

Statement of Justification

Arrington

Alwington Farm Developers, LLC, and Van Metre Communities, L.L.C. (the “Applicants”)

(PIN) 6983-44-5875-000 (A Portion Thereof) (the “Property”)

Rezoning Amendment (REZN-22-01798)

December 19, 2022

Revised May 5, 2023

Revised September 26, 2023

The property that is the subject of this rezoning amendment is a 234.0877-acre portion (the “Property”) of a larger parcel in Fauquier County located at the westerly terminus of Alwington Boulevard, Warrenton, Virginia, which contains 431.20 acres. The property is identified on Fauquier County Real Estate Tax Maps as Parcel Identification Number (PIN) 6983-44-5875-000 (the “Overall Parcel”). The Overall Parcel is owned by Alwington Farm, L.L.C. (the “Owner”). Alwington Farm Developers, LLC (“AFD”) and Van Metre Communities, L.L.C. (“VMC”) are the “Applicants.”

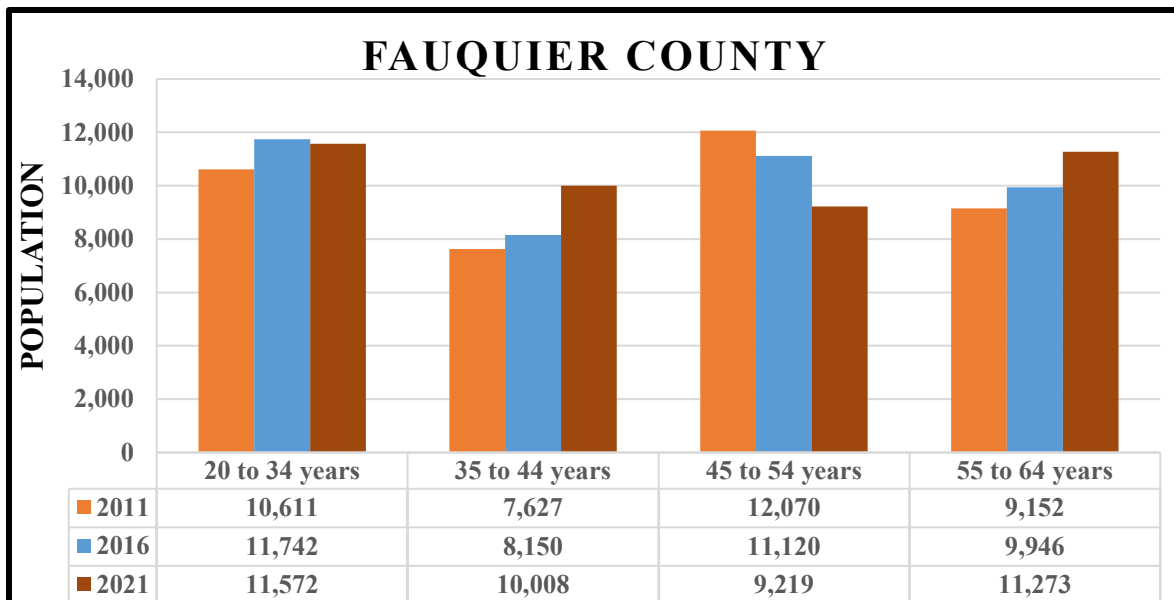
The Overall Parcel was the subject of a Rezoning, Comprehensive Plan Amendment, and Category 20, 23, and 30 Special Exception requests approved by the Fauquier County Board of Supervisors (the “Board”) on November 12, 2015 (COMA-15-003473/REZN-15-003477/SPEX-15-003479/SPEX-15-003481/PREP-15-003482) (the “2015 Approvals”) and is referred to as Arrington.

The Arrington community had been in the planning stages for many years. With the 2015 Approvals, 206.43 acres of the Overall Parcel were rezoned from the R-1 to the PRD zoning categories as defined in the Fauquier County Zoning Ordinance (the “Zoning Ordinance”) with an accompanying Proffer Statement that authorized an age restricted community of 217 residential units, using public water service from the Town of Warrenton, and an on-site wastewater treatment system designed to accommodate sewage flows of 180 gallons per day per residential unit. Access to the community was planned to be via a northerly extension of Alwington Boulevard, and a new entrance along James Madison Highway (Business 17/29) between its intersection with Alwington Boulevard and its intersection with the Warrenton Eastern By-Pass (Routes 15/17/29). Arrington's design included a commitment to Piedmont vernacular architecture, passive and active open space, and traditional neighborhood design through the approved Code of Development.

Since 2015 there have been many changes to regulatory requirements, standards, and specifications, as well as new planning perspectives for the Town of Warrenton and surrounding areas. The purpose of the recent County-approved Comprehensive Plan Amendment regarding 27.9 acres (27.66 acres according to a recent survey) of the Overall Parcel (COMA-21-016092) was to return the Warrenton Service District boundary to its location prior to the 2015 Approvals so as to allow the development of Arrington to better comply with these subsequent regulatory requirements, standards, and specifications, while at the same time recognizing the importance of,

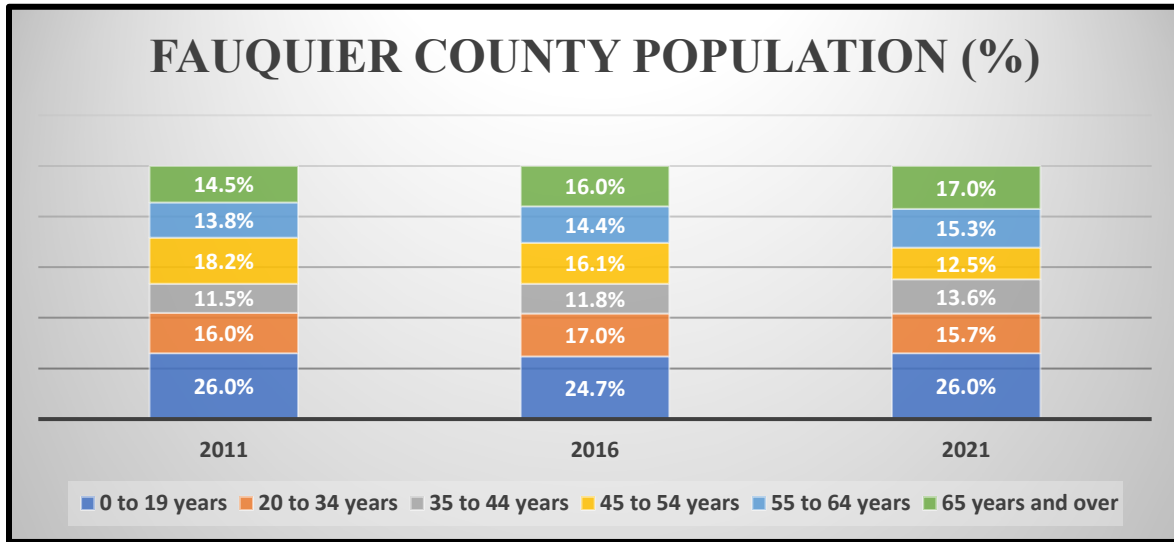
and desire to, protect the viewshed along the James Madison Highway frontage of the Overall Parcel. Most significantly, the 2015 Approvals were based on the design of an Alternative On-Site Sewage System (“AOSS”) and discharge dispersal fields that accommodated an average daily flow of 39,060 gallons per day (gpd) or 180 gpd per day times 217 residential lots. Current regulatory guidance, however, stipulates that these systems should be designed to accommodate peak flow - not average daily flow. The estimated peak flow is 78,120 gpd or 360 gpd per household for the 217 residential lots. With the additional 27 acres to be included within the land subjected to the PRD zoning category, the primary and reserve dispersal fields for the effluent from the proposed AOSS will be of more than adequate size to accommodate the higher peak flows and provide assurance that the proposed Arrington development will not negatively impact the environment, or the water quality of the Turkey Run tributary of the Occoquan Watershed.

With regard to changes in current planning perspectives, on April 13, 2021, the Warrenton Town Council (the “Town”) adopted Plan Warrenton 2040, the Town’s new Comprehensive Plan. Among other things, this new Plan identifies the need for varying housing types within Warrenton which “cater to the needs of a diverse community[.]” The Plan suggests a need to provide housing that is attractive to young professionals, families, essential workers such as teachers, healthcare staff, and public servants, as well as aging adults with varying housing styles – single family homes, townhomes, bungalow courts, accessory dwelling units or carriage houses, and others (page 27) as well as the inclusion of workforce housing within new developments. Recent census data confirms this need – especially in the 45 to 54 age group. Fauquier County has seen an 11.3% growth in population from 2011 to 2021 spread across all age groups except those from 45 to 54 years old. The data shows that this age group has seen a 23.6% decline over the same 10-year period – an indicator of out-migration as the population ages from the 35- to 44-year-old grouping.

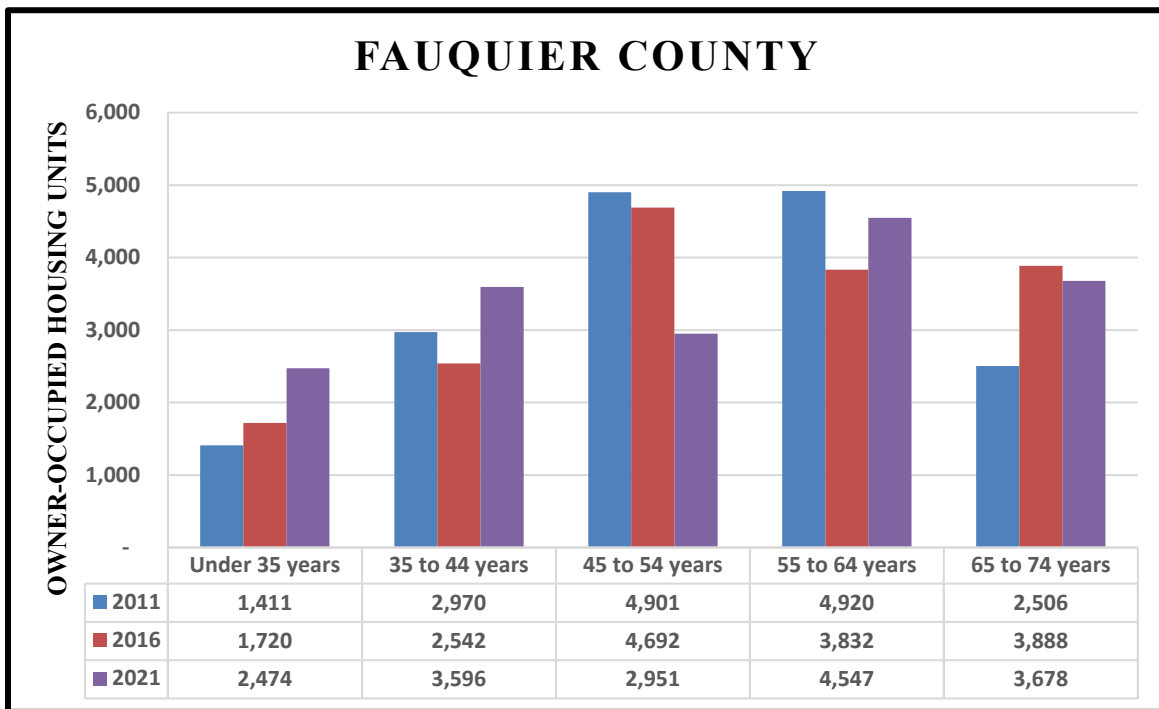


A review of the percentage of the total population with each age grouping also shows the significant reduction within the 45 to 54 age group. As seen below in yellow, this age group made

up 18.2% of the total Fauquier County population in 2011, but the proportion has continually declined over the last decade to only 12.5% in 2021.



A review of the number of households within each age-grouping confirms this out-migration. Census data shows that as the Fauquier County population ages from the 45- to 54-year-old age group to the 55- to 64-year-old age group and those individuals remain in their current homes, the lack of homes available for purchase by those move-up buyers aging from the 35- to 44-year-old age group to the 45- to 54-year-old age group are limited. This is evidenced by the 40% decline in the number of owner-occupied homes by this age group over the past decade (4,901 to 2,951).



The above data supports the hypothesis that new communities in Fauquier County, such as Arrington, need to provide a diversity of housing choices – especially in the move-up buyer category - and should include housing and community design elements which address age-friendliness. The U.S. Environmental Protection Agency (EPA) was the leader in early aging initiatives with the release of “Growing Smarter, Living Healthier, A Guide to Smart Growth and Active Aging” in 2009. In this publication, the EPA premise was that “Age-friendly communities use Smart Growth principles (development that improves the community, environment, economy, and public health) to become healthier places to grow old in and *better places for people of all ages* [emphasis added].” Since this initial publication by EPA, there have been several refinements to the early definition. In 2020, New Jersey Future wrote that an age-friendly community is designed to offer “mobility options ...; a pedestrian-friendly mix of land uses that provide physical and social activities; amenities such as parks, street furniture, and public facilities; and a mix of housing options” (New Jersey Future, November 2020, “Creating Great Places to Age in New Jersey: A Community Guide to Implementing Aging-Friendly Land Use Decisions”). The following Land Use Planning Principles were listed:

- Build with suitable designs and densities that support walking, biking, and public transportation.
- Enhance community character by providing pedestrian-friendly streetscapes.
- Support construction of homes for households of all ages, sizes, and income.
- Implement complete and green streets that promote pedestrian activity and environmental benefits.
- Provide an interconnected system of community facilities, civic spaces, parks, and open space that is within walking distance to all residents in a community.
- Incorporate green infrastructure and clean and renewable energy and efficiency measures into development.

In lieu of the previous 2015 Approvals which provided a community design and proffers that limited the proposed housing to a single age group, **the proposed Concept Development Plan, Code of Development, and Proffer Statement for Arrington incorporates all of the above planning principles.** In particular, the Proffer Statement has been revised to further address sustainability and age-friendliness with the inclusion of “green building” design requirements in all homes, universal design elements in all single family detached homes, and a commitment that a minimum of twenty five percent (25%) of the single family detached homes will include a bedroom and full bathroom on the primary living level. In addition, the current Proffer Statement includes a commitment to construct a community clubhouse with a pool and fitness area which was not required under the 2015 Approvals.

The aforesaid age-friendly design guidelines as well as Plan Warrenton 2040 and the Warrenton Service District Plan within the Fauquier County Comprehensive Plan recognize the need for an integrated bicycle and pedestrian network within and adjacent to the Town. Plan Warrenton 2040 and the Warrenton Service District Plan include the recognition of a desire for a bicycle/pedestrian trail traversing through Arrington from the Business 15/29 (East Shirley Avenue) intersection with Alwington Boulevard northward toward Culpeper Street/Springs Road

and southward toward the Fauquier Campus of Laurel Ridge Community College. The current Concept Development Plan provides for the construction of a portion of such trail through Arrington and the Proffer Statement includes a commitment to secure an offsite easement reservation to extend said trail southward through the Overall Parcel. Further, the Plan identifies the need to assure the northerly extension of Alwington Boulevard through the eastern portion of Arrington and other parcels. The Plan also encourages street and pedestrian connectivity between future developments and existing residential neighborhoods. These mobility features have been included with the current design of Arrington.

Lastly, under Policies and Strategies in Plan Warrenton 2040, Strategy CF-4.5 states the following: “Evaluate and update the Town of Warrenton – Fauquier County Master Water and Sewer Plan’s Tri-Party Agreement as needed, creating a regional strategy for future needs, and reevaluating the Town boundaries in relationship to its service areas.” On December 9, 2021, the Board acknowledged that it was contacted by Town officials to initiate discussions regarding the adjustment of jurisdictional boundary lines based on an accompanying map. The Board further adopted a resolution stating its desire “to continue in good faith both joint and more public conversations about the proposed boundary line adjustment and negotiate to try to alleviate any impacts created by such.” The Overall Parcel containing the proposed Arrington development is one of the parcels identified on said map and subject of the boundary line adjustment discussions. Although these global discussions regarding the adjustment of the Town/County jurisdictional borders have been stalled, the Applicants firmly believe there could be great synergies and benefits (including improvements to the Town sewer system as discussed under Alternatives A and B below) gained through a more limited initiative of adjusting the Town/County boundaries to include Arrington within the jurisdictional boundaries of the Town as a first step.

Following adoption of Plan Warrenton 2040, updates to the Warrenton Service District Plan within the Fauquier County Comprehensive Plan were adopted by the Fauquier County Board of Supervisors on February 10, 2022. The Warren Service District Plan provides an opportunity for the Town and County to “define an urban/county boundary, to complement and improve the available commercial and public services, parks, neighborhood street and pathway linkages and to preserve a historic pedestrian scale” (page 10). The plan recommends development of the Alwington Farm (now known as Arrington) area in a “Greenway-Gateway and Rural Gateway Open Space configuration at 1 dwelling per acre.” The term Greenway is defined as the “clustering of residential uses on a tract in order to permit the creation of a county path linkage or open space/park to pass through the tract.” Gateway is used to indicate “clustering of residential uses is screened or located away from / out of sight of a designated transportation or recreational corridor, in order to protect and maintain open space elements key to entry points into the County seat of Warrenton.” For Arrington, the Warrenton Service District Plan suggests that any proposed development “should be set back from Shirley Avenue to preserve the farm fields which slope away from Shirley Avenue.” Because of these changes to regulatory requirements, standards, and specifications, as well as newly adopted planning goals and perspectives for the Town of Warrenton and the surrounding areas within Fauquier County, the Applicants undertook discussions with the County and Town of Warrenton to mold a plan which updates the 2015 Approvals. The current rezoning application (REZN-22-01798), with the accompanying Concept

Development Plan and Code of Development, is a product of multiple meetings and discussions by representatives of AFD and VMC with County staff, Fauquier County Supervisors and Planning Commissioners, Town staff and elected officials, and various neighbors and community leaders.

The current design proposal for Arrington includes the 206.43 acres previously rezoned from the R-1 to the PRD zoning category and adds the 27.66 acres rezoned from R-1 to the RA zoning category under the 2015 Approvals. The proposed Concept Development Plan includes three (3) separate development options for Arrington, the choice of which is dependent on the availability of public water and sewer, as well as whether the Property is eventually included within the corporate limits of the Town.

Base Zoning (217 Lots)

The Base Zoning development option consists of 217 residential single-family detached lots served by public water through the existing Town/County Joint Planning and Water Service Agreement, and construction of an AOSS consistent with the 2015 Approvals or connection to public sewer. As noted, the additional land to be rezoned from RA to PRD is reserved as open space and the installation of additional underground primary and reserve dispersal fields. Therefore, the increase in the land area reserved for the primary and reserve dispersal fields assures that the proposed Arrington development will not negatively impact the environment or the water quality of the Turkey Run tributary of the Occoquan Watershed. The proposed 217 lots under this Base Zoning option equates to a density of 0.93 lots per acre which is less than the one lot per acre density goal established in the Warrenton Service District Plan. The street and lot plans have been designed to provide maximum inter-parcel connectivity as well as the northerly extension of Alwington Boulevard and inclusion of the recommended bicycle/pedestrian facilities – all as set forth in the Town’s Plan Warrenton 2040 and the Warrenton Service District Plan. The proposed development plan was designed to protect the viewshed along the James Madison Highway (Business 17/29) frontage of the property as discussed in the 2021 Comprehensive Plan Amendment (COMA-21-016092) and the Warrenton Service District Plan. Further, the proposed plan includes lot configurations that recognize the traditional neighborhood design features included in the 2015 Approvals, provides for varied housing types, maximizes the number of lots facing community greens and common open spaces, and increases the percentage of lots served with alley accessed garages from 25.3% to 34.1% of the total number of lots within the community. The plan also eliminates the requirement that all units serve a single component of the area’s demographics (age 55 and over) thus providing a community design and housing that “cater[s] to the needs of a diverse community” of all age groups as recommended in the Plan Warrenton 2040.

Alternative A (211 Lots and Commercial)

The implementation of Alternative A is dependent on the availability of public water for the entire Arrington community – not just the current maximum of 229 connections as set forth in the existing Town/County Joint Planning and Water Service Agreement between the Applicant, Town, and County, public sanitary sewer service, and inclusion of the Property containing the Arrington community within the corporate limits of the Town through an agreed adjustment of those limits. If public sanitary sewer service is made available, the land area proposed to be occupied by the AOSS could be utilized to construct a sanitary sewer pump station as a

replacement for the outdated Taylor Run Pump Station (as discussed below) and the associated primary and reserve dispersal fields could be used to further expand the availability of a diverse housing inventory and unencumbered open space in the Warrenton southern gateway area. The Alternative A option includes 211 residential lots (sixty-seven (67) single family attached (townhome) lots with rear garages accessed off private alleys – a housing variety not included with the 2015 Approvals, or the Base Zoning option described above – plus one hundred forty-four (144) single-family detached lots). Alternative A further expands on the diversity of housing provided within Arrington by adding sixteen (16) single family attached (townhome) lots designated for the construction of affordable housing. These lots would be limited to rental and/or for-sale homes serving families - essential workers, veterans, and older citizens - with household incomes averaging less than sixty percent (60%) of the Area Median Gross Income (AMGI) with a minimum of two (2) of said lots reserved for those with household incomes averaging less than forty percent (40%) of the AMGI. These affordable homes will assist in addressing a housing need specifically identified in the Town’s Plan Warrenton 2040 as well as by County and regional bodies. Further, with public water and sanitary sewer availability, the Alternative A community design provides a commercial component as suggested in the Warrenton Service District Plan that includes an eating establishment with a gross floor area no greater than 8,000 square feet and a 15-room inn. This commercial component will serve the community and nearby areas and is nestled adjacent to a proposed park that includes the restoration and/or reutilization of the buildings and the remnant ruins of the Leeton Forest plantation established around 1780 in a location that provides visibility and accessibility while not being intrusive into the residential neighborhoods. In addition, the Arrington community will include a proposed twenty-five (25) acre parcel (identified as Land Bay W) providing destination retail and commercial opportunities serving the needs of the greater Town and County areas. This parcel will be developed in accordance with the regulations of the Town Commercial (C) Zoning District.

Alternative B (270 Lots and Commercial)

The implementation of the Alternative B option is dependent on the inclusion of the Property containing the Arrington community within the corporate limits of the Town through an agreed adjustment of those limits and the dedication of right-of-way and associated easements required for the northerly extension of Alwington Boulevard through the parcel containing 50.0094 acres identified on County Tax Maps as PIN 6983-28-8269-000, and located at 8209 Leighton Forest Road, Fauquier County, Warrenton, Virginia, 20187. Alternative B expands on the diversity of housing provided with Alternative A by adding fifty-nine (59) residential lots (forty-two (42) single family attached (townhome) lots with rear garages accessed off private alleys and seventeen (17) single-family detached lots) for a total of 270 lots. Alternative B also includes all of the commercial components described in Alternative A above.

Town of Warrenton Water and Sanitary Sewer

As noted, Alternatives A and B are dependent on public water and sanitary sewer service for the entire Arrington community, which must come from the Town. The Applicants are currently working with the Town to identify system deficiencies and required infrastructure improvements that would be most beneficial to the Town and enable service to the proposed

Arrington community without impacting the Town’s planned growth inside its current corporate limits. On December 6, 2022, The Town received a report which was an update to the Town’s 2015 Water and Sewer System Growth and Capacity Evaluation (copy previously submitted). This report confirmed that the “Town has an approximate total water supply capacity of 2.68 MGD” (million gallons per day) and a water filtration capacity of 3 MGD. The report also included an updated demand analysis as summarized on Figure 5.1 in the report (see below) and the following statement: “Total water demand for the target year 2040 was calculated to be 2.42 MGD, assuming all proposed developments are eventually constructed. This demand projection value includes the average water demand in 2021 (1.11 MGD) plus the total buildout demand (1.31 MGD).”

The updated Water and Sewer System Growth and Capacity Evaluation report confirms that the Town’s current water supply and treatment capacity would be sufficient to adequately supply the total water demand of 158,000 gpd (0.158 MGD) required to serve the proposed 270 residential units at Arrington, using a very conservative residential usage of 390 to 400 gallons per day per residential unit and the above described commercial components should the Town agree to serve the proposed community.

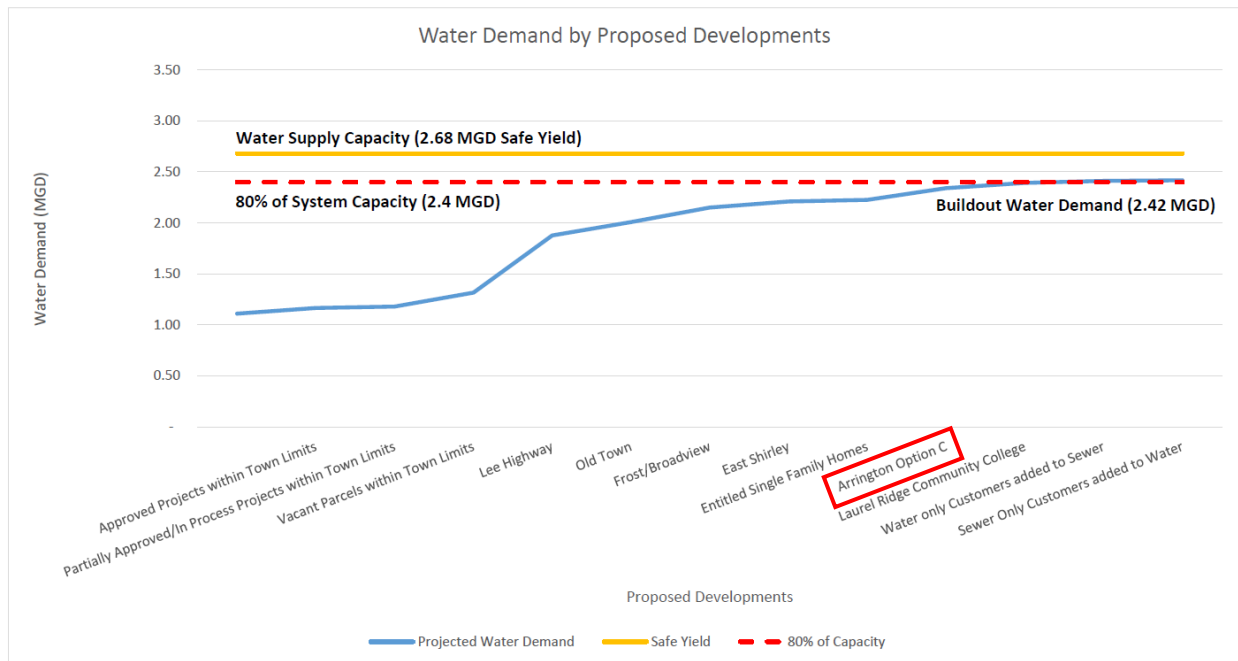


Figure 5.1: Water Demand by Proposed Developments

With respect to wastewater facilities, Plan Warrenton 2040 plan states that the Town “can meet the future growth requirements if the current WWTP [wastewater treatment plant] can obtain the new permit for 3 MGD [million gallons per day] from the DEQ [Department of Environmental Quality].” The recent update to the Town’s Water and Sewer System Growth and Capacity Evaluation reaffirms this WWTP 3.0 MGD future capacity with a new permit and the current WWTP capacity of 2.5 MGD (2.25 MGD with a 10% safety factor). The update estimates a total

wastewater loading of 2.90 MGD based on the current loading of 1.72 MGD and the 2040 projected buildout loading of 1.18 MGD. Figure 6.1 of the update graphically illustrates the Town’s current wastewater loading of 1.72 MGD as well as the 2040 projected buildout loading of 1.18 MGD. (Note that the update states that the chronological order of projects is for graphic depiction only and is subject to change based on development timing.)

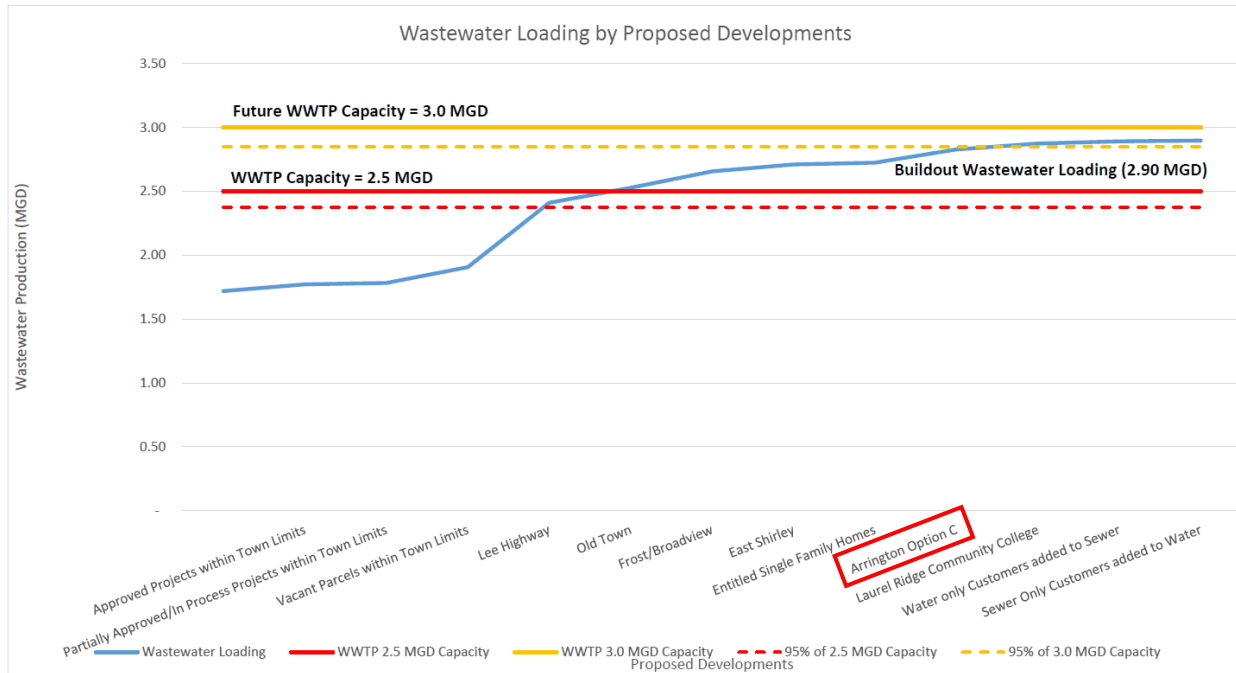


Figure 6.1: Wastewater Loading by Proposed Developments

As with water supply, the December 6, 2022, update to the Town’s Water and Sewer System Growth and Capacity Evaluation acknowledges “The Town is currently planning on increasing the capacity of the WWTP to 3.0 MGD within approximately 10 years” and concludes that “Under this wastewater loading model, the Town’s wastewater treatment plant would accommodate development currently planned” which included Arrington. The current wastewater treatment plant operating capacity of 2.25 MGD minus the current average flow of 1.72 MGD leaves 0.53 MGD available for future development. As noted above, the water and wastewater demand for the proposed development of Arrington would be 0.158 MGD (less than 30% of available capacity) based on the proposed commercial uses and 270 residential units as shown on Alternative B should the Town agree to serve the proposed community. In regard to immediate infrastructure needs, the update describes how future wastewater flows from Laurel Ridge Community College are pumped to the Turkey Run PS (pump station) which then pumps wastewater flows to the Taylor Run PS located adjacent to Brumfield Elementary School. The update anticipates that the Taylor Run PS will also receive flows from Arrington and, if so, “the Taylor Run PS would probably need substantial modifications or replacement to serve the Arrington Development and the Turkey Run flows.” The Applicant looks forward to an opportunity to work with the Town staff to conduct a more detailed analysis of this system and identify the wastewater infrastructure needed to address this deficiency.

Proffer Statement

The proposed proffer statement updates certain proffers listed in the 2015 Approvals to address proffers previously completed, an enhanced AOSS and dispersal field design, updates to previously proffered cash contributions and the addition of new school facility related proffers pursuant to the Proffer Justification Narrative prepared by MuniCap, Inc and §15.2-2303.4. of the Code of Virginia, deletion of the requirement for all units to be age restricted as referenced above, and deletion of the previously proposed roundabout along James Madison Highway per a Virginia Department of Transportation (VDOT) directive. In accordance with §13-202.2 (D)(12) of the Zoning Ordinance, the Owner and Applicants acknowledge that all the proffers in the Proffer Statement submitted with this application for a zoning amendment “directly address an impact that is specifically attributable to the new residential development or use proposed.” Further, the Owner and Applicants believe the cash contributions and/or the value of improvements constructed in lieu of cash contributions, is directly proportional to the capital needs forecast to be incurred by the recipient(s) as a result of the approval of this zoning amendment request, approval of the necessary’s Special Exceptions, and development of Arrington.

Modification Requests

In conjunction with the above rezoning amendment and special exception requests and in furtherance of the concept development plan for Arrington, the Applicants and Owner respectfully request approval of the following four (4) zoning modifications in accordance with Section 4-112 of the Zoning Ordinance:

1. Section 4-107 A.1 – Maximum Front Yard Setback
2. Section 4-107 C.3 – Driveway Width
3. Section 7-303 - Public Street Design Requirements
4. Section 4-107 C.3 – Sideloaded Garages

Section 4-107 A.1 (Maximum Front Yard Setback)

Section 4-107 A.1 of the Zoning Ordinance states, “Single family residential units should generally be set back no further than 10-20 feet, with a variety of setbacks provided within blocks.”

The development of Arrington includes a neo-traditional design that supports certain specific street sections. Lessons learned from construction of streets in the Carter’s Crossing PRD has shown that the planting of street trees between the public sidewalk and street curb lines is impractical and unsustainable long term. Therefore, the street sections in Arrington have been designed to provide for all street trees to be located along the backside of the public sidewalks within street tree easements that are set along the street frontage of each lot. As shown on the typical lot standards in the proposed Code of Development, a larger front yard setback (25’) is provided to accommodate the street tree easements.

Section 4-107 C.3 (Driveway Width)

Section 4-107 C.3 of the Zoning Ordinance states, “[w]here garages cannot be rear loaded from alleys, the driveway for an individual house shall not exceed 10 feet in width up to where the driveway meets the vertical plane of the front wall or porch of the house.”

The Arrington development includes a neo-traditional design which supports certain specific street sections, and residential lots fronting public streets with driveways and garages accessed from those public streets. This modification request is to allow the width of driveways providing access to garages from public streets to be designed to the standards and specifications of the Virginia Department of Transportation and Town since the Town may ultimately be responsible for ongoing operation and maintenance of the public street upon completion of construction.

Section 7-303 (Public Street Design Requirement)

Section 7-303 of the Zoning Ordinance says that “[p]ublic streets shall be required for all development as indicated in Table 7-303.1. Public streets shall meet the minimum applicable requirements of the Virginia Department of Transportation (VDOT) and dedicated to public use unless a special exception waiving this requirement is granted by the Board in accordance with Part 29 of Article of this Ordinance.”

This waiver allows public streets to be designed and constructed to the Town’s design standards and specifications in the event the Property is included within the corporate boundaries of the Town. Further, Arrington includes a neo-traditional design that supports certain street sections, residential lots fronting public streets with driveways and garages accessed from the public street, residential lots fronting public streets with alley-accessed garages, and residential lots fronting on common areas with alley-accessed garages. The proposed alleys will be designed and constructed to provide safe access to such lots while also promoting high quality aesthetics and neo-traditional design standards. Approval of this waiver will permit the proposed alleys to be designated as private streets maintained by the homeowner’s association – even when the proposed alley serves as the only street providing frontage for a lot or grouping of lots such as when such lot(s) fronts a common area or community green.

Section 4-107 C.3 (Sideloaded Garages)

Section 4-107 C.3 of the Zoning Ordinance states, “Any side loading garage shall be set back a minimum of 8 feet behind the front wall of the house.”

This modification request is to allow a side loaded garage to align with the front of the house to which it is attached and be integrated into the front elevation with the same architectural style, features, and treatments.

Conclusion

The Applicants and Owner respectfully request a positive recommendation for approval of the aforesaid by the Town, a recommendation of approval of this rezoning amendment and the above listed zoning modifications by the County staff and Planning Commission, and approval by the Board of Supervisors.