

the monitor

THE NEWSLETTER OF CITIZENS FOR FAUQUIER COUNTY

VOL. 52 NO.2

SUMMER 2019

Barrel Oak “Lodge” Draws Opposition from Conservation Community

By Kevin Ramundo

A recently submitted proposal seeks Fauquier County approval of a hotel, event center, and restaurant on a 50-acre parcel next to Barrel Oak Winery on Grove Lane two miles west of Marshall. The Lodge at Barrel Oak project would consist of a 32,000 square-foot hotel with 42 guest rooms, a restaurant, and a large outdoor event operation that would have 78 events per year for up to 160 attendees each. The project is located in an area zoned rural/agricultural (RA), and the applicant has requested four special exceptions: (1) the hotel/resort/restaurant; (2) the events; (3) an above-ground water storage for fire suppression; and, (4) a large alternative on-site septic system.

From a CFFC perspective, there are three key issues with the proposed project:

1. Inconsistency with the County’s Comprehensive Plan and Zoning Rules

The location of the project in a RA area conflicts with the county’s comprehensive plan and its strategy of focusing commercial operations, including hotels and restaurants, in its eight service districts. It would be a serious mistake to approve this project because of the missed opportunity to create more critical mass in the Marshall service district, which would benefit existing businesses and help attract new ones. Approval could lead to similar operations throughout the county and diminish the beauty of our countryside.

2. The County Cannot Effectively Evaluate the Application as Submitted

The project as initially submitted lacks so much information that the county will have a very difficult time evaluating it. In addition to what the county has already requested, we believe more information is



Imagine this building four times as large and you have the “lodge” that would be built in the middle of farmland.

required, including a well draw-down test to understand possible impacts on the neighbors’ wells; a comprehensive traffic study; and the maximum number of people on the site at any given time.

3. Risks to Public Health, Safety and Welfare

As noted, there could also be issues associated with water availability, which could impact the wells of neighboring homes, and a significant increase in traffic on nearby roads. There is also the potential for noise affecting nearby residents from outdoor amplified music that would last until midnight on weekends. CFFC thinks these risks need to be understood in the context of the combined impacts of the project along with all the other activity on Grove Lane, including Barrel Oak and Blue Valley wineries.

Neighbors Strongly Oppose Proposal

On June 14th, Brian Roeder, the applicant for the project and the owner of Barrel Oak Winery, held a public meeting attended by approximately 90 people, many of whom live near his winery. When he asked if they supported his project, **approximately 90 percent said they were not in favor of it.** Many spoke about the noise, traffic and view shed impacts of the Barrel Oak Winery, and strongly opposed an adjacent development which would make the current situation

even worse. Others said that the county’s comprehensive plan should be respected and that commercial operations should not be allowed in areas zoned rural/agricultural.

Several preservation and conservation groups, including CFFC, Goose Creek Association, and Mosby Heritage Area Association, and various neighbors have formed the **Fauquier Countryside Preservation Group (FCPG)** to oppose the project. This group will be very engaged as the review process unfolds and will assure that interested community members receive accurate and timely information about the project. If you are interested in being kept informed, please send an email to Jeb Hannum (hannumjeb@gmail.com).

Our County Leaders

We are fortunate that Fauquier County leaders are sincerely interested in what our citizens think. To contact county officials with your concerns about the Lodge at Barrel Oak project please visit citizensforfaquier.org. For now, you may want to limit your emails to county staff, and the member of the planning commission and the board of supervisors who represent the district where you live. There will be other opportunities to contact more county leaders as the review process continues. 

Christopher Bonner
Editor

Board of Directors

Ken Alm, Harry Atherton, Chris Bonner, Julie Broaddus, Leslie Cheek, Doug Larson, Yak Lubowsky, David Norden, Jonathon Nuckles, Mary Page, Kevin Ramundo, Jim Rich, Mary Root, Susan Russell, Sue Scheer, Sally Semple, Mimi Abel Smith, Jim Stone, Jessica Swan, Amy Trotto, Ginna Wilson

Board Advisors

Feroline Higginson, Dave Mailler, Hope Porter

Susan Russell: CFFC's Unsung Hero

If you've been involved with CFFC in any capacity over the past few decades, chances are you've had the pleasure of meeting Susan Russell. Susan is CFFC's unsung hero, the board member who does the most for the organization, yet never hesitates to take on more.

Susan's primary positions with CFFC are secretary and chair of the Historical Resources Committee, and the tasks associated with those two jobs alone would overwhelm the schedules and charitable spirit of most volunteers. But Susan is no ordinary volunteer, and through the years she has also added to her workload the duties as treasurer, membership chair and most loyal participant at CFFC's outreach events.

Next time you see Susan, please join CFFC in thanking her for her years of service and dedication to our common cause of protecting the future of Fauquier County. 🇺🇸



Q & A

With Amy Trotto

What is CFFC?

Fauquier has always been a rural, agricultural community and Citizens for Fauquier County is determined to keep it that way. CFFC is a 501(c)(3) non-profit committed to protecting the natural, historic and agricultural resources that make Fauquier unique. Founded in 1968, CFFC is the oldest conservation group devoted exclusively to Fauquier County.

Why did you join?

I first learned about CFFC when working to oppose an application for a big box store "in my backyard." Before then, I thought it was sheer luck that Fauquier County remained a scenic, rural, small town community while counties around us became commuter-driven, overdeveloped and over-taxed. I quickly learned that luck has nothing to do with it. I decided I wanted to help CFFC preserve Fauquier's future.

Can anyone belong?

Yes. In addition to supporting CFFC's mission, members receive the Monitor, a print newsletter that tracks conservation issues; citizensforfauquier.org, our website loaded with information; and timely email alerts when there are issues requiring action. One of the highlights of the year is the annual Kitty Smith Award presented to an outstanding conservationist. Dues are \$35 yearly.

What is your role?

This is my second year serving as vice president of the board. I've worked on committees focused on land use, membership, events, community service, preserving the historical significance of Vint Hill, drafting a farm winery ordinance and celebrating CFFC's 50th Anniversary. Board members are volunteers and come from all walks of life.

What has CFFC accomplished?

For more than 50 years, CFFC has been on the forefront of every major conservation issue. Some examples:

- In the 1960s, a 10,000 home development that would have altered the character of Fauquier forever was cancelled.

- An 84-foot dam that would have destroyed wetlands, disrupted agriculture and attracted over-development did not rise above Cedar Run.



- Civil War battlefields, villages and historic districts have been identified and preserved, and many have been placed on the state and federal registers of historic places.
- Light from strip malls and fast food signs have not overpowered our dark, nighttime skies.

How do you balance conservation and development?

With careful planning and compromise, conservation and development can work together. One example is at Vint Hill Farm Station. A developer envisions turning the barracks into small apartments while maintaining the exterior historical integrity of the buildings within the existing footprint. To learn more about growth and conservation, I'd refer to CFFC's "Planning Horizons" at citizensforfauquier.org.

What are conservation challenges going forward?

As it was when CFFC started in the 1960's, our goal is preserving the county's open space and rural lands. Back then, it was stopping a 10,000-home subdivision at North Wales; today it's to make sure that Fauquier continues to follow the Comprehensive Plan preserving the boundaries of service districts and protecting our agriculture and forestry industries. Commercial development belongs in service districts, where there is infrastructure to support it, not on farmland.

We need to continue to support Fauquier's land conservation initiatives. Over 100,000 acres have been protected in perpetuity, and more than 12,000 acres are included in the Purchase of Development Rights program, more than any other county in the Commonwealth. Everyone in Fauquier can take pride in that. 🇺🇸

Zoning Policy Death By A Thousand Cuts: The Overuse of Text Amendments and Special Exceptions

By Les Cheek
CFFC President

Two pending regulatory matters illustrate a growing peril to Fauquier's most vital zoning policies: the overuse of "text amendments" and "special exceptions" to alter the county's fundamental land use rules.

Whether characterized as a "text amendment" allowing family subdivisions patently foreclosed by the terms of certain non-common open space easements or a "special exception" to permit a hotel and restaurant in a rural area where they are prohibited, the devices involved in these applications are direct assaults on policies forbidding the requested uses.

Every permitted deviation serves as a precedent for others, undermining the long-term validity of the governing chapter.

And these attacks are directed at two crucial elements of Fauquier's land use ordinance — sliding-scale density/non-common open space rules and the Rural Agricultural/Rural Conservation (RA/RC) zoning that affects 80 percent of the county's land area.

CFFC believes that in an ideal land use regulatory world, text amendments and special exceptions would be unnecessary: Every zoning ordinance chapter would fully embody every permitted use, with detailed standards for each use; the absence of special exceptions and the

avoidance of text amendments would emphasize the Board of Supervisors' determination to disallow departures from the stated conditions.

In reality, the mere existence of special exception uses and the availability of text amendments signal uncertainty about the Board's intent, and encourage challenges to the ordinance's ostensible limits.

Facially, the term "special exception" implies that individual variations from an established rule will not diminish its ongoing effectiveness. In practice, however, every permitted deviation serves as a precedent for others, undermining

the long-term validity of the governing chapter.

Using the current applications as examples, there is no theoretical end

to the family subdivisions that the pending text amendment would permit. It would allow subsequent purchasers of properties whose owners have exhausted their family subdivision rights under certain non-common open space easements to violate the express terms of their deeds to facilitate family transfers. The illogic underlying the initial allowance would necessarily foreclose subsequent enforcement of the terms of the original transfer agreements.

Similarly, there is little doubt that the Board of Supervisors' 2014 granting of special

exceptions for the Blackthorne Inn resort, and the impending applications for renewal thereof, are the direct progenitors of Brian Roeder's Barrel Oak



Lodge applications, raising the question as to whether hotels and restaurants thinly disguised as resorts will become normalized uses in the county's vast RA/RC-zoned lands and revealing the shockingly skeletal state of the county's regulatory distinctions among categories of transient overnight housing uses.

CFFC has recommended that the Planning Commission and the Board of Supervisors henceforth regard every suggestion of a zoning ordinance text amendment and every application for a special exception as an implicit demand for change in the rules from which variations are being sought, with the objective of either normalizing or entirely foreclosing the desired uses.

While this approach would involve difficult choices, it seems to CFFC that it would be preferable to perpetuation of the disruptive uncertainty that current text amendment and special exception procedures create for the future of Fauquier County. 🏡

Town of Warrenton's First Fridays a First for CFFC

By Amy Trotto
CFFC Vice President

This summer, for the first time, CFFC participated in Warrenton's successful First Fridays promotion. If you've never been, or it's been a while, we recommend checking out the last two evenings remaining, Sept. 6 and Oct. 4.

Downtown Warrenton is a flurry of activity from 6-9 p.m. with a record number of vendors, stores and the public participating in this family-friendly event. CFFC's members have thoroughly enjoyed our time spent at our tent catching up with old friends and meeting new ones who share our passion for preserving the future of Fauquier County.

In June and July, we were visited by many families with young children

who were interested in our summer project of promoting the planting of milkweed and native nectar plants to create ideal habitats for the Monarch butterfly to help bolster the species' population. Children met Monarch caterpillars "Neville" and "Citizen", and appreciated the nets and butterfly wings we passed out to aid in their enjoyment of the outdoors while searching for butterflies, caterpillars and plants.

This past month's theme was Dog Days of Summer, and we met many four-legged friends who enjoyed our homemade treats. We are planning for the last two events – Art Attack Sept. 6 and Pumpkin Roll Oct. 4.

Please stop by and visit us. 🏡

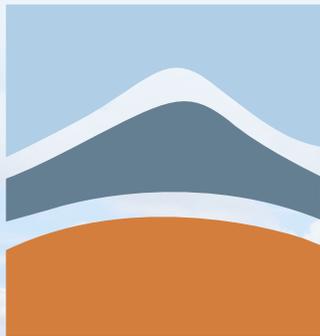
CFFC, Clifton Institute Present Bugscaping: Regenerative Landscaping for the 21st Century

Plants and insects make our terrestrial ecosystems work. However, Science magazine and the National Academies of Science recently warned that insect numbers are declining. Join entomologist Nate Erwin Sept. 14 to explore the inter-relationships between insects and plants that birds, mammals (including humans), and other vertebrates depend on to survive. Learn how to regenerate your landscape to increase the diversity of insects and plants to help birds and other animals where you live.

Register: Visit Events at cliftoninstitute.org to sign up for this free program.

Where: Clifton Institute, 6712 Blantyre Road, Warrenton, VA, 20187

When: Sept. 14, 1 - 3 p.m.



PLEASE JOIN US.

Be a part of the only organization dedicated to preserving the rural, agricultural character of Fauquier County. CFFC tracks every land use rezoning or special exception proposal before the Planning Commission with our exclusive, monthly Land Use Report. CFFC also covers historical preservation, transportation and the environment. Please visit citizensforfauquier.org for a better understanding of how you may become involved.

Citizens for Fauquier County, a 501(c)(3) tax-exempt organization, needs your support to assure that future development is consistent with Fauquier's rural agricultural tradition. Please visit citizensforfauquier.org and join today.