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Draft Warrenton Comprehensive Plan Raises Questions

By Christopher Bonner

A Citizens for Fauquier County task force, led by board member Sally Semple, has been pouring over background documents leading to a comprehensive plan for the Town of Warrenton that would strain public services and dramatically increase density and traffic while diminishing Warrenton's small town character.

The plan under development by the town's planners stems from concern that Warrenton is greying and must grow population and revenue to support town services. To do that and become a regional work/live community, according to one scenario in the draft plan, requires 23 percent population growth over the next 10 years, nearly twice the growth rate for Northern Virginia.

New families and singles would be housed in three to four-story apartments and town houses, sharply increasing density. More people will attract more retailers, planners say, while also attracting more traffic and greater demand on the water and sewer system, not to mention a greater public safety footprint.

To create the Warrenton planners envision requires:

- Building the Timber Fence Parkway to relieve congestion on Broadview and Lee Highway
- Creating a Southern Bypass that links Route 211 and Route 29
- Increasing the capacity of the sewer system
- Replacing industrial land reserved for higher paying jobs with mixed use/residential development


Supporting more people in Warrenton is dependent on the availability of water. The Background Report for the Comprehensive Plan Update suggests the town look into adding capacity to the town reservoir and revisiting the drought contingency reserve in an area that is no stranger to droughts.

All of these initiatives are costly and raise the prospect of a tax increase or annexation of more land, but the greatest cost may be the most dear. In straining to become what it isn't — Leesburg, for example — Warrenton may lose forever the small-town charm that has defined it for 210 years.

The CFFC Warrenton Task Force has raised some serious questions based on the draft comprehensive plan:

- How many new residences can the town sustain within its current spending and taxation levels to provide increased services, bypasses, etc.?
- By what metric does rapid population growth contribute to the economic well-being of the town, its vitality and the quality of life of its residents?
- What assurance do residents have that new, mixed-used developments will conform to the character of Warrenton rather than look-alike, strip-mall modern?
- Does town government have a revenue problem requiring a sudden infusion of population, or a spending problem?

Once the plan has been drafted, it will be sent to the Warrenton Planning Commission, likely this spring. The commission may ask for more information — traffic projections, hidden costs of annexation, design criteria and more. Following the commission's review, the plan will be sent to Town Council.

Although the complexion of the council will change after the May 5 election, the present council will be in office until July and poised to vote on the new comprehensive plan. Please share your thoughts and concerns with Sally Semple sallydharmon@hotmail.com. 

Fauquier Must Regulate Establishments in Rural Areas

Editor's note: Following is a recent memorandum to the Fauquier Board of Supervisors from CFFC President Les Cheek spelling out CFFC's reaction to the Barrel Oak Winery's proposal to operate a 42-room hotel and a 50-seat restaurant on 50 acres of farmland two miles south of Marshall.

The verbal gymnastics in Brian Roeder's special exception applications for a "sanctuary" in the Marshall countryside belie the fact that he is asking Fauquier County to sanction a dramatic violation of Fauquier's plain prohibition of hotels and restaurants in the 80 percent of the county's land area zoned for agricultural or conservation uses.

Denial of Roeder's applications is, I think, an essential precondition for a desperately needed rationalization of Fauquier's vague and obsolete rules for transient overnight housing and food service establishments in Fauquier's rural areas.

Given the Comprehensive Plan's objective of limiting commercial development in RA/RC-zoned areas to strictly agriculture-related enterprises, you might want to recall the CFFC Board's 2013 action in response to the Tea Party/Martha Boneta effort to deregulate all commercial activity in Virginia's vast rural landscape.

In the teeth of an ultimately successful 2014 General Assembly prohibition of local regulation of "activities or events that are usual and customary at Virginia agricultural operations," the board of supervisors in December of 2013, adopted an ordinance granting "by right"



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Christopher Bonner
Editor

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Fauquier No. 1 in Conservation Easements

Fauquier County has 108,687 acres protected by permanent conservation easements, the most of any Virginia jurisdiction, according to the Piedmont Environmental Council. Easements cover 26 percent of Fauquier's 651 square miles.

A conservation easement is a voluntary agreement between a landowner and a public agency or a nonprofit conservation group. By limiting development on the land, easements provide various financial benefits to landowners while also protecting the natural, scenic and cultural resources of the land for the benefit of the public.

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status to a variety of very narrowly defined "Agriculture-Related Activities" in RA-zoned areas of Fauquier.

Significantly, the 2013 ordinance limited "Agriculture-Related Activities" to those that "specifically promote, and are directly connected to, agricultural products or Value-Added Agricultural Products produced on the property where the activity is taking place."

The history of the 2013 ordinance is instructive because it shows the board's inclination to regulate the facilities at which activities occur, rather than the activities themselves.

To illustrate, the ordinance incorporated a 2011 opinion by then-attorney General Kenneth Cuccinelli in decreeing that

"...if such events allow customers or members of the public to utilize, or result in their utilization of, buildings or structures located on the property more than twelve (12) times per year, then such structures and buildings shall comply with the Uniform Statewide Building Code, and Site Plan and Special Exception approval shall be required..."

The precarious and rapidly evolving nature of today's farming economy suggests that the Board should be sympathetic to rural zoning rules that allow farmers to supplement their production income (if any) by monetizing the appealing aspects of rural life on a non-intrusive scale.

I believe the intent of the current rules was to offer non-residents a brief taste of the manifold pleasures of country life (e.g., horseback rides, hikes, etc.) by permitting rural transient overnight housing and food service uses less intensive than those provided by commercial hotels and restaurants.

While some of the terms used in the existing rules have current meanings very different from those prevalent when those rules were written, it is clear that their purpose was to permit rural landowners to operate what would now be called "bed and breakfast" businesses, with limited numbers of overnight guests and similarly limited food services.

Given the capacity of clever zoning lawyers to exploit ambiguity and imprecision in applicable regulations, it seems to me that

any revision of the rules governing overnight transient housing and food service businesses in rural areas where hotels and restaurants are prohibited should be extraordinarily specific (see, e.g., the farm winery ordinance's provisions governing food service in tasting rooms).

To illustrate, I think that any revision of transient overnight housing rules should place a limit on the number of people for whom overnight housing is available on a given property at any one time, including not only permanent structures, but also space and utility connections for trailers, recreational vehicles, campers and tents.

Similarly, in order to avoid the potential pitfalls of the airbnb phenomenon, the new rules should specify that any rural overnight transient housing or food service use is allowable only on properties on which the operators are both owners and permanent full-time residents.

With respect to food service rules, I think the board should look to the Fauquier Health Department and the Virginia Department of Agriculture and Consumer Services for guidance as to how the county can go about preventing the operation of rural crypto-restaurants without hamstringing the capacity of bed and breakfast establishments to honor their customers' expectations. The relevant rules should also flatly prohibit the sale or service of alcoholic beverages.

Finally, the enormous size of Fauquier's RA/RC-zoned territory suggests the advisability of limiting the number of properties eligible for transient overnight housing and food service uses, through the establishment of minimum standards analogous to those applicable to Class C events.

In addition to those related to lot size, road frontage, noise, ambient lighting, facility distance from property lines and building code compliance, these standards should include requirements that any applicant property have an internal road network permitting the safe ingress and exit of all emergency services equipment and a permanent on-site water supply sufficient to suppress a major conflagration at any structure utilized by the public. 🏠

Is Utility-Scale Solar Right for Fauquier?

By Ken Alm

Attracted by the declining cost of solar power, state incentives and strong corporate interest in purchasing renewable energy, developers are proposing utility-scale solar projects at an increasing rate across Virginia, especially in rural areas such as Fauquier County. This is because land prices tend to be lower in rural localities, and because areas located close to high-voltage electrical transmission lines create significant cost savings to the industry.

Fauquier County has recently drafted a proposed solar ordinance for utility scale projects. The draft ordinance is under consideration by the Planning Commission, and will eventually be considered by the Board of Supervisors. The draft reflects a great deal of work by county staff and addresses a number of important land use issues with respect to the regulation of utility solar projects.

CFFC does not possess practical or technical expertise in solar utility development. We do, however, have years of experience in land use regulation. While utility-scale solar aligns with sustainability goals and decreases carbon dioxide emissions, it must bring overall value to Fauquier County beyond the clean energy label. We as citizens of Fauquier County must weigh its impact on our rural community, natural environment and local economy. With that in mind, CFFC suggests:

Land Use Impacts

A primary impact of utility-scale solar is the removal of forest or agricultural land from active use. Utility-scale solar energy facilities cover hundreds of acres, and on these large tracts, the solar panels often cover more than half of the land area. Such a solar facility would take an existing agricultural or forestry operations out of production for more than 30 years.

Therefore, the siting of a utility-scale solar facility on prime agricultural and forest land (as identified by the U.S. Department of Agriculture or by state agencies) and ecologically sensitive lands (e.g., riparian buffers, critical habitats, hardwood forests) should be avoided. The least productive land should be used first to minimize the loss of productive agricultural/forested land.

Visual Impacts

The visual impact of utility-scale solar facilities can and should be minimized with effective screening and buffering.

Therefore, the use of berms, native evergreens, shrubs and deciduous species should be required. Such buffering must be in place and effective from the beginning and not years into the project.

Wildlife Impacts

In addition to mitigating the visual impact of utility-scale solar facilities, substantial buffers can act as wildlife corridors. The arrangement of panels is important to maintain areas conducive to wildlife travel through the site.

This means that existing trees, wetlands, or other native vegetation that link open areas should be preserved as wildlife cover. Perimeter fencing should be prohibited as it would be a barrier to wildlife movement; fencing should be permitted only around solar panel bays creating open areas through which animals can travel. Raised, wildlife-compatible fencing should be used wherever possible.

Stormwater, Erosion, and Sediment Control

The site disturbance required for utility-scale solar facilities is significant owing to the size of the facilities and the infrastructure needed to operate them. Mass grading, coupled with the removal of agricultural and forested land, will result in adverse stormwater runoff and pollution, if not properly managed.

The county should require utility-scale solar developers to submit both stormwater (SWP) and erosion and sediment (ESC) control plans that comply with federal, state and local environmental regulations. In addition:

- SWP and ESC plans should be reviewed by an independent third party in addition to the normal review procedures. It is in Fauquier's best interest to have the applicant's engineering and site plans reviewed by a licensed third party prior to the formal plan review process.
- Provide for the retention of all on-site topsoil to promote the establishment of ground cover.
- Incorporate buffers of at least 75 feet from the bank tops of all stream segments.
- Include a phased development protocol determined and coordinated by the county and the Virginia Department of Environmental Quality, with a review by the John Marshall Soil & Water Conservation District.
- Restrict solar developments to no more than 100 acres with appropriate secondary limitations imposed to reflect local topography and water resources and the nature of the proposed construction activities.
- Limit mass grading of sites to 50 - 100 acres at a time in order to protect the integrity of agricultural soils.
- Provide for management of runoff and pollution both during and subsequent to construction and grading activities and use ground cover that utilize native species.

Historic Resources

Utility-scale solar projects involving several hundred acres increase the likelihood of discovering previously-unidentified historic resources. Applicants should be required to conduct a Phase I Archeological Study on the areas of

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sites, including cemeteries and historic architecture, within a prescribed geographic area through systematic subsurface testing (i.e., shovel test pits generally at 30-meter intervals).


Research conducted prior to field study: (1) identifies previously recorded sites in and around a subject area; (2) determines the degree of earlier disturbance within a subject area; and (3) projects the location of possible sites. The type and interval of subsurface testing is prescribed by state study requirements and determined by field conditions.

Fiscal Impact

Farmers that lease their land or sell their land for utility-scale solar facilities will benefit monetarily (with leasing rates of \$1,000.00 per acre per year).

However, the fiscal impact to the community is less clear considering tax credits and long-term job creation.

The Commonwealth of Virginia is committed to an energy policy that includes renewable energy sources and utility-scale solar will undoubtedly play a role in future energy production. CFFC believes that solar should not be developed at the expense of our prime agricultural and forested areas.

Nor should it adversely impact our environmentally sensitive, scenic and historical resources. Solar should bring overall value to Fauquier County beyond clean energy and minimize its impact on our rural community, the natural environment and local economy. 



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.