



STAFF REPORT

Town Council Meeting Date:	July 8, 2025
Agenda Title:	Tiffany Estates Tri-Party Agreement
Requested Action:	Consider the Request
Department / Agency Lead:	Community Development
Staff Lead:	Rob Walton, Director of Community Development

EXECUTIVE SUMMARY

The Owner of 7287 Blackwell Road, Mr. David Dobson, seeks an amendment to the Tri-Party Agreement for public water service for twenty-three (23) single family dwelling units. The parcel is approximately 32.1783 acres in size and zoned to the R-1 District within Fauquier County. A Construction Plan (Attachment 1 – portion) is currently under review by Fauquier County’s Department of Community Development and the request to amend the Tri-Party Agreement by the county was submitted on May 28, 2025 (Attachment 2). On February 9, 2016, The Warrenton Town Council unanimously approved a request for public water service for up to twenty-eight (28) lots at that time (Attachment 3). The Minutes from that meeting also indicated the applicant’s willingness to contribute \$10,000 for traffic analysis and improvements to a three-way stop at the intersection of Oak Springs Drive and Blackwell Road intersection. In addition, the applicant also committed to paying three times the in-Town availability fee rate for water. Due to the lapse of time from the previous Town Council approval, the Town Attorney has asked the Town Council to re-affirm the provision of public water.

BACKGROUND

On February 9, 2016, The Warrenton Town Council unanimously approved a request for public water service for up to twenty-eight (28) lots at that time. Since that time, the applicant has not received approval from Fauquier County, nor WSA, to officially amend the Tri-Party Agreement. The applicant submitted a request to Fauquier County on May 28, 2025, asking the County to consider amending the Tri-Party Agreement. The County is currently reviewing a construction plan (CONP-23-019202) for 23 single family detached lots with an additional lot for SWM and open space.

STAFF RECOMMENDATION

Consider the request.

Service Level / Policy Impact

Using the estimate of 300 gallons per day (gpd) per dwelling, the total water usage impact is estimated to be 6,900 gpd. The previous proposal, in 2016, of 28 single family detached dwellings was estimated to consume 8,400 gpd.

Legal Impact

The amendment to the Tri-Party Agreement was assented to by the Town in 2016. As it stands, the Town has “accepted” the terms of the amendment and will continue to accept the terms of the amendment until such acceptance it withdrawn. This can only occur through an instrument of “equal dignity” (*Justus v. Lowell*, 32 Va. Cir. 32 (1993)) – for instance, if the amendment was agreed to via resolution by the Town Council, the Town requires a resolution to withdraw its agreement.

Withdrawal can occur until all parties assent and agree to the Tri-Party Agreement. Currently, since Fauquier County has not assented to the amendment, the Town has the ability to reconsider its approval.

Considering nine years have passed since the Town assented to the amendment, it is well justified to reconsider the amendment before it is executed.

ATTACHMENTS

1. Construction Plan – Overall Lot Layout
2. Cover Letter from Applicant to County
3. Minutes from February 9, 2025 Warrenton Town Council Meeting
4. Proposed Agreement from Applicant
5. Letter from Town Attorney to County