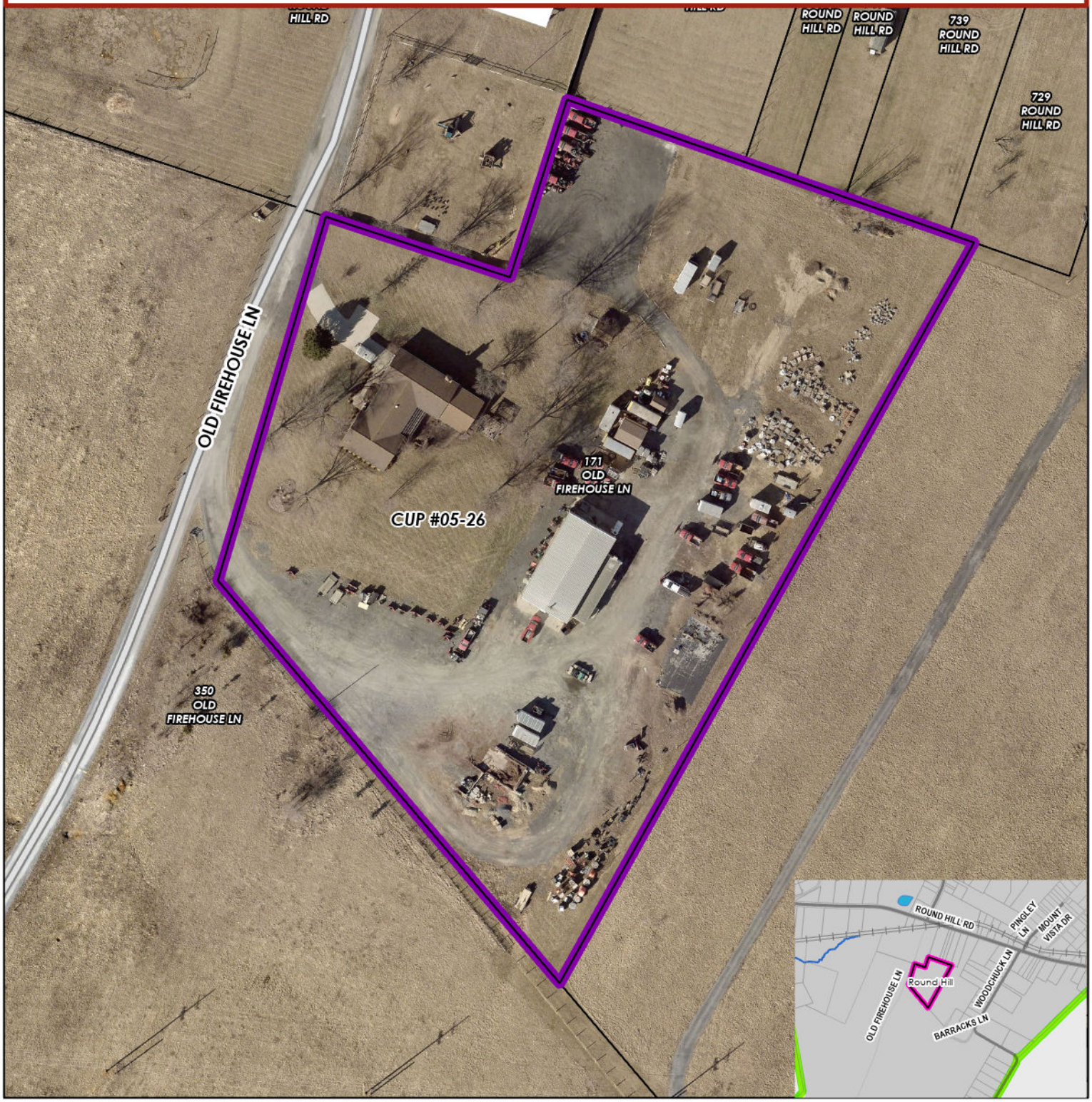
Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651

Map Created: October 14, 2026

CUP # 05 - 26: Fire House Landscaping Company

PIN: 52 - A - 287B

Location Map



Application
Sewer and Water Service Area
Parcels



N
W E
S

0 65 130 260 Feet

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

Map Created: October 14, 2026

Submittal Deadline	~~09/25/26~~
P/C Meeting	~~10/21/2026~~
BOS Meeting	~~11/12/2026~~

APPLICATION FOR CONDITIONAL USE PERMIT
FREDERICK COUNTY, VIRGINIA

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

   Name: 172 Fire House LLC

   Specific Contact Person if Other than Above: Stephen L. Pettler, Jr.

   Address: 21 S. Loudoun Street, Winchester, VA 22601

   Telephone: 540 667 1266 Email: pettler@harrison johnston.com

   Name: Barbara Singhas

   Specific Contact Person if Other than Above: Stephen L. Pettler, Jr.

   Address: 21 S. Loudoun Street, Winchester, VA 22601

   Telephone: 540 667 1266 Email: pettler@harrison johnston.com

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: Harrison & Johnston, PLC

   Specific Contact Person at Firm: Stephen L. Pettler, Jr.

   Address: 21 S. Loudoun Street, Winchester, VA 22601

Telephone: 540 667 1266 Email: pettler@harrison johnston.com

4. The property has a road frontage of 300 feet and a depth of _____ feet and consists of 5 acres. (Please be exact)

5. The property is owned by 172 Fire House LLC and Barbara Singhas as evidenced by deed from Barbara Singhas (previous owner) recorded in deed book no. Inst. No. 2200022372 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.): 52 A 287B
Magisterial District: Back Creek
Current Zoning: RA

7. Adjoining Properties:

	Zoning:	Use:
North:	RA	Farm
South:	RA	Farm
East:	RA	Residence
West:	RA	Farm

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

landscape contractor

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

See Minor Site Plan attached with application documents, currently pending review by planning department.

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 Regalo, LLC Property # 52 A 261	350 Old Firehouse Lane Winchester , VA 22602 2368 Cedar Creek Grade, Winchester 22602
Name Kelrock LLC Property # 52 A 280	218 Woodchuck Lane Winchester, VA 22602

Name Independant School of Winchester, Inc. Property # 52 9 A	769 Round Hill Rd. Winchester, VA 22602
Name Ricky Hummer Property # 52 A 285	759 Round Hill Rd. Winchester, VA 22602
Name Janet Ludwig Property # 52 A 284	749 Round Hill Rd. Winchester, VA 22602
Name William G. and Anna V. Moreland Property # 52 A 283	1800 Sol Shanholtz Rd. Augusta, WV 26704
Name Thomas Adams Property # 52 A 282	739 Round Hill Rd. Winchester, VA 22602
Name Taylor J. and Megan M. Holloway Property # 52 A 281	729 Round Hill Rd. Winchester, VA 22602
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]
Barbara Singhas (Jun 3, 2026 22:58:39 EDT)
172 Firehouse LLC by Tyler Stine (Jun 3, 2026 15:45:59 EDT)

Signature of Owner(s) [redacted]
172 Firehouse LLC by Tyler Stine (Jun 3, 2026 15:45:59 EDT)

_____

Owners' Mailing Address _____

Owners' Telephone No. [redacted]

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

HARRISON & JOHNSTON

STEPHEN L. PETTLER, JR.
MEMBER

21 S. Loudoun Street
Winchester, VA 22601
(540) 667-1266
(540) 667-1312 fax
pettler@harrison-johnston.com
sproul@harrison-johnston.com

www.harrison-johnston.com

MEMORANDUM

July 29, 2026

TO: AMY FELTNER

FROM: STEVE PETTLER

RE: 172 FIREHOUSE / SINGHAS CUP APPLICATION

Amy, the following is intended to be the narrative statement of the nature and operation of A Cut Above Landscape Group, LLC at the 171 Firehouse Lane property.

The new owner of the business (A Cut Above Landscape Group, LLC) acquired the assets of the former business operating at the site in October, 2025. It is a landscaping services company. There are currently approximately 45 employees (it changes depending on seasonal needs). Of these less than thirty (30) come to the site for work assignments each day and no more than 20 employee vehicles are parked at the site at any one time. Only one (1) employee spends most of each business day at the site (admin / bookkeeper) with all others working off-site most of the time after they are issued their assignments, vehicles and equipment for the day. At most, the business has five (5) employees working on site at any one time, and of these five, they are in the office trailer doing bids / paperwork / making phone calls.

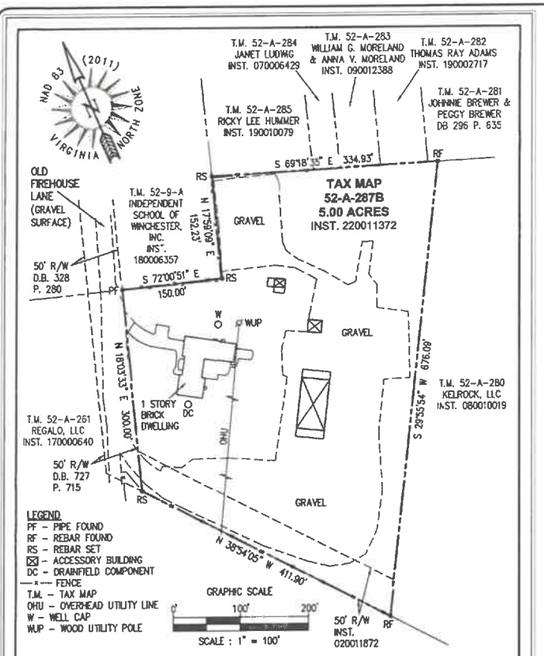
Business hours are 6 am to 8 pm, Monday-Friday. Generally, the business does not have customers on site. Supplies and materials are generally obtained and transported by employees, so there are few deliveries or vendors on site. There is a weekly fuel delivery and garbage pick-up to the site.

Fleet vehicles, trailers, equipment, tools, parts, supplies, and live plants are intended to be stored in the areas designated on the sketch submitted with the application. Employees will load equipment and supplies in the early morning before leaving the property for job-sites. After completion of jobs, they return to the site and unload, clean, and service equipment and vehicles. The site contains a shop building where equipment and vehicle servicing and repair occurs, as needed.

There is currently an office trailer on the site, and it is intended to be maintained as the office where the employees will work for the foreseeable future.

It is the expectation of the new owner to grow the business slowly over the next few years. The prior business operations have been reorganized and numerous internal operational changes made which are intended to allow for incremental growth. It is expected that no more than sixty (60) employees will ever be employed at this location (the business has another location also), with the office staff remaining as it is currently.

The long-term plan is to relocate the office staff to the house at the property. This transition is not a priority at this time given the need to stabilize current business operations and focus resources on work required to comply with the site plan and investment in business growth before investing in the house so that it can be transitioned to office use. It is expected that this may occur within 2-3 years, however, we ask that the application be approved with the intention of using the house for office space in the future.



NOTES:
1. NO TITLE REPORT FURNISHED; THEREFORE, EASEMENTS OR OTHER ENCUMBRANCES AFFECTING THIS PROPERTY MAY EXIST THAT ARE NOT SHOWN.
2. THE LOCATIONS OF UNDERGROUND UTILITIES OR OTHER SUBSURFACE IMPROVEMENTS, IF ANY, WERE NOT ASCERTAINED; THEREFORE, ARE NOT SHOWN.
3. THE INFORMATION SHOWN ON THIS PLAT IS BASED ON A FIELD SURVEY COMPLETED UNDER MY SUPERVISION ON 07 APRIL 2025.

www.marsh and legge.com
Marsh & Legge Land Surveyors, P.L.C.
550 NORTH LOUDOUN STREET
WINCHESTER, VIRGINIA 22601
PHONE (540) 667-0488
FAX (540) 667-0489

BOUNDARY SURVEY
OF THE LAND OF
BARBARA C. SINGHAS & 172 FIRE HOUSE LLC
BACK CREEK
MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

COMMONWEALTH OF VIRGINIA
Lic. No. 003040
05/01/2025
LAND SURVEYOR

SHEET 1 OF 1	DWG NAME: 12490-bds	DRAWN BY: hbk	DATE: 05/01/2025

PROPOSED USE SEPTIC CAPACITY:

THE EXISTING SEPTIC SYSTEM HAS AN AVAILABLE FLOW OF 450 GPD BASED ON THE ATTACHED PERMIT DATED 3-9-1979

PROPOSED OFFICE (EXISTING HOUSE):
- 8 FULL-TIME EMPLOYEES @ 15 GPD/PER EMPLOYEE/ PER 8-HOUR SHIFT = 120 GPD
- 40 FIELD EMPLOYEES @ ±5 GPD/PER EMPLOYEE = 200 GPD
- TOTAL DAILY FLOW: 320 GPD

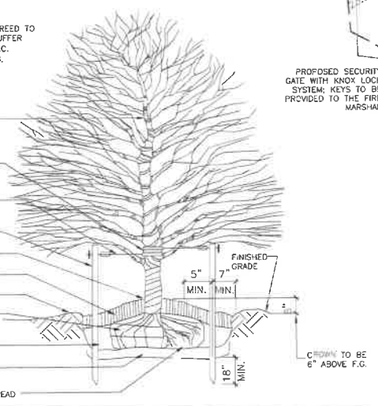
*APPROXIMATELY 40 EMPLOYEES ARE WORKING OUTSIDE OF THE OFFICE AND OCCASIONALLY WILL STOP IN DURING WORKING HOURS. 5 GPD HAS BEEN ASSIGNED TO THOSE EMPLOYEES GIVEN THE SHORT TIME THEY MAY BE IN THE OFFICE.

TREE SCREENING NOTE:

AS PART OF THE CONDITIONAL USE PROCESS, THE APPLICANT HAS AGREED TO PROVIDE LANDSCAPE SCREENING. THIS PLAN PROPOSES A 10 FOOT BUFFER WITH TWO ROWS (STAGGERED) OF EVERGREEN TREES PLACED AT 8' O.C. SPACING. TREES ARE TO BE A MINIMUM OF 6' IN HEIGHT AT PLANTING.

BOTANICAL NAME	COMMON NAME	SIZE
Thuja Occidentalis	Green Giant	6' Ht

NOTES:
- TREE SHALL BEAR SAME RELATION TO FINISHED GRADE AS IT BORE TO PREVIOUSLY EXISTING GRADE
- ALL TREES TO BE STAKED PER SPECIFICATION
- WHERE TREES OCCUR IN EXISTING GRAVEL AREAS, EXCAVATE TREE PIT THROUGH GRAVEL. BACKFILL AND COMPACT PLANTING SOIL. PLACE TOP OF ROOT FLARE 6" ABOVE SURROUNDING GRADE.



TREE PLANTING WITH STAKES

HATCH LEGEND

- EX. CONCRETE SURFACE
- EX. GRAVEL SURFACE
- EX. GRASS SURFACE
- EXISTING GRAVEL PARKING LOT TO BE RESURFACED WITH DOUBLE PRIME AND SEAL SPECIFICATION
- EXISTING GRAVEL TO REMAIN FOR ACCESS
- DEMO GRAVEL AREA AND SEED
- PROPOSED LANDSCAPE SCREENING

STANDARD DUTY DOUBLE SURFACE TREATMENT SPECIFICATION:

EXISTING PARKING LOT NOTE:
EXISTING PARKING LOT STONE IS APPROXIMATELY 6" OF 21B. START AT STEP #1 BELOW.

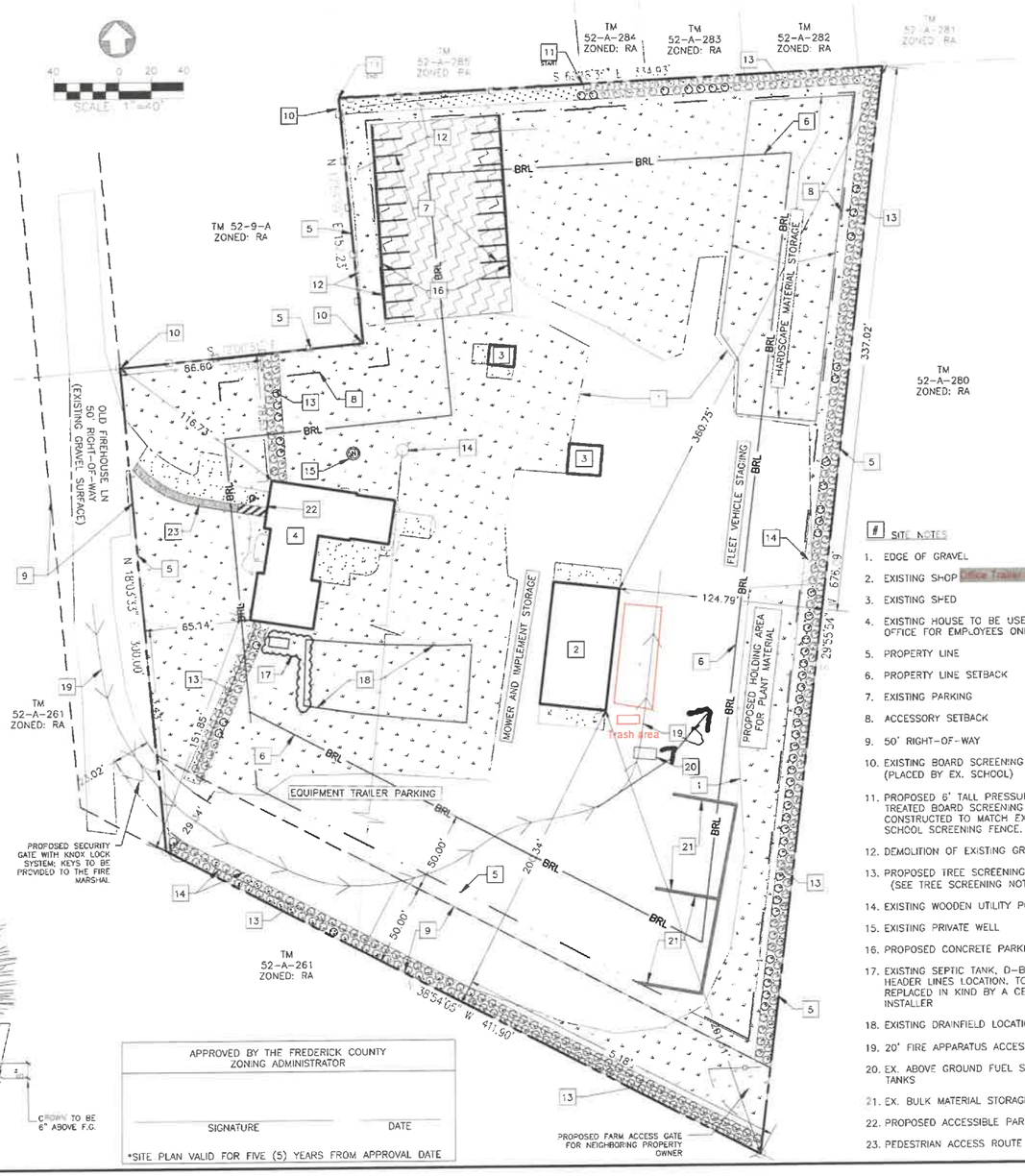
FINAL SECTION IN ORDER OF APPLICATION FOR EXISTING PARKING LOT:

1. PRIME COAT USING MC-70 OR AEP (LIQUID PRIME) APPLIED AT 0.20-0.30 gal/sy
2. BINDER (BITUMEN) USING CRS-2 OR CRS-2P EMULSION APPLIED 0.35-0.45 gal/sy
3. INTERMEDIATE (SEAL 1) USING No. 56 OR No. 68 AGGREGATE (COURSE) 25-35 lb/sy
4. BINDER (BITUMEN) USING CRS-2 OR CRS-2P EMULSION APPLIED 0.25-0.35 gal/sy
5. SURFACE (SEAL 2) USING No. 8 OR No. 9 AGGREGATE (FINE) 15-25 lb/sy

SCREENING FENCE SPECIFICATION

THE 6' TALL SCREENING FENCE PROPOSED TO MATCH THE EXISTING FENCE ON THE NEIGHBORING PROPERTY SHOWN ON THIS PLAN SHALL BE CONSTRUCTED TO MEET THE FOLLOWING REQUIREMENTS.

- PICKETS/BOARDS 5/8" X 6" X 6' BOARDS ARE TO BE PLACED EDGE-TO-EDGE.
- HORIZONTAL RAILS: THREE 2" X 4" X 8' PRESSURE-TREATED RAILS (TOP, MIDDLE, AND BOTTOM) ARE TO BE PLACED TO PREVENT THE VERTICAL BOARDS FROM BOWING.
- POSTS: 4" X 4" PRESSURE-TREATED TIMBER, RATED FOR GROUND CONTACT.
- FASTENERS: MUST USE HOT-DIPPED GALVANIZED OR STAINLESS STEEL SCREWS/NAILS.



APPROVED BY THE FREDERICK COUNTY ZONING ADMINISTRATOR

SIGNATURE DATE

*SITE PLAN VALID FOR FIVE (5) YEARS FROM APPROVAL DATE

PROJECT SITE SUMMARY:

FREDERICK COUNTY SITE PLAN REFERENCE NUMBER:	#29-25
SITE ADDRESS:	171 OLD FIREHOUSE LN WINCHESTER, VIRGINIA 22602
OWNER/APPLICANT:	172 FIRE HOUSE LLC
CONTACT:	STEPHEN L. PETTLER JR.
ADDRESS:	21 S LOUDOUN ST WINCHESTER, VIRGINIA 22602
TELEPHONE NO:	(540) 667-1266
PROJECT ENGINEER:	RACEY ENGINEERING, PLLC
CONTACT:	BERLIN NEFF, CIVIL ENGINEER
ADDRESS:	312 WEST MAIN STREET LURAY, VIRGINIA 22835
TELEPHONE NO:	(540) 743-9227
TAX MAP/PARCEL ID:	52-A-287B
DEED BOOK/INST NO:	INST#: 220011372
PRESENT ZONING:	RA (RURAL AREA)
MAG DISTRICT:	BACK CREEK
PROPERTY CLASS:	COMMERCIAL
FLOOD ZONE; FEMA MAP NO.:	N/A; 51069C0205E
PRESENT USE:	LANDSCAPE CONTRACTING BUSINESS
PROPOSED USE:	LANDSCAPE CONTRACTING BUSINESS
PROPERTY AREA:	5.00 ACRES
SETBACKS:	
MAIN SETBACKS:	FRONT – 60' BUILDING, 10' PARKING BACK – 50' BUILDING, 5' PARKING SIDE – 50' BUILDING, 5' PARKING
ACCESSORY SETBACKS:	FRONT – 60' BACK – 15' SIDE – 15'
OFFICE HOURS:	7:00 AM TO 5:00 PM MONDAY THRU FRIDAY
CUSTOMER HOURS:	THIS OFFICE WILL BE LIMITED TO EMPLOYEES ONLY AND WILL NOT ACCEPT WALK IN CUSTOMERS

FIRE ACCESS NOTE:
A FIRE APPARATUS ACCESS ROUTE WITH A MINIMUM WIDTH OF 20 FT SHALL BE MAINTAINED AND LEFT OPEN AT ALL TIMES TO ALL OCCUPIED STRUCTURES. SEE SITE NOTE #19 FOR PROPOSED ROUTE LOCATION.

PARKING CALCULATIONS

	SPACES
PARKING REQUIRED	12
EXISTING PARKING	23
TOTAL PROVIDED	23
TOTAL ALLOWED	60

SITE NOTES

1. EDGE OF GRAVEL
2. EXISTING SHOP (Office Trailer in Red (56'x24'))
3. EXISTING SHED
4. EXISTING HOUSE TO BE USED AS OFFICE FOR EMPLOYEES ONLY
5. PROPERTY LINE
6. PROPERTY LINE SETBACK
7. EXISTING PARKING
8. ACCESSORY SETBACK
9. 50' RIGHT-OF-WAY
10. EXISTING BOARD SCREENING FENCE (PLACED BY EX. SCHOOL)
11. PROPOSED 6' TALL PRESSURE TREATED BOARD SCREENING FENCE CONSTRUCTED TO MATCH EXISTING SCHOOL SCREENING FENCE.
12. DEMOLITION OF EXISTING GRAVEL
13. PROPOSED TREE SCREENING. (SEE TREE SCREENING NOTE)
14. EXISTING WOODEN UTILITY POLE
15. EXISTING PRIVATE WELL
16. PROPOSED CONCRETE PARKING STOPS
17. EXISTING SEPTIC TANK, D-BOX, & HEADER LINES LOCATION. TO BE REPLACED IN KIND BY A CERTIFIED INSTALLER
18. EXISTING DRAINFIELD LOCATION.
19. 20' FIRE APPARATUS ACCESS ROUTE
20. EX. ABOVE GROUND FUEL STORAGE TANKS
21. EX. BULK MATERIAL STORAGE AREA
22. PROPOSED ACCESSIBLE PARKING
23. PEDESTRIAN ACCESS ROUTE

#03-24 ADDITIONAL CONDITIONS:

1. ALL REVIEW AGENCY COMMENTS AND REQUIREMENTS SHALL BE COMPLIED WITH AT ALL TIMES.
2. HOURS OF OPERATION FOR THE SITE SHALL BE LIMITED TO 6:00 AM TO 8:00 PM DAILY WITH EXCEPTIONS FOR EMERGENCY INCLEMENT WEATHER SERVICES (SNOW REMOVAL AND STORM DAMAGE REMEDIATION). CUSTOMER VISITS SHALL BE LIMITED TO 8:00 AM TO 5:00 PM DAILY.
3. NO MORE THAN 60 EMPLOYEE VEHICLES ON THE PROPERTY AT ANY ONE TIME.
4. A MINOR SITE PLAN SHALL BE APPROVED BY FREDERICK COUNTY, AND THE IMPROVEMENTS SHOWN ON THE SITE PLAN SHALL BE COMPLETED PRIOR TO THE ESTABLISHMENT OF THIS USE.
5. ANY EXPANSION OR CHANGE OF USE SHALL BE A NEW CONDITIONAL USE PERMIT.



VICINITY MAP
2,000 0 1,000 2,000
SCALE: 1"=2,000'

PROJECT COORDINATES
N 39.190081°
W -78.232382°

No.	Submittal / Revision	Date
1	FIRST SUB CLIENT REVIEW	6/25/25
2	FIRST SUBMITTAL COUNTY REVIEW	7/03/25
3	FIRST SUBMITTAL TO AGENCIES	8/12/25
4	SECOND SUBMITTAL COUNTY REVIEW	10/2/25
5	2ND SUBMITTAL TO VDH	3/16/26
6	3RD SUBMITTAL COUNTY	3/23/26

Lic. No. 053874
3/23/2025

PERMIT REVIEW SET

RACEY ENGINEERING
312 WEST MAIN STREET, LURAY, VA 22835
PHONE (540) 743-9227 FAX (540) 743-9228

171 OLD FIRE HOUSE LANE
MINOR SITE PLAN
172 FIRE HOUSE LLC
FREDRICK COUNTY, VA.

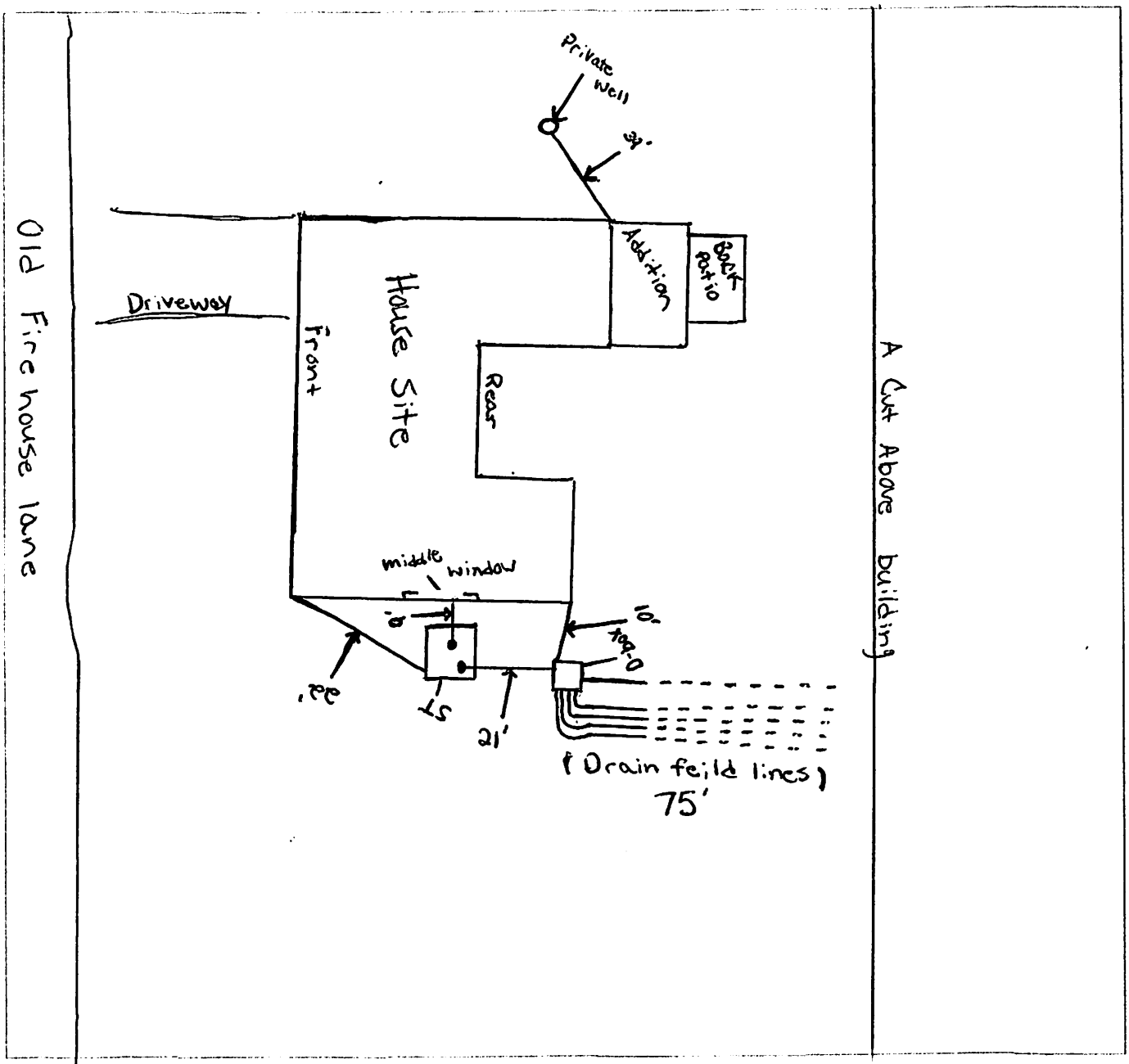
RACEY PROJECT NUMBER: 10374 PUBLISH DATE: 3/23/2026 INTERNAL DRAWING VERSION: 5

C200

P:\2025\10374 - 171 Firehouse Lane Minor Site Plan\B. DESIGN\A. DWG\CIVIL\COMPOSITE\10374 FHL C100

Site Sketch (may be attached)

Please indicate proposed addition(s) in relation to existing structure. Show location of **existing septic tank, drainfield area and water supply** and indicate actual or estimated distances between the proposed improvement and the closest septic system component(s). The footprint of proposed addition(s) must be staked or otherwise marked on the property. **Please note** you may be required to uncover certain sewage components for evaluation.



Virginia Code § 32.1-165, as amended and effective as of July 1, 2016, provides authority for the procedures outlined herein. Va. Code § 32.1-165 states, "No county, city, town, or employee thereof shall issue a permit for a building designed for human occupancy without the prior written authorization of the Commissioner or his agent." "Safe, adequate, and proper" means a treatment works that complies with the Board of Health's currently effective regulations. VDH may approve an older sewage system that does not comply with current regulations provided the sewage system (1) complies with the regulatory requirements in effect at the time of its installation, (2) is not failing, and (3) can be expected to function properly given its design and construction for the sewage flow and strength.

REQUEST FOR CONDITIONAL USE PERMIT (CUP) COMMENTS

Project Name: 172 Fire House LLC

Acreage (Disturbed Area Acreage): 5.00 acre property

PIN(s): 52-A-287B

Address (or general location):
171 Old Fire House Lane

Existing Zoning: RA

Proposed Conditional Use: Landscape Contractor

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. No proposed land disturbance or changes to grading or stormwater management.

Resubmission to address comments requested? Y ☐ or N ☑

REQUEST FOR CONDITIONAL USE PERMIT (CUP) COMMENTS

Project Name: 172 Fire House LLC

Acreage (Disturbed Area Acreage): 5.00 acre property

PIN(s): 52-A-287B

Address (or general location):
171 Old Fire House Lane

Existing Zoning: RA

Proposed Conditional Use: Landscape Contractor

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): 8/27/26 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 (R use to B use) permit shall be obtained for the existing structure (house) and site. At least 1 handicap bathroom, 1 handicap parking with correct signage and accessible access to the house is needed for the change of use. Asbestos inspection, building plan and approved site plan will need to be submitted with the change of use permit application. Commencement of renovation before obtaing permits shall be a violation of section 108.1 of the 2021 Virginia Construction Code (VCC).

Resubmission to address comments requested? Y ☐ or N ☑

REQUEST FOR CONDITIONAL USE PERMIT (CUP) COMMENTS

Project Name: 172 Fire House LLC

Acreage (Disturbed Area Acreage): 5.00 acre property

PIN(s): 52-A-287B

Address (or general location):
171 Old Fire House Lane

Existing Zoning: RA

Proposed Conditional Use: Landscape Contractor

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
172 Fire House LLC
171 Old Firehouse Lane
Winchester, Virginia 22602

Engineering Firm :
Racey Engineering

Printed Date: 08/25/2026

General Information

Received Date:	08/25/2026	Occupancy Type:	
Review Begin Date:	08/25/2026	Property Use:	
Review End Date:	08/25/2026	Activity Number:	I086075
Hours:	1.0000	Review Cause:	Application

Activity Details

Project Name: Landscape business - Equipment, fuel, materials, employees

Comments:

1. Any occupied structures for the purposes of the business shall have portable fire extinguishers as outlined in the Frederick County Fire Prevention Code.

2. Any storage of wood chips or other hogged materials (mulch) shall comply with the requirements of Chapter 28 of the Frederick County Fire Prevention Code.

3. Comment # 20 – Above ground fuel tanks shall comply with Chapter 23 of the Frederick County Fire Prevention Code.

[redacted]

Adam Hounshell
Lieutenant/Assistant Fire Marshal

REQUEST FOR CONDITIONAL USE PERMIT (CUP) COMMENTS

Project Name: 172 Fire House LLC

Acreage (Disturbed Area Acreage): 5.00 acre property

PIN(s): 52-A-287B

Address (or general location):
171 Old Fire House Lane

Existing Zoning: RA

Proposed Conditional Use: Landscape Contractor

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 to the proposed usage of this property. The existing sewage disposal system is designed for 8 employees for an 8-hour shift and 40 field employees only. The well is required to be regulated by the Office of Drinking Water if the water is used by 25 or more people for 60 or more days out of the year.

Resubmission to address comments requested? Y ☐ or N ☑

REQUEST FOR CONDITIONAL USE PERMIT (CUP) COMMENTS

Project Name: 172 Fire House LLC

Acreage (Disturbed Area Acreage): 5.00 acre property

PIN(s): 52-A-287B

Address (or general location):
171 Old Fire House Lane

Existing Zoning: RA

Proposed Conditional Use: Landscape Contractor

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 6-22-2026

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.

Resubmission to address comments requested? Y ☐ or N ☑

REQUEST FOR CONDITIONAL USE PERMIT (CUP) COMMENTS

Project Name: 172 Fire House LLC

Acreage (Disturbed Area Acreage): 5.00 acre property

PIN(s): 52-A-287B

Address (or general location):
171 Old Fire House Lane

Existing Zoning: RA

Proposed Conditional Use: Landscape Contractor

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): 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 no comments on the CUP.

Resubmission to address comments requested? Y ☐ or N ☑

220011372

52-A-287B

Tax ID ~~52A-287B~~

Property Address: 171 Old Fire House Lane, Winchester, VA 22602

Grantee's Address: 393 Saddleback Lane, Winchester, VA 22602

THIS **DEED OF GIFT**, *pursuant to Section 58.1-811(D),* made and dated this 1st day of September, 2022, by and between **BARBARA C. SINGHAS**, party of the first part, hereinafter called the Grantor; and **BARBARA C. SINGHAS** and **172 FIRE HOUSE LLC,** a Virginia limited liability company, party of the second part, hereinafter called the Grantee.

WITNESSETH: That for and in consideration of the sum of One Dollars ($1.00), the Grantor does hereby quitclaim, release and convey unto the Grantees, as tenants in common, any and all right, title and interest she may possess in and to the following described real estate, to-wit:

> All of that certain tract or parcel of land, together with all rights, rights of way, privileges, improvements thereon and appurtenances thereunto belonging, lying and being situate in Back Creek Magisterial District, Frederick County, Virginia, containing 5.00 acres, more or less, as shown on the **BOUNDARY LINE ADJUSTMENT OF TWO PARCELS** prepared by Michael M. Artz, L.S., dated June 21, 2002, attached to that certain Deed recorded in the Clerk's Office of the Circuit Court of Frederick County, Virginia, as Instrument No. 020011872, and by this reference made a part hereof as if set out in full; **AND BEING** the same property conveyed to Barbara C. Singhas by Deed dated March 10, 2009, from Richard S. Singhas and Barbara C. Singhas, said Deed of record in the aforesaid Clerk's Office as Instrument No. 100003603.

Reference is here made to the aforesaid instruments and the references therein contained for a further and more particular description of the property hereby conveyed.

This conveyance is made subject to all legally enforceable restrictive covenants and easements, and conditions, if any, of record in the aforesaid Clerk's Office, pertaining to or affecting the real estate herein conveyed.

WITNESS the following signature and seal:

[redacted] (SEAL)

BARBARA C. SINGHAS

STATE OF VIRGINIA
CITY OF WINCHESTER, to-wit:

I, Monica Niece Mauck, a Notary Public in and for the State and jurisdiction aforesaid, do hereby certify that BARBARA C. SINGHALS, whose name is signed to the foregoing Deed of Gift, bearing date of the 1st day of September, 2022, has this day personally appeared before me and acknowledged the same in my State and jurisdiction aforesaid.

Given under my hand this 1st day of September, 2022.

[redacted]

Notary Public

Notary Registration #184362
My commission expires March 31, 2026.

MONICA NIECE MAUCK
NOTARY PUBLIC
REGISTRATION # 184362
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 03/31/26

This Deed was prepared by George W. R. Glass, Esquire
Scully & Glass, 20 South Kent Street, Winchester, Virginia 22601
without the benefit of a title examination.
Virginia State Bar No. 05491

2

INSTRUMENT 220011372
RECORDED IN THE CLERK'S OFFICE OF
FREDERICK CIRCUIT COURT ON
SEPTEMBER 9, 2022 AT 02:44 PM
REBECCA P. HOGAN, CLERK
RECORDED BY: HEM

Real Estate Ticket Detail

Previous

2026 REAL ESTATE

Dept/Ticket#	RE2026 / 401050001	Frequency	1	Supplement#	0
Name	SINGHAS BARBARA C	Map#	52 A 287B	Account#	8013765
Name 2	172 FIRE HOUSE LLC	Bill Date	04/15/2026	Acreage	5.000
Address	393 SADDLEBACK LN	Due Date	06/05/2026	Improvements	$477,400.00
		Desc	5.00 ACRES	Land Value	$107,000.00
	WINCHESTER VA			Land Use	$0.00
Zip	22602 2889			Minerals	$0.00

Penalty Paid	$0.00	Interest Paid	$0.00	Last Transaction Date	06/08/2026

Current Payment Status

Original Bill	Payments	Principal Balance Due	Penalty	Interest	Balance Due
$1,548.66	($1,548.66)	$0.00	$0.00	$0.00	$0.00

Transaction History

Date	Type	Transaction#	Amount	Balance
4/15/2026	Charge	0	$1,548.66	$1,548.66
6/5/2026	Principal Paid	19603	($1,548.66)	$0.00

Previous

ORDINANCE

Action:		
PLANNING COMMISSION:	October 21, 2026	Approved
BOARD OF SUPERVISORS:	November 12, 2026	Pending

CONDITIONAL USE PERMIT #05-26 (172 FIRE HOUSE LLC)
LANDSCAPE AND HORTICULTURAL SERVICES)

WHEREAS, **CONDITIONAL USE PERMIT APPLICATION #05-26** was submitted by 172 Fire House LLC for Landscape and Horticultural Services. The property is located at 171 Old Fire House Lane, Winchester, Virginia, and is identified with Property Identification Number 52-A-287B in the Back Creek Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this Conditional Use Permit on October 21, 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 November 12, 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;

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 #05-26 to allow for landscape and horticultural services on the parcel identified with Property Identification Number 52-A-287B 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 within ninety (90) days of approval of this conditional use permit. The Zoning Administrator may grant one additional 30-day extension if the site plan is submitted and under review by applicable agencies but not yet approved. All improvements required by the site plan shall be completed, installed and inspected by the Zoning Administrator prior to the establishment of the use. All improvements required by the site plan shall be installed within six (6) months of the approval of the site plan.

3. In the event the site plan is not approved by the Zoning Administrator in the time allotted in condition 2 above, the conditional use permit will be immediately void.

4. All outdoor storage of vehicles (operating or inoperable), landscape contracting equipment, trailers, fueling tanks, nursery stock and other landscaping raw materials shall be completely screened from the view of road and street ROW and from surrounding properties by a six-foot-tall opaque fence, wall, berm or evergreen screen. In addition, both an opaque fence and plantings are installed on the North and East side of the parcel.

5. The business is limited to 45 employees; no more than 25 employee vehicles are permitted on the property at any one time.

6. Hours of operation for the site shall be limited to 6:00 a.m. to 8 p.m. daily, with the exception of emergency inclement weather services (snow removal and storm damage remediation).

7. A business license and zoning review form is required from the Commissioner of Revenue office within 365-days of approval of this conditional use permit, and annually thereafter as required by the Commissioner of Revenue.

8. One monument style sign is permitted on the property, not to exceed 50 square feet in sign area and 12 feet in height.

9. Any change in the use for which the conditional use permit was granted shall require a new conditional use permit (CUP).

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

Passed this 12th day of November 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: November 12, 2026
Agenda Section: Planning Commission Business - Public Hearings

Title:

Rezoning #09-26 for YDC Shawnee Drive Property (Youth Development Center, Inc.) to Rezone 3.12 +/- Acres from the M2 (Industrial General) Zoning District to B2 (General Business) Zoning District with Proffers. The Property is Located at the Northeast Corner of the Intersection of Shawnee Drive (Route 861) and Battaile Drive, Winchester and is Identified by Property Identification Number 63-A-110B in the Back Creek Magisterial District.

Attachments:
BOS11-12-26__REZ_09-26_Redacted.pdf

REZONING #09-26
YDC Shawnee Drive (The Youth Development Center, Inc.)
Staff Report for the Board of Supervisors
Prepared: October 13, 2026
Staff Contact: Eric Bittner, Planner II

Executive Summary: **Meeting Schedule**	
Planning Commission: October 7, 2026	Action: Recommended Approval
Board of Supervisors: November 12, 2026	Action: Pending
Property Information	
Property Identification Number (PIN)	63-A-110B
Address	129 Shawnee Dr, 107, 115 and 131 Youth Development Ln, Winchester
Magisterial District	Back Creek
Acreage	+/- 3.12-acres
Zoning & Present Land Use	Zoning: M2 (General Industrial) Land Use: Commercial
Proposed Zoning	B2 (General Business) with proffers
Adjoining Property Zoning & Present Land Use	
North: City of Winchester	Land Use: Commercial
South: M2 (General Industrial) District	Land Use: Industrial
East: B2 (General Business) District	Land Use: Commercial
West: RP (Residential Performance) District	Land Use: Residential
Proposed Use	
This is a request to rezone +/-3.12-acres from the M2 (General Industrial) Zoning District with proffers to the B2(General Business) Zoning District with proffers. The existing use of the property, office, is not proposed to be changed.	
Positives	**Concerns**
While the proposed proffers remove uses that would otherwise not be compatible with the industrial areas, the remaining uses are not all targeted industries by the Economic Development Authority (EDA).	

Review Agency Comments:

Review Agency	Comment Date	Comment Summary	Status
Virginia Department of Transportation (VDOT)	8/10/2026	"Based on our review of the proposed rezoning for the 3.12-acre YDC property on Shawnee Drive, we do not anticipate any additional traffic impacts resulting from this application. Importantly, the applicant has proffered out several B2 uses known to generate significantly higher traffic volumes. These proffered restrictions ensure that any future use of the property will generate traffic volumes that are equal to or lower than what could occur under the current M2 zoning. Additionally, the rezoning does not propose any changes to existing access points on Shawnee Drive, and any future redevelopment would remain subject to VDOT review and approval. Given these factors, the rezoning is not expected to affect surrounding road network operations or generate impacts beyond what is already permitted under the current zoning designation."	
Frederick County Inspections	7/13/2026	"No comment."	
Frederick County Public Works	7/17/2026	"No comments-no proposed changes to grading or stormwater infrastructure."	
Frederick County Fire Marshal	7/30/2026	"All future development shall comply with the Frederick County Fire Prevention Code and other applicable codes."	
City of Winchester	7/14/2026	"No Comment."	

Parks and Recreation	7/24/2026	"No Comment."	
Frederick County Attorney	8/28/2026	"The proffer statement meets the requirements of the Frederick County Zoning Ordinance and the Code of Virginia and is legally sufficient as proposed for recordation. "	Legal form.

Planning & Zoning Staff Analysis:

Site History:
The property has an approved site plan (SP#20-91) for four office buildings totaling 17,688 square feet. The established use as offices for youth services, has continued to the present. The offices are currently occupied by the local office for Scouting America, Big Brothers Big Sisters, and Miss Abilities Organization. The applicant intends to eventually subdivide the property.

The property's use is currently legally non-conforming, as the office uses on the parcel are otherwise not permitted in the M2 District.

Comprehensive Plan Conformance:
The Comprehensive Plan (adopted November 2021) and the *Kernstown Area Plan* provide guidance on the future development of the subject property. The Plan identifies the subject properties with a "business" (Kernstown Industrial Area) land use designation and as being within the limits of the Urban Development Area (UDA). The *Kernstown Area Plan* describes the future environment envisioned for the Kernstown Industrial Area:

> "*The existing industrial land uses north of Route 37 and both east and west of Route 11 are reinforced with this area plan. Industries including Trex and H. P. Hood, are well established and should continue to be supported in this area. Additional C/I opportunity that is fully supportive of the Frederick County Economic Development Authority's targeted goals and strategies should be promoted. The intent of the industrial designation is to further enhance the County's C/I areas and to provide focus to the County's regional employment centers."*

The intent of the B2 Zoning District is described in §165-401.02 as

> "…[*providing] large areas for a variety of business, office and service uses. General business areas are located on arterial highways at major intersections and at interchange areas. Businesses allowed involve frequent and direct access by the general public but not heavy truck traffic on a constant basis other than that required for delivery of retail goods. General business areas should have direct access to major thoroughfares and should be properly separated from residential areas. Adequate frontage and depth should be provided, and access should be properly controlled to promote safety and orderly development. Nuisance factors are to be avoided."*

The proposed rezoning does allow for the "additional commercial opportunity" by providing for commercial uses. The proposed proffers remove uses that would otherwise not be compatible with

the industrial areas, but the remaining uses are not all targeted industries by the Economic Development Authority (EDA). The existing uses are not proposed to be changed.

Transportation & Site Access:
The request does not propose alterations to the current entrances. The applicant has proffered not to create any additional entrances and to utilize the existing entrances.

Proffer Statement, Generalized Development Plan (GDP), & Impact Analysis:

Proffers (September 9, 2026)	**Staff Comment**
1. 1. Land Use Restrictions	The proposed proffers remove 23 otherwise permitted uses that are not well-suited for the site, due to the property characteristics and/or impacts. 26 uses would remain allowed on the property.
2.1 Site Access	No Comment.
3.1 Fire and Rescue	No Comment.
4.1 Exclusion of Public Property from Proffers	No Comment.
5.1 Severability	No Comment.
6.1 Binding Effect	No Comment.

No GDP has been submitted as there are no new structures planned at this time. However, the property could be further developed in the future.

Planning Commission Summary and Action From 10/7/2026 Public Hearing

The Planning Commission held a public hearing at their October 7th meeting. There was one public comment in favor of the rezoning. The Planning Commission recommended **approval** of the proposed rezoning application (13-0).

This is a rezoning requiring a public hearing.

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

REZ# 09 - 26: YDC Shawnee Drive

PIN: 63 - A - 110B
Rezoning from M2 to B2
Zoning Map



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

Map Created: April 16, 2026

REZ # 09 - 26: YDC Shawnee Drive

PIN: 63 - A - 110B

Rezoning from M2 to B2 with Proffers

Long Range Land Use Map



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

Map Created: April 16, 2026

REZONING APPLICATION
FREDERICK COUNTY, VIRGINIA

Submittal Deadline	
P/C Meeting	
BOS Meeting	

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

Name: The Youth Development Center, Inc.

Specific Contact Person if Other than Above: Sarah Fishel, Executive Director

Address: 302 S Loudoun Street, Winchester, VA 22601

Telephone: (5[redacted] Email: s[redacted]

Name: _____

Specific Contact Person if Other than Above: Patrick Sowers

Address: 420 W Jubal Early Drive, Suite 103, Winchester, VA 22601

Telephone: 54[redacted] Email: P[redacted]

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: David Holliday and Patrick Sowers

Specific Contact Person at Firm: Patrick Sowers

Address: 420 W Jubal Early Drive, Suite 103, Winchester, VA 22601

Telephone: 540-336-3333 Email: Patrick.R.Sowers@gmail.com

**Please note that, if a law firm, engineering firm, or other person, other than the owner of the property, will be acting on behalf of the owner and/or executing papers on behalf of the owner in connection with the rezoning, the owner will need to execute a power of attorney form granting the firm or person such authority.*

4. **Project Name:** YDC - Shawnee Drive Property

5. **Property Information:**

Property Identification Number(s):	63-A-110B
Total acreage of the parcel(s):	3.12 Acres
Total acreage of the parcel(s) to-be-rezoned:	3.12 Acres
Current zoning designation(s) and acreage(s) in each designation:	General Industrial (M2) - 3.12 Acres
Proposed zoning designation(s) and acreage(s) in each designation:	General Business (B2) - 3.12 Acres
Magisterial District(s):	Back Creek

Location - the property is located at (give street address(es) if assigned or otherwise exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

NE corner of the intersection of Shawnee Drive (Route 816) and Battaile Drive

Is this property within ½ miles of the Town of Stephens City, the Town of Middletown, the City of Winchester, Clarke County, or Shenandoah County (specify which):

Yes - City of Winchester

Adjoining Properties:

	Zoning:	Use:
North:	M1 (Winchester City)	City owned/vacant
South:	M2	Industrial
East:	B2	Commercial
West:	RP	Residential

6. **Disclosure of real parties in interest.**

Virginia Code § 15.2-2289 provides that localities may by ordinance require any applicant for a zoning amendment to make complete disclosure of the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers, and directors, and in any case the names and addresses of all real parties of interest. Frederick County has, by County Code § 165-101.09, adopted such an ordinance.

For each business entity that is an owner or contract purchaser of the property, **please list the name and address of each person owning an interest in, or who is an officer or director of, any entity that is an owner or contract purchaser of the property** (you need not indicate the amount or extent of the ownership interest). Please note that this requirement does not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.

_____

_____

_____

_____

Please attach additional page(s) if necessary.

7. **Signature(s):**

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Owner: [redacted] Date 7/7/26

If signing on behalf of an entity, please state name of entity and your title:

Patrick Somers on behalf of YDC

Owner: _____ Date _____

If signing on behalf of an entity, please state name of entity and your title:

_____

Other Applicant Party (if any): _____ Date _____

If signing on behalf of an entity, please state name of entity and your title:

_____

If additional signature lines are necessary, such as if more than two people are owners, please use additional copies of this page.

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

Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395

Know All Men By These Presents That:

The Youth Development Center, Inc.

Name of Property Owner/Applicant

Please note: If the property owner/applicant is an entity, the name of the entity should appear above.
If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

302 S Loudoun Street, Winchester, VA 22601 (540) 662-4564

Mailing Address of Property Owner/Applicant Telephone Number

as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:

63-A-110B

do hereby make, constitute, and appoint:

David Holliday & Patrick Sowers

Name of Attorney-In-Fact

420 W Jubal Early Drive, Suite 103, Winchester, VA 22601 540-667-2120

Mailing Address of Attorney-In-Fact Telephone Number

to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:

- [x] **Rezoning**
- [ ] **Conditional Use Permit**
- [ ] **Master Development Plan (prelim. or final)**
- [ ] **Subdivision Appeal or Waiver/Exception**
- [ ] **Subdivision**
- [ ] **Site Plan**
- [ ] **Variance or Zoning Appeal**

and, further, my attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

SHANQUETTA TOWNSEND
NOTARY PUBLIC
REGISTRATION # 8052706
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 07/31/2027

This appointment shall expire one year from the day that it is signed, or at such sooner time as I otherwise rescind or modify it.

Signature [redacted]

Title (if signing on behalf of an entity) Executive Director

State of Virginia, County/City of Frederick/Winchester, to wit:

I, [redacted], a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 17 day of June, 2026

[redacted]
Notary Public

My Commission Expires: 07/31/2027

Registration Number: 8052706

Adjoining Property Owners

Owners of property adjoining the land will be notified of the Planning Commission and the Board of Supervisors meetings. For this application, adjoining property is any property abutting the requested property on the side or rear or any property directly across a public right-of-way, a private right-of-way, or a watercourse from the requested property. The applicant is required to obtain the following information on each adjoining property including the parcel identification number. These can be obtained from Frederick County's GIS Interactive Maps.

**The Town of Stephens City, Middletown, the City of Winchester, Clarke County, or Shenandoah County shall be notified if the proposal is within ½ mile of their boundary.*

Name and Property Identification Number	Address
Name Issac & Serrina Alvarado Property # 63C-1-1	3282 Shawnee Dr Winchester, VA 22602
Name Trex Company Inc. Property # 63-A-110	2500 Trex Way Winchester, VA 22601
Name Dodson Bros Exterminating Co Property # 63-A-112	P.O. Box 10249 Lynchburg, VA 24506
Name City of Winchester Property # 350-01-1	15 N Cameron St Winchester, VA 22601
Name Trex Company Inc. Property # 351-02-1A	2500 Trex Way Winchester, VA 22601
Name Property #	
Name Property #	
Name Property #	
Name	

PROPOSED PROFFER STATEMENT

REZONING:	RZ. #_____ General Industrial (M2) to General Business (B2)
PROPERTY:	3.12 +/- Acres Tax Map Parcel 63-A-110B (the "Property")
RECORD OWNER:	The Youth Development Center, Inc.
APPLICANT:	The Youth Development Center, Inc.
PROJECT NAME:	YDC – Shawnee Drive Property
ORIGINAL DATE OF PROFFERS:	March 16, 2026
REVISION DATE(S):	September 9, 2026

The undersigned hereby proffers that the use and development of the subject property ("Property"), as described above, shall be in strict conformance with the following conditions, which shall supersede all other proffers that may have been made prior hereto. In the event that the above referenced B2 conditional rezoning is not granted as applied for by the applicant ("Applicant"), these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with "Final Rezoning" defined as the rezoning which is in effect on the day following the last day upon which the Frederick County Board of Supervisors (the "Board") decision granting the rezoning may be contested in the appropriate court. If the Board's decision is contested, and the Applicant elects not to submit development plans until such contest is resolved, the term rezoning shall include the day following entry of a final court order affirming the decision of the Board which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal. The term "Applicant" as referenced herein shall include within its meaning all future owners and successors in interest.

1. LAND USE

1.1 The area of the Property to be rezoned for commercial development includes approximately 3.12 acres. The following uses shall be prohibited on the Property:

- Pet Care (excluding Veterinary) Services
- Broadcasting and Content Providers
- Building Materials and Garden Equipment Supplies Dealers

- Food and Beverage Retailers
- Motor Vehicle and Parts Dealers
- Gasoline Stations with or without Convenience Stores
- Automotive Oil Change and Lubrication Shops
- Food services, Restaurants and Other Eating Places
- Hotels and motels, Dormitories, Rooming/Boarding Houses, and Travelers accommodations
- Coin-Operated Laundries and Drycleaners
- Death Care Services
- Car washes
- Personal and Household Goods Repair and Maintenance
- Consumer Goods Rental
- Movie Theaters
- Amusement, Arts, Gambling, and Recreation Industries
- Model Homes Sales Offices
- Self-Service Storage Facilities
- Parks
- Libraries
- Household Appliances and Electrical and Electronic Goods Merchant Wholesalers
- Hardware and Plumbing and Heating Equipment Supplies Merchant Wholesalers
- Conference /Event Center

2. SITE ACCESS

2.1 New entrances to the Property from Shawnee Drive or Battaile Drive are prohibited.

3. FIRE AND RESCUE

3.1 Applicant shall contribute to the County the sum of ten cents ($0.10) per square foot of any new building floor area constructed on the Property for capital improvements to capital facilities for fire and rescue services, payable upon the issuance of an occupancy permit for any new building floor area constructed on the Property.

4. EXCLUSION OF PUBLIC PROPERTY FROM PROFFERS:

4.1 Any portion of the Property hereafter dedicated for public street purposes (or otherwise conveyed to a public entity) shall, upon such dedication, be excluded from the terms and conditions of these Proffers and the remainder of the Property shall continue to be subject to the full force and effect of these proffers.

5. SEVERABILITY:

5.1 In the event any portion of these Proffers are subsequently determined to be illegal or unenforceable, the remaining Proffers shall continue in full force and effect.

6. BINDING EFFECT:

6.1 These Proffers run with the land and shall be binding upon all heirs, executors, administrators, assigns and successors in interest of the Applicant.

SIGNATURE(S) APPEAR ON THE FOLLOWING PAGE

Respectfully submitted,

The Youth Development Center, Inc.

By: [redacted]
Print: [redacted]
Title: Executive Director

STATE OF VIRGINIA,
COUNTY OF FREDERICK, to-wit:

The foregoing instrument was acknowledged before me this 10th day of September, 2026, by Sarah Fishel as Executive Director of The Youth Development Center, Inc.

My commission expires: 04/30/2030

[redacted]
Notary Public

ANJAL PATEL - NOTARY PUBLIC
REG# 00411
MY COMMISSION EXP. 04/30/2030
COMMONWEALTH OF VIRGINIA

YDC – SHAWNEE DRIVE PROPERTY
IMPACT ANALYSIS STATEMENT
June 19, 2026

The following is a summary of the proposed rezoning application for the 3.12 Acres owned by the Youth Development Center (YDC) fronting on Shawnee Drive and identified as Frederick County Tax Map Parcel 63-A-110B (the "Property"). The application seeks to rezone the Property from M2 (General Industrial) to B2 (General Business).

Site Location

A location map is attached as *Exhibit A*. The Property is located northeast of the intersection of Shawnee Drive and Battaile Drive, approximately a quarter mile East of the intersection of Shawnee Drive and Valley Pike (Route 11). The Trex facility is located South of the Property across Shawnee Drive. The northern property limits are located along the Frederick County and City of Winchester corporate limits.

Proposed Development

As shown on *Exhibit B*. The site is currently improved with several office buildings, including the office for the Shenandoah Area Boy Scouts office, along with associated parking and is immediately adjacent to the former Youth Development Center building on the adjacent parcel to the North. The adjoining former YDC building was sold in March of 2025 when the YDC moved their facility to a new location at 302 S Loudoun Street. At 3.12 Acres, the subject Property is generally incompatible with its M2 zoning designation which is generally intended for higher intensity, large scale industrial uses. Frederick County's Long Range Land Use Plan, as shown on *Exhibit C*, identifies commercial uses as the planned land use for the site. This application does not seek to rezone the property for the purpose of a newly planned development, but instead seeks to rezone the property to the General Business district which is more in keeping with the current use, the size and scale of the property, as well as Frederick County's Long Range Land Use Plan. Further, the proposed rezoning would allow for subdivision of the Property under the B2 zoning district standards which could allow for separate ownership of the individual office buildings, which would not be possible under the larger setbacks required under the existing M2 zoning.

Sewage Conveyance and Water Supply

Both water and sewer service is provided to the existing structures on the Property by City of Winchester facilities.

Mitigation of Impacts

In order to mitigate potential impacts of the proposed rezoning, the Applicant has proffered out uses permitted in the B2 zoning district which would either be incompatible with the site or would generate significantly more traffic than would otherwise be permitted under the existing M2 zoning designation. For example, the proposed proffer

Youth Development Center - Location Map



Frederick County Information Technologies
107 N Kent St Winchester, VA 22601
540-665-5614

Frederick County does not give any expressed or implied warranties, conditions, representations, indemnities of any kind, statutory, or otherwise, concerning any or all of the Frederick County GIS data.

0 255 510 1,020 Feet
1:6,000

Exhibit A

Date: June 12, 2026

Youth Development Center Property - Shawnee Drive



Frederick County Information Technologies
107 N Kent St Winchester, VA 22601
540-665-5614

Frederick County does not give any expressed or implied warrenties, conditions, representations, indemnities of any kind, statutory, or otherwise, concerning any or all of the Frederick County GIS data.

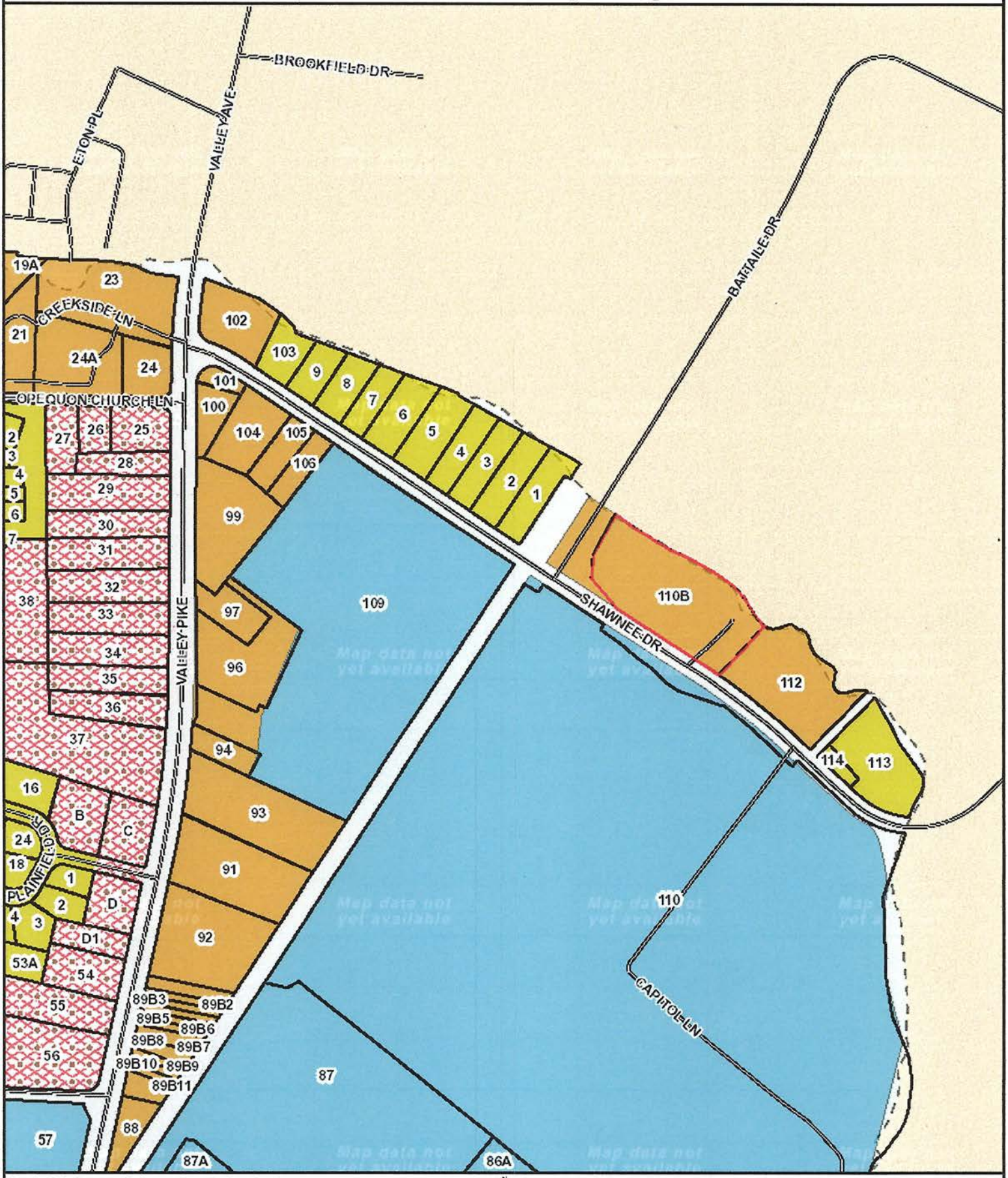
0 90 180 360 Feet

1:2,160

Exhibit B

Date: June 12, 2026

Youth Development Center - Long Range Land Use Plan



Frederick County Information Technologies
107 N Kent St Winchester, VA 22601
540-665-5614

Frederick County does not give any expressed or implied warrenties, conditions, representations, indemnities of any kind, statutory, or otherwise, concerning any or all of the Frederick County GIS data.

0 255 510 1,020 Feet
1:6,000

Exhibit C

Date: June 12 2026

statement prohibits the use of gas stations and restaurants, among other uses. These uses would have the potential to generate more traffic than the existing zoning would permit and by prohibiting those uses, the Applicant has ensured that any possible future development of the Property, should that ever occur, does not exceed impacts that would otherwise be permitted under the existing zoning.

The B2 zoning sought by the rezoning is less intense than the existing industrial zoning, providing for less potential impacts to the adjoining properties, particularly for the existing B2 zoning located East and adjacent to the Property as well as the RP zoning located to the West of the site. The existing zoning for the Property and surrounding areas is shown on *Exhibit D*.

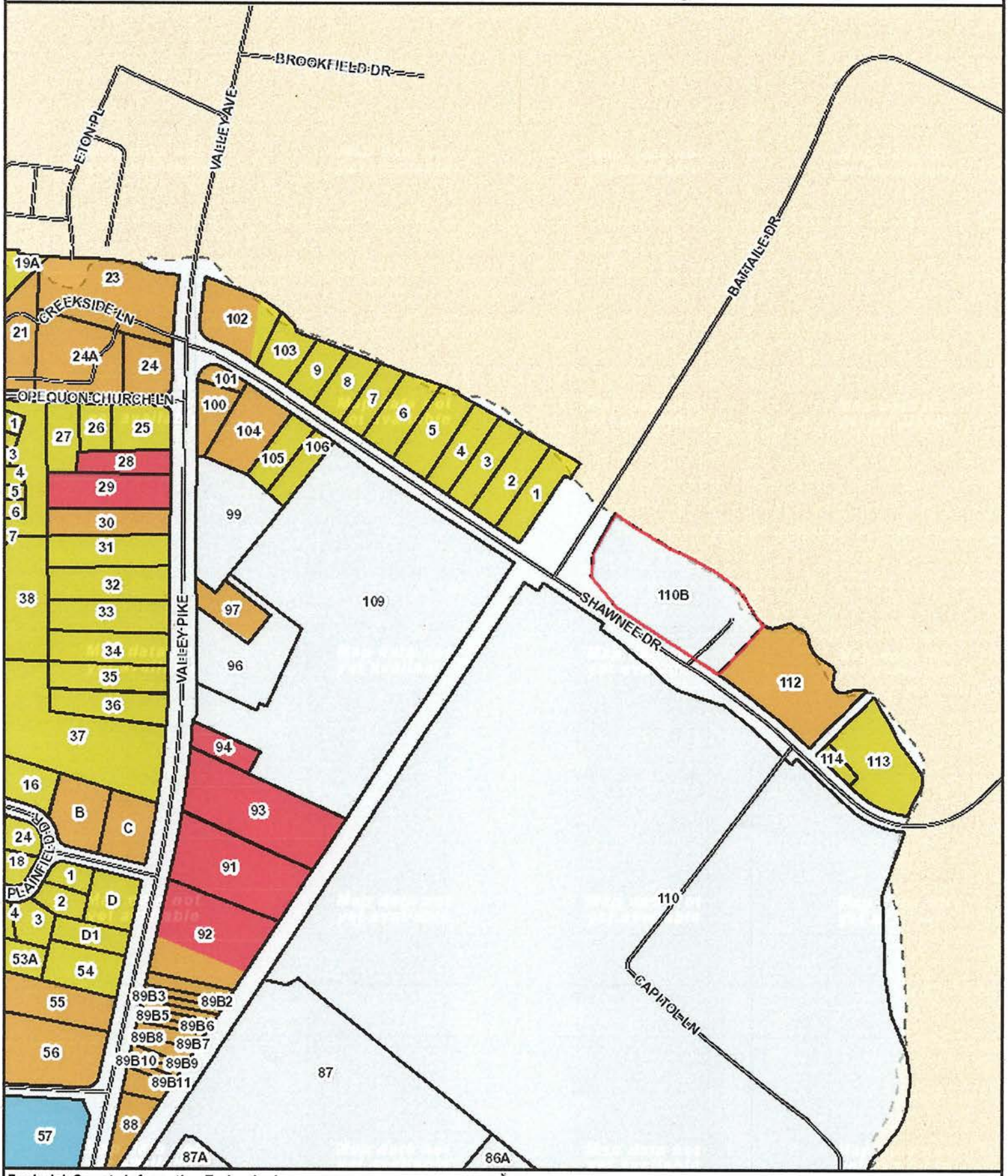
The proposed rezoning would not create any impacts to public schools as no new residential units would be permitted so there will be no new students generated as part of this application.

The project site does not include any identified historic structures and does not propose any improvements which would impact any designated historic or developmentally sensitive areas.

Vehicular Access and Transportation

The site is currently served by a commercial entrance onto Shawnee Drive to access Valley Pike to the east or Papermill Road to the west. The applicant has proposed no changes to this current access configuration. As noted previously, the proffered limitation on permitted uses ensures that the proposed rezoning will not create impacts through higher traffic generation. Should a redevelopment of the site ever occur at some point in the future, any new improvements would be subject to VDOT review and approval.

Youth Development Center - Zoning Context



Frederick County Information Technologies
107 N Kent St Winchester, VA 22601
540-665-5614

Frederick County does not give any expressed or implied warrenties, conditions, representations, indemnities of any kind, statutory, or otherwise, concerning any or all of the Frederick County GIS data.

0 255 510 1,020 Feet
1:6,000

Exhibit D

Date: June 12, 2026

September 11, 2026

Eric Bittner, Planner II
Frederick County Planning
107 N Kent Street
Winchester, VA 22601

RE: YDC – Shawnee Drive Property; Response to Comments

Dear Mr. Bittner,

Please find attached a revised proffer statement for the YDC – Shawnee Drive Property Rezoning Application. This revision is intended to address any outstanding comments from review agencies. A full list of agency comments and a response is provided below:

Virginia Department of Transportation

VDOT has reviewed the Youth Development Center, rezoning of TM Parcel, 63-A-110B, and have the following comments:

Based on our review of the proposed rezoning for the 3.12-acre YDC property on Shawnee Drive, we do not anticipate any additional traffic impacts resulting from this application.

Importantly, the applicant has proffered out several B2 uses known to generate significantly higher traffic volumes. These proffered restrictions ensure that any future use of the property will generate traffic volumes that are equal to or lower than what could occur under the current M2 zoning.

Additionally, the rezoning does not propose any changes to existing access points on Shawnee Drive, and any future redevelopment would remain subject to VDOT review and approval. Given these factors, the rezoning is not expected to affect surrounding road network operations or generate impacts beyond what is already permitted under the current zoning designation.

Comment Response: Acknowledged.

Fire Marshal

All future development shall comply with the Frederick County Fire Prevention Code and other applicable codes.

Comment Response: Acknowledged.

City of Winchester

No Comment.

Comment Response: Acknowledged.

Frederick County Inspections

No Comment.

Comment Response: Acknowledged.

Frederick County Parks and Recreation

Parks and Recreation has no comments at this time.

Comment Response: Acknowledged.

Frederick County Public Works

No comments- no proposed change to grading/stormwater management.

Comment Response: Acknowledged.

Frederick County Attorney

The proffer statement meets the requirements of the Frederick County Zoning Ordinance and the Code of Virginia and is legally sufficient as proposed for recordation. I have not reviewed the substance of the proffers as to whether the proffers are suitable and appropriate for this specific development, as my understanding is that review is being undertaken by staff and the Planning Commission.

Comment Response: Acknowledged.

Frederick County Planning and Development

Comment 1: Comprehensive Plan Conformance. The Comprehensive Plan (adopted November 2021) and the *Kernstown Area Plan* provide guidance on the future development of the subject property. The Plan identifies the subject properties with a "business" (Kernstown Industrial Area) land use designation and as being within the limits of the Urban Development Area (UDA). The *Kernstown Area Plan* describes the future environment envisioned for the Kernstown Industrial Area:

> *"The existing industrial land uses north of Route 37 and both east and west of Route 11 are reinforced with this area plan. Industries including Trex and H.P. Hood, are well established and should continue to be supported in this area. Additional C/I opportunity that is fully supportive of the Frederick County Economic Development Authority's targeted goals and strategies should be promoted. The intent of the industrial designation is to further enhance the County's C/I areas and to provide focus to the County's regional employment centers."*

The intent of the B2 zoning district is described in §165-401.02 as

> *"…[providing] large areas for a variety of business, office and service uses. General business areas are located on arterial highways at major intersections and at interchange areas. Businesses allowed involve frequent and direct access by the general public but not heavy truck traffic on a constant basis other than that required for the delivery of retail goods. General business areas should have direct access to major thoroughfares and should be properly separated from residential areas. Adequate frontage and depth should be provided, and access should be properly controlled to promote safety and orderly development. Nuisance factors are to be avoided."*

The proposed rezoning does allow for the "additional commercial opportunity" by providing for commercial uses. The proposed proffers remove uses that would otherwise not be compatible with the industrial areas, but the remaining uses are not all targeted industries by the Economic Development Authority (EDA). Staff recognize that the existing uses are not proposed to change.

Comment Response: Acknowledged.

Comment 2: Entrance. An additional entrance onto Shawnee Dr, which would have negative traffic impacts. Access should be restricted to using the existing access.

Comment Response: The revised proffer statement prohibits new entrances to the Property from Shawnee Drive or Battaile Drive (See Proffer 2.1).

Comment 3: Impacts to Services. In the event of new square footage, there is no proffer to mitigate impacts. The Board of Supervisor's adopted policy state $0.10 per square foot for commercial and industrial sites.

Comment Response: The revised proffer statement provides for $0.10 per square foot of any new building floor area constructed on the Property for Fire and Rescue Services (See Proffer 3.1).

In addition to the revised proffer statement, I have also attached copies of the above referenced agency comments. If you have any questions or would like to discuss further, please feel free to contact me at (540) 336-3333.

Sincerely,

[redacted]

Patrick Sowers

COUNTY of FREDERICK

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

July 31, 2026

Patrick Sowers
David Holliday and Patrick Sowers
420 W Jubal Early Drive, St. 103
Winchester, VA 22601

RE: Proposed Rezoning for YDC Shawnee Drive
Property Identification Numbers (PIN): 63-A-110B

Dear Mr. Sowers:

Planning and Development staff had the opportunity to review the draft rezoning application (REZ). This application seeks to rezone approximately +/3.12 acres from the M2 (General Industrial) Zoning District to the B2 (General Business) Zoning District with proffers. The subject property is located at 115 Shawnee Dr in the Back Creek Magisterial District. Prior to formal submission to the County, please ensure that these comments and all review agency comments are adequately addressed. At a minimum, a letter describing how each of the agencies and their comments have been addressed should be included as part of the submission.

- **Comprehensive Plan Conformance.** The Comprehensive Plan (adopted November 2021) and the *Kernstown Area Plan* provide guidance on the future development of the subject property. The Plan identifies the subject properties with a "business" (Kernstown Industrial Area) land use designation and as being within the limits of the Urban Development Area (UDA). The *Kernstown Area Plan* describes the future environment envisioned for the Kernstown Industrial Area:

  > *"The existing industrial land uses north of Route 37 and both east and west of Route 11 are reinforced with this area plan. Industries including Trex and H. P. Hood, are well established and should continue to be supported in this area. Additional C/I opportunity that is fully supportive of the Frederick County Economic Development Authority's targeted goals and strategies should be promoted. The intent of the industrial designation is to further enhance the County's C/I areas and to provide focus to the County's regional employment centers."*

  The intent of the B2 zoning district is described in §165-401.02 as

  > *"...[providing] large areas for a variety of business, office and service uses. General business areas are located on arterial highways at major intersections and at interchange areas. Businesses allowed involve frequent and direct access by the general public but not heavy truck traffic on a constant basis other than that required for delivery of retail goods. General business areas should have direct*

access to major thoroughfares and should be properly separated from residential areas. Adequate frontage and depth should be provided, and access should be properly controlled to promote safety and orderly development. Nuisance factors are to be avoided."

The proposed rezoning does allow for the "additional commercial opportunity" by providing for commercial uses. The proposed proffers remove uses that would otherwise not be compatible with the industrial areas, but the remaining uses are not all targeted industries by the Economic Development Authority (EDA). Staff recognize that the existing uses are not proposed to change.

- **Entrance.** An additional entrance onto Shawnee Dr, which would have negative traffic impacts. Access should be restricted to using the existing access.

- **Impacts to Services.** In the event of new square footage, there is no proffer to mitigate impacts. The Board of Supervisor's adopted policy states $0.10 per square foot for commercial and industrial sites.

Other Application Materials & Fee. Based on the fees adopted by the Board of Supervisors, the application fee for this rezoning would be $10,312.

All the above comments and reviewing agency comments should be appropriately addressed before staff can accept this rezoning application for a public hearing. The Applicant should verify with Planning & Development staff application completeness prior to final submission.

Please feel free to contact me with questions regarding this application.

Sincerely,

[redacted]

Eric Bittner,
Planner II

Cc:

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
STAUNTON DISTRICT – Edinburg Residency
14031 Old Valley Pike
Edinburg, VA 22824
(540) 984-5601

Stephen C. Brich, P.E.
COMMISSIONER

August 10, 2026

Eric Bittner
Frederick County Planning Department
107 N. Kent Street
Winchester, VA 22601

Subject: VDOT Comments – Youth Development Center Rezoning

Dear Mr. Bittner,

VDOT has reviewed the Youth Development Center, rezoning of TM Parcel, 63-A-110B, and have the following comments:

Based on our review of the proposed rezoning for the 3.12-acre YDC property on Shawnee Drive, we do not anticipate any additional traffic impacts resulting from this application.

Importantly, the applicant has proffered out several B2 uses known to generate significantly higher traffic volumes. These proffered restrictions ensure that any future use of the property will generate traffic volumes that are equal to or lower than what could occur under the current M2 zoning.

Additionally, the rezoning does not propose any changes to existing access points on Shawnee Drive, and any future redevelopment would remain subject to VDOT review and approval. Given these factors, the rezoning is not expected to affect surrounding road network operations or generate impacts beyond what is already permitted under the current zoning designation.

Sincerely,
J. Ryan Spielman
Land Use Engineer
Virginia Department of Transportation – Staunton District /Edinburg Residency

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

Rezoning

Status: Approved

Business Name
Youthlife - Northern Shenandoah Valley
115 Youth Development Ct
Winchester, Virginia 22602

Printed Date: 07/30/2026

General Information

Received Date:	07/09/2026	Occupancy Type:	Business, mercantile
Review Begin Date:	07/30/2026	Property Use:	Business Office
Review End Date:	07/30/2026	Activity Number:	I076101
Hours:	1.0000	Review Cause:	Application

Activity Details

Project Name — From (M2) to (B2)

Comments:
All future development shall comply with the Frederick County Fire Prevention Code and other applicable codes.



Adam Hounshell
Lieutenant/Assistant Fire Marshal

REQUEST FOR REZONING COMMENTS

Project Name: YDC Shawnee Drive

Acreage: 3.12

PIN(s): 63-A-110B

Address (or general location):
115 Youth Development Ln,

Existing Zoning District: M2 (Industrial General)

Proposed Zoning District: B2 (General Business)

Staff Name (Email Address): eric.bittner@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): City of Winchester

Reviewer Name (Email Address): Julie Carter, Engineering Programs Manager - julie.carter@winchesterva.gov

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

No comment

Resubmission to address comments requested? Y ☐ or N ☑

REQUEST FOR REZONING COMMENTS

Project Name: YDC Shawnee Drive

Acreage: 3.12

PIN(s): 63-A-110B

Address (or general location):
115 Youth Development Ln,

Existing Zoning District: M2 (Industrial General)

Proposed Zoning District: B2 (General Business)

Staff Name (Email Address): eric.bittner@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): 7/13/26 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.*

No comment

Resubmission to address comments requested? Y ☐ or N ☑

REQUEST FOR REZONING COMMENTS

Project Name: YDC Shawnee Drive

Acreage: 3.12

PIN(s): 63-A-110B

Address (or general location):
115 Youth Development Ln,

Existing Zoning District: M2 (Industrial General)

Proposed Zoning District: B2 (General Business)

Staff Name (Email Address): eric.bittner@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
- [x] FC Parks & Recreation
- [ ] FC County Attorney
- [ ] Other (Specify): _____

Reviewer Name (Email Address): Jon Turkel, jturkel@fcva.us, 7/24/26

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

Parks and Recreation has no commments at this time.

Resubmission to address comments requested? Y [ ] or N [x]

REQUEST FOR REZONING COMMENTS

Project Name: YDC Shawnee Drive

Acreage: 3.12

PIN(s): 63-A-110B

Address (or general location):
115 Youth Development Ln,

Existing Zoning District: M2 (Industrial General)

Proposed Zoning District: B2 (General Business)

Staff Name (Email Address): eric.bittner@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- no proposed change to grading/stormwater

Resubmission to address comments requested? Y ☐ or N ☑

REQUEST FOR REZONING COMMENTS

Project Name: YDC Shawnee Drive

Acreage: 3.12

PIN(s): 63-A-110B

Address (or general location):
115 Youth Development Ln,

Existing Zoning District: M2 (Industrial General)

Proposed Zoning District: B2 (General Business)

Staff Name (Email Address): eric.bittner@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): _____

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

The proffer statement meets the requirements of the Frederick County Zoning Ordinance and the Code of Virginia and is legally sufficient as proposed for recordation. I have not reviewed the substance of the proffers as to whether the proffers are suitable and appropriate for this specific development, as my understanding is that review is being undertaken by staff and the Planning Commission.

Resubmission to address comments requested? Y ☐ or N ☑

BMB:fh
9-3-91
6723

#1090

BK766PG0945

THIS DEED OF GIFT made and dated this 3rd day of September, 1991, by and between **THOMAS C. BAKER** and **SHEILA F. BAKER**, his wife, parties of the first part, hereinafter called the Grantors, and **THE YOUTH DEVELOPMENT CENTER, INC.**, a Virginia nonstock, nonprofit Corporation, party of the second part, hereinafter called the Grantee.

WITNESSETH: That for love and affection, the Grantors do hereby grant and convey with general warranty of title unto the Grantee, in fee simple absolute, all of that certain lot or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, lying and being situate in Shawnee Magisterial District, Frederick County, Virginia, containing 3.218 Acres and more particularly described by survey drawn by David M. Furstenau, L.S., dated June 3, 1991, attached hereto and by this reference made a part hereof as if set out in full; and being the same property conveyed to the Grantors herein by deed dated August 3, 1965, of record in the Office of the Clerk of the Circuit Court of Frederick County, Virginia in Deed Book 313 at Page 155; and further being a portion of the same property conveyed to Thomas Carr Baker (being one and the same as Thomas C. Baker), by deed dated January 20, 1983, of record in the aforesaid Clerk's Office in Deed Book 556 at Page 158. Reference is made to the aforesaid survey and deeds for a more particular description of the property herein conveyed.

This conveyance is made subject to all rights of way and restrictions of record affecting the subject property.

The Grantors hereby covenant that they have the right to convey to the Grantee; that the Grantee shall have quiet and peaceable possession of the said property, free from all liens and encumbrances; and they will grant such further assurances of title as may be requisite.

¢ = $ DEED OF GIFT
Grantee Address:
P.O. Box 3243
Winchester, Va. 22601

BK760:0046

WITNESS the following signatures and seals:

[redacted]EAL)
THOMAS C. BAKER

[redacted]AL)
SHEILA F. BAKER

STATE OF VIRGINIA,
County OF FREDERICK, TO-WIT:

I, BARBARA C. WISE, a Notary Public in and for the State and jurisdiction aforesaid, do hereby certify that THOMAS C. BAKER and SHEILA F. BAKER, his wife, whose names are signed to the foregoing Deed of Gift, dated September 3, 1991, have personally appeared before me and acknowledged the same in my State and jurisdiction aforesaid.

Given under my hand this 1 day of Oct, 1991.

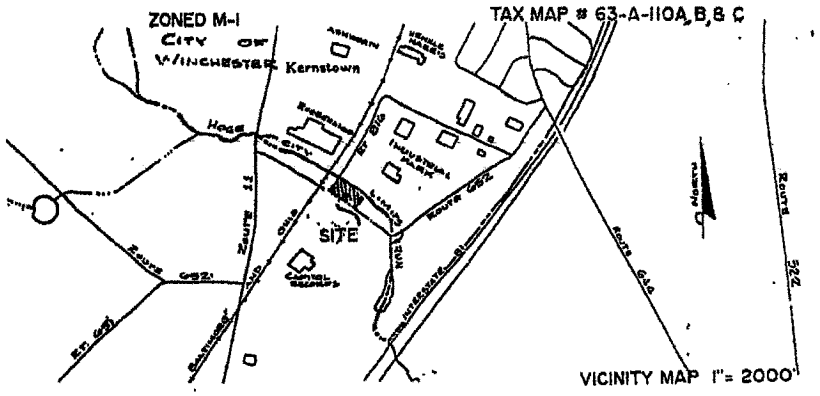
My commission expires MAY 31 1994.

[redacted]
NOTARY PUBLIC

FINAL PLAT

BK760PG0947

LOT COMBINATION
LAND OF
THOMAS C. & SHEILA F. BAKER
SHAWNEE DISTRICT
FREDERICK COUNTY, VIRGINIA



SURVEYOR'S CERTIFICATE

I hereby certify that parcels A & C of this combination are in the name of Thomas Carr Baker and were conveyed to him by Deed dated January 20, 1983 and recorded in Deed Book 556 at page 158; Parcel B of this combination is in the name of Thomas C. and Sheila F. Baker and was conveyed to them by Deed dated August 31, 1985 and recorded in Deed Book 313 at page 155; said Deeds are recorded among the Land Records of the Clerk of the Circuit Court of Frederick County Virginia.

DAVID M. FURSTENAU L.S.#1455

OWNER'S CERTIFICATE

The above and foregoing combination of the Baker Lots as appears in the accompaning plat is with the free consent and in accordance with the undersigned owners, proprietors, and trustees if any.

Thomas C. Baker Sheila F. Baker

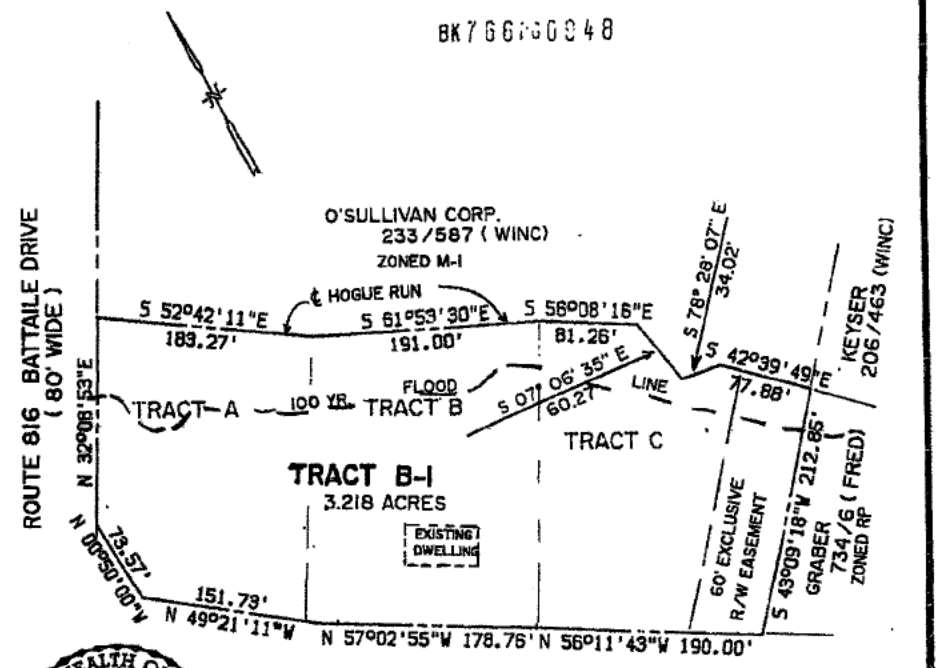
APPROVED

FREDERICK COUNTY
PLANNING DEPARTMENT
W. Wayne Miller 9-21-91

DATE: JUNE 3, 1991
SCALE:

[illegible] SURVEYING

BK766PG048



FINAL PLAT
LOT COMBINATION
LAND OF
THOMAS C. & SHEILA F. BAKER
SHAWNEE DISTRICT
FREDERICK COUNTY, VIRGINIA

FURSTENAU SURVEYING

STEPHENS CITY, VIRGINIA 22655

DATE: JUNE 3, 1991
SCALE: 1" = 100'
DWN. BY:

VIRGINIA: FREDERICK COUNTY, SCT.
This instrument of writing was produced to me on the 2nd day of Oct., 19 91, at 10:41 AM and with certificate of acknowledgment thereto annexed was admitted to record. Tax imposed by Sec. 58-54.1 of $ N/A . and 58-54 have been paid, if assessable.

ORDINANCE

Action:

PLANNING COMMISSION:	October 7, 2026	Recommended Approval
BOARD OF SUPERVISORS:	November 12, 2026	Pending

AMENDING THE ZONING DISTRICT MAP
REZONING #09-26 FOR YDC SHAWNEE DRIVE
(THE YOUTH DEVELOPMENT, LLC)

WHEREAS, REZONING #09-26 of YDC Shawnee Drive (The Youth Development, LLC) submitted to rezone 3.12+/- acres from M2 (General Industrial) Zoning District to the B2 (General Business) Zoning District with proffers. The property is located at 129 Shawnee Dr, Winchester and is identified by Property Identification Numbers 33-A-110B in the Back Creek Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this rezoning on October 7, 2026, and recommended approval; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on November 12, 2026; and

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

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, the Zoning District Map is amended in accordance with Rezoning #09-26 of YDC Shawnee Drive (The Youth Development, LLC) submitted to rezone 3.12+/- acres from M2 (General Industrial) Zoning District to the B2 (General Business) Zoning District with proffers dated September 9, 2026. The conditions voluntarily proffered in writing by the Applicant and the Property Owner are attached.

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

Passed this 12th day of November 2026 by the following recorded vote:

John F. Jewell, Chairman

Albert L. Orndorff

Michael D. Guevremont

Gary R. Oates

Jason C. Aikens

Robert W. Wells

Robert T. Liero

A COPY ATTEST

_____
Michael Bollhoefer
Frederick County Administrator

Board of Supervisors
Agenda Item Detail
Meeting Date: November 12, 2026
Agenda Section: Planning Commission Business - Public Hearings

Title:

Rezoning #10-26 for Carter Farm (Shenandoah Valley Battlefields Foundation) to Rezone 156.06 +/- Acres from the TM (Technology Manufacturing) Zoning District and RA (Rural Areas) Zoning District to the RA (Rural Areas) Zoning District with Proffers. The Property is Located at the Southeast Corner of the Intersection of Martinsburg Pike (Route 11) and Old Charles Town Road (Route 761), Winchester and is Identified by Property Identification Numbers (PINs) 44-A-40 and 44-A-25B in the Stonewall Magisterial District.

Attachments:
BOS11-12-26_REZ10-26_Redacted.pdf

REZONING #10-26
Shenandoah Valley Battlefields Foundation
Staff Report for the Board of Supervisors
Prepared: November 5, 2026
Staff Contact: Lauren Kopishke, Assistant Planning Director

Executive Summary:

Meeting Schedule	
Planning Commission: November 4, 2026	Action: Recommended Approval
Board of Supervisors: November 12, 2026	Action: Pending
Property Information	
Property Identification Number (PIN)	44-A-40 and 44-A-25B
Address	Carter Farm, McCanns Road
Magisterial District	Stonewall
Acreage	+/- 156.00 acres
Zoning & Present Land Use	Zoning: TM (Technology Manufacturing), M1 (Light Industrial), B2 (General Business) and RA (Rural Areas) Districts Land Use: undeveloped
Proposed Zoning	RA (Rural Areas)
Adjoining Property Zoning & Present Land Use	
North: M1 (Light Industrial) & B2 (General Business) Districts	Land Use: Department of Historic Resources (DHR) Easement
South: M1 (Light Industrial) & RA (Rural Areas) Districts	Land Use: Vacant & Industrial Development (Nursery)
East: M1 (Light Industrial) & RA (Rural Areas) Districts	Land Use: Vacant & Industrial Development
West: RP (Residential Performance) District	Land Use: Residential & Religious

Proposed Use	
The applicant is requesting a downzoning of 156.00 acres of undeveloped land known as Carter Farm. The goal of this request is to transition the property from its current commercial and industrial zoning classifications to a uniform rural designation to support the permanent preservation and public interpretation of a historic Civil War battlefield landscape.	
Positives	**Concerns**
The proposed downzoning request directly adheres to the goals, policies, and explicit directives outlined in the Historic Resources component of the Northeast Land Use Plan (NELUP). The plan specifically identifies the subject property's landscape and its roadway corridor as key historical assets requiring county protection.	None at this time

Review Agency Comments:

Review Agency	**Comment Date**	**Comment Summary**	**Status**
Historic Resources Advisory Board	October16, 2026	Recommended approval	Addressed

Planning & Zoning Staff Analysis:

Site History:

The subject property, known as Carter Farm, has a history of commercial and industrial zoning approvals and is now the focus of preservation efforts by the Shenandoah Valley Battlefields Foundation (SVBF). On November 12, 2015, the Frederick County Board of Supervisors approved Rezoning Case #08-15, submitted by GreyWolfe, Inc., for the proposed McCann Office Park development. The rezoning established a mix of zoning districts across the property, including approximately 6.18 acres of General Business (B2), 11.729 acres of Light Industrial (M1), 93.246 acres of Office-Manufacturing Park (OM), and 27.435 acres of Rural Areas (RA). The OM zoning was subsequently changed to Technology Manufacturing (TM). The rezoning was subject to proffers.

In connection with the earlier development proposal, approximately 11.982 acres of Tax Parcel 44-A-25B were proffered to Frederick County for the future construction and right-of-way alignment of Route 37.

On April 9, 2021, SVBF acquired the property from the McCann Family Land Trust through a Partial Deed of Bargain and Sale and Partial Deed of Gift, recorded as Instrument #210006152. As part of its preservation efforts, SVBF subsequently conveyed a perpetual conservation easement

covering approximately 141.624 acres to the Land Trust of Virginia, Inc. The easement was recorded with the Frederick County Circuit Court on May 13, 2025, as Instrument #250004520. The property is associated with the Second Battle of Winchester, the Third Battle of Winchester, and the Battle of Rutherford's Farm.

During the summer of 2026, SVBF completed construction of a visitor parking area along State Route 838 (McCann's Road) to support future public access to the property. Additional improvements, including pedestrian trails, bridges over Hiatt Run, interpretive exhibits, and signage, are in the planning and design stages per the applicant.

Comprehensive Plan Conformance:

The Comprehensive Plan provides guidance for land use decisions. The property is located outside the Sewer and Water Service Area (SWSA) but within the Urban Development Area (UDA). The Northeast Frederick Land Use Plan (NELUP) designates the property as a Sensitive Natural Area due to its historic significance and the presence of approximately 16.3 acres of water resources. The NELUP recognizes the Shenandoah Valley Battlefields Foundation's preservation of portions of the Second Battle of Winchester battlefield, calls for continued County support of historic preservation efforts, and identifies the need to protect historic roadways, including McCann's Road, from the impacts of adjacent development.

The Comprehensive Plan depicts the future Route 37 bypass crossing the southern portion of the property and an improved major collector along the northern property boundary.

Overall, the proposed downzoning to Rural Areas (RA) would better align the property's zoning with the NELUP's Sensitive Natural Area designation and preservation objectives by reducing the range of permitted commercial and industrial uses that could conflict with the protection of the battlefield landscape and associated water resources. The downzoning would not determine the final alignment of planned transportation improvements.

Transportation & Site Access:

The request does not propose alterations to the current entrances.

Proffer Statement, Generalized Development Plan (GDP), & Impact Analysis:

The final proffer statement for the prior rezoning was revised on August 27, 2015, approved by the Board of Supervisors on November 12, 2015, and officially admitted to record in the Frederick County Circuit Court Clerk's Office on November 16, 2015, under Instrument No. 150011403.

The applicant has indicated by email to staff that it intends to retain the existing proffer statement associated with Rezoning Case #08-15 without revisions. However, this does not require the County to retain the existing proffers as part of the proposed downzoning. The Board of Supervisors may consider whether the proffers remain necessary or appropriate in light of the proposed Rural Areas (RA) zoning, the property's intended use for historic preservation, and the status of the planned future Route 37 Bypass alignment through the property. The existing proffers include a requirement to dedicate right-of-way for Route 37 if the roadway is constructed. Any changes to the existing proffers would be subject to applicable legal requirements.

Planning Commission Summary and Action From 11/4/2026 Public Hearing

The Planning Commission held a public hearing at their November 4th meeting. There was one public comment in favor of the rezoning. The Planning Commission recommended **approval** of the proposed rezoning application (13-0).

This is a rezoning requiring a public hearing.

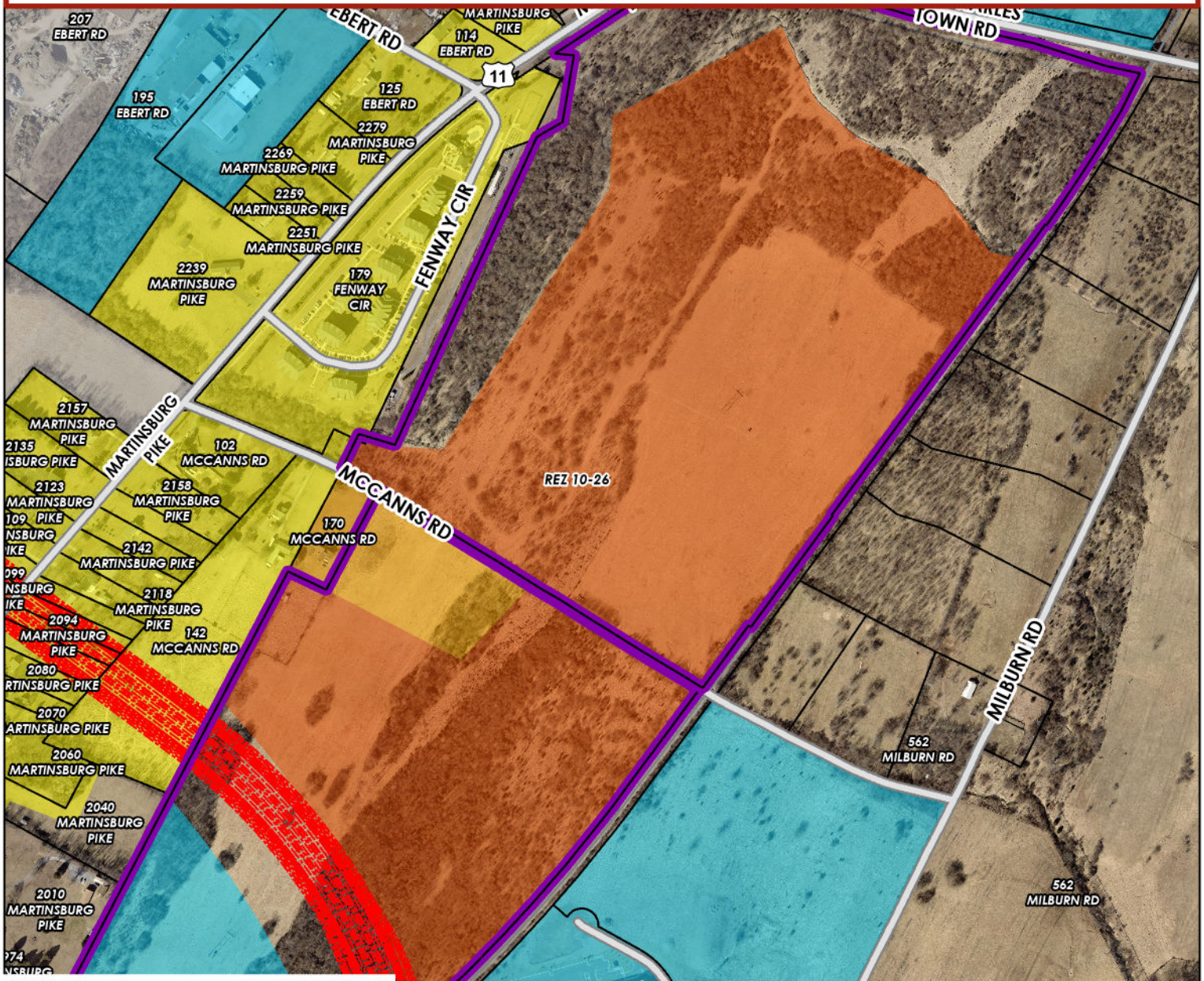
Following a public hearing, staff is seeking a decision from the Board of Supervisors on this rezoning application.

REZ# 10 - 26: Carter Farm

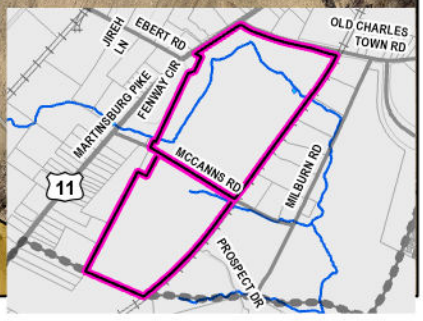
PIN: 44 - A - 40, 44 - A - 25B

Rezoning from TM and RA to RA

Zoning and Location Map



- Application
- Sewer and Water Service Area
- Parcels
- Future Rt 37 Bypass
- **B2 (General Business District)**
- **M1 (Light Industrial District)**
- **M2 (Industrial General District)**
- **TM (Technology - Manufacturing Park)**
- **R4 (Residential Planned Community District)**
- **RP (Residential Performance District)**





N W E S

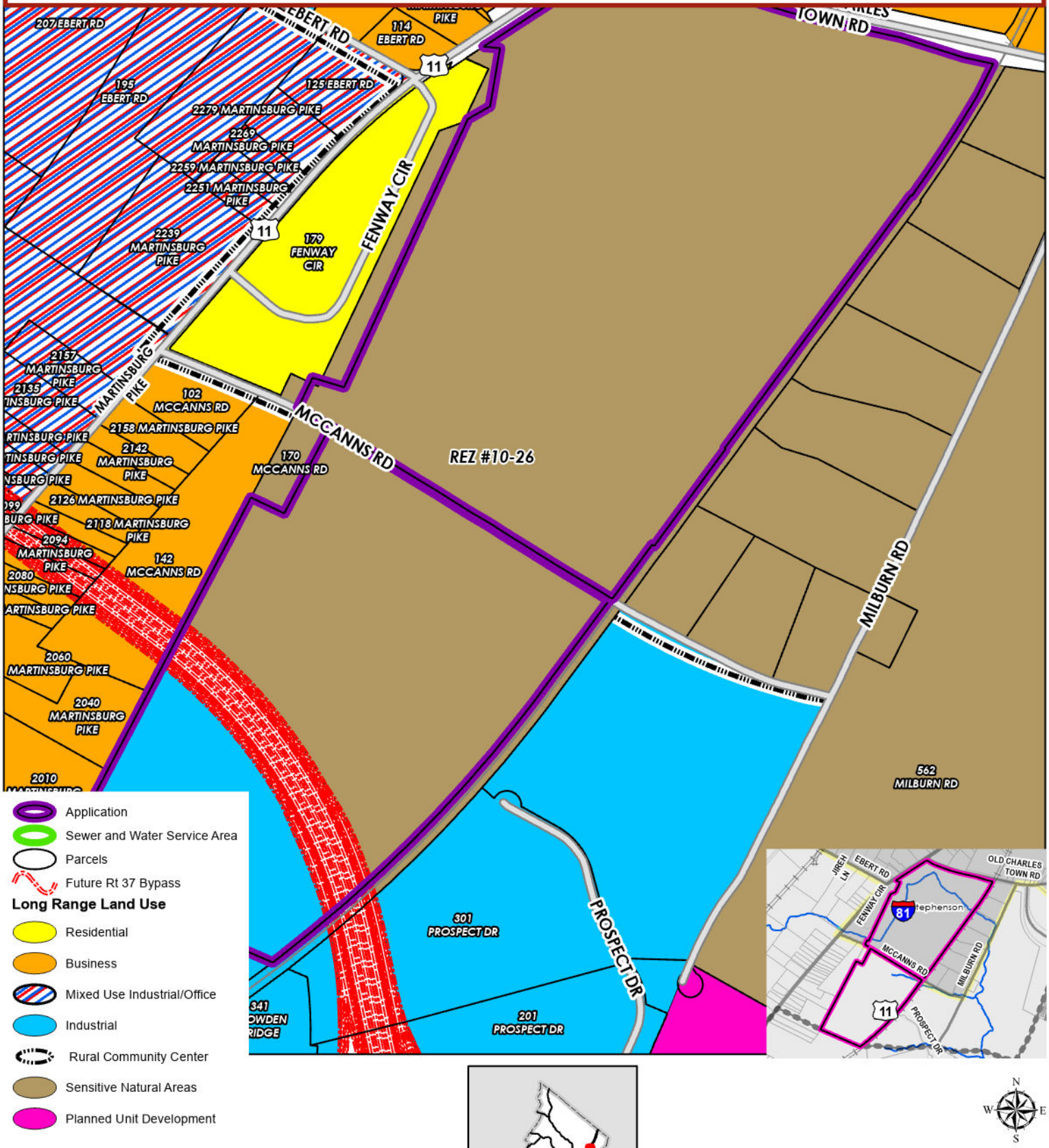
0 345 690 1,380 Feet

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

Map Created: April 16, 2026

REZ # 10 - 26: Carter Farm

PINs: 44 - A - 40, 44 - A - 25B,
Rezoning from RA and TM to RA
Long Range Land Use Map



0 345 690 1,380 Feet

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

Map Created: May 12, 2026

REZONING APPLICATION
FREDERICK COUNTY, VIRGINIA

Submittal Deadline	_____
P/C Meeting	_____
BOS Meeting	_____

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

Name: Shenandoah Valley Battlefields Foundation

Specific Contact Person if Other than Above: Jack Owens

Address: PO Box 897 New Market, VA 22844

Telephone: [redacted] Email: [redacted]

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: _____

**Please note that, if a law firm, engineering firm, or other person, other than the owner of the property, will be acting on behalf of the owner and/or executing papers on behalf of the owner in connection with the rezoning, the owner will need to execute a power of attorney form granting the firm or person such authority.*

4. Project Name: Carter Farm

5. Property Information:

Property Identification Number(s):	44 A 40, 44 A 25B
Total acreage of the parcel(s):	156.06
Total acreage of the parcel(s) to-be-rezoned:	156.06
Current zoning designation(s) and acreage(s) in each designation:	TMRA
Proposed zoning designation(s) and acreage(s) in each designation:	RA
Magisterial District(s):	Stonewall

Location - the property is located at (give street address(es) if assigned or otherwise exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

McCanns Road

Is this property within ½ miles of the Town of Stephens City, the Town of Middletown, the City of Winchester, Clarke County, or Shenandoah County (specify which):

No

Adjoining Properties:

	Zoning:	Use:
North:	N/A (Old Charlestown Road)	Transportation
South:	RA	Nursery
East:	N/A (CSX Railroad)	Transportation
West:	RP, B2, RA	Residential and Church

6. Disclosure of real parties in interest.

Virginia Code § 15.2-2289 provides that localities may by ordinance require any applicant for a zoning amendment to make complete disclosure of the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers, and directors, and in any case the names and addresses of all real parties of interest. Frederick County has, by County Code § 165-101.09, adopted such an ordinance.

For each business entity that is an owner or contract purchaser of the property, please list the name and address of each person owning an interest in, or who is an officer or director of, any entity that is an owner or contract purchaser of the property (you need not indicate the amount or extent of the ownership interest). Please note that this requirement does not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.

Keven Walker, Chief Executive Officer, Shenandoah Valley Battlefields Foundation

PO 897 New Market, VA 22844

Please attach additional page(s) if necessary.

7. Signature(s):

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Owner: [redacted] Date 9/30/26

If signing on behalf of an entity, please state name of entity and your title:

Director of Land Preservation

Owner: _____ Date _____

If signing on behalf of an entity, please state name of entity and your title:

_____

Other Applicant Party (if any): _____ Date _____

If signing on behalf of an entity, please state name of entity and your title:

_____

If additional signature lines are necessary, such as if more than two people are owners, please use additional copies of this page.

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

Adjoining Property Owners

Owners of property adjoining the land will be notified of the Planning Commission and the Board of Supervisors meetings. For this application, adjoining property is any property abutting the requested property on the side or rear or any property directly across a public right-of-way, a private right-of-way, or a watercourse from the requested property. The applicant is required to obtain the following information on each adjoining property including the parcel identification number. These can be obtained from Frederick County's GIS Interactive Maps.

**The Town of Stephens City, Middletown, the City of Winchester, Clarke County, or Shenandoah County shall be notified if the proposal is within ½ mile of their boundary.*

Name and Property Identification Number	Address
Name ELVIRA PROPERTIES LLC Property # 44 A 41	225 CALDWELL LN, WINCHESTER, VA 22602
Name CROATAN CAPITAL II LLC Property # 44 A 42, 44 A 43	3182 LOANJACK RD, ENCINITAS, CA 92024
Name DT SHIRLEY PROPERTIES LLC Property # 44 A 5	2455 MARTINSBURG PIKE, STEPHENSON, VA 22656
Name SHIRLEY J KELLY Property # 44 A 5C	2403 MARTINSBURG PIKE, STEPHENSON, VA 22656
Name DM SHIRLEY RENTALS LLC Property # 44 A 5D	2359 MARTINSBURG PIKE, STEPHENSON, VA 22656
Name SHIRLEY DONALD H Property # 44 A 5B, 44 A 7	2359 MARTINSBURG PIKE, STEPHENSON, VA 22656
Name HIATT RUN CONDOS LLC Property # 44 A 17	179 FENWAY CIR, WINCHESTER, VA 22603
Name FREDERICK COUNTY SANITATION AUTHORITY D/B/A FREDERICK WATER Property # 44 A 17A	PO BOX 1877, Winchester, VA 22604
Name WAMPLER JACK JR	2648 MARTINSBURG PIKE,

Property # 44 A 25A	STEPHENSON, VA 22656
Name MCCANNS ROAD LLC	1057 MARTINSBURG PIKE, WINCHESTER, VA 22603
Property # 44 A 24	
Name SHUMAKER CHARLES & IRELAND DAVID	2040 MARTINSBURG PIKE, WINCHESTER, VA 22603
Property # 43 A 132B	
Name BRIDGE STEPHEN M	36817 STONY POINT RD, HILLSBORO, VA 20132
Property # 43 A 134A	
Name SHOEMAKER JOHN R	6515 VALLEY RD, BERKELEY SPRINGS, WV 25411
Property # 43 A 137	
Name WEBER MICHAEL S	1912 MARTINSBURG PIKE, WINCHESTER, VA 22603
Property # 43 A 140	

PG0360

AMENDMENT

Action:
PLANNING COMMISSION: October 21, 2015 - Recommended Approval

BOARD OF SUPERVISORS: November 12, 2015 ☒ APPROVED ☐ DENIED

AN ORDINANCE AMENDING

THE ZONING DISTRICT MAP

REZONING #08-15 MCCANN OFFICE PARK

WHEREAS, Rezoning #08-15, Of McCann Office Park, submitted by GreyWolfe, Inc., to rezone 154.923 acres of land from the RA (Rural Areas) District to RA (Rural Areas) with proffers, 6.18 acres from RA (Rural Areas) District to B2 (General Business) District with proffers, 11.729 acres from RA (Rural Areas) District to M1 (Light Industrial) District with proffers and 93.246 acres from RA (Rural Areas) District to OM (Office-Manufacturing Park) District with proffers, with proffers dated March 6, 2015, last revised on August 27, 2015 was considered. The property is located on the southeastern side of Martinsburg Pike (Route 11) and Old Charlestown Road. The property is further identified with PIN(s) 44-A-25A, 44-A-25B and 44-A-40 in the Stonewall Magisterial District; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on October 21, 2015 and recommended approval; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on November 12, 2015; and

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

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the Zoning District Map to rezone 154.923 acres of land from the RA (Rural Areas) District to RA (Rural Areas) with proffers, 6.18 acres from RA (Rural Areas) District to B2 (General Business) District, 11.729 acres from RA (Rural Areas) District to M1 (Light Industrial) District and 93.246 acres from RA (Rural Areas) District to OM (Office-Manufacturing Park) District with proffers, with proffers dated March 6, 2015, last revised on August 27, 2015. The conditions voluntarily proffered in writing by the applicant and the property owners are attached.

PDRes #47-15

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

Passed this 12th day of November, 2015 by the following recorded vote:

Richard C. Shickle, Chairman	Aye	Gary A. Lofton	Aye
Robert A. Hess	Aye	Robert W. Wells	Aye
Gene E. Fisher	Aye	Charles S. DeHaven, Jr.	Aye
Blaine P. Dunn	Aye		

A COPY ATTEST

[redacted]

Brenda G. Garton
Frederick County Administrator

VIRGINIA: FREDERICK COUNTY.SCT.
This instrument of writing was produced to me on
11-16-2015 at 3:13 P.M.
and with certificate acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of
$ NA, and 58.1-801 have been paid, if assessable

[redacted]

Clerk

PDRes #47-15
BOS Res. #032-15

150011403

Rezoning:	**RZ # __-15**
Property:	**Area: 154.923 acres** **Tax Parcels 44-(A)-25A, 44-(A)-25B & 44-(A)-40**
Record Owners:	**McCann Family Land Trust** **Jack Wampler, Sr.** **Jack Wampler, Jr.**
Project Name:	**McCann Office Park**
Original Date of Proffers:	**March 6, 2015**
Revisions:	**March 18, 2015** **August 3, 2015** **August 27, 2015**
Magisterial District:	**Stonewall**

Pursuant to Section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned owners hereby offer the following proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application #__-15 for rezoning of 154.923-acres from the RA District to RA with Proffers (27.435 acres) to be used for Open Space, RA with Proffers (16.333 acres) to be dedicated for right of way to the County and Commonwealth, Business (B-2) (6.180 acres), Light Industrial (M-1) (11.729 acres), and Office Manufacturing Park (OM) (93.246 acres) Districts, development of the subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the owners and such are approved by the Board of Supervisors in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon the owners and their legal successors, heirs, or assigns.

The "Properties" are more particularly described as the lands conveyed to McCann Family land Trust from Betty Ann Marshall and Judith McCann Slaughter by Memorandum of Trust Agreement as instrument #010012943 dated July 1, 2001, and Deed of Exchange from Judith McCann Slaughter to McCann Family Land Trust as instrument 020000470 dated July 1, 2001, and from Judith McCann Slaughter and Samuel A. Slaughter, III, to Jack Wampler, Sr., and Jack Wampler, Jr. as instrument 040024111 dated November 20, 2004, as recorded in the Frederick County Circuit Court Clerk's Office. See also plats of record in Deed Book 599 on Page 241, and instruments 150000961, 150000962, 150008123; and further identified collectively as Tax Parcels 44-(A)-25A, 44-(A)-25B, and 44-(A)-40.

Proffers:

1. Transportation – Vehicle Trips per Day to be determined at Site Plan submission utilizing the current ITE Trip Generation Manual. The owners hereby proffer that the Average Daily Trips shall not exceed 6,713.

    a. Right of Way Dedication

        i. The owners hereby proffer to dedicate an additional 20' strip of land to the Commonwealth of Virginia along Martinsburg Pike (Route 11) for future widening totaling 0.391 acres as shown on Figures 2, prior to the first certificate of occupancy or within 60 days by written request by the Commonwealth of Virginia.

        ii. The owners hereby proffer to dedicate land to the County of Frederick along Martinsburg Pike (Route 11) and along Old Charles Town Road (Route 761) for future widening and turn lanes totaling 2.221 acres as shown on Figures 2 and 3, prior to the first certificate of occupancy or within 60 days by written request by Frederick County.

        iii. The owners hereby proffer to dedicate a 400' strip of land for Route 37, to the County of Frederick, as shown on Figure 1, within 60 days by written request by Frederick County. Access for the southern parcel (11.982 acres) shall be a 50' temporary access easement through this dedication. This easement shall be extinguished when another access point to a public road is provided by the Commonwealth, County, or others.

        iv. The owners hereby proffer 1.735 acres on McCann's Road (Route 838), to the County of Frederick as shown on Figure 2, within 60 days by written request by Frederick County.

    b. Road Improvements

        i. The owners hereby proffer to enter into a signalization agreement with VDOT for a traffic light at the intersection of Martinsburg Pike (Route 11) and McCann's Road (Route 838) prior to the approval of the first site plan.

        ii. The owners hereby proffer to install right turn lane on northbound Martinsburg Pike (Route 11). Lane shall be installed prior to the first occupancy permit.

iii. The owners hereby proffer to construct left and right turn lanes on McCann's Road (Route 838) at the intersection with Route 11. Lane shall be installed prior to the first occupancy permit.

iv. The owners hereby proffer a single "right in/right out" entrance onto Old Charles Town Road (Route 761). Said entrance shall align with the approved entrance of rezoning #02-09. The entrance will not be constructed until the transportation improvements on rezonings #02-09 (Bishop-Amari) and #06-03 (Stephenson's Village) or January 1, 2035; whichever comes first.

v. The owners hereby proffer to improve McCann's Road (Route 838) from the intersection of Martinsburg Pike (Route 11) to a point 500' west of the CSX railroad bridge. All entrances to the commercial and industrial development shall be limited to the improved section of Route 838. Improvements shall occur prior to the first occupancy permit. Improvements are:

1. A 10' asphalt trail parallel to Route 838 along the north side of the right way. Said trail shall connect to the trail proffered in the Hiatt Run Condos rezoning #___-15.
2. The road shall be paved with a cross-section for heavy traffic per VDOT standards and specifications. A detail of this cross-section is attached as Figure 7.

2. Fire & Rescue – Monetary Contributions

a. The owners hereby proffer a cash contribution to Frederick County for Fire and Rescue purposes, of $0.10 per building square foot to be disbursed to the Frederick County Fire and Rescue Department, to be paid prior to occupancy permit. The term "building square foot" shall be the combined floor area for each story.

3. Historic

    a. The owners hereby proffer to provide an additional 10 parking spaces beyond County requirements in the commercial (B-2) area for visitor parking and a 10'x10' area nearby for a historic marker. The marker, installation, and maintenance, shall be provided by others.

    b. The owners proffer the 27.435 acres of the property, to be zoned RA, and as shown in Figure 4, shall be an open space buffer.

4. Signage

    a. The owners proffer a single monument style sign by the intersection of McCann's Road (Route 838) and Martinsburg Pike (Route 11) not to exceed 25 feet in height and 150 square feet in area. The sign shall be for the individual tenant and/or owner signage.

5. Figures and Drawings – The attached figures number 1 through 7 to be made part of these proffers.

The conditions proffered above shall be binding upon heirs, executors, administrators, assigns, and successors in the interest of the owners and owners. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code and Ordinance.

Respectfully Submitted:

By: [redacted] 9-1-2015
McCann Family Land Trust — Date
Judy McCann-Slaughter, Trustee

By: [redacted] 9/4/15
McCann Family Land Trust — Date
Ellen L. Marshall, Trustee

Commonwealth of Virginia,

City/County of Winchester To Wit:

The foregoing instrument was acknowledged before me this 1 day of Sept, 2015

By Judith McCann Slaughter By _____

[redacted]
Notary Public

7550607
Registration Number

My Commission Expires 12/31/2017

JILL RENEE POTTER
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES DEC. 31, 2017
COMMISSION # 7550607

PG 0351

Commonwealth of Virginia,

City/~~County~~ of Washington DC To Wit:

The foregoing instrument was acknowledged before me this 4TH day of September, 2015

By Ellen L. Marshall

By _____

[redacted]

Notary Public

Regist

My Commission Expires 11-14-2016

202-266-8517

JOSEPH L. CROMAN, JR. NOTARY PUBLIC MY COMMISSION EXPIRES 11/14/2016 DISTRICT OF COLUMBIA

5 -A

By: [redacted]
Jack Wampler, Sr

09-10-2015
Date

By: [redacted]
Jack Wampler, Jr

09-10-2015
Date

Commonwealth of Virginia,

City/County of Frederick To Wit:

The foregoing instrument was acknowledged before me this 10 day of September, 2015

By [redacted]

By [redacted]

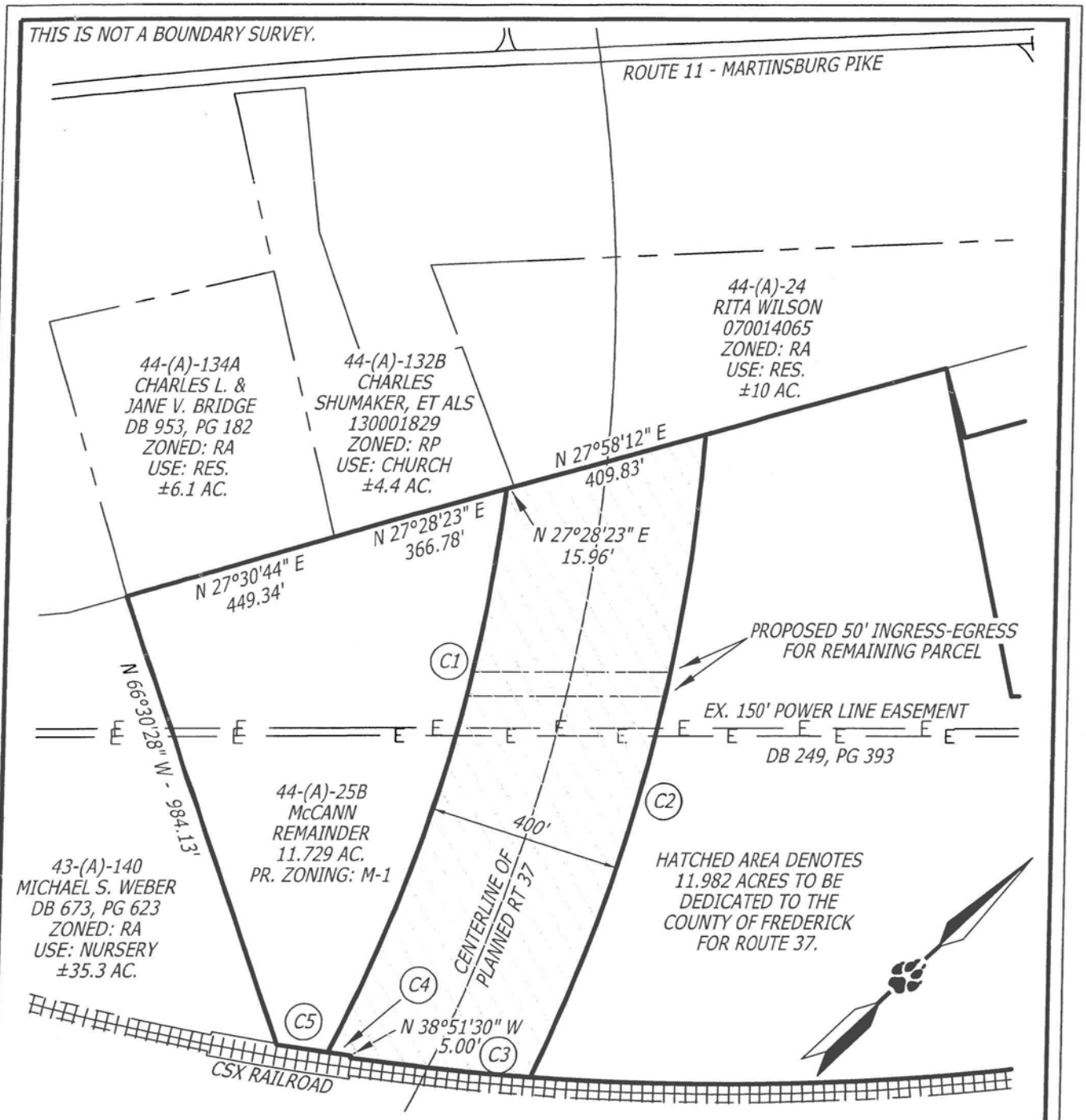
[redacted]
Notary Public

342190
Registration Number

My Commission Expires June 30, 2016

COMMONWEALTH OF VIRGINIA MEGAN TENNIELLE PIERCE NOTARY PUBLIC REG. # 342190 MY COMMISSION EXPIRES 6/30/2016

Megan Tennielle Pierce
Commonwealth of Virginia
Notary Public
Commission No. 342190
My Commission Expires 6/30/2016



#	RADIUS	ARC	DELTA	BEARING	CHORD	DIRECTION
C1	3300.00'	1221.95'	21°12'57"	N 30°09'58" W	1214.98'	C-CW
C2	3700.00'	1378.00'	21°20'20"	S 32°29'52" E	1370.05'	CW
C3	5709.58'	374.69'	03°45'36"	S 49°15'42" W	374.62'	C-CW
C4	5704.58'	48.80'	00°29'24"	S 51°23'12" W	48.80'	C-CW
C5	5704.58'	107.30'	01°04'40"	S 52°10'14" W	107.30'	C-CW

300' 0' 300'

GRAPHIC SCALE

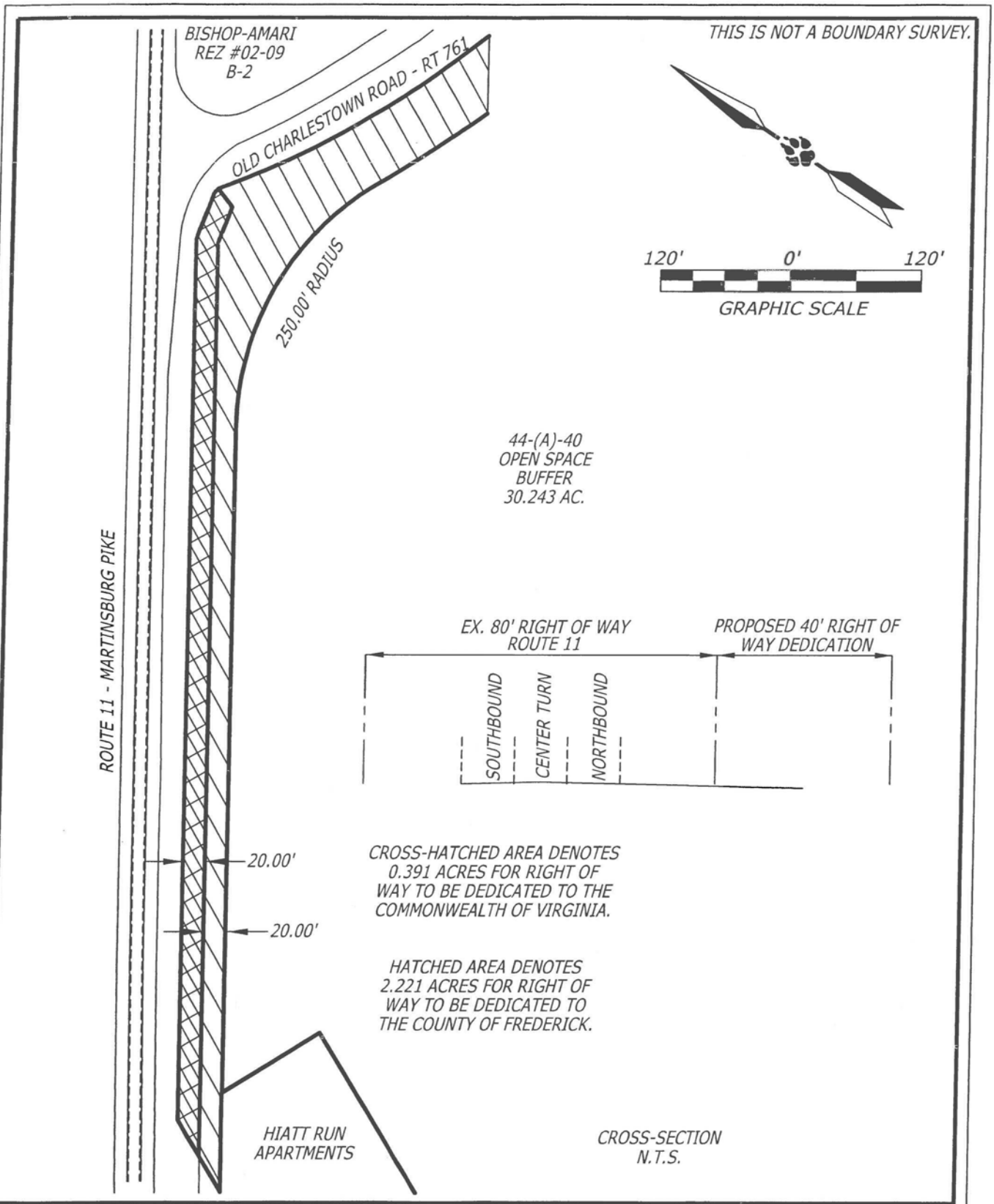
GreyWolfe, Inc.
Land Surveying and Consulting

FIGURE 1

SKETCH SHOWING REMAINDER PARCEL, INGRESS-EGRESS EASEMENT AND RIGHT OF WAY DEDICATION FOR ROUTE 37

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

McCANN OFFICE PARK | DATE: AUGUST 3, 2015 | SCALE: 1"= 300' | FILE NO: 0388



GreyWolfe, Inc.
Land Surveying and Consulting

FIGURE 2

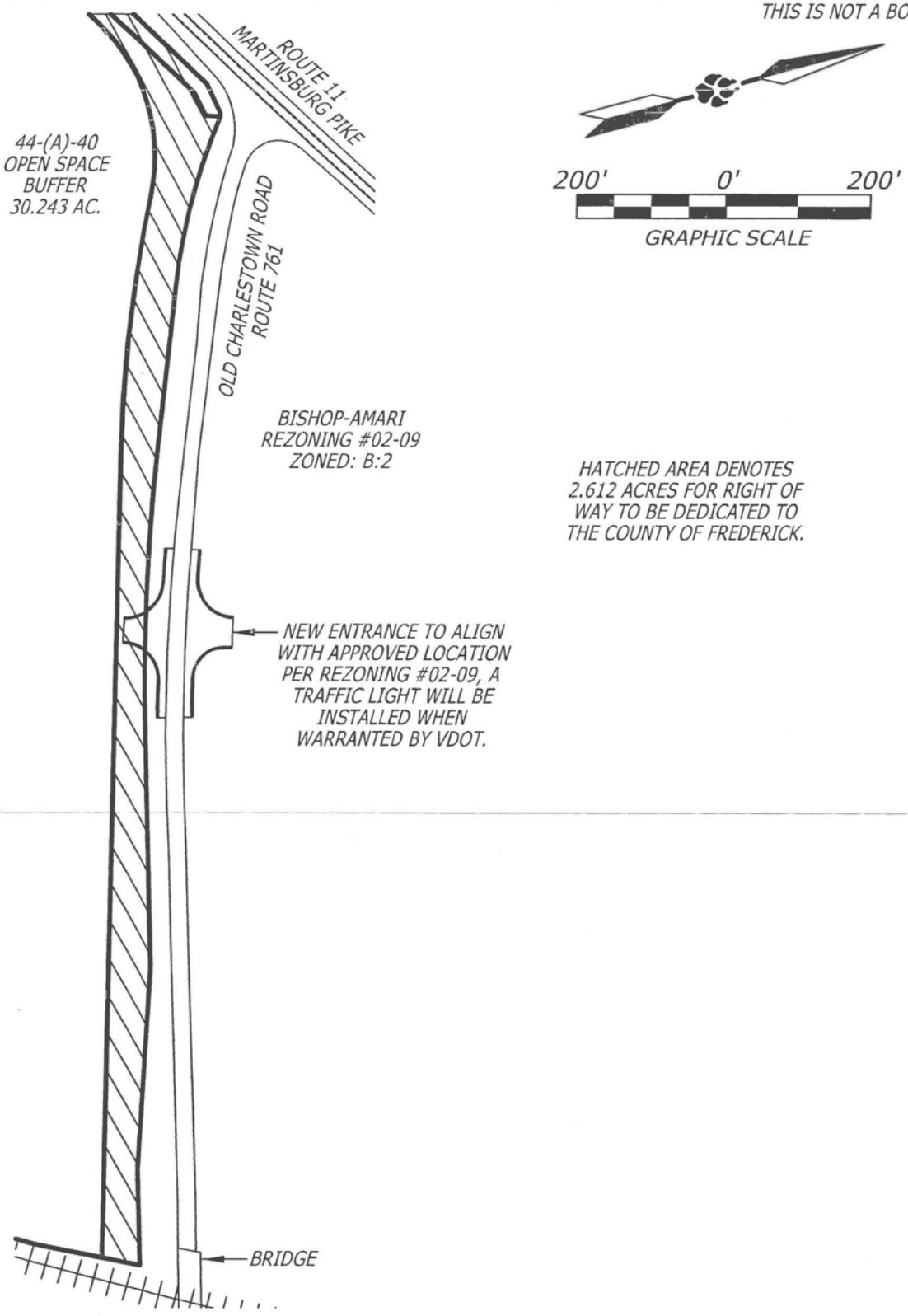
SKETCH SHOWING CROSS-SECTION, PLAN VIEW, AND RIGHT OF WAY DEDICATION FOR ROUTE 11

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

McCANN OFFICE PARK	DATE: AUGUST 3, 2015	SCALE: 1"= 120'	FILE NO: 0388

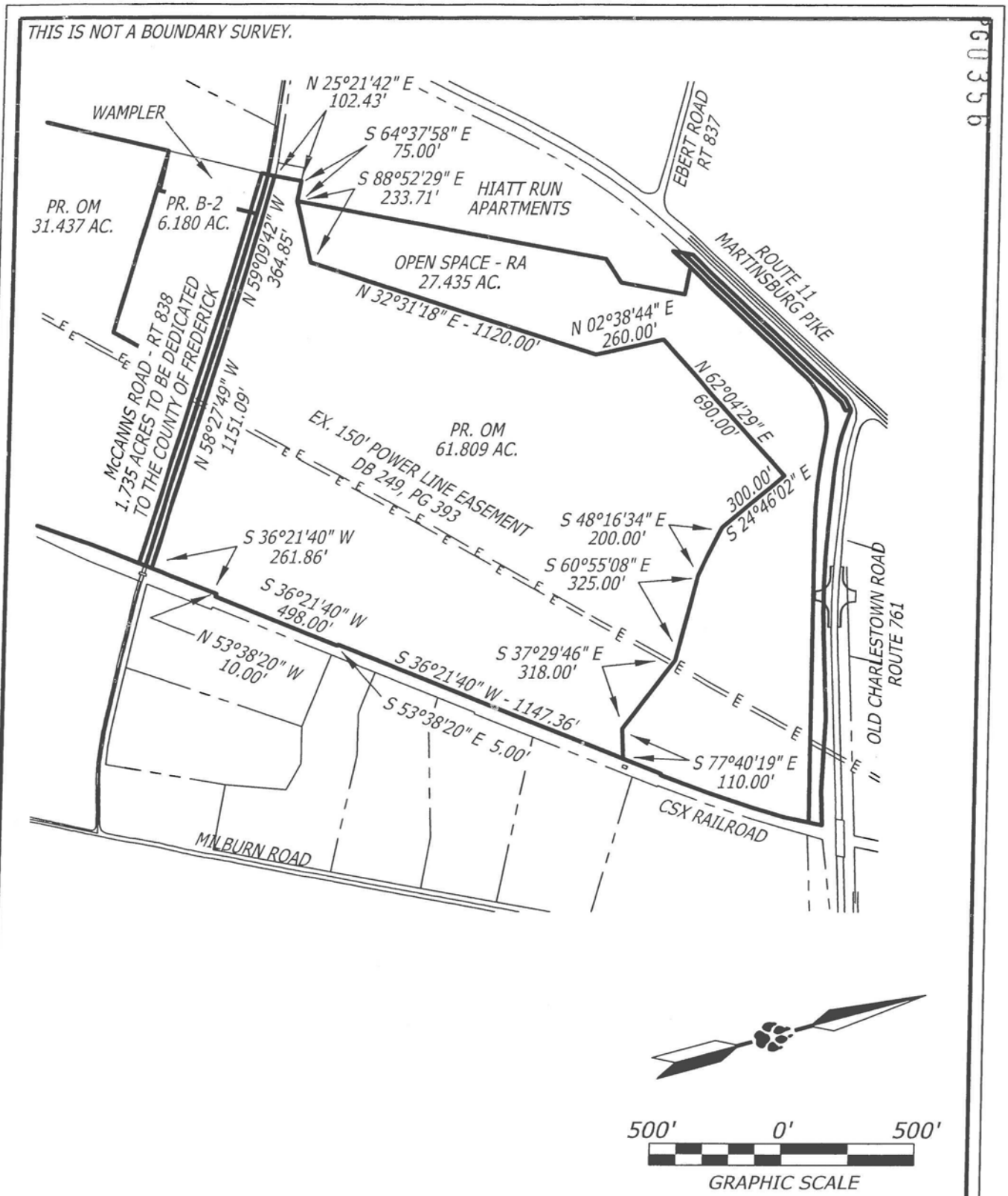
PG0355

THIS IS NOT A BOUNDARY SURVEY.



GreyWolfe, Inc. Land Surveying and Consulting	FIGURE 3 SKETCH SHOWING CROSS-SECTION, PLAN VIEW, AND RIGHT OF WAY DEDICATION FOR ROUTE 761	1073 Redbud Road Winchester, VA 22603 GreyWolfeInc@aol.com 540-667-2001 OFC 540-545-4001 FAX

McCANN OFFICE PARK	DATE: AUGUST 3, 2015	SCALE: 1"= 200'	FILE NO: 0388



GreyWolfe, Inc.
Land Surveying and Consulting

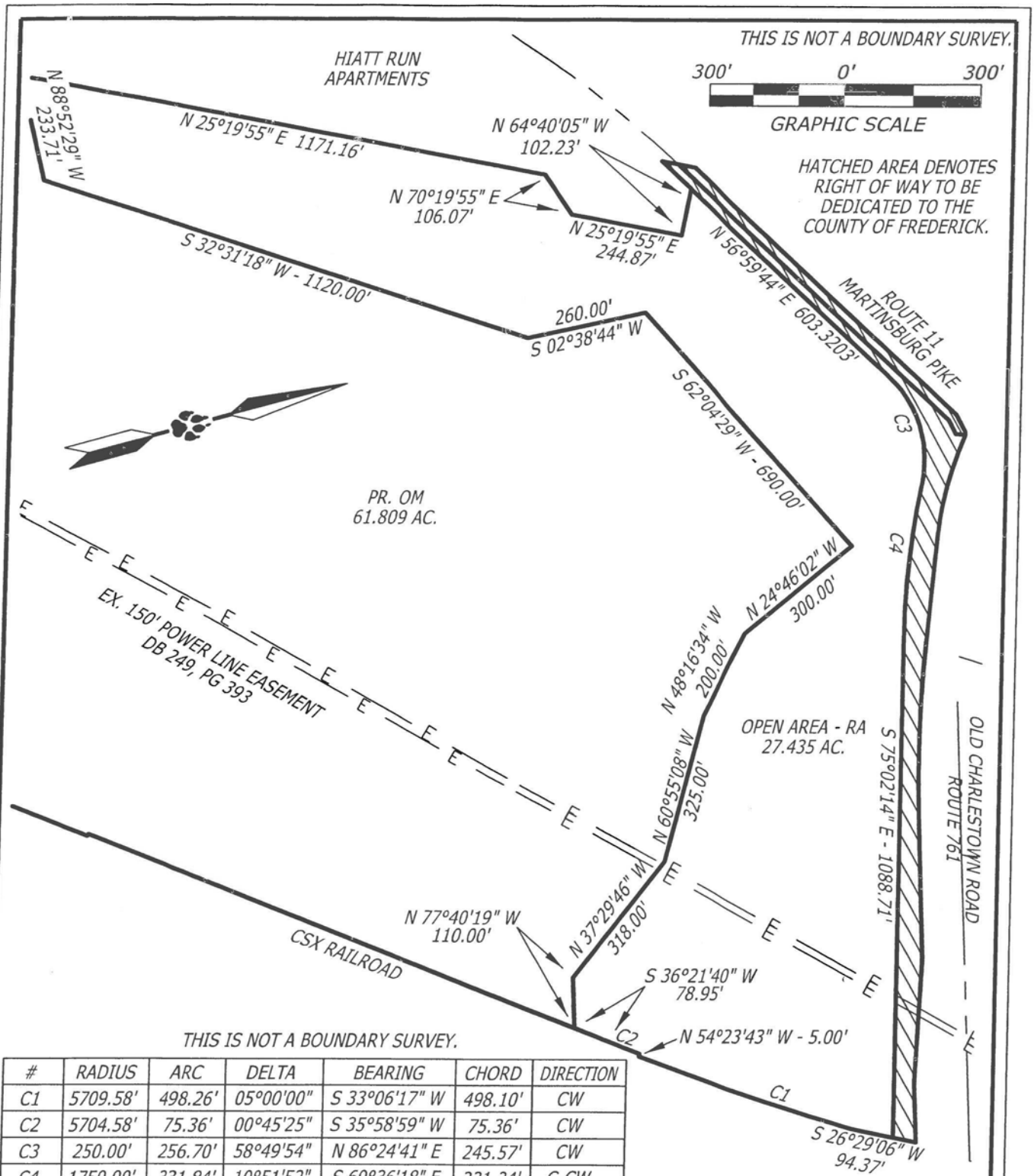
FIGURE 4

SKETCH SHOWING
ZONING BOUNDARY
OF OM AREA

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

McCANN OFFICE PARK	DATE: AUGUST 3, 2015	SCALE: 1"= 500'	FILE NO: 0388

PG 0357



#	RADIUS	ARC	DELTA	BEARING	CHORD	DIRECTION
C1	5709.58'	498.26'	05°00'00"	S 33°06'17" W	498.10'	CW
C2	5704.58'	75.36'	00°45'25"	S 35°58'59" W	75.36'	CW
C3	250.00'	256.70'	58°49'54"	N 86°24'41" E	245.57'	CW
C4	1750.00'	331.84'	10°51'52"	S 69°36'18" E	331.34'	C-CW
C3	475.00'	503.39'	60°43'15"	S 61°50'42" W	480.17'	CW
C4	525.00'	450.87'	49°12'21"	S 67°36'09" W	437.14'	C-CW

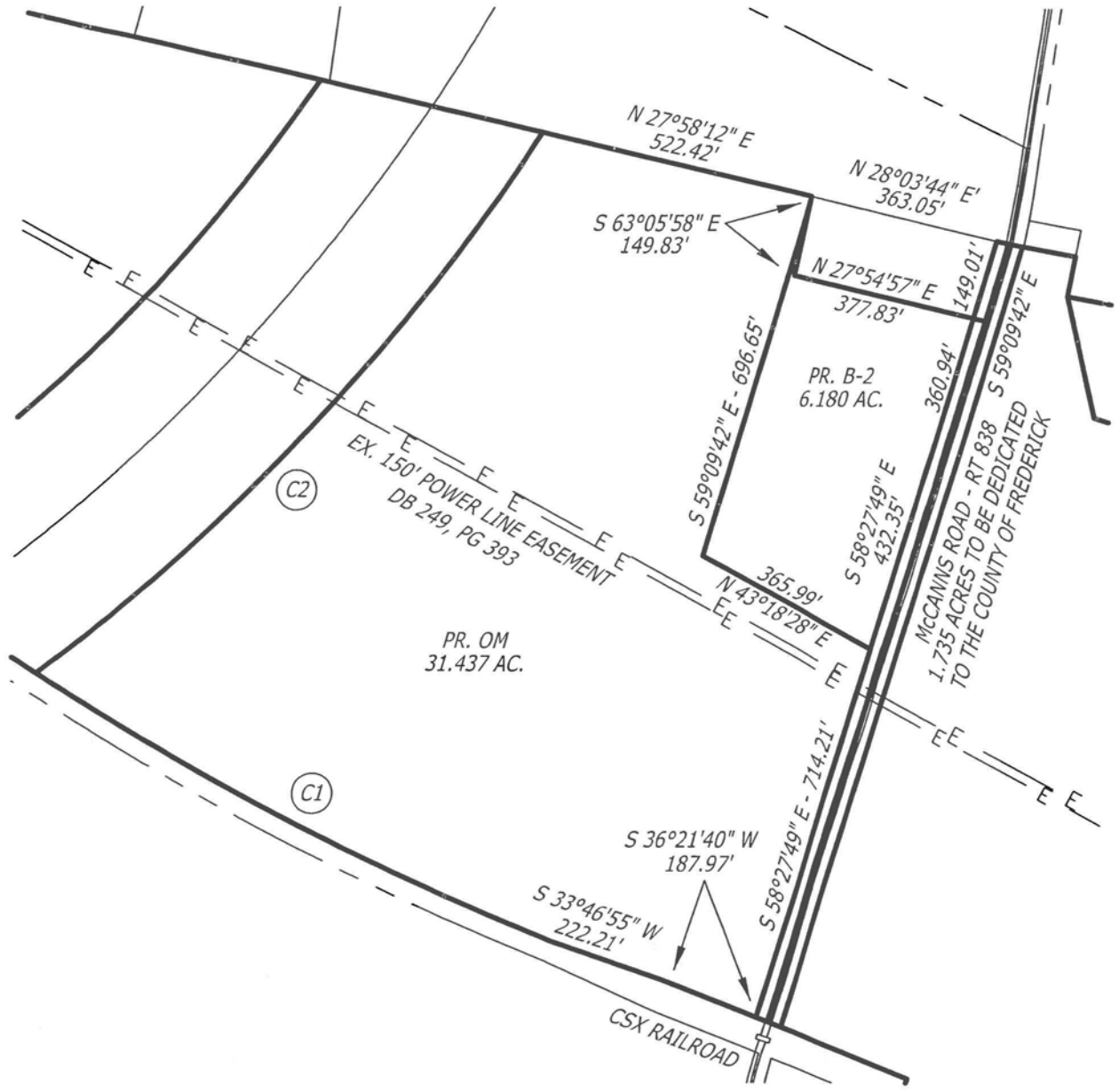
GreyWolfe, Inc.
Land Surveying and Consulting

FIGURE 5

SKETCH SHOWING ZONING BOUNDARY OF OPEN AREA

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

McCANN OFFICE PARK | DATE: AUGUST 3, 2015 | SCALE: 1"= 300' | FILE NO: 0388



#	RADIUS	ARC	DELTA	BEARING	CHORD	DIRECTION
C1	5709.58'	1098.18'	11°01'13"	S 41°52'17" W	1096.49	CW
C2	3700.00'	1378.00'	21°20'20"	N 32°29'52" W	1370.05'	C-CW

300' 0' 300'

GRAPHIC SCALE

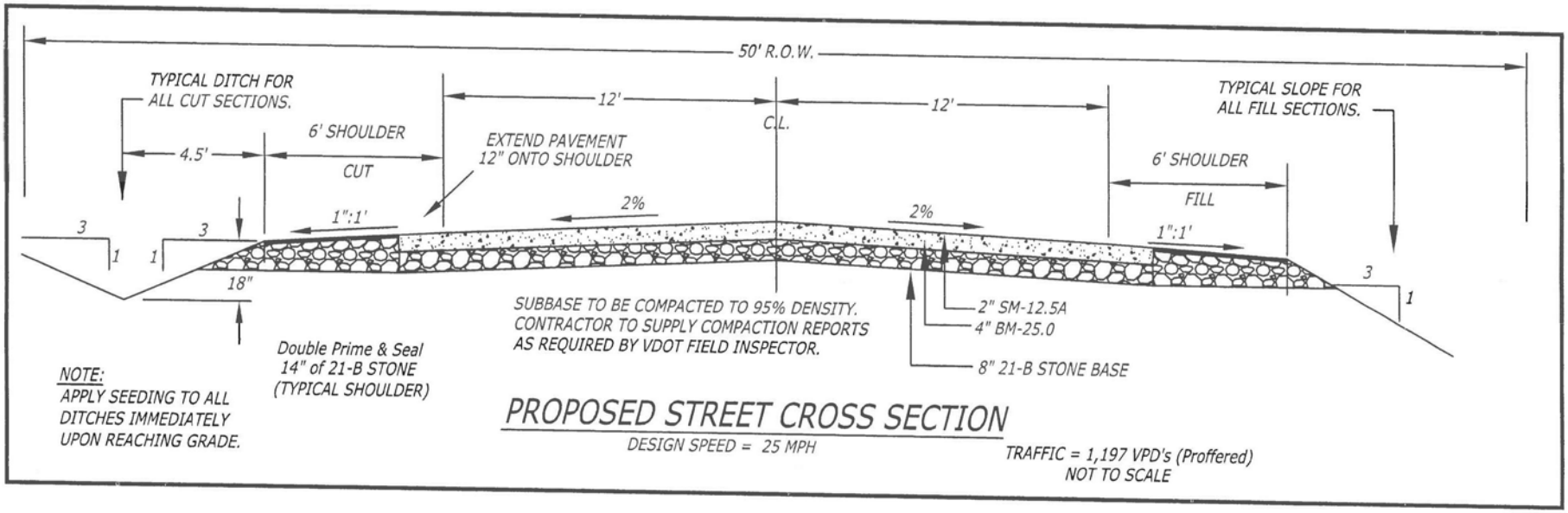
GreyWolfe, Inc.
Land Surveying and Consulting

FIGURE 6

SKETCH SHOWING
ZONING BOUNDARY
OF B-2 & OM

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

McCANN OFFICE PARK	DATE: AUGUST 3, 2015	SCALE: 1" = 300'	FILE NO: 0388



PROPOSED STREET CROSS SECTION

DESIGN SPEED = 25 MPH

TRAFFIC = 1,197 VPD's (Proffered)

NOT TO SCALE

GreyWolfe, Inc. Land Surveying and Consulting	FIGURE 7 Detail of Road Improvements for McCann's Road (Route838) Proposed Cross-Section	1073 Redbud Road Winchester, VA 22603 GreyWolfeInc@aol.com 540-667-2001 OFC 540-545-4001 FAX
McCANN OFFICE PARK	DATE: AUGUST 3, 2015 / SCALE: N.T.S.	FILE NO: 0388

PG0359

COUNTY of FREDERICK

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

October 19, 2026

Jack Owens
Shenandoah Valley Battlefields Foundation
PO Box 897
New Market, VA, 22844

RE: Request for Historic Resources Advisory Board (HRAB) Comments
Carter Farm rezoning Application
Zoning: TM (Technology Manufacturing) District
Property Identification Number (PIN): 44-A-40, 44-A-25B
Magisterial District: Stonewall

Dear Mr. Owens:

The Frederick County Historic Resources Advisory Board (HRAB) considered the above referenced rezoning application during their meeting on October 16, 2026. This application seeks to rezone +/-156.06 acres from TM (Technology Manufacturing) and RA (Rural Area) to RA (Rural Area). The property is located on both sides of Mcanns Road.

Following their review of this application, the HRAB recommended approval of the application.

Thank you for the opportunity to provide a summary of the October 16th HRAB meeting. Please contact our office if you have any questions or concerns.

Sincerely,

Eric Bittner
[redacted]
Planner II

cc:

250004520

Drafted by: Jordan K. Bowman, Esquire
410 Neff Avenue
Harrisonburg, Virginia 22801
VSB # 87336

Please Return to: Land Trust of Virginia
P.O. Box 14
Middleburg, Virginia 20118

Parcel Identification Numbers: 44-A-40 and 44-A-25B (portion)

Tax Exempt: § 58.1-811.D VA. CODE

DEED OF GIFT OF CONSERVATION EASEMENT

THIS DEED OF GIFT OF CONSERVATION EASEMENT (the "Easement"), made this 23 day of April, 2025, by and between **SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION**, a Virginia non-stock corporation (herein the "Grantor"), whose mailing address is P.O. Box 897, New Market, Viginia 22844, and **LAND TRUST OF VIRGINIA, INC.**, a Virginia non-stock corporation (herein the "Grantee"), whose mailing address is P. O. Box 14, Middleburg, Virginia 20118.

RECITALS

R-1 The Grantor is the owner in fee simple of certain real property, consisting of 141.624 acres, more or less, situated in Stonewall Magisterial District, Frederick County, Virginia, which is more particularly described in "Exhibit A" attached hereto and made a part hereof (the "Property").

R-2 The Virginia Conservation Easement Act, §§10.1-1009 *et seq.* VA. CODE (the "Virginia Act"), provides for the conveyance of a conservation easement to a charitable corporation declared exempt from taxation pursuant to §501(c)(3) of the Internal Revenue Code (the "Code"), when the primary purposes or powers of such corporation include "(i) retaining or protecting the natural or open-space values of real property; (ii) assuring the availability of real property for agricultural, forestal, recreational or open space use; (iii) protecting natural resources; (iv) maintaining or embracing air or water quality; or (v) preserving the historic architectural or

archaeological aspects of real property."

R-3 Section 170(h)(4) of the Code defines a conservation purpose as "(i) the preservation of land areas for outdoor recreation by, or the education of, the general public, (ii) the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem, (iii) the preservation of open space (including farmland and forest land) where such preservation is (I) for the scenic enjoyment of the general public, or (II) pursuant to a clearly delineated Federal, State, or local governmental conservation policy, and will yield a significant public benefit, or (iv) the preservation of a historically important land area or certified historic structure."

R-4 The Grantee is a charitable organization exempt from taxation pursuant to § 501 (c)(3) of the Code, and a "qualified organization" and an "eligible donee" under §501 (c)(3) of the Code, and the Treasury Regulations adopted pursuant thereto (the "Treasury Regulations"), and specifically §1.170A-14(c)(1), with purposes including those specified in the Virginia Act; Grantee has maintained a principal office in the Commonwealth of Virginia for at least five years; and Grantee is willing to accept a perpetual open space conservation easement over the Property as set forth herein. The Grantee is authorized to receive properties and easements in gross or other interests in properties for the purpose of, among other things, the protection of the Conservation and Preservation Values, and has the resources to monitor and enforce the restrictions in this Easement.

R-5 This Easement is intended to constitute (i) a Conservation Easement under Chapter 10.1 of the Virginia Act; and (ii) a "qualified conservation contribution" as defined in §170(h)(1) of the Code and as more particularly explained below, and (iii) a qualifying "interest in land" under the Virginia Land Conservation Incentives Act of 1999 (§§58.1-510 *et seq.* VA. CODE.)

R-6 This Easement is intended to be a grant "exclusively for conservation purposes" under Section 170(h)(1)(C) of the Code, because it effects 1) "the preservation of land areas for outdoor recreation by, or the education of, the general public" under Section 170(h)(4)(A)(i) of the Code, and 2) "the preservation of open space (including farmland and forest land)" under §170(h)(4)(A)(iii) of the Code; specifically the preservation of open space on the Property is pursuant to clearly delineated state governmental conservation policies and for the scenic enjoyment of the general public, and will yield a significant public benefit, and 3) because it effects "the preservation of an historically important land area" under Section 170(h)(4)(A)(iv) of the Code.

R-7 The "Civil War Sites Study Act of 1990" (Pub. L. 101-628, Title XII Sections 1201-1210, as amended by 54 U.S.C. § 100507 (2016, as amended) authorized the establishment of the Civil War Sites Advisory Commission ("CWSAC"). This Commission, appointed by Congress and the Secretary of the Interior, prepared a study that identified the nation's historically significant Civil War sites; determined their relative importance and condition; assessed threats to their integrity; and recommended alternatives for preserving and interpreting the sites. In 1993, the CWSAC issued its report to Congress, titled "The Report on the Nation's Civil War Battlefields"

(1993, rev. 2009) ("CWSAC Report"), which prioritized the importance, condition of, and the threats to American Civil War battlefields. The CWSAC also recommended that the federal government establish a program for acquisition and protection of priority battlefields that would authorize direct matching grants to states and to qualified non-profit battlefield preservation organizations working in coordination with the federal and state battlefield protection programs.

R-8 The "American Battlefield Protection Act of 1996" (16 U.S.C. § 469k) was established in response to the recommendation of CWSAC to "assist citizens, public, and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice." This legislation authorized the Secretary of the Interior, acting through the American Battlefield Protection Program ("ABPP"), to encourage, support, assist, recognize, and work in partnership with citizens, federal, state, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a national, state, and local level.

R-9 The State of Virginia has a public interest in ensuring that the Property will be protected for battlefield preservation purposes in perpetuity. Additionally, the Virginia State Historic Preservation Office's (SHPO's) involvement and oversight of activities proposed at or conducted on the site is critical to protecting and preserving the interest of the State of Virginia.

R-10 The "Civil War Battlefield Preservation Act of 2002" (16 U.S.C. § 469k-1), amended the American Battlefield Protection Act of 1996, and stated among its purposes in Section 469k(2)(a) to "act quickly and proactively to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchase of those battlefields from willing sellers," and in Section 469k(2)(b) to "create partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance nationally significant Civil War battlefields." This legislation authorized the Secretary of the Interior to establish a battlefield acquisition grant program for the preservation and protection of "eligible sites." An "eligible site" is defined as a site (i) that is not within the exterior boundaries of a unit of the National Park System and (ii) that is identified in the CWSAC Report. 54 U.S.C. § 308103(a).

R-11 The "American Battlefield Protection Program Authorization of 2009" (54 U.S.C. § 308103 (2015, as amended)) replaced the "Civil War Battlefield Preservation Act of 2002" (16 U.S.C. § 469k-1, as amended). The ABPP, under the authority of the Battlefield Land Acquisition Grant Program (also codified at 54 U.S.C. § 308103 and including Pub. L. 113-291, div. B, title XXX, § 3050, Dec. 19, 2014, 128 Stat. 3799 (extending authority through 2021)) awarded a grant from the Land and Water Conservation Fund to the American Battlefield Trust for the acquisition of the Property.

R-12 As such, the Property is subject to 54 U.S.C. § 200305(f)(3) (commonly known as and hereinafter referred to as "Section 6(f)(3)") of the Land and Water Conservation Fund Act (54 U.S.C. §§ 200301 - 200310 (2016, as amended)), which section states that no property acquired or developed with grant assistance shall be converted from conservation or battlefield preservation uses, other than with the approval of the Secretary of the Interior.

R-13 In accordance with the American Battlefield Protection Program Authorization of 2009 (54 U.S.C. § 308103) and Section 6(f)(3) of the Land and Water Conservation Fund Act, lands and interests in land acquired with Land and Water Conservation Fund assistance from the National Park Service's American Battlefield Protection Program (the "NPS ABPP") can be converted to a use other than conservation and open space only upon the written permission of the Secretary of the Interior, acting through the ABPP, as set forth in Section 5.8.3 (Conversion or Diversion) below, and only upon the substitution of other land of equal market value and of reasonably equivalent usefulness and location for conservation and battlefield preservation purposes to be perpetually protected for conservation and battlefield preservation purposes. See 54 U.S.C. § 200305(f)(3) and 36 C.F.R. 59.3.

R-14 The Property consists of historically significant land. The Property is entirely within the core area of the Battle of Winchester II and III, and the Battle of Rutherfords Farm.

R-15 The Property is located within the core area of the Second Winchester Battlefield as designated by the Civil War Sites Advisory Commission (CWSAC). The Second Battle of Winchester, June 13-15, 1863, cleared the Shenandoah Valley of Union troops and opened the door to Robert E. Lee's invasion of Pennsylvania that culminated in the Battle of Gettysburg in July. Confederate Lt. Gen. Richard Ewell's Second Corps of the Army of Northern Virginia led the Confederate invasion. Blocked by Union Maj. Gen. Robert Milroy's 7,000 troops stationed in Winchester, Ewell split his three divisions one to the west of the town, and two to the east. This two-prong assault was meant to trap Milroy and prevent his escape north. Edward "Allegheny" Johnson's Confederate division was tasked with moving around Winchester to its east and watching the Martinsburg Pike and Charles Town Road to prevent any union escape. Jubal Early's Confederate division advanced down the Valley Pike, assaulting the Federal from the south and west forcing them to leave Winchester. On the early morning of June 15th, with Johnson's division in position blocking key roads of retreat for the Union, portions of the Stonewall and Louisiana Brigade were positioned on and near the McCann property. The 4th, 27th, and 33rd Virginia Infantry Regiments were posted north to south between what is now Old Charles Town and McCanns Road. Milroy attempted to flank and attack these troops in order to escape, sending two Union Regiments down McCanns Road. These troops made contact with Louisiana regiments and were forced to surrender. The 87th Pennsylvania and 18th Connecticut performed attacks across the McCann property from west to east but were repulsed and would result in the end of the Battle. Of Milroy's 7,000 men, 4,000 were captured along with countless supplies, cannons, wagons, horses, and free African Americans escaping with the Federal Army.

R-16 The Property is located within the core area of the Third Battle of Winchester, also known as the Battle of Opequon Creek. The battle occurred on September 19, 1864, and is

described by the American Battlefield Trust as follows: "Maj. Gen. Phillip Sheridan advanced toward Winchester along the Berryville Pike with the VI and XIX Corps, crossing Opequon Creek east of town. The Union advance was delayed long enough for Maj. Gen. Jubal Early to concentrate his forces to meet the main assault. Veteran Union and Confederate divisions fought hard for several hours, but Early's men were gradually driven back toward Winchester, anchored around the defensive works on the north end of town. By late-afternoon, the VIII Corps and Union cavalry turned the Confederate left flank and Early ordered a general retreat. The Union victory began a series of losses for Early's army in the Valley from which it would not recover. The battle was the largest and costliest fought in the Shenandoah Valley

R-17 The Property is located within the core area of the Rutherford's Farm Battlefield as designated by the Civil War Sites Advisory Commission (CWSAC). After the Confederate victory at Cool Spring on July 17-18, 1864, Confederate Gen. Jubal A. Early continued moving west towards Winchester, followed by Union Gen. Horatio Wright. Approaching Winchester, Early was also threatened from the north by additional Federal troops under Gen. William C. Averell moving south from Martinsburg. Facing threats from multiple directions, Early turned his main force south towards Strasburg, but sent Gen. Stephen D. Ramseur's division to block Averell. Ramseur took up position on the Martinsburg Pike, about two miles north of Winchester. Around 4pm on July 20, 1864, Ramseur heard firing to his north. Ramseur had been ordered to stay on the defensive, but believing that he outnumbered the Federals, he moved north and prepared to launch an assault. As the Federals under Averall advanced south on the Martinsburg Pike a Union Brigade under the command of Col. Issac Duval halted on the McCann property. When their advance was resumed the Federals began to be engaged with Confederate artillery and the Battle had begun. The Battle of Rutherford's Farm was a Union victory and resulted in approximately 670 casualties combined.

R-18 The Property consists of approximately 141.624 acres of open fields, wetlands, and battlefield.

R-19 The Property is situated 2.5 miles northeast of Winchester, Virginia in a rural part of Frederick County (the "County").

R-20 The Property is primarily zoned Office-Manufacturing Park (OM) and Rural Areas (RA) District. Smaller portions of the property are also zoned Technology-Manufacturing Park (TM), Light Industrial (M1), and General Business (B2) District on the County's Official Zoning Map.

R-21 The Property fronts on both sides of State Route 838 (McCanns Road) for approximately 1,518 feet (0.29 miles). The Property also fronts on State Route 761 (Old Charles Town Road) for approximately 1,518 feet (0.29 miles) and US Route 11 (Martinsburg Pike) for approximately 817 feet (0.15 miles). Additionally, the Property fronts along the CSX Railroad for approximately 4,350 feet (0.82 miles).

R-22 The Restrictions contained in Article II of this Easement protect the scenic views and the scenic enjoyment of the public by restricting the number, size, and location of permitted

Buildings [as applicable in each instance] and limiting further subdivision and they further public purposes of the County as evidenced in its Comprehensive Plan (defined below).

R-23 The Property is in the watersheds of Opequon Creek, the Potomac River and the Chesapeake Bay.

R-24 The Property is within the Chesapeake Bay watershed and contributes in its undeveloped state to the water quality of the Chesapeake Bay and its watershed and to the goals of the multi-jurisdictional 2014 Chesapeake Bay Watershed Agreement. The riparian buffers required by this Easement help to protect water quality in the Chesapeake Bay Watershed.

R-25 The Property contains water resources, including a stream, a pond, and floodplain. There is approximately 3,385 feet (0.64 miles) of a perennial stream (Hiatt Run) on the Property (herein the "Stream"). This Stream is designated as perennial on the United States Geological Survey 7.5-minute quadrangle map for Stephenson, Virginia. Additionally, the Property contains one (1) pond (herein the "Pond") and approximately 16.3 acres of floodplain associated with the Stream (herein "Floodplain Area"). The Stream, Pond, and Floodplain Area are collectively referred to herein as "Water Resources", and the locations of these Water Resources are shown on the attached "Exhibit B", which is hereby incorporated herein. Protection of water quality within the Water Resources on the Property benefits water quality in the waterways and waterbody referenced above in Recitals 22 and 23.

R-26 The Property lies in the vicinity of land under conservation or open-space easement and contributes to the conservation or open-space values of such land under easement. There are numerous conservation or open space easements within one mile of the Property, held by organizations such as the Virginia Outdoors Foundation, the Department of Historic Resources, the Potomac Conservancy, Frederick County, and the Grantor.

R-27 The Property contains approximately 90.5 acres of soils (63% of the Property) that are defined by the Natural Resources Conservation Service of the United States Department of Agriculture as being either Prime Farmland or Farmland of Statewide Importance, and the provisions of this Easement help to preserve the Property for agricultural uses.

R-28 The conveyance of a conservation easement on the Property by this Easement is in furtherance of and will serve clearly delineated federal, regional, and state conservation policies, as set forth in:

> Section 1 of Article XI of the CONSTITUTION OF VIRGINIA, which states that it is the Commonwealth's policy to protect its atmosphere, lands and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth.
>
> The Virginia Act (§§10.1-1009 *et seq.*, VA. CODE), which provides for the conveyance of conservation easements in perpetuity to a private charitable organization such as the Land

Trust of Virginia, Inc. for the purposes noted above.

The Virginia Outdoors Foundation Act (§§10.1-1800 *et seq.*, VA. CODE), which declares it to be the public policy of the Commonwealth to encourage the preservation of open space land and which establishes an Open Space Land Preservation Trust Fund enabling a foundation and regional advisory boards to provide grants to assist persons conveying conservation easements.

The Virginia Open-space Land Act (§§10.1-1700 *et seq.* VA. CODE), which declares that open space land serves a public purpose by retaining or protecting natural or open-space values of real property, assuring its availability for agricultural, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of real property.

R-29 Preservation of the Property promotes the public policies of Frederick County delineated in its comprehensive plan adopted January 25, 2017 (herein the "Comprehensive Plan") by protecting open-space, scenic views, historic resources, water resources, and agricultural land. The Easement supports the County's Goals and Strategies as follows:

- Goal: Support Voluntary Land Preservation Tools and the Land Use Tax Deferral Program
  - Strategy: Support Conservation Easement Authority (CEA), Transfer of Development Rights (TDR), Agricultural and Forestal Districts, and Purchase of Development Rights (PDR) programs, among others.
- Goal: Protect and Promote Frederick County's Agricultural and Forestal Areas
  - Strategy: Develop, promote, and support voluntary measures to protect agricultural and forestry resources such as conservation easements, Purchase of Development Rights (PDR) or Transfer of Development Rights (TDR).
  - Strategy: In the Rural Areas, development should be directed away from soils which are well suited for agricultural production.
- Goal: Protect Groundwater Sources and the Areas that Contribute Recharge (or Resupply of Water) to Ensure That Adequate Water Supplies are Maintained, and Work Toward Developing Increased Water Supplies to Meet Future Needs.
  - Strategy: Water conservation and efficiency practices should be encouraged and practiced throughout the County.
- Goal: Open Spaces in the Urban and Rural Areas of the County are Important and Need to be Recognized, Delineated and Protected.
  - Strategy: In rural areas, open spaces should be protected not only through conservation easements but also transfer development rights programs to ensure that agricultural, forested, and mountainous areas are protected.
- Goal: Identify and Recognize Historic Resources in the Long-Range Planning Efforts of the County

- Strategy: Archaeological surveys should be conducted prior to development, particularly any that involve battlefield areas, homesteads, Native American encampments, and waterways
- Goal: Incorporate Historic Resource Development in an Effort to Strengthen Heritage Tourism
  - Strategy: Developments should incorporate and/or convert historic properties into recreational elements, including but not limited to: pedestrian trails, parks, and museums.
  - Strategy: Permit events, reenactments, tours, and exhibits to attract visitors

R-30 Pursuant to the requirement of §10.1-1010(E) of the Virginia Act, this Easement, and the limitations and obligations created by this Easement, conform in all respects to the Comprehensive Plan, as confirmed by opinion letter from Michael T. Ruddy, Frederick County Director of Planning and Development, dated May 5, 2020, a copy of which is in the Grantee's permanent files.

R-31 The Property possesses significant conservation values, the preservation of which will benefit the citizens of the Commonwealth and the public. The conservation values of the Property (the "Conservation Values"), are its agricultural, scenic and natural values, its historic preservation value, and its value as open-space land preserved for open-space and rural uses, as referenced in §170(h)(4)(A)(iii) of the Code and Treasury Regulation §1.170A-14(d)(4), §10.1-1009 and §58.1-512 VA. CODE], as the same are more particularly described in these Recitals, and as further documented in the Grantee's Baseline Documentation Report dated May 24, 2024(herein the "Baseline Documentation Report"), which is further described in Section 4.1 below. This Baseline Documentation Report, which is incorporated by reference herein, was signed by the Grantor and the Grantee, and is to be maintained on file in the offices of the Grantee. This Report is intended to serve as an accurate and objective, though nonexclusive, information baseline for monitoring compliance with the "Restrictions" (hereinafter defined) and the "Terms and Conditions" (hereinafter defined) of this Easement.

R-32 The retention, preservation and protection of the Conservation Values will be a significant and substantial benefit to the citizens of the Commonwealth, Frederick County and the public in general.

R-33 The Grantor and the Grantee intend that the Conservation Values be retained, preserved and protected in perpetuity by restricting the activities on, uses or development of the Property as set forth in Article II, herein, by permitting only those uses on or development of the Property that will not adversely affect, are not inconsistent with, and do not conflict with, diminish, impair or interfere with the perpetual protection of the Conservation Values.

R-34 The Grantor further intends, as to all or any portion of or interest in the Property, as owner of the Property, to grant and convey in perpetuity to the Grantee, the right in perpetuity (1) to retain, preserve and protect in perpetuity the Conservation Values by granting this Easement

to the Grantee that will restrict use of the Property by the Grantor because of the imposition of the restrictions set forth in Article II ("Restrictions"), and other duties, covenants, terms and conditions ("Terms and Conditions") hereinafter expressed; and (2) to enforce such Restrictions as well as the Terms and Conditions.

R-35 The Grantee intends and has hereby agreed to accept such conveyance and to protect in perpetuity the Conservation Values.

R-36 The Grantor and Grantee hereby agree that the Restrictions as well as the Terms and Conditions will retain, preserve and protect in perpetuity the Conservation Values by limiting use of the Property to those uses that do not adversely affect, are not inconsistent with, do not conflict with, diminish, impair, or interfere with the Conservation Values.

R-37 Grantee's Board of Directors adopted a resolution at its meeting on February 10, 2024, accepting this Easement.

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants set forth herein and the acceptance of this conveyance by the Grantee, and for no monetary consideration from Grantee to Grantor, the Grantor does hereby give, grant and convey to the Grantee this Easement, being an easement in gross over, and the right in perpetuity to restrict the use or development of, the Property. While the Property consists of more than one parcel for real estate tax and other legal purposes, it shall be considered to be one parcel for the purpose of this Easement, and the Restrictions, and the Terms and Conditions of this Easement shall apply to the Property as a whole.

ARTICLE I
PURPOSES AND DEFINITIONS

1.1 PURPOSES. The purposes of this Easement are to retain, preserve, and protect the Conservation Values in the public interest, in perpetuity, by imposing the Restrictions on the activities on, and uses and development of, the Property set forth in Article II, and by providing for their enforcement in Article III, while allowing the Property to be used by the owner to the extent that such uses do not conflict with, interfere with or significantly impair the Conservation Values (herein the "Conservation Purpose"). By doing so, the Grantor and Grantee have the common purpose of preventing, through the enforcement powers granted to the Grantee, any activities on, uses or development of the Property that will adversely affect, be inconsistent with, conflict with, diminish, impair, or interfere with the Conservation Values of the Property.

1.2 DEFINITIONS.

1.2.1 Agricultural: Pertaining to Agriculture.

1.2.2 Agriculture: Agronomy and related uses, including but not limited to hay production, and the raising of livestock, including but not limited to grazing. The term "Agriculture" as used herein does not include activities that are expressly restricted herein.

1.2.3 Alternative Energy Structures: Utility structures, including any associated equipment, used to harness natural renewable energy sources such as sunlight, wind, water, or biomass, including, but not limited to, wind turbine structures, solar panels and micro-hydro installations.

1.2.4 Building: An assembly of materials having one or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.

1.2.4.1 Dwelling: A Building intended to be used for living that contains cooking, sleeping and bathing facilities.

1.2.4.2 Sheds: Buildings used for sheltering humans or livestock, or for the storage of tools, materials, or other items needed for Grantor's use and/or maintenance of the Property.

1.2.5 Commercial: Any use or activity undertaken for profit.

1.2.6 Days: Calendar days, not business days.

1.2.7 Effective Date: The effective date of the gift is when the fully executed Easement is recorded in the Clerk's Office of the Circuit Court of Frederick County, Virginia.

1.2.8 Existing Resources: The Existing Historic Resources, the Existing Natural Resources, the Existing Agricultural Resources, and the Existing Non-Historic Resources.

1.2.8.1 Existing Historic Resources: The resources described in R-14, R-15, and R-16 above.

1.2.8.2 Existing Natural Resources: The resources described in R-24 above.

1.2.8.3 Existing Non-Historic Resources: The resources described in 2.3.1 below.

1.2.8.4 Existing Agricultural Resources: The resources described in R-26 above.

1.2.9 Grantee: Land Trust of Virginia, Inc. and any and all successor holders of this Easement.

1.2.10 Grantor: The original grantor herein and any and all successors in title to the Property.

1.2.11 Ground Area: The square footage of a Building, as measured at the exterior of the foundation (perimeter load-bearing) walls and/or piers.

1.2.12 Mitigation Bank Activities: Activities involving monetary compensation or remuneration to restore or enhance wetlands or streams or restore, enhance, or develop other ecosystem functions on the Property including, but not limited to stream bank restoration, wetland and stream mitigation, biological carbon sequestration, biodiversity mitigation, and implementation of a nutrient reduction implementation plan approved by the Virginia Department of Environmental Quality, or its successor agency.

1.2.13 Parking Area: A portion of the Property on which the parking of motor vehicles is the principal use.

1.2.14 Parking Area Envelope: The area shown on the attached Exhibit B in which the Parking Area permitted by this Easement must be constructed.

1.2.15 Road: A private way specifically designated and/or built on the Property for the movement of vehicles.

1.2.16 Secretary's Standards: In exercising any authority created by this Easement to inspect the Property, Grantee, with the guidance and assistance of a qualified professional meeting the Secretary of the Interior's Professional Qualifications Standards, shall apply the following documents (hereinafter collectively referred to as "Secretary's Standards"), as appropriate in the determination of Grantee, with the guidance and assistance of a qualified professional meeting the Secretary of the Interior's Professional Qualifications Standards:

(a) Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 F.R. 44716 (1983); National Park Service, as amended).

(b) Secretary of the Interior's Professional Qualifications Standards (48 F.R. 44716 (Sept. 1983, as amended)).

(c) Secretary of the Interior's Standards for Rehabilitation (36 C.F.R. Part 67.7, as amended).

(d) Secretary of the Interior's Standards for the Treatment of Historic Properties (36 C.F.R. Part 68, as amended).

(e) Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (National Park Service, as amended).

(f) Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes (National Park Service, as amended).

1.2.17 SHPO: The Virginia State Historic Preservation Office.

1.2.18 Structure: An assembly of materials forming a construction for use (other than Buildings, Roads and Utilities), including, but not limited to, temporary hunting blinds less than 100 square feet in ground area, benches, picnic tables, boardwalks, kiosks, and interpretive signs, plaques or monuments, but excluding fencing, gate posts, stone walls and permitted signs.

1.2.19 Utility: A facility for the provision of infrastructure services including wells, water storage tanks; septic systems; electricity and telephone transmission lines; antennas for the transmission and reception of electro-magnetic energy; and Alternative Energy Structures.

1.3 INCORPORATION OF RECITALS. The Recitals in this Easement are incorporated herein and by agreement, each one is made an integral part of this Easement.

ARTICLE II
RESTRICTIONS

The following Restrictions are hereby imposed on uses of the Property pursuant to the public policies described in the Recitals to protect the Conservation Values of the Property. Any use of the Property is prohibited which is (i) inconsistent with the Conservation Purposes or (ii) consistent with the Conservation Purposes, but is destructive of other significant conservation interests unless such acts or uses are necessary for the protection of the Conservation Values that are the subject of the donation. Without limiting the generality of the foregoing, the acts which Grantor covenants to do and not to do upon the Property, and the Restrictions that Grantee is hereby entitled to enforce (herein "the Restrictions") are and shall be as follows:

2.1 NO SUBDIVISION. Notwithstanding that the Property is composed of two (2) separate tax parcels, separate conveyance of a portion of the Property or division or subdivision of the Property is prohibited. The Property may not be sold or transferred by deed of conveyance (including a deed of trust), except as a whole.

2.2 BOUNDARY LINE ADJUSTMENTS. Pursuant to Treasury Notice 2023-30, 2023-17 I.R.B. 766, Grantor and Grantee agree that boundary line adjustments to the Property subject to this Easement's Restrictions may be made only pursuant to a judicial proceeding to resolve a bona fide dispute regarding a boundary line's location. Boundary line adjustments of the Property (but not of the land encumbered by this Easement) with adjoining parcels of land are permitted, upon the Prior Written Approval of Grantee, and shall not be considered a prohibited division, subdivision or separate conveyance of the Property or a portion thereof, provided that the entire adjacent parcel is, or becomes prior to the proposed boundary line adjustment conveyance, subject to a recorded conservation or open space easement held by Grantee or, with Grantee's Prior Written Approval, another qualified holder under either the Virginia Conservation Easement Act or the Virginia Open-space Land Act. Boundary line adjustments which meet these conditions shall also fulfill all of the requirements of the following subsections.

2.2.1 Deed and Plat of Boundary Line Adjustment: To indicate its approval, Grantee shall be made either a party to the deed of boundary line adjustment or a signatory on the plat of boundary line adjustment.

2.2.2 Boundary Line Adjustments Increasing the Size of the Property: In the event of a boundary line adjustment that increases the size of the Property, where the real property being incorporated into the Property by the adjustment is not already subject to a recorded conservation or open space easement held by a qualified holder under either the Virginia Conservation Easement Act or the Virginia Open-space Land Act, a conservation easement must be granted over the entirety of the real property being added by the adjustment, upon such terms and conditions that are acceptable to the Grantee.

2.2.3 No Increase in Development Potential: No boundary line adjustment may result in any development that could not occur but for such adjustment; and no boundary line adjustment may increase the intensity or extent of use of the Property beyond that which could exist without such boundary line adjustment.

2.3 BUILDINGS AND STRUCTURES. No Buildings or Structures, whether permanent or temporary, shall be built or maintained on the Property other than as listed in Section 2.3.1 to 2.3.3 below and identified in the approved Preservation Plan. The location, size, and design of any new structure or amenity must be in accordance with the Preservation Plan and receive the Prior Written Approval of the Grantee and the approval of SHPO. For the sake of clarity, no Dwellings or other types of residential Buildings are permitted on the Property, and no Structures associated with residential uses are permitted on the Property.

2.3.1 Sheds: Two (2) Sheds exist on the Property on the Effective Date, as documented in the Baseline Documentation Report. Said existing Sheds are permitted to be maintained in the size, height and location as they exist on the Effective Date. The construction, location, size and

design of any new Sheds, or the relocation, enlargement or other modification of the two (2) existing Sheds are subject to the approval of SHPO, and the Prior Written Approval of the Grantee.

2.3.2 Alternative Energy Structures: The construction, location, size and design of Alternative Energy Structures are permitted only with the approval of SHPO and the Prior Written Approval the Grantee. Notwithstanding the foregoing, approved Alternative Energy Structures must be scaled to provide electrical energy or pump water for permitted Buildings, Structures, and activities on the Property. Regarding the sale of excess power generated incidentally in the operation of such approved Alternative Energy Structures, see Section 2.10.2(c) herein.

2.3.3 Structures: Existing Structures are permitted, and may be maintained and repaired. Such existing Structures shall not be replaced, expanded, enlarged or relocated unless approval from SHPO and Prior Written Approval of the Grantee are obtained. The construction and/or addition, as well as the location, size, height, and design of any new Structure are subject to the approval of SHPO and the Prior Written Approval of the Grantee.

2.4 ADDITIONAL BUILDING AND STRUCTURE RESTRICTIONS. The following Restrictions apply to all Buildings and Structures.

2.4.1 Prior Notice: Grantor must give Grantee written notice pursuant to Section 5.6 before beginning site work for, and construction, replacement, relocation, or enlargement of any Building, Structure, Road or Utility on the Property.

2.4.2 Building Height: The height of any Building or Structure shall not be more than fifteen (15) feet, as measured from final grade to ridge of roof, unless Prior Written Approval shall have been obtained from Grantee.

2.4.3 Downlighting: Use of exterior lighting in all areas shall be limited to fully horizontally shielded lighting fixtures. The light element (lamp or globe) of a fixture shall not extend below the cut off shield.

2.5 AGGREGATE GROUND AREA. The aggregate Ground Area of all Buildings on the Property (herein "Aggregate Ground Area") shall not exceed four thousand (4,000) square feet without Prior Written Approval of the Grantee. For the purposes of calculating Aggregate Ground Area, all Buildings, including those existing on the Effective Date, and those added after that time, shall be included.

2.6 CONSISTENCY WITH CONSERVATION VALUES. New, replaced, relocated, repaired, renovated, or enlarged Buildings or Structures must not adversely affect, be inconsistent or conflict with, diminish, impair nor interfere with the Conservation Values.

2.7 RIGHT TO CONSTRUCT, REPAIR, MAINTAIN, RENOVATE, AND REPLACE. Except for restrictions herein regarding Aggregate Ground Area, the Restrictions above shall not preclude the repair or replacement of any Buildings, Structures, fencing, mailboxes, gate posts, and permitted signs existing on the Effective Date.

2.8 WORK ON EXISTING RESOURCES AND DEMOLITION: Any work involving the construction, alteration, rehabilitation, restoration, renovation, replacement, extension, demolition, or removal, in whole or part, of Existing Resources as documented in the Baseline Documentation

Report must be in accordance with the Preservation Plan, and must receive the Prior Written Approval of the Grantee and SHPO. Any demolition of Existing Resources must be in accordance with a Demolition Plan that is approved by SHPO. Prior to the demolition of any building or structure on the Property, the Grantor will consult with Grantee and SHPO to evaluate its eligibility for the National Register of Historic Places (36 C.F.R. 60.4).

2.9 ROADS, TRAILS, PARKING AREAS AND UTILITIES.

2.9.1 Roads: No new Roads may be constructed on the Property without approval of SHPO and Prior Written Approval of Grantee, except for rights-of-way existing as of the Effective Date. New Roads are permitted to be constructed for permitted uses and activities, to serve permitted Buildings or Structures, or to aid in the interpretation of the Property as an important Civil War site. Notwithstanding the foregoing, any such new Road shall be subject to approval of SHPO and the Prior Written Approval of Grantee with the guidance and assistance of a qualified professional meeting the Secretary of the Interior's Professional 19 Qualifications Standards. All new Roads constructed on the Property after the Effective Date shall be permeable in nature to the extent permitted by the Americans with Disabilities Amendment Act (42 U.S.C. §§ 12101 -12213 (2016, as amended)), the Chesapeake Bay Preservation Act (VA Code §§ 62.1-44.15:67 - 62.1-44.15:79), and all other applicable state and federal laws and regulations.

2.9.2 Trails: Trails and footpaths are permitted to be maintained or newly constructed on the Property, subject to Sections 2.12 and 2.17 herein.

2.9.3 Parking Area: One (1) Parking Area may be constructed to accommodate activities permitted in Section 2.11 herein, subject to approval of SHPO and the Prior Written Approval of the Grantee. Further, said Parking Area 1) shall not exceed ten thousand (10,000) square feet of surface area without Prior Written Approval, 2) shall be located entirely within the Parking Area Envelope (as shown on the attached Exhibit B), and 3) shall be constructed of permeable materials.

2.9.4 Utilities: Existing Utilities may be used in their locations on the Effective Date, as shown in the Baseline Documentation Report. No new Utilities shall be constructed on, under or over the Property except Public or private Utilities to serve permitted Buildings, Structures or activities on the Property, and Public or private Utilities to serve other properties, provided that all such permitted Utilities shall require approval of SHPO and Prior Written Approval of the Grantee, which approval shall follow the guidance and assistance of a qualified professional meeting the Secretary of the Interior's Professional Qualifications Standards, and provided such approval has taken into consideration the factors set forth in Section 5.7.1 and the visibility of such Utilities. The Grantor shall not place upon the Property any electrical, telephone, water or sewer or other utilities or utility easements without the prior written consent of the Grantee and SHPO. If the Grantor receives notification from any utility company, governmental agency or other entity of proposed utilities or utility easements to be placed upon the Property it shall so notify the Grantee and SHPO as soon as practicable to do so.

2.10 PROHIBITED INDUSTRIAL and COMMERCIAL ACTIVITIES. There shall be no Industrial or Commercial activities on the Property, except for the activities permitted herein and in conformance with the Preservation Plan. Permitted activities shall be limited to those related to

the preservation, maintenance, exhibition, and interpretation of the Property that do not compromise the Property's Conservation and Preservation Values, and those in the accompanying BDR.

2.10.1 Industrial Activities: Industrial activities or facilities are prohibited on the Property.

2.10.2 Commercial Activities: Commercial activities are prohibited, except for:

(a) Agriculture;

(b) Mitigation Bank Activities.

(c) the sale of excess power generated incidentally in the operation of approved Alternative Energy Structures, as provided for in Section 2.3.2 herein.

2.10.3 Residential Uses: Residential uses are prohibited on the Property.

2.11 NON-COMMERCIAL ACTIVITIES.

2.11.1 Non-Profit Uses: Uses and activities conducted by, or for the benefit of, a 501(c)(3) non-profit organization are permitted, except as restricted herein. Such uses include, but are not limited to, battlefield tours, battlefield reenactments, and educational tours.

2.11.2 Public Visitation: In instances where the activities permitted under Section 2.11.1 above involve participation of the public as Grantor's invited guests (herein "Invitees"), the following limitations apply, unless Prior Written Approval is obtained.

2.11.2.1 Roads: Roads within the bounds of the Property may not be used by vehicles driven by Invitees, except the Road leading from State Route 838 (McCanns Road) to the permitted parking area described in Section 2.9.3 above.

2.11.2.2 Parking: Parking on the Property by Invitees must remain within the parking area described in Section 2.9.3 above.

2.12 WATER RESOURCES. Water resources on the Property include those described in Recital # 24 above.

2.12.1 Buffer Required: A vegetated riparian buffer (herein "Buffer") of thirty five (35) feet shall be required from the edges of the Stream.

2.12.2 Restrictions: Within the Buffers and Water Resource areas, there shall be no construction of Buildings, Structures, Roads, or other impervious surfaces, no storage of compost, manure, fertilizers, chemicals, machinery or equipment, and no cultivation, dumping, filling or damaging of wetlands, plowing, or other earth disturbing activity conducted, except as may be reasonably necessary for:

(a) Wetland or stream bank restoration and erosion control pursuant to a government permit;

(b) Mitigation Bank Activities;

(c) fencing along or within the Buffers or Water Resource areas;

(d) removal of individual trees presenting a danger to persons or property;

(e) removal of diseased, dead, non-native trees, shrubs or plants, or invasive trees, shrubs or plants (as defined in the Virginia Department of Conservation and Recreation's publication: "Invasive Alien Plant Species of Virginia" or other, independent authoritative source);

(f) creation and maintenance of foot or horse trails with unimproved surfaces; and

(g) maintenance and/ or construction of crossings over Water Resource areas for vehicles, farm machinery, pedestrians or livestock (including horses). Any replaced, relocated, or otherwise newly constructed crossing over a Water Resource area shall require Prior Written Approval, with such approval being based on conformance of said construction with the standards for such crossings as developed by the Natural Resources Conservation Service. The total number of such Water Resource crossings on the Property shall not exceed three (3) without the Prior Written Approval of the Grantee.

2.12.3 Required Vegetation: For areas on the Property that support vegetative cover within Buffers and within Water Resource areas, such cover shall include forest, shrubs, or warm-season grasses, or other similar vegetative cover. Said areas shall not be mowed, and lawns or grazed pastures shall not constitute vegetative cover for the purposes of satisfying this requirement. Notwithstanding the foregoing, said areas may be bushhogged once annually, with additional bushhogging permitted only with Prior Written Approval.

2.12.4 Livestock Prohibited: Livestock are prohibited from grazing in, and shall be fenced out of, the Buffers and Water Resource areas. Although livestock may have periodic and temporary access to designated trails or Water Resource crossings that are located within the Buffers and Water Resource areas (as permitted in Section 2.12.2.(f) and (g) above), grazing shall remain prohibited with the Buffers and Water Resource areas, including any area therein that is associated with the permitted trail or crossing. If livestock are not present on the Property on the Effective Date, any such required fencing shall be erected prior to introduction of livestock to the Property and shall thereafter be maintained as long as livestock are present on the Property.

2.12.5 Reserved Rights: The prohibitions in 2.12.1 through 4 above shall not preclude the repair or replacement of any Building or Structures existing as of the Effective Date, except that Prior Written Approval is required in the event Grantor proposes to change the location or increase the size of any such replaced Building or Structure.

2.12.6 Stream, Buffer, and Floodplain Area Locations: If the location of a Stream on the Property moves or changes naturally, or if the location of a Stream on the Property moves or changes 1) as a result of permitted erosion control measures implemented on the Property, 2) as a result of permitted Mitigation Bank Activities (or other permitted development of ecosystem functions) conducted on the Property, and/or 3) as a result of other permitted water resource and/or wetland restoration activities conducted on the Property, the associated Buffers of such a Stream shall remain the same width, and shall move relative to the location of the Stream. Any change in the size, location or extent of Floodplain Areas associated with such a Stream shall likewise be considered, inclusive of alteration of such size, location or extent as determined by the relevant governmental authority. In the event of any such movement or change in location of a Stream, and in the event of any change in the size, location or extent of any Floodplain Area associated with such a Stream, any Building or Structure that is located outside of the originally-defined Buffers and/or associated Floodplain Area that is determined to be within the newly-defined Buffers and/or Floodplain Area, shall not be considered to be in violation of these Restrictions and any such Building or Structure may be maintained at such location.

2.13 MANAGEMENT OF FOREST. This section intentionally removed.

2.14 LANDS IN AGRICULTURAL USE. As long as the Property is used for Agricultural purposes, it shall have, and shall be managed in accord with, a written farm conservation plan, which shall stipulate the use of best management practices for water quality and soil protection, be approved in advance by the Grantee, and may, from time to time, be modified or amended by mutual agreement of the Grantor and Grantee, provided that said farm conservation plan (or any modification of amendment thereof) shall not permit activities that would adversely affect, be inconsistent with, conflict with, diminish, impair, or interfere with the Conservation Purposes or Conservation Values protected by this Conservation Easement. Such Agricultural use shall be managed in accord with a farm conservation plan, as described above, which must be created and implemented within twelve (12) months of the Effective Date.

2.15 TRASH. Accumulation or dumping of trash, refuse, junk, or toxic materials is not permitted on the Property. This Restriction shall not prevent generally accepted agricultural or wildlife management practices, such as creation of brush piles, composting, or the storage of farm machinery, organic matter, agricultural products or agricultural byproducts incidental to operation of the farm on the Property, or use of other such practices that do not adversely affect, are not inconsistent with, and do not conflict with, diminish, impair or interfere with the Conservation Values.

2.16 SIGNS. No billboards, signs, or other advertisements that are visible from outside the Property are permitted on or over the Property except to: signs (i) to state the name of the Property and the name and/or address of the owners, (ii) to provide interpretation of the Battle of Winchester II and III and the Battle of Rutherfords Farm that occurred on the Property, (iii) to provide notice necessary for the protection of the Property, including "no trespassing" signs, and for giving directions to visitors, or (iv) to provide notice that the Property was purchased in part with a grant administered by the National Park Service with funding from the Land and Water Conservation Fund, provided Grantor obtains Grantee's prior written approval for this sign. No such sign shall exceed nine (9) square feet in size, except for informational or interpretive signs, which may exceed such size, subject to SHPO, and the Prior Written Approval of the Grantee, and any applicable restrictions under the County's zoning ordinance. Grantor may install markers or monuments regarding the historical significance of the Property with the approval of SHPO.

2.17 GROUND DISTURBING ACTIVITIES. There shall be no Ground Disturbing Activities, without prior written approval of the Grantee and SHPO. Ground Disturbing Activities include but are not limited to any and all grading, topographic changes, blasting, and earth removal, other than routine ground keeping and planting. The following applies to ground disturbing activities on the Property:

2.17.1 Mining, Grading, Blasting, Filling, Earth Removal. There shall be no mining, excavating, dredging or removing from the Property of soil loam, peat, gravel, sand, rock or other mineral resource or natural deposit. There shall also be no drilling for oil and gas on or under the Property. Grading, blasting, filling or earth moving or removal shall not alter the topography of the Property except for wetlands or stream bank restoration, both of which require Prior Written

Approval from Grantee, and all requisite government permits and approvals, or for erosion and sediment control pursuant to a government-required erosion and sediment control plan, or as required in the construction of permitted Buildings, Structures, Roads, and Utilities or for farm ponds. Best Management Practices, in accordance with the Virginia Erosion and Sediment Control Law, shall be used to control erosion and protect water quality in such construction. Generally accepted Agricultural activities shall not constitute any such activities. Notwithstanding the foregoing, no grading, blasting, filling or earth moving or removal is permitted on the Property if it will adversely affect, be inconsistent with, conflict with, diminish, impair or interfere with the Conservation Values protected by this Easement.

2.17.2 Topography. There shall be no uses of the Property that would adversely alter the topography of the Property, except for construction of the aforementioned permitted improvements. Any activity that would disturb the topography of the Property, other than routine ground keeping or planting as allowed herein, shall only be allowed with the prior approval of the Grantee and SHPO.

2.17.3 Mining, Excavating Archaeological Sites. There shall be no removal of artifacts of a historical nature, except with prior written permission of the Grantee and SHPO. Archeologically significant deposits, sites, or features on the Property shall not be intentionally disturbed, demolished or excavated or otherwise defaced or altered except by or under the supervision of a professionally qualified archeologist meeting or exceeding the Secretary of the Interior's Professional Qualifications Standards and provided that the scopes of work such archaeological activity have been submitted to and reasonably approved by the Grantee and SHPO in writing prior to any ground disturbing activities. The Property will be managed in such a way as to protect the archeological integrity of the site and to protect archeological deposits, sites or features on the Property from looting, vandalism, erosion, mutilation or destruction. No field investigation, archeological exploration, artifact collection, or recovery operation may be conducted on the Property without the prior written approval of SHPO and the Grantee. Any such field investigation, explorations, or recovery operations conducted pursuant to such approval shall be carried out in consultation with SHPO and the Grantee, in accordance with the Secretary of the Interior's Standards and Guidelines and in a manner to ensure that the appropriate amount of historic, scientific, archeological and educational information be recovered and preserved in addition to the physical recovery of objects. Any such investigation shall be conducted under the immediate supervision of a qualified professional archeologist meeting or exceeding the Secretary of the Interior's Standards Professional Qualification Standards, with training or experience that is acceptable to SHPO and the Grantee. Relic hunting of any kind on the Property is strictly prohibited.

2.17.4 Right to Conduct Archaeological Excavation. The right to conduct archeological research and excavations on the Property; provided, that (i) a scope of work shall be completed prior to any said research and excavations and approved by the Grantee and SHPO; (ii) during any such research or excavations the Grantor shall allow in attendance on the Property at all times a designee of the Grantee; (iii) any such research or excavation shall be done only during daylight hours; and (iv) the topography and all visible surface features of the Property disturbed by any such research or excavation shall be restored to its prior condition and appearance once such research or excavation is complete. Any such investigation shall be conducted under the immediate

supervision of a qualified professional archeologist meeting or exceeding the Secretary of the Interior's Professional Qualification Standards who is acceptable to the State Historic Preservation Office, the State Archaeologist, and the Grantee. Any such investigation shall conform to the Secretary of the Interior's Standards for Archeology and Historic Preservation.

2.17.5 Treatment of Archaeological Resources. The Grantor shall take all reasonable precautions to ensure that all archeological resources, features, deposits, and artifacts, whether known or unknown from the Effective Date of this Easement, are protected from vandalism, erosion, mutilation, or destruction from any cause. Grantor shall notify the Grantee and SHPO of any known instances of vandalism or theft of archeological resources on the property as soon as is practicable to do so, but no later than 30 days after the event.

2.17.6 Treatment of Artifacts. Artifacts, both prehistoric and historic, recovered from Archeological Survey and Investigation of the Property shall remain the personal property of the Grantor, unless otherwise provided by law. The Grantor is permitted to sell or donate archeological collections recovered from the Property to licensed archeological repositories or accredited collections management organizations. If the Grantor chooses to transfer ownership of artifacts to a repository, the Grantor must provide written notice of the donation or sale to the Grantee and SHPO. This notice must provide the name of the facility, its qualifications, the location where the artifacts will be stored, treated, or managed, and confirmation that the organization adheres to all appropriate state guidelines on archeological artifact treatment and the Secretary's Standards.

2.17.7 Treatment of Human Remains. The Grantor is responsible for the protection of all human remains discovered on the Property from vandalism, mutilation, and destruction by any cause. If human remains are discovered on the Property during approved Archeological Survey and Investigation or during any other Ground Disturbing Activity, then Grantor shall immediately cease all activities at the specific location(s) where human remains and/or inadvertent discoveries have been found and notify the Grantee, SHPO within not more than 48 hours, as is practicable. The Grantor shall comply with all laws and guidelines applicable to the discovery and treatment of human remains, including without limitation, notifying local law enforcement and obtaining any necessary permits or authorizations for treatment of human remains. Grantor shall be responsible for all costs and expenses associated with the treatment and/or removal of human remains discovered on the Property.

ARTICLE III
ENFORCEMENT

3.1 ENTRY/RIGHT OF INSPECTION. Representatives of the Grantee may enter the Property at reasonable times for purposes of inspection, including the taking of photographs, and enforcement of the Restrictions, and the Terms and Conditions of this Easement after reasonable notice to the Grantor or the Grantor's representative, provided however, that in the event of an emergency, as defined solely by the Grantee, Grantor consents to allow entrance onto the Property to inspect, evaluate, prevent, terminate or mitigate a potential violation of these Restrictions or the Terms and Conditions with notice to the Grantor or Grantor's representative being given at the earliest practicable time. Reasonable notice for non-emergencies shall be considered as not

exceeding fifteen (15) Days.

3.2 **ACTION TO ENFORCE.** Grantee has the right to bring an action at law or in equity to prevent or stop any violation of the Restrictions, and the Terms and Conditions of this Easement or any use that adversely affects, is inconsistent with, conflicts with, diminishes, impairs, or interferes with the Conservation Purposes. This right specifically includes: (i) the right of entry onto the Property for the purposes of evaluating the extent and nature of any potential violation; (ii) the right to require restoration of the Property to its condition on the Effective Date (except for any change in such condition that is consistent with the provisions of this Easement, in which restoration shall be to such changed condition), including the removal of any prohibited Buildings or Structures; (iii) the right to recover any damages, including monetary damages, arising from non-compliance, the loss of Conservation Values, or the inability to return the Property to its condition on the Effective Date; and (iv) the right to enjoin non-compliance by *ex parte* temporary or permanent injunction. These remedies shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity. If the court determines that the Grantor failed to comply with this Easement, the Grantor shall pay to the Grantee for any costs of enforcement, including costs of investigating, preventing, stopping and correcting the non-compliance, restoration costs, court costs and attorney's fees, in addition to any other payments ordered by such court. The Grantee shall not, by any failure to discover non-compliance or any delay to act, or by any prior forbearance to exercise rights under this Easement, waive any Restrictions or Terms and Conditions or forfeit the right to take action as may be necessary to ensure compliance with this Easement and the Grantor hereby waives any defenses of waiver, estoppel or laches with respect to any failure or forbearance by the Grantee.

ARTICLE IV
DOCUMENTATION

4.1 **BASELINE DOCUMENTATION REPORT.** The Conservation Values and its condition, use, character and state of improvement are described in a Baseline Documentation Report, incorporated herein by reference. The Baseline Documentation Report, (the "BDR") contains, among other items, (i) a written report describing the Property (including all Existing Resources), and (ii) aerial, topographic, and photo-point maps, a site plan, and photographs. Grantor hereby acknowledges that it has received a copy and accepts the findings of the BDR. The Baseline Documentation Report was signed by the Grantor, and made available to and signed by the Grantee, prior to the execution of this Easement, and will be maintained on file in the offices of the Grantee. The Grantor and the Grantee have copies of the Baseline Documentation Report and acknowledge that the Baseline Documentation Report is an accurate representation of the condition of the Property on the Effective Date. The Baseline Documentation Report may be used by the Grantee to determine compliance with and enforcement of the Restrictions, and the Terms and Conditions of this Easement, including specifically to establish that a change in the condition, use, character or state of improvement of the Property has occurred, but its existence shall not preclude the use by the Grantee of other evidence to establish the condition, use, character or state of improvement of the Property on the Effective Date.

4.2 **PUBLIC ACCESS MANAGEMENT PLAN.** Public Use and Access on the Property provided for in Section 5.2 below shall be pursuant to guidelines, requirements and rules set forth in the public access management plan (herein the "Management Plan"). The Management Plan was signed by Grantor and Grantee prior to the Effective Date and will be maintained on file in the offices of the Grantee. The Grantor and Grantee acknowledge that the Management Plan accurately represents the intended and agreed upon guidelines, requirements and rules pertaining to the granted right of Public Use and Access provided herein. The Management Plan may be amended and revised from time to time, upon mutual agreement of the Grantor and Grantee, to address changes in ownership, facilities, or for other reasons, but the Management Plan must comply with the minimum requirements for Public Use and Access stated in Section 5.2 below.

4.3 **PRESERVATION PLAN.** A Preservation Plan for the Property shall be prepared and adhered to within 18 months of the date of this Easement, and must be reviewed and approved in writing by SHPO. The Preservation Plan will provide a comprehensive management strategy for the Property in order to protect the Conservation and Preservation Values defined herein and in the accompanying BDR. The Preservation Plan will establish goals, objectives, and timelines for maintenance and preservation treatment activities, including but not limited to rehabilitation, restoration, demolition, removal, and reconstruction activities for features that may be in poor condition. The Preservation Plan must adhere to the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. Deviations from the Preservation Plan shall be allowed only with the prior written permission of SHPO.

ARTICLE V
GENERAL PROVISIONS

5.1 **DURATION.** This Easement shall be perpetual. It is an easement in gross which runs with the land as an incorporeal interest in the Property. The Restrictions and the Terms and Conditions contained in this Easement are binding upon, and inure to the benefit of, the parties hereto and their successors in interest to the Property, any portion thereof or interest therein, or this Easement, as their interests may appear, and shall continue as a servitude running in perpetuity with the Property. The rights and obligations of an owner of the Property under this Easement terminate upon proper transfer of such owner's interest in the Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

5.2. **PUBLIC ACCESS.** This Conservation Easement will benefit the public as described above, and to that end, Grantor shall allow Public Use and Access on the Property pursuant to the Management Plan described above in Article IV ("Public Use and Access"). Such Public Use and Access shall be physical as well as visual access to the Property for substantial and regular use for the education and enjoyment of the general public, specifically as it pertains to the Battle of Winchester II and III and the Battle of Rutherfords Farm. Such Public Use and Access shall be

pursuant to guidelines and requirements set forth in the Management Plan. Access may be subject to reasonable restrictions to ensure appropriate use of the Property, security of the Property's Buildings, Structures, or potential archeological resources, safety of visitors, protection of recreational users from hazardous areas, and for general maintenance or improvement of the Property. The foregoing granted right of public access is further subject to the condition that in the event of an emergency or disaster that threatens public health or safety, Grantor may, in its discretion, close the Property to the public for as long as is necessary to abate the emergency or disaster.

5.2.1 Liability. The access granted hereunder or any permission to enter the Property by Grantor or Grantee shall not be construed as an invitation or license, and Grantor and Grantee do not assume any liability to the general public for accidents, injuries, acts, or omissions beyond that defined by the standard of care owed by landowners under Virginia's Recreational Use Statutes (VA Code §29.1-509) and any other applicable law.

5.3 TITLE WARRANTY. The Grantor covenants and warrants that the Grantor has good and marketable title to the Property, free and clear of all encumbrances (except utility and access easements of record), including, but not limited to, any mortgages, judgments or other liens not subordinated to this Easement, and hereby covenants to defend same and hold the Grantee harmless against any and all claims that may be made against it. The holders of all liens or other encumbrances arising from borrowing have subordinated their interests in the Property to the operation and effect of this Easement, by their execution hereof.

5.4 INTERACTION WITH OTHER LAWS. This Easement does not permit any use of the Property which is otherwise prohibited by federal, state, or local law or regulation. Neither the Property, nor any portion of it, shall be included as part of the gross area of other property not subject to this Easement for the purposes of determining density, lot coverage or open-space requirements under otherwise applicable laws, regulations or ordinances controlling land use and building density. Specifically, neither the Property, nor any portion thereof, has been or shall be dedicated as open space within, or as part of, a residential subdivision or any other type of residential or commercial development; dedicated as open space in, or as part of, any real estate development plan; or dedicated for the purpose of fulfilling density requirements to obtain approvals for zoning, subdivision, site plan, or building permits. No development rights that have been encumbered or extinguished by this Easement shall be transferred to or counted towards development of any other property pursuant to a transferable development rights scheme, cluster development arrangement or otherwise.

5.5 CONSTRUCTION. Notwithstanding any general rule of construction to the contrary, this Easement shall be liberally construed in favor of the Grantee to effect the purposes of this Easement— to retain, preserve and protect in the public interest in perpetuity the Conservation Values of the Property— by restricting the use of the Property as set forth, herein, and by permitting only those activities on, uses or development of the Property that will not adversely affect, are not inconsistent with, and do not conflict with, diminish, impair or interfere with the Conservation Values.

If any provision of this Easement is found to be ambiguous, an interpretation consistent with the purposes of this Easement and in favor of the Restrictions and the Terms and Conditions protecting its Conservation Values shall be favored over the free use of the Property. Grantor intends that the grant of this Easement qualify as a "qualified conservation contribution" as that term is defined in §170(h)(1) of the Code, and the Restrictions and other provisions of this Easement shall be, where possible, construed and applied in a manner that will not prevent this Easement from being a qualified conservation contribution.

5.6 NOTICES TO GRANTEE.

5.6.1. Transfer. The Grantor shall notify the Grantee in writing prior to closing on any *inter vivos* transfer or sale of the Property or any part thereof, other than a deed of trust or mortgage on all or any part of the Property. Failure of the Grantor to provide such notice shall not affect the applicability of this Easement to the Property, or the validity of the transfer.

5.6.2 Exercise of Retained Rights. The Grantor shall notify the Grantee in writing prior to exercising any reserved right or undertaking any activity that may have an adverse impact on the Conservation Values protected by this Easement or that may adversely affect, be inconsistent with, conflict with, diminish, impair or interfere with the Conservation Purposes.

5.6.3 Time Frame of Notice. In any case where the terms of this Easement require notice to the Grantee, the Grantor shall provide written notice to the Grantee at least sixty (60) Days prior to commencing the activity or exercising the right requiring the notice.

5.6.4 Content of Notice. Notices and requests for the Grantee's approval must describe the situation or activity in question in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Conservation Purposes, and this Easement. Any notices or requests for approval required by this Easement shall be in writing and shall be personally delivered or sent by certified mail, to the Grantor or the Grantee respectively, to the Grantor at the address of the Property and to the Grantee at the address of its principal office as registered with the Commonwealth of Virginia, or to such addresses as the parties may designate by written notice.

5.6.5 Validity. The failure of the Grantor or the Grantee to perform any act required by this Section shall not impair the validity of this Easement or limit its enforceability in any way.

5.7 PRIOR WRITTEN APPROVAL.

5.7.1 Prior Written Approval. In any case where the terms of this Easement require approval from the Grantee, such approval from Grantee must be in writing (herein "Prior Written Approval"). The Grantor shall make a written request for such approval to the Grantee, and the Grantee shall have sixty (60) Days from the receipt of a request for Prior Written Approval, or such longer period as the parties may agree in writing, within which to review such request and consider whether to grant or deny approval. Failure by Grantee to respond within sixty (60) Days shall constitute denial. In considering whether or not to grant any Prior Written Approval to the Grantor, the Grantee shall determine in each instance whether the proposed activity on, use or development of the Property (including the size, setting or height of the proposed Building or Structure) will not adversely affect, is not inconsistent with, and does not conflict with, diminish, impair or interfere with the Conservation Purposes. Should the Grantee determine that the granting of Prior Written Approval would authorize an activity, use or development that would adversely

affect, be inconsistent with, conflict with, diminish, impair or interfere with the Conservation Purposes, the Grantee may, in its discretion, refuse to grant such approval.

5.7.2 Impermissible Private Benefit. Any Prior Written Approval shall not result in impermissible private benefit to the Grantor, or any other person.

5.8 PROPERTY RIGHT OF GRANTEE; EXTINGUISHMENT.

5.8.1 Property Right. The Grantor agrees that the donation of this Easement gives rise to a property right, immediately vested in the Grantee, with fair market value that is at least equal to the proportionate value that the Easement on the Effective Date bears to the value of the Property as a whole at that time, and that proportionate value of the Grantee's property rights shall remain constant.

5.8.2 Extinguishment. If, notwithstanding Section 5.1, an attempt is made to terminate or extinguish this Easement, it can be terminated or extinguished only through a judicial proceeding, the requirements of Section 6(f)(3), and only if in compliance with Section 170(h) of the Code and applicable Treasury Regulations. In such case, on a subsequent sale, exchange, or involuntary conversion of the Property, Grantee shall be entitled to a portion of the proceeds at least equal to that proportionate value of the Easement as determined in Section 5.8.1 and the requirements of Section 6(f)(3). The Grantee must use any such proceeds in a manner consistent with the Conservation Purposes of this Easement donation. No part of the Property may be converted or diverted from preservation or open-space uses as herein defined except in accordance with the Conservation Easement Act or the Open Space Land Act if this Restated Easement is assigned to a public body, and if approved by the Secretary of the Interior acting through the ABPP in accordance with the requirements of Section 6(f)(3) and the American Battlefield Protection Program Authorization of 2009, as amended.

5.8.3 Conversion or Diversion. No part of this Property may be converted or diverted from its open-space use unless approved by the Secretary of the Interior, acting through the ABPP, in accordance with Section 6(f)(3) and 36 C.F.R. 59.3. In the event of a proposed conversion or diversion of the Property to a use other than those specified herein and provided for in the Land and Water Conservation Fund Act, Grantor shall consult with Grantee. If following that consultation, Grantee determines that conversion or diversion is appropriate, Grantee shall, in accordance with Section 6(f)(3) propose such conversion or diversion to the Secretary of the Interior, acting through the ABPP. Any such proposal shall include information demonstrating compliance with the requirements set forth in 36 C.F.R 59.3 for the conversion or diversion. The proposal shall also include a letter from Grantee setting out its opinions on the advisability of the proposed conversion or diversion and the adequacy of the proposed mitigation. The Secretary shall approve such conversion or diversion only if he or she finds it to be in accord with Section 6(f)(3), 36 C.F.R. § 59.3 and the American Battlefield Protection Program Authorization Act of 2009, as amended (54 U.S.C. § 308103), and only upon such conditions as he or she deems necessary to assure the substitution of other appropriate properties of at least equal fair market value and of reasonably equivalent usefulness and location. In the event of a breach of Section 6(f)(3), there shall be no remedy other than immediate compliance with Section 6(f)(3), nor may grant funds be repaid to nullify the conditions of Section 6(f)(3).

5.9 HAZARDOUS SUBSTANCES OR WASTES - NO CONTROL; WARRANTY; INDEMNITY. Nothing in this Easement shall be construed as giving rise to any right or ability in the Grantee to exercise physical or management control over the day-to-day operations of the Property, or any of the Grantor's activities on the Property, or otherwise to become an operator with respect to the Property within the meaning of The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA) or any corresponding Commonwealth of Virginia statute or regulation or Frederick County ordinance. The Grantor warrants that it has no actual knowledge of a release or threatened release of hazardous substances or wastes on the Property, as such substances and wastes are defined by applicable law, and hereby promises to indemnify the Grantee against, and hold the Grantee harmless from, any and all loss, cost, claim, without regard to its merit, liability or expense, including reasonable attorneys' fees, arising from or with respect to any release of hazardous substance or waste or violation of environmental laws.

5.10 TAXATION. The parties hereto agree and understand that any value of this Easement claimed for tax purposes as a charitable gift must be fully and accurately substantiated by an appraisal from a qualified appraiser as defined in Treasury Regulations (see §1.170A-13(c)(5)), and that the appraisal is subject to review, audit and challenge by all appropriate tax authorities. The Land Trust of Virginia, Inc. makes no express or implied warranties regarding availability of tax benefits to the Grantor from donation of this Easement, nor whether any such tax benefits might be transferable, nor whether there will be any market for any tax benefits which might be transferable.

5.11 ACKNOWLEDGEMENT OF DONATION. By its execution hereof, the Grantee acknowledges and confirms receipt of the Easement and further acknowledges that the Grantee has not provided any goods or services to the Grantor in consideration of the grant of the Easement.

5.12 SUCCESSORS IN INTEREST. This Easement, its grant, and its Restrictions and its Terms and Conditions, shall be binding upon, and inure to the benefit of, the Grantee and its successors and assigns in interest to this Easement, and the Grantor and its successors and assigns in interest to the Property and any portion thereof or interest therein (including leasehold interests), and shall continue as a servitude running in perpetuity with the Property.

5.13 INCLUSION OF TERMS IN SUBSEQUENT DEEDS. The Grantor agrees that this Easement will be referenced by deed book and page number, or instrument number, in any subsequent deed or other legal instrument by which the Grantor conveys any interest in the Property. Failure to include such reference shall not affect the validity of the conveyance or enforceability of this Easement.

5.14 MERGER. The Grantor and the Grantee agree that in the event that the Grantee acquires a fee interest in the Property, this Easement shall not merge into the fee interest, but shall survive the deed and continue to encumber the Property.

5.15 ASSIGNMENT BY GRANTEE. Grantee may not transfer or convey this Easement unless Grantee requires as a condition of such transfer that the Conservation Purposes continue to be carried out by such transferee, and that the transferee then qualifies as an organization qualifying, at the time of the subsequent transfer, as an eligible donee under paragraph 1.170A-14 (c)(1) of the Regulations.

5.16 AMENDMENT. Grantee and Grantor may amend this Easement to enhance or increase protection of the Conservation Values, or add additional land to the Property, provided that no amendment shall: (i) affect this Easement's perpetual duration; (ii) permit development, improvements, or uses prohibited by this Easement on the Effective Date; (iii) adversely affect, be inconsistent with, or conflict, diminish, impair or interfere with the Conservation Purposes; (iv) affect the qualification of this Easement as a "qualified conservation contribution" or "interest in land"; (v) affect the status of Grantee as a "qualified organization" or "eligible donee"; or (vi) create an impermissible private benefit or private inurement in violation of federal tax law. No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor and recorded in the Clerk's Office of the Circuit Court of the County where the Property is located. Grantee reserves the sole and absolute discretion to approve or deny requests for amendments.

5.17 VESTING OF CONSERVATION EASEMENT. Should the Grantee cease to exist, or not qualify as a "qualified organization" under § 170(h) of the Code, or any successor provision then applicable, or otherwise cease to be eligible to hold this Easement directly under the laws of the Commonwealth of Virginia, this Easement and all rights of enforcement shall vest in the Virginia Outdoors Foundation, unless the Easement has been assigned prior to cessation to another holder qualified according to the provisions of the laws of the Commonwealth of Virginia. If the qualifying holding entity or the Virginia Outdoors Foundation, or the successors or assigns thereof, should cease to exist, or should not qualify as a "qualified organization" under § 170(h) of the Code or any successor provision then applicable, or should otherwise cease to be eligible to receive this Easement directly under the laws of the Commonwealth of Virginia, a court of competent jurisdiction shall transfer this Easement to another qualified organization having similar purposes that agrees to assume the responsibilities imposed upon the Grantee by this Easement.

5.18 LIMITATION ON EFFECT OF INVALIDITY OR UNENFORCEABILITY. The invalidity or unenforceability of any provision of this Easement shall not affect the validity or enforceability of any other provision of this Easement, or of any ancillary or supplementary agreement relating to this Easement.

5.19 APPLICABLE LAW. This Easement shall be interpreted under the laws of the Commonwealth of Virginia and the United States, except as limited or changed by Subsection 5.5 and the Restrictions, and the Terms and Conditions of this Easement.

5.20 ENTIRE AGREEMENT. This Easement, the exhibit(s) attached hereto, and the Baseline Documentation Report, set forth the entire agreement of the parties with respect to this Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to this

Easement.

5.21 ACCEPTANCE. Acceptance by the Grantee of this conveyance is authorized by § 10.1-1010 VA. CODE and is evidenced by the signature of its authorized representative below.

5.22 COST RECOVERY. The Grantee reserves the right to recover its costs incurred in responding to requests initiated by the Grantor involving matters such as consideration of the granting of Prior Written Approval, interpretation of the Restrictions, or the Terms and Conditions of this Easement, boundary line adjustments, easement amendments, project reviews for ecosystem services, preparation of reports to facilitate sales, and access or utility easements over the Property. In the event that the Grantee is joined in litigation as a proper party, the Grantee may employ an attorney to protect its interests, and a reasonable fee to such attorney and any costs and expenses of such litigation shall be paid by the Grantor, if the then owner of the Property, and if not, the then successor in title.

WITNESS the following signatures and seals.

[Counterpart signature pages follow]

[Counterpart signature page 1 of 2]

GRANTOR

SHENAN[redacted]

By: _____ [SEAL]

Ke[redacted]

COMMONWEALTH OF VIRGINIA
COUNTY OF Shenandoah ; to-wit:

I, Tammy A. Presgraves, a Notary Public for the Commonwealth aforesaid, hereby certify that Kevin M. Walker, Chief Executive Officer of the Shenandoah Valley Battlefields Foundation, Grantor, personally appeared before me this day and acknowledged the foregoing instrument.

WITNESS my hand and official seal this 5th day of May, 2024.

[redacted] EAL]

No[redacted]

My Commission Expires: 12/31/2026

Commission ID#: 7729241

TAMMY PRESGRAVES
NOTARY PUBLIC
REG. # 7729241
MY COMMISSION EXPIRES
12/31/2026
COMMONWEALTH OF VIRGINIA

[Counterpart signature page 2 of 2]

ACCEPTED:

LAND TRUST OF VIRGINIA, INC.

By: _____ [SEAL]
Polly L. Gault, Chairman

COMMONWEALTH OF VIRGINIA
COUNTY OF Loudoun; to-wit:

I, Natalie Burns, a Notary Public for the Commonwealth aforesaid, hereby certify that Polly L. Gault, Chairman of Land Trust of Virginia, Inc., Grantee, personally appeared before me this day and acknowledged the foregoing instrument on behalf of Land Trust of Virginia, Inc.

WITNESS my hand and official seal this 23rd day of April, 2025.

_____ [SEAL]
Notary Public

My Commission Expires: 12/31/27

Commission ID#: 8068178

NATALIE BURNS
NOTARY PUBLIC
REG. #8068178
MY COMMISSION EXPIRES
12/31/2027
COMMONWEALTH OF VIRGINIA

REAL ESTATE DESCRIPTION

All those two (2) certain lots or parcels of land, together with all improvements, rights, privileges, appurtenances, easements and rights of way thereunto belonging or in anywise appertaining, located on the southeastern side of U.S. Route 11, in Stonewall Magisterial District, Frederick County, Virginia, and being more particularly described as follows:

PARCEL ONE: All that certain lot or parcel of land containing 95.723 acres, more or less, being more particularly described on a plat of survey entitled "**Final Plat of A Boundary Survey of Tax Parcel 44-(A)-40**", made by Gary R. Oates, L.S., dated December 19, 2024, which plat is recorded in the Clerk's Office of the Circuit Court of Frederick County, Virginia (the "Clerk's Office"), as Instrument No. 150000962.

LESS AND EXCEPT 3.00 acres, more or less, conveyed to Hiatt Run Condos, LLC, by deed recorded in the Clerk's Office as Instrument No. 150008123.

PARCEL TWO: All that certain lot or parcel of land containing 60.883 acres, more or less, being more particularly described on a plat of survey entitled "**Final Plat of A Boundary Survey of Tax Parcel 44-(A)-25B**", made by Gary R. Oates, L.S., dated December 19, 2014, which plat is recorded in the Clerk's Office as Instrument No. 150000961.

LESS AND EXCEPT 11.982 acres, more or less, being more particularly described as "**HATCHED AREA DENOTES 11.982 ACRES TO BE DEDICATED TO THE COUNTY OF FREDERICK FOR ROUTE 37**", on Figure 1 on a plat entitled "**SKETCH SHOWING REMAINDER PARCEL, INGRESS-EGRESS EASEMENT AND RIGHT OF WAY DEDICATION FOR ROUTE 37**", made by GreyWolfe, Inc., dated August 3, 2015, which plat is attached to and recorded with An Ordinance Amending The Zoning District Map, recorded in the Clerk's Office as Instrument No. 150011403.

The property herein is a portion of the same real estate acquired by Shenandoah Valley Battlefields Foundation, a Virginia nonstock corporation, by Partial Deed of Bargain and Sale and Partial Deed of Gift dated April 9, 2021, from Judith McCann Slaughter, Trustee and Ellen L. Marshall, Trustee of the McCann Family Land Trust pursuant to a Memorandum of Trust Agreement dated July 1, 2001, recorded in the Clerk's Office as Instrument No. 010012942, which deed is recorded in the Clerk's Office as Instrument No. 210006152.

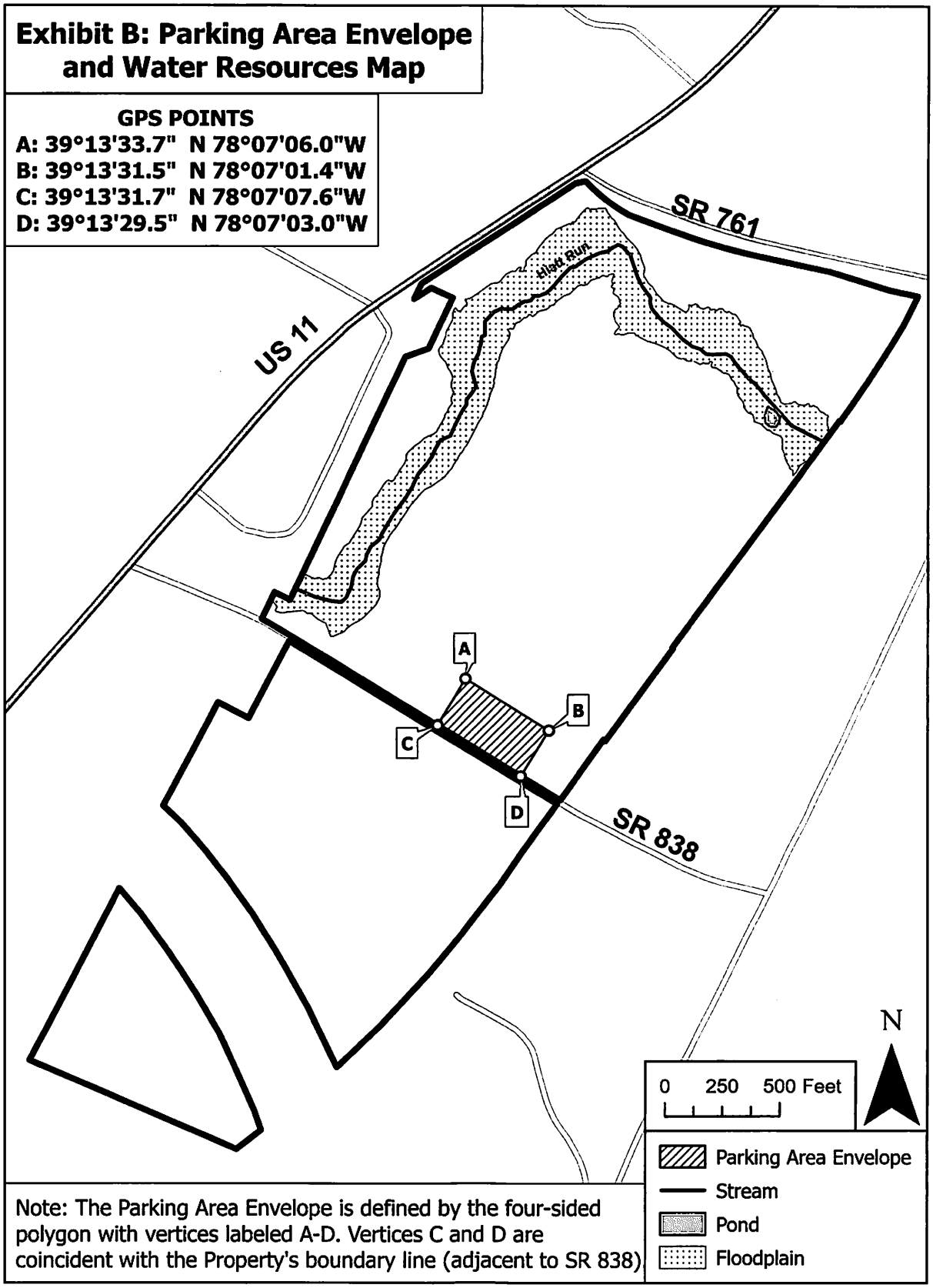


Exhibit B: Parking Area Envelope and Water Resources Map
GPS POINTS
A: 39°13'33.7" N 78°07'06.0"W
B: 39°13'31.5" N 78°07'01.4"W
C: 39°13'31.7" N 78°07'07.6"W
D: 39°13'29.5" N 78°07'03.0"W
SR 761
US 11
Hazel Run
A
B
C
D
SR 838
N
0 250 500 Feet
Parking Area Envelope
Stream
Pond
Floodplain
Note: The Parking Area Envelope is defined by the four-sided polygon with vertices labeled A-D. Vertices C and D are coincident with the Property's boundary line (adjacent to SR 838).

ORDINANCE

Action:

PLANNING COMMISSION:	November 4, 2026	Recommended Approval
BOARD OF SUPERVISORS:	November 12, 2026	Pending

AMENDING THE ZONING DISTRICT MAP
REZONING #10-26 FOR CARTER FARM
(SHENANDOAH VALLEY BATTLEFIELD ASSOCIATION)

WHEREAS, REZONING #10-26 of Carter Farm (Shenandoah Valley Battlefield Association) submitted to rezone 156+/- acres from Zoning: TM (Technology Manufacturing), M1 (Light Industrial), B2 (General Business) and RA (Rural Areas) Districts with proffers to the RA (Rural Areas) Zoning District with no proposed revisions of the recorded proffers (Instrument# 150011403). The applicant seeks to preserve the land due to its historical significance. The property is located at the intersection of McCanns Road and Route 11 and is identified by Property Identification Numbers 44-A-40 and 44-A-25B in the Stonewall Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this rezoning on November 4, 2026, and recommended approval; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on November 12, 2026; and

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

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, the Zoning District Map is amended in accordance with Rezoning #10-26 of Carter Farm (Shenandoah Battlefield Association) submitted to rezone 156+/- acres from Zoning: TM (Technology Manufacturing), M1 (Light Industrial), B2 (General Business) and RA (Rural Areas) Districts to the RA (Rural Areas) Zoning District with the proffers recorded under Instrument #150011403 to remain unaffected and in full force. The conditions voluntarily proffered in writing by the Applicant and the Property Owner are attached.

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

Passed this 12th day of November 2026 by the following recorded vote:

John F. Jewell, Chairman

Albert L. Orndorff

Michael D. Guevremont

Gary R. Oates

Jason C. Aikens

Robert W. Wells

Robert T. Liero

A COPY ATTEST

_____
Michael Bollhoefer
Frederick County Administrator

Board of Supervisors
Agenda Item Detail
Meeting Date: November 12, 2026
Agenda Section: Planning Commission Business - Public Hearings

Title:

Comprehensive Policy Plan Amendment (CPPA) #01-26 for AMK Properties – Land Use Designation Change, for Parcels: 64F-1-6, 64-A-37A, 64-5-1, 64-5-D3, and 64-5-5A. This is a Request to Change the Future Land Use Classification on +/-99.25 Acres from Industrial and Residential to Rural Area. The Properties are Located Generally South of Aviation Drive (Route 990) and Airport Road (Route 645) at 846 Airport Road, Winchester in the Shawnee Magisterial District.

Attachments:
BOS11-12-26__CPPA01-26__AMKProperties_Redacted.pdf

COUNTY of FREDERICK

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

MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Planning and Development Staff

RE: **Comprehensive Policy Plan Amendment (CPPA) #01-26 – AMK Properties**

DATE: October 22, 2026

Background:
This memo summarizes Comprehensive Policy Plan Amendment (CPPA) #01-26 for the AMK Properties.

Project Name (Magisterial District)	Application Request	Staff Notes
AMK Properties (Shawnee)	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-99.25-acres of property from "industrial" and "residential, 4 units per acre" to "Sensitive Natural Areas". The properties are within the limits of the Sewer and Water Service Area (SWSA) and Airport Support Area, but are outside the limits of the Urban Development Area (UDA) and included in the *Senseny/Eastern Frederick Urban Area Plan (SEFUAP, 2021)*. The properties are presently zoned RA (Rural Areas) and M1 (Light Industrial), and the current use is agricultural and vacant and are located on the south side of Airport Road between Tailspin Circle and at 846 Airport Road.	While shown on the County's long-range land use map, "sensitive natural areas" is not a land use category, rather other symbology similar to "environmentally sensitive areas" (i.e. riparian areas). As described in Chapter 7 – Natural Resources: "sensitive natural areas encompass various resources in the County, such as floodplains, steep slopes, karst terrain, and agricultural areas." Areas of the subject properties are within designated floodplain and steep slopes and are already recognized on the Plan's "Sensitive Natural Areas" map contained in the Chapter 7 of the Comprehensive Plan (and County GIS records). After further consultation with the applicant, the long-range land use designation is now proposed as "rural area." This would allow for the owner to continue to pursue a conservation easement on the

		property. The underlying zoning would remain unchanged and some of the subject properties would remain zoned as M1 – Light Industrial District. The proposed change in the long-range land use **may not fully align** with other Comprehensive Plan policies for office and industrial opportunities and economic growth to maximize proximity to Winchester Regional Airport (Chapters 4 & 5).

Evaluation Criteria:

The CPPA process allows owners and developers to modify adopted Comprehensive Plan (2021*) policies, text (area plans), and maps. **CPPAs are not rezonings, they are a land use planning exercise and otherwise conceptual**. That being said, the Comprehensive Planned land use and text is consulted in the consideration of a wide variety of land use actions (rezoning, conditional use permits, conservation easements, etc.). When reviewing CPPA requests, the County should determine whether the applicants have demonstrated that a change in the land use designation, density, or intensity would be appropriate using the following criteria:

- Would the proposal benefit the public health, safety, and welfare?
- Is the proposal consistent with the "Goals, Objectives, and Policies" of the Comprehensive Plan?
- Will the proposal not be detrimental to the use of properties in the immediate vicinity of the subject property?
- Does the proposal have merit and value for the community as a whole?
- Will the proposal result in benefits (fiscal, aesthetic, employment, etc.) that will outweigh any significant impact of the change?

**The Comprehensive Plan is currently being updated, with an anticipated completion of Fall 2027.*

Summary and Requested Action:

The Board of Supervisors and Planning Commission held a joint work session on June 17, 2026, and selected this CPPA for additional study. Comments on the proposal were subsequently provided by select outside agencies, including Winchester Regional Airport, and have been included for consideration.

The Comprehensive Plans and Programs Committee (CPPC) discussed the proposed CPPA at their September 14, 2026, regular meeting. Committee members expressed concern for removing planned

industrial land from the vicinity of the Airport. The committee did not offer consensus on providing a recommendation to the Planning Commission.

The Planning Commission held a public hearing on October 21, 2026. The applicant spoke in support of their proposal, noting a desire to permanently conserve the property as a buffer between the airport and existing industrial development and residences and community facilities to the south and to preserve the environment, mature woodlands and wildlife on his +/- 99-acres. The primary discussion among the Commission was loss of planned industrial property in an area of the County that has historically been planned for future industrial use in support of Winchester Regional Airport operations. Eight (8) members of the public spoke; two (2) in opposition to the proposed amendment and six (6) in support of the amendment. Speakers in support of the amendment cited opportunity to preserve land as a community priority.

The Planning Commission voted 9-1 to send the application forward with a recommendation of **denial** (Commissioner Whitacre – no; Commissioners Kerns, Kozel and Lamana – absent).

Following a public hearing, staff are seeking a decision from the Board of Supervisors on this proposed CPPA.

Questions regarding the CPPA may be directed to the Planning and Development staff.

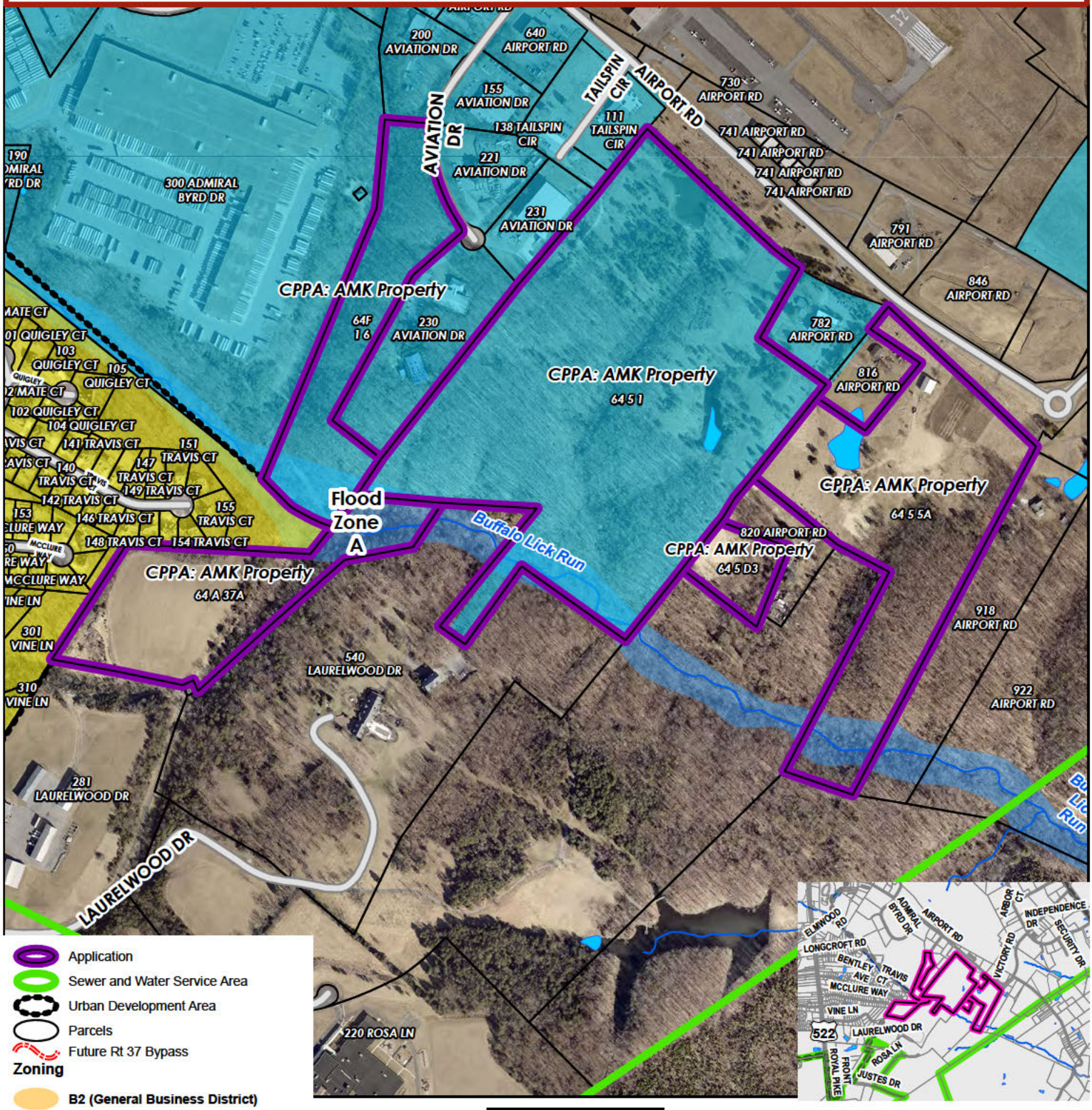
Attachments:
1. Locator & Land Use Maps
2. Agency Comments
3. Application
4. Resolution

CPPA: AMK Property

PINs: 64 - A - 37A, 64 - 5 - 1, 64 - 5 - 5A, 64 - 5 - D3, 64F - 1 - 6

Draft Land Use Amendment

Zoning Map



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

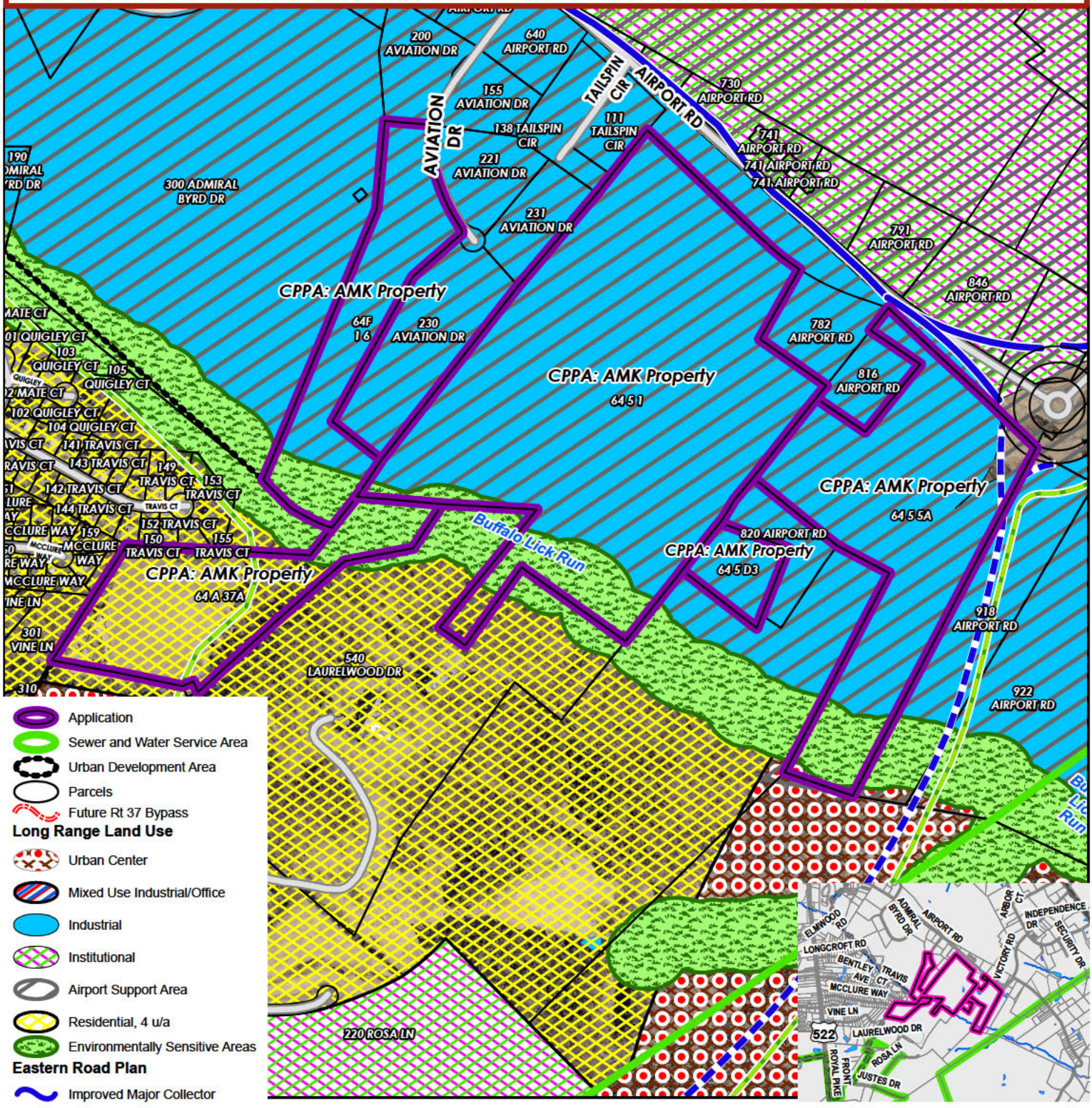
Map Created: June 9, 2026

CPPA: AMK Property

PINs: 64 - A - 37A, 64 - 5 - 1, 64 - 5 - 5A, 64 - 5 - D3, 64F - 1 - 6

Draft Land Use Amendment

Existing Long Range Land Use Map



- Application
- Sewer and Water Service Area
- Urban Development Area
- Parcels
- Future Rt 37 Bypass

Long Range Land Use

- Urban Center
- Mixed Use Industrial/Office
- Industrial
- Institutional
- Airport Support Area
- Residential, 4 u/a
- Environmentally Sensitive Areas

Eastern Road Plan

- Improved Major Collector
- Major Collector
- Roundabout
- Trails



0 370 740 1,480 Feet

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

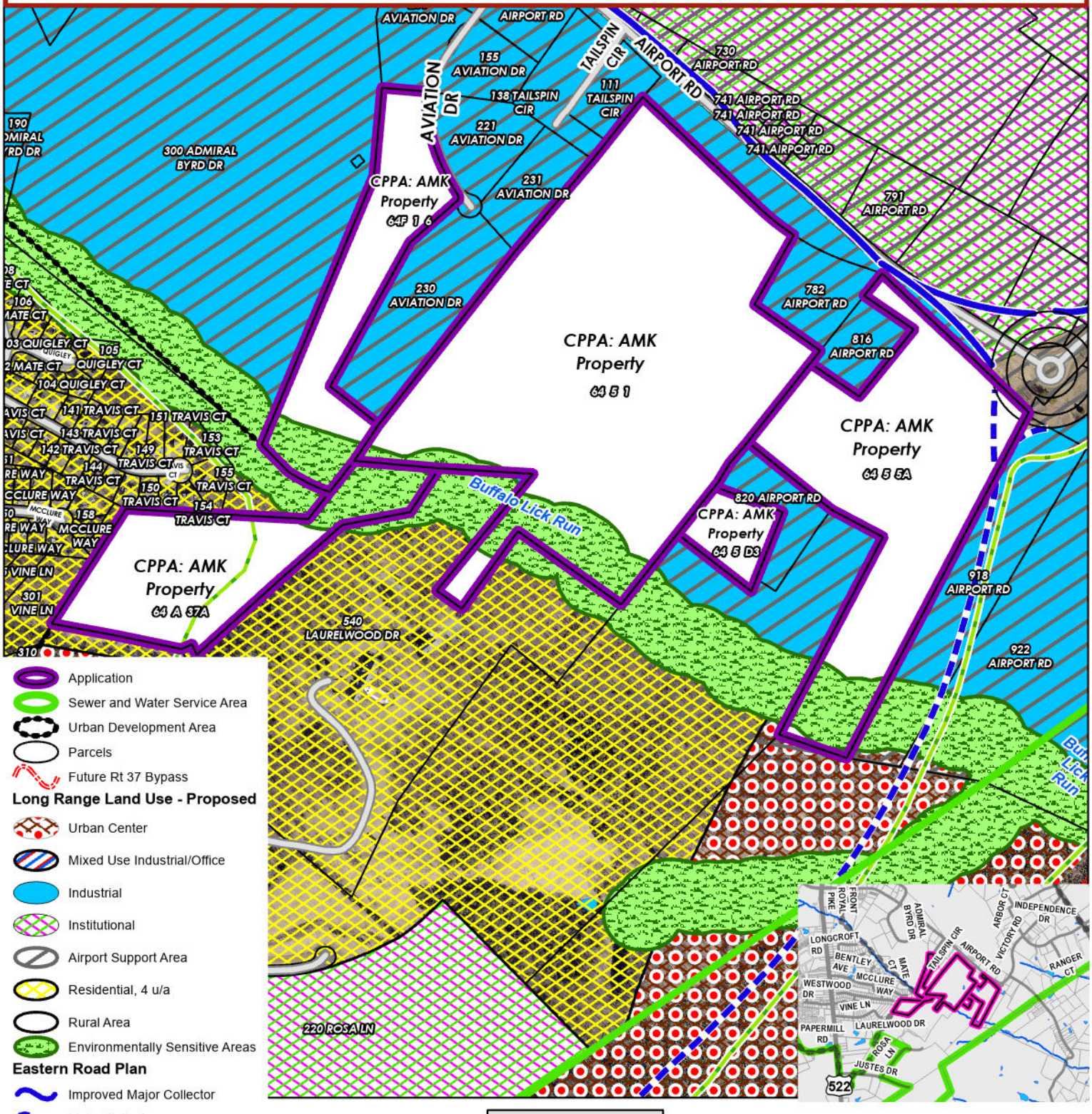
Map Created: June 9, 2026

CPPA: AMK Property

PINs: 64 - A - 37A, 64 - 5 - 1, 64 - 5 - 5A, 64 - 5 - D3, 64F - 1 - 6

Draft Land Use Amendment

Proposed Long Range Land Use Map



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

Map Created: September 3, 2026

COUNTY of FREDERICK

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

August 28, 2026

Jack Owens
Shenandoah Valley Battlefields Foundation
PO Box 897
New Market, VA, 22844

RE: Request for Historic Resources Advisory Board (HRAB) Comments
AMK Properties CPPA Application
Zoning: RA (Rural Area) District
Property Identification Number (PIN): 64-5-1, 64-A-37A, 64-5-5A, 64-5-D3, 64-F-16
Magisterial District: Shawnee

Dear Mr. Owens:

The Frederick County Historic Resources Advisory Board (HRAB) considered the above referenced CPPA application during their meeting on August 21, 2026. This application seeks to move +/-99.25 acres from the Industrial, Residential (4 dwelling units per acre) and Airport Support Area Long Range Land Use designations to Sensitive Natural Area (SNA) Long Range Land Use designation. The properties are located on the south side of Airport Rd. in the Shawnee Magisterial District.

Following their review of this application, the HRAB passed a motion of support for the application.

Thank you for the opportunity to provide a summary of the August 24th HRAB meeting. Please contact our office if you have any questions or concerns.

Sincerely,

Eric Bittner

[redacted]

Planner II

cc: Lucas Cooke, HRAB Chairman
Tyler Klein, Senior Planner

WINCHESTER REGIONAL AIRPORT
491 AIRPORT ROAD
WINCHESTER, VIRGINIA 22602
(540) 662-5786

VIA EMAIL ONLY

August 11, 2026

Frederick County Board of Supervisors (BOS)
107 North Kent Street
Winchester, VA 22601

Frederick County Planning Commission
107 North Kent Street
Winchester, VA 22601

Re: **2026 Comprehensive Policy Plan Amendment (CPPA) – AMK Properties**

Dear Frederick County BOS and Planning Commission Members,

On behalf of the Winchester Regional Airport Authority (WRAA), please accept the following comments regarding the proposed Comprehensive Policy Plan Amendment for AMK Properties.

Our primary focus in reviewing the proposed amendment is to determine whether converting approximately 99.25 acres from Industrial and Residential to Sensitive Natural Areas could adversely affect airport operations. When evaluating land use compatibility near airports, key aspects to consider include the effects of aircraft noise, airspace conflicts from tall structures, electronic interference with navigation aids, increases to wildlife hazards, and impacts on future development plans.

It is important to note that the Winchester Regional Airport is subject to federal grant assurances which bind the WRAA to certain conditions in exchange for financial assistance. These assurances include #21 Compatible Land Use, which states, in part: *It [airport sponsor] will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.* The land also falls within Frederick County's Airport Support Area Overlay District, which is designed "to ensure the complete safety of the Winchester Regional Airport".

A rural zoning district is generally compatible with airport operations since it limits development and is unlikely to generate new hazards. However, we have reservations that the Sensitive Natural Area designation is not consistently applied and leaves open the possibility for land uses not defined or contemplated that could be affected by the proximity to aircraft operations. Furthermore, the Planning Commission and Board of Supervisors should weigh the economic development prospects of this parcel that could have related operational needs at the airport (e.g., flight department or cargo).

One method to alleviate concerns about future impacts is through an avigation easement. An avigation easement is a legal instrument that protects the right of overflight in the airspace above the property by aircraft using the Winchester Regional Airport, regardless of future zoning modifications. It also restricts activities on the property that are expressly incompatible with airport

operations (e.g., emissions of smoke, radio interference, excessive visual glare). **Therefore, we request the Planning Commission and Board of Supervisors require the property owner to enter an avigation easement with WRAA as a condition of rezoning.** Without knowing the extent of planned activities on the property, this is the surest way to protect the investment and capability of the airport, should this initiative proceed.

If you have any questions about this letter, please contact my office at 540-662-5786.

Sincerely,

[redacted]

Nick Sabo, AAE
Executive Director

Ec: WRAA Board of Directors
Mike Bryan, Counsel

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

Comprehensive Plan

Status: Approved

Business Name
AMK Properties
846 Airport Road
Winchester, Virginia 22602

Printed Date: 08/14/2026

General Information

Received Date:	07/13/2026	Occupancy Type:	
Review Begin Date:	08/14/2026	Property Use:	
Review End Date:	08/14/2026	Activity Number:	I076107
Hours:	1.0000	Review Cause:	Application

Comments:

All future development shall comply with the Frederick County Fire Prevention Code and any other applicable codes.

[redacted]

Adam Hounshell
Lieutenant/Assistant Fire Marshal

315 Tasker Road
Stephens City, Virginia 22655

PH (540) 868-1061
Fax (540) 868-1429
www.FrederickWater.com

Eric R. Lawrence
Executive Director

MEMORANDUM

TO: John Bishop, Director, Frederick County Planning Department

Tyler Klein, Senior Planner, Frederick County Planning Department

FROM: Eric R. Lawrence, Executive Director

SUBJECT: 2026 Comprehensive Policy Plan Amendment (CPPA) Review

DATE: August 11, 2026

Thank you for the opportunity to provide comments on the Comprehensive Policy Plan Amendment applications received for the 2026 application period.

Frederick Water's preliminary comments

:

- ***AMK Properties***

This is a request to amend the Comprehensive Plan and designate the future planned land use of +/- 99-acres of property from "industrial" and "residential, 4 units per acre" to "Sensitive Natural Areas."

The request would reduce demand for Frederick Water's water and sewer services.

- ***BHS LC Property***

This a request to amend the Comprehensive Plan and designate the future planned land use of +/-37.35-acres of property from "business" to "recreation".

The request would reduce demand for Frederick Water's water and sewer services.

- ***Carmeuse Lime & Stone***

This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-47.58-acres of property from "industrial" and "heavy industrial" to "extractive mining".

The request does not propose to utilize public water and sewer services.

- ***KSS LC Property***

This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-30.10-acres of property from "business" to "recreation".

The request would reduce demand for Frederick Water's water and sewer services.

Outlook

'[External]'Fw: Request for Agency Comments - 2026 Comprehensive Policy Plan Amendments (CPPAs)

From Spielman, Ryan (VDOT) <Joseph.Spielman@vdot.virginia.gov>
Date Tue 7/28/2026 11:16 AM
To Tyler Klein <tklein@fcva.us>
Cc John Bishop <jbishop@fcva.us>; Carter, Edwin (VDOT) <Edwin.Carter@vdot.virginia.gov>; Johnson, Joseph (VDOT) <josephw.johnson@vdot.virginia.gov>

Tyler,

See Brad's comments below.

Thanks
Ryan

VDOT |

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

From: Reed, Brad (VDOT) <Brad.Reed@vdot.virginia.gov>
Sent: Tuesday, July 21, 2026 11:07 AM
To: Johnson, Joseph (VDOT) <JosephW.Johnson@vdot.virginia.gov>
Cc: Lineberry, Jeff, PE (VDOT) Jeff.Lineberry@VDOT.Virginia.gov ; Spielman, Ryan (VDOT) Joseph.Spielman@vdot.virginia.gov
Subject: Re: Request for Agency Comments - 2026 Comprehensive Policy Plan Amendments (CPPAs)

Joe,

Here are my comments on these amendments. Glad to discuss if that would be helpful.

Project Name	Description	VDOT District Planning Comments
AMK Properties	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/ 99.25 acres of property from "industrial" and "residential, 4 units per acre" to "Sensitive Natural Areas". The properties are presently zoned RA (Rural Areas) and M1 (Light Industrial), and the current use is agricultural and vacant. The properties are located on the south side of Airport Road between Tailspin Circle and at 846 Airport Road.	No comments.
BHS LC Property	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-37.35-acres of property from "business" to "recreation". The property is presently zoned RA (Rural Areas), and the current use is agricultural. The property is located on the west side of Echo Lane.	Shenandoah Valley Battlefields Foundation is listed the purchaser/lessee. Is there an intention to designate this area for preservation as a battlefield site? If so, the County might consider dedication for future connective roadways in the Comprehensive Plan.
Carmeuse Lime & Stone	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-47.58-acres of property from "industrial" and "heavy industrial" to "extractive mining". The properties are presently zoned RA (Rural Areas), and the current uses are residential and vacant. The properties are located at 271 Branson Spring Rd, Clear Brook, west of 271 Branson Spring Dr and north of Branson Spring Rd., 2619 Woodside Rd, Clear Brook, and east of 2619 Woodside Rd and south of Branson Spring Rd.	No concerns with respect to trip generation or traffic impacts to adjacent roadways in the context of the larger Carmeuse expansion area and roadway modification plan. The parcels associated with the proposed rezoning are adjacent to the 2023 Carmeuse rezoning for Extractive Mining designation. Recommend referencing the 2022 Carmeuse Traffic Diversion Study used to support the 2023 Carmeuse rezoning to call out the road network modifications associated with the mining area expansion (cul-de-sacs on Branson Spring Rd and Woodside Rd). That

		study also included a custom trip generation for Carmeuse based on actual site trips. Note that the rezoning application discusses use of ITE Trip Generation Manual, 6th Edition, which is outdated. The versions of this manual in use by VDOT are 12th edition and 11th edition. Heavy industrial is not a land use in these newer editions.
KSS LC property	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-30.10-acres of property from "business" to "recreation". The property is presently zoned RA (Rural Areas), and the current use is agricultural. The property is located past Procession Way, north of Retail Boulevard, and between Wal-Mart (501 Walmart Dr) and the Village at Orchard Ridge (100 Procession Way).	Shenandoah Valley Battlefields Foundation is listed the purchaser/lessee. Is there an intention to designate this area for preservation as a battlefield site? If so, the County might consider dedication for future connective roadways in the Comprehensive Plan.

Thanks,
Brad

Brad Reed, AICP
District Planner / Staunton
Virginia Department of Transportation
Office: 540-332-2266
brad reed@VDOT Virginia gov

Book time to meet with me

From: Johnson, Joseph (VDOT) <JosephW.Johnson@vdot.virginia.gov>
Sent: Tuesday, July 21, 2026 9:43 AM
To: Reed, Brad (VDOT) Brad.Reed@vdot.virginia.gov
Cc: Lineberry, Jeff, PE (VDOT) <Jeff.Lineberry@VDOT.Virginia.gov>; Spielman, Ryan (VDOT) <Joseph.Spielman@vdot.virginia.gov>
Subject: Fw: Request for Agency Comments - 2026 Comprehensive Policy Plan Amendments (CPPAs)

Brad,

See Frederick County request for comments on their CPPA below.

Joseph W. Johnson, PE
Area Land Use Engineer / Edinburg Residency
Virginia Department of Transportation
14031 Old Valley Pike / Edinburg, VA 22824
Phone #540.534.3223
josephw johnson@vdot virginia gov

From: Tyler Klein <tklein@fcva.us>
Sent: Monday, July 13, 2026 2:23 PM
Cc: Eric Bittner eric.bittner@fcva.us ; I81 Public131 jbishop@fcva.us
Subject: Request for Agency Comments - 2026 Comprehensive Policy Plan Amendments (CPPAs)

Planning and Development Staff are seeking review agency comment on the 2026 Comprehensive Policy Plan Amendments (CPPAs). **Comments should be provided via a memo from your department/agency on or before Wednesday August 12, 2026.** Below is a summary of each application for consideration in 2026 along with the purpose of this exercise and evaluation criteria in providing comments. The full submission (application, locator maps, supporting documents) are attached for convenience.

Questions about the applications, process, or review agency comment expectations should be directed to staff.

Project Name	Description	Magisterial District
AMK Properties	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-99.25-acres of property from "industrial" and "residential, 4 units per acre" to "Sensitive Natural Areas".	Shawnee

	The properties are presently zoned RA (Rural Areas) and M1 (Light Industrial), and the current use is agricultural and vacant. The properties are located on the south side of Airport Road between Tailspin Circle and at 846 Airport Road.	
BHS LC Property	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-37.35-acres of property from "business" to "recreation". The property is presently zoned RA (Rural Areas), and the current use is agricultural. The property is located on the west side of Echo Lane.	Gainesboro
Carmeuse Lime & Stone	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-47.58-acres of property from "industrial" and "heavy industrial" to "extractive mining". The properties are presently zoned RA (Rural Areas), and the current uses are residential and vacant. The properties are located at 271 Branson Spring Rd, Clear Brook, west of 271 Branson Spring Dr and north of Branson Spring Rd., 2619 Woodside Rd, Clear Brook, and east of 2619 Woodside Rd and south of Branson Spring Rd.	Stonewall
KSS LC property	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-30.10-acres of property from "business" to "recreation". The property is presently zoned RA (Rural Areas), and the current use is agricultural. The property is located past Procession Way, north of Retail Boulevard, and between Wal-Mart (501 Walmart Dr) and the Village at Orchard Ridge (100 Procession Way).	Gainesboro

Process & Evaluation Criteria

The CPPA process allows owners and developers to modify adopted Comprehensive Plan (2021) policies, text (area plans), and maps. CPPAs are not rezonings, they are a land use planning exercise and otherwise conceptual. That being said, the Comprehensive Planned land use and text is consulted in the consideration of a wide variety of land use actions (rezoning, conditional use permits, conservation easements, etc.). When reviewing CPPA requests, the County should determine whether the applicants have demonstrated that a change in the land use designation, density, or intensity would be appropriate using the following criteria:

- *Would the proposal benefit the public health, safety, and welfare?*
- *Is the proposal consistent with the "Goals, Objectives, and Policies" of the Comprehensive Plan?*
- *Will the proposal not be detrimental to the use of properties in the immediate vicinity of the subject property?*
- *Does the proposal have merit and value for the community as a whole?*
- *Will the proposal result in benefits (fiscal, aesthetic, employment, etc.) that will outweigh any significant impact of the change?*

M. Tyler Klein, AICP
Senior Planner
Department of Planning & Development
Frederick County, Virginia
107 N. Kent Street
Winchester, VA 22601
(540)722-8248
tklein@fcva.us

Disclaimer: This correspondence is provided for informational purposes only and does not constitute a formal zoning determination or official action of Frederick County. All zoning determinations must be issued in writing by the Zoning Administrator. The Frederick County Planning and Development Department does not issue invoices directly to applicants for fees and will never request or accept payment by wire transfer.

Comprehensive Plan Amendment Initiation Request Form

Project Name: AMK

The undersigned, being all of the owner(s), contract purchasers, or the respective duly authorized agent thereof, do hereby petition to change the Comprehensive Plan as shown on the accompanying plans, maps, and graphics which are made part of this application, as follows:

PIN	From:	To:	Acres
64F 1 6	Industrial	Sensitive Natural Areas	10.82
64 A 37A	Residential, 4 u/a	Sensitive Natural Areas	12.59
64 5 1	Industrial	Sensitive Natural Areas	50.00
64 5 D3; 64 5 5A	Industrial	Sensitive Natural Areas	2.58; 23.26
		Total Acreage:	99.25

Location - the property is located at (give street address(es) if assigned or otherwise exact location based on nearest road and distance from nearest intersection, using road names and route numbers):
846 Airport Road, Winchester, VA 22602

Provide the following information for all applicable parties, provide additional pages if necessary:

Owner of Property
Name: Andrew M Kotlowski Trustee (Max)
Mailing Address: 800 Airport Rd
City/State/Zip: Winchester, VA 22602
Phone: [redacted]
Email: [redacted]

Authorized Agent(s)
Name:
Mailing Address:
City/State/Zip:
Phone:
Email:

Contract Purchaser/Lessee
Name: Shenandoah Valley Battlefields Foundation
Mailing Address: PO Box 897
City/State/Zip: New Market, VA 22844
Phone: [redacted]
Email: [redacted]

Engineer
Name:
Mailing Address:
City/State/Zip:
Phone:
Email:

***Check the box next to the contact to which correspondence should be sent.**

Signatures:

I (we), the undersigned, have read the application, understand its intent, and do hereby respectfully make application to and petition the Frederick County Board of Supervisors to amend the Comprehensive Plan. Furthermore, I have the power to authorize and hereby grant permission to Frederick County officials and other authorized government agents on official business to enter the property as necessary to process this application.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Signed this 20th day of May 2026, _____

[redacted]

Signed this _____ day of _____, _____

_____

Signature of Owner/Applicant

Signed this _____ day of _____, _____

_____

Signature of Owner/Applicant

If anyone other than the owner is signing, a Power of Attorney must be attached.

(TO BE COMPLETED BY APPLICANT)

SUBJECT PROPERTY OWNERS AFFIDAVIT

County of Frederick, Virginia
Frederick Planning Web Site: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651

STATE OF VIRGINIA
COUNTY OF FREDERICK

This 20TH (Day) day of MAY (Month), 2026 (Year),

I, ANDREW KOTLOWSKI
(Owner/Contract Purchaser/Authorized Agent)

hereby make oath that the list of property owners of the subject site, as submitted with the application, is a true and accurate list based on the information provided by the Frederick County Commissioner of the Revenue Office as taken from the current real estate assessment records.

[redacted]
(Owner/Contract Purchaser/Authorized Agent)
(circle one)

COMMONWEALTH OF VIRGINIA:

County of FREDERICK

Subscribed and sworn to before me this 20TH day of MAY, 2026 in my County and State aforesaid, by the forena[redacted]

[redacted]
NOTARY PUBLIC

My Commission expires: May 31, 2028

GENOA ANN ALLEN
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MAY 31, 2028
COMMISSION # 8115647

FACT SHEET

Comprehensive Plan Amendment Application

Applicant: AMK Properties | **Location:** State Route 645 (Airport Road), Shawnee District, Frederick County

Core Project Metrics

Proposed Change	**+/- 99.3 Acres** shifts to **Rural Area** to facilitate a permanent conservation easement.
Airport Support	A conservation easement eliminates encroachment and ground-level hazards.
School Campus	**~1,500 Feet** from the rear boundary line to the county's largest **K-12 campus**.
Watershed Stewardship	Three ponds actively mitigate stormwater and filter runoff from 0.5-mile road frontage.
Comprehensive Plan Alignment	2026 Community Survey **ranked land preservation as citizens' #1 priority**.
Easement Holder	**Shenandoah Valley Battlefields Foundation** (Permanent third-party stewardship).
Controlled Educational Access	Potential coordinated public access for educational and historic programs.
Scenic Viewshed	Preserves 0.5-mile open gateway along Airport Road linking Routes 50 and 522.

Figure 1: Regional Context Map

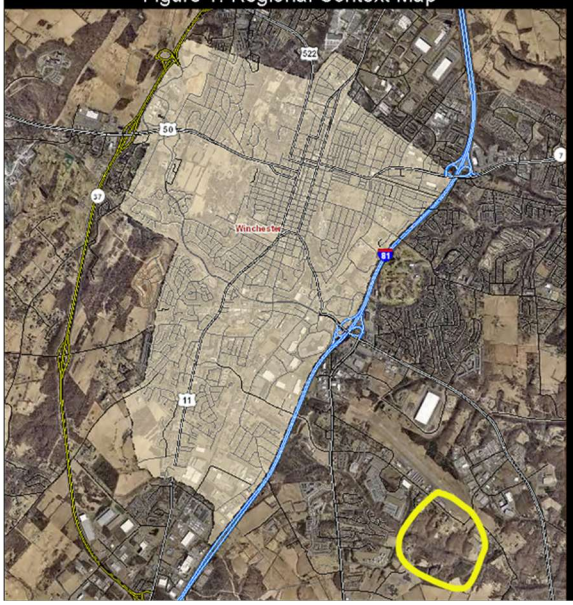
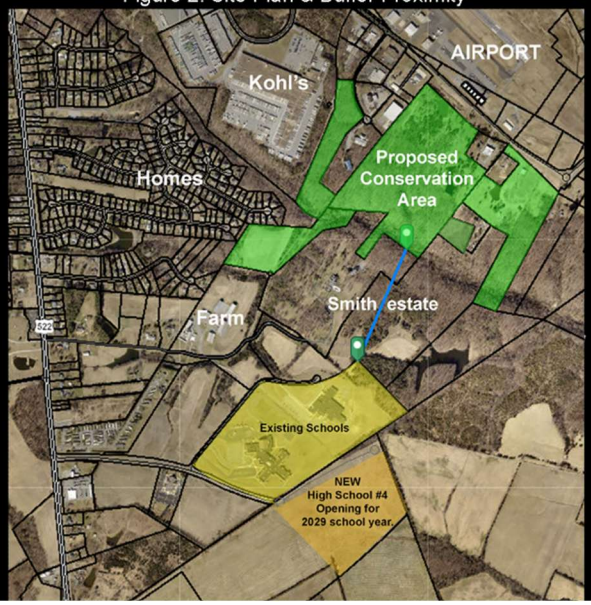
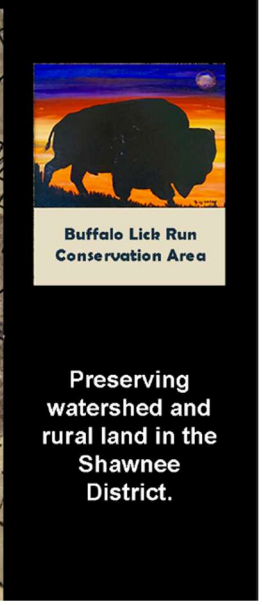


Figure 2: Site Plan & Buffer Proximity





Key Takeaways for Decision Makers

1. **A Pragmatic Planning Solution:** This amendment creates a logical boundary layer separating airport and industrial growth from schools and residential areas, eliminating vertical height conflicts and ground-level hazards in the Airport Support Area, while preserving the Buffalo Lick Run watershed and a scenic gateway for OKV.

2. **Voluntary, Market-Driven Stewardship:** Facilitates the first private conservation easement in the history of the Shawnee District, setting a positive precedent for voluntary property rights and preservation at zero public acquisition cost.

3. **Zero Fiscal or Infrastructure Impact:** Delivers permanent environmental and corridor protection without county utility extensions, road expansions, or a single dollar added to the county operating or capital budget.

RESOLUTION

Action:

PLANNING COMMISSION:	October 21, 2026	Recommended Denial
BOARD OF SUPERVISORS:	November 12, 2026	Pending

RESOLUTION TO APPROVE AMENDING THE COMPREHENSIVE PLAN (CPPA #01-26 FOR AMK PROPERTIES (ANDREW M. KOTLOWSKI TRUSTEE))

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

WHEREAS, this amendment would include the parcels identified with PINs #64F-1-6, 64-A-37A, 64-5-1, 64-5-D3, and 64-5-5A, totaling +/-99.2- acres, to modify the future land designation on the property to be "rural area"; and

WHEREAS, the Board of Supervisors and Planning Commission held a joint work session on June 17, 2026, and selected this CPPA for additional study; and

WHEREAS, the Board of Supervisors on August 12, 2026, by resolution directed staff and the CPPC to study this request further and hold the necessary public hearings; and

WHEREAS, the Comprehensive Plans and Programs Committee (CPPC) discussed the AMK Properties CPPA request at its September 14, 2026, meeting and offered no consensus on a recommendation to the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing for this request at its October 21, 2026, meeting and recommended denial of the AMK Properties CPPA; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing for this request at their regular meeting on November 12, 2026; and

WHEREAS, the Frederick County Board of Supervisors finds that the AMK Properties CPPA #01-26 request would include the parcels identified with PINs #64F-1-6, 64-A-37A, 64-5-1, 64-5-D3, and 64-5-5A, totaling +/-99.2- acres, to modify the future land designation on the property to be "rural area," to be in the best interest of the public health, safety, welfare and future of Frederick County, and in good planning practice;

NOW, THEREFORE BE IT RESOLVED by the Frederick County Board of Supervisors that the Comprehensive Plan is amended accordingly.

Passed this 12th day of November 2026, by the following recorded vote:

John F. Jewell, Chairman

Albert L. Orndorff

Michael D. Guevremont

Robert T. Liero

Jason C. Aikens

Robert W. Wells

Gary R. Oates

A COPY ATTEST

_____

Michael L. Bollhoefer
Frederick County Administrator

Board of Supervisors
Agenda Item Detail
Meeting Date: November 12, 2026
Agenda Section: Planning Commission Business - Public Hearings

Title:

Comprehensive Policy Plan Amendment (CPPA) #02-26 for BHS LC – Land Use Designation Change, for Parcel: 53-A-A3. This is a Request to Change the Future Land Use Classification on +/-37.35 Acres from Business to Recreation. The Properties are Located Generally West of Echo Lane in the Gainesboro Magisterial District.

Attachments:
BOS11-12-26_CPPA02-26_BHS_LC_Redacted.pdf

COUNTY of FREDERICK

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

MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Planning and Development Staff

RE: **Comprehensive Policy Plan Amendment (CPPA) #02-26 – BHS LC**

DATE: October 22, 2026

Background:
This memo summarizes Comprehensive Policy Plan Amendment (CPPA) #02-26 for the BHS LC.

Project Name (Magisterial District)	Application Request	Staff Notes
BHS LC (Gainesboro)	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-37.35-acres of property from "business" to "recreation". The subject property is within the limits of the Sewer and Water Service Area (SWSA) and the limits of the Urban Development Area (UDA) and included in the *Western Frederick Land Use Plan (WFLUP, 2025).* The property is presently zoned RA (Rural Areas), and the current use is agricultural. The property is located on the west side of Echo Lane.	The proposal further enhances recreation polices contained in the "Albin" sub-planning area contained in the *WFLUP.*

Evaluation Criteria:
The CPPA process allows owners and developers to modify adopted Comprehensive Plan (2021*) policies, text (area plans), and maps. **CPPAs are not rezonings, they are a land use planning exercise and otherwise conceptual**. That being said, the Comprehensive Planned land use and text is consulted in the consideration of a wide variety of land use actions (rezoning, conditional use permits, conservation easements, etc.). When reviewing CPPA requests, the County should determine whether the applicants have demonstrated that a change in the land use designation, density, or intensity would be appropriate using the following criteria:

- Would the proposal benefit the public health, safety, and welfare?

- Is the proposal consistent with the "Goals, Objectives, and Policies" of the Comprehensive Plan?

- Will the proposal not be detrimental to the use of properties in the immediate vicinity of the subject property?

- Does the proposal have merit and value for the community as a whole?

- Will the proposal result in benefits (fiscal, aesthetic, employment, etc.) that will outweigh any significant impact of the change?

**The Comprehensive Plan is currently being updated, with an anticipated completion of Fall 2027.*

Summary and Requested Action:
The Board of Supervisors and Planning Commission held a joint work session on June 17, 2026, and selected this CPPA for additional study. Comments on the proposal were subsequently provided by select outside agencies, including Winchester Regional Airport, and have been included for consideration.

The Comprehensive Plans and Programs Committee (CPPC) discussed the proposed CPPA at their September 14, 2026, regular meeting. The committee unanimously recommended approval of the proposed CPPA.

The Planning Commission held a public hearing on October 21, 2026. There were no public comments. The Planning Commission voted 10-0 to send the application forward with a recommendation of **approval** (Commissioners Kerns, Kozel, and Lamana were absent).

Following a public hearing, staff is seeking a decision from the Board of Supervisors on this proposed CPPA.

Questions regarding the CPPA may be directed to the Planning and Development staff.

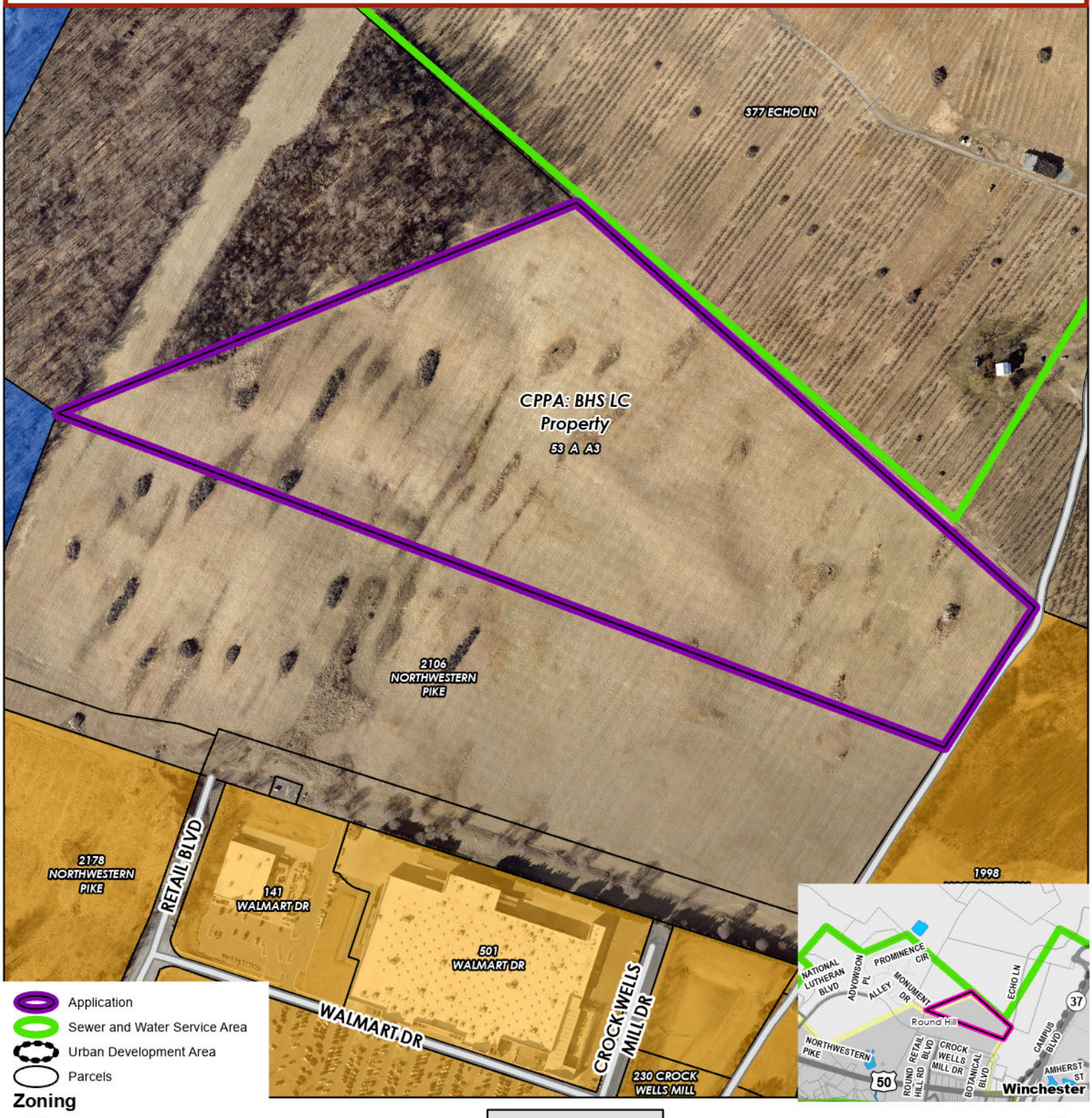
Attachments:
1. Locator & Land Use Maps
2. Agency Comments
3. Application
4. Resolution

CPPA: BHS LC Property

PINs: 53 - A - A3

Draft Land Use Amendment

Zoning Map



Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651
Map Created: September 3, 2026

CPPA: BHS LC Property

PINs: 53 - A - A3

Draft Land Use Amendment

Existing Long Range Land Use Map



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

Map Created: September 3, 2026

CPPA: BHS LC Property

PIN: 53 - A - A3

Draft Land Use Amendment

Proposed Long Range Land Use Map



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

Map Created: October 27, 2026

COUNTY of FREDERICK

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

August 28, 2026

Jack Owens
Shenandoah Valley Battlefields Foundation
PO Box 897
New Market, VA, 22844

RE: Request for Historic Resources Advisory Board (HRAB) Comments
BHS LC Properties CPPA Application
Zoning: RA (Rural Area) District
Property Identification Number (PIN): 53-A-A
Magisterial District: Gainesboro

Dear Mr. Owens:

The Frederick County Historic Resources Advisory Board (HRAB) considered the above referenced CPPA application during their meeting on August 21, 2026. This application seeks to move +/-37.25 acres from the Business Long Range Land Use designation to the Recreation Long Range Land Use designation. The property is located north of 501 Walmart Dr. in the Gainesboro Magisterial District.

Following their review of this application, the HRAB passed a motion of support for the application.

Thank you for the opportunity to provide a summary of the August 24th HRAB meeting. Please contact our office if you have any questions or concerns.

Sincerely,

Eric Bittner

Planner II

cc: Lucas Cooke, HRAB Chairman
Tyler Klein, Senior Planner

COUNTY of FREDERICK

Parks and Recreation Department

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

July 28, 2026

Tyler Klein
Frederick County Planning Department
107 N. Kent St.
Winchester, VA 22601

Re: KSS LC and BHS LC Comprehensive Plan Amendment Request

Dear Mr. Klein,

The Parks and Recreation Department has reviewed the applications of KSS LC (53-A-70) and BHS (53-A-A lot 1) to be designated Recreation rather than Business. Parks and Recreation is supportive of the addition of open space in county land use and particularly when the open space is accessible to the public. As such the department is in support of the amendment requests.

Please feel free to contact me with any questions you may have.

Sincerely,

[redacted]

Jon Turkel
Assistant Director

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

Comprehensive Plan

Status: Approved

Owner
BHS LC
00 Echo Ln
Winchester, Virginia 22603

Printed Date: 08/17/2026

General Information

Received Date:	07/13/2026	Occupancy Type:	
Review Begin Date:	08/17/2026	Property Use:	
Review End Date:	08/17/2026	Activity Number:	I076110
Hours:	1.0000	Review Cause:	Application

Comments:
All future development shall comply with the Frederick County Fire Prevention Code and any other applicable codes.

[redacted]

Adam Hounshell
Lieutenant/Assistant Fire Marshal

315 Tasker Road
Stephens City, Virginia 22655

PH (540) 868-1061
Fax (540) 868-1429
www.FrederickWater.com

Eric R. Lawrence
Executive Director

MEMORANDUM

TO: John Bishop, Director, Frederick County Planning Department

Tyler Klein, Senior Planner, Frederick County Planning Department

FROM: Eric R. Lawrence, Executive Director

SUBJECT: 2026 Comprehensive Policy Plan Amendment (CPPA) Review

DATE: August 11, 2026

Thank you for the opportunity to provide comments on the Comprehensive Policy Plan Amendment applications received for the 2026 application period.

Frederick Water's preliminary comments

:

- ***AMK Properties***

This is a request to amend the Comprehensive Plan and designate the future planned land use of +/- 99-acres of property from "industrial" and "residential, 4 units per acre" to "Sensitive Natural Areas."

The request would reduce demand for Frederick Water's water and sewer services.

- ***BHS LC Property***

This a request to amend the Comprehensive Plan and designate the future planned land use of +/-37.35-acres of property from "business" to "recreation".

The request would reduce demand for Frederick Water's water and sewer services.

- ***Carmeuse Lime & Stone***

This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-47.58-acres of property from "industrial" and "heavy industrial" to "extractive mining".

The request does not propose to utilize public water and sewer services.

- ***KSS LC Property***

This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-30.10-acres of property from "business" to "recreation".

The request would reduce demand for Frederick Water's water and sewer services.

Outlook

'[External]'Fw: Request for Agency Comments - 2026 Comprehensive Policy Plan Amendments (CPPAs)

From Spielman, Ryan (VDOT) <Joseph.Spielman@vdot.virginia.gov>
Date Tue 7/28/2026 11:16 AM
To Tyler Klein <tklein@fcva.us>
Cc John Bishop <jbishop@fcva.us>; Carter, Edwin (VDOT) <Edwin.Carter@vdot.virginia.gov>; Johnson, Joseph (VDOT) <josephw.johnson@vdot.virginia.gov>

Tyler,

See Brad's comments below.

Thanks
Ryan

VDOT |

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

From: Reed, Brad (VDOT) <Brad.Reed@vdot.virginia.gov>
Sent: Tuesday, July 21, 2026 11:07 AM
To: Johnson, Joseph (VDOT) <JosephW.Johnson@vdot.virginia.gov>
Cc: Lineberry, Jeff, PE (VDOT) Jeff.Lineberry@VDOT.Virginia.gov ; Spielman, Ryan (VDOT) Joseph.Spielman@vdot.virginia.gov
Subject: Re: Request for Agency Comments - 2026 Comprehensive Policy Plan Amendments (CPPAs)

Joe,

Here are my comments on these amendments. Glad to discuss if that would be helpful.

Project Name	Description	VDOT District Planning Comments
AMK Properties	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/ 99.25 acres of property from "industrial" and "residential, 4 units per acre" to "Sensitive Natural Areas". The properties are presently zoned RA (Rural Areas) and M1 (Light Industrial), and the current use is agricultural and vacant. The properties are located on the south side of Airport Road between Tailspin Circle and at 846 Airport Road.	No comments.
BHS LC Property	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-37.35-acres of property from "business" to "recreation". The property is presently zoned RA (Rural Areas), and the current use is agricultural. The property is located on the west side of Echo Lane.	Shenandoah Valley Battlefields Foundation is listed the purchaser/lessee. Is there an intention to designate this area for preservation as a battlefield site? If so, the County might consider dedication for future connective roadways in the Comprehensive Plan.
Carmeuse Lime & Stone	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-47.58-acres of property from "industrial" and "heavy industrial" to "extractive mining". The properties are presently zoned RA (Rural Areas), and the current uses are residential and vacant. The properties are located at 271 Branson Spring Rd, Clear Brook, west of 271 Branson Spring Dr and north of Branson Spring Rd., 2619 Woodside Rd, Clear Brook, and east of 2619 Woodside Rd and south of Branson Spring Rd.	No concerns with respect to trip generation or traffic impacts to adjacent roadways in the context of the larger Carmeuse expansion area and roadway modification plan. The parcels associated with the proposed rezoning are adjacent to the 2023 Carmeuse rezoning for Extractive Mining designation. Recommend referencing the 2022 Carmeuse Traffic Diversion Study used to support the 2023 Carmeuse rezoning to call out the road network modifications associated with the mining area expansion (cul-de-sacs on Branson Spring Rd and Woodside Rd). That

		study also included a custom trip generation for Carmeuse based on actual site trips. Note that the rezoning application discusses use of ITE Trip Generation Manual, 6th Edition, which is outdated. The versions of this manual in use by VDOT are 12th edition and 11th edition. Heavy industrial is not a land use in these newer editions.
KSS LC property	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-30.10-acres of property from "business" to "recreation". The property is presently zoned RA (Rural Areas), and the current use is agricultural. The property is located past Procession Way, north of Retail Boulevard, and between Wal-Mart (501 Walmart Dr) and the Village at Orchard Ridge (100 Procession Way).	Shenandoah Valley Battlefields Foundation is listed the purchaser/lessee. Is there an intention to designate this area for preservation as a battlefield site? If so, the County might consider dedication for future connective roadways in the Comprehensive Plan.

Thanks,
Brad

Brad Reed, AICP
District Planner / Staunton
Virginia Department of Transportation
Office: 540-332-2266
brad reed@VDOT Virginia gov

Book time to meet with me

From: Johnson, Joseph (VDOT) <JosephW.Johnson@vdot.virginia.gov>
Sent: Tuesday, July 21, 2026 9:43 AM
To: Reed, Brad (VDOT) Brad.Reed@vdot.virginia.gov
Cc: Lineberry, Jeff, PE (VDOT) <Jeff.Lineberry@VDOT.Virginia.gov>; Spielman, Ryan (VDOT) <Joseph.Spielman@vdot.virginia.gov>
Subject: Fw: Request for Agency Comments - 2026 Comprehensive Policy Plan Amendments (CPPAs)

Brad,

See Frederick County request for comments on their CPPA below.

Joseph W. Johnson, PE
Area Land Use Engineer / Edinburg Residency
Virginia Department of Transportation
14031 Old Valley Pike / Edinburg, VA 22824
Phone #540.534.3223
josephw johnson@vdot virginia gov

From: Tyler Klein <tklein@fcva.us>
Sent: Monday, July 13, 2026 2:23 PM
Cc: Eric Bittner eric.bittner@fcva.us ; I81 Public131 jbishop@fcva.us
Subject: Request for Agency Comments - 2026 Comprehensive Policy Plan Amendments (CPPAs)

Planning and Development Staff are seeking review agency comment on the 2026 Comprehensive Policy Plan Amendments (CPPAs). **Comments should be provided via a memo from your department/agency on or before Wednesday August 12, 2026.** Below is a summary of each application for consideration in 2026 along with the purpose of this exercise and evaluation criteria in providing comments. The full submission (application, locator maps, supporting documents) are attached for convenience.

Questions about the applications, process, or review agency comment expectations should be directed to staff.

Project Name	Description	Magisterial District
AMK Properties	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-99.25-acres of property from "industrial" and "residential, 4 units per acre" to "Sensitive Natural Areas".	Shawnee

	The properties are presently zoned RA (Rural Areas) and M1 (Light Industrial), and the current use is agricultural and vacant. The properties are located on the south side of Airport Road between Tailspin Circle and at 846 Airport Road.	
BHS LC Property	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-37.35-acres of property from "business" to "recreation". The property is presently zoned RA (Rural Areas), and the current use is agricultural. The property is located on the west side of Echo Lane.	Gainesboro
Carmeuse Lime & Stone	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-47.58-acres of property from "industrial" and "heavy industrial" to "extractive mining". The properties are presently zoned RA (Rural Areas), and the current uses are residential and vacant. The properties are located at 271 Branson Spring Rd, Clear Brook, west of 271 Branson Spring Dr and north of Branson Spring Rd., 2619 Woodside Rd, Clear Brook, and east of 2619 Woodside Rd and south of Branson Spring Rd.	Stonewall
KSS LC property	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-30.10-acres of property from "business" to "recreation". The property is presently zoned RA (Rural Areas), and the current use is agricultural. The property is located past Procession Way, north of Retail Boulevard, and between Wal-Mart (501 Walmart Dr) and the Village at Orchard Ridge (100 Procession Way).	Gainesboro

Process & Evaluation Criteria

The CPPA process allows owners and developers to modify adopted Comprehensive Plan (2021) policies, text (area plans), and maps. CPPAs are not rezonings, they are a land use planning exercise and otherwise conceptual. That being said, the Comprehensive Planned land use and text is consulted in the consideration of a wide variety of land use actions (rezoning, conditional use permits, conservation easements, etc.). When reviewing CPPA requests, the County should determine whether the applicants have demonstrated that a change in the land use designation, density, or intensity would be appropriate using the following criteria:

- *Would the proposal benefit the public health, safety, and welfare?*
- *Is the proposal consistent with the "Goals, Objectives, and Policies" of the Comprehensive Plan?*
- *Will the proposal not be detrimental to the use of properties in the immediate vicinity of the subject property?*
- *Does the proposal have merit and value for the community as a whole?*
- *Will the proposal result in benefits (fiscal, aesthetic, employment, etc.) that will outweigh any significant impact of the change?*

M. Tyler Klein, AICP
Senior Planner
Department of Planning & Development
Frederick County, Virginia
107 N. Kent Street
Winchester, VA 22601
(540)722-8248
tklein@fcva.us

Disclaimer: This correspondence is provided for informational purposes only and does not constitute a formal zoning determination or official action of Frederick County. All zoning determinations must be issued in writing by the Zoning Administrator. The Frederick County Planning and Development Department does not issue invoices directly to applicants for fees and will never request or accept payment by wire transfer.

Comprehensive Plan Amendment Initiation Request Form

Project Name: BHS LC

The undersigned, being all of the owner(s), contract purchasers, or the respective duly authorized agent thereof, do hereby petition to change the Comprehensive Plan as shown on the accompanying plans, maps, and graphics which are made part of this application, as follows:

PIN	From:	To:	Acres
53 A A (Lot 1)	Business	Recreation	37.3524
		Total Acreage:	37.3524

Location - the property is located at (give street address(es) if assigned or otherwise exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

West of Echo Lane

Provide the following information for all applicable parties, provide additional pages if necessary:

Owner of Property

Name: BHS LC (Barbara Untecum)

Mailing Address: 2745 THOMAS JEFFERSON PARKWAY

City/State/Zip: PALMYRA, VA 22963

Phone: 434 981 9029

Email: [redacted]

Authorized Agent(s)

Name:

Mailing Address:

City/State/Zip:

Phone:

Email:

Contract Purchaser/Lessee

Name: Shenandoah Valley Battlefields Foundation

Mailing Address: PO Box 897

City/State/Zip: New Market, VA

Phone: 540 740 4545

Email: jowens@svbf.net

Engineer

Name:

Mailing Address:

City/State/Zip:

Phone:

Email:

*Check the box next to the contact to which correspondence should be sent.

Signatures:

I (we), the undersigned, have read the application, understand its intent, and do hereby respectfully make application to and petition the Frederick County Board of Supervisors to amend the Comprehensive Plan. Furthermore, I have the power to authorize and hereby grant permission to Frederick County officials and other authorized government agents on official business to enter the property as necessary to process this application.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Signed this 27th day of May, 2026

[redacted]

Signature of Owner/Applicant

Signed this _____ day of _____, _____

Signature of Owner/Applicant

Signed this _____ day of _____, _____

Signature of Owner/Applicant

If anyone other than the owner is signing, a Power of Attorney must be attached.

Proposed Comprehensive Plan Map Amendment Request

Provide the following information:

- ☐ **Completed and signed CPPA Initiation Request Form .**
- ☐ **Justification of proposed CPPA:** Describe why the change to the Comprehensive Plan is being proposed and include relevant Comprehensive Plan analysis.
- ☐ **Existing Characteristics Analysis.** Describe, using text and maps as necessary, the existing zoning, Comprehensive Plan designations, and/or approved uses and densities along with other characteristics of properties that are within:
  - 1/4 mile from the parcel(s) perimeter if the parcel is less than 20 acres in size
  - ½ mile if 21 - 100 acres in size
  - 1 mile if more than 100 acres in size
- ☐ **Trip Generation Analysis** that includes a comparison of anticipated maximum trips from the current use to the proposed use.
- ☐ **Special Power of Attorney Affidavit** for each owner (if applicable).
- ☐ One hard copy of the application package.
- ☐ Digital copy copy of the application in PDF format.
- ☐ Non-Refundable Application Review Fee of $3,000 (payable to the *Frederick County Treasurer*).

Existing Comprehensive Plan land use classification(s): Business

Proposed Comprehensive Plan land use classification(s) and respective areas: Recreation

Existing zoning and land use of the subject parcel(s): RA

What use/zoning will be requested if the amendment is approved? RA

(TO BE COMPLETED BY APPLICANT)

SUBJECT PROPERTY OWNERS AFFIDAVIT

County of Frederick, Virginia
Frederick Planning Web Site: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651

STATE OF VIRGINIA
COUNTY OF FREDERICK

This 27th (Day) day of May (Month), 2026 (Year).

I, Barbara Liriteun
(Owner/Contract Purchaser/Authorized Agent)

hereby make oath that the list of property owners of the subject site, as submitted with the application, is a true and accurate list based on the information provided by the Frederick County Commissioner of the Revenue Office as taken from the current real estate assessment records.

[redacted]
(Owner/Contract Purchaser/Authorized Agent)
(circle one)

COMMONWEALTH OF ~~VIRGINIA~~: PA

County of Montgomery

Subscribed and sworn to before me this 27th day of MAY, 2026 in my County and State aforesaid, by the forenamed Principal.

Commonwealth of Pennsylvania - Notary Seal
Fady E Tawfiles, Notary Public
Montgomery County
My Commission Expires June 20, 2029
Commission Number 1253550

[redacted]
NOTARY PUBLIC

My Commission expires: 06-2-2029

RESOLUTION

Action:

PLANNING COMMISSION:	October 21, 2026	Recommended Approval
BOARD OF SUPERVISORS:	November 12, 2026	Pending

RESOLUTION TO APPROVE AMENDING THE COMPREHENSIVE PLAN CPPA #02-26 FOR BHS LC

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

WHEREAS, this amendment would include the parcels identified with PIN #53-A-A3, totaling +/- 37.35- acres, to modify the future land designation on the property to be "recreation;" and

WHEREAS, the Board of Supervisors and Planning Commission held a joint work session on June 17, 2026, and selected this CPPA for additional study; and

WHEREAS, the Board of Supervisors on August 12, 2026, by resolution directed staff and the CPPC to study this request further and hold the necessary public hearings; and

WHEREAS, the Comprehensive Plans and Programs Committee (CPPC) discussed the BHS LC CPPA request at its September 14, 2026, meeting and offered no consensus on a recommendation to the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing for this request at its October 21, 2026, meeting and recommended approval of the BHS LC CPPA; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing for this request at their regular meeting on November 12, 2026; and

WHEREAS, the Frederick County Board of Supervisors finds that the BHS LC CPPA #02-26 request including the parcels identified with PIN #53-A-A3, totaling +/-37.35- acres, to modify the future land designation on the property to be "recreation," to be in the best interest of the public health, safety, welfare, and future of Frederick County, and in good planning practice;

NOW, THEREFORE BE IT RESOLVED by the Frederick County Board of Supervisors that the Comprehensive Plan is amended accordingly.

Passed this 12th day of November 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: November 12, 2026
Agenda Section: Planning Commission Business - Public Hearings

Title:

Comprehensive Policy Plan Amendment (CPPA) #03-26 for KSS LC – Land Use Designation Change, for Parcel: 53-A-70. This is a Request to Change the Future Land Use Classification on +/-30.10 Acres from Business to Recreation. The Properties are Located Generally North and West of Retail Boulevard (Route 804) in the Gainesboro Magisterial District.

Attachments:
BOS11-12-26_CPPA03-26_KSS_LC_Redacted.pdf

COUNTY of FREDERICK

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

MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: Planning and Development Staff

RE: **Comprehensive Policy Plan Amendment (CPPA) #03-26 – KSS LC**

DATE: October 30, 2026

Background:
This memo summarizes Comprehensive Policy Plan Amendment (CPPA) #03-26 for KSS LC.

Project Name (Magisterial District)	Application Request	Staff Notes
KSS LC (Gainesboro)	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-30.10-acres of property from "business" to "recreation". The subject property is within the limits of the Sewer and Water Service Area (SWSA) and the limits of the Urban Development Area (UDA) and included in the *Western Frederick Land Use Plan (WFLUP, 2025).* The property is presently zoned RA (Rural Areas), and the current use is agricultural. The property is located past Procession Way, north of Retail Boulevard, and between Wal-Mart (501 Walmart Dr) and the Village at Orchard Ridge (100 Procession Way).	The proposal further enhances recreation polices contained in the "Albin" sub-planning area contained in the *WFLUP.*

Evaluation Criteria:
The CPPA process allows owners and developers to modify adopted Comprehensive Plan (2021*) policies, text (area plans), and maps. **CPPAs are not rezonings, they are a land use planning exercise and otherwise conceptual**. That being said, the Comprehensive Planned land use and text is consulted in the consideration of a wide variety of land use actions (rezoning, conditional use permits, conservation easements, etc.). When reviewing CPPA requests, the County should determine whether

the applicants have demonstrated that a change in the land use designation, density, or intensity would be appropriate using the following criteria:

- Would the proposal benefit the public health, safety, and welfare?
- Is the proposal consistent with the "Goals, Objectives, and Policies" of the Comprehensive Plan?
- Will the proposal not be detrimental to the use of properties in the immediate vicinity of the subject property?
- Does the proposal have merit and value for the community as a whole?
- Will the proposal result in benefits (fiscal, aesthetic, employment, etc.) that will outweigh any significant impact of the change?

**The Comprehensive Plan is currently being updated, with an anticipated completion of Fall 2027.*

Summary and Requested Action:
The Board of Supervisors and Planning Commission held a joint work session on June 17, 2026, and selected this CPPA for additional study. Comments on the proposal were subsequently provided by select outside agencies, including Winchester Regional Airport, and have been included for consideration.

The Comprehensive Plans and Programs Committee (CPPC) discussed the proposed CPPA at their September 14, 2026, regular meeting. The committee unanimously recommended approval of the proposed CPPA.

The Planning Commission held a public hearing on October 21, 2026. There were no public comments. The Planning Commission voted 10-0 to send the application forward with a recommendation of **approval** (Commissioners Kerns, Kozel, and Lamana were absent).

Following a public hearing, staff is seeking a decision from the Board of Supervisors on this proposed CPPA.

Questions regarding the CPPA may be directed to the Planning and Development staff.

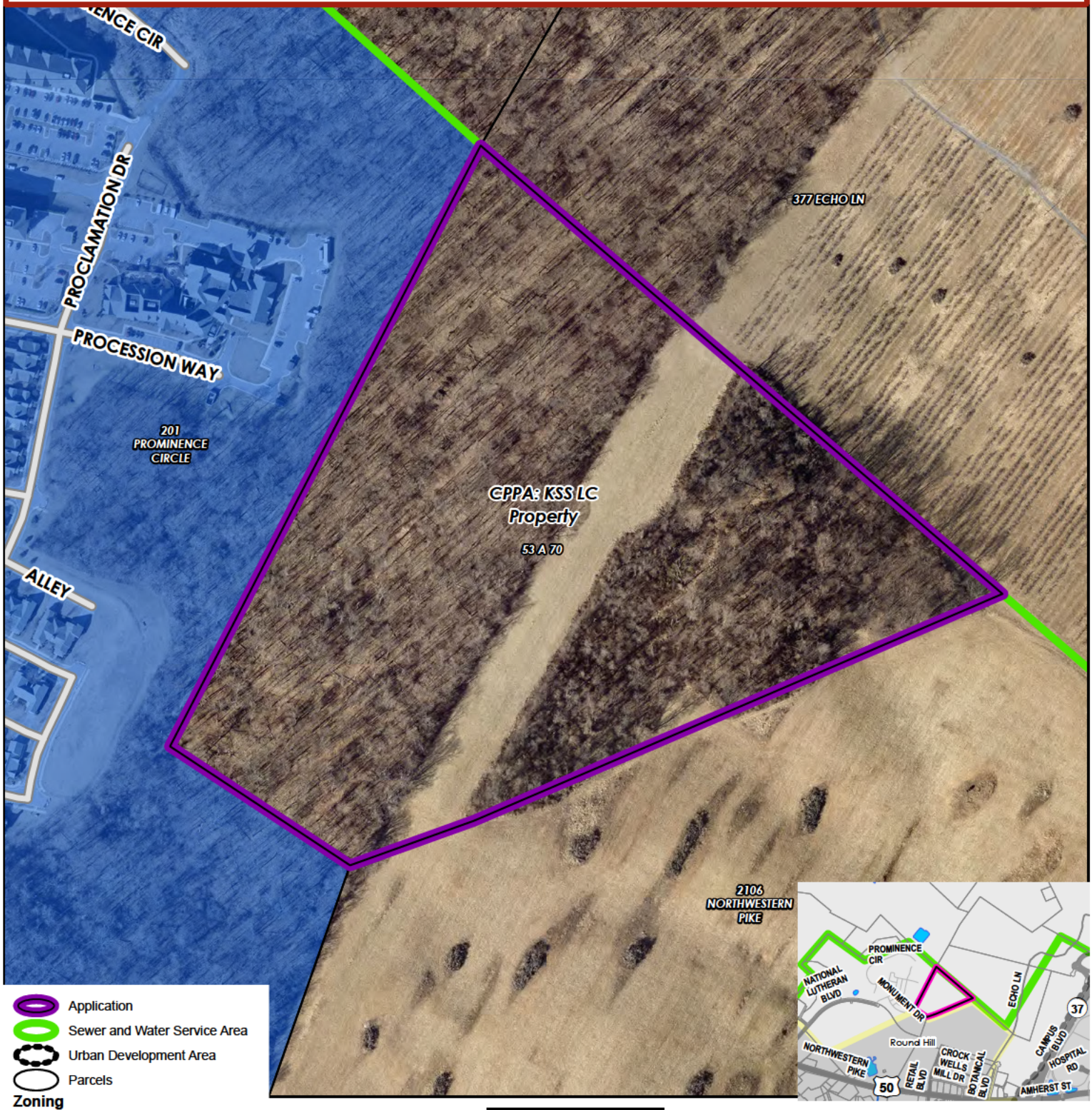
Attachments:
1. Locator & Land Use Maps
2. Agency Comments
3. Application
4. Resolution

CPPA: KSS LC Property

PIN: 53 - A - 70

Draft Land Use Amendment

Zoning Map



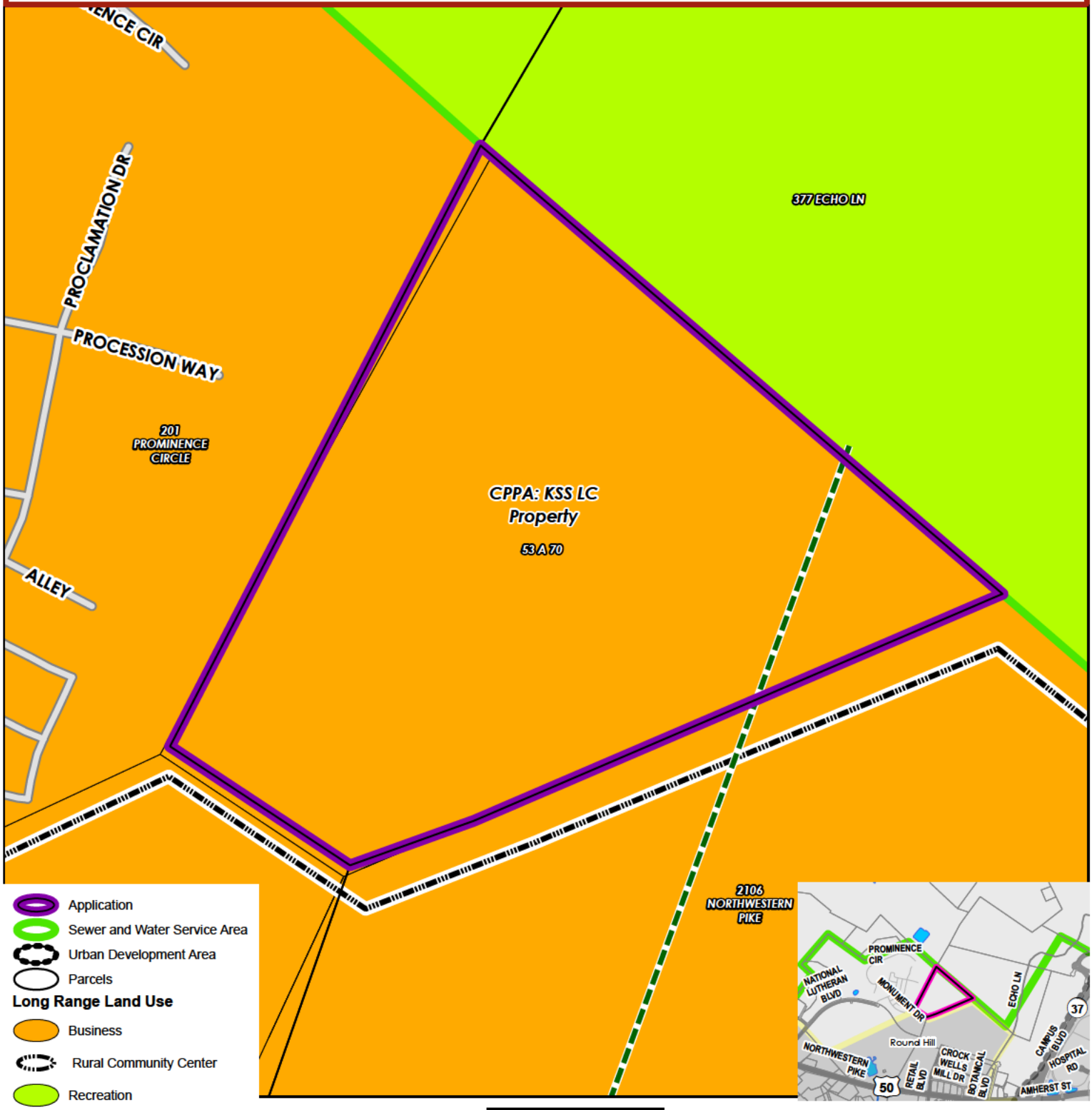
Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651
Map Created: June 8, 2026

CPPA: KSS LC Property

PIN: 53 - A - 70

Draft Land Use Amendment

Existing Long Range Land Use Map



- Application
- Sewer and Water Service Area
- Urban Development Area
- Parcels

Long Range Land Use

- Business
- Rural Community Center
- Recreation

Eastern Road Plan

- Major Collector
- Minor Collector



N W E S

0 187.5 375 750 Feet

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

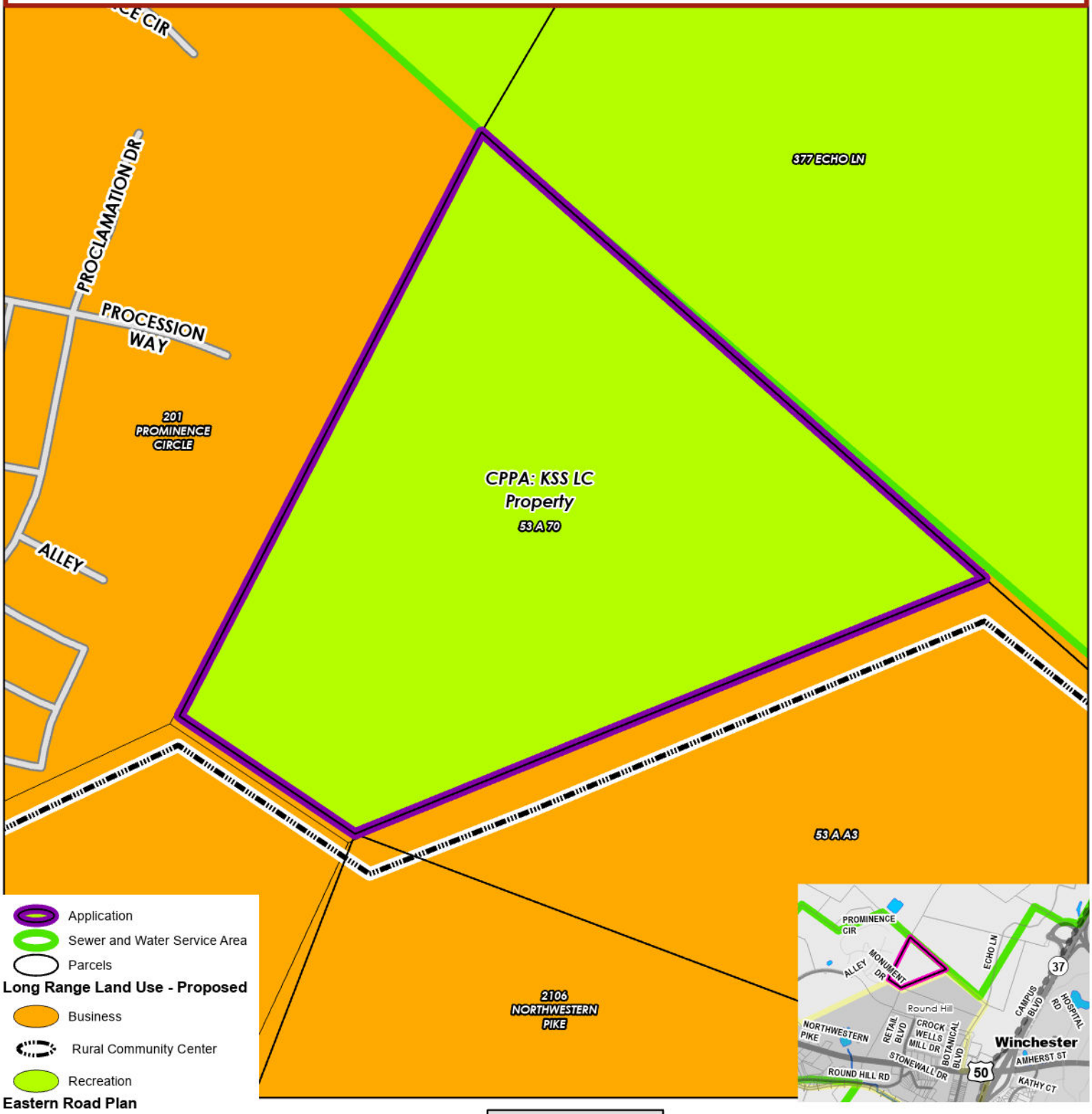
Map Created: June 8, 2026

CPPA: KSS LC Property

PIN: 53 - A - 70

Draft Land Use Amendment

Proposed Long Range Land Use Map



Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651
Map Created: October 27, 2026

COUNTY of FREDERICK

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

August 28, 2026

Jack Owens
Shenandoah Valley Battlefields Foundation
PO Box 897
New Market, VA, 22844

RE: Request for Historic Resources Advisory Board (HRAB) Comments
KSS LC Properties CPPA Application
Zoning: RA (Rural Area) District
Property Identification Number (PIN): 53-A-70
Magisterial District: Gainesboro

Dear Mr. Owens:

The Frederick County Historic Resources Advisory Board (HRAB) considered the above referenced CPPA application during their meeting on August 21, 2026. This application seeks to move +/-30.10 acres from the Business Long Range Land Use designation to the Recreation Long Range Land Use designation. The property is located east of 201 Prominence Circle in the Gainesboro Magisterial District.

Following their review of this application, the HRAB passed a motion of support for the application.

Thank you for the opportunity to provide a summary of the August 24th HRAB meeting. Please contact our office if you have any questions or concerns.

Sincerely,

Eric Bittner

Planner II

cc: Lucas Cooke, HRAB Chairman
Tyler Klein, Senior Planner

COUNTY of FREDERICK

Parks and Recreation Department

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

July 28, 2026

Tyler Klein
Frederick County Planning Department
107 N. Kent St.
Winchester, VA 22601

Re: KSS LC and BHS LC Comprehensive Plan Amendment Request

Dear Mr. Klein,

The Parks and Recreation Department has reviewed the applications of KSS LC (53-A-70) and BHS (53-A-A lot 1) to be designated Recreation rather than Business. Parks and Recreation is supportive of the addition of open space in county land use and particularly when the open space is accessible to the public. As such the department is in support of the amendment requests.

Please feel free to contact me with any questions you may have.

Sincerely,

[redacted]

Jon Turkel
Assistant Director

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

Comprehensive Plan

Status: Approved

Business Name
KSS LC
0 Echo Ln
Winchester, Virginia 22603
Phone: 540-323-0221

Printed Date: 08/17/2026

General Information

Received Date:	07/13/2026	Occupancy Type:	
Review Begin Date:	08/17/2026	Property Use:	
Review End Date:	08/17/2026	Activity Number:	I076109
Hours:	1.0000	Review Cause:	Application

Comments:
All future development shall comply with the Frederick County Fire Prevention Code and any other applicable codes.

[redacted]

Adam Hounshell
Lieutenant/Assistant Fire Marshal

315 Tasker Road
Stephens City, Virginia 22655

PH (540) 868-1061
Fax (540) 868-1429
www.FrederickWater.com

Eric R. Lawrence
Executive Director

MEMORANDUM

TO: John Bishop, Director, Frederick County Planning Department

Tyler Klein, Senior Planner, Frederick County Planning Department

FROM: Eric R. Lawrence, Executive Director

SUBJECT: 2026 Comprehensive Policy Plan Amendment (CPPA) Review

DATE: August 11, 2026

Thank you for the opportunity to provide comments on the Comprehensive Policy Plan Amendment applications received for the 2026 application period.

Frederick Water's preliminary comments

:

- ***AMK Properties***

This is a request to amend the Comprehensive Plan and designate the future planned land use of +/- 99-acres of property from "industrial" and "residential, 4 units per acre" to "Sensitive Natural Areas."

The request would reduce demand for Frederick Water's water and sewer services.

- ***BHS LC Property***

This a request to amend the Comprehensive Plan and designate the future planned land use of +/-37.35-acres of property from "business" to "recreation".

The request would reduce demand for Frederick Water's water and sewer services.

- ***Carmeuse Lime & Stone***

This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-47.58-acres of property from "industrial" and "heavy industrial" to "extractive mining".

The request does not propose to utilize public water and sewer services.

- ***KSS LC Property***

This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-30.10-acres of property from "business" to "recreation".

The request would reduce demand for Frederick Water's water and sewer services.

Outlook

'[External]'Fw: Request for Agency Comments - 2026 Comprehensive Policy Plan Amendments (CPPAs)

From Spielman, Ryan (VDOT) <Joseph.Spielman@vdot.virginia.gov>
Date Tue 7/28/2026 11:16 AM
To Tyler Klein <tklein@fcva.us>
Cc John Bishop <jbishop@fcva.us>; Carter, Edwin (VDOT) <Edwin.Carter@vdot.virginia.gov>; Johnson, Joseph (VDOT) <josephw.johnson@vdot.virginia.gov>

Tyler,

See Brad's comments below.

Thanks
Ryan

VDOT |

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

From: Reed, Brad (VDOT) <Brad.Reed@vdot.virginia.gov>
Sent: Tuesday, July 21, 2026 11:07 AM
To: Johnson, Joseph (VDOT) <JosephW.Johnson@vdot.virginia.gov>
Cc: Lineberry, Jeff, PE (VDOT) Jeff.Lineberry@VDOT.Virginia.gov ; Spielman, Ryan (VDOT) Joseph.Spielman@vdot.virginia.gov
Subject: Re: Request for Agency Comments - 2026 Comprehensive Policy Plan Amendments (CPPAs)

Joe,

Here are my comments on these amendments. Glad to discuss if that would be helpful.

Project Name	Description	VDOT District Planning Comments
AMK Properties	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/ 99.25 acres of property from "industrial" and "residential, 4 units per acre" to "Sensitive Natural Areas". The properties are presently zoned RA (Rural Areas) and M1 (Light Industrial), and the current use is agricultural and vacant. The properties are located on the south side of Airport Road between Tailspin Circle and at 846 Airport Road.	No comments.
BHS LC Property	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-37.35-acres of property from "business" to "recreation". The property is presently zoned RA (Rural Areas), and the current use is agricultural. The property is located on the west side of Echo Lane.	Shenandoah Valley Battlefields Foundation is listed the purchaser/lessee. Is there an intention to designate this area for preservation as a battlefield site? If so, the County might consider dedication for future connective roadways in the Comprehensive Plan.
Carmeuse Lime & Stone	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-47.58-acres of property from "industrial" and "heavy industrial" to "extractive mining". The properties are presently zoned RA (Rural Areas), and the current uses are residential and vacant. The properties are located at 271 Branson Spring Rd, Clear Brook, west of 271 Branson Spring Dr and north of Branson Spring Rd., 2619 Woodside Rd, Clear Brook, and east of 2619 Woodside Rd and south of Branson Spring Rd.	No concerns with respect to trip generation or traffic impacts to adjacent roadways in the context of the larger Carmeuse expansion area and roadway modification plan. The parcels associated with the proposed rezoning are adjacent to the 2023 Carmeuse rezoning for Extractive Mining designation. Recommend referencing the 2022 Carmeuse Traffic Diversion Study used to support the 2023 Carmeuse rezoning to call out the road network modifications associated with the mining area expansion (cul-de-sacs on Branson Spring Rd and Woodside Rd). That

		study also included a custom trip generation for Carmeuse based on actual site trips. Note that the rezoning application discusses use of ITE Trip Generation Manual, 6th Edition, which is outdated. The versions of this manual in use by VDOT are 12th edition and 11th edition. Heavy industrial is not a land use in these newer editions.
KSS LC property	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-30.10-acres of property from "business" to "recreation". The property is presently zoned RA (Rural Areas), and the current use is agricultural. The property is located past Procession Way, north of Retail Boulevard, and between Wal-Mart (501 Walmart Dr) and the Village at Orchard Ridge (100 Procession Way).	Shenandoah Valley Battlefields Foundation is listed the purchaser/lessee. Is there an intention to designate this area for preservation as a battlefield site? If so, the County might consider dedication for future connective roadways in the Comprehensive Plan.

Thanks,
Brad

Brad Reed, AICP
District Planner / Staunton
Virginia Department of Transportation
Office: 540-332-2266
brad reed@VDOT Virginia gov

Book time to meet with me

From: Johnson, Joseph (VDOT) <JosephW.Johnson@vdot.virginia.gov>
Sent: Tuesday, July 21, 2026 9:43 AM
To: Reed, Brad (VDOT) Brad.Reed@vdot.virginia.gov
Cc: Lineberry, Jeff, PE (VDOT) <Jeff.Lineberry@VDOT.Virginia.gov>; Spielman, Ryan (VDOT) <Joseph.Spielman@vdot.virginia.gov>
Subject: Fw: Request for Agency Comments - 2026 Comprehensive Policy Plan Amendments (CPPAs)

Brad,

See Frederick County request for comments on their CPPA below.

Joseph W. Johnson, PE
Area Land Use Engineer / Edinburg Residency
Virginia Department of Transportation
14031 Old Valley Pike / Edinburg, VA 22824
Phone #540.534.3223
josephw johnson@vdot virginia gov

From: Tyler Klein <tklein@fcva.us>
Sent: Monday, July 13, 2026 2:23 PM
Cc: Eric Bittner eric.bittner@fcva.us ; I81 Public131 jbishop@fcva.us
Subject: Request for Agency Comments - 2026 Comprehensive Policy Plan Amendments (CPPAs)

Planning and Development Staff are seeking review agency comment on the 2026 Comprehensive Policy Plan Amendments (CPPAs). **Comments should be provided via a memo from your department/agency on or before Wednesday August 12, 2026.** Below is a summary of each application for consideration in 2026 along with the purpose of this exercise and evaluation criteria in providing comments. The full submission (application, locator maps, supporting documents) are attached for convenience.

Questions about the applications, process, or review agency comment expectations should be directed to staff.

Project Name	Description	Magisterial District
AMK Properties	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-99.25-acres of property from "industrial" and "residential, 4 units per acre" to "Sensitive Natural Areas".	Shawnee

	The properties are presently zoned RA (Rural Areas) and M1 (Light Industrial), and the current use is agricultural and vacant. The properties are located on the south side of Airport Road between Tailspin Circle and at 846 Airport Road.	
BHS LC Property	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-37.35-acres of property from "business" to "recreation". The property is presently zoned RA (Rural Areas), and the current use is agricultural. The property is located on the west side of Echo Lane.	Gainesboro
Carmeuse Lime & Stone	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-47.58-acres of property from "industrial" and "heavy industrial" to "extractive mining". The properties are presently zoned RA (Rural Areas), and the current uses are residential and vacant. The properties are located at 271 Branson Spring Rd, Clear Brook, west of 271 Branson Spring Dr and north of Branson Spring Rd., 2619 Woodside Rd, Clear Brook, and east of 2619 Woodside Rd and south of Branson Spring Rd.	Stonewall
KSS LC property	This is a request to amend the Comprehensive Plan and designate the future planned land use of +/-30.10-acres of property from "business" to "recreation". The property is presently zoned RA (Rural Areas), and the current use is agricultural. The property is located past Procession Way, north of Retail Boulevard, and between Wal-Mart (501 Walmart Dr) and the Village at Orchard Ridge (100 Procession Way).	Gainesboro

Process & Evaluation Criteria

The CPPA process allows owners and developers to modify adopted Comprehensive Plan (2021) policies, text (area plans), and maps. CPPAs are not rezonings, they are a land use planning exercise and otherwise conceptual. That being said, the Comprehensive Planned land use and text is consulted in the consideration of a wide variety of land use actions (rezoning, conditional use permits, conservation easements, etc.). When reviewing CPPA requests, the County should determine whether the applicants have demonstrated that a change in the land use designation, density, or intensity would be appropriate using the following criteria:

- *Would the proposal benefit the public health, safety, and welfare?*
- *Is the proposal consistent with the "Goals, Objectives, and Policies" of the Comprehensive Plan?*
- *Will the proposal not be detrimental to the use of properties in the immediate vicinity of the subject property?*
- *Does the proposal have merit and value for the community as a whole?*
- *Will the proposal result in benefits (fiscal, aesthetic, employment, etc.) that will outweigh any significant impact of the change?*

M. Tyler Klein, AICP
Senior Planner
Department of Planning & Development
Frederick County, Virginia
107 N. Kent Street
Winchester, VA 22601
(540)722-8248
tklein@fcva.us

Disclaimer: This correspondence is provided for informational purposes only and does not constitute a formal zoning determination or official action of Frederick County. All zoning determinations must be issued in writing by the Zoning Administrator. The Frederick County Planning and Development Department does not issue invoices directly to applicants for fees and will never request or accept payment by wire transfer.

Comprehensive Plan Amendment Initiation Request Form

Project Name: KSS LC

The undersigned, being all of the owner(s), contract purchasers, or the respective duly authorized agent thereof, do hereby petition to change the Comprehensive Plan as shown on the accompanying plans, maps, and graphics which are made part of this application, as follows:

PIN	From:	To:	Acres
53 A 70	Business	Recreation	30.102
		Total Acreage:	30.102

Location - the property is located at (give street address(es) if assigned or otherwise exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

Near Procession Way

Provide the following information for all applicable parties, provide additional pages if necessary:

Owner of Property

Name: KSS LC (Katherine Solenberger)

Mailing Address: 1454 APPLE PIE RIDGE RD

City/State/Zip: Winchester, VA 22603

Phone: 540 323 0221

Email: [redacted]

Authorized Agent(s)

Name:

Mailing Address:

City/State/Zip:

Phone:

Email:

Contract Purchaser/Lessee

Name: Shenandoah Valley Battlefields Foundation

Mailing Address: PO Box 897

City/State/Zip: New Market, VA 22844

Phone: 540 740 4545

Email: jowens@svbf.net

Engineer

Name:

Mailing Address:

City/State/Zip:

Phone:

Email:

***Check the box next to the contact to which correspondence should be sent.**

Signatures:

I (we), the undersigned, have read the application, understand its intent, and do hereby respectfully make application to and petition the Frederick County Board of Supervisors to amend the Comprehensive Plan. Furthermore, I have the power to authorize and hereby grant permission to Frederick County officials and other authorized government agents on official business to enter the property as necessary to process this application.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Signed this 28th day of May, 2026

[redacted]

Signature of Owner/Applicant

Signed this _____ day of _____, _____

_____

Signature of Owner/Applicant

Signed this _____ day of _____, _____

_____

Signature of Owner/Applicant

If anyone other than the owner is signing, a Power of Attorney must be attached.

Proposed Comprehensive Plan Map Amendment Request

Provide the following information:

- ☐ **Completed and signed CPPA Initiation Request Form .**
- ☐ **Justification of proposed CPPA:** Describe why the change to the Comprehensive Plan is being proposed and include relevant Comprehensive Plan analysis.
- ☐ **Existing Characteristics Analysis.** Describe, using text and maps as necessary, the existing zoning, Comprehensive Plan designations, and/or approved uses and densities along with other characteristics of properties that are within:
  - 1/4 mile from the parcel(s) perimeter if the parcel is less than 20 acres in size
  - ½ mile if 21 - 100 acres in size
  - 1 mile if more than 100 acres in size

- ☐ **Special Power of Attorney Affidavit** for each owner (if applicable).
- ☐ One hard copy of the application package.
- ☐ Digital copy copy of the application in PDF format.
- ☐ Non-Refundable Application Review Fee of $3,000 (payable to the *Frederick County Treasurer*).

Existing Comprehensive Plan land use classification(s): Business

Proposed Comprehensive Plan land use classification(s) and respective areas: Recreation

Existing zoning and land use of the subject parcel(s): RA

What use/zoning will be requested if the amendment is approved? RA

(TO BE COMPLETED BY APPLICANT)

SUBJECT PROPERTY OWNERS AFFIDAVIT

County of Frederick, Virginia
Frederick Planning Web Site: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Suite 202 Winchester, Virginia 22601
Phone 540-665-5651

STATE OF VIRGINIA
COUNTY OF FREDERICK

This 28th (Day) day of May (Month), 2026 (Year),

I, [redacted] (Owner/Contract Purchaser/Authorized Agent)

hereby make oath that the list of property owners of the subject site, as submitted with the application, is a true and accurate list based on the information provided by the Frederick County Commissioner of the Revenue Office as taken from the current real estate assessment records.

[redacted]
(Owner/Contract Purchaser/Authorized Agent)
(circle one)

COMMONWEALTH OF VIRGINIA:

County of Frederick

Subscribed and sworn to before me this 28th day of May, 2026 in my County and State aforesaid, by the forenamed Principal.

[redacted]
NOTARY PUBLIC

My Commission expires: 07-31-2027

HOLLY N. HADGINIKITAS
NOTARY PUBLIC
Commonwealth of Virginia
Registration No. 7830889
My Commission Expires 07-31-2027

RESOLUTION

Action:

PLANNING COMMISSION:	October 21, 2026	Recommended Approval
BOARD OF SUPERVISORS:	November 12, 2026	Pending

RESOLUTION TO APPROVE AMENDING THE COMPREHENSIVE PLAN CPPA #03-26 FOR KSS LC

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

WHEREAS, this amendment would include the parcels identified with PIN #53-A-70, totaling +/- 30.10- acres, to modify the future land designation on the property to be "recreation;" and

WHEREAS, the Board of Supervisors and Planning Commission held a joint work session on June 17, 2026, and selected this CPPA for additional study; and

WHEREAS, the Board of Supervisors on August 12, 2026, by resolution directed staff and the CPPC to study this request further and hold the necessary public hearings; and

WHEREAS, the Comprehensive Plans and Programs Committee (CPPC) discussed the KSS LC CPPA request at its September 14, 2026, meeting and offered no consensus on a recommendation to the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing for this request at its October 21, 2026, meeting and recommended approval of the KSS LC CPPA; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing for this request at their regular meeting on November 12, 2026; and

WHEREAS, the Frederick County Board of Supervisors finds that the KSS LC CPPA #03-26 request including the parcels identified with PIN #53-A-70, totaling +/-30.10- acres, to modify the future land designation on the property to be "recreation," to be in the best interest of the public health, safety, welfare and future of Frederick County, and in good planning practice;

NOW, THEREFORE BE IT RESOLVED by the Frederick County Board of Supervisors that the Comprehensive Plan is amended accordingly.

Passed this 12th day of November 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: November 12, 2026
Agenda Section: Planning Commission Business - Other Planning Business

Title: Ordinance Amendment – TM - Technology-Manufacturing Park District (Removal)

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. The Board of Supervisors held a public hearing on September 23, 2026. The Board tabled action to November 12, 2026.

Attachments:
BOS11-12-26_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: John Bishop, AICP, Planning Director

SUBJECT: Ordinance Amendment – TM - Technology-Manufacturing Park District (Removal)

DATE: November 4, 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.

The Board of Supervisors held a public hearing on September 23, 2026. The Board tabled action to November 12, 2026.

Staff is seeking a decision by the Board of Supervisors on this proposed ordinance amendment.

Questions regarding the proposal may be directed to staff.

JB/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	Tabled
	November 12, 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 its 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 and tabled action;

WHEREAS, the Frederick County Board of Supervisors held a public meeting on this proposed ordinance amendment November 12, 2026 and recommended approval;

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 November 12, 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