



Office of the Town Manager  
Frank Cassidy

# STAFF REPORT

## Warrenton Town Council

Carter Nevill, Mayor  
Heather Sutphin, Ward 1  
William Semple, Ward 2  
Brett Hamby, Ward 3  
James Hartman, Ward 4 Vice Mayor  
Eric Gagnon, Ward 5  
Paul Mooney, At Large  
David McGuire, At Large

<b>Council Meeting Date:</b>	November 12 <sup>th</sup> , 2024.
<b>Agenda Title:</b>	Arrington Project- Voluntary Settlement Agreement update
<b>Requested Action:</b>	Consider approval of the updated Voluntary Settlement Agreement
<b>Department / Agency Lead:</b>	Town Manager
<b>Staff Lead:</b>	Frank Cassidy

## EXECUTIVE SUMMARY

Last month, the staff of the Commission on Local Government produced a draft report for the Commission's consideration on the Arrington Voluntary Settlement Agreement (VSA) between Fauquier County and the Town. At its November 1<sup>st</sup>, 2024, Regular Meeting, the Commission voted unanimously to approve that report.

The Commission's report recommends the approval of the proposed VSA without any changes.

The in an email to the Town Council, the Town attorney has outlined several courses of action for the Council to consider.

The VSA has now come back to the Town and County for public hearing and approval by ordinance. If both bodies adopt ordinances approving the VSA, the attorneys for the Town and County will submit it to a special three-judge court for review and approval.

## RECENT BACKGROUND

The Commission on Local Government met with Town Staff, Fauquier County Staff, and the Developer at a Joint meeting on Monday, September 16<sup>th</sup>, 2024. The Commission toured the site and the Town. The Developer presented its proposal for the use of the site and the Commission held a public hearing on that same day.

The Council received updates on this VSA at its April 9<sup>th</sup> and May 14<sup>th</sup>, 2024, Regular Town Council meetings. At the May meeting, the Council adopted a resolution authorizing the Town Manager and Town Attorney to initiate the process of Voluntary Settlement Agreement. Prior to that meeting, the Council approved a preliminary draft of the VSA at its March 12<sup>th</sup>, 2024 regular meeting.

At its April 11<sup>th</sup>, 2024, meeting, the Fauquier County Board of Supervisors likewise approved moving forward on the VSA.

## PRIOR HISTORY

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Prior to the VSA now under consideration, the Town and County had taken preliminary steps regarding development of the Arrington property, as detailed below:

At the December 12th, 2023, Regular Town Council Meeting, a Resolution was passed in support of application for a Citizen initiated petition for an annexation or boundary line adjustment with Fauquier County.

On November 12, 2015, the Fauquier County Board of Supervisors approved several applications related to the development of Arrington. These included a Comprehensive Plan Amendment (COMA-15-003473), Rezoning (REZN-15-003477), a Category 20 Special Exception to allow for a Sewer Treatment Facility, a Category 30 Special Exception to Waive the Requirement for Public Sewer (SPEX-15-003479), a Category 20 Special Exception for a Floodplain Crossing (SPEX-15-003481), and a Preliminary Plat (PREP-15-003482). Additionally, a Joint Planning and Water Service Agreement (Town of Warrenton, Fauquier County, and Applicants), which outlined the terms in which the Town of Warrenton would provide public water service to the project was executed.

The 2015 approvals allowed the Arrington project to be primarily developed as an age-restricted community with an emphasis on preservation of natural open spaces and a compact traditional design form which is compatible with the historic portions of Warrenton. The Planned Residential District (PRD) portions of the project were limited to 217 residential lots for active adult residents over the age of 55. The Arrington approvals also permit 10 rural residential lots, in the RA zoned portions of the property and one residential (R-1) lot. The Rezoning approval included a Proffer Statement, Concept Development Plan (CDP), and Code of Development (COD). The CDP and COD regulate the site design and development and ensure that the property is developed in conformance with the County's PRD regulations.

On August 8, 2018, the Board of Supervisors held a public hearing on REZN-19-011151, which was seeking to amend portions of the Arrington Proffer Statement associated with REZN-15-03477. No action was taken at the public hearing, and subsequently the application was placed on hold and then closed.

On February 10, 2022, the Board of Supervisors approved a Comprehensive Plan Amendment to add approximately 27.9 acres to the Warrenton Service District, changing the land use from Rural to Open Space/Park. The Comprehensive Plan Amendment restored the Warrenton Service District boundary to its location prior to approval of the Comprehensive Plan Amendment in 2015. Specifically, it allowed for a redesign of the wastewater treatment facility associated with the residential development to include a larger dispersal field area to better comply with regulatory recommendations and requirements. At the time of the request, the Applicant indicated that the change was not to support any additional density within Arrington or to be used for any habitable vertical improvements. Additionally, the Comprehensive Plan Amendment expanded the Urban Development Area (UDA) to include the 27.9 acres that were added back into the Warrenton Service District.

**\*Background taken from Fauquier County's staff report presented to the Board of Supervisors on November 9, 2023.**

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## STAFF RECOMMENDATION

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Staff recommends following the Commission of Local Government's suggestions for this item:

- The Commission found that the Proposed Agreement is in the best interest of the Commonwealth as written.
- The Commission recommended that the Town Continue its open dialogue with the Citizens so they may better understand the County's reasoning for approving the project and the Town's reasoning for accepting it.
- The Commission recommended that the Town continue funding and implementing improvements to the wastewater system so that all future development within the Town can adequately be served

Staff recommends holding a public hearing on this item at the December Regularly scheduled Town Council Meeting.

## Policy Direction/Warrenton Plan 2040

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**H-1:** Ensure equitable, attainable housing opportunities across residents of all ages, incomes, and abilities by catering to the needs of a diverse community, including young families, professionals early in their careers, essential workforce, and those entering retirement.

**H-2:** Character Districts will accommodate a balance of available housing typologies that are compatible to existing neighborhoods in scale, character, and transition.

**H-3:** Preserve existing neighborhoods and promote infill that supports the character and heritage of Warrenton.

**H-4:** Create regional partnerships to address and enhance attainable housing supply.

## Financial Impact

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The developer has offered proffers towards the Town's infrastructure.

## Legal Impact

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The Voluntary settlement agreement is a multi-jurisdictional request for annexation. This item is being considered by the Town Council, Fauquier County Board of Supervisors, The Commission of Local Governments and a Three Judge panel.

## ATTACHMENTS

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1. VSA
2. Commission on Local Government Report