



Notes from the BOS meeting 5/12/22

Notes for the PC AGENDA FOR 5/19/22

Report on Warrenton Town council meeting 5/10/22

BOS

1. **[AN ORDINANCE TO AMEND CHAPTER 17, ARTICLE IV OF THE FAUQUIER COUNTY CODE \(CATLETT AND CALVERTON SEWER REMEDIATION DISTRICT\)](#)** -

Amendments to Chapter 17, Article IV (Catlett and Calverton Sewer Remediation District) of the Fauquier County Code to clarify the application of the ordinance to properties within the Sewer District and those immediately adjacent that connect; the requirements, rules and regulations for connecting to and using the Sewer; and repayment terms for deferred availability and connection fees,

This added clarification to high use users.

VOTE: 5-0 IN FAVOR

2. **[AN ORDINANCE TO EXEMPT REAL PROPERTY OWNED BY THE WARRENTON MEETING PLACE FROM TAXATION](#)** - An ordinance to designate a nonprofit organization, The Warrenton Meeting Place's, real estate used for charitable purposes and located in Fauquier County tax exempt. The property is located at 26 S. Third Street in the Town of Warrenton. The nonprofit provides safe meeting spaces for organizations such as Alcoholics Anonymous. The total assessed value of the real estate is \$213,600.00.

The county would lose \$2100/yr in taxes.

VOTE: 5-0 IN FAVOR

3. **A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX-22-016930, HOWLING HILL KENNELS, LLC - AN APPLICATION FOR A CATEGORY 13 SPECIAL EXCEPTION TO ALLOW THE CONTINUED OPERATION OF A MAJOR KENNEL WITH BREEDING (PIN 7829-81-1018-000, CEDAR RUN DISTRICT)** - The Applicants are requesting to allow the continued operation of a Major Kennel with breeding. Howling Hill Kennels has been operating on this property for over 26 years. The Kennel is currently operating under SPEX-17-006634, approved in 2017, set to expire on June 8, 2022. The Applicants are requesting to continue to house 50 breeding dogs with a maximum of 30 litters per year. Breeding is limited to Pugs and Boston Terriers. The property is located at 11347 Eskridges Lane, Catlett. On April 21, 2022, the Planning Commission voted unanimously to recommend approval of the application.

This Special Exception was issued for a period of five (5) years and shall then be subject to one three (3) year administrative renewal by the Zoning Administrator. If, during the administrative renewal process, the Zoning Administrator finds that practices have changed character and there are new impacts, the Special Exception shall be required to go to the Board of Supervisors for approval.

VOTE: 5-0 IN FAVOR

4. **A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX-22-017015, MARSHALL MOUNTAINSCAPES RETREAT - AN APPLICATION FOR A CATEGORY 3 SPECIAL EXCEPTION TO OPERATE A TOURIST**

HOME (PIN 6938-75-5798-000, MARSHALL DISTRICT) -

The Applicant is requesting a Category 3 Special Exception to operate a Tourist Home with a maximum occupancy of 10 guests in an existing four-bedroom residence. The property is in the Cobbler Mountain Agricultural and Forestal District. The property is located at 10720 Hume Road (Route 635), Hume. On April 21, 2022, the Planning Commission voted unanimously to recommend approval of the application.

Three individuals spoke against this application citing concerns about noise and enforcement as to the number of people. Rick Gerhardt expressed concern about setting a precedence. Mary Leigh McDaniel appreciated that the applicant had gone through the SE process.

VOTE: 4-1 IN FAVOR (GERHARDT AGAINST)

5. **AN ORDINANCE TO ADOPT FAUQUIER COUNTY CODE SECTION 8-1.3 TO ALLOW FOR REFUNDS OF TAXES OVERPAID** - *Code of Virginia § 58.1-3990* authorizes the County by ordinance to permit the Commissioner of Revenue, after diligent investigation, to exonerate erroneously paid taxes.

VOTE: 5-0 IN FAVOR

6. **A RESOLUTION TO AUTHORIZE THE EXECUTION OF LEASES WITH VIRGINIA NATIONAL BANK FOR THE PROPERTY FORMERLY KNOWN AS THE DOWNTOWN WARRENTON BANK BUILDING AND WEALTH MANAGEMENT BUILDING** - *Code of Virginia § 15.2-1800.B* requires a public hearing prior to the lease of County property to a non-governmental entity. The County's acquisition of the subject properties included agreed terms for Virginia National Bank to leaseback the properties for a limited period of time: the Downtown Warrenton Bank Building, PIN

6984-33-7989-000, for an initial term of one year with renewals up to a total of three years. Rent is \$250,000 for the first year with an escalation based on CPI for any renewal term. The Wealth Management Building, PINs 6984-33-6944-000, 6984-33-5999-000, and 6984-33-5956-000, for an initial term of eight months with renewals up to a total of one year. Rent is \$200,000 for the initial eight month term and \$25,000 per month for any renewal term.

The county purchased the Virginia National Bank and will for a period of time lease it back to the bank.

VOTE: 5-0 IN FAVOR

7. **[A RESOLUTION TO AUTHORIZE THE GRANT OF TWO EASEMENTS ACROSS COUNTY OWNED REAL ESTATE IN MARSHALL](#)** - A request to grant two easements: (1.) A non-exclusive trail easement over an old unimproved road in Marshall to Washburn Place, the affordable townhouse subdivision; and (2.) A non-exclusive sanitary sewer forcemain utility easement over the same old unimproved road in Marshall to Old Salem Community Development, L.L.C. and the Fauquier County Water and Sanitation Authority.

VOTE: 5-0 IN FAVOR

8. **[A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO CHAPTER 7 OF THE COUNTY CODE, ELECTIONS, TO ADDRESS DECENNIAL REDISTRICTING](#)** - A public hearing to receive citizen comments on an amendment to Charter 7 of the County Code to address decennial redistricting. The County has received redrawn legislative districts for the Senate of Virginia, House of Delegates, and U. S. House of Representatives to accommodate population changes between 2010 and 2020 as reported in the decennial U.S. Census. In

addition, the County is required to redraw its election districts utilizing the 2020 census data to adjust for growth within the districts. Information on the proposed maps can be found on the County website and at the County Administration Building. The proposed maps can be found at <https://www.fauquiercounty.gov/government/board-of-supervisors/fauquier-redistricting-2022>.

The BOS voted to hold this open for 30 days while considering options A and B. There is a difference of opinion between Scott district and Marshall district supervisors as to which option.

PC

1.

[Special Permit - SPPT-22-017105 - Lock-It-Up Self Storage - An Application for a Category 15 Special Permit to Allow a Self-Storage Facility \(PIN 6990-71-0007-000, Lee District\) \(Global Way, LLC/Little Falls Run, L.C., Owner/Applicant; Kara Marshall, Planner III, Staff\) -Lock-It-Up Self Storage: The](#)

[Applicant is seeking approval of a Category 15 Special Permit to allow a self-storage facility in accordance with Section 3-315.5.a of the Zoning Ordinance.](#)

ANALYSIS: The Applicant is proposing to construct six self-storage buildings, totaling 65,750 square feet. The individual storage buildings range from 4,400 square feet to 21,750 square feet. Approximately 1,050 square feet within one of the buildings will be dedicated for office space for the facility. The Applicant has shown a landscape buffer along the western and southern boundary lines, including a combination of existing vegetation and new plantings. There is an existing 200' access

easement to PIN 6990-61-3090-000 that the Applicant plans to vacate and replace with a new 50' easement. The property is zoned Commercial Highway (C-2) and Agriculture (RA). Messick's Farm Market is across the street.

TWO ISSUES: The property is in an area the Comprehensive Plan designated as Rural Land even though it is zoned (C-2) (this is an example of Spot zoning), The Rural Land Use Plan states that Fauquier County's "authentic rural character is a key aspect of its quality of life and one to be valued and protected." It contains policies and plans to protect and preserve farmland, historic sites and open space. The Rural Land Use Plan is focused on preserving the physical beauty, historical heritage and environmental quality of the County, while growing its rural and agricultural economy to better serve its people and protect its heritage. The Plan recognizes that non-agricultural development in the rural areas can create, over time as new and different elements are introduced, and older elements are removed, new visual patterns on the landscape. This type of development can potentially lead to an incompatible, discordant visual character.

Secondly, VDOT is not in favor of the proposed 50 -foot access easement and would prefer an inter -parcel connection through Global Way.

BOTTOM LINE: If self-storage units of this size are to be permitted in the rural parts of our county they should be screened completely from the road and adjacent properties.

2.

[Special Permit - SPPT-22-017261 - Midland Outlaws - An Application for a Category 8 Special Permit to Host an Equestrian Trail Ride as a Temporary Event \(PIN 7809-41-](#)

5259-000 and 7809-41-3330-000, Cedar Run District) (Bruce A. Jenkins/Ervin Jenkins, Owner/Applicant; Rebecca Acland, Staff) - The Applicant is requesting to allow the Midland Outlaws Organization to host an equestrian trail ride as a temporary event. The proposed three-day event would take place on June 10, 2022 through June 12, 2022. Approximately 75 to 80 attendees participate in the annual trail ride. The trail ride starts and ends on the subject property. Most of the trail ride takes place on neighboring properties with the permission of property owners. The property is located at 11264 Rogues Road, Midland.

ANALYSIS: The Zoning Ordinance (Section 5-804.7) requires the Board of Supervisors to make a finding that the type and amount of traffic generated by the use, being on a property which does not have direct access to a road designated as a Major Collector or higher, will not cause undue impact on neighbors or adversely affect the safety of road usage. County Staff has laid out several potential conditions for the PC which if adopted will allow this to move forward.

3.

Special Exception - SPEX-21-016258 - Great Marsh Estate - An Application for a Category 9 Special Exception to Host Class C Events and a Category 3 Special Permit to Operate a Tourist Home (PIN 6990-50-4480-000, Lee District) (Great Marsh Place, LLC, Owner/Applicant; Kara Marshall, Planner III, Staff) - The Applicant is requesting a Category 9 Special Exception to host Class C Events and a Category 3 Special Permit to operate a Tourist Home. A similar application (SPEX-19-010607) was previously approved by the Board of Supervisors on April 11, 2019. Consistent with the previous approval, the Applicant has requested a maximum of 48 events per year. A minimum of 24 events are not to exceed 100 guests and a maximum of 24 events are not to exceed 200 guests. The property is located at 6105

Great Marsh Place, Bealeton. On December 16, 2021, the Planning Commission voted unanimously to postpone action for 90 days with the public hearing left open. On March 17, 2022, the Planning Commission voted unanimously to postpone action for 60 days, at the Applicant's request, with the public hearing left open.

ANALYSIS: : The Board of Supervisors approved a Category 9 Special Exception to host Class C Events and a Category 3 Special Permit to operate a Tourist Home on April 11, 2019. A Major Site Plan for the use was approved on July 16, 2020. The permits and improvements required as part of the approval of the Major Site Plan have not been completed; see Zoning comments later in this report. County Staff noted that the lack of a Certificate of Occupancy and an installed drain field for the event facility are two of the greatest concerns. These concerns were also brought up during the Planning Commission's review of the 2019 approval and have not yet been addressed by the Applicant.

There have been no changes to the application.

The Applicant provided the following update on April 26, 2022:

- The new drain field has been installed and inspected. The new septic tanks should be on-site and installed in the next two weeks.
- The new well is scheduled to be installed within the next two weeks.
- Electrical and plumbing work is in progress in the event facility.

Additionally, the Applicant filed a Building Permit Amendment on April 22, 2022 to add electrical to the service entrance to the event facility and to add plumbing to the service sink. There have been no inspections related to the Building Permit since the Planning Commission meeting on March 17, 2022. 5 Prior to a final occupancy permit being issued, the following items will need to be completed: all required site improvements, including those related to the septic tanks and well, as-built plans, building and zoning inspections.

BOTTOM LINE: THIS IS STILL NOT READY FOR PRIME TIME.

4.

Rezoning Amendment - REZN-21-015939 - Wexford Village - An Application to Amend Portions of a Previously Approved Proffer Statement and Concept Development Plan Associated with REZN-18-008683 (PIN 6899-24-0759-000 and 6899-25-0237-000, Lee District) (Other, Sponsor; Adam Shellenberger, Chief of Planning, Staff) -

The Applicant is seeking to amend portions of a previously approved Proffer Statement and Concept Development Plan (CDP) associated with Wexford Village. Specifically, the request is to allow a car wash use and an additional 10,000 square feet of warehouse/self-storage facility use for a total of 90,000 square feet. The Applicant is also requesting to revise the cross section of Lafayette Avenue and have it terminate at Wexford Village Drive instead of the southern property line. Other requested revisions to the Proffer Statement are to alter previous commitments related to transportation improvements and study. The properties are located on the west side of Marsh Road (Route 17) across from Village Center Drive (Route 859), in Bealeton. On February 17, 2022, the Planning Commission voted 4 to 1, to postpone action on this item for up to 90 days with the public hearing left open.

ANALYSIS: Bob Lee wrote a letter to his fellow commissioners in which he stated the following: “I still feel that the proposed uses for the Wexford Village in the designated Bealeton Town Center are not the type of uses envisioned in the Bealeton Service District Plan. I recognize that the property owners are looking for a return on their investment in the property, and some of the uses now proposed have been previously approved by the BOS. Now, therefore, I believe that we may have an opportunity to use a few form-based code design components to achieve the physical appearance envisioned for the Bealeton Town Center.

The two major proposed uses, warehouse/self-storage and commercial car wash could have public view designs fronting Route 17 and/or Wexford Drive that look more like the mixed commercial and civic uses envisioned for the Bealeton Town Center. One advantage of a form-based code is that the public facing design is at least as important as the use of structures”.

BOTTOM LINE: I agree with Mr. Lee. that car washes and self-storage units don't belong in the Bealeton Town Center, however, if they are going to be there, they should at the very least look as if they belong. **Unfortunately, the applicants have already indicated they are not willing to do any design enhancements as they feel they have the votes at both the PC and the BOS.**

WARRENTON TOWN COUNCIL

The Warrenton Town Council met on Tuesday, May 10, 2022, for a work session to discuss setting tax rates and the proposed budget for FY 2023. The Council also reviewed the first draft of a Special Events Ordinance and an update on Redistricting and Polling Precinct locations for the November 2022 Town, State and Federal elections.

The evening regular meeting session followed, highlighted by two public hearings, the first on maintaining the current property tax rate of 5 cents/\$100, **which would result in an effective tax increase because of increased property valuations and the second on the proposed budget.**

The Council expressed grave concern with raising taxes, no matter how small. It also expressed concern with a proposed increase in the local meals tax from 4 cents to 6 cents, which if enacted would account for much of the revenue required to cover a proposed 19% increase in the Town's core operating costs.

The surprise of the entire day was that during the evening session, in response to a motion by Councilman William Semple of Ward 2, the Council voted unanimously to keep property taxes at FY 2022 levels by reducing the property tax rate from 5 cents/\$100 to 4 cents/\$100. This unexpected decision followed a vigorous discussion during the morning session led by Councilman Semple who was gravely concerned with the proposed budget increases, especially information technology, parks and recreations and public works. Semple said that while tax increases may be required in the future, we must do everything we can to demonstrate to the public that we are operating as efficiently as possible before we ask more of our taxpayer.

With the property tax rate set, the Council voted to hold a long overdue budget session Wednesday, May 18 to determine the fate of the meals tax increase and the 2023 budget.

We are concerned that without tight controls on the budget, which could be difficult in a time of inflation, future increases to the Warrenton property tax rate are inevitable, even without the boundary line adjustments and heady investments in transportation and infrastructure as proposed in the Capital Improvement Plan. We are flabbergasted at the huge increase in capital spending over the next six years, which has more than doubled in the past two years to over \$138.2 million.

We also are concerned that external and internal transparency has also significantly deteriorated over the past several months, aiding and abetting the Town's drive to expand its borders and to artificially increase its population, without a serious review of impacts on water, sewer, and storm water management, and the impact on the public's safety, health, and welfare. It became clear during the morning session that the Council was not familiar with all the relevant issues revolving around the 2023 proposed budget itself, much less its projected growth and its impact on our capital reserves.

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LAND USE DIRECTOR, CFFC