REGULAR TOWN COUNCIL MEETING

Monday, April 9, 2018 @ 7:00pm
Warren County Government Center

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of March 26, 2018
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
   a. Report of special committees or Town officials and Town Manager
      * **Quarterly Report from Finance Director BJ Wilson**
   b. Requests and inquiries of Council members.
   c. Report of the Mayor
      *** Award of Town Scholarships**
   d. Proposals for addition/deletion of items to the Agenda.

7. **CONSENT AGENDA ITEMS** – (**ROLL CALL VOTE REQUIRED)**
   A. COUNCIL APPROVAL – Proclamation for *"Arbor Day"*
   B. COUNCIL APPROVAL – Proclamation for *"Building Safety Month"*
   C. COUNCIL APPROVAL – Proclamation for *"Youth Week"*
   D. COUNCIL APPROVAL – Bid for Thermoplastic Pavement Marking Material/Installation
   E. COUNCIL APPROVAL – Bid for Slurry Seal
   F. COUNCIIL APPROVAL – Bid for Emergency Generator for Town Hall

8. **COUNCIL APPROVAL** – Rezoning Application for Valley Health (*2ND Reading)*

9. **COUNCIL APPROVAL** – FY2018 – 2019 Tax Rates *(2ND Reading)*

10. **COUNCIL APPROVAL** – Resolution to Approve 2018 Amendment to the 1998-1999 Voluntary Settlement Agreement between Town and County

11. **COUNCIL NOMINATIONS** – 2018 VML Policy Committees

12. **COUNCIL RECOMMENDATION** – Board of Zoning Appeals

13. **CLOSED MEETING** – Compensation Study and Disposition of Publicly held Property

7A

Town of Front Royal, Virginia
Council Agenda Statement

Item No. 7(A)

Meeting Date: April 9, 2018

Agenda Item: COUNCIL APPROVAL – Proclamation *"Arbor Day 2018"*

Summary: Council has received a request seeking approval of a proclamation proclaiming Saturday, April 28, 2018 as *"Arbor Day 2018"* in the Town of Front Royal.

Budget/Funding: None

Attachments: Proclamation

Meetings: None

Staff Recommendation: Approval ✓ Denial_____

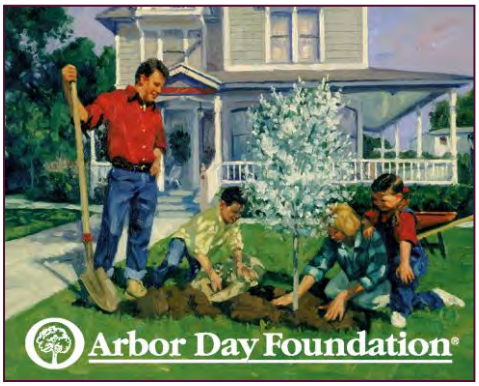
Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: **I move that Council approve a proclamation proclaiming Saturday, April 28, 2018 as *"Arbor Day 2018"* in the Town of Front Royal.**

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

Arbor Day 2018
Proclamation



WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a ~~million~~ trees in Nebraska, and Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and,

WHEREAS, Front Royal has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting practices;

NOW THEREFORE BE IT RESOLVED that I, Hollis L. Tharpe, Mayor of the Town of Front Royal, do hereby proclaim April 28, 2018 as

Arbor Day 2018

in the Town of Front Royal, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations

APPROVED:

Hollis L. Tharpe
Front Royal Mayor

ATTEST:

Jennifer Berry
Clerk of Council

7B

Town of Front Royal, Virginia
Council Agenda Statement

Item No. 7(B)

Meeting Date: April 9, 2018

Agenda Item: COUNCIL APPROVAL – Proclamation – *"Building Safety Month"*

Summary: Council has received a request from David C. Beahm, Warren County Building Official, on behalf of the Warren County Board of Supervisors, to approve a proclamation proclaiming May 2018 as *"Building Safety Month"* in the Town of Front Royal, as presented.

Budget/Funding: None

Attachments: Proclamation

Meetings: None

Staff Recommendation: Approval ✓ Denial_____

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: **I move that Council approve a Proclamation proclaiming May 2018 as *"Building Safety Month"* in the Town of Front Royal, as presented.**

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

Building *Safety* Month 2018 *Proclamation*

Whereas, Warren County's continuing efforts to address the critical issues of safety, energy efficiency, water conservation, and resilience in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound, and;

Whereas, our confidence in the structural integrity of the buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

Whereas, these guardians are dedicated members of the International Code Council—a U.S. based organization, that brings together local, state and federal officials with expertise in the built environment to create and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play, and;

Whereas, our nation benefits economically and technologically from using the International Codes® that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost of complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the nation; these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and;

Whereas, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings that are essential to keep America great, and;

Whereas, "Building Codes Saves Lives" the theme for Building Safety Month 2018, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2018 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and,

Whereas, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Front Royal Town Council does hereby proclaim the month of May 2018 as ***Building Safety Month*** and encourages our citizens to join with their communities in participation in **Building Safety Month** activities.

APPROVED:

_____

Hollis L. Tharpe
Mayor

ATTEST:

_____

Jennifer Berry
Clerk of Council

Adopted this 9th day of April 2018 by the Front Royal Town Council, Front Royal, Virginia.

7C

Town of Front Royal, Virginia
Council Agenda Statement

Item No. 7(C)

Meeting Date: April 9, 2018

Agenda Item: COUNCIL APPROVAL – Proclamation *"Youth Week"*

Summary: Council has received a request seeking approval of a proclamation proclaiming the first week in May as *"Youth Week"* in the Town of Front Royal.

Budget/Funding: None

Attachments: Proclamation

Meetings: None

Staff Recommendation: Approval ✓ Denial_____

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: **I move that Council approve a proclamation proclaiming the first week in May as *"Youth Week"* in the Town of Front Royal.**

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

Benevolent and Protective

ORDER OF ELKS

UNITED STATES OF AMERICA

A Fraternal Organization

YOUTH WEEK PROCLAMATION

WHEREAS, The benevolent and Protective Order of Elks has designated the first week in May, as Youth Week to honor America's Junior Citizens for their accomplishments, and to give fitting recognition of their services to Community, State and Nation; and,

WHEREAS, Front Royal Lodge 2382 will sponsor an observance during that week in tribute to the Junior Citizens of this Community; and,

WHEREAS, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and,

WHEREAS, our Youth need the guidance, inspiration and encouragement which we alone can give in order to help develop those qualities of character essential for future leadership; and go forth to serve America; and,

WHEREAS, to achieve this worthy objective we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship;

NOW THEREFORE, I, Hollis Tharpe, Mayor of the Town of Front Royal, do hereby proclaim the first week in May as Youth Week, and urge all departments of government, civic, fraternal and patriotic groups, and our citizens generally, to participate wholeheartedly in its observance.

Hollis L. Tharpe

Mayor of Front Royal, VA

APR. 1 2018

Date

7D

Town of Front Royal, Virginia
Council Agenda Statement

Item No. 7(D)

Meeting Date: April 9, 2018

Agenda Item: COUNCIL APPROVAL – Bid for Thermoplastic Pavement Marking Material/Installation

Summary: Council is requested to approve a bid from Midlantic Markings, Inc. for the purchase of Thermoplastic Pavement Marking Materials and Installation in the amount of $37,000.

Budget/Funding: VDOT Highway Maintenance Line Maintenance FY19 Budget Line Item 4500-45473 "Line Painting" in the amount of $30,407.04;
Non-VDOT Highway Maintenance FY19 budget line item 4102-45473 "Line Painting" in the amount of $2,000
4500-R45473 carried over funds for "Line painting in the amount of $4,592.96.

Attachments: Memos from the Finance Director and Interim Public Works Director and Quotation Tabulation

Meetings:

None

Staff Recommendation: Approval ✓ Denial_____

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: **I move that Council approve a bid from Midlantic Markings, Inc. for the purchase of Thermoplastic Pavement Marking Materials and Installation in the amount of $37,000.**

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

MEMORANDUM

Date: April 3, 2018

To: Tina Presley, Administrative Assistant

Jennifer Berry, Clerk of Council

From: B. J. Wilson; Director of Finance

RE: Agenda Item

On Thursday, March 29, 2018, I held a bid opening for Thermoplastic Pavement Marking Material and installation for the Highway Maintenance Department. I received two (2) responses to this bid (see attached tabulation sheet). Due to the dollar amount, I will need Town Council approval to place this order. Please add this item to the April 9th Council agenda for their action.

Staff recommends the award for the purchase of Thermoplastic Pavement Marking Materials and Installation be made to Midatlantic Markings Inc. for a total purchase cost of $37,000.

Funding for this purchase is available in the V-dot Highway Maintenance Line Maintenance FY19 budget line item 4500-45473 "Line Painting" in the amount of $30,407.04, Non-VDOT Highway Maintenance FY19 budget line item 4102-45473 "Line Painting" in the amount of $2,000 and 4500-R45473 carried over funds for "Line Painting" in the amount of $4,592.96.

Town of Front Royal

Public Works

MEMORANDUM

TO: BJ Wilson, Finance Director

FROM: Robert B Boyer, Interim Public Works Director

DATE: April 3, 2018

SUBJECT: Recommendation of Award for Alkyd Thermoplastic

We have reviewed the bid documents submitted for this bid from each bidder to make sure it meets all bid specs as well as all Town standards. I would like to recommend that we move forward with the low bidder, Midlantic Marking Inc. at the cost of $37,000.00 The department has the funding to cover this cost in the current budget, so funding is not an issue.

If you have any questions or need any further information, please contact me at 540-635-7819.

Thanks,

Robert B Boyer
Interim Public Works Director
Town of Front Royal

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: ALKYD THERMOPLASTIC | **Quotation #10**

Date: March 29, 2018 | **Mailed 5** | **Replied 2**

	Vendor Quotation		
	MIDLANTIC MARKING INC	CLATTERBUCK PAVEMENT MARKINGS	
QUANTITY	QUOTATION	QUOTATION	QUOTATION
FURNISH AND INSTALL ALKYD THERMOPLASTIC PAVEMENT MARKING MATERIALS:			
1,500 FEET - 12" WHITE LINE	$6,000.00 ($4.00/FT)	$6,150.00 ($4.10/FT)	
2,500 FEET - 24" WHITE LINE	$13,750.00 ($5.50/FT)	$16,875.00 ($6.75/FT)	
75 EACH - LEFT TURN ARROW	$5,250.00 ($70.00/EA)	$6,187.50 ($82.50/EA)	
50 EACH - RIGHT TURN ARROW	$3,500.00 ($70.00/EA)	$4,125.00 ($82.50/EA)	
50 EACH - STRAIGHT ARROW	$3,000.00 ($60.00/EA)	$4,125.00 ($82.50/EA)	
25 EACH - LEFT COMBO ARROW	$2,750.00 ($110.00/EA)	$2,750.00 ($110.00/EA)	
25 EACH - RIGHT COMBO ARROW	$2,750.00 ($110.00/EA)	$2,750.00 ($110.00/EA)	
OPTIONAL COST FOR ERADICATION OF OLD MARKINGS, AS MAY BE REQUIRED	$5.00/SF	N/Q	
Discount			
Net Quotation	$37,000.00	$42,962.50	
Terms			

The above proposals verified to specifications and compliance with terms and conditions.

Witness _____ Witness _____ Purchasing Agent _____

TOWN OF FRONT ROYAL, VIRGINIA

We are requesting price quotations on the items listed below.

QUOTATION #10

RETURN ADDRESS
Purchasing Agent
Quote No. 10
Town of Front Royal
102 E. Main Street
P.O. Box 1560
Front Royal, VA 22630

Deliver to F.O.B. TOWN MAINTENANCE YARD

Delivery to be made

Please use this form. Terms Net 30

Quotations will be opened and read aloud in the Purchasing Office:
2:00 P.M., Thursday, March 29, 2018

Quantity	Unit	Item	Quotation
		NO FAX OR EMAIL QUOTATIONS	
		FURNISH AND INSTALL WHITE ONLY ALKYD THERMOPLASTIC PAVEMENT MARKING MATERIAL PER ATTACHED SPECIFICATIONS	COST PER LINEAR FOOT:
1500	FEET	12" WHITE LINE	4.00
2500	FEET	24" WHITE LINE	5.50
75	EACH	STANDARD LEFT TURN ARROW	70.00
50	EACH	STANDARD RIGHT TURN ARROW	70.00
50	EACH	STANDARD STRAIGHT ARROW	60.00
25	EACH	STANDARD LEFT COMBO ARROW	110.00
25	EACH	STANDARD RIGHT COMBO ARROW	110.00
	SQ/FT	ERADICATION OF OLD MARKING AS NEEDED	5.00

Quotations above are subject to all requirements stated herein.

The right is reserved to reject any or all proposals submitted. Also, privilege is granted the Town to purchase any part of the whole of the items listed unless otherwise stated on this form by the Vendor.

Thank You.

B. J. Wilson, V.C.A.
Director of Finance
Phone (540) 635 - 7799 Fax (540) 635 - 2298
bwilson@frontroyalva.com

THIS PAGE MUST BE COMPLETED, SIGNED, AND RETURNED WITH QUOTATION.

In compliance with this Invitation for Bid and to all the conditions imposed herein, the undersigned offers and agrees to furnish the services in accordance with the attached signed quotation.

LEGAL NAME & ADDRESS OF FIRM:

Midlantic Marking Inc.

PO Box 7997

Gaithersburg MD 20898

By: _____
Company's Authorized Representative - Signature in Ink

Printed Name: John F Deeley

Title: President

Date: 3/27/18

Phone: 301-865-8844

Email: tammy@midlanticmarking.com

Fax: 301-865-5050

7E

Town of Front Royal, Virginia
Council Agenda Statement

Item No. 7(E)

Meeting Date: April 9, 2018

Agenda Item: COUNCIL APPROVAL – Bid for Slurry Seal

Summary: Council is requested to approve a bid from Slurry Pavers Inc. for the purchase of Slurry Seal in the amount of $195,300

Budget/Funding: VDOT Highway Maintenance Line Maintenance FY19 Budget Line Item 4500-47956 "Line Painting" in the amount of $132,606.00;
4500-R47956 carried over funds for "slurry seal" in the amount of $62,694.00

Attachments: Memos from the Finance Director and Interim Public Works Director and Quotation Tabulation

Meetings: None

Staff Recommendation: Approval ✓ Denial_____

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: **I move that Council approve a bid from Slurry Pavers Inc. for the purchase of Slurry Seal in the amount of $195,300**

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

MEMORANDUM

Date: April 3, 2018

To: Tina Presley, Administrative Assistant

Jennifer Berry, Clerk of Council

From: B. J. Wilson; Director of Finance

RE: Agenda Item

On Wednesday, March 28, 2018, I held a bid opening for Slurry Seal for the Highway Maintenance Department. I received two (2) responses to this bid (see attached tabulation sheet). Due to the dollar amount, I will need Town Council approval to place this order. Please add this item to the April 9th Council agenda for their action.

Staff recommends the award for the purchase of Slurry Seal be made to Slurry Pavers Inc. for a total purchase cost of $195,300.

Funding for this purchase is available in the V-dot Highway Maintenance Line Maintenance FY19 budget line item 4500-47956 "Line Painting" in the amount of $132,606.00 and 4500-R47956 carried over funds for "Slurry Seal" in the amount of $62,694.00.

Town of Front Royal

Public Works

MEMORANDUM

TO: BJ Wilson, Finance Director

FROM: Robert B Boyer, Interim Public Works Director

DATE: April 3, 2018

SUBJECT: Recommendation of Award for Slurry Seal Bid

We have reviewed the bid documents submitted for this bid from each bidder to make sure it meets all bid specs as well as all Town standards. I would like to recommend that we move forward with the low bidder, Slurry Pavers Inc at the cost of $195,300.00 The department has the funding to cover this cost in the current budget, so funding is not an issue.

If you have any questions or need any further information, please contact me at 540-635-7819.

Thanks,

Robert B Boyer
Interim Public Works Director
Town of Front Royal

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: SLURRY SEAL

Quotation #9

Date: MARCH 28, 2018

Mailed: 8

Replied 2

	Vendor Quotation			
	SLURRY PAVERS INC	BOXLEY MATERIALS COMPANY		
QUANTITY	QUOTATION	QUOTATION	QUOTATION	QUOTATION
ESTIMATED: 90,000 SQUARE YARDS SLURRY SEAL APPLICATION CONTRACTOR TO SUPPLY ALL LABOR, MATERIAL, EQUIPMENT, SUPERVISION, TOOLS, PARTS, TRAFFIC CONTROL, AND ANY INCIDENTALS NECESSARY TO COMPLETE THE PROJECT	$2.17/SY	$2.38/SY		
TOTAL QUOTATION	$ 195,300.00	$ 214,200.00	$ -	$ -

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Witness

Purchasing Agent

TOWN OF FRONT ROYAL, VIRGINIA

SLURRY PAVERS, INC.

We are requesting price quotations on the items listed below.

Deliver to F.O.B. TOWN OF FRONT ROYAL

Delivery to be made As directed

Please use this form. Terms NET 30

QUOTATION #9

RETURN ADDRESS
Purchasing Agent
Quote No. #9
Town of Front Royal
102 E. Main Street
P.O. Box 1560
Front Royal, Va. 22630

2:00 P.M., WEDNESDAY, MARCH 28, 2018
PLEASE NOTE: In the event that the Town of Front Royal Purchasing Office is closed due to inclement weather and/or emergency situations prior to or at the time set aside for the receipt of bids, the published due date will default to the same time on the next open business day.

Quantity	Unit	Item	Quotation
		FAX OR EMAIL QUOTATIONS WILL *NOT* BE ACCEPTED	
(EST.) 90,000	SQ. YD.	EMULSIFIED ASPHALT SLURRY SEAL APPLICATION	$ 2.17 / S.Y.
		The selected Contractor shall furnish all labor, supervision, equipment, tools, parts, materials, traffic control, and incidentals necessary to properly complete the slurry seal application, as directed by the Front Royal Project Manager, in accordance with the attached specifications.	Two dollars and seventeen cents per Square Yard
		Project Contact: Steve Scheulen (540) 635 - 7819	

Quotations above are subject to all requirements stated herein.

The right is reserved to reject any or all proposals submitted. Also, privilege is granted the Town to purchase any part of the whole of the items listed unless otherwise stated on this form by the Vendor.

Thank You.

B. J. Wilson, V.C.A.
Director of Finance
Phone (540) 635 -7799 Fax (540) 635 -2298
bwilson@frontroyalva.com

THIS PAGE MUST BE COMPLETED, SIGNED, AND RETURNED WITH QUOTATION.

In compliance with this Invitation for Bid and to all the conditions imposed herein, the undersigned offers and agrees to furnish the services in accordance with the attached signed quotation.

LEGAL NAME & ADDRESS OF FIRM:

SLURRY PAVERS, INC.

3617 NINE MILE RD RICHMOND, VA 23223

By: F. C. Dabney

Company's Legal Name Authorized Representative - Signature in Ink

Printed Name: F. Carter Dabney, Vice President

Title: F. Carter Dabney, Vice President

Date: 3/27/2018

Phone: 804-264-0707

Email: cdabney@slurrypavers.com

Fax: 804-264-0219

7F

Town of Front Royal, Virginia
Council Agenda Statement

Item No. 7(F)

Meeting Date: April 9, 2018

Agenda Item: COUNCIL APPROVAL – Purchase of an Emergency Generator for Town Hall

Summary: Council is requested to approve a purchase through the National Joint Power Alliance (NJPA) Contract#080613-CAT with Carter Machinery Company for one (1) EPA Stationary Emergency Certified-EPA Tier 3 NAC224P Engine Generator Set for Town Hall in the amount of $29,225.99 ($27,069.99 base + $2,156.00 automatic transfer switch)

Budget/Funding: FY18 General Properties Department budget line item 4302-47009 "Buildings & Structures"

Attachments: Memo from the Finance Director and Letter from Southeastern Consulting

Meetings: Work Session held March 5, 2018

Staff Recommendation: Approval ✓ Denial_____

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: **I move that Council approve a purchase through the National Joint Power Alliance (NJPA) Contract#080613-CAT with Carter Machinery Company for one (1) EPA Stationary Emergency Certified-EPA Tier 3 NAC224P Engine Generator Set for Town Hall in the amount of $29,225.99 ($27,069.99 base + $2,156.00 automatic transfer switch)**

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

MEMORANDUM

Date: April 4, 2018

To: Tina Presley, Administrative Assistant

Jennifer Berry, Clerk of Council

From: B. J. Wilson, Director of Finance

RE: Agenda Item

I have received a request from the Electric Department to purchase an emergency generator for the Town Hall through the National Joint Power Alliance (NJPA) Contract#080613-CAT with Carter Machinery Company.

The N.J.P.A. contract is competitively bid, and so meets the Public Procurement Act requirements. Due to the volume the awarded dealers sell through these contracts, there is a substantial cost savings over the invoice price.

The dollar amount of this purchase requires Town Council approval. Please add this item to the April 9th, 2018 agenda for their action.

Staff recommends the purchase of one (1) EPA Stationary Emergency Certified-EPA Tier 3 NAC224P Engine Generator Set from Carter Machinery Company Inc for a total cost of $29,225.99. This cost breaks down as $27,069.99 base price, with an automatic transfer switch $2,156.00.

Funding for this purchases in the amount of $29,225.99 is available in the FY18 General Properties Department budget line item 4302-47009 "Buildings & Structures". If this purchase is approved, the remaining funds $60,774.01, will be utilized for installation, mounting, and securing the generator. This would include concrete pad, running of electric lines to the generator, fencing, crane service for setting of generator, etc.

Southeastern Consulting Engineers, Inc.

March 23, 2018

Mr. David Jenkins
Town of Front Royal
P.O. Box 1560
Front Royal, Virginia 22630

Ref.: Recommendation to Purchase
Generator for Town Hall

Dear David:

As the Town intends to purchase an emergency standby generator for Town Hall, we have requested a proposal from Carter Machinery through the National Joint Powers Alliance (NJPA). Apparently the Town is a member of NJPA (#25913) and has used the alliance for purchases in the past. We are recommending the Town award a contract in the amount of $29,225.99 to Carter Machinery for the purchase of a 60kW standby generator and transfer switch.

Our experience assisting municipal clients purchases through NJPA has been very positive. They are able to offer nationally established transparent prices to all members which include a significant member discount. Other purchasing agents have considered this as an acceptable and legal alternative to a formal bid. In addition, prices have been more attractive through NJPA offers than through competitive bid. This proposal from Carter is less than another client spent for identical unit over five years ago on a generator furnished through formal bid process.

Carter Machinery is offering a Caterpiller generator, which we consider one of the most reliable units. Caterpiller also provides exceptional and responsive service on their units. Carter has a dealership in Harrisburg. A free four year warranty is standard on NJPA purchases.

If you agree with our recommendation, please issue a purchase order and reference NJPA Contract #080613-CAT as instructed on their enclosed proposal. Don't hesitate to call if you have any questions or need additional information.

Very truly yours,

SOUTHEASTERN CONSULTING ENGINEERS, INC.

By_____
A.J. Molnar, P.E.
Vice President

AJM/lc
Enclosure

600 MINUET LANE P.O. BOX 240436 CHARLOTTE, NC 28224
PHONE: (704) 523-6045 FAX: (704) 523-8317

Carter CAT LET'S GET TO WORK.

Carter Machinery Company, Inc.
10990 Air Park Road; Hanover Industrial Airpark; Ashland, VA 23005

Gary Ouellette Phone (804) 823-1163
Craig Brander Phone (804) 823-1164

03/20/2018 **Quote: CAB30429033**

Town of Front Royal Town Hall - 60kW Cat Generator

USING NJPA CONTRACT PRICING – Contract #080613-CAT

GENERATOR BILL OF MATERIALS

One (1) Caterpillar Diesel Fueled Packaged Generator Set Model D60-4LC with Brushless Generator, 60 kW Standby at 0.8 P.F., 120/208 Volt, 3-Phase, 60 Hertz at 1800 RPM.

NJPA CONTRACT ITEMS

BASE MODEL

- **EPA STATIONARY EMERGENCY CERTIFIED- EPA TIER 3**
  - **NAC224P [D60-4LC, 60kW, 3-PHASE, 208v, 60Hz ENGINE-GENERATOR SET]**

ATTACHMENTS

- EMISSION CERTIFICATION
  - CERTESE [EPA STATIONARY EMERGENCY]
- UL LISTING
  - UL LISTED PACKAGE
- NFPA 110 UPGRADE
  - NFPA BUNDLE
- VOLTAGE INDICATOR
  - VOP610 [120/208v 3-Phase]
- APPLICATION INDICATOR
  - STANDBY [STANDBY RATING]
- CONTROL PANEL
  - EMCP42 [EMCP 4.2 AUTOSTART CONTROL PANEL]
  - FSS [PANEL CIRCUIT – FUEL LEVEL ALARMS included]
  - VFRCON [GEN RUNNING RELAY and VOLT FREE CONTACT for ALARMS]
  - PAA1 [LOCAL ALARM HORN w/ MUTE]
  - ML1 [OIL TEMPERATURE GAUGE and SENDER]
- CIRCUIT BREAKER
  - CB2501C [250Amp, LSI ELECTRONIC ADJUSTABLE TRIP, 3P, 100% RATED]
  - NOSUSEB [NEUTRAL BAR INSTALLED]
  - SHTAUX [12v SHUNT TRIP with AUX CONTACTS]
- GENERATOR
  - OGNSEAK – [CAT LC1514N GENERATOR END]
  - PMEXCI3 – [PERMANENT MAGNET EXCITATION]
  - AH1H – [ANTI-CONDENSATION HEATER]
- COOLING SYSTEM
  - WSS1 [LOW COOLANT LEVEL SHUTDOWN CIRCUIT]
  - WCA1 [LOW COOLANT TEMPERATUR ALARM 69/80]
  - WHH [COOLANT WATER HEATER 90/130]
  - CWRESV [COOLANT RESERVOIR]

Town of Front Royal Town Hall - 60kW Cat Generator

- ENCLOSURE
  - ENCSA88 [SOUND ATTENUATED, WEATHERPROOF ENCLOSURE – CAT WHITE IN COLOR – WITH CRITICAL SILENCER INSTALLED INSIDE ENCLOSURE][75dBA at 23' Under Full Load]
  - PVW2 [PANEL VIEWING WINDOW]

- FUEL TANK
  - INFT137 [137-GALLON INTEGRAL DOUBLE-WALLED UL142 DIESEL FUEL TANK]
    - 26-HOUR RUNTIME AT 100% LOAD
  - FFLCK [FUEL TANK FILL PIPE and LOCKING CAP]

- STARTING/CHARGING SYSTEM
  - PBC10NU [BATTERY CHARGER 10A]
  - STDBAT [12V CAT BATTERY INSTALLED]

- TESTS/REPORTS
  - STDTEST – [0.8 POWER FACTOR FACTORY TEST]

- OTHER
  - FOUR (4) YEAR / 2000hr Extended Standby Warranty, Covering Travel, Parts and Labor for the full term.

BASE MODEL & ATTACHMENT LIST PRICE:..... .. $ 31,831.00

NJPA MEMBER DISCOUNT (31%):.....(-) $ 9,867.61

TOTAL NJPA MEMBER GENERATOR ONLY CONTRACT PRICE:.....$ 21,963.39

SOURCED GOODS & SUPPORT SERVICE PRICE ITEMS

- FACTORY AND LOCAL FREIGHT
- STANDARD FIELD STARTUP SERVICE – ONE DAY
- ONE (1) 200 AMP AUTOMATIC TRANSFER SWITCH
  - 3-Pole, Nema-3R Outdoor Enclosure with Anti-Condensation Heater, Open Transition, Non-Service Entrance Rated, Engine Exerciser. 120/208v

- ***OTHER NJPA DISCOUNTABLE NET PRICE ITEMS:.....(+) $ 5,106.60***

TOTAL CUSTOMER NET PRICE, F.O.B. Jobsite:..... $ 27,069.99

NJPA Contract # 080613-CAT

Does not include any applicable taxes

NOTES:

- **Ordering from NJPA now includes a total of 4-YEAR warranty at no additional charge!**
- **If Automatic Transfer Switch needs to be Service Entrance Rated, please ADD $ 2,156.00**
- **Dimensions of Genset on Tank: 98.5"L x 42"W x 67"H**
  - **Weighs approx. 3,300lb w/o fuel**
- **NOT INCLUDED in the Pricing above:**
  - **Off-Loading (crane etc.) and Setting of Genset/ATS**
  - **Pad Work, Installation, Coordination Studies, if required, or Any Fuel.**
- **Please reference NJPA Contract # 080613-CAT on any Purchase Orders**

8

Town of Front Royal, Virginia
Council Agenda Statement

Meeting Date: April 9, 2018

Agenda Item: COUNCIL APPROVAL – Rezoning Application - Valley Health-Hospital *(2ND R)*

Summary: Council is requested to adopt on its second and final reading a Rezoning Application submitted by Valley Engineering, on behalf of Valley Health, for the conditional rezoning of approximately 147 acres for the future site of a hospital, medical office and accessory uses. The property is presently zoned both R-S (Suburban Residential) District and A-1 (Agricultural and Open Space Preservation) District. The application proposes to change all of the Applicant's property to the MCD (Mixed-Use Campus Development District). The submission includes a concept plan with two phases of development. The first phase includes a replacement hospital and medical office building, access improvements, mechanical yard, maintenance building, heliport, and associated site improvements. The second phase includes completion of the hospital loop road, a phase 2 medical office building, and associated site improvements. Access to the site is proposed via Oden Street (secondary access) and an entrance off of Leach Run Parkway (primary access). A buffer and large tracks of forested areas are designated for conservation. The proffers address signalization of the primary and secondary entrances, a future vehicular access connection with the property of HEPTAD LLC, conformance with the concept plan, and a northbound right-turn lane with taper located on Leach Run Parkway at the primary entrance. The proffers also address the zoning of two small tracts of land that are part of a trade agreement with Warren County at the entrance of Oden Street and Leach Run Parkway.

Budget/Funding: None

Attachments: Staff Report, Application, Impact Statement, Reports, Plan and Proffers

Meetings: Work Session held March 19, 2018; Public Hearing held March 26, 2018

Staff Recommendation: Approval ✓ Denial_____

Proposed Motion: I move that Council adopt on its second and final reading a Rezoning Application submitted by Valley Engineering, on behalf of Valley Health, for the conditional rezoning of approximately 147 acres from R-S (Suburban Residential) District and A-1 (Agricultural and Open Space Preservation) District to MCD (Mixed-Use Campus Development District) for future hospital, medical office and accessory uses as shown in concept plan and proffers, as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING
Memorandum

To: Joe Waltz, Town Manager

From: Jeremy F. Camp, Planning & Zoning Director

Date: March 22, 2018

Re: Valley Health Revised Proffers

Attached is a copy of revised proffers submitted by Valley Engineering, on behalf of Valley Health, on March 22, 2018. These proffers should be provided to Town Council for their consideration at the public hearing/1st reading scheduled for March 26, 2018.

The changes reflect conversation with Town Staff and Town Council during the March 19, 2018 Town Council Work Session. Specifically, Proffer #3 has been reworded.

The Applicant agrees to design and build the traffic signal with the first phase of development, if warranted by a traffic signal warrant analysis that is submitted for review by the Town during the site plan review process. If not warranted at that time, the hospital has still agreed to design and build the traffic signal within a five (5) year time period. The Applicant will pay for 100% of all costs for the required traffic signal. The word “minimum” was removed from the wording as requested.

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING
Memorandum

To: Joe Waltz, Town Manager
From: Jeremy F. Camp, Planning & Zoning Director
Date: March 14, 2018
Re: Hospital Rezoning Application Updates and Additional Information
FRREZONE-000661-2018

The purpose of this memorandum is to provide updates and additional information regarding the questions that were raised by Town Council on March 5, 2018 concerning the hospital's rezoning application. This information in this memorandum was confirmed by Town Staff during a meeting with the Applicant held on March 13, 2018. I recommend sharing this information with Town Council at the March 19, 2018 Town Council Work Session, in advance of the March 26, 2018 Public Hearing.

1. **Traffic Signalization of the Proposed Main Hospital Entrance:** Two concerns were raised at the March 5, 2018 Town Council Work Session regarding the proposed proffers. First, it was discussed that the hospital should pay for 100% of the cost of signalization of the Main Hospital Entrance. The proffers reviewed on March 5th included a maximum contribution by the hospital of $300,000. While this is more than today's estimated cost, the true cost of the traffic signal will not be known until it is designed and built. The second concern discussed was regarding the timing of the traffic signal. The proffers reviewed on March 5th proposed construction within 5 years. Discussion at the work session included a request for the hospital to consider constructing the traffic signal up-front. One factor for this request, was concern that the cost for signalization would increase over time.

   UPDATE: The Applicant submitted revised proffers on March 14, 2018. The revised proffers include language changes that would require the hospital to pay for 100% of required costs for the traffic signal. There is a caveat. The Applicant will only pay for costs that are necessary to meet minimum requirements for a traffic signal. If the Town requests expensive upgrades that are not required by Town and VDOT standards, the Town would be responsible for the additional cost of that enhancement. Otherwise, the hospital will pay for all costs.

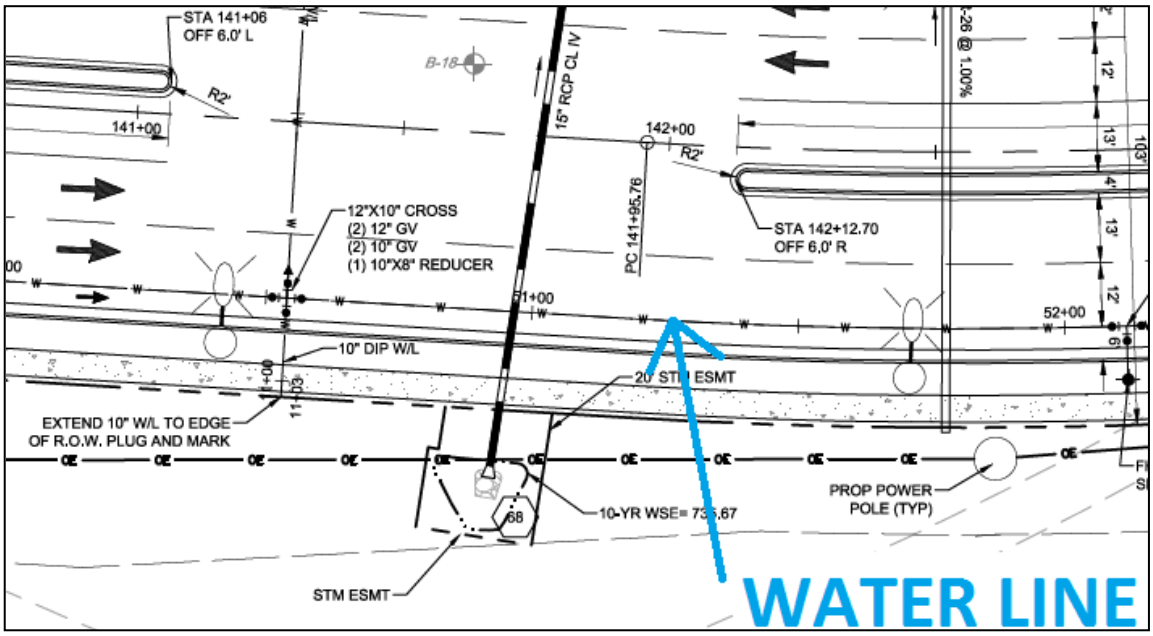
   The Applicant did not alter the timing requirement for the signalization in the latest revision. The Applicant believes the largest concern with the timing was eliminated when the hospital changed the proffer to remove the $300K cap and just pay for 100% of required costs. With that change made, the Applicant hopes the Town will accept the timing originally proposed, so that the hospital has the flexibility to construct the traffic signal between 0 and 5 years.

2. **Electric Service**: Questions were raised at the meeting about how electric service will be provided to the hospital, as well as, how the hospital will meet their redundant power source requirement. While this was discussed at the work session, below is additional information.

ADDITIONAL INFORMATION: Ultimately, an electric power transmission line is planned by the Town that will extend from John Marshall Highway to Happy Creek Road. However, this will not be installed before the hospital wants to open the new facility. The Town will be installing the first phase of this transmission line that extends from Happy Creek Road to Oden Street to access the hospital. The hospital will not be required to pay for this cost, but will be required to pay for all costs needed to make the electric connection and extend services to the proposed facilities. Extending the service line beyond Oden Street to John Marshall Highway will be determined by the Town in the future. The hospital understands this and intends to meet their redundant electric power service requirement by utilizing on-site generators.

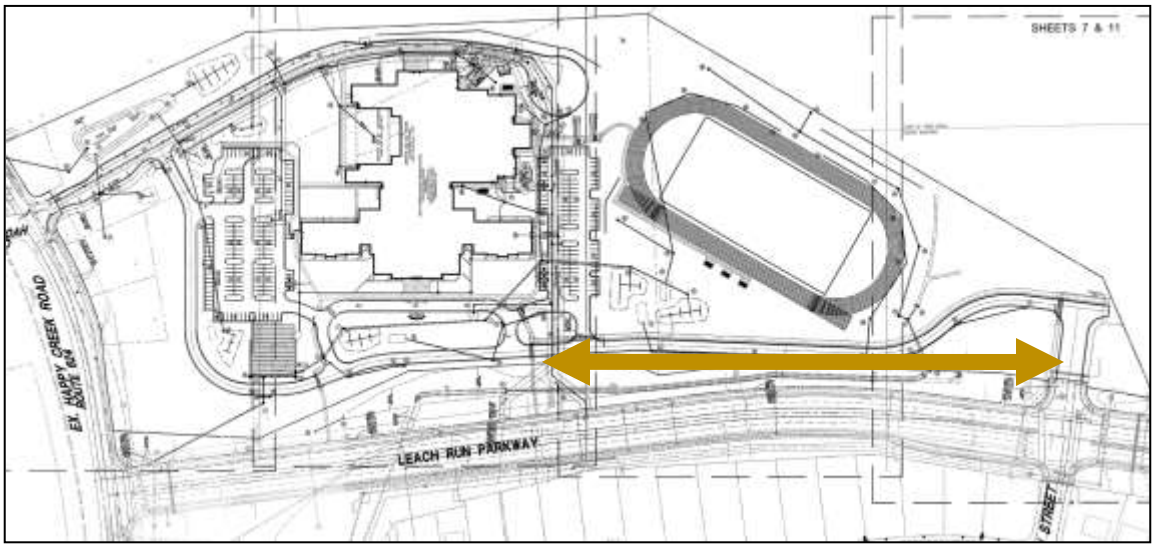
3. **Water Service**: Questions were raised at the meeting about how water service will be provided to the hospital, and how the requirement for a redundant water source would be addressed. While this was discussed at the work session, below is additional information.

ADDITIONAL INFORMATION: Final engineering will not take place until the site plan process begins; however, the hospital intends to extend water service to the proposed development from the existing 12" Water Main that parallels Leach Run Parkway. The hospital believes that their redundant water source requirement will be met by having multiple connections to this 12" Water Main. One at the main entrance and the other from the secondary entrance. Below is an illustration of the main hospital entrance that was taken from the engineering plans (Site Plan) for Leach Run Parkway, that shows the 12" water line with a 10" waterline lateral that was extended to the property line in anticipation of future development of the hospital's property.



4. **Sewer Service:** Questions were raised at the meeting about how sewer service will be provided to the hospital. While this was discussed at the work session, below is additional information.

ADDITIONAL INFORMATION: Final engineering will not take place until the site plan process begins; however, the hospital intends to extend sewer service to the proposed development from the existing 8" sewer line that was extended across Leach Run Parkway to access the new middle school. The hospital is in discussions with Warren County to obtain the necessary easement that will allow sewer to be extended to the proposed new hospital.



Attachment: Revised Proffers, dated March 14, 2018, with changes highlighted (signatures are needed).

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING

STAFF REPORT FOR THE FEBRUARY 21, 2018 PLANNING COMMISSION MEETING
UPDATED FOR MARCH 5, 2018 TOWN COUNCIL WORK SESSION

APPLICATION #:
FRREZON-000661-2018

APPLICANT:
Warren Memorial Hospital (Valley Health)

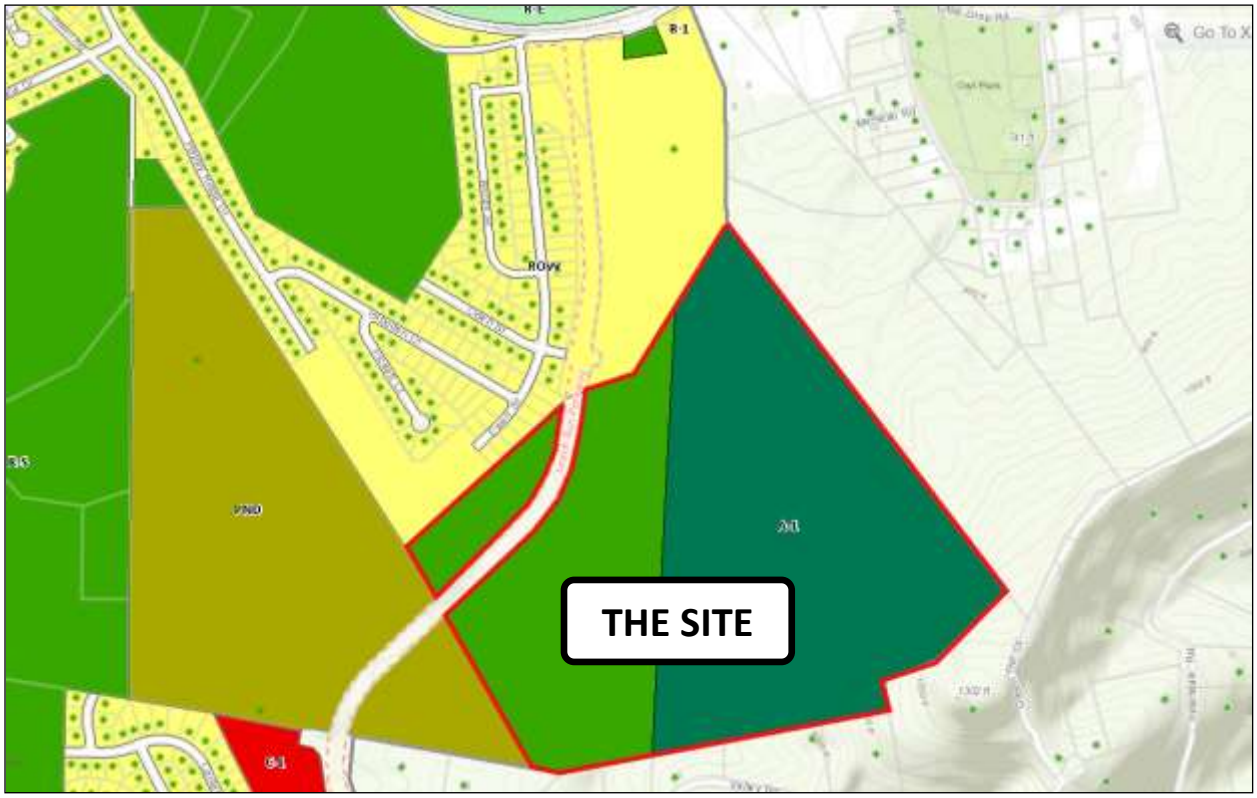
SUMMARY OF REQUEST:
The subject application proposes to conditionally rezone approximately 147 acres from the R-S/A-1 Districts, to the MCD District, and includes a Concept Plan that illustrates the development plan for the property as a future site for a hospital, medical offices, and accessory uses. A proffer statement is included with the application that addresses impacts of the proposed development and a zoning change for two small tracts of land that are part of a property trade agreement with Warren County at the entrance of Oden Street and Leach Run Parkway. [See Attachment A: Application Documents]

GENERAL INFORMATION:

Site Addresses	None (Vacant land located along Leach Run Parkway)
Property Owner(s)	Warren Memorial Hospital
Existing Zoning	R-S/A-1 Districts
Proposed Zoning	MCD District
Tax Identification	20A212 2
Location	The property is located on the east side of Leach Run Parkway. It is bordered to the north by Warren County Middle School (new), to the east and south by Warren County, and to the southwest by the planned development referred to as Swan Estates (HEPTAD).

Vicinity Map (Warren County GIS)

Town Zoning Map *(Warren County GIS)*



Town Zoning Map *(Warren County GIS)*

Concept Plan *(Applicant)*

INFORMATION ON THE APPLICATION:

Application Documents

A list and brief description of the parts of Attachment A: **APPLICATION DOCUMENTS** is provided below:

ATTACHMENT A: APPLICATION DOCUMENTS

- **Application Form.** This is the standard application form used to initiate rezoning applications in the Town.
- **Phase I Environmental Site Assessment by Triad Engineering.** This report concludes that no de minimum, REC, HRECs, CRECs or RECs were found on the site. This means that there were no environmental issues found on the site.
- **Evaluation of Jurisdictional Wetlands and Waterways.** This report concludes that there are numerous eroded gullies on the site, but no wetlands or other jurisdictional waters of the U.S. or Commonwealth.
- **Letter addressing Traffic Impact Analysis**. This letter provides the projected traffic counts and infers that a more detailed traffic study is not necessary because the proposed traffic is less than the assumed traffic used for the Leach Run Parkway and WC Middle School traffic studies.
- **Rezoning Impact Statement.** This document is required for rezoning applications to the MCD District. It identifies impacts that the proposed rezoning and development may have on the Town and community, as identified by the Applicant. It also touches on the purpose and need for a new hospital. Note: The hospital has not announced what is planned for the existing hospital on N. Shenandoah Avenue.
- **Concept Plan.** This document is required for rezoning applications to the MCD District. It shows the proposed development of the property. If approved, future development would be required to substantially conform with the Concept Plan.
- **Proffer Statement.** The proffer includes voluntary offerings from the applicant to mitigate impacts of the rezoning. The proffers are explained in more detail later in this Staff report.

Proposed Zoning

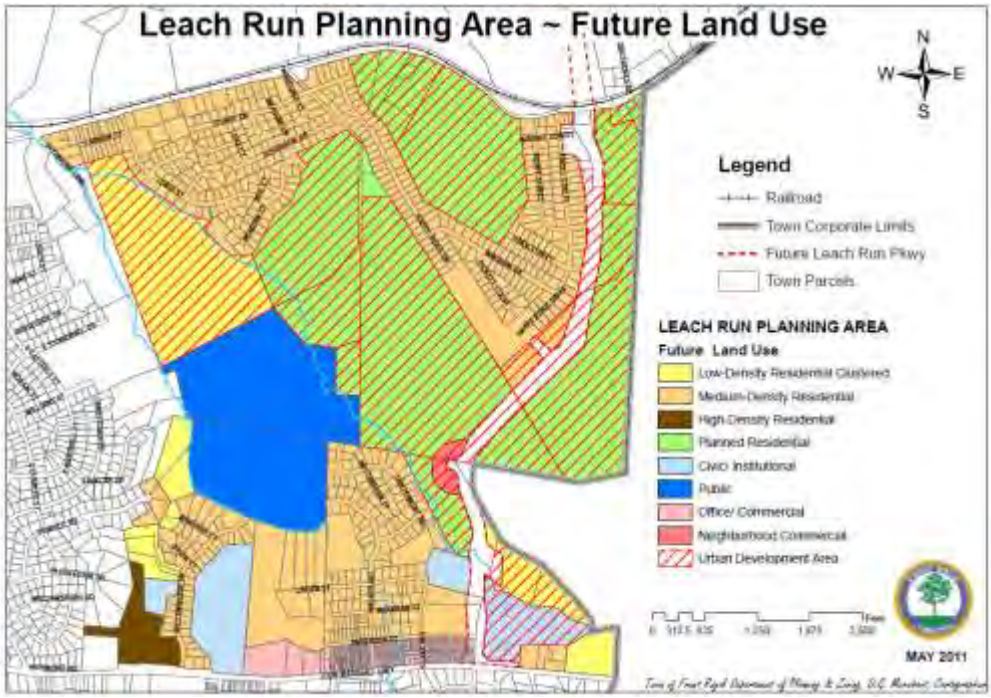
This rezoning application proposes to rezone approximately 147 acres to the MCD District. It also includes rezoning Area "E" from the A-1 to the R-1 District, and Area "F" from the R-1 to the MCD District. These smaller parcel zoning changes would go into effect when the Applicant and Warren County finalize an agreement to swap the properties and consolidate them into their parcels. This change would effectively clean-up the boundary line between Valley Health and the middle school.

The only other property in the Town that is designated with the MCD District zoning classification is Royal Phoenix. As stated under Town Code 175-53.9, the intended purpose of the MCD District is as follows:

"The purpose for establishing the MCD District is to implement the policies of the Comprehensive Plan that support the redevelopment or development of large tracts of land for principally non-residential purposes. In addition, the MCD District is intended to encourage greater creativity through regulations that are more flexible than the traditional zoning districts of this Chapter. The regulations of the MCD District are designed to permit development that includes a mixture of commercial, industrial and organizational land uses within a planned campus environment. The regulations herein will protect the health and safety of Town citizens while promoting the public's general welfare through the establishment of new economic development opportunities for the promotion of jobs, tax revenue, and a vibrant community."

Comp. Plan

Page 4 of the 2011 Comprehensive Plan Amendment identifies the subject property within the Town's Urban Development Area and identifies it as a potential site for a future hospital.



Impacts & Considerations

During the January 31, 2018 Planning Commission Work Session, the following impacts and planning considerations were discussed with the Applicant.

1) The cost of the proposed signalization of the proposed main entranced to the hospital.

2) The cost of possible future signalization of the proposed secondary entrance to the hospital at Oden Street.

3) The cost of the possible future signalization of the entrance at HEPTAD.

4) Access management of traffic with the future commercial area of Swan Estates/HEPTAD.

5) Access management of traffic with the Warren County Middle School.

6) Increased service calls by law enforcement and fire and rescue services to the eastern portion of the Town.

7) How to fund a redundant electric service transmission line to the site.

8) Preservation of canopy coverage and protection of environmental assets.

Proposed Proffers

Following the Planning Commission Work Session, the Applicant prepared revisions to the proposed proffers. This revision includes changes that address #1 and #4, as listed above. Below is a summary of the applicant's proposed proffers, as revised and submitted 2/9/18.

Proffer #1. Agreement of general conformance with the submitted Concept Plan.

Proffer #2. Construction of a 200-foot right-turn lane with taper serving the northbound approach of the proposed main entrance to the hospital.

Proffer #3. Agreement to submit a signal warrant analysis and signal justification report for the intersection of Leach Run Parkway and the proposed main entrance.

Proffer #4, AMENDED: Agreement to signalize the proposed main entrance to the hospital within 5 years, but with the following caveats:

- The hospital will only contribute up to $300,000 towards the design and construction and that the Town shall contribute the remaining funds.
- Design shall be furnished within 180 days of request by the Town.

- Construction shall be completed within 180 days following approval of construction documents.

Proffer #5, AMENDED: Agreement to provide an easement to allow for future interparcel connection with the commercial area of Swan Estates/HEPTAD and construction of a commercial entrance off of the proposed hospital loop road.

Proffer #6. Specification that two small pieces of land are to also be rezoned to clean-up the zoning boundary between the property and the WC Middle School Property, subject to final recordation of the property swap that is in-process with Warren County.

Proffer #7, ADDED: Agreement that future changes to the concept plan will require revisions to the concept plan per Town rezoning procedures, but that "any" future addition to parking or buildings shown on the Concept Plan would not be required to.

Staff Comments

- Proffer #7. This proffer was added in the 2nd rendition of the proffers, submitted on 2/9/18. The language appears to conflict with the Town Code 175-53.12, by allowing ANY additions or modifications to the uses shown on the Concept Plan. The Town Code allows for minor deviations that do not significantly alter the overall plan or conflict with the code.

- Proffer #4: The hospital has increased their maximum contribution for signalization from $175,000 to $300,000 for a future traffic signal at their proposed main entrance. The proffer states that they will design and construct the signalization if requested by the Town within 5 years from the date an occupancy permit is issued.
  - Staff has the following concerns with Proffer #4:
  - The proffer may not cover 100% of the cost for signalization. While $300,000 should be an adequate amount, the final cost will depend on 1) when the signalization is constructed, 2) what extras are included in the design, and 3) what right-of-way, if any, would be needed.
  - The time limitation is potentially problematic if the traffic warrant analysis concludes that a traffic signal is not warranted until after 5 years.

- That applicant has not offered to mitigate the fiscal impact to the Town related to a possible future traffic signal at Oden Street. Unlike the proposed main entrance, the hospital's pro-rata share is certainly not 100%. However, the hospital's development is a significant contributing factor and will expedite the possible need for a traffic signal at this intersection.

- While this is not directly associated with the rezoning application, Staff believes that it is important to note that the Town does not presently have funding for a redundant power transmission line to the hospital. A redundant underground electrical transmission line along Leach Run Parkway to the hospital site is estimated to cost $731,281.60.

- Minor technical issue: The application and proffers should be modified to reflect that the current zoning is both A-1 and R-S. The Warren County real estate records indicates that the parcel is zoned A-1, but it is in-fact split zoned R-S and A-1.

Note: Staff has discussed the above comments with the Applicant, and based on the Applicant's input, believes that a future revision of the language may be possible to address the identified concerns.

SUPPLEMENTAL INFORMATION:

What are Proffers?

Virginia Code § 15.2-2296 through § 15.2-2303.4 address the legislative intent and rules associated with the practice of "conditional rezoning." Conditional rezoning, typically just referred to as "proffers", is a process where a zoning reclassification (rezoning) may be allowed subject to certain conditions that are proffered by the applicant. This process gives local governing bodies the ability to better protect their communities from negative impacts associated with new development. Proffers also give developers more flexibility to address negative impacts to obtain approval of rezoning applications that may not otherwise be possible. Once accepted by the governing body, proffers are the same as an ordinance and run with the land.

Proffers can either be cash proffers or non-cash proffers. However, not all localities are authorized to accept cash proffers. Pursuant to Virginia Code § 15.2-2298, the Town of Front Royal has the ability to accept either type. This is because the Town is classified as a high-growth locality (due to Warren County's growth rate) in the State of Virginia.

Cash proffers may be collected by localities if the funds are for a capital improvement project that is on the community's Capital Improvement Program (CIP). The funds must be used within 12 years, and may only be used for the project listed in the proffer statement, unless alternative use of the funds are specified within the proffers. Proffers must also be

reasonably related to the rezoning; the rezoning must give rise for the need of such proffers; they must be in writing; signed by all parties; and may not obligate a locality to do something they would not otherwise have to do. In addition, proffers are intended to impose additional requirements and restrictions, not alternative or lesser requirements or restrictions. The alteration or lessening of requirements or restrictions is considered "contract zoning". Contract zoning, much like spot zoning, is illegal. [Pima Gro Systems, Inc. v. Board of Supervisors of King George County, 52 Va. Cir. 241 (2000)].

Perhaps the most important thing to remember about proffers is that they cannot be required, they must be made voluntarily by the applicant.

What Does It Mean That Proffers Must Be "Voluntary"?

- The locality must identify all of the impacts that could result from the rezoning so that the owner may decide which impacts it will address through proffers.
- It is up to the owner to decide whether to address the impacts that could result from the rezoning through proffers.
- If the locality denies the rezoning and the owner did not volunteer proffers to address all of the identified impacts, the decision must be based on sound zoning principles (including unmitigated impacts), and not simply on the fact that the owner did not proffer something.
- It does not mean that the locality is powerless to engage the applicant and its representatives in a meaningful dialogue to ensure that the applicant either addresses the identified adverse impacts through proffers or makes a conscious decision to not address those impacts through proffers.

[Chapter 11, Conditional Zoning: Proffers, The Albemarle County Land Use Law Handbook, Kamptner (June 2017).

CONCLUSIONS:

This proposed rezoning application for a future hospital and medical office buildings conforms with the Town's Comprehensive Plan. The application includes a well thought out Concept Plan, and includes proffers to mitigate some of the impacts of the proposed development. While a hospital use itself brings minimal tax revenue to the Town directly[1], it will indirectly improve land values in the area, as well as increase demand for new housing and business development. However, there remains some notable concerns with the application, as identified in this report on pages 7 and 8. With additional dialogue with the applicant, it is hoped that most, if not all, of these concerns can be addressed.

<u>During the February 21, 2018 Planning Commission Meeting, the Planning Commission passed a motion to recommend approval of this conditional rezoning application to Town Council</u>, including the proffers dated February 14, 2018, and the Concept Plan, dated January 16, 2018. Several residents of Green Hill Subdivision (Warren Count) spoke at the public hearing. They asked questions about the Concept, possible future development areas, buffering, and conservation of the high elevation.

ATTACHMENT: Attachment A: Application Documents

[1] Hospital's are tax exempt, but there is a small amount of meals tax from their cafeteria use by guests and there would be tax revenue if independent practices are set-up, or separate commercial businesses (example: Subway inside of the hospital).

TOWN OF FRONT ROYAL ~102 East Main Street, Front Royal, Va. 22630 ~ 540-635-4236
Department of Planning & Zoning

RZ _____

REZONING APPLICATION

APPLICANT

Name Warren Memorial Hospital (Valley Health) Phone (540) 536-4543

Address 1836 Amherst St., Winchester, VA 22601

E-mail mbaker@valleyhealthlink.com (Mark Baker - Vice President, Facilities Management & Safety)

PROPERTY OWNER OF RECORD

Name Warren Memorial Hospital Phone (540) 536-4543

Address 1000 South Shenandoah Ave., Front Royal, VA 22630

PROPERTY DESCRIPTION

Location/Street Address Leach Run Pkwy., Front Royal, VA, 22630
(911 address not yet established)

Number of lots: One (1) Total Acreage 147.039 AC

Tax Map Identification for each parcel (Map, Section, Block, & Lot):
Tax Map # 20A212 2

Subdivision Name (if applicable) _____

REQUEST

Existing Zoning A-1 Proposed Zoning MCD

Existing Use Vacant Land Proposed Use Hospital

PLEASE COMPLETE REVERSE SIDE

ATTACHMENTS

The following should be submitted with a completed copy of this application. Additional information may be determined necessary depending on the nature of the request.

1. Application Fee *(Checks should be made out to the Town of Front Royal. Fees are as follows: 1 acre or less = $500, over 1 acre = $500 + $100 per acre after 1st acre, Downzoning = $400)*
2. Survey/Plat of the property with metes and bounds descriptions for all existing and proposed property lines and zoning district boundaries *(8 copies and a digital copy)*.
3. Environmental Site Assessment Phase I and Phase II *(unless waived by Director)*.
4. Traffic Impact Analysis *(if required)*
5. Written proffers. Proffers are voluntary, but should be submitted in a written format approved by the Director.
6. Statement of Justification. As a separate document, provide a statement or statements that explain why you believe the property should be rezoned.

CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge. The proffering system has been explained to me and I have read Sections 175-149 and 175-150 of the Town of Front Royal Zoning Ordinance pertaining to conditional zoning and proffering.

Mark Bale

Signature of Property Owner

_____

Signature of Applicant (if different)

City/County of _____, Commonwealth of Virginia
The foregoing instrument was acknowledged before me this _____ day of _____, 20_____ by
_____.
(Name of person seeking acknowledgement)

_____
Notary Public
Notary registration number: _____ My commission expires: _____

NOTICES

→ Staff will notify adjacent property owners of the rezoning request and the scheduled public hearing dates with the Planning Commission and Town Council.
→ Town Staff will place an advertisement in the local newspaper as required under Virginia Code §15.2-2204.
→ Town Staff will place a public hearing sign(s) at the location of the proposed rezoning.
→ Submission of this application does not establish a vested right as outlined under Virginia Code §15.2-2307.
→ By submitting this application, the applicant grants permission to the Town officials and employees to enter upon the property, which is the subject of this application, during reasonable hours and for purposes related to the application process.
→ When the applicant is different than the fee simple property owner, the signature by the fee simple property owner on this application shall be considered as authorization for the applicant to act as an agent for matters concerning this application.

OFFICE USE ONLY

Receipt # _____ Date Paid _____
Planning Commission Hearing Date: _____ Recommendation: _____
Town Council Hearing Date: _____ Date Sent to Clerk: _____

January 17, 2018

Mr. Jeremy F. Camp, Director of Planning and Zoning
Town of Front Royal
102 E Main Street
Front Royal, VA 22630

RE: Warren Memorial Hospital, Replacement
TM# 20A212 2 (147.039 ac; Inst #3553)

Dear Mr. Camp,

In accordance with the Town of Front Royal Municipal Code, Chapter 175 – Zoning, Section 175-53.11, REVIEW AND CREATION, Item 4, an Impact Statement is required for any Rezoning package submitted for consideration.

This Section states, "*The applicant shall provide an Impact Statement that provides a narrative of the existing and proposed land use of the property and describe how it conforms to the Comprehensive Plan. The Impact Statement shall also identify how the project will impact the following, and how those impacts are proposed to be mitigated.*

a. Fiscal Impacts, capital and operating.
b. Impacts to the Quality of Life of citizens.
c. Impacts to Property Values.
d. Impacts to the Environment.
e. Impacts to Archeological and Historic Resources."

Per this request, we offer the following:

a. Fiscal Impacts, capital and operating

It is anticipated that any negative fiscal impact to the Town of Front Royal, both in capital or operating expenditures, will be minimal, and offer that the Town will see a more positive response through increased revenue collected by supporting facilities and businesses.

Specifically, we offer:

- The proposed facility will have more efficient electrical, water, and sanitary sewer systems than those that serve the existing facility. For this reason, we anticipate no increase in demands based upon the movement of the existing facility itself. There will be additional services offered in this facility that may increase the overall demand of these services, but in speaking with the individual utility providers, no negative impacts will be experienced in providing these additional demands and the existing infrastructure servicing this site is adequate as it exists.

The existing Warren Memorial Hospital facility will remain active in some form, but until that use is determined, any statement on the anticipated utility usage would be speculative. It is anticipated that any demands on this existing campus area will not increase with a future use, and being there are no services issue at the existing facility, we do not anticipate any issues with any future use.

- With regard to electrical service, the utility provider will construct a single, adequate service to the subject parcel, as it would do for any other development requiring such service. Valley Health, based upon sound engineering practice, is evaluating various options to provide a second, independent electric source for the new facility. This evaluation is considering the placement of onsite electrical generators, the possibility to extend a second utility service line to the facility, and other recognized and acceptable methods.

- Water and sanitary mains are being extended into the site which will be dedicated to the Town of Front Royal. These lines will be designed and constructed in accordance with applicable town standards, and they will be inspected during construction to ensure that they are presented to the town in an acceptable condition. These expenses will be covered by Warren Memorial Hospital.

- No additional roadways are being proposed whose maintenance will be the responsibility of the Town of Front Royal. A right turn lane will be constructed along Leach Run Parkway which will be turned over to the Town to be included in its maintenance program. This turn lane will be designed and constructed in accordance with applicable Town/VDOT standards, and it will be inspected during construction to ensure that it is presented to the Town in an acceptable condition. This expense will be covered by Warren Memorial Hospital.

- As proffered with this submittal, a traffic signal may be required, either through the request of the Town or by the desire of Warren Memorial Hospital. Warren Memorial Hospital offers to provide a maximum of $175,000.00 towards this expense.

b. Impacts to the Quality of Life of Citizens

Any impact to the Quality of Life to the Citizens of the Town of Front Royal, and the surrounding area, can only be seen as a positive improvement. This project will allow for the replacement of an aging facility with one that is up-to-date, efficient, inclusive of leading- edge technological advancements, and improvements as they relate to the healthcare environment itself.

While the existing facility is sufficient, there have been many changes to facility design and equipment that will be included in the design of this new facility. This includes items ranging from patient movements, check-in procedures, and imaging facilities to operating room layouts. These specific items, and a multitude of other improvements, have all changed since the construction of the existing facility.

This facility will be more patient and staff friendly, and be more than just a "hospital". The patient visiting this new facility will be less impacted by the relationship of uses/departments within the building. As technology has advanced, the existing facility was modified to conform to available space. These structural limitations caused inefficient use of space, personnel and supporting services. This new facility will place common elements adjacent to one another allowing for a more efficient and fluid patient treatment path. The new facility will also be constructed so future improvements to technology can be readily added.

The new facility will also allow for additional clinical service offerings to the region's citizens. The new facility will not only address patient needs as they develop, but it will offer programs to assist the community in staying healthy and avoiding trips to the doctor.

This facility will improve the services offered to the citizens and therefore improve their quality of life.

c. Impacts to Property Values

As with any development, property values have to be considered. In every instance seen by Valley Health, the development of a new hospital has done nothing but increase property values. Health care is just one item that companies and residents evaluate when considering a relocation and the construction of this new facility will do nothing but assist the Town in its efforts to attract new business and residents.

Available lands on the subject parcel will be available for other Warren Memorial projects which are typically located in close proximity to a hospital. By placing the facility as proposed, the land values will only increase based upon market demand to be associated with the new hospital.

d. Impacts to the Environment

Based upon the findings of the site specific Phase I Environmental Site Assessment, completed by Triad Engineering, originally dated August 29, 2006 and updated on May 12, 2017, no recognized environmental conditions, controlled recognizable environmental conditions, historical recognized environmental conditions, or *de minimis* conditions are present on the site. The original study did identify two (2) Environmental Noteworthy Items which required further consideration. These include 1-Possible Wetlands, and 2-Solid Waste Debris.

As part of the site design package, these will be specifically addressed in the following manner:

1- Possible Wetlands: As suggested in the Original ESA I, the unnamed intermittent tributaries were evaluated by the guidelines of the US Army Corp of Engineers. A report dated May 10, 2017 was prepared by Triad Engineering which stated that no jurisdictional water of the US, or waters of the Commonwealth, including wetlands exist on this subject parcel.

2- Solid Waste Debris: As suggested in the original ESA, the construction documents will include notes addressing the removal and disposal of any solid waste materials encountered during the construction process.

While not specifically noted in the ESA, the site will be designed in accordance with all applicable State Erosion and Sediment Control Regulations, and Stormwater Guidelines. We do not anticipate any complications with this and therefore do not anticipate the any request for a variance from these regulations.

e. Impacts to Archeological and Historic Resources

As part of the previously referenced ESA, both original and updated, Archeological and Historic Resources were evaluated for the subject parcel, as well as adjoining parcels. This evaluation included both the Historical Ownership of the subject parcel, the review of historical aerial photographs and topographic maps of the subject parcel, and documents pertaining to Recognizable Environmental Conditions (REC) for the subject and adjoining parcels.

The ownership information dated back to 1949, the aerial/topographic information dated back to 1937, and no current REC information existed for the subject parcel, or adjacent properties.

Based upon the findings of the original ESA and update, no archeological or historic resources are being impacted by the proposed development of the site.

Considering this information, it is our opinion that the development of this project will have no negative impacts to the subject parcel, adjacent properties, or the Town of Front Royal.

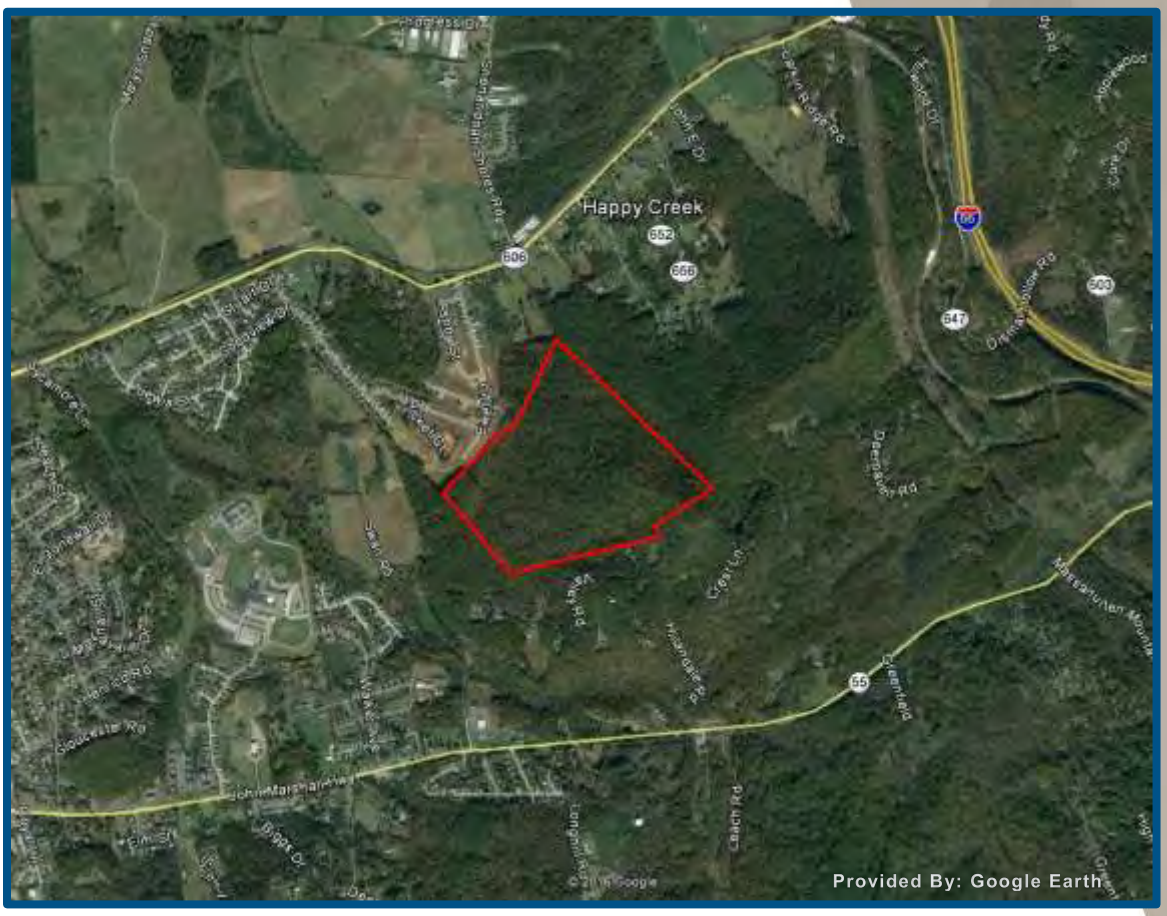
If during the review of this information you have any questions, or need additional information, please don't hesitate to ask.

Respectfully Submitted,
Valley Engineering, PLC

Daniel K. Michael, PE
Partner/Principal-in-Charge

PHASE I ENVIRONMENTAL SITE ASSESSMENT

Approximate 147.039-Acre
Warren Memorial Hospital Property
Leach Run Parkway
Front Royal, Virginia



Triad Project No. 03-17-0125

Prepared For:
Valley Health
1836 Amherst Street
Winchester, Virginia 22601

Prepared By:
Triad Engineering Inc.
1075-D Sherman Avenue
Hagerstown, Maryland 21740

May 12, 2017

TRIAD ENGINEERING, INC.

TRIAD Listens, Designs & Delivers™

www.triadeng.com

TABLE OF CONTENTS

COVER SHEET
TABLE OF CONTENTS
LIST OF APPENDICES
EXECUTIVE SUMMARY

SECTION **PAGE**

1.0 EXECUTIVE SUMMARY 1
1.1 Findings and Opinions 2
1.2 Conclusions 3

2.0 SUBJECT SITE DESCRIPTION 4
2.1 Subject Site Location 4
2.2 Owner, Property Manager, and Occupant Information 4
2.3 Subject Site and Vicinity Characteristics 4
2.4 Description of Subject Site Structures and Improvements 4
2.5 Physical Setting Sources 4

3.0 HISTORICAL USE INFORMATION 6
3.1 City Directories 6
3.2 Aerial Photographs 6
3.3 Sanborn Fire Insurance Maps 6
3.4 Historical Topographic Map 7
3.5 Review of Prior Environmental Reports or Investigations 7

4.0 RECORDS REVIEW 8
4.1 Standard Environmental Records Database Summary 8
4.2 Additional Environmental Records Database Summary 9
4.3 Orphan Summary 9

5.0 LOCAL AGENCY RECORDS 10

6.0 ON-SITE OBSERVATIONS 11
6.1 Methodology and Limiting Conditions 11
6.2 Site Operations, Processes, and Equipment 11
6.3 Aboveground Chemical or Waste Storage 12
6.4 Underground Chemical or Waste Storage, Drainage, or Collection Systems 12
6.5 Electrical Transformers / PCB Equipment 12
6.6 Releases or Potential Releases 13
6.7 Other Notable Site Features 13

7.0 INTERVIEWS 14
7.1 Interview with Site Owner 14
7.2 Interviews with Occupants 14
7.3 Interviews with Local Government Officials 14
7.4 Interviews with Others 14

8.0 OFF-SITE RECONNAISSANCE 15
8.1 Current Uses of Adjoining Properties 15

9.0 ADDITIONAL PROJECT INFORMATION 17

10.0 PROJECT INFORMATION 18
10.1 Purpose 18
10.2 Scope of Services 18
10.3 Significant Assumptions 19
10.4 Limitations and Exceptions 19
10.5 Special Terms and Conditions 21
10.6 User Reliance 21
10.7 Deviations 21

TABLE OF CONTENTS

SECTION **PAGE**

10.8 Data Gaps **21**
10.9 Reliance **22**

11.0 USER PROVIDED INFORMATION **23**
11.1 Specialized Knowledge **23**
11.2 Valuation Reduction for Environmental Issues **23**
11.3 Commonly Known or Reasonably Ascertainable Information **23**
11.4 Environmental Liens and Activity/Use Limitations **23**
11.5 Reason for Performing Phase I ESA **23**
11.6 Title Records **23**
11.7 Historical Documentation Review **23**

12.0 REFERENCES **24**

APPENDICES

Appendix A Site Figures
Appendix B EDR FirstSearch Report
Appendix C Local Agency Correspondence
Appendix D Site Photographs

GENERAL INFORMATION PAGE

Site Visit Date:	April 11, 2017
Report Date:	May 12, 2017
Prepared For:	Valley Health Attn: Mr. Mark Baker, Vice President, Facilities and Construction 1836 Amherst Street Winchester, Virginia 22601
Prepared By:	Triad Engineering, Inc. 1075D Sherman Avenue Hagerstown, Maryland 21740 Ph. – 301-797-6400 Fax – 301-797-2424
Triad Project No:	03-17-0125
Site Name:	Approximate 147.039-Acre Warren Memorial Hospital Property
Site Address:	Leach Run Parkway Front Royal, Virginia
Property Information:	Warren County Tax Map No. 20A212 2 Approximately 147.039 Acres
Latitude:	38.151421
Longitude:	78.151421
Preparer:	Patrick M. Upham (301-797-6400)
Reviewer:	Timothy J. Kellerman (301-797-6400)

EP Certification

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in §312.10 of 40 CFR § 312.

We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject site. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Patrick M. Upham
Environmental Scientist

Timothy J. Kellerman
Senior Environmental Scientist

1.0 EXECUTIVE SUMMARY

This report presents the results of a Phase I Environmental Site Assessment (ESA) performed by Triad Engineering, Inc. (Triad) for the Approximate 147.039-Acre Warren Memorial Hospital Property located along the eastern side of Leach Run Parkway in Front Royal, Virginia (the site). This Phase I ESA was conducted in general conformance with the *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, hereafter referred to as the ASTM Standard Practice, as defined by the *American Society for Testing and Materials (ASTM), Designation E1527-13*. Any exceptions to, or deletions from, this practice are described in Section 11.0 of this report.

The following Executive Summary is an integral part of this Phase I ESA report and may not be removed or distributed separately. Important information regarding the status of the subject site is included elsewhere in this report and is not presented in this Executive Summary. Any individual copies of the Executive Summary without the ESA report, or copies of the ESA report without the Executive Summary, should not be considered valid and should not be relied upon for any decisions or conclusions regarding the subject site.

The approximate 147.039-acre irregular-shaped site (Tax Map No. 20A212 2) is primarily located along the newly-constructed Leach Run Parkway in Front Royal, Virginia (Latitude N 38.151421/Longitude W 78.151421, Datum WGS 84). The site is located within the Front Royal, Virginia 22630 zip code area, but does not have an assigned address since it is currently undeveloped with no significant improvements. The site is currently owned by Warren Memorial Hospital, which has reportedly owned the site since circa 2008.

The site is entirely undeveloped and consists of northern hardwood forest cover over moderately steep terrain. The site does not currently contain any structures and no structures are historically known to have existed within the confines of the site. There are no known utilities except those recently constructed in association with Leach Run Parkway. The site is located in an area which has recently experienced an increase in development including a currently under construction middle school (northern adjoining property) and a single family residential subdivision (western adjoining property).

No underground storage tanks (USTs) or aboveground storage tanks (ASTs) were observed at the site and no chemical and/or petroleum generation, use, or storage were observed at the site.

Triad obtained a computerized search of federal and state environmental databases for the site from Environmental Data Resources, Inc. (EDR), dated April 10, 2017. No regulatory files were identified for the site and no adjoining properties were identified.

1.1 Findings and Opinions

The following table summarizes the recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs), historical recognized environmental conditions (HRECs), and *de minimis* conditions at the site.

Environmental Report Summary

Report Section	Report Section Name	REC	CREC	HREC	*De Minimis*
3.6	Historically Significant or Environmental Findings				
4.0	Federal, State, Local & Tribal Database Listings				
5.0	Local Agency Records				
6.2	Site Operations, Processes, and Equipment				
6.3	Aboveground Chemical or Waste Storage				
6.4	Underground Chemical or Waste Storage, Drainage or Collection Systems				
6.5	Electrical Transformers / PCBs				
6.6	Releases or Potential Releases				
6.7	Other Notable Site Features				
7.0	Interviews				
8.0	Off-site Reconnaissance				
11.4	Environmental Liens and Activity/Use Limitations				

The results of the Phase I ESA have identified the following environmental conditions:

Recognized Environmental Conditions (RECs)

- There were no RECs identified at the subject site.

Controlled Recognized Environmental Conditions (CRECs)

- There were no CRECs identified at the subject site.

Historical Recognized Environmental Conditions (HRECs)

- There were no HRECs identified at the subject site.

De Minimis Conditions

- There were no *de minimis* conditions identified at the subject site.

1.2 Conclusions

Triad has performed this Phase I ESA in general conformance with the scope and limitations of ASTM Practice E1527-13 for the Approximate 147.039-Acre Warren Memorial Hospital Property located along the eastern side of Leach Run Parkway in Front Royal, Virginia (the site). Any exceptions to, or deletions from, this practice are described in Section 10 of this report. The findings of this Phase I ESA did not identify any RECs, CRECs, HRECs or *de minimis* conditions in association with the site. These conclusions represent the best judgment of Triad based on the data obtained from the work. Due to the nature of this investigation, the limited data available, and the timeframe to complete the work, Triad cannot warrant against undiscovered environmental liabilities.

This report was prepared in confidence at the request and for the sole use of Valley Health (the User) and the contents hereof may not be used or relied upon by any other party other than those enumerated without the express written consent of Triad Engineering, Inc. and Valley Health. Any use or reliance by a third party shall be at that party's sole risk.

2.0 SUBJECT SITE DESCRIPTION

2.1 Subject Site Location

The approximate 147.039-acre irregular-shaped site (Tax Map No. 20A212 2) is primarily located along the newly-constructed Leach Run Parkway in Front Royal, Virginia (Latitude N 38.151421/Longitude W 78.151421, Datum WGS 84). The site is located within the Front Royal, Virginia 22630 zip code area, but does not have an assigned address since it is currently undeveloped with no significant improvements. Site figures are presented in **Appendix A**.

2.2 Owner, Property Manager, and Occupant Information

The site is currently owned by Warren Memorial Hospital, which has reportedly owned the site since circa 2008, and is unoccupied.

2.3 Subject Site and Vicinity Characteristics

The site is located in an area which has recently experienced an increase in development including a currently under construction middle school (northern adjoining property) and a single family residential subdivision (western adjoining property).

2.4 Description of Subject Site Structures and Improvements

The site is entirely undeveloped and consists of northern hardwood forest cover over moderately steep terrain. The site does not currently contain any structures and no structures are historically known to have existed within the confines of the site.

2.5 Physical Setting Sources

Topography	
Source of Information	U.S. Geological Survey, 7.5-Minute Topographic Map, Front Royal, VA Quadrangle, 1986
Site Elevation	Ranging from approximately 700 feet above Mean Sea Level (MSL) to 1,250 feet.
Surface Runoff/ Topographic Slope	The site consists of moderately steep terrain that generally slopes to the west.
Surface Water Bodies	No.
Flood Map Information	***Flood Insurance Rate Map No***: 51187C0117C, effective on 6/3/2008 ***Is site located within 100-year flood plain***: No.

Geology/Hydrogeology	
Source of Information	Geologic Map of Clarke, Frederick, Page, Shenandoah, and Warren Counties, Virginia: Lord Fairfax Planning District, as prepared in cooperation with the USGS and dated 1996
Formation	Antietam Formation
Description	The Antietam Formation is described as white to light-gray, fine- to coarse-grained, silica-cemented, vitreous quartzite and subarkose with phyllite partings. Skolithos are common and thickness ranges from 350 to 600 feet. The lower elevations of the subject Site belong to the Cambrian age Waynesboro Formation, which is described as upper 300 feet: dusky-red to olive-gray, fine- to medium-grained sandstone and dusky red to gray shale; middle 400 feet: medium- to dark-gray, saccaroidal dolostone and fine-grained limestone; lower 500 feet; dusky-red to brownish-gray, fine- to medium-grained sandstone. Thickness is approximately 1,200 feet
Groundwater Flow Direction*	Based on surface topographic gradients and the proximity to the nearest surface water bodies, groundwater in the site vicinity is anticipated to flow in a westerly direction.

* It should be noted that the actual groundwater flow direction is often influenced by factors such as soil and bedrock geology, groundwater wells, and other factors beyond the scope of this study.

3.0 HISTORICAL USE INFORMATION

A summary of historical information obtained for the site is included in the following sections.

Historical Record Sources Summary			
Historical Records Source	**Record Source**	**Dates of Record Sources Reviewed**	**See Appendix or Figure**
Section 3.1.1 City Directories	N/A	N/A	N/A
Section 3.1.2 Aerial Photographs	*2006 Phase I ESA	1937 – 2014	**Appendix A**
Section 3.1.3 Sanborn Maps	N/A	N/A	N/A
Section 3.1.4 Historical Topographic Maps	*2006 Phase I ESA	1944 - 1994	**Appendix A**

* Triad prepared a Phase I ESA for the site in 2006. Refer to Section 3.5.

3.1 City Directories

The site is unaddressed and as such it would not be identified in historical city directories.

3.2 Aerial Photographs

Aerial Photograph Review Summary		
Year	**Subject Property**	**Adjoining Properties**
1937	The 1937 aerial photograph shows the Site as entirely wooded with the exception of a road in the western portion of the site, which connects present day Happy Creek Road to the John Marshall Highway.	N: Undeveloped woods. S: Undeveloped woods. E: Undeveloped woods. W: Agricultural fields.
1950	The road depicted in the western portion of the site in the 1937 aerial photograph is no longer visible.	No significant change.
1966	Logging roads are visible in the western portion of the site.	Residential structures are visible along roadways in the site vicinity.
1997	The road depicted in the western portion of the site in the 1937 aerial photograph is again partially visible.	No significant change.

3.3 Sanborn Fire Insurance Maps

Triad did not review Sanborn® Fire Insurance Maps because map coverage for the closest incorporated area does not cover the site.

3.4 Historical Topographic Map

Historic Topographic Map Review Summary		
Year	**Site**	**Adjoining Properties**
1944	Undeveloped.	Roadways are depicted in the site vicinity.
1967	Undeveloped with an unimproved road/trail depicted in the western portion of the site.	S: An area is labeled “mines”. No additional information or structures are depicted.
1978	No significant changes.	No significant change.
1994	No significant changes.	No significant change.

3.5 Review of Prior Environmental Reports or Investigations

Triad prepared a Phase I ESA report for the site titled “Approximate 165-Acre Property, Green Hill, Front Royal, Virginia 22630” prepared for Valley Engineering c/o Valley Health Systems dated August 29, 2006 (Triad Project No. 07-06-0439). Although this Phase I ESA was prepared in accordance with ASTM Standard Practice E1527-05, a review of this document did not identify any RECs in association with the site.

3.6 Historically Significant or Environmental Findings

No RECs were identified in relation to the site from the review of available historical resources for the site.

4.0 RECORDS REVIEW

A computerized search of federal and state environmental databases was compiled by Environmental Data Resources, Inc. (EDR) on April 10, 2017 (Inquiry No. 4903243.2s). EDR compiled the search of federal and state databases for records of hazardous waste permits and activities, compliance histories and documented contamination at properties within the specified search radius. EDR's report meets the search requirements of the EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312) and the *ASTM Standard Practice for Environmental Site Assessments E1527-13*. The following table summarizes the findings of the EDR database report attached as **Appendix B**.

4.1 Standard Environmental Records Database Summary

Database	ASTM Search Radius (mile)	Total Number of Listings	Subject Site Identified?	Adjoining or Adjacent Property Identified?	Environmental Threat or Concern Posed to Site?
NPL	1.00	0	-	-	-
PROPOSED NPL	1.00	0	-	-	-
DELISTED NPL	1.00	0	-	-	-
SEMS	0.50	0	-	-	-
SEMS-ARCHIVE	0.50	1	No	No	No
CORRACTS	1.00	0	-	-	-
RCRA-TSDF	0.50	0	-	-	-
RCRA-LQG	0.25	0	-	-	-
RCRA-SQG	0.25	0	-	-	-
RCRA-CESQG	0.25	0	-	-	-
US ENG CONTROLS	0.50	0	-	-	-
US INST CONTROLS	0.50	0	-	-	-
ERNS	TP	0	-	-	-
SWL/LF	0.50	0	-	-	-
INDIAN LUST	0.50	0	-	-	-
LUST	0.50	2	No	No	No
LTANKS	0.50	2	No	No	No
UST	0.25	0	-	-	-
AST	0.25	0	-	-	-
INDIAN UST	0.25	0	-	-	-
INST CONTROLS	0.50	0	-	-	-
VCP	0.50	0	-	-	-
US BROWNFIELDS	0.50	0	-	-	-
US CDL	TP	0	-	-	-

TP = Target Property

Based on their current status and distance and/or topographic relation (i.e. up or down gradient) from the site, none of the regulatory listings identified by EDR, Inc. appear to pose a significant environment concern to the site at this time.

4.2 Additional Environmental Records Database Summary

Database	ASTM Search Radius (mile)	Total Number of Listings	Subject Site Identified?	Adjoining or Adjacent Property Identified?	Environmental Threat or Concern Posed to Site?
HMIRS	TP	0	-	-	-
SPILLS/SPILLS 90	TP	0	-	-	-
RCRA NonGen	0.25	0	-	-	-
TRIS	TP	0	-	-	-
TSCA	TP	0	-	-	-
FTTS	TP	0	-	-	-
SSTS	TP	0	-	-	-
ICIS	TP	0	-	-	-
PADS	TP	0	-	-	-
MLTS	TP	0	-	-	-
RADINFO	TP	0	-	-	-
FINDS	TP	0	-	-	-
RAATS	TP	0	-	-	-
INDIAN RESERV	1.0	0	-	-	-
US AIRS	TP	0	-	-	-
PRP	TP	0	-	-	-
EDR MGP	TP	0	-	-	-

TP = Target Property

4.3 Orphan Summary

The EDR database report did not identify any orphan listings for the site.

5.0 LOCAL AGENCY RECORDS

Triad submitted Freedom of Information Act (FOIA) requests to the Warren County Fire and Rescue Services department, Warren County Health Department, and the Town of Front Royal on April 10, 2017 regarding any records of the use, storage, spillage, or generation of hazardous materials; hazardous wastes; or petroleum products; permitted water wells and/or groundwater monitoring wells or permitted septic systems or health department investigations at the site. A response via telephone was received from the Town of Front Royal on April 10, 2017 which indicated that no records for the site were found. Responses have not been received from the other agencies. If any relevant environmental information is received, it will be submitted under separate cover. Copies of the FOIA requests are included as **Appendix C**.

6.0 ON-SITE OBSERVATIONS

6.1 Methodology and Limiting Conditions

Access to the site was unrestricted; however, the site consisted of dense vegetation and/or forest cover which limited access and visibility. It should be mentioned that for the vastly undeveloped portions of the site, Triad utilized aerial photographs to identify any suspect areas such as cleared/disturbed soil, mounds, trenches, structures, or other indications of conditions indicative of releases or threatened releases and only these areas were walked through to "ground truth" the observations. The objective of the site observations and reconnaissance was to obtain information indicating the likelihood of identifying RECs in connection with the site. As part of the site reconnaissance activities, Triad obtained digital photographs to document current on site conditions and use. These photographs are included in this report in **Appendix D**.

Date of Site Visit	April 11, 2017
Field Personnel	Mr. Patrick M. Upham and Mr. Timothy J. Kellerman of Triad
Weather Conditions	Partly cloudy with temperatures in the lower 70s.
Site/Owner Representatives	Triad was unaccompanied during the site reconnaissance.
Observation Procedures	The site reconnaissance was conducted by inspecting the site. In addition, adjacent and adjoining properties were visually inspected where possible from public property and/or access easements.

The following sections identify uses and current conditions observed on the site. Pursuant to ASTM Standard E1527-13, Section 9.0 *Site Reconnaissance*, Subsection 9.4 *Uses and Conditions,* the environmental professional conducting the site reconnaissance is obligated to note the uses and conditions specified in the ASTM standard to the extent visually and/or physically observed, or obtained through interviews with knowledgeable parties during the site visit. Each use or condition identified at the site is summarized in the following sections.

6.2 Site Operations, Processes, and Equipment

Condition or Use	Observed?	Comments
Emergency generators	No	
Air compressors	No	
Hydraulic lifts	No	
Dry cleaning	No	
Photo processing	No	
Laboratory hoods and/or	No	

Condition or Use	Observed?	Comments
incinerators		
Waste treatment systems and/or water treatment systems	No	
Heating and/or cooling systems	No	
Other processes or equipment	No	

6.3 Aboveground Chemical or Waste Storage

Condition or Use	Observed?	Comments
Aboveground storage tanks (ASTs)	No	
Drums, barrels and/or containers	No	
Containers ≥ five gallons in capacity	No	
Safety Data Sheets (SDS)	No	
Treatment, Storage, and Disposal Facility (TSDF) Manifests/Bills	No	
Automobile Tires	No	
Batteries	No	
Parts washer	No	
Other	No	

6.4 Underground Chemical or Waste Storage, Drainage, or Collection Systems

Condition or Use	Observed?	Comments
Underground storage tanks or ancillary UST equipment	No	
Sumps, cisterns, catch basins and/or dry wells	No	
Grease traps	No	
Septic tanks and/or leach fields	No	
Oil/water separators	No	
Pipeline markers	No	
Interior floor drains	No	
Other	No	

6.5 Electrical Transformers / PCB Equipment

Condition or Use	Observed?	Comments
Pad- or pole-mounted transformers and/or capacitors	No	

Condition or Use	Observed?	Comments
Other Equipment	No	

6.6 Releases or Potential Releases

Condition or Use	Observed?	Comments
Stressed vegetation	No	
Stained soil	No	
Stained pavement or similar surface	No	
Leachate and/or waste seeps	No	
Trash, debris and/or other waste materials	Yes	A relatively small amount of scattered non-hazardous waste items such as, but not necessarily limited to, automobile tires, residential waste/rubbish, bottles, and wind-blown plastic and rubbish were observed at the site, mainly from the nearby school construction project. No surface staining, odors, or significantly stressed vegetation were apparent in association therewith.
Dumping or disposal areas	No	
Construction/demolition debris and/or dumped fill dirt	No	
Surface water discoloration, odor, sheen, and/or free floating product	No	
Strong, pungent or noxious odors	No	
Exterior pipe discharges and/or other effluent discharges	No	
Vapor Intrusion	No	
Other	No	

6.7 Other Notable Site Features

Condition or Use	Observed?	Comments
Surface water bodies	No	
Quarries or pits	No	
Wells	No	
Storm water	No	
Other site features	No	

7.0 INTERVIEWS

7.1 Interview with Site Owner

An environmental questionnaire was provided for the site owner to complete on April 24, 2017. As of the date of this report, the completed questionnaire has not been received.

7.2 Interviews with Occupants

The site is undeveloped and there are no occupants.

7.3 Interviews with Local Government Officials

As stated previously in Section 5.0, Triad contacted local agencies regarding any files associated with the site. Refer to that section for details about the site.

7.4 Interviews with Others

No additional interviews were performed as part of this Phase I ESA.

8.0 OFF-SITE RECONNAISSANCE

8.1 Current Uses of Adjoining Properties

Current land-uses of the properties that are immediately adjoining and adjacent to the subject site are summarized on the following table. Findings of the cursory observations are summarized on the second table as follows.

Site Vicinity Observations

Direction	Boundary Feature	Topographic Relation	Environmental Concerns
North	Under construction school site.	Down	None Observed
East	Undeveloped woods and scattered residences.	Cross & Up Gradient	None Observed
South	Undeveloped woods and scattered residences.	Up, Down, & Cross Gradient	None Observed
West	Leach Run Parkway and a single family residential subdivision.	Down Gradient	None Observed

The following table summarizes uses and current conditions observed on the adjoining and neighboring properties identified in the above table consistent with the ASTM Standard E1527-1, Section 9.0 Site Reconnaissance, Subsection 9.4.1.3 Uses and Conditions of Adjoining Properties. For each use or condition identified for adjoining properties, a detailed explanation discussing the significance of the recognized environmental condition or level of environmental threat to the site is given.

Condition or Use	Observed?	Comments
Pits, Ponds, or Lagoons	No	
Railroad Lines or Spurs	No	
Septic System	No	
Heavy Equipment	No	
Drums or Storage Containers	No	
Odors	No	
Landfills or Dumping Activities	No	
Waste Water Discharge	No	
USTs/ASTs Systems and Piping	No	
PCB-Containing Equipment and Transformers	No	
Industrial/Manufacturing Activities	No	
Hydraulic Lifts or Equipment	No	

Condition or Use	Observed?	Comments
Wells	No	
Remedial Activities	No	
Stained Soils or Pavement	No	
Leachate or Seeps	No	
Stressed Vegetation	No	
Chemical Spills or Releases	No	
Surface Water Contamination	No	
Oil/Gas Exploration or Refinery Operations	No	
Farm Waste Concerns	No	
Pesticides or Herbicides	No	
Contaminate Migration	No	
Vapor Migration	No	
Regulated Substances	No	
Other Environmental Concerns	No	

9.0 ADDITIONAL PROJECT INFORMATION

There was no additional information relevant to this project identified during this assessment.

10.0 PROJECT INFORMATION

10.1 Purpose

The purpose of this Phase I Environmental Site Assessment (ESA) was to identify recognized environmental conditions (RECs) at the site with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and petroleum products. Therefore, as defined in *ASTM Practice E1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*:

> "this practice is intended to permit a *user* to satisfy one of the requirements to qualify for the *innocent landowner, contiguous property owner,* or *bona fide prospective purchaser* limitations on CERCLA liability (hereinafter, the *landowner liability protections,* or *LLPS*) that is, the practice that constitutes "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice" as defined in 42 USC §9601(35)(B).

As further identified in ASTM Practice E1527-13, the goal of the Phase I ESA is to identify RECs, which means:

> "the presence or likely presence of any *hazardous substances* or *petroleum products* in, on, or at a *property*: (1) due to any *release* to the environment; (2) under conditions indicative of a *release* to the environment; or (3) under conditions that pose a *material threat* of a future *release* to the environment. *De minimis* conditions are not *recognized environmental conditions*."

10.2 Scope of Services

Triad performed the Phase I ESA in accordance with the scope and limitations of *ASTM Practice E1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, unless otherwise described within this report.

As outlined in ASTM Practice E1527-13, Triad reviewed reasonably ascertainable and practically reviewable *Standard* and *Additional Environmental Record Sources* provided by Environmental Data Resources, Inc. (EDR), *Physical Setting Sources,* which included

United States Geological Survey (USGS) 7.5-minute topographic quadrangle maps. In addition, Triad reviewed *Standard Historical Sources*, which may include but are not limited to, aerial photographs, fire insurance maps, property tax files, local street directories (city directories), and information obtained from State and Federal Agencies, as available.

Triad performed site reconnaissance activities and obtained digital photographs to document current site conditions and to identify potential RECs. This Phase I ESA report documents the findings of our investigations and has been prepared in accordance with the provisions of ASTM Practice E1527-13.

With the exception that a preliminary wetland evaluation was performed in conjunction with this Phase I ESA, our scope of services did not include an assessment for ASTM non-scope considerations such as asbestos, lead paint, lead in drinking water, radon, mold, etc. Our scope of services for this Phase I ESA did not include testing for the above items or assessing or testing for petroleum or chemicals in soil or groundwater, ecological resources, or endangered species. In addition, our scope of services did not include determining the regulatory compliance of the site, the presence of cultural or historic resources, evaluating industrial hygiene, health and safety issues, indoor air quality, biological agents, or universal wastes.

10.3 Significant Assumptions

Access to the site was unrestricted; however, the site consisted of dense vegetation and/or forest cover which limited access and visibility. Triad made reasonable efforts to inspect the site in general accordance with ASTM Practice E1527-13. Triad did not enter adjoining or adjacent properties, but was able to visually observe adjoining and adjacent properties from the site and/or public roads. Therefore, it is assumed that adjoining land-uses were consistent with the activities that could be readily observed from the site and/or public roads.

10.4 Limitations and Exceptions

This report has been prepared by Triad for the exclusive use of Valley Health (the User) as a Phase I ESA report for the Approximate 147.039-Acre Warren Memorial Hospital Property located along Leach Run Parkway in Front Royal, Virginia (the site). The opinions and conclusions expressed in this report are based upon the results of our Phase I ESA work tasks.

For the purposes of this Phase I ESA, the terms “subject site” and “site” refer to the land within the subject site boundaries. The term “general site vicinity” typically refers to properties within a one-mile radius of the site. The term “adjoining properties” refers to land contiguous to the site. The term “immediate site vicinity” or “neighboring properties” refers to land proximal to the site.

It is important to note that environmental evaluations are inherently limited in the sense that conclusions are drawn and opinions developed, in part, from information obtained from our limited research and visual observations. For these types of evaluations, it is often necessary to utilize information prepared by others and as such, Triad cannot be responsible for the accuracy of such information and we do not assume responsibility for conditions that were not divulged to us during the preparation of this report. It is also important to note that the preparation of this report does not mean that an all exhaustive assessment was performed; only that which was necessary to comply with ASTM Practice E1527-13.

Our observations are based upon conditions visually apparent at the site at the time of our visit and are not intended to address specific subsurface soil and groundwater conditions, which can only be assessed by performing a detailed subsurface sampling program. Triad has considered the degree of obviousness of the presence or likely presence of contamination at the site and the ability to detect the contamination by appropriate investigation. With the exception of those environmental concerns identified in Section 1.1 to this report, Triad did not observe any conditions indicating the presence or likely presence of contamination at the site. The contents of this report should not be construed in any way to indicate Triad’s recommendations to purchase, sell, or develop the site.

Triad, by virtue of providing the services described in this report, does not assume the responsibility of the person(s) in charge of the site, or otherwise undertake responsibility for reporting to any local, state, or federal public agencies any conditions at the site that may present a potential danger to public health, safety, or the environment. In areas that require notification of local, state, or federal public agencies as required by law, it is the User's responsibility to so notify.

It should also be noted that our assessment is considered to be valid only at the time and locations investigated and that conditions within the site may vary with time. The nature and extent of these variations may only become evident during the course of future investigations or development. This report was not and is not intended to establish the compliance status of the subject site with federal, state, or local environmental regulations. We have performed our services in general accordance with ASTM Practice E1527-13 for conducting a Phase I ESA and make no other warranty, either expressed or implied, as to the professional services and advice contained herein.

10.5 Special Terms and Conditions

There were no special terms and conditions in-place with regard to the findings, conclusions, or our expressed opinion regarding recognized environmental conditions potentially associated with the site.

10.6 User Reliance

Triad performed the Phase I ESA work tasks in general accordance with ASTM Practice E1527-13, unless otherwise noted in this report. As such, Valley Health may rely upon the findings of the Phase I ESA report, subject to the scope of services, significant assumptions, limitations and exceptions, and special terms and conditions as described in the Phase I ESA report. Triad emphasizes that this Phase I ESA does not guarantee that unobserved conditions, undocumented incidents, or information withheld concerning environmental conditions at the site will not affect the level of environmental risk or potential liability at the site.

10.7 Deviations

Triad has performed this Phase I Environmental Site Assessment at the subject site in general conformance with the scope and limitations of ASTM Practice E1527-13.

10.8 Data Gaps

The accuracy and completeness of this report may be limited by the following:

- **Access Limitations –** There were no access limitations.
- **Physical Obstructions to Observations –** The site consisted of dense vegetation and/or forest cover on steep terrain which limited access and visibility. Otherwise, no

significant physical obstructions to observations were encountered during this assessment.

- **Outstanding Information Requests –** Responses to FOIA requests were not received from the Warren County Fire and Rescue Services Department and Warren County Health Department. In addition, the site owner was provided with an environmental questionnaire to complete, which has not been returned.

- **Historical Data Source Failure –** Historical data sources were available for the site dating back to 1937.

- **Other –** No other significant data gaps were identified during this assessment.

It should be noted that this assessment did not include a complete audit of operational environmental compliance issues, or of any environmental management systems (EMS) that may exist for the site facility. Where required, the documents listed in the attachments were used as reference material for the completion of the Phase I ESA. Some of the information presented in this report was provided through existing documents and interviews. Although attempts were made whenever possible to obtain a minimum of two confirmatory sources of information, Triad in certain instances has been required to assume that the information provided is accurate.

The information and conclusions contained in this report are based upon work undertaken by trained professional and technical staff in accordance with generally accepted engineering and scientific practices current at the time the work was performed. The conclusions and recommendations presented represent the best judgment of Triad based on the data obtained from the work. Due to the nature of investigation and the limited data available, Triad cannot warrant against undiscovered environmental liabilities. Conclusions and recommendations presented in this report should not be construed as legal advice. Should additional information become available, which differs significantly from our understanding of conditions presented in this report, we request that this information be brought to our attention so that we may reassess the conclusions provided herein.

10.9 Reliance

This report was prepared in confidence at the request and for the sole use of Valley Health and the contents hereof may not be used or relied upon by any other party other than those enumerated without the express written consent of Triad Engineering, Inc. and Valley Health. Any use or reliance by a third party shall be at that party's sole risk.

11.0 USER PROVIDED INFORMATION

The User was provided an environmental questionnaire to complete on April 24, 2017. As of the date of this report, the completed questionnaire has not been received.

11.1 Specialized Knowledge

The User did not provide any specialized knowledge regarding the history and/or use of the site.

11.2 Valuation Reduction for Environmental Issues

The User did not disclose whether there is a known reduction in the value of the site due to the actual or perceived environmental issues. *ASTM Practice E1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, "does not require that a real estate appraisal be obtained in order to ascertain fair market value of the property."

11.3 Commonly Known or Reasonably Ascertainable Information

The User did not disclose any commonly known or reasonably ascertainable information within the local community about the site that is material to RECs in connection with the site.

11.4 Environmental Liens and Activity/Use Limitations

The User did not engage Triad to perform a search of environmental liens and activity and use limitations (AULs). The User did not provide title reports for Triad's review. The User did not inform Triad of any environmental cleanup liens or AULs filed against the site property recorded under federal, tribal, state, or local law.

11.5 Reason for Performing Phase I ESA

The User did not disclose the reason for performing the Phase I ESA.

11.6 Title Records

The User did not engage Triad to perform a title records search.

11.7 Historical Documentation Review

The User did not provide Triad with any environmentally significant historical documentation regarding the subject site.

12.0 REFERENCES

American Society of Testing and Materials (ASTM) Standard Practice E1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, 2013.

Environmental Data Resources, Incorporated, First Search Report, ID No. 4903243.2s, Warren Memorial Hospital Property, Front Royal, VA 22630 dated April 10, 2017.

Federal Emergency Management Agency Flood Insurance Rate Map Community Panel Number 51187C0117C, effective on 6/3/2008.

Geologic Map of Clarke, Frederick, Page, Shenandoah, and Warren Counties, Virginia: Lord Fairfax Planning District, as prepared in cooperation with the USGS and dated 1996.

Phase I ESA report for the site titled “Approximate 165-Acre Property, Green Hill, Front Royal, Virginia 22630” prepared for Valley Engineering c/o Valley Health Systems by Triad Engineering, Inc. dated August 29, 2006 (Triad Project No. 07-06-0439).

TRIAD ENGINEERING, INC.

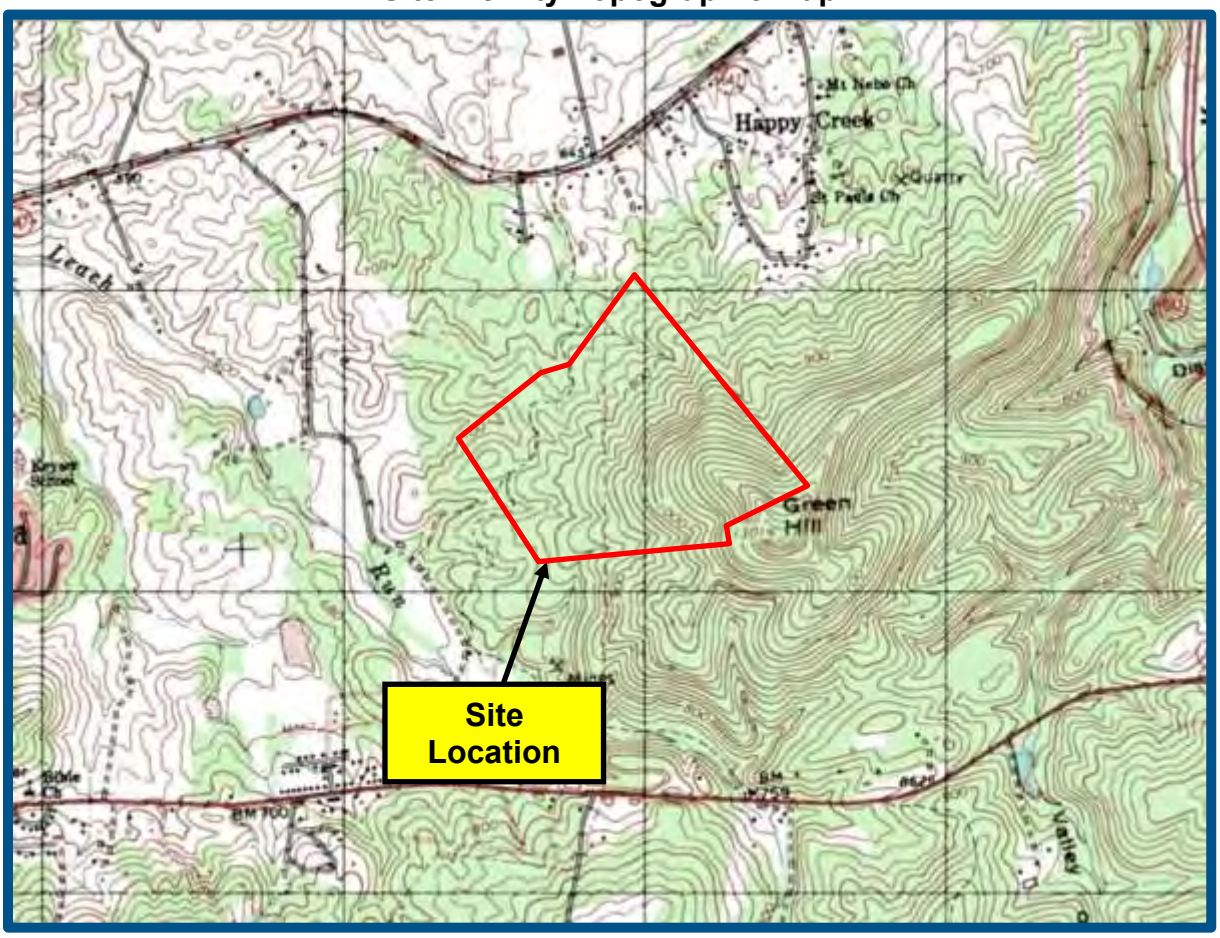
APPENDIX A

SITE FIGURES

FIGURE 1

Approximate 147.039-Acre
Warren Memorial Hospital Property
Leach Run Parkway
Front Royal, Virginia

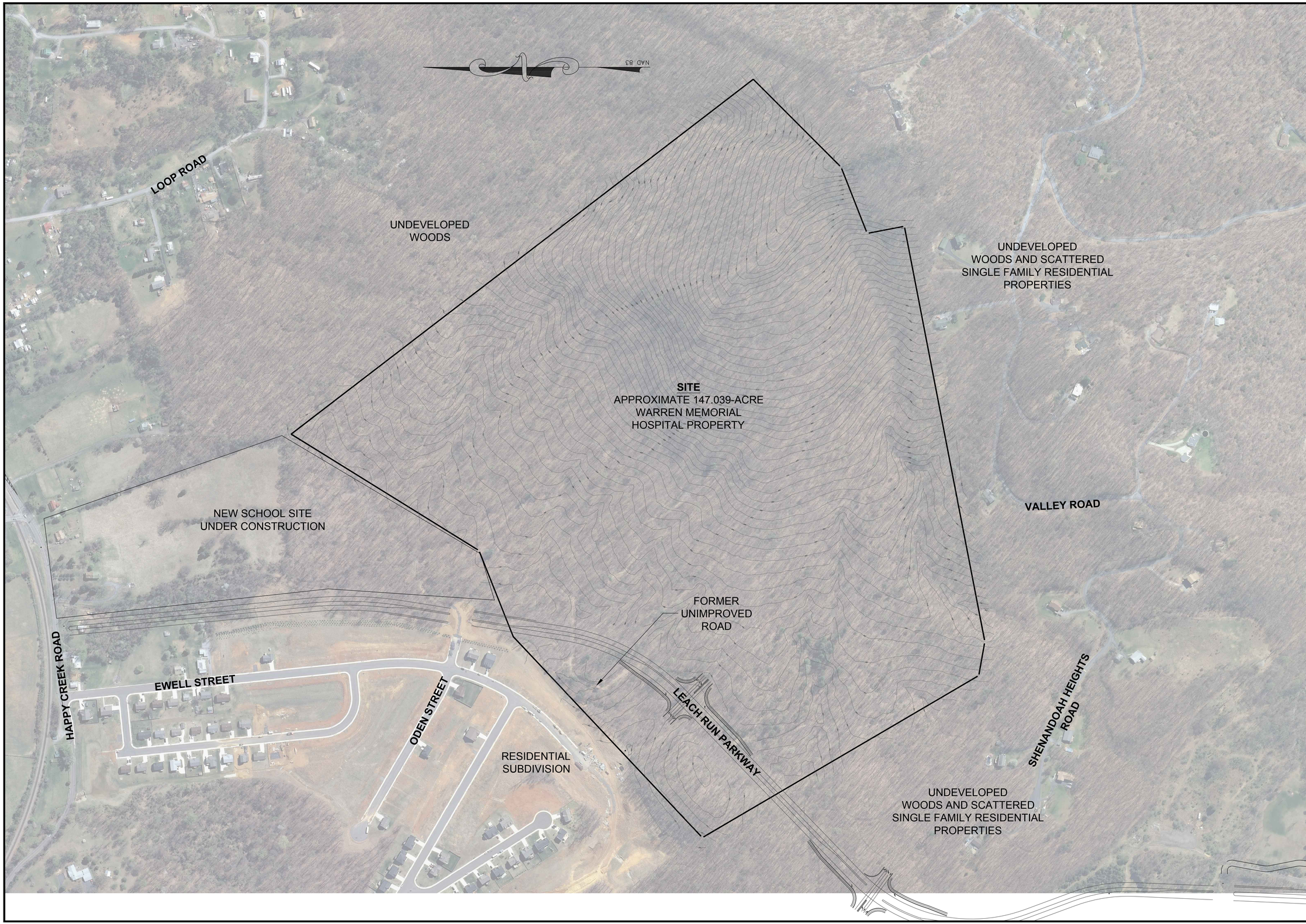
Site Vicinity Topographic Map



U.S. Geological Survey 7.5-Minute Series Topographic Map,
Front Royal, VA 1986
Not to Scale

N

TRIAD ENGINEERING, INC.



TRIAD ENGINEERING, INC.
1075-D SHERMAN AVENUE
HAGERSTOWN, MD 21740
PH: 301.797.6400 FAX: 301.797.2424
OFFICE LOCATIONS
MARYLAND ○ PENNSYLVANIA ○ VIRGINIA ○ WEST VIRGINIA

REV. #	DATE	DESCRIPTION	BY

CADD FILE:

DRAWN BY: PMU
CHECKED BY: TJK
DATE: APRIL 25, 2017
SCALE: 1"=200'

APPROXIMATE 147.039-ACRE WARREN MEMORIAL HOSPITAL PROPERTY

SITE DIAGRAM

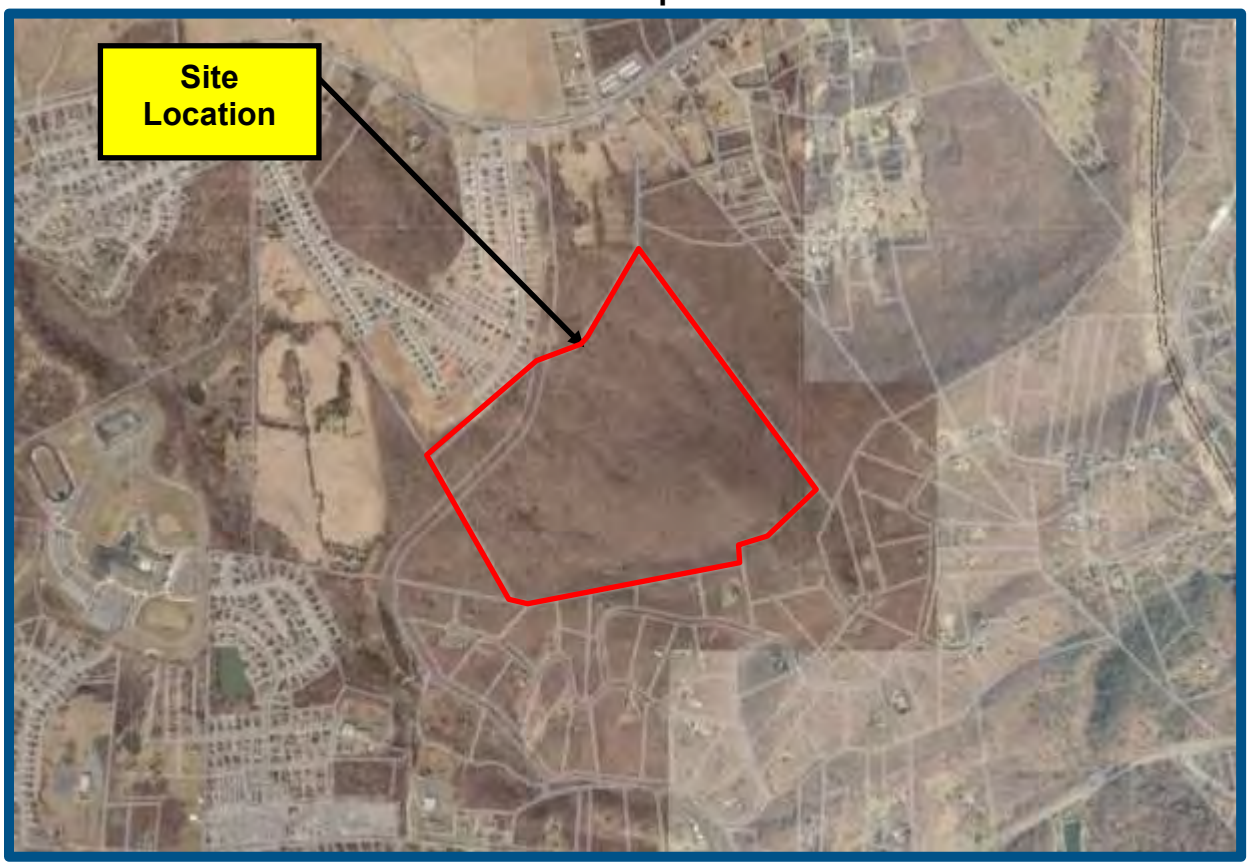
TRIAD ENGINEERING, INC.
www.triadeng.com

SHEET NUMBER:
FIG-2
JOB NO.: 03-17-0125

FIGURE 3

Approximate 147.039-Acre
Warren Memorial Hospital Property
Leach Run Parkway
Front Royal, Virginia

Tax Map



Source: Warren County
Tax Map No. 20A212 2

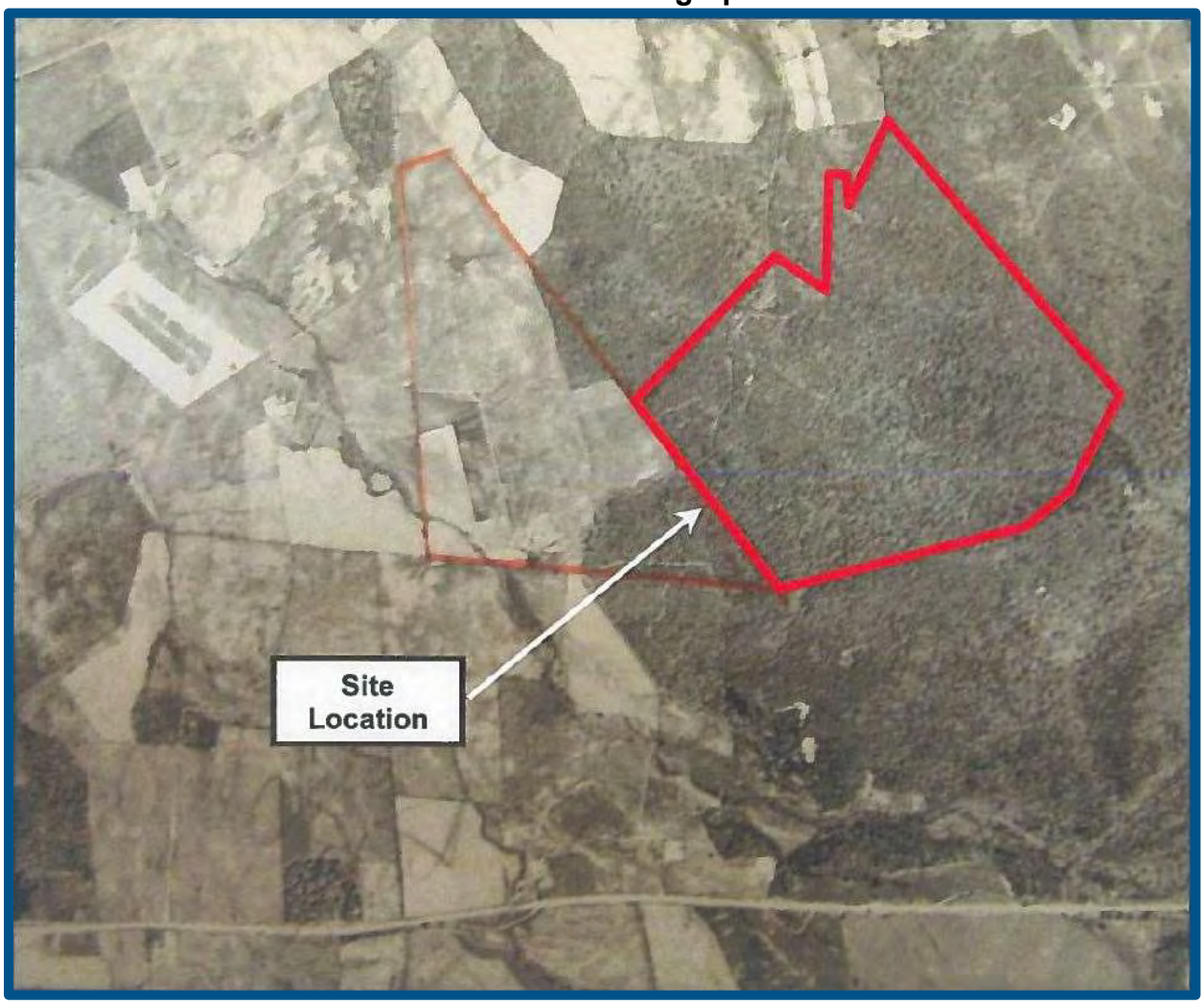
N

TRIAD ENGINEERING, INC.

FIGURE 4

Approximate 147.039-Acre
Warren Memorial Hospital Property
Leach Run Parkway
Front Royal, Virginia

1937 Aerial Photograph



Source: NRCS/Triad Records

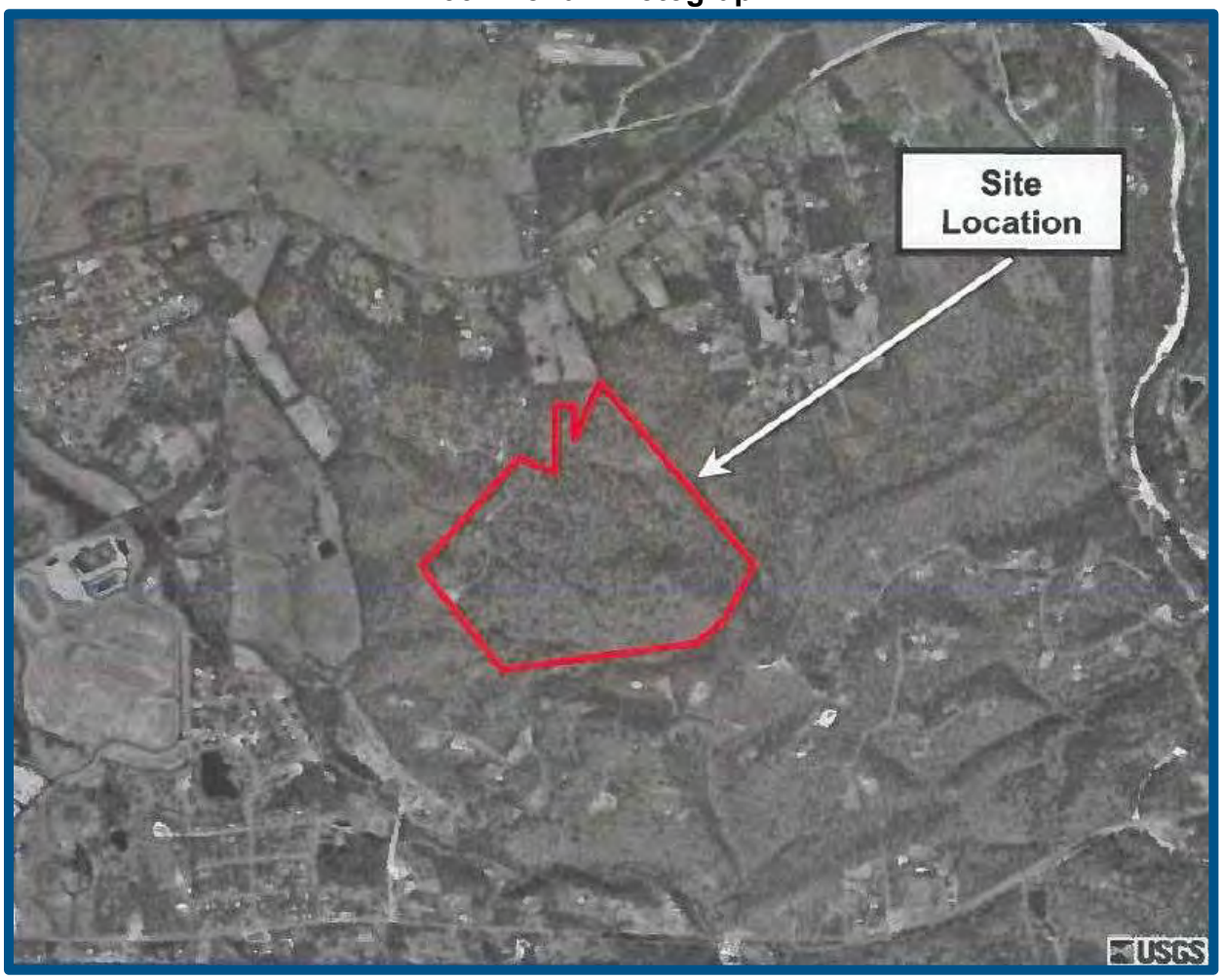
N

TRIAD ENGINEERING, INC.

FIGURE 5

Approximate 147.039-Acre
Warren Memorial Hospital Property
Leach Run Parkway
Front Royal, Virginia

1997 Aerial Photograph



Source: USGS/Triad Records

N

TRIAD ENGINEERING, INC.

FIGURE 6

Approximate 147.039-Acre
Warren Memorial Hospital Property
Leach Run Parkway
Front Royal, Virginia

1944 Historcial Topo

Source: USGS/Triad Records

N

TRIAD ENGINEERING, INC.

TRIAD ENGINEERING, INC.

APPENDIX B

EDR FIRSTSEARCH REPORT

Warren Memorial Hospital Property
Not Reported
Front Royal, VA 22630

Inquiry Number: 4903243.2s
April 10, 2017

FirstSearch Area/Linear Report

6 Armstrong Road, 4th floor
Shelton, CT 06484
Toll Free: 800.352.0050
www.edrnet.com

Search Summary Report

TARGET SITE **NOT REPORTED**
FRONT ROYAL, VA 22630

Category	Sel	Site	1/8	1/4	1/2	> 1/2	ZIP	TOTALS
NPL	Y	0	0	0	0	0	0	0
NPL Delisted	Y	0	0	0	0	0	0	0
CERCLIS	Y	0	0	0	0	-	0	0
NFRAP	Y	0	0	1	0	-	0	1
RCRA COR ACT	Y	0	0	0	0	0	0	0
RCRA TSD	Y	0	0	0	0	-	0	0
RCRA GEN	Y	0	0	0	-	-	0	0
Federal IC / EC	Y	0	0	0	0	-	0	0
ERNS	Y	0	-	-	-	-	0	0
State/Tribal SWL	Y	0	0	0	0	-	0	0
State/Tribal LTANKS	Y	0	0	2	2	-	0	4
State/Tribal Tanks	Y	0	0	0	-	-	0	0
State/Tribal IC / EC	Y	0	0	0	0	-	0	0
State/Tribal VCP	Y	0	0	0	0	-	0	0
US Brownfields	Y	0	0	0	0	-	0	0
Other Haz Sites	Y	0	-	-	-	-	0	0
Spills	Y	0	-	-	-	-	0	0
Other	Y	0	0	0	-	-	0	0
	- Totals --	0	0	3	2	0	0	5

Disclaimer - Copyright and Trademark Notice

This Report contains certain information obtained from a variety of public and other sources reasonably available to Environmental Data Resources, Inc. It cannot be concluded from this Report that coverage information for the target and surrounding properties does not exist from other sources. **NO WARRANTY EXPRESSED OR IMPLIED, IS MADE WHATSOEVER IN CONNECTION WITH THIS REPORT. ENVIRONMENTAL DATA RESOURCES, INC. SPECIFICALLY DISCLAIMS THE MAKING OF ANY SUCH WARRANTIES, INCLUDING WITHOUT LIMITATION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE. ALL RISK IS ASSUMED BY THE USER. IN NO EVENT SHALL ENVIRONMENTAL DATA RESOURCES, INC. BE LIABLE TO ANYONE, WHETHER ARISING OUT OF ERRORS OR OMISSIONS, NEGLIGENCE, ACCIDENT OR ANY OTHER CAUSE, FOR ANY LOSS OF DAMAGE, INCLUDING, WITHOUT LIMITATION, SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR EXEMPLARY DAMAGES. ANY LIABILITY ON THE PART OF ENVIRONMENTAL DATA RESOURCES, INC. IS STRICTLY LIMITED TO A REFUND OF THE AMOUNT PAID FOR THIS REPORT.** Purchaser accepts this Report "AS IS". Any analyses, estimates, ratings, environmental risk levels or risk codes provided in this Report are provided for illustrative purposes only, and are not intended to provide, nor should they be interpreted as providing any facts regarding, or prediction or forecast of, any environmental risk for any property. Only a Phase I Environmental Site Assessment performed by an environmental professional can provide information regarding the environmental risk for any property. Additionally, the information provided in this Report is not to be construed as legal advice.

Copyright 2014 by Environmental Data Resources, Inc. All rights reserved. Reproduction in any media or format, in whole or in part, of any report or map of Environmental Data Resources, Inc., or its affiliates, is prohibited without prior written permission.

EDR and its logos (including Sanborn and Sanborn Map) are trademarks of Environmental Data Resources, Inc. or its affiliates. All other trademarks used herein are the property of their respective owners.

Search Summary Report

TARGET SITE: **NOT REPORTED**
FRONT ROYAL, VA 22630

Category	Database	Update	Radius	Site	1/8	1/4	1/2	> 1/2	ZIP	TOTALS
NPL	NPL	12/05/2016	1.000	0	0	0	0	0	0	0
	Proposed NPL	12/05/2016	1.000	0	0	0	0	0	0	0
NPL Delisted	Delisted NPL	12/05/2016	1.000	0	0	0	0	0	0	0
CERCLIS	SEMS	10/10/2016	0.500	0	0	0	0	-	0	0
NFRAP	SEMS-ARCHIVE	10/10/2016	0.500	0	0	1	0	-	0	1
RCRA COR ACT	CORRACTS	12/12/2016	1.000	0	0	0	0	0	0	0
RCRA TSD	RCRA-TSDF	12/12/2016	0.500	0	0	0	0	-	0	0
RCRA GEN	RCRA-LQG	12/12/2016	0.250	0	0	0	-	-	0	0
	RCRA-SQG	12/12/2016	0.250	0	0	0	-	-	0	0
	RCRA-CESQG	12/12/2016	0.250	0	0	0	-	-	0	0
Federal IC / EC	US ENG CONTROLS	11/15/2016	0.500	0	0	0	0	-	0	0
	US INST CONTROL	11/15/2016	0.500	0	0	0	0	-	0	0
ERNS	ERNS	09/26/2016	TP	0	-	-	-	-	0	0
State/Tribal SWL	SWF/LF	09/10/2015	0.500	0	0	0	0	-	0	0
State/Tribal LTANKS	LUST	05/18/2004	0.500	0	0	1	1	-	0	2
	INDIAN LUST	10/27/2015	0.500	0	0	0	0	-	0	0
	LTANKS	11/02/2016	0.500	0	0	1	1	-	0	2
State/Tribal Tanks	UST	11/01/2016	0.250	0	0	0	-	-	0	0
	AST	11/01/2016	0.250	0	0	0	-	-	0	0
	INDIAN UST	10/20/2015	0.250	0	0	0	-	-	0	0
State/Tribal IC / EC	INST CONTROL	12/22/2016	0.500	0	0	0	0	-	0	0
State/Tribal VCP	VCP	12/22/2016	0.500	0	0	0	0	-	0	0
US Brownfields	US BROWNFIELDS	03/02/2017	0.500	0	0	0	0	-	0	0
Other Haz Sites	US CDL	09/30/2016	TP	0	-	-	-	-	0	0

Search Summary Report

TARGET SITE: **NOT REPORTED**
FRONT ROYAL, VA 22630

Category	Database	Update	Radius	Site	1/8	1/4	1/2	> 1/2	ZIP	TOTALS
Spills	HMIRS	12/28/2016	TP	0	-	-	-	-	0	0
	SPILLS	11/01/2016	TP	0	-	-	-	-	0	0
	SPILLS 90	09/01/2012	TP	0	-	-	-	-	0	0
Other	RCRA NonGen / NLR	12/12/2016	0.250	0	0	0	-	-	0	0
	TSCA	12/31/2012	TP	0	-	-	-	-	0	0
	TRIS	12/31/2014	TP	0	-	-	-	-	0	0
	SSTS	12/31/2009	TP	0	-	-	-	-	0	0
	RAATS	04/17/1995	TP	0	-	-	-	-	0	0
	PRP	10/25/2013	TP	0	-	-	-	-	0	0
	PADS	01/20/2016	TP	0	-	-	-	-	0	0
	ICIS	11/18/2016	TP	0	-	-	-	-	0	0
	FTTS	04/09/2009	TP	0	-	-	-	-	0	0
	MLTS	08/30/2016	TP	0	-	-	-	-	0	0
	RADINFO	01/04/2017	TP	0	-	-	-	-	0	0
	INDIAN RESERV	12/31/2014	1.000	0	0	0	0	0	0	0
	US AIRS	10/12/2016	TP	0	-	-	-	-	0	0
	FINDS	07/15/2016	TP	0	-	-	-	-	0	0
	- Totals --			0	0	3	2	0	0	5

Site Information Report

Request Date:	APRIL 10, 2017	**Search Type:**	COORD
Request Name:	PATRICK UPHAM	**Job Number:**	03170125

Target Site: NOT REPORTED
FRONT ROYAL, VA 22630

Site Location

	Degrees (Decimal)	Degrees (Min/Sec)		UTMs
Longitude:	78.151421	78.1514210 - 78° 9' 5.11''	Easting:	746971.4
Latitude:	38.919278	38.9192780 - 38° 55' 9.40''	Northing:	4311469.5
Elevation:	893 ft. above sea level		Zone:	Zone 17

Demographics

Sites: 5 **Non-Geocoded:** 0 **Population:** N/A

RADON

EPA Region 3 Statistical Summary Readings for Zip Code: 22630

Number of sites tested: 224.

Maximum Radon Level: 73.9 pCi/L.
Minimum Radon Level: 0.2 pCi/L.

pCi/L <4	pCi/L 4-10	pCi/L 10-20	pCi/L 20-50	pCi/L 50-100	pCi/L >100
135 (60.27%)	60 (26.79%)	17 (7.59%)	10 (4.46%)	2 (0.89%)	0 (0.00%)

Federal EPA Radon Zone for WARREN County: 1

Note: Zone 1 indoor average level > 4 pCi/L.
: Zone 2 indoor average level >= 2 pCi/L and <= 4 pCi/L.
: Zone 3 indoor average level < 2 pCi/L.

Target Site Summary Report

Target Property: NOT REPORTED
FRONT ROYAL, VA 22630

JOB: 03170125

TOTAL: 5 GEOCODED: 5 NON GEOCODED: 0

Map ID	DB Type --ID/Status	Site Name	Address	Dist/Dir	ElevDiff	Page No.

No sites found for target address

Sites Summary Report

Target Property: NOT REPORTED
FRONT ROYAL, VA 22630

JOB: 03170125

TOTAL: 5 GEOCODED: 5 NON GEOCODED: 0

Map ID	DB Type --ID/Status	Site Name	Address	Dist/Dir	ElevDiff	Page No.
1	SEMS-ARCHIVE --0304407 --VAD988201018	RUTHERFORD SALVAGE YARD	ROUTE 55 EAST & ROUTE 55 FRONT ROYAL, VA 22630	0.19 SW	- 210	1
2	LTANKS --Closed --200000220221 --20056106	HEINRICH KAHRS RESIDENCE	1656 HAPPY CREEK RD FRONT ROYAL, VA 22630	0.21 North	- 231	2
2	LUST --Closed --20056106 --Confirmed	HEINRICH KAHRS RESIDENCE	1656 HAPPY CREEK RD FRONT ROYAL, VA 22630	0.21 North	- 231	3
3	LTANKS --Closed --200000209152 --20036060	BUCKTON PRESBYTERIAN CHURCH	2315 JOHN MARSHALL HWY FRONT ROYAL, VA	0.45 SE	+ 3	4
3	LUST --Closed --20036060 --Confirmed	BUCKTON PRESBYTERIAN CHURCH	2315 JOHN MARSHALL HWY FRONT ROYAL, VA	0.45 SE	+ 3	5

Site Detail Report

Target Property: NOT REPORTED
FRONT ROYAL, VA 22630

JOB: 03170125

SEMS-ARCHIVE

EDR ID: 1003866950 **DIST/DIR:** 0.194 SW **ELEVATION:** 683 **MAP ID:** 1

NAME: RUTHERFORD SALVAGE YARD

ADDRESS: ROUTE 55 EAST & ROUTE 55 A
FRONT ROYAL, VA 22630
WARREN

SOURCE: US EPA

Rev: 10/10/2016
ID/Status: 0304407
ID/Status: VAD988201018

SEMS-ARCHIVE:
Site ID: 304407
EPA ID: VAD988201018
Federal Facility: N
NPL: Not on the NPL
Non NPL Status: NFRAP-Site does not qualify for the NPL based on existing information

Following information was gathered from the prior CERCLIS update completed in 10/2013: :
Site ID: 0304407
Federal Facility: Not a Federal Facility
NPL Status: Not on the NPL
Non NPL Status: NFRAP-Site does not qualify for the NPL based on existing information

CERCLIS-NFRAP Site Contact Details:
Contact Sequence ID: 13311000.00000
Person ID: 3000213.00000

CERCLIS-NFRAP Assessment History:
Action: PRELIMINARY ASSESSMENT
Date Started: / /
Date Completed: 02/03/92
Priority Level: NFRAP-Site does not qualify for the NPL based on existing information

Action: ARCHIVE SITE
Date Started: / /
Date Completed: 02/03/92
Priority Level: Not reported

Action: REMOVAL ASSESSMENT
Date Started: 03/07/91
Date Completed: 03/07/91
Priority Level: Not reported

Action: DISCOVERY
Date Started: / /
Date Completed: 03/07/91
Priority Level: Not reported

Site Detail Report

Target Property: NOT REPORTED
FRONT ROYAL, VA 22630

JOB: 03170125

LTANKS

EDR ID: S106906018 **DIST/DIR:** 0.212 North **ELEVATION:** 662 **MAP ID:** 2

NAME: HEINRICH KAHRS RESIDENCE

ADDRESS: 1656 HAPPY CREEK RD
FRONT ROYAL, VA 22630
WARREN COUNTY

SOURCE: VA Department of Environmental Quality

Rev: 11/02/2016
ID/Status: Closed
ID/Status: 200000220221
ID/Status: 20056106

LTANKS:
Region: VRO
CEDS Facility Id: 200000220221
Case Status: Closed
Pollution Complaint #: 20056106
Reported: 02/26/2005

Site Detail Report

Target Property: NOT REPORTED
FRONT ROYAL, VA 22630

JOB: 03170125

LUST

EDR ID: S106906018 **DIST/DIR:** 0.212 North **ELEVATION:** 662 **MAP ID:** 2

NAME: HEINRICH KAHRS RESIDENCE

ADDRESS: 1656 HAPPY CREEK RD
FRONT ROYAL, VA 22630
WARREN COUNTY

Rev: 05/18/2004
ID/Status: Closed
ID/Status: 20056106
ID/Status: Confirmed

SOURCE: VA Department of Environmental Quality Northern Regional Office

LUST REG VA:
Region: Valley
Facility Status: Closed
Release Status: Confirmed
Pollution Complaint #: 20056106
Program: RP Lead
Contact Name: Kahrs, Heinrich
Contact Address: 1656 Happy Creek Rd
Contact City: Front Royal
Contact State: VA
Contact Zip: 22630
Contact Telephone: 5406369317

Site Detail Report

Target Property: NOT REPORTED
FRONT ROYAL, VA 22630

JOB: 03170125

LTANKS

EDR ID: S105813067 **DIST/DIR:** 0.453 SE **ELEVATION:** 896 **MAP ID:** 3

NAME: BUCKTON PRESBYTERIAN CHURCH

ADDRESS: 2315 JOHN MARSHALL HWY
FRONT ROYAL, VA
FREDERICK COUNTY

SOURCE: VA Department of Environmental Quality

Rev: 11/02/2016
ID/Status: Closed
ID/Status: 200000209152
ID/Status: 20036060

LTANKS:
Region: VRO
CEDS Facility Id: 200000209152
Case Status: Closed
Pollution Complaint #: 20036060
Reported: 01/06/2003

Site Detail Report

Target Property: NOT REPORTED
FRONT ROYAL, VA 22630

JOB: 03170125

LUST

EDR ID: S105813067 **DIST/DIR:** 0.453 SE **ELEVATION:** 896 **MAP ID:** 3

NAME: BUCKTON PRESBYTERIAN CHURCH

ADDRESS: 2315 JOHN MARSHALL HWY
FRONT ROYAL, VA
FREDERICK COUNTY

Rev: 05/18/2004
ID/Status: Closed
ID/Status: 20036060
ID/Status: Confirmed

SOURCE: VA Department of Environmental Quality Northern Regional Office

LUST REG VA:
Region: Valley
Facility Status: Closed
Release Status: Confirmed
Pollution Complaint #: 20036060
Program: RP Lead
Contact Name: Buckton Presbyterian Church
Contact Address: 2315 John Marshall Highway
Contact City: Front Royal
Contact State: VA
Contact Zip: 22630
Contact Telephone: 5406366803

Database Descriptions

NPL: NPL National Priorities List (Superfund). The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. NPL sites may encompass relatively large areas. As such, EDR provides polygon coverage for over 1,000 NPL site boundaries produced by EPA's Environmental Photographic Interpretation Center (EPIC) and regional EPA offices. NPL - National Priority List Proposed NPL - Proposed National Priority List Sites.

NPL Delisted: Delisted NPL The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate. Delisted NPL - National Priority List Deletions

CERCLIS: SEMS SEMS (Superfund Enterprise Management System) tracks hazardous waste sites, potentially hazardous waste sites, and remedial activities performed in support of EPA's Superfund Program across the United States. The list was formerly know as CERCLIS, renamed to SEMS by the EPA in 2015. The list contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This dataset also contains sites which are either proposed to or on the National Priorities List (NPL) and the sites which are in the screening and assessment phase for possible inclusion on the NPL. SEMS - Superfund Enterprise Management System

NFRAP: SEMS-ARCHIVE SEMS-ARCHIVE (Superfund Enterprise Management System Archive) tracks sites that have no further interest under the Federal Superfund Program based on available information. The list was formerly known as the CERCLIS-NFRAP, renamed to SEMS ARCHIVE by the EPA in 2015. EPA may perform a minimal level of assessment work at a site while it is archived if site conditions change and/or new information becomes available. Archived sites have been removed and archived from the inventory of SEMS sites. Archived status indicates that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list the site on the National Priorities List (NPL), unless information indicates this decision was not appropriate or other considerations require a recommendation for listing at a later time. The decision does not necessarily mean that there is no hazard associated with a given site; it only means that. based upon available information, the location is not judged to be potential NPL site. SEMS-ARCHIVE - Superfund Enterprise Management System Archive

RCRA COR ACT: CORRACTS CORRACTS identifies hazardous waste handlers with RCRA corrective action activity. CORRACTS - Corrective Action Report

RCRA TSD: RCRA-TSDF RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste. RCRA-TSDF - RCRA - Treatment, Storage and Disposal

RCRA GEN: RCRA-LQG RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Large quantity generators (LQGs) generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month. RCRA-LQG - RCRA - Large Quantity Generators RCRA-SQG - RCRA - Small Quantity Generators. RCRA-CESQG - RCRA - Conditionally Exempt Small Quantity Generators.

Federal IC / EC: US ENG CONTROLS A listing of sites with engineering controls in place. Engineering controls include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or effect human health. US ENG CONTROLS - Engineering Controls Sites List US INST CONTROL - Sites with Institutional Controls.

Database Descriptions

ERNS: ERNS Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous substances. ERNS - Emergency Response Notification System

State/Tribal SWL: SWF/LF Solid Waste Facilities/Landfill Sites. SWF/LF type records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. Depending on the state, these may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites. SWF/LF - Solid Waste Management Facilities

State/Tribal LTANKS: LUST REG PD LUST REG VA - Leaking Underground Storage Tank List. LUST REG SW - Leaking Underground Storage Tank Database. LUST REG NO - Leaking Underground Storage Tank Tracking Database. LUST REG WC - Leaking Underground Storage Tank List. LUST REG TD - Leaking Underground Storage Tank Sites. LUST REG SC - Leaking Underground Storage Tanks. Leaking underground storage tank site locaitons. Includes: counties of Amelia, Brunswick, Charles City, Chesterfield, Dinwiddie, Essex, Gloucester, Goochland, Greensville, Hanover, Henrico, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Powhatan, Prince George, Richmond, Surry, Sussex, Westmoreland; cities of Colonial Heights, Emporia, Hopewell, Petersburg. LUST REG SC - Leaking Underground Storage Tank Sites INDIAN LUST R5 - Leaking Underground Storage Tanks on Indian Land. INDIAN LUST R10 - Leaking Underground Storage Tanks on Indian Land. INDIAN LUST R9 - Leaking Underground Storage Tanks on Indian Land. INDIAN LUST R4 - Leaking Underground Storage Tanks on Indian Land. INDIAN LUST R8 - Leaking Underground Storage Tanks on Indian Land. INDIAN LUST R1 - Leaking Underground Storage Tanks on Indian Land. INDIAN LUST R6 - Leaking Underground Storage Tanks on Indian Land. INDIAN LUST R7 - Leaking Underground Storage Tanks on Indian Land. LTANKS - Leaking Petroleum Storage Tanks.

State/Tribal Tanks: UST Registered Underground Storage Tanks. UST's are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) and must be registered with the state department responsible for administering the UST program. Available information varies by state program. UST - Registered Petroleum Storage Tanks AST - Registered Petroleum Storage Tanks. INDIAN UST R9 - Underground Storage Tanks on Indian Land. INDIAN UST R7 - Underground Storage Tanks on Indian Land. INDIAN UST R10 - Underground Storage Tanks on Indian Land. INDIAN UST R6 - Underground Storage Tanks on Indian Land. INDIAN UST R1 - Underground Storage Tanks on Indian Land. INDIAN UST R8 - Underground Storage Tanks on Indian Land. INDIAN UST R5 - Underground Storage Tanks on Indian Land. INDIAN UST R4 - Underground Storage Tanks on Indian Land.

State/Tribal IC / EC: INST CONTROL Sites included in the Voluntary Remediation Program database that have deed restrictions. INST CONTROL - Voluntary Remediation Program Database

State/Tribal VCP: VRP The Voluntary Cleanup Program encourages owners of elected contaminated sites to take the initiative and conduct voluntary cleanups that meet state environmental standards. VRP - Voluntary Remediation Program

US Brownfields: US BROWNFIELDS Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties takes development pressures off of undeveloped, open land, and both improves and protects the environment. Assessment, Cleanup and Redevelopment Exchange System (ACRES) stores information reported by EPA Brownfields grant recipients on brownfields properties assessed or cleaned up with grant funding as well as information on Targeted Brownfields Assessments performed by EPA Regions. A listing of ACRES Brownfield sites is obtained from Cleanups in My Community. Cleanups in My Community provides information on Brownfields properties for which information is reported back to EPA, as well as areas served by Brownfields grant programs. US BROWNFIELDS - A Listing of Brownfields Sites

Other Haz Sites: US CDL A listing of clandestine drug lab locations. The U.S. Department of Justice ("the Department") provides this web site as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy. Members of the public must verify the accuracy of all entries by, for example, contacting local law enforcement and local health departments. US CDL - Clandestine Drug Labs

Database Descriptions

Spills: HMIRS Hazardous Materials Incident Report System. HMIRS contains hazardous material spill incidents reported to DOT. HMIRS - Hazardous Materials Information Reporting System SPILLS PD - PREP Database. SPILLS SW - Reportable Spills. SPILLS - Prep/Spills Database Listing. SPILLS VA - PREP Database. SPILLS BRL - Prep/Spills Database Listing. SPILLS NO - PREP Database. SPILLS WC - Prep Database. SPILLS TD - PREP Database. SPILLS PC - Pollution Complaint Database. SPILLS 90 - SPILLS90 data from FirstSearch.

Other: RCRA NonGen / NLR RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Non-Generators do not presently generate hazardous waste. RCRA NonGen / NLR - RCRA - Non Generators / No Longer Regulated FEDLAND - Federal and Indian Lands. TSCA - Toxic Substances Control Act. TRIS - Toxic Chemical Release Inventory System. SSTS - Section 7 Tracking Systems. RAATS - RCRA Administrative Action Tracking System. PRP - Potentially Responsible Parties. PADS - PCB Activity Database System. ICIS - Integrated Compliance Information System. FTTS - FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act). FTTS INSP - FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act). MLTS - Material Licensing Tracking System. RADINFO - Radiation Information Database. BRS - Biennial Reporting System. INDIAN RESERV - Indian Reservations. US AIRS (AFS) - Aerometric Information Retrieval System Facility Subsystem (AFS). US AIRS MINOR - Air Facility System Data. FINDS - Facility Index System/Facility Registry System.

Database Sources

NPL: EPA

Updated Quarterly

NPL Delisted: EPA

Updated Quarterly

CERCLIS: EPA

Updated Quarterly

NFRAP: EPA

Updated Quarterly

RCRA COR ACT: EPA

Updated Quarterly

RCRA TSD: Environmental Protection Agency

Updated Quarterly

RCRA GEN: Environmental Protection Agency

Updated Quarterly

Federal IC / EC: Environmental Protection Agency

Varies

ERNS: National Response Center, United States Coast Guard

Updated Annually

State/Tribal SWL: Department of Environmental Quality

Updated Quarterly

State/Tribal LTANKS: Department of Environmental Quality, South Central Region

Updated Semi-Annually

State/Tribal Tanks: Department of Environmental Quality

Updated Semi-Annually

State/Tribal IC / EC: Department of Environmental Quality

Updated Quarterly

Database Sources

State/Tribal VCP: Department of Environmental Quality

Updated Quarterly

US Brownfields: Environmental Protection Agency

Updated Semi-Annually

Other Haz Sites: Drug Enforcement Administration

Updated Quarterly

Spills: U.S. Department of Transportation

Updated Annually

Other: Environmental Protection Agency

Varies

Street Name Report for Streets near the Target Property

Target Property: NOT REPORTED
FRONT ROYAL, VA 22630

JOB: 03170125

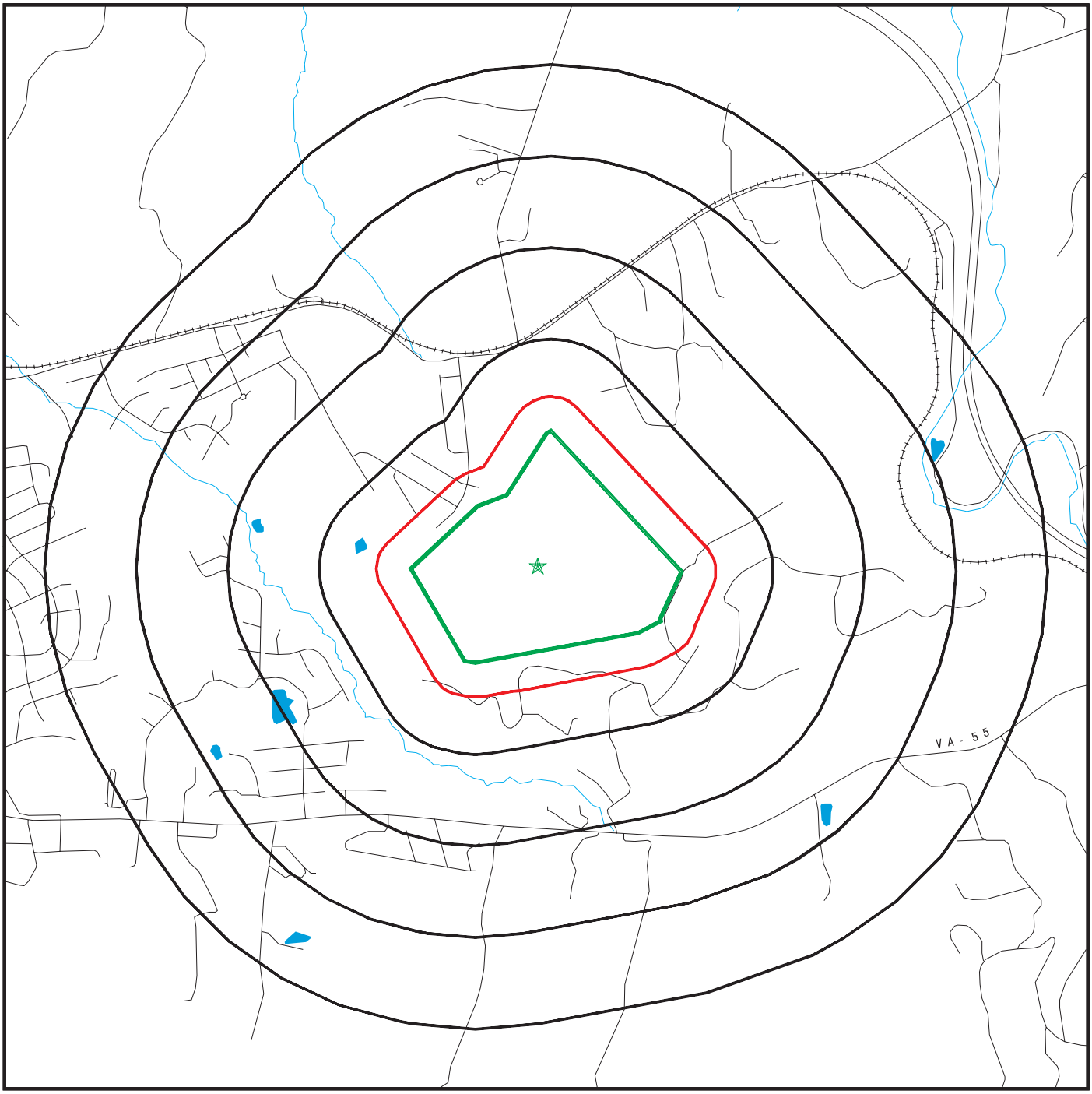
Street Name	Dist/Dir	Street Name	Dist/Dir

Environmental FirstSearch

1.000 Mile Radius

ASTM MAP: NPL, RCRACOR, STATES Sites

NOT REPORTED FRONT ROYAL, VA 22630



Black Rings Represent Qtr. Mile Radius; Red Ring Represents 500 ft. Radius

★ Target Property (Latitude: 38.919278 Longitude: 78.151421)

▲ Identified Sites

National Priority List Sites

Indian Reservations BIA

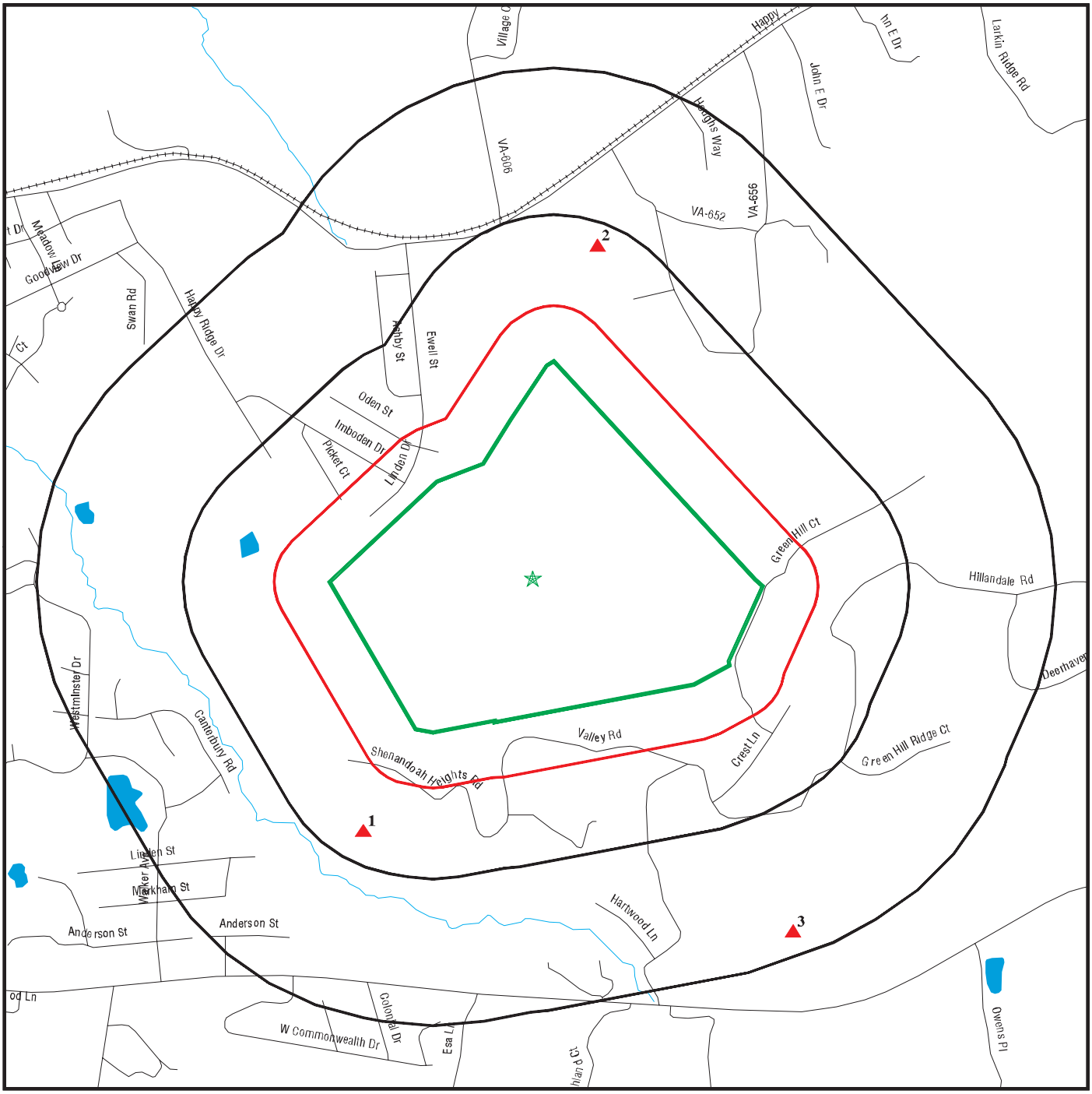
EDR Reference Code (EDR internal use only): 4903243.2s
Copyright © 2017 EDR, Inc. © 2015 TomTom Rel. 2015.
17-04-10.13:08:30.Mon

Environmental FirstSearch

0.500 Mile Radius

ASTM MAP: CERCLIS, RCRATSD, LUST, SWL

NOT REPORTED FRONT ROYAL, VA 22630



Black Rings Represent Qtr. Mile Radius; Red Ring Represents 500 ft. Radius

★ Target Property (Latitude: 38.919278 Longitude: 78.151421)

▲ Identified Sites

National Priority List Sites

Indian Reservations BIA

EDR Reference Code (EDR Internal use only): 4903243.2s

Copyright © 2017 EDR, Inc. © 2015 TomTom Rel. 2015.

17-04-10.13:09:05.Mon

Environmental FirstSearch

0.25 Mile Radius

ASTM MAP: RCRAGEN, ERNS, UST, FED IC/EC, METH LABS

NOT REPORTED FRONT ROYAL, VA 22630

Black Rings Represent Qtr. Mile Radius; Red Ring Represents 500 ft. Radius

★ **Target Property (Latitude: 38.919278 Longitude: 78.151421)**

▲ **Identified Sites**

National Priority List Sites

Indian Reservations BIA

EDR Reference Code (EDR internal use only): 4903243.2s
Copyright © 2017 EDR, Inc. © 2015 TomTom Rel. 2015.
17-04-10.13:09:37.Mon

Environmental FirstSearch

0.25 Mile Radius

Non ASTM Map, Spills, FINDS

NOT REPORTED FRONT ROYAL, VA 22630

Black Rings Represent Qtr. Mile Radius; Red Ring Represents 500 ft. Radius

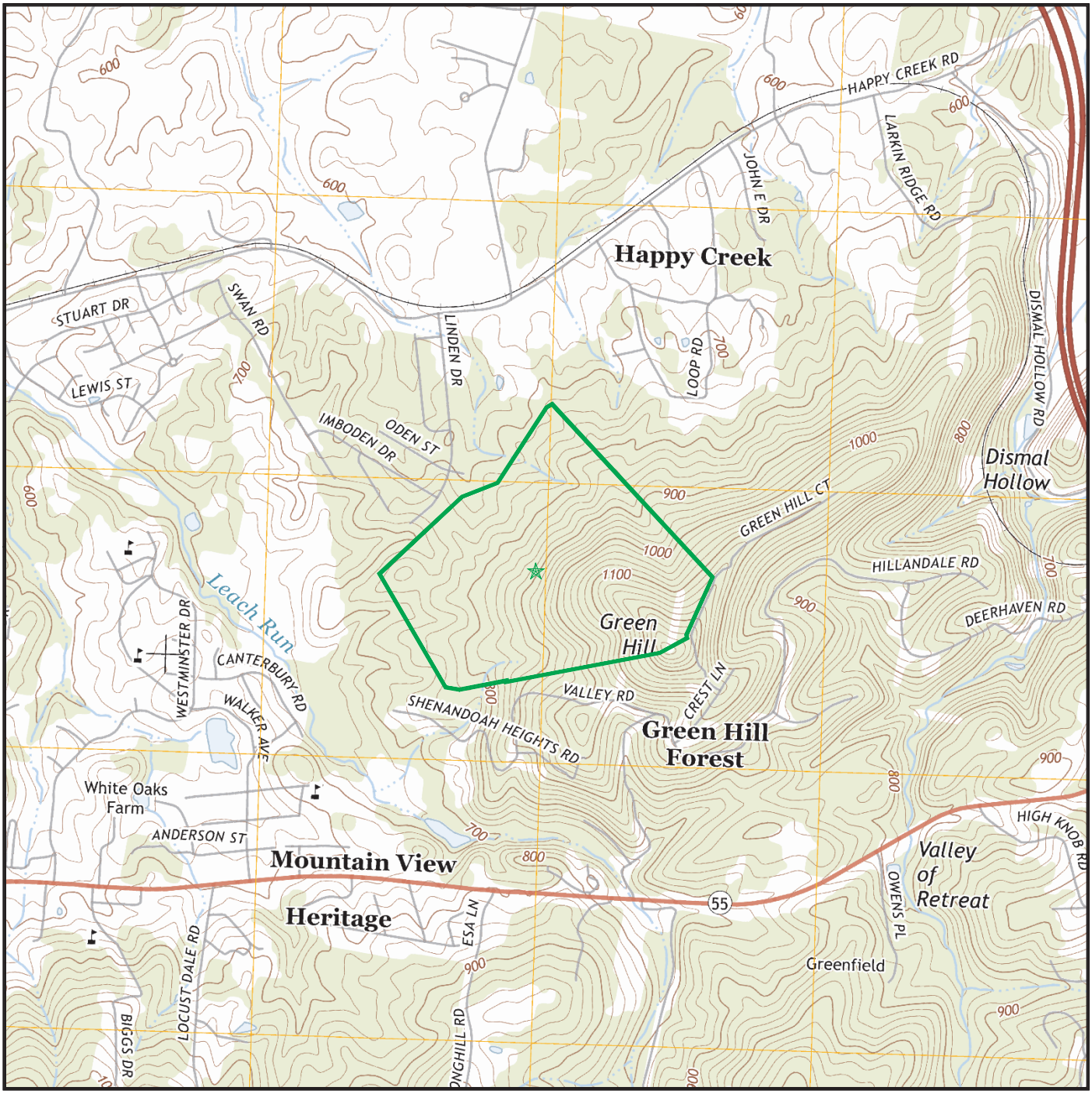
- ★ **Target Property (Latitude: 38.919278 Longitude: 78.151421)**
- ▲ **Identified Sites**
- **Sensitive Receptors**
- **National Priority List Sites**
- **Indian Reservations BIA**

Copyright © 2017 EDR, Inc. © 2015 TomTom Rel. 2015.

Site location Map

Topo: 0.75 Mile Radius

NOT REPORTED FRONT ROYAL, VA 22630



Map Image Position: TP
Map Reference Code & Name: 5948850 Front Royal
Map State(s): VA
Version Date: 2013

TRIAD ENGINEERING, INC.

APPENDIX C

LOCAL AGENCY CORRESPONDENCE

Virginia Freedom of Information Act
Information Request Form
(§2.2 – 3700 et seq. Code of Virginia)

DATE OF REQUEST: 4/10/17 RECEIVED BY: _____

AGENCY/DEPARTMENT/SECTION: The Warren County Fire & Rescue Services

NAME: Triad Engineering, Inc. Attn Patrick Upham

ADDRESS: 1075 D Sherman Ave

CITY: Hagerstown STATE: MD ZIP CODE: 21740

TELEPHONE: 301-797-6400 or pupham@triadeng.com

DESCRIPTION OF REQUESTED RECORDS: (SPECIFY BELOW)
Including: Date/Name/Address/Tax Map #, etc.

Triad Engineering, Inc. is performing a Phase I Environmental Site Assessment for Tax Map # 20A212 2 located in the Town of Front Royal and Warren County, VA. As part of this process we are interested in obtaining any information your office has regarding environmental incidents or violations with respect to petroleum products and/or hazardous wastes; underground and/or above ground storage tanks and environmental liens and/or activity and use limitations. We are also interested in any information regarding onsite wells and/or septic systems.

SIGNATURE: _____

BELOW FOR OFFICE USE ONLY

DATE INFORMATION DUE (MAXIMUM OF 5 DAYS): _____

ARE RECORDS EXCLUED BY THE ACT?: ☐ YES ☐ NO

IF EXCLUDED, WHY? (SPECIFIC REASONS):

EXTRA TIME REQUIRED: ☐ YES ☐ NO

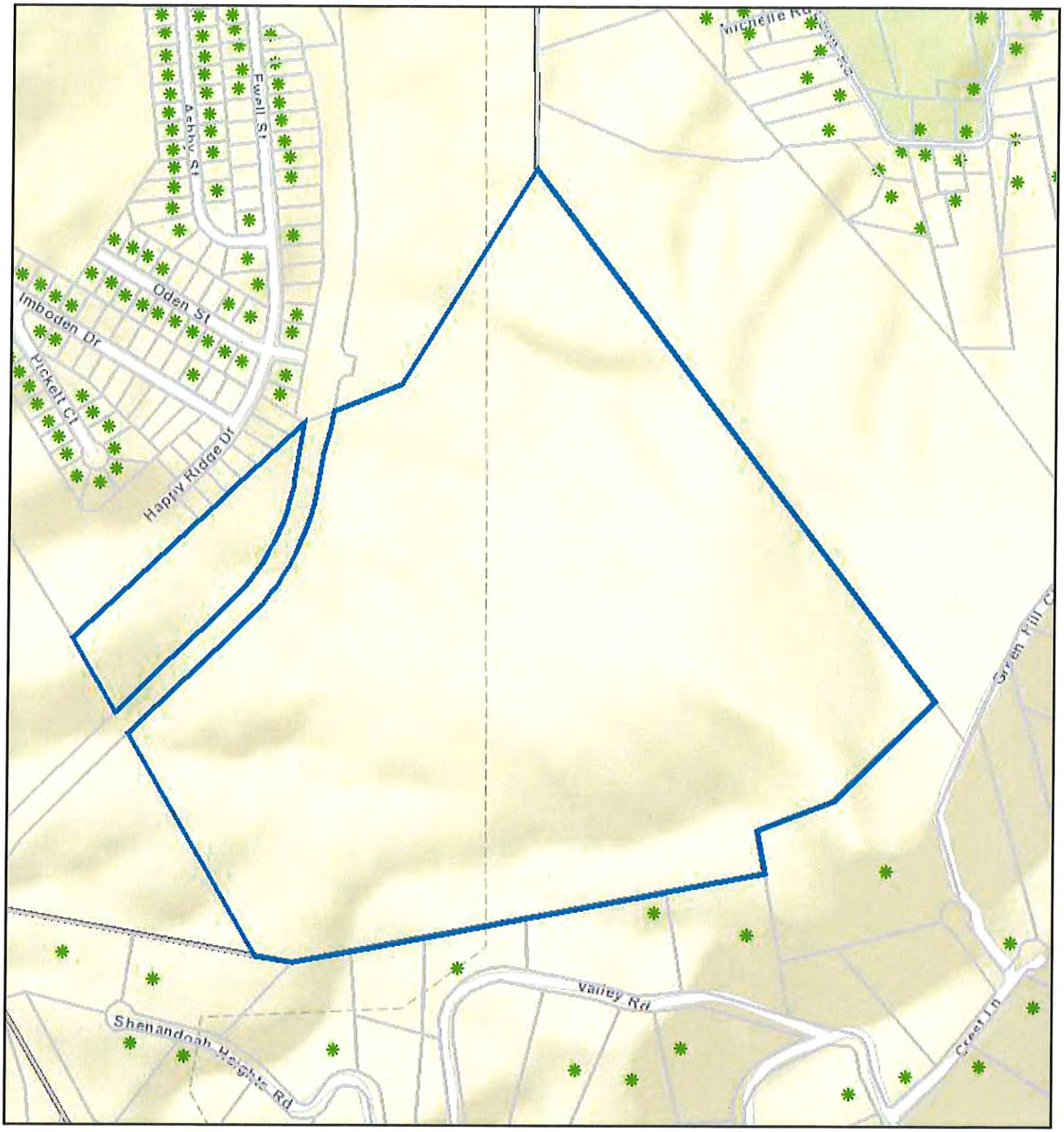
ESTIMATED CHARGES: $ _____ **(TOTAL)**

COPYING AND RESEARCH TIME:

_____ **NUMBER OF SHEETS @** _____ **EACH** $_____

_____ **SEARCH TIME @** _____ **PER HOUR** $_____

Tax Map # 20A212 2



April 10, 2017

1:9,028

0 0.075 0.15 0.3 mi

0 0.1 0.2 0.4 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

0

Property Details

Current Owner

Name: WARREN MEMORIAL HOSPITAL

Mailing Address: 1000 N SHENANDOAH AVE N/A
FRONT ROYAL, VA 22630

Physical Address: 0
FRONT ROYAL, VA 22630

Tax Map #: 20A212 2

Account #: 9532

Total Acres (Includes all Sublots): 147.039

Zoning: A-1

Occupancy Code: Vacant Land

Magisterial Code: Happy Creek-Town

Land Use: Agriculture/Undeveloped (20-99 acres)

School Zone: LFK Elem., WC Middle, WC High

Legal Repository

Legal Description: WARREN MEMORIAL HOSPITAL

Legal Description 2: PROP LR08-3553 TM 21-8G

Legal Description 3: COMB 20A212 2 LR14-1881

Legal Description 4: N/A

Instrument Type and Year: LR 2008

Instrument Number: 3553

Slide Number: N/A

Slide Index: N/A

Deed Book No: N/A

Deed Book Page: 0

Will Book No: N/A

Will Book Page: 0

Valuation & Sales

Land	Improvements	Total Value
$2,205,600	N/A	$2,205,600

Grantor	Sale Price	Sale Date
WARREN MEMORIAL HOSPITAL ET AL	$1,300,000	5/30/2008

Number of Parcels Involved in Sale

2

Building

Year Built: N/A
Story Height: N/A
Number of Rooms: N/A
Number of Bedrooms: N/A
Full Bathrooms: N/A
Half Bathrooms: N/A
Basement: N/A
Finished Basement SQ FT: N/A
Garage Capacity: N/A
Garage Type: N/A

Foundation Type: N/A
Water: None
Sewer: None
Heating: N/A
Air Conditioning: N/A
Fuel Type: N/A
Floor Type: N/A
Exterior Wall Type: N/A
Interior Wall Type: N/A
Roof Type: N/A
Roof Material: N/A

Patrick Upham

From: noreply@civicplus.com
Sent: Monday, April 10, 2017 11:10 AM
To: Patrick Upham
Subject: Online Form Submittal: Records Request

Records Request

Name	Triad Engineering, Inc. Attn Patrick Upham
Email Address	pupham@triadeng.com
Address	1075 D Sherman Ave
City	Hagerstown
State	MD
Zip Code	21740
Phone Number	301-797-6400
Fax Number	301-797-2424
Specific Requested Documents	Triad Engineering, Inc. is performing a Phase I Environmental Site Assessment for the Tax Map # 20A212 2 located in the Town of Front Royal and Warren County, Virginia. As part of this process we are interested in obtaining any information your office has regarding environmental incidents or violations with respect to petroleum products and/or hazardous wastes; underground and/or above ground storage tanks; and environmental liens and/or activity and use limitations. We are also interested in any information regarding onsite wells and/or septic systems.

Please Note
The Freedom of Information Act (FOIA) provides that any person has a right of access to Town records, except to the extent that such records are protected from release by a FOIA exemption.

*Records are **not** free, and charges for the records may apply. If the charges are likely to exceed $200, that amount shall be paid in full before the records request is processed.*

Be advised that some records are exempt from disclosure under specific provisions and/or other State or Federal law) and therefore will not be released.

In order to gather your requested records, the following is suggested:

That your request specify the document(s) rather than the information sought.

That the request be as specific as possible regarding the documents sought.

As a result of these minimal requirements, there is no form or format that has been adopted by either the Commonwealth or the Town for the submission of FOIA requests. However, the basic items as noted above are strongly suggested in order to assist you with your request.

Virginia Freedom of Information Act
Information Request Form
(§2.2 – 3700 et seq. Code of Virginia)

DATE OF REQUEST: 4/10/17 RECEIVED BY: _____

AGENCY/DEPARTMENT/SECTION: Warren County Health Department

NAME: Triad Engineering, Inc. Attn Patrick Upham

ADDRESS: 1075 D Sherman Ave

CITY: Hagerstown STATE: MD ZIP CODE: 21740

TELEPHONE: 301-797-6400 or pupham@triadeng.com

DESCRIPTION OF REQUESTED RECORDS: (SPECIFY BELOW)
Including: Date/Name/Address/Tax Map #, etc.

Triad Engineering, Inc. is performing a Phase I Environmental Site Assessment for Tax Map # 20A212 2 located in the Town of Front Royal and Warren County, VA. As part of this process we are interested in obtaining any information your office has regarding environmental incidents or violations with respect to petroleum products and/or hazardous wastes; underground and/or above ground storage tanks and environmental liens and/or activity and use limitations. We are also interested in any information regarding onsite wells and/or septic systems.

SIGNATURE: _____

BELOW FOR OFFICE USE ONLY

DATE INFORMATION DUE (MAXIMUM OF 5 DAYS): _____

ARE RECORDS EXCLUED BY THE ACT?: ☐ YES ☐ NO

IF EXCLUDED, WHY? (SPECIFIC REASONS):

EXTRA TIME REQUIRED: ☐ YES ☐ NO

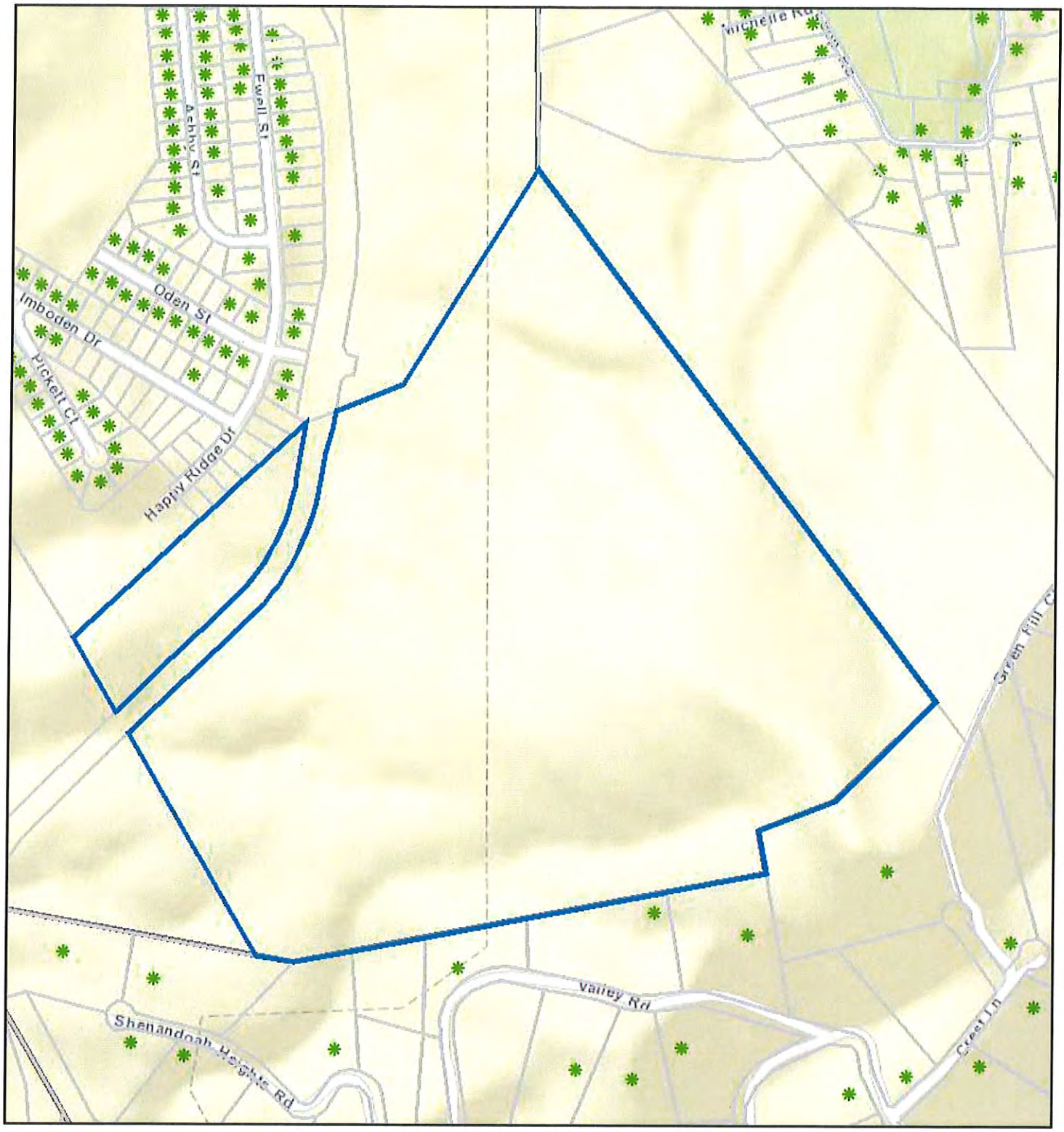
ESTIMATED CHARGES: $ _____ **(TOTAL)**

COPYING AND RESEARCH TIME:

_____ **NUMBER OF SHEETS @** _____ **EACH** $_____

_____ **SEARCH TIME @** _____ **PER HOUR** $_____

Tax Map # 20A212 2



April 10, 2017

1:9,028

0 0.075 0.15 0.3 mi

0 0.1 0.2 0.4 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

0

Property Details

Current Owner

Name: WARREN MEMORIAL HOSPITAL

Mailing Address: 1000 N SHENANDOAH AVE N/A
FRONT ROYAL, VA 22630

Physical Address: 0
FRONT ROYAL, VA 22630

Tax Map #: 20A212 2

Account #: 9532

Total Acres (Includes all Sublots): 147.039

Zoning: A-1

Occupancy Code: Vacant Land

Magisterial Code: Happy Creek-Town

Land Use: Agriculture/Undeveloped (20-99 acres)

School Zone: LFK Elem., WC Middle, WC High

Legal Repository

Legal Description: WARREN MEMORIAL HOSPITAL

Legal Description 2: PROP LR08-3553 TM 21-8G

Legal Description 3: COMB 20A212 2 LR14-1881

Legal Description 4: N/A

Instrument Type and Year: LR 2008

Instrument Number: 3553

Slide Number: N/A

Slide Index: N/A

Deed Book No: N/A

Deed Book Page: 0

Will Book No: N/A

Will Book Page: 0

Valuation & Sales

Land	Improvements	Total Value
$2,205,600	N/A	$2,205,600

Grantor	Sale Price	Sale Date
WARREN MEMORIAL HOSPITAL ET AL	$1,300,000	5/30/2008

Number of Parcels Involved in Sale

2

Building

Year Built: N/A
Story Height: N/A
Number of Rooms: N/A
Number of Bedrooms: N/A
Full Bathrooms: N/A
Half Bathrooms: N/A
Basement: N/A
Finished Basement SQ FT: N/A
Garage Capacity: N/A
Garage Type: N/A

Foundation Type: N/A
Water: None
Sewer: None
Heating: N/A
Air Conditioning: N/A
Fuel Type: N/A
Floor Type: N/A
Exterior Wall Type: N/A
Interior Wall Type: N/A
Roof Type: N/A
Roof Material: N/A

TRIAD ENGINEERING, INC.

APPENDIX D

SITE PHOTOGRAPHS

Photograph # 1

View looking south along the newly-constructed Leach Run Parkway that bisects the western portion of the site.

Photograph # 2

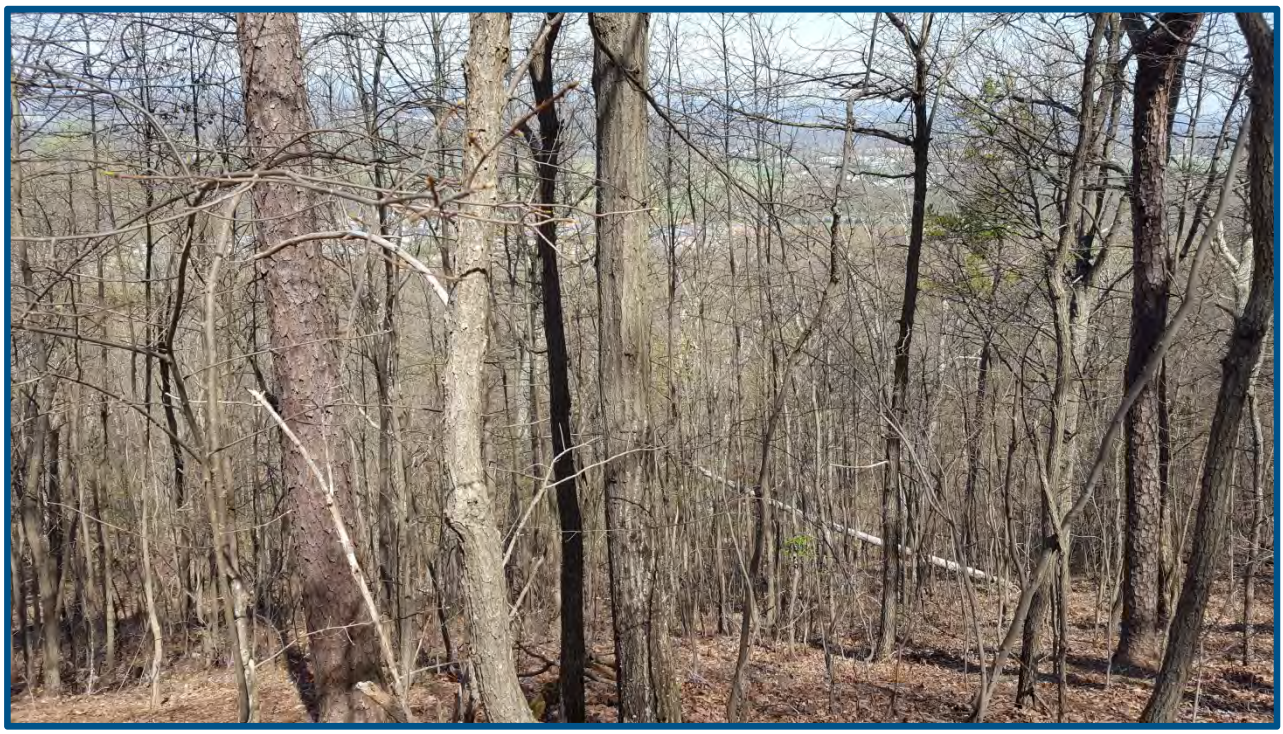
View looking north along the newly-constructed Leach Run Parkway that bisects the western portion of the site.

Photograph # 3
View of an automobile tire observed at the site.

Photograph # 4
View of the area of woods along the newly-constructed Leach Run Parkway.

Photograph # 5
View of one of the many dry swales observed at the site.

Photograph # 6
View looking southwest across the site from atop Green Hill.

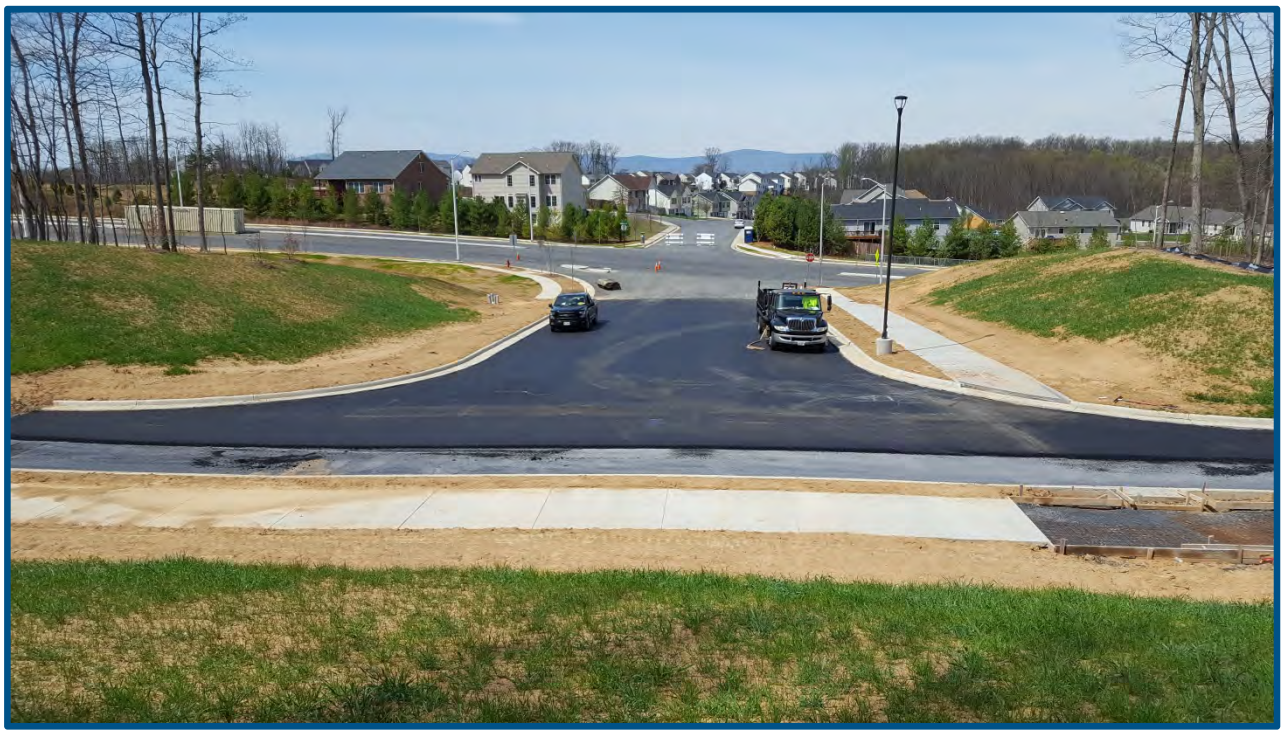


Photograph # 7
View looking northwest across the site from atop Green Hill.

Photograph # 8
View of the wind-clown solid waste from the northern adjoining school construction project.

Photograph # 9
View looking north at the northern adjoining school construction project.

Photograph # 10
View of an under construction access road for the nearby school construction project along the northwestern portion of the site.



Photograph # 11
Alternate view of an under construction access road for the nearby school construction project along the northwestern portion of the site.

Photograph # 12
View of the western adjoining residential subdivision.

May 10, 2017

Craig A. George, RLA
Senior Landscape Architect
Valley Engineering
4901 Crowe Drive
Mount Crawford, Virginia 22841

Re: Evaluation for Jurisdictional Wetlands and Waterways
Approximate 147.039-Acre Warren Memorial Hospital Property - Tax Map No. 20A212 2
Warren County, Virginia
Triad Project No. 03-17-0125

Dear Mr. George:

Triad Engineering, Inc. (Triad) evaluated the above-referenced site for jurisdictional waters of the U.S. and waters of the Commonwealth, including wetlands. This preliminary evaluation consisted of an off-site analysis and a site inspection which was performed on April 11, 2017. This evaluation was performed in general accordance with the Routine Wetlands Determination Method as outlined in the U.S. Army Corps of Engineers Wetlands Delineation Manual (Y-87-1), dated January 1987, and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (ERDC/EL TR-12-9), dated April 2012.

Triad also contacted Mr. Ron Stouffer of the U.S. Army Corps of Engineers, Norfolk District, who provided a copy of the Delineation Map for Leach Run Parkway, which was confirmed through an approved jurisdictional determination. The Delineation Map for Leach Run Parkway is comprehensive of the western portion of the site and does not identify any jurisdictional waters or wetlands in relation thereto. A copy of the Delineation Map for Leach Run Parkway is attached.

In summary, based on Triad's evaluation of the site, discussions with Mr. Stouffer, and a review of the approved jurisdictional determination for Leach Run Parkway, it is our finding that there are no jurisdictional waters of the U.S. or waters of the Commonwealth, including wetlands, at the site at this time. Although there are numerous eroded gullies within the drainage swales at the site, these areas did not fully or consistently exhibit stream characteristics that would make them jurisdictional.

The work on this project has been carried out in accordance with reasonable and acceptable environmental practices and our opinions expressed herein represent our best professional judgment and are reflective of the site conditions at the time of the evaluation. No warranty, either written or implied, is applicable to this project. According to the Code of Federal Regulations (CFR), only the U.S. Army Corps of Engineers has the authority to determine what is regulated under Section 9 and 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

We appreciate the opportunity to provide our services on this project. Should you have any questions concerning this letter, please do not hesitate to contact us.

Prepared by:

TRIAD ENGINEERING, INC.

Patrick M. Upham
Environmental Scientist

Timothy J. Kellerman
Senior Environmental Scientist

Attachment: Leach Run Parkway Delineation Map

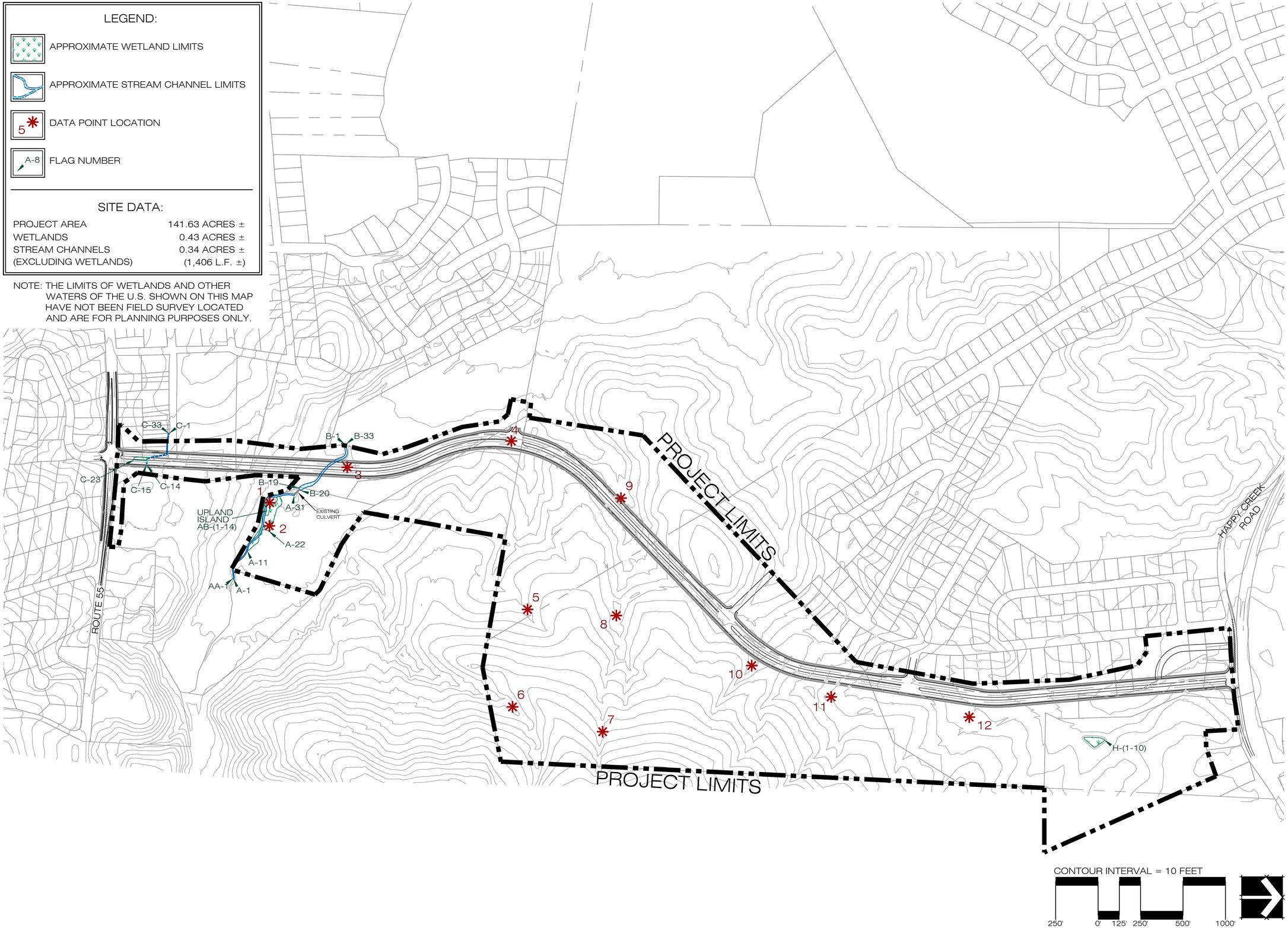
LEGEND:

- APPROXIMATE WETLAND LIMITS
- APPROXIMATE STREAM CHANNEL LIMITS
- 5 DATA POINT LOCATION
- A-8 FLAG NUMBER

SITE DATA:

PROJECT AREA	141.63 ACRES ±
WETLANDS	0.43 ACRES ±
STREAM CHANNELS	0.34 ACRES ±
(EXCLUDING WETLANDS)	(1,406 L.F. ±)

NOTE: THE LIMITS OF WETLANDS AND OTHER WATERS OF THE U.S. SHOWN ON THIS MAP HAVE NOT BEEN FIELD SURVEY LOCATED AND ARE FOR PLANNING PURPOSES ONLY.



5209 Center Street
Williamsburg, Virginia 23188
(757) 220-6869

1011 Boulder Springs Drive, Suite 225
Richmond, Virginia 23225
(804) 267-3474

150 Riverside Parkway, Suite 301
Fredericksburg, Virginia 22406
(540) 785-5544

WILLIAMSBURG ENVIRONMENTAL GROUP, INC.
Environmental Consultants

DELINEATION MAP
LEACH RUN PARKWAY
WARREN COUNTY, VIRGINIA

DATE: NOVEMBER 18, 2013

JOB NUMBER: 5022

SCALE: 1" = 250'

SOURCE: BASE MAP PROVIDED BY PENNONI ASSOCIATES, INC.

W:\FREDcad\5000s\5022-Leach Run\Ecology\Delineation\5022-Leach Run Parkway Delineation(2013-11-18).dwg

VALLEY | ENGINEERING
IDEAS MADE REAL

July 12, 2017

Jeremy Camp
Front Royal Planning & Zoning
102 E Main St
Front Royal, VA 22630

RE: Warren Memorial Hospital Rezoning Request – Traffic Impact

Dear Mr. Camp,

This letter is being provided in order to address the matter of traffic analysis for the proposed Warren Memoiral Hospital's replacement campus, to be located on Leach Run Parkway. As you are aware, per Town Code, the associated rezoning requires a traffic impact analysis (TIA). The intent of this letter is to justify the use of previously prepared TIAs, unmodified, to satisfy this requirement.

In December 2013, Pennoni prepared a TIA to study the anticipated traffic loading on the then-proposed Leach Run Parkway. In 2014, they updated this study to include the newly-proposed Warren County Middle School. Both studies utilize a 2006 preliminary "master plan" prepared by HKS for hospital traffic generation assumptions.

The current plan of development for the hospital campus, as prepared by Perkins + Will, is much less intensive than the 2006 concept. A comparison of the hospital uses allowed for by both the current (still preliminary) plan and the original, as utilized in the 2013 and 2014 TIAs, can be found in the table below.

Use Category	Pennoni TIA Assumptions	Current Design	Net Differential	ADT Differential
Hospital Beds	120 beds	60 beds	-60 beds	-775 trips
Ambulatory Care	98.4 ksf	0 ksf	-98.4 ksf	-1,301 trips
MOB	86.4 ksf	128 ksf	+43.6 ksf	+1,563 trips
Total Site Trip Generation Differential				-513 trips

**Pennoni studies utilized ITE rates for 'Hospital' use on ksf basis for Ambulatory Care structures*

Due to the smaller nature of the current design versus that assumed in the previously prepared TIAs, it can be concluded that the studies were conservative in nature. Despite these conservative assumptions, the studies concluded the hospital's entrances to operate satisfactorily. As such, we find no benefit in performing a new analysis of the revised master plan, and recommend the use of previously prepared TIAs to satisfy the Town Code requirement for rezoning. This recommendation will hold for any minor adjustments to the master planned totals presented above, so long as the site's proposed development remains less intensive than what was previously studied

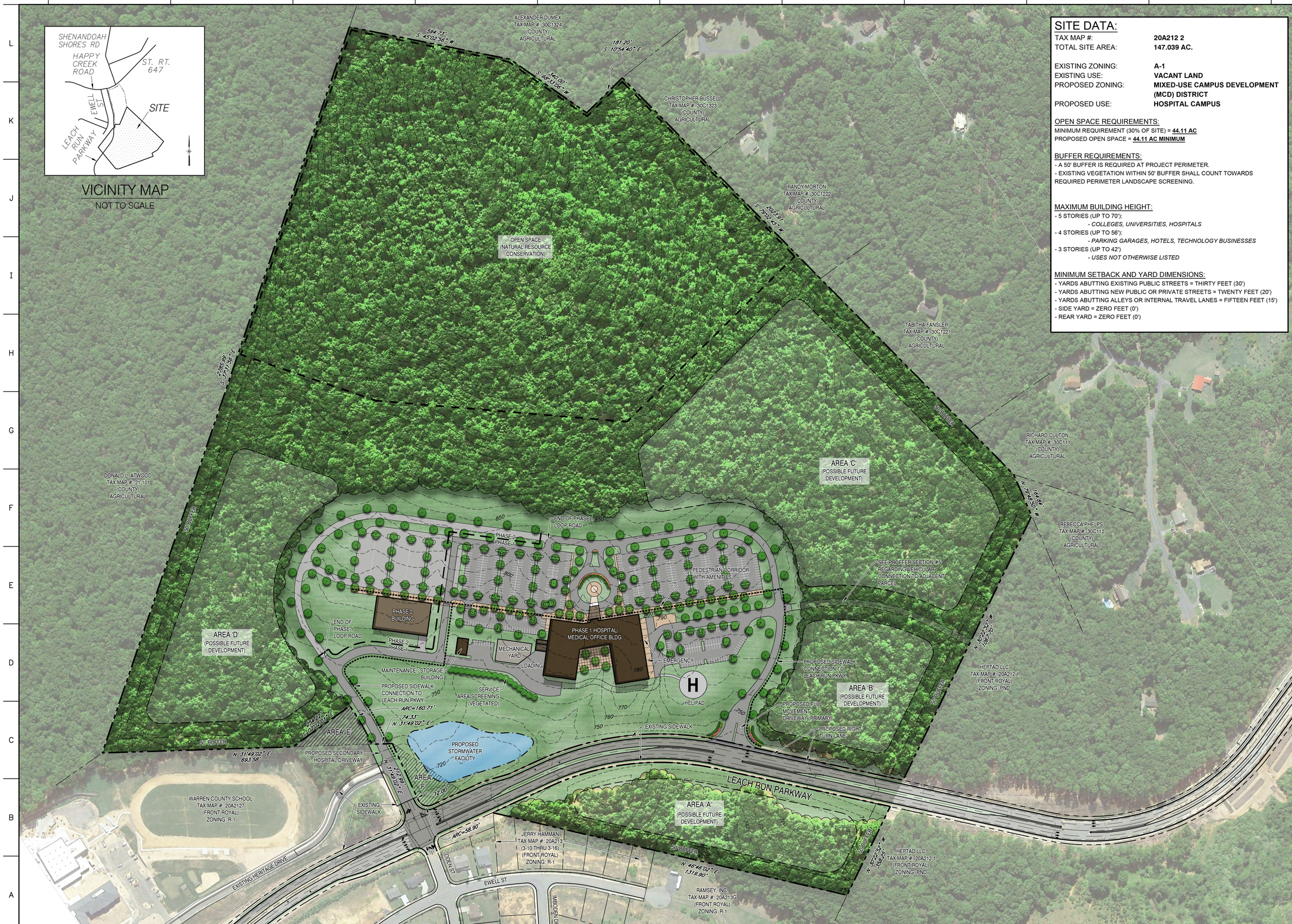
It is my hope that this letter fully addresses the question of need for traffic analysis associated with the proposed rezoning request. Should you have any questions related to any matter presented in this letter, the referenced TIAs, or otherwise related to the rezoning request, please do not hesitate to contact me at your earliest convenience.

4901 Crowe Drive • Mount Crawford, VA 22841
Phone (540) 434-6365 • Fax (540) 432-0685
www.valleyesp.com

Sincerely,
Valley Engineering

Seth Roderick, PE
Director of Planning & Transportation

cc: Mark Baker, Valley Health
Felicia Hart, Front Royal
Matt Smith, VDOT



SITE DATA:

TAX MAP #:	**20A212 2**
TOTAL SITE AREA:	**147.039 AC.**
EXISTING ZONING:	**A-1**
EXISTING USE:	**VACANT LAND**
PROPOSED ZONING:	**MIXED-USE CAMPUS DEVELOPMENT (MCD) DISTRICT**
PROPOSED USE:	**HOSPITAL CAMPUS**

OPEN SPACE REQUIREMENTS:
MINIMUM REQUIREMENT (30% OF SITE) = **44.11 AC**
PROPOSED OPEN SPACE = **44.11 AC MINIMUM**

BUFFER REQUIREMENTS:
- A 50' BUFFER IS REQUIRED AT PROJECT PERIMETER.
- EXISTING VEGETATION WITHIN 50' BUFFER SHALL COUNT TOWARDS REQUIRED PERIMETER LANDSCAPE SCREENING.

MAXIMUM BUILDING HEIGHT:
- 5 STORIES (UP TO 70'):
  - *COLLEGES, UNIVERSITIES, HOSPITALS*
- 4 STORIES (UP TO 56'):
  - *PARKING GARAGES, HOTELS, TECHNOLOGY BUSINESSES*
- 3 STORIES (UP TO 42')
  - *USES NOT OTHERWISE LISTED*

MINIMUM SETBACK AND YARD DIMENSIONS:
- YARDS ABUTTING EXISTING PUBLIC STREETS = THIRTY FEET (30')
- YARDS ABUTTING NEW PUBLIC OR PRIVATE STREETS = TWENTY FEET (20')
- YARDS ABUTTING ALLEYS OR INTERNAL TRAVEL LANES = FIFTEEN FEET (15')
- SIDE YARD = ZERO FEET (0')
- REAR YARD = ZERO FEET (0')

CONCEPT PLAN for WARREN MEMORIAL REPLACEMENT HOSPITAL

FRONT ROYAL, VA

VALLEY | ENGINEERING
IDEAS MADE REAL
4901 CROWE DRIVE
MOUNT CRAWFORD, VIRGINIA 22841
TELEPHONE (540) 434-6365 OR (800) 343-6365
FAX (540) 432-0685
www.valleyesp.com

COPYRIGHT HELD BY VALLEY ENGINEERING, P.C., ALL RIGHTS RESERVED. THESE DRAWINGS MAY NOT BE REPRODUCED IN ANY FORM WITHOUT WRITTEN CONSENT FROM VALLEY ENGINEERING, P.C.

PRELIMINARY ISSUE
NOT FOR CONSTRUCTION

REVISIONS:

DATE: 1/16/2018

PROJECT No.: 11206-7

EXP./CLIENT No.: 7771-3

0' 150' 300'
SCALE: 1" = 150'

WARREN MEMORIAL REPLACEMENT HOSPITAL

SHEET NO.:
RZ-1

PROFFER STATEMENT

REZONING:	RZ# _FRREZON-000661-2018_____
CURRENT ZONING:	Agricultural and Open Space Preservation District (A-1) [Town Code, Sections 175-10.2 through 175-10.10, as the same from time to time may be amended, or their successor ordinances.] Suburban Residential District (R-S) [Town Code, Sections 175-10.21 through 175-10.30, as the same from time to time may be amended, or their successor ordinances.]
PROPOSED ZONING:	Mixed-Use Campus Development District (MCD) [Town Code, Sections 175-53.9 through 175-53.16, as the same from time to time may be amended, or their successor ordinances.]
PROPERTY:	TM# 20A212 2 (147.039 ac; Inst #3553)
APPLICANT/OWNER:	Warren Memorial Hospital
PROJECT NAME:	Warren Memorial Hospital, Replacement
DATE OF PROFFERS:	January 16, 2018 (Revision #5, dated 3-22-18)
EXHIBITS:	Concept Plan

Preliminary Matters

Pursuant to Section 15.2-2296 et. seq. of the Code of Virginia, 1950, as amended, and the provisions of the Town of Front Royal Zoning Ordinance with respect to conditional zoning, the undersigned Applicant hereby voluntarily agrees to the terms and conditions set forth herein, provided that the Town of Front Royal approves Rezoning Application FRREZON-000661-2018 for the rezoning of the subject property, as referenced above, consisting of approximately 147 Acres, from the Agricultural and Open Space Preservation District (A-1) to Mixed-Use Campus Development District (MCD). The terms and conditions set forth herein may be subsequently amended, revised, or withdrawn by the Applicant if approved by the Town of Front Royal, in accordance with the Virginia Code and Town Code. In the event that such rezoning is

not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever.

Terms & Conditions (Proffers)

1) Development of the referenced parcel shall be in general conformance with the approved Concept Plan associated with this rezoning request.
2) The Owner/Developer shall construct a 200'-long right turn lane with taper serving the northbound approach of the hospital's primary entrance on Leach Run Parkway, as generally depicted on the Concept Plan. Owner shall not apply for nor be granted a permanent certificate of occupancy for any newly proposed construction upon the referenced parcel prior to the completion of this construction.
3) The Applicant/Owner/Developer shall design and construct a traffic signal at the intersection of Leach Run Parkway and the proposed primary entrance. Furthermore, the Applicant/Owner/Developer agrees to pay for 100% of all costs associated with this traffic signal, subject to the following conditions:
    a. The traffic signal shall be designed and constructed to meet all Town and VDOT standards and specifications.
    b. The design and construction of the traffic signal shall be approved by the Town.
    c. Design standards and specifications that exceed Town and VDOT standards shall not be the responsibility of the Applicant/Owner/Developer.

d. At the time of submission of the first site plan for the proposed development, a Traffic Signal Warrant Analysis for the intersection shall be submitted to the Town.

e. If the Traffic Signal Warrant Analysis demonstrates the need for a traffic signal at the intersection, the Applicant/Owner/Developer will design and construct the traffic signal prior to issuance of a final occupancy permit for phase 1 of the proposed development.

f. If the Traffic Signal Warrant Analysis does not demonstrate the need for a signal at the intersection, the Applicant/Owner/Develop will build the traffic signal within five (5) years, beginning from the date that a final occupancy permit is issued for phase 1 of the proposed development.

g. If determined necessary by the Town of Front Royal, the Owner/Developer shall dedicate right-of-way for the signalization of this intersection.

4) During the first phase of development, the Applicant will construct a commercial entrance on the hospital's "ring road" for a future interparcel connection with the adjoining property to the south, as generally depicted on the Concept Plan. Unless otherwise approved by the Town, the Applicant will construct a vehicular travelway from this commercial entrance to the adjoining property to the south at such time that either Area 'B' and/or Area 'C' are developed. In addition, the Applicant shall provide a construction and access easement for the interparcel connection from the commercial entrance to the adjoining property to the south. Such easements shall ensure that the vehicular travelway, or as may otherwise be approved by the Town, may be constructed by others, if such development occurs prior to the Applicant's development of Area 'B' and/or Area 'C'.

5) Upon the approval of this rezoning and the recordation of documents effecting the boundary line adjustment to Area 'E' and Area 'F' as depicted on the Concept Plan, the following zoning designations shall apply:

   a. Area 'E' shall be rezoned from A-1 to R-1

   b. Area 'F' shall be rezoned from R-1 to MCD

6) As required by current Town Code, the future development of any structure on any of the identified out parcels, or any other land included in this rezoning request, will be required to go through the prerequisite rezoning process to modify Concept Plan to include those specific development areas. For this area being rezoned, Substantial Conformance shall be defined as any improvement equal to or less than 25% of what is shown on the approved Concept Plan.

7) Upon occupancy of the Phase 2 Facility, as shown on the approved Concept Plan, a Traffic Signal Warrant Analysis will be prepared to determine the contribution of traffic utilizing the Oden Street intersection from the Warren Memorial Hospital Campus and the Warren County School. The Applicant agrees to participate in the funding of a Traffic Signal, at the Oden Street intersection, in an amount equal to their contributing percentage of the traffic utilizing said intersection. The Applicant also understands that the Town my initiate this Signal Warrant Analysis, at the Town's expense, prior to the occupancy of the Phase 2 Facility, and that the Applicant agrees to participate in the funding of the Traffic Signal based upon their contributing percentage of the traffic utilizing said intersection.

X. <u>Signatures</u>

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns, and successors in the interest of the Applicant and owner.

In the event the Front Royal Town Council 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 Front Royal Town Code, as the same from time to time may be amended, or their successor ordinances. This Proffer Statement supersedes any proffer statements previously submitted in connection with this application and this Property, if any.

OWNER'S SIGNATURE: _____ _____

PRINT SIGNATURE: _____
TITLE: _____
ADDRESS: _____

WITNESS: _____ _____

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 20____, BY _____, WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND WHO HAS APPEARED THIS DAY BEFORE ME, _____, A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE ____ DAY OF _____, _____.

_____
NOTARY PUBLIC

Registration Number: _____

ADJACENT PROPERTY SIGNATURE (*FOR PROFFER 5 ONLY, SEE SATEMENT BELOW):

_____

PRINT SIGNATURE: _____
TITLE: _____
ADDRESS: _____

WITNESS: _____ _____

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 20____, BY _____, WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND WHO HAS APPEARED THIS DAY BEFORE ME, _____, A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE ____ DAY OF _____, _____.

_____
NOTARY PUBLIC

Registration Number: _____

*Warren County Public Schools executes this proffer statement for the sole purpose of acknowledging its agreement to paragraph 5 and for no other purpose. Nothing herein shall be construed to be an agreement by Warren County Public Schools to make the boundary line adjustment set forth in paragraph 5

TOWN APPROVAL SIGNATURE: _____
PRINT SIGNATURE: _____
TITLE: _____
ADDRESS: _____

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 20____, BY _____, WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND WHO HAS APPEARED THIS DAY BEFORE ME, _____, A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE ____ DAY OF _____, _____.

_____
NOTARY PUBLIC

Registration Number: _____

9

Town of Front Royal, Virginia
Council Agenda Statement

Meeting Date: April 9, 2018

Agenda Item: PUBLIC HEARING – Fiscal Year 2018 - 2019 Tax Rates *(2nd Reading)*

Summary: Council is requested to adopt on it second and final reading setting the Fiscal Year 2018-2019 real property tax rate to either remain the same at $0.135 per $100 assessed value or to increase the real estate tax rate from the current year's rate to a rate between 9/10 to 1/10 of $0.01; the personal property tax rate to remain the same at $0.64 per $100 assessed value; and the personal property tax relief rate to remain the same at 60% of value on the first $20,000 of assessed value for qualifying vehicles with an assessed value greater than $1,000; and a personal property tax relief rate of 100% for qualifying vehicles with an assessed value of $1,000 or less, pursuant to Virginia Code §58.1-3524. Council is further requested to adopt on its second and final reading an ordinance to amend Front Royal Town Code Section 75.44.C. accordingly.

At their March 26, 2018 Council Meeting Council affirmed on its first reading that the Fiscal Year 2018-2019 real estate tax rate remain the same at $0.135 per $100 assessed value; the personal property tax rate to remain the same at $0.64 per $100 assessed value; and the personal property tax relief rate to remain the same at 60% of value on the first $20,000 of assessed value for qualifying vehicles with an assessed value greater than $1,000; and a personal property tax relief rate of 100% for qualifying vehicles with an assessed value of $1,000 or less, pursuant to Virginia Code §58.1-3524 and affirmed on its first reading an ordinance to amend Front Royal Town Code Section 75.44.C. accordingly.

The Town Code 4-4B and 4-4Cstates:
B. Ordinances, except routine or emergency measures, shall be read at two (2) separate meetings of the Council and may be enacted at the second reading. Ordinances may be read by title only and not verbatim.

C. Ordinances which receive an affirmative vote following the first reading shall be read at a separate meeting of Council. The affirmative vote following the first reading shall be a non-binding vote.

Budget/Funding: None

Attachments: Ordinance

Meetings: Work Session held February 20, 2018; First Public Hearing held March 12, 2018; Public Hearing held March 26, 2018

Staff Recommendation: Approval ✓ Denial_____

Proposed Motions:

Motion 1 (to keep current tax rate)

I move that Council adopt on its second and final reading that the Fiscal Year 2018-2019 real estate tax rate remain the same at $0.135 per $100 assessed value; the personal property tax rate to remain the same at $0.64 per $100 assessed value; and the personal property tax relief rate to remain the same at 60% of value on the first $20,000 of assessed value for qualifying vehicles with an assessed value greater than $1,000; and a personal property tax relief rate of 100% for qualifying vehicles with an assessed value of $1,000 or less, pursuant to Virginia Code §58.1-3524. I further move that council adopt on its second and final reading an ordinance to amend Front Royal Town Code Section 75.44.C. accordingly.

Motion 2 (to increase tax rate)

I move that Council adopt on its second and final reading an increase for the Fiscal Year 2018-2019 real estate tax rate from $0.135 to _____per $100 assessed value which represents an increase of _____ from the current year's rate; the personal property tax rate to remain the same at $0.64 per $100 assessed value; and the personal property tax relief rate to remain the same at 60% of value on the first $20,000 of assessed value for qualifying vehicles with an assessed value greater than $1,000; and a personal property tax relief rate of 100% for qualifying vehicles with an assessed value of $1,000 or less, pursuant to Virginia Code §58.1-3524. I further move that Council adopt on its second and final reading an ordinance to amend Front Royal Town Code Section 75.44.C. accordingly.

$.144 = 9/10 or $0.009
$.143 = 8/10 or $0.008
$.142 = 7/10 or $0.007
$.141 = 6/10 or $0.006
$.140 = 5/10 or $0.005
$.139 = 4/10 or $0.004
$.138 = 3/10 or $0.003
$.137 = 2/10 or $0.002
$.136 = 1/10 or $0.001

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: _____

AN ORDINANCE TO AMEND SECTION 75-44 (C) OF THE FRONT ROYAL TOWN PERTAINING TO REAL ESTATE AND PERSONAL PROPERTY TAX RATES

75-44 DELINQUENT TAX LISTS - MAILING OF BILLS; DUE DATES, PENALTY AND INTEREST; IMPOSITION OF THE TAXES AND RATES

C. There is hereby imposed upon all real property within the limits of the Town of Front Royal, Virginia, a tax in the amount of thirteen and one half cents ($0.135) per one hundred dollars ($100.00) of assessed valuation with the half cents being designated to the new Police Department, and a tax upon all tangible personal property located within the limits of the Town of Front Royal, Virginia, in the amount of sixty cents ($0.64) per one hundred dollars ($100.00) of assessed valuation. The tax on all personal property shall include all Machinery and Tools. The tax on all real property shall include all mobile homes. The tax imposed upon real property within the limits of the Town of Front Royal, Virginia, shall be decreased by $0.02 to $0.11 per $100 assessed value, which is reinstatement of the previous Real Estate Tax Rate for Fiscal Year 2013-2014, upon completion of payment of debt service of the new Police Department Headquarters and construction of Leach Run Parkway; and Town Code Section 75-44.C, shall thereupon be amended accordingly to reflect said decrease and reinstatement of such previous reduced Real Estate Tax Rate.

This ordinance shall become effective upon passage.

APPROVED:

_____
Hollis L. Tharpe, Mayor

ATTEST:

_____
Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____2018, upon the following recorded vote:

Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Christopher S. Morrison	Yes/No
John P. Connolly	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on _____, 2018, having been advertised in the Northern Virginia Daily on _____, 2018, and _____, 2018. The Ordinance was enacted at the Regular Meeting of the Town Council held _____2018, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney Date: ____/____/_____

10

Town of Front Royal, Virginia
Council Agenda Statement

Meeting Date: April 9, 2018

Agenda Item: COUNCIL APPROVAL – Resolution to Approve 2018 Amendment to the 1998-1999 Voluntary Settlement Agreement

Summary: Council is requested to approve a Resolution approving the 2018 Amendment to the 1998-1999 Voluntary Settlement Agreement (VSA) between the Town of Front Royal and the County of Warren regarding the compromise for PILOT Meals and Lodging Taxes.

Note: The County of Warren approved the 2018 Amendment to the VSA at their April 3, 2018 meeting with a revision pertaining to the lodging tax (see attachment. The Town Council was presented the amendment to the VSA on March 19, 2018 that did not include this revision.

Budget/Funding: None

Attachments: Resolution, Amendment to VSA dated 3/12/18; Amendment to VSA from County dated 4/3/18 and 2015 MOA

Meetings: Work Session held April 2, 2018

Staff Recommendation: Approval ✓ Denial_____

Proposed Motions:

TO APPROVE RESOLUTION FOR AMENDMENT AS ORIGINALLY PRESENTED ON MARCH 19, 2018
I move that Council approve a Resolution approving the 2018 Amendment to the 1998-1999 Voluntary Settlement Agreement between the Town of Front Royal and the County of Warren regarding the compromise for PILOT Meals and Lodging Taxes as presented to Town Council on March 19, 2018.

TO APPROVE RESOLUTION FOR AMENDMENT AS REVISED ON APRIL 3, 2018 BY THE COUNTY
I move that Council approve a Resolution approving the 2018 Amendment to the 1998-1999 Voluntary Settlement Agreement between the Town of Front Royal and the County of Warren Regarding the compromise for PILOT Meals and Lodging Taxes as revised and approved by the County of Warren Board of Supervisors on April 3, 2018.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

TOWN COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA

***A RESOLUTION TO APPROVE THE 2018 AMENDMENT TO THE 1998-1999 VOLUNTARY SETTLEMENT AGREEMENT BETWEEN THE TOWN OF FRONT ROYAL AND THE COUNTY* REGARDING THE COMPROMISE FOR PILOT MEALS AND LODGING TAXES**

WHEREAS, following the statutory procedures set forth in Title 15.2, of the Code of Virginia, regarding Voluntary Settlement Agreements, the Town of Front Royal, Virginia, a municipal corporation, (the "Town Council" or the "Town", as the case may be) and the County of Warren, Virginia, a political subdivision, (the "Board of Supervisors", or the "County", as the case may be) both of the Commonwealth of Virginia, first entered into in 1998, and amended and finalized in 1999, entered into a Voluntary Settlement Agreement (the "Voluntary Settlement Agreement"). The purpose of the Voluntary Settlement Agreement was to facilitate development in the County so that the County could generate revenue to improve the County's Public School System. Commercial and industrial development of the North US Route 340/522 Corridor (defined as the "Corridor" in the Voluntary Settlement Agreement) (hereinafter the "Corridor") enabled the County to develop the tax base necessary to fund construction of new public high schools and middle schools.

WHEREAS, in order to alleviate concern on the part of the Front Royal Town Council that development in the Corridor would place businesses within the Town limits at a competitive disadvantage with businesses located in the Corridor, as businesses located in the Corridor would not have to pay Town taxes, the Town and Board of Supervisors of Warren County, Virginia jointly obtained approval of the General

Assembly to amend the Code of Virginia to allow the Town to provide public water and sewer utility services to industrial and commercial users outside the Town's boundaries and collect such compensation therefor as may be contracted for between the Town and such users. The Town thereupon implemented public utility contracts that included Payment In-Lieu of Taxes ("PILOT") fees from commercial public utility customers in the Corridor, with the intent of causing all businesses both inside and outside of the Town limits paying as closely to the same amounts towards their municipal water and sewer utility payments, as well as the equivalent of the total taxes commercial public utility customers would pay, as if they were located within the Town boundaries. The Voluntary Settlement Agreement documented the basic responsibilities for municipal water and sewer utility provisions in the Corridor.

WHEREAS, experience has demonstrated to the Town Council and County that businesses, which must otherwise collect the food and beverage taxes or meals tax, transient room rentals tax and transient occupancy or lodging taxes, also referred to as "Meals and Lodging" taxes" components, of the PILOT fees which had been included in the Town's public utility contracts with businesses in the Corridor, are more efficiently recruited into the Corridor, and thus generate more revenue for the Town and County, if the Meals and Lodging taxes components of the PILOT fees are not included in the Town's PILOT agreements. Therefore, the Town and County, in 2015, entered into a revenue-sharing agreement, whereby the County began to share a portion of its meals and lodging taxes that it collects, with the Town, which said revenue-sharing agreement was memorialized in a Memorandum of Agreement ("MOA") between the Town and County. Additionally, the Town and County have both experienced that businesses appreciate the

political stability that accompanies the lack of fear of the Corridor being subjected to the possibility of being annexed into the Town's corporate limits. Further, the Town and County both desire the additional financial benefits accruing from certain additional commercial property being added to the Corridor, so long as the Town has the public utility capacity to supply the additional commercial property with municipal public utility services.

WHEREAS, Town Council, and the Board of Supervisors find that this Amendment to the Voluntary Settlement Agreement is beneficial to the orderly growth and continued viability of both the Town of Front Royal and the County of Warren.

WHEREAS, the Town and County have been advised by officials of the Commission on Local Government and the Office of the Attorney General that the 1998 Court Order contained in the said Voluntary Settlement Agreement provide for Amendments to the Voluntary Settlement Agreement, including this 2018 Amendment to the Voluntary Settlement Agreement, are not required to be submitted to the Commission on Local Government and also not then being further ratified by a Special Court appointed by the Supreme Court of Virginia.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ENACTED by the Town Council of the Town of Front Royal, Virginia, that the said 2018 Amended Voluntary Settlement is approved, ratified, affirmed, and attached hereto, made a part hereof, and incorporated by reference herein for all purposes.

[VOTES AND APPROVALS ON THIS RESOLUTION ON PAGE FOLLOWING.]

This Resolution shall be effective immediately upon enactment of approval of the same 2018 Amendment to the Voluntary Settlement Agreement by the Warren County, Virginia, Board of Supervisors.

****

This Resolution was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on _____, 2018, upon the following recorded vote:

APPROVED:

_____

Hollis L. Tharpe, Mayor

Town Council Members:

John P. Connolly	_____	Gary Gillispie	_____
Jacob Meza	_____	William A. Sealock	_____
Christopher Morrison	_____	Eugene R. Tewalt	_____

Attest:

_____

Jennifer E. Berry, CMC, Clerk of Council

Approved as to form and legality:

_____

Douglas W. Napier, Town Attorney

Date: _____ / _____ / _____

AMENDMENT TO VOLUNTARY SETTLEMENT AGREEMENT BETWEEN THE COUNTY OF WARREN, VIRGINIA, AND THE TOWN OF FRONT ROYAL, VIRGINIA, REGARDING THE COMPROMISE FOR PILOT MEALS AND LODGING TAXES

This Amendment to the Voluntary Settlement Agreement (hereinafter the "Amendment"), entered into pursuant to the authority granted by Sections 15.2-1300 and 15.2-3400 of the Code of Virginia, 1950, as amended, by and between the **County of Warren, Virginia**, a political subdivision of the Commonwealth of Virginia, by and through its Board of Supervisors (hereinafter the "County") and the **Town of Front Royal, Virginia**, a Virginia municipal corporation, by and through its Town Council (hereinafter the "Town").

WITNESSETH:

RECITALS:

A. By Final Order Validating and Affirming the Voluntary Settlement Agreement between the Town of Front Royal and the County of Warren, entered by a Special Court sitting in the Circuit Court of the County of Warren, Virginia, on December 13, 1999; the said Special Court affirmed and validated a Voluntary Settlement Agreement executed by the Town and the County as of January 27, 1998, amended on October 6, 1998, and further amended on August 9, 1999 (hereinafter the "Voluntary Settlement Agreement").

B. The County and Town entered into the Voluntary Settlement Agreement to facilitate development in the County so that the County could generate revenue to improve the County's Public School System. Commercial and industrial development of the North US Route 340/522 Corridor (defined as the "Corridor" in the Voluntary Settlement Agreement) (hereinafter the "Corridor") enabled the County to develop the tax base necessary to fund construction of new public high schools and middle schools.

C. Extension of municipal utilities into the Corridor prompted concern on the part of the Town that development in the Corridor would place businesses within the Town limits at a competitive disadvantage with businesses located in the Corridor, as businesses located in the Corridor would not have to pay Town taxes.

D. The County acknowledged this concern and together with the Town jointly lobbied the General Assembly to approve special legislation in Virginia Code §15.2-2119.J and §15.2-2143, which thereby authorized the Town to provide public water and sewer utility services to industrial and commercial users outside the Town's boundaries and collect such compensation therefor as may be contracted for between the Town and such users. The Town implemented public utility contracts that included Payment In-Lieu of Taxes ("PILOT") fees from commercial public utility customers in the Corridor, with the intent of causing all businesses both inside and outside of the Town limits paying as closely to the same amounts towards their municipal water and sewer utility payments, as well as the equivalent of the total taxes commercial public utility customers would pay, as if they were located within the Town boundaries.

E. The Voluntary Settlement Agreement documented the basic responsibilities for municipal water and sewer utility provisions in the Corridor.

F. Following the outcome of 2009 litigation between the Town and certain restaurants located in the Corridor, the Town suspended the collection of the food and beverage taxes or meals tax, transient room rentals tax and transient occupancy or lodging taxes, also referred to as "Meals and Lodging" taxes" components, of the PILOT fees which had been included in the Town's public utility contracts with businesses in the Corridor.

G. Subsequent to this suspension of collection, the Town and County have attempted to "level the playing field" between restaurants and hotels within the Town and those located in

the Corridor, such that all such businesses are paying a substantially equal amount of taxes and no businesses are realizing a competitive advantage or disadvantage based solely on which side of the Town's corporate limits they are placed.

H. In addition, the Town and County both desire to expand the Corridor area to include property located on the west side of Crooked Run, which includes tax map parcel numbers 12 M 2 9 (11.22ac), 12 M 2 10 (2.33ac), 12 M 2 11 (53.93 ac), 12 M 2 12 (20.00 ac), 12 M 2 13 (30.43 ac), and 12 M 2 14 (29.94 ac), in total containing 147.85 acres (hereinafter referred to as "Crooked Run West").

I. The County and the Town have recognized that amending the Voluntary Settlement Agreement as set forth herein will be beneficial to the orderly growth and continued viability of both localities.

J. Virginia Code Section 15.2-3400 allows localities to voluntarily enter into agreements with other localities to settle and resolve matters beneficial to the orderly growth and continued viability of such localities.

K. The parties hereto have been advised by officials of the Commission on Local Government and the Office of the Attorney General that the Court Orders contained in the said Voluntary Settlement Agreement provide for an Amendment to the Voluntary Settlement Agreement without the necessity of the Amendment being additionally submitted to the Commission on Local Government and then being further ratified by a Special Court appointed by the Supreme Court of Virginia.

NOW, THEREFORE WITNESSETH, that for and in consideration of the premises, and the mutual benefits flowing to all residents of the County, whether living within or without the Town's corporates limits, the parties hereto agree as follows:

1. The parties agree to amend the Voluntary Settlement Agreement as provided for herein, and to accomplish all steps reasonable and necessary to have the proper approvals to effectuate this Amendment.

2. The Corridor area, as defined in the Voluntary Settlement Agreement, is expanded to include Crooked Run West which contains tax map parcel numbers 12 M 2 9 (11.22ac), 12 M 2 10 (2.33ac), 12 M 2 11 (53.93 ac), 12 M 2 12 (20.00 ac), 12 M 2 13 (30.43 ac), and 12 M 2 14 (29.94 ac), in total containing 147.85 acres (the map of the Corridor and Crooked Run West is attached hereto as Exhibit A). The area known as Crooked Run West is planned to be developed in the future with restaurants, retail stores and financial institutions similar to those in the Corridor, plus one or more hotels, with all of Crooked Run West anticipated to require an average of not more than 40,000 gallons per day of water usage and sewer discharge at full build-out. The Corridor, as established in the Voluntary Settlement Agreement, is hereby expanded and amended to include Crooked Run West, provided that Crooked Run West is developed as herein described and its total public utility water/sewer needs do not exceed an average of 40,000 gallons per day, unless any usage in excess of that estimate is specifically approved by the Town Council.

3. For the duration of the Amendment, the Town will not resume collection of Meals and Lodging taxes components of the PILOT fees from commercial businesses located within the Corridor or Crooked Run West.

4. The Town will continue to maintain and establish municipal water and sewer utility contracts with commercial businesses in the Corridor and Crooked Run West requiring municipal water and sewer utility services, including in-town rates for tap (connection) fees, and the Town will continue to collect PILOT fees from those customers, excluding the Meals and Lodging Tax components.

5. For all existing and future commercial municipal water and sewer utility customers operating under any Town PILOT fee agreement in the Corridor and Crooked Run West, the County will appropriate and provide funding to the Town through the County's General Fund Revenues for a) the equivalent of thirty percent (30%) of the Meals Tax collected in the Corridor and Crooked Run West by the County, and b) the equivalent of five per cent (5%) of the Lodging Tax collected in the Corridor and Crooked Run West by the County during the previous fiscal year, said appropriations to be remitted to the Town in equal, bi-annual payments to be made not later than each December 31 and June 30 annually, beginning December, 2016. The County shall provide a certified statement from its auditor verifying the County's General Fund Revenues to include Meals and Lodging Tax revenues in both the Corridor and Crooked Run West to the Town with the December payment.

6. Should the County Board of Supervisors determine that appropriations for payment prescribed in this Amendment will not be incorporated into its annual appropriations in any given year, the County shall provide the Town with written notice at least one hundred-twenty (120) days in advance of the next bi-annual payment date.

7. Should the County Board of Supervisors fail to appropriate funding in compliance with this Amendment in any given year, this Amendment shall terminate.

8. All PILOT fee agreements with the municipal water and sewer utility customers of the Town will continue as written unless invalidated by a court of competent jurisdiction. In the event any such PILOT fee agreements as currently written are so invalidated, the Town reserves the right to amend the PILOT fee agreements so long as such PILOT fee agreements do not increase the payments required of commercial businesses beyond the payment rates charged to commercial businesses of the same category or class located within the Town limits, excluding

meals and lodging taxes. The Out-of-Town utility rate, which is currently twice the In-Town rate, will continue to apply to industrial customers, unless negotiated otherwise by the Town with such customers.

9. Recognizing that future establishments of dining and lodging located in the Corridor and Crooked Run West should be operated as fairly and competitively as possible with similar establishments located within the Town limits, the Town and the County agree to use all due diligence in working with future businesses to consider their rezoning/conditional use permit applications, subdivision plats, site plans and utility applications as expeditiously as practical and appropriate.

10. Requests for future municipal water and sewer utility services within the Corridor and Crooked Run West shall continue to be considered as provided in the Voluntary Settlement Agreement and shall not require the County or the property owner/occupant to request a boundary adjustment to include the involved property/use within the boundary of the Town. Additionally, the Town will continue to be invited to provide input and due consideration of all rezoning requests in the Corridor and Crooked Run West.

11. The County can terminate the appropriations and payment of funding described in this Amendment in the event the Town Council votes and approves the collection of the Meals and Lodging Tax components of the PILOT fees for commercial businesses in the Corridor or Crooked Run West as established by this Amendment.

12. The Town will not initiate an annexation action in the Annexation Immunity Area, as defined in the Voluntary Settlement Agreement and shown on the attached Exhibit B, for twenty-five (25) years from the date of execution of this Amendment (hereinafter the "Annexation Immunity Area"). The County can terminate the appropriations and payment of funding described

in this Amendment in the event the Town commences annexation legal filings or proceedings within the Annexation Immunity Area within such time period above, unless requested by the County. Annexation or Boundary Adjustment of any other area of the County or property owner initiated requests outside the Annexation Immunity Area will not give cause to terminate appropriations ~~or~~ of payments.

13. The Town may terminate further extension of municipal water and sewer utility services to any new commercial or industrial customers in the Corridor or Crooked Run West if the Town determines in good faith that it does not have the utility capacity to serve such new customers without being able to serve the Town's existing municipal utility customers in accordance with the Town's contractual and legal obligations with such existing municipal utility customers.

14. The parties agree to present the Amendment to the Commission on Local Government, if required, as a proposed settlement pursuant Virginia Code Section 15.2-3400.

15. The parties agree that should a recommendation of the Commission on Local Government not be needed on the Amendment, then the Town Council and Board of Supervisors will pass respective Town and County resolutions to adopt either this Amendment or a modified amendment to the Voluntary Settlement Agreement acceptable to all parties.

16. This Amendment may be amended by mutual written agreement of both the County of Warren and Town of Front Royal.

Witness the following signatures on the dates indicated.

COUNTY OF WARREN, VIRGINIA

By: _____
Tony F. Carter, Chairman,
Warren County Board of Supervisors

Attest:

_____
Douglas P. Stanley,
Clerk to the Board of Supervisors

Approved as to form:

_____
Dan N. Whitten,
County Attorney

TOWN OF FRONT ROYAL, VIRGINIA

By: _____
Hollis L. Tharpe, Mayor

Attest:

_____
Jennifer E. Berry,
Clerk to Town Council

Approved as to form:

_____
Douglas W. Napier
Town Attorney

AMENDMENT TO VOLUNTARY SETTLEMENT AGREEMENT BETWEEN THE COUNTY OF WARREN, VIRGINIA, AND THE TOWN OF FRONT ROYAL, VIRGINIA, REGARDING THE COMPROMISE FOR PILOT MEALS AND LODGING TAXES

This Amendment to the Voluntary Settlement Agreement (hereinafter the "Amendment"), entered into pursuant to the authority granted by Sections 15.2-1300 and 15.2-3400 of the Code of Virginia, 1950, as amended, by and between the **County of Warren, Virginia**, a political subdivision of the Commonwealth of Virginia, by and through its Board of Supervisors (hereinafter the "County") and the **Town of Front Royal, Virginia**, a Virginia municipal corporation, by and through its Town Council (hereinafter the "Town").

WITNESSETH:

RECITALS:

A. By Final Order Validating and Affirming the Voluntary Settlement Agreement between the Town of Front Royal and the County of Warren, entered by a Special Court sitting in the Circuit Court of the County of Warren, Virginia, on December 13, 1999; the said Special Court affirmed and validated a Voluntary Settlement Agreement executed by the Town and the County as of January 27, 1998, amended on October 6, 1998, and further amended on August 9, 1999 (hereinafter the "Voluntary Settlement Agreement").

B. The County and Town entered into the Voluntary Settlement Agreement to facilitate development in the County so that the County could generate revenue to improve the County's Public School System. Commercial and industrial development of the North US Route 340/522 Corridor (defined as the "Corridor" in the Voluntary Settlement Agreement) (hereinafter the "Corridor") enabled the County to develop the tax base necessary to fund construction of new public high schools and middle schools.

C. Extension of municipal utilities into the Corridor prompted concern on the part of the Town that development in the Corridor would place businesses within the Town limits at a competitive disadvantage with businesses located in the Corridor, as businesses located in the Corridor would not have to pay Town taxes.

D. The County acknowledged this concern and together with the Town jointly lobbied the General Assembly to approve special legislation in Virginia Code §15.2-2119.J and §15.2-2143, which thereby authorized the Town to provide public water and sewer utility services to industrial and commercial users outside the Town's boundaries and collect such compensation therefor as may be contracted for between the Town and such users. The Town implemented public utility contracts that included Payment In-Lieu of Taxes ("PILOT") fees from commercial public utility customers in the Corridor, with the intent of causing all businesses both inside and outside of the Town limits paying as closely to the same amounts towards their municipal water and sewer utility payments, as well as the equivalent of the total taxes commercial public utility customers would pay, as if they were located within the Town boundaries.

E. The Voluntary Settlement Agreement documented the basic responsibilities for municipal water and sewer utility provisions in the Corridor.

F. Following the outcome of 2009 litigation between the Town and certain restaurants located in the Corridor, the Town suspended the collection of the food and beverage taxes or meals tax, transient room rentals tax and transient occupancy or lodging taxes, also referred to as "Meals and Lodging" taxes" components, of the PILOT fees which had been included in the Town's public utility contracts with businesses in the Corridor.

G. Subsequent to this suspension of collection, the Town and County have attempted to "level the playing field" between restaurants and hotels within the Town and those located in

the Corridor, such that all such businesses are paying a substantially equal amount of taxes and no businesses are realizing a competitive advantage or disadvantage based solely on which side of the Town's corporate limits they are placed.

H. In addition, the Town and County both desire to expand the Corridor area to include property located on the west side of Crooked Run, which includes tax map parcel numbers 12 M 2 9 (11.22ac), 12 M 2 10 (2.33ac), 12 M 2 11 (53.93 ac), 12 M 2 12 (20.00 ac), 12 M 2 13 (30.43 ac), and 12 M 2 14 (29.94 ac), in total containing 147.85 acres (hereinafter referred to as "Crooked Run West").

I. The County and the Town have recognized that amending the Voluntary Settlement Agreement as set forth herein will be beneficial to the orderly growth and continued viability of both localities.

J. Virginia Code Section 15.2-3400 allows localities to voluntarily enter into agreements with other localities to settle and resolve matters beneficial to the orderly growth and continued viability of such localities.

K. The parties hereto have been advised by officials of the Commission on Local Government and the Office of the Attorney General that the Court Orders contained in the said Voluntary Settlement Agreement provide for an Amendment to the Voluntary Settlement Agreement without the necessity of the Amendment being additionally submitted to the Commission on Local Government and then being further ratified by a Special Court appointed by the Supreme Court of Virginia.

NOW, THEREFORE WITNESSETH, that for and in consideration of the premises, and the mutual benefits flowing to all residents of the County, whether living within or without the Town's corporates limits, the parties hereto agree as follows:

1. The parties agree to amend the Voluntary Settlement Agreement as provided for herein, and to accomplish all steps reasonable and necessary to have the proper approvals to effectuate this Amendment.

2. The Corridor area, as defined in the Voluntary Settlement Agreement, is expanded to include Crooked Run West which contains tax map parcel numbers 12 M 2 9 (11.22ac), 12 M 2 10 (2.33ac), 12 M 2 11 (53.93 ac), 12 M 2 12 (20.00 ac), 12 M 2 13 (30.43 ac), and 12 M 2 14 (29.94 ac), in total containing 147.85 acres (the map of the Corridor and Crooked Run West is attached hereto as Exhibit A). The area known as Crooked Run West is planned to be developed in the future with restaurants, retail stores and financial institutions similar to those in the Corridor, plus one or more hotels, with all of Crooked Run West anticipated to require an average of not more than 40,000 gallons per day of water usage and sewer discharge at full build-out. The Corridor, as established in the Voluntary Settlement Agreement, is hereby expanded and amended to include Crooked Run West, provided that Crooked Run West is developed as herein described and its total public utility water/sewer needs do not exceed an average of 40,000 gallons per day, unless any usage in excess of that estimate is specifically approved by the Town Council.

3. For the duration of the Amendment, the Town will not resume collection of Meals and Lodging taxes components of the PILOT fees from commercial businesses located within the Corridor or Crooked Run West.

4. The Town will continue to maintain and establish municipal water and sewer utility contracts with commercial businesses in the Corridor and Crooked Run West requiring municipal water and sewer utility services, including in-town rates for tap (connection) fees, and the Town will continue to collect PILOT fees from those customers, excluding the Meals and Lodging Tax components.

5. For all existing and future commercial municipal water and sewer utility customers operating under any Town PILOT fee agreement in the Corridor and Crooked Run West, the County will appropriate and provide funding to the Town through the County's General Fund Revenues for a) the equivalent of thirty percent (30%) of the Meals Tax collected in the Corridor and Crooked Run West by the County, and b) the equivalent of five per-cent (5%) of the two percent (2%) Lodging Tax collected in the Corridor and Crooked Run West by the County during the previous fiscal year, said appropriations to be remitted to the Town in equal, bi-annual payments to be made not later than each December 31 and June 30 annually, beginning December, 2016. The County shall provide a certified statement from its auditor verifying the County's General Fund Revenues to include Meals and Lodging Tax revenues in both the Corridor and Crooked Run West to the Town with the December payment. The funding by the County to the Town shall not include a portion of the three percent (3%) lodging tax that must be designated and spent solely for tourism and travel in accordance with § 58.1-3819 of the Code of Virginia (1950), as amended.

6. Should the County Board of Supervisors determine that appropriations for payment prescribed in this Amendment will not be incorporated into its annual appropriations in any given year, the County shall provide the Town with written notice at least one hundred-twenty (120) days in advance of the next bi-annual payment date.

7. Should the County Board of Supervisors fail to appropriate funding in compliance with this Amendment in any given year, this Amendment shall terminate.

8. All PILOT fee agreements with the municipal water and sewer utility customers of the Town will continue as written unless invalidated by a court of competent jurisdiction. In the event any such PILOT fee agreements as currently written are so invalidated, the Town reserves

the right to amend the PILOT fee agreements so long as such PILOT fee agreements do not increase the payments required of commercial businesses beyond the payment rates charged to commercial businesses of the same category or class located within the Town limits, excluding meals and lodging taxes. The Out-of-Town utility rate, which is currently twice the In-Town rate, will continue to apply to industrial customers, unless negotiated otherwise by the Town with such customers.

9. Recognizing that future establishments of dining and lodging located in the Corridor and Crooked Run West should be operated as fairly and competitively as possible with similar establishments located within the Town limits, the Town and the County agree to use all due diligence in working with future businesses to consider their rezoning/conditional use permit applications, subdivision plats, site plans and utility applications as expeditiously as practical and appropriate.

10. Requests for future municipal water and sewer utility services within the Corridor and Crooked Run West shall continue to be considered as provided in the Voluntary Settlement Agreement and shall not require the County or the property owner/occupant to request a boundary adjustment to include the involved property/use within the boundary of the Town. Additionally, the Town will continue to be invited to provide input and due consideration of all rezoning requests in the Corridor and Crooked Run West.

11. The County can terminate the appropriations and payment of funding described in this Amendment in the event the Town Council votes and approves the collection of the Meals and Lodging Tax components of the PILOT fees for commercial businesses in the Corridor or Crooked Run West as established by this Amendment.

12. The Town will not initiate an annexation action in the Annexation Immunity Area, as defined in the Voluntary Settlement Agreement and shown on the attached Exhibit B, for twenty-five (25) years from the date of execution of this Amendment (hereinafter the "Annexation Immunity Area"). The County can terminate the appropriations and payment of funding described in this Amendment in the event the Town commences annexation legal filings or proceedings within the Annexation Immunity Area within such time period above, unless requested by the County. Annexation or Boundary Adjustment of any other area of the County or property owner initiated requests outside the Annexation Immunity Area will not give cause to terminate appropriations of payments.

13. The Town may terminate further extension of municipal water and sewer utility services to any new commercial or industrial customers in the Corridor or Crooked Run West if the Town determines in good faith that it does not have the utility capacity to serve such new customers without being able to serve the Town's existing municipal utility customers in accordance with the Town's contractual and legal obligations with such existing municipal utility customers.

14. The parties agree to present the Amendment to the Commission on Local Government, if required, as a proposed settlement pursuant Virginia Code Section 15.2-3400.

15. The parties agree that should a recommendation of the Commission on Local Government not be needed on the Amendment, then the Town Council and Board of Supervisors will pass respective Town and County resolutions to adopt either this Amendment or a modified amendment to the Voluntary Settlement Agreement acceptable to all parties.

16. This Amendment may be amended by mutual written agreement of both the County of Warren and Town of Front Royal.

Witness the following signatures on the dates indicated.

COUNTY OF WARREN, VIRGINIA

By: _____
Tony F. Carter, Chairman,
Warren County Board of Supervisors

Attest:

_____
Douglas P. Stanley,
Clerk to the Board of Supervisors

Approved as to form:

_____
Dan N. Whitten,
County Attorney

TOWN OF FRONT ROYAL, VIRGINIA

By: _____
Hollis L. Tharpe, Mayor

Attest:

_____
Jennifer E. Berry,
Clerk to Town Council

Approved as to form:

_____
Douglas W. Napier
Town Attorney

MEMORANDUM OF AGREEMENT
COMPROMISE FOR PILOT
MEALS & LODGING FEES

This **Memorandum of Agreement to Compromise for PILOT Meals & Lodging Fees** is hereby executed this 26th day of August, 2015 by the **Town of Front Royal, Virginia,** a Virginia municipal corporation (hereinafter "the Town") and the **County of Warren, Virginia,** a political subdivision of the Commonwealth of Virginia (hereinafter "the County") to arrive at a resolution of the ongoing issue concerning the Town's PILOT revenue from commercial businesses in the Route 522 Corridor (hereinafter "the Corridor") served by the Town's municipal utility system and to provide for continued development in the Corridor to the benefit of all residents of the Town and the County.

WITNESSETH:

RECITALS:

A. In the late 1980's and early 1990's, the Town extended municipal water and sewer utility service into the Corridor (defined herein as that area called the "Annexation Immunity Area" in that Voluntary Settlement Agreement entered into between the Town and the County, dated January 27, 1998, amended October 6, 1998, further amended August 9, 1999, and affirmed by the Circuit Court of Warren County, Virginia by Final Order Validating and Affirming Voluntary Settlement Agreement Between the Town of Front Royal and the County of Warren entered December 13, 1999 (the "Voluntary Settlement Agreement", together with that area referred to as "Crooked Run West" as set forth in Paragraph No. 10 of this Memorandum of Understanding ("MOA"), all of which will be hereinafter referred to as the "Annexation Immunity Area" or "Corridor" for purposes of this MOA), to facilitate development in the County so that the County would be able to improve the County's Public School System. Commercial and industrial development of the Corridor enabled the County to develop the tax base necessary to fund construction of new high schools and middle schools.

B. Extension of municipal utilities into the Corridor prompted concern on the part of the Town that development in the Corridor would place businesses within the Town limits at a competitive disadvantage with businesses located in the Corridor, as businesses located in the Corridor would not have to pay Town taxes.

C. The County acknowledged this concern and together with the Town jointly lobbied the General Assembly to approve special legislation in Virginia Code §15.2-2119.J and §15.2-2143, which thereby authorized the Town to provide water and sewer utility services to industrial and commercial users outside the Town's boundaries and collect such compensation therefor as may be contracted for between the Town and such users. The Town implemented utility contracts that included Payment In-Lieu of Taxes ("PILOT") fees from commercial utility customers in the Corridor, with the

intent of causing all businesses both inside and outside of the Town limits paying as closely to the same amounts towards their municipal water and sewer utility payments, as well as the equivalent of the total taxes commercial utility customers would pay, as if they were located within the Town boundaries.

D. The said Voluntary Settlement Agreement documented the basic responsibilities for municipal water and sewer utility provisions in the Corridor.

E. Following the outcome of 2009 litigation between the Town and certain restaurants located in the Corridor, the Town suspended the collection of the food and beverage taxes or meals tax, transient room rentals tax or and transient occupancy or lodging taxes, also referred to as "Meals and Lodging" taxes" components, of the PILOT fees which had been included in the Town's utility contracts with businesses in the Corridor.

F. Subsequent to this suspension of collection, the Town and County have attempted to "level the playing field" between restaurants and hotels within the Town and those located in the Corridor, such that all such businesses are paying a substantially equal amount of taxes and none are realizing a competitive advantage or disadvantage based solely on which side of the Town's corporate limits they are placed.

TO THAT END, and for and in consideration of the mutual covenant contained herein, the Town and the County agree as follows:

1. For the duration of this Memorandum of Agreement (hereinafter "MOA"), the Town will not resume collection of Meals and Lodging taxes components of the PILOT fees from commercial businesses located within the "Annexation Immunity Area," as that Area is identified Paragraph A. of the Recitals above.

2. The Town will continue to maintain and establish municipal water and sewer utility contracts with commercial businesses in the said Annexation Immunity Area requiring municipal water and sewer utility services, and the Town will continue to collect PILOT fees from those customers, excluding the Meals and Lodging Tax components.

3. For all existing and future commercial municipal water and sewer utility customers operating under any Town PILOT fee Agreement in the Annexation Immunity Area the County will appropriate and provide funding to the Town through the County's General Fund Revenues for a.) the equivalent of thirty percent (30%) of the Meals Tax collected in the Corridor by the County, and b.) the equivalent of five per cent (5%) of the Lodging Tax collected in the Corridor by the County during the previous fiscal year, said appropriations to be remitted to the Town in equal, bi-annual payments to be made not later than each December 31 and June 30 annually, beginning December, 2016. The County shall provide a certified statement from its

auditor verifying the County's General Fund Revenues to include Meals and Lodging Tax revenues in the Corridor to the Town with the December payment.

4. Should the County Board of Supervisors determine that appropriations for payment prescribed in this MOA will not be incorporated into their annual appropriations in any given year, the County shall provide the Town with written notice at least one hundred-twenty (120) days in advance of the next bi-annual payment date.

5. Should the County Board of Supervisors fail to appropriate funding in compliance with the MOA in any given year, this MOA shall terminate.

6. All PILOT fee agreements with the municipal water and sewer utility customers of the Town will continue as written unless invalidated by a court of competent jurisdiction. In the event any such PILOT fee agreements as currently written are so invalidated, the Town reserves the right to amend the PILOT fee agreements so long as such PILOT fee agreements do not increase the payments required of commercial businesses beyond the payment rates charged to commercial businesses of the same category or class located within the Town limits, excluding meals and lodging taxes. The Out-of-Town utility rate, which is currently twice the In-Town rate, will continue to apply to industrial customers, unless negotiated otherwise by the Town with such customers.

7. Recognizing that future establishments of dining and lodging located in the Annexation Immunity Area should be operated as fairly and competitively as possible with similar establishments located within the Town limits, the Town and the County agree to use all due diligence in working with future businesses to consider their rezoning/conditional use permit applications, subdivision plats, site plans and utility applications as expeditiously as practical and appropriate.

8. Requests for future municipal water and sewer utility services within the Annexation Immunity Area shall continue to be considered as provided in the Voluntary Settlement Agreement and shall not require the County or the property owner/occupant to request a boundary adjustment to include the involved property/use within the boundary of the Town. Additionally, the Town will continue to be invited to provide input and due consideration of all rezoning requests in Annexation Immunity Area, as provided in the Voluntary Settlement Agreement.

9. The parcels identified as parcel numbers 12 M 2 9 (11.22ac), 12 M 2 10 (2.33ac), 12 M 2 11 (53.93 ac), 12 M 2 12 (20.00 ac), 12 M 2 13 (30.43 ac), and 12 M 2 14 (29.94 ac) shall be hereinafter referred to as "Crooked Run West (147.85ac)". The area known as Crooked Run West is planned to be developed in the future with restaurants, retail stores and financial institutions similar to those in the Crooked Run development, plus one or more hotels, with all of Crooked Run West anticipated to require an average of not more than 40,000 gallons per day of water usage and sewer discharge at full build-out. The Annexation Immunity Area as established in the Voluntary Settlement Agreement is hereby expanded and amended to include

Crooked Run West, provided that Crooked Run West is developed as herein described and its total water/sewer needs do not exceed an average of 40,000 gallons per day, unless any usage in excess of that estimate is specifically approved by the Town Council. The Town shall be entitled to execute PILOT fee Agreements with all commercial businesses in Crooked Run West and collect all PILOT fees from these customers, excluding the Meals and Lodging Tax component.

10. The County can terminate the appropriations and payment of funding described in this MOA in the event the Town Council votes and approves 1) the collection of the Meals and Lodging Tax components of the PILOT fees for commercial businesses in the Annexation Immunity Area as established by this MOA; or 2) the commencement of annexation legal filings or proceedings within the Annexation Immunity Area as established by this MOA, unless requested by the County. Annexation or Boundary Adjustment of any other area of the County or property owner initiated requests outside the Annexation Immunity Area will not give cause to terminate appropriations or payments.

11. The Town may terminate further extension of municipal water and sewer utility services to any new commercial or industrial customers in the Annexation Immunity Area if the Town determines in good faith that it does not have the utility capacity to serve such new customers without being able to serve the Town's existing municipal utility customers in accordance with the Town's contractual and legal obligations with such existing municipal utility customers.

[***Signatures begin on next following page***]

WITNESSETH the following signatures:

For the Town of Front Royal, Virginia

Timothy W. Darr, Mayor

Date: 08/24/2015

Attest:

Steven M. Burke, Town Manager

Date: 8/24/15

Approved as to Form:

Douglas W. Napier, Esq.
Town Attorney

For the County of Warren, Virginia

Richard H. Traczyk, Chairman

Date: 8/26/15

Attest:

Douglas P. Stanley, County Administrator

Date: 8/26/2015

Approved as to Form:

Blair D. Mitchell, Esq.
County Attorney

11

Town of Front Royal, Virginia
Council Agenda Statement

Item No. 11

Meeting Date: April 9, 2018

Agenda Item: COUNCIL NOMINATIONS – 2018 VML Policy Committees

Summary: Council is requested to make nominations to the Virginia Municipal League (VML) Policy Committees for 2018. Policy Committee members will serve May through December 2018. Nominations are due to VML by April 18, 2018.

Budget/Funding: None

Attachments: Letter/Information from VML

Meetings: Work Session held April 2, 2018

Staff Recommendation: Approval ✓ Denial_____

Proposed Motion: I move that Council nominate the following to the various Virginia Municipal League (VML) Policy Committees, said terms to expire December 31, 2018.

1) **<u>Community & Economic Committee</u> – Councilmen Gillispie and Sealock**
2) **<u>Environmental Quality Committee</u> – Town Manager Waltz and Councilman Morrison**
3) **<u>Finance Committee</u> – Finance Director Wilson and Councilman Meza**
4) **<u>General Laws Committee</u> – Town Attorney Napier and Councilman Connolly**
5) **<u>Transportation Committee</u> – Mayor Tharpe and Vice Mayor Tewalt**

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

Officers

President
Patricia P. Woodbury
Newport News Council Member

President-Elect
Anita James Price
Roanoke Vice Mayor

Vice President
Thomas R. Smigiel, Jr.
Norfolk Council Member

Past President
Robert K. Coiner
Gordonsville Mayor

Executive Director
Michelle Gowdy

Magazine
Virginia Town & City

P.O. Box 12164
Richmond, Virginia 23241

13 East Franklin Street
Richmond, Virginia 23219

804/649-8471
www.vml.org

March 14, 2018

To: VML Full-Member Key Officials; Council and Board Clerks

From: Michelle Gowdy, Executive Director

Subject: 2018 VML Policy Committee Nominations

The Virginia Municipal League welcomes your nominations for the 2018 policy committees. Accompanying this memo is a description of the committee process and a nominations form.

Please return your locality's nominations form by April 18. If your community has a May election, you may submit a revised form after your elections.

Please observe the following guidelines with your nominations:

- Only governing body members and appointed officials (i.e., employees of the local government) are eligible to serve.
- You may nominate two people to a committee; if two are nominated, at least one should be a governing body member.
- Individuals may serve on only one committee a year.

Please return your nominations form by April 18.

Policy committees traditionally meet in late July in the Richmond area; committee meeting dates and times will be forwarded to you once they are confirmed.

Please call or email Janet Areson at VML (804-523-8522; jareson@vml.org) if you have any questions about the appointment process.

Attachments

VML 2018 Policy Committee Nominations

Please return this form by **April 18** to Joni Terry at VML, P.O. Box 12164, Richmond, VA 23241; Fax 804/343-3758; email: jterry@vml.org

Community & Economic Development

Name & Title: _____

Name & Title: _____

Environmental Quality

Name & Title: _____

Name & Title: _____

Finance

Name & Title: _____

Name & Title: _____

General Laws

Name & Title: _____

Name & Title: _____

Human Development & Education

Name & Title: _____

Name & Title: _____

Transportation

Name & Title: _____

Name & Title: _____

Signed: _____ **Locality:** _____
(Mayor/Chair, or Manager/Administrator)

VML's Legislative and Policy Committee Process

Each year the Virginia Municipal League develops two separate documents -- a legislative program and a compilation of policy statements -- through a process that involves the Legislative Committee and six separate policy committees. The Legislative Committee is responsible for developing the legislative program, but it may also rely on input from the policy committees to do so. The policy committees develop broad policy statements, in addition to submitting specific legislative recommendations for consideration by the Legislative Committee.

Legislative Committee

What is the role of the Legislative Committee?
The Legislative Committee is responsible for considering and developing positions on existing or proposed state and federal legislation or regulations, and urging the enactment or amendment of, or opposition to, such legislation or regulations.

How is the Legislative Committee appointed?
VML's Constitution spells out the composition of the Legislative Committee. The committee consists of 24 individuals holding local elective or appointed positions, all appointed by VML's President. Of the 24 members, 12 must be representatives of cities and urban counties with populations in excess of 35,000, six must be representatives of cities and urban counties with populations of 35,000 or less, and six must represent towns.

What is included in VML's Legislative Program?
The legislative program adopted by the Legislative Committee reflects specific legislative objectives that VML hopes to achieve during the upcoming legislative session. It is subject to the approval of VML's membership at the annual conference.

What is the relationship between the legislative committee and VML's policy committees?
The Legislative Committee meets prior to the policy committees to identify issues that it would like the committees to consider for potential inclusion in the league's legislative program. It meets again after the policy committees have met to consider their recommendations.

Policy Committees

What is the role of the policy committees?
Policy committees receive briefings on select statewide issues, consider possible changes to the policy statement, and develop legislative recommendations for the Legislative Committee to consider.

How are policy committees appointed?
Policy committee membership consists of elected and appointed officials of full-member local governments. Nomination information is sent in the spring to each locality, and each local government determines which of its officials will be nominated for each of the six policy committees. Each local government may nominate up to two people per policy committee, at least one of whom must be an elected official.

What are the benefits of serving on a policy committee?
VML policy committees offer members an opportunity to learn about current and emerging statewide issues that affect local governments, to develop through policy statements the broad philosophical framework that guides the league, and to network with local officials with similar policy interests.

How many policy committees are there?
There are six policy committees: community and economic development, environmental quality, finance, general laws, human development and education, and transportation.

What issues does each policy committee cover?

- **Community & Economic Development:** Authority, administration, and funding of local governments to manage a full range of community and economic development issues, including business development and retention, international competitiveness, infrastructure development and investment, planning, land use and zoning, blight, enterprise zones, housing, workforce development and historic preservation.
- **Environmental Quality**: Natural resources and the authority of local governments to manage the environment, including water resources and quality, solid and hazardous waste management, air quality and the Chesapeake Bay.
- **Finance**: Powers, organization and administration of local government financing, including taxing authority, debt financing, state aid to local governments and federal policies affecting local finance issues.
- **General Laws**: Powers, duties, responsibilities, organization and administration of local governments, including state-local and inter-local relations, conflicts-of-interest, freedom-of-information, information management and personnel, telecommunications, utilities and law enforcement, jails and courts issues.
- **Human Development and Education**: Management and funding of social services, prek-12 education, health, behavioral health, juvenile justice, recreation, rehabilitation and aging.
- **Transportation**: Development, maintenance, and funding of a comprehensive land, sea and air transportation system for the Commonwealth, and federal, state and local roles in the provision and regulation of transportation.

What is a policy statement?
Each policy committee develops a policy statement that covers issues in its respective area. The policy statement expresses the agreement of VML's membership on matters of interest to local governments. The statement generally addresses broad, long-term, philosophical positions. The VML membership approves the policy statements at its annual meeting.

How do policy statements differ from VML's legislative program?
Policy statements are general in nature. They reflect local governments' positions on a range of issues. The Legislative Program is more specific and immediate. It is limited to legislative positions that VML expects to lobby on during the upcoming legislative session.

12

Town of Front Royal, Virginia
Council Agenda Statement

Meeting Date: April 9, 2018

Agenda Item: COUNCIL RECOMMENDATION – Board of Zoning Appeals (BZA)

Summary: Council is requested to consider a recommendation to the Judge of the Warren County Circuit Court for an appointment to the Front Royal Board of Zoning Appeals (BZA) to fill an un-expired term ending May 1, 2020.

Budget/Funding: None

Attachments: None

Meetings: Interviews were held April 2, 2018 Work Session

Staff Recommendation: Approval ✓ Denial_____

Proposed Motion: **I move that Council recommend _____to the Judge of the Warren County Circuit Court for re-appointment to the Front Royal Board of Zoning Appeals (BZA) to fill an un-expired term ending May 1, 2020.**

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

13

Town of Front Royal, Virginia
Council Agenda Statement

Meeting Date: April 9, 2018

CLOSED MEETING – Compensation Study/Disposition of Publicly Held Property

Summary: Council is requested to go into Closed Meeting for the following purposes**: 1)** with respect to discussion and potential implementation of the results of a preliminary draft of Town employee compensation study prepared exclusively for viewing by and discussion with Town Council and certain Town staff in closed meeting with respect to specific Town employees: **(A)** Discussion and consideration of the assignment, appointment, promotion, or performance of specific appointees or employees of the Town, pursuant to Section 2.2-3711. A.1 of the Code of Virginia and **(B)** Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711. A. 6. of the Code of Virginia; AND **2)** The disposition of publicly held real property, specifically, the sale or vacation of Town right of way to the applicant, Aaron Hike., to that portion of the unimproved portion of Hillcrest Drive adjoining Tax Map #20A1-3-3A, pursuant to Section 2.2- 3711. A.3., where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Budget/Funding: None **Attachments:** None
Meetings: None **Staff Recommendation:** Approval ✓ Denial_____

Motions to Go into Closed Meeting

I move that Council convene and go into Closed Meeting for the following purposes: **1)** with respect to discussion and potential implementation of the results of a preliminary draft of Town employee compensation study prepared exclusively for viewing by and discussion with Town Council and certain Town staff in closed meeting with respect to specific Town employees: **(A)** Discussion and consideration of the assignment, appointment, promotion, or performance of specific appointees or employees of the Town, pursuant to Section 2.2-3711. A.1 of the Code of Virginia and **(B)** Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711. A. 6. of the Code of Virginia; **AND 2)** The disposition of publicly held real property, specifically, the sale or vacation of Town right of way to the applicant, Aaron Hike, that portion of the unimproved portion of Hillcrest Drive adjoining Tax Map #20A1-3-3A, pursuant to Section 2.2- 3711. A.3., where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]*

I move that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

CLOSED MEETING