

# ARRINGTON

## Proffer Statement

Rezoning Case # REZN-22-017978

December 19, 2022

Revised through October 20, 2023

CURRENT ZONING: PRD (Planned Residential District) and RA (Rural Agricultural)

PROPOSED ZONING: RA to PRD (Planned Residential District); and Existing PRD (Planned Residential District) to PRD (Planned Residential District) and Town of Warrenton Commercial (Alternative A and B Only) with Revised Proffers

PROPERTY: Portion of PIN 6983-44-5875-000

ACREAGE: 234.0877 in the Marshall Magisterial District

RECORD OWNER: Alwington Farm, LLC

APPLICANTS: Alwington Farm Developers, LLC  
Van Metre Communities, L.L.C.

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Alwington Farm, L.L.C., as the owner of the approximately 234.08765 acre portion of the Arrington property subject of this application identified on Exhibit A and shown on the Zoning Plat (as defined below) as the Application Property (the “Property”), on behalf of itself and its successors in interest (the “Owner”), pursuant to § 15.2-2298 of the Code of Virginia (1950), as amended, and the Fauquier County Zoning Ordinance, as amended (the “Zoning Ordinance”), hereby voluntarily proffers that upon approval of Rezoning Application REZN-22-017978 by the Fauquier County Board of Supervisors (the “County”), development of the Property shall be in substantial conformance (as defined in § 13-202(2)(D)(5) of the Zoning Ordinance) with the Concept Development Plan and Code Of Development (each as defined below) and attached hereto as Exhibit B and Exhibit C, respectively, as well as this Proffer Statement (the “Proffers”).

These Proffers shall govern unless an amendment thereto is mutually agreed upon by the County and the Owner. Each Proffer listed herein and made in connection with this application for rezoning is made voluntarily and complies with applicable law. Each proffer is reasonably related both in nature and extent to the impacts of the proposed development pursuant to § 15.2-2303.4(D) of the Code of Virginia (1950), as amended. The County, nor any agent of the County, has suggested or demanded a proffer that is unreasonable under applicable law.

Upon approval, these Proffers shall supersede all other Proffers that may have been made prior hereto with respect to the Property, or any portion of the parcel identified on the Fauquier County, Virginia, Land Records as Parcel Identification Number (PIN) 6983-44-5875-000 containing approximately 431.19759 acres (the "Parent Tract"), including, but not limited to, those Proffers set forth in the Proffer Statement last dated October 30, 2015, and approved by the County with rezoning application REZN-15-003477 on November 12, 2015 (the "Prior Proffers").

In the event the above referenced rezoning is not granted, these Proffers shall be deemed withdrawn and shall be null and void. In the event an appeal is considered by a court of competent jurisdiction and the application is thereafter remanded to the Board of Supervisors (the "Board") for reconsideration, or the rezoning is invalidated by that court, then these Proffers shall be deemed withdrawn unless the Owner affirmatively readopts all or any portion in writing specifically for that purpose. The headings of the Proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the Proffers.

1. DEVELOPMENT PLANNING DOCUMENTS:

- A. All improvements proffered herein to be constructed or otherwise provided for by the Owner shall be provided at the time of development for that portion of the Property immediately adjacent thereto or including the improvement or other proffered requirement, unless otherwise specified herein or in the Code of Development as that term is defined below.
- B. The term "Owner" as referenced herein shall include the current owner of the Property and all future owners, heirs, assigns, and successors in interest.
- C. When used in these Proffers, the Concept Development Plan shall refer to Sheets 1, 2, 2A, 6, 7, 7A, 7B, 8, 8A, 8B, 9, 10, 15, 15A, and 15B of the plan set entitled "ARRINGTON, CONCEPT DEVELOPMENT PLAN, PLANNED RESIDENTIAL DEVELOPMENT PLAN, REZONING APPLICATION, MARSHALL MAGISTERIAL DISTRICT, FAUQUIER COUNTY, VIRGINIA" prepared by Bowman Consulting Group, Ltd. and dated July 18, 2022 with revisions through October 20, 2023, (the "CDP"); and the Code of Development (the "COD") shall refer to the document entitled "ARRINGTON CODE OF DEVELOPMENT" prepared by Bowman Consulting Group, Ltd. and dated October 20, 2023.
- D. When used in these Proffers, the Zoning Plat shall refer to the "CERTIFIED ZONING PLAT" included as Sheets 16 and 17 of the plan set entitled "ARRINGTON, CONCEPT DEVELOPMENT PLAN, PLANNED RESIDENTIAL DEVELOPMENT PLAN, REZONING APPLICATION, MARSHALL MAGISTERIAL DISTRICT, FAUQUIER COUNTY, VIRGINIA" prepared by Bowman Consulting Group, Ltd., said sheets dated June 3, 2022, and signed September 25, 2023 (the "Zoning Plat").
- E. The Property shall be developed using traditional neighborhood design principles and shall incorporate a variety of architectural styles, building forms, lot

categories and types, and design standards as set forth in the COD. The COD is hereby incorporated herein by reference and is made a part of this Proffer Statement.

- F. Minor adjustments to the CDP and the COD may be made in connection with the review and approval of the Code of Development Site Plan (as such site plan is defined in Article 12, Part 8 of the Zoning Ordinance), and upon any further final engineering, subdivision plats and plans for the Property, and any associated construction documents that may be required. These minor adjustments may include, but are not limited to, modifications to road locations; open space boundaries; utility lines as necessary to accommodate topography and drainage, vehicular or pedestrian circulation; aesthetic considerations; or regulatory requirements. Such modifications shall be subject to approval by the Fauquier County Zoning Administrator in accordance with the parameters set forth in this Proffer Statement and the CDP, COD, and Zoning Ordinance. Modifications that are determined to be inconsistent with those parameters shall require amendment to this Rezoning.

2. THE PROPERTY ZONING UPON APPROVAL OF REZN-22-01798:

- A. Under the Base Zoning (as defined in Proffer 4.A.(i) below), that portion of the Property comprising 206.43 acres as shown on the Zoning Plat shall be rezoned from PRD (as previously approved under REZN-15-003477), to PRD subject to these revised Proffers.
- B. Under Alternative A (as defined in Proffer 4.A.(ii) below) or Alternative B (as defined in Proffer 4.A.(iii) below), that portion of the Property comprising 181.43 acres as shown on the Zoning Plat shall be rezoned from PRD (as previously approved under REZN-15-003477), to PRD subject to these Proffers.
- C. Under Alternative A or Alternative B, that portion of the Property comprising 25.00 acres as shown on the Zoning Plat as “Land Bay W” shall be rezoned from PRD (as previously approved under REZN-15-003477), and developed in accordance with the regulations of the Town of Warrenton (the “Town”) Commercial (C) Zoning District assigned to said Land Bay, but only in the event the municipal boundary between the County and the Town is adjusted through a Boundary Line Adjustment process or other suitable arrangement under Subtitle III of Title 15.2 of the Code of Virginia, and the Property is subsequently located within the corporate limits of the Town.
- D. The remaining portion of the Property comprising 27.66 acres as shown on the Zoning Plat shall be rezoned from RA (as previously approved under REZN-15-003477) to PRD as applied for, subject to these Proffers.
- E. The portions of the Property rezoned to PRD shall be collectively referred to herein as the “PRD Area”.

3. CODE OF DEVELOPMENT:

- A. The COD sets forth design standards and guidelines for the PRD Area and shall be binding on the development thereof. It shall govern all residential, common open space,

and other construction within the PRD Area as set forth therein. Notwithstanding anything to the contrary herein, however, or in the COD, photographs included in the COD (as distinguished from drawings and graphics) are illustrative in nature and are included solely to provide a visual reference for what may be built on the Property pursuant to the COD and shall not be binding. Further, the “Open Space & Amenities” graphics shown in the COD are preliminary and conceptual and actual layouts may vary. The final design of each open space and/or amenity area will adhere generally to the associated descriptions and provide, as a minimum, the facilities/features listed. In the event of any discrepancy between the COD and this Proffer Statement, this Proffer Statement shall control.

- B. Deviations from the requirements of the COD will be permitted only in accordance with the standards set forth in the COD, and in this Proffer Statement.

4. LAND USE:

- A. The CDP and COD provide for three (3) alternatives for the development of Arrington (the “Project”), depending on the availability of public water and sewer, as well as whether the Property is ultimately included within the corporate boundaries of the Town under a Boundary Line Adjustment Agreement or other suitable arrangement under Subtitle III of Title 15.2 of the Code of Virginia, and availability of off-site right-of-way and easements needed for the construction of Alwington Boulevard as provided herein. The three (3) alternatives are as follows:

- (i) Base Zoning. The maximum base residential density option for the Property shall be 217 single-family detached Market-Rate Lots (as such term is defined below) served by (a) public water pursuant to the existing Joint Planning and Water Service Agreement of November 1, 2015, by and between the Town, the County, and Alwington Farm Developers, LLC, (the “Joint Planning and Water Service Agreement”); and (b) sewer services using (1) an alternative onsite sewage system and associated primary and reserve dispersal fields to be constructed on the Property, or (2) at the sole option of Owner, connection to public sanitary sewer, if available (the “Base Zoning”).
- (ii) Alternative A. In the event (a) adequate public water and sanitary sewer service are available from the Town to serve the proposed development of the Property, and (b) the municipal boundary between the County and the Town is adjusted through a Boundary Line Adjustment process or other suitable arrangement under Subtitle III of Title 15.2 of the Code of Virginia, and the Property is subsequently located within the corporate limits of the Town, the PRD Area shall consist of a maximum residential density of 211 lots comprised of 195 Market-Rate Lots (144 single-family detached lots and 51 single-family attached lots) and 16 single family attached Affordable Lots (as defined below), and a commercial component consisting of an eating establishment with a gross floor area no greater than 8,000 square feet and a hotel (inn) with a maximum of fifteen (15) sleeping rooms; and Land Bay W shall be developed in accordance with the regulations of the Town’s Commercial (C) Zoning District assigned to said Land Bay (“Alternative A”).

(iii) Alternative B. In the event (a) the municipal boundary between the County and the Town is adjusted through a Boundary Line Adjustment process or other suitable arrangement under Subtitle III of Title 15.2 of the Code of Virginia, and the Property is subsequently located within the corporate limits of the Town; and (b) the right-of-way dedication 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, have been obtained at no cost to the County, Town, or Owner, and (c) adequate public water and sewer services are available from the Town to serve the development of the Property, the PRD Area shall consist of a maximum residential density of 270 lots comprised of 254 Market-Rate Lots (161 single-family detached lots and 93 single-family attached lots), and 16 single family attached Affordable Lots, as well as a commercial component consisting of an eating establishment with a gross floor area no greater than 8,000 square feet and a hotel (inn) with a maximum of fifteen (15) sleeping rooms; and Land Bay W shall be developed in accordance with the regulations of the Town's Commercial (C) Zoning District assigned to said Land Bay ("Alternative B").

B. The term "Affordable Lots" shall be defined as lots upon which single-family attached homes may be constructed and offered for rent, or for sale, to those families or individuals with an imputed household income maximum equal to, or less than, 80% of the Average Median Gross Income ("AMGI") of the Washington, DC Metropolitan Statistical Area ("Washington MSA") as published by HUD for the applicable household size as long as the average of the imputed income limitations for all households owning or renting the homes constructed on the Affordable Lots is equal to, or less than, 60% of AMGI. Notwithstanding the aforesaid, a minimum of two (2) of the single-family attached homes to be constructed on the Affordable Lots shall be offered for rent, or for sale, to those families or individuals with an imputed household income maximum equal to, or less than, 40% of the AMGI of the Washington MSA as published by HUD for the applicable household size.

C. The term "Market-Rate Lots" shall be defined as lots upon which single-family attached or single-family detached homes may be constructed and offered for rent, or for sale, without any income or age restrictions.

D. The Owner shall retain the existing farm pond; healthy, mature trees; and existing hedgerows on the Property in all of the potential alternatives except where home sites, roads, utilities, and drainfields are planned. In addition, proposed trail locations shall avoid existing landscape material greater than four inches (4") in diameter measured two feet (2') above the ground surface.

5. SUSTAINABLE AND AGE-FRIENDLY COMMUNITY DESIGN ELEMENTS:

A. Community Design. Development of the PRD Area shall include community design elements which support age-friendly and sustainable housing opportunities for all demographics as detailed below.

- B. Green Building Practices. All residential dwelling units to be constructed within the PRD Area shall be designed to meet either (a) the certification requirements under one of the following programs, or (b) an alternative third-party program which includes standards and certification demonstrating that such program achieves the substantive intent of the programs identified below. Any alternative third-party program shall be selected by the Owner in consultation with the Zoning Administrator.
- (i) ENERGY STAR®. Certification in accordance with the National Green Building Standard using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to the County from a home energy rater certified through the Home Innovation Research Labs that demonstrates that each residential dwelling unit constructed within the PRD Area has attained the certification prior to the issuance of the occupancy permit for said residential dwelling unit;
  - (ii) Earth Craft. Certification in accordance with the Earth Craft House Program, as demonstrated through documentation provided to the County prior to the issuance of the occupancy permit for each residential dwelling unit constructed within the PRD Area; or
  - (iii) NAHB National Green Building Program. Certification in accordance with the National Association of Home Builders (NAHB) National Green Building Program, Bronze level, as demonstrated through submission of a copy of the “Green Certificate” issued by NAHB in accordance with its “Green Certificate Program” prior to issuance of the occupancy permit for each residential dwelling unit constructed within the PRD Area.
- C. Universal Design Elements. The Owner shall require all builders of single family detached residential dwelling units constructed on Market-Rate Lots and all builders of single family attached residential dwelling units constructed on Affordable Lots to include the following universal design features as standard features:
- (i) Front entrance doors that are a minimum of 36" wide;
  - (ii) Rocker light switches, thermostats, and other environmental and security controls (if any) installed in accessible locations and at a maximum height of 48" above finished floor;
  - (iii) Electrical and multi-media outlets installed at a minimum height of 18" above finished floor;
  - (iv) Reinforcements provided in the walls of one bathroom, at a minimum, to allow for the installation of grab bars;
  - (v) Shower pan in one bathroom, at a minimum, with maximum curb height of 4.5";
  - (vi) Elevated (comfort height) toilets; and
  - (vii) Lever door handles on all hinged doors.

Prior to the approval of the zoning permit for each of the aforesaid residential dwelling units, the Owner shall submit architectural elevations and floor plans for such

residential dwelling unit to the Zoning Administrator and specifically identify each of the universal design features listed above to demonstrate compliance with the foregoing proffer.

- D. Age-Friendly Bedroom and Bathroom. A first-floor bedroom and bathroom shall be included in the floor plans of a minimum of twenty five percent (25%) of the single family detached homes constructed on Market-Rate Lots. Each application for a building permit for the construction of a single family detached residential dwelling unit on a Market-Rate Lot shall include a tabulation of the number of single family detached residential dwelling units for which building permits have been issued and the number of such units that included a first-floor bedroom and bathroom in its floor plan. Building permits for no more than seventy five percent (75%) of the single family detached homes to be constructed on Market-Rate lots shall be approved unless the aforesaid tabulation shows that building permits have been issued for the construction of single family detached residential dwelling units which included a first-floor bedroom and bathroom in the floor plans for a minimum of twenty five (25%) of the single family detached homes constructed on Market-Rate Lots to demonstrate compliance with the aforesaid.
- E. Central Hamlet Community Green. The age-friendly amenities to be constructed in Block 4 of the Central Hamlet as shown on Sheets 7, 7A, and 7B of the CDP and designated as “CENTRAL HAMLET COMMUNITY CENTER & COMMUNITY GREEN” in the COD shall include a community center with fitness facility (minimum of 2,000 gross square feet of floor area), outdoor swimming pool (minimum of 800 square feet of water surface area), one tot lot, and two multi-purpose courts, along with a storm water management pond (all subject to final engineering), trail, community green, and amenity parking area (the “Age-Friendly Block 4 Amenities”). The Age-Friendly Block 4 Amenities shall be shown on the Code of Development Site Plan for Phase 1 of the Central Hamlet and, upon approval, shall be bonded and installed concurrently with the site improvements shown on such plan, but in no event later than issuance of the 100th cumulative occupancy permit for residential dwelling units constructed on Market-Rate Lots. Such amenities shall be maintained by the Arrington Conservancy.
- F. Other Community Amenities. The Owner shall construct the onsite open space amenities and trails as shown on the CDP and COD in phases, concurrently with construction of the infrastructure adjoining each amenity. Final design for such amenities will take place as part of the Code of Development Site Plan prepared for each hamlet. Such amenities shall be maintained by the Arrington Conservancy.
- G. Trails Outside Public Right-Of-Ways. All trails not located within a public right-of-way shall be located within a public access easement with a minimum width of fifteen feet (15’) and shall be maintained by the Arrington Conservancy.
6. RESIDENTIAL PHASING:
- A. The Project consists of multiple distinct hamlets and blocks within each hamlet. A

phasing plan is provided as part of the COD. Hamlets may be phased in any order and multiple hamlets may be developed together, so long as no more than 100 residential occupancy permits are issued in any one calendar year.

7. CREATION OF PROPERTY OWNERS' ASSOCIATION:

- A. An Arrington Conservancy (“Conservancy”) shall be created as the property owners’ association for all residential lot owners within the PRD Area. The Conservancy documents shall include all duties and responsibilities as set forth in these proffers or as otherwise may be assigned by the declarant. Such Conservancy shall have title to and responsibility for (i) common open space and landscape easement areas not dedicated to public use in accordance with these Proffers, and (ii) common buffer areas located outside of residential lots. The Conservancy shall also have responsibility for the perpetual maintenance of (i) any entrance feature (subdivision) signs and fencing, and perimeter or road buffers; (ii) any trails, walkways, trees and landscaping located in common open space areas; (iii) trees located within the street tree easement(s) or within the public right of way to the extent permitted by the governing body, (iv) street lights, trails, and sidewalks in the public right of way or in public access easements adjacent to public rights of ways; (v) private streets and alleys, and (vii) all community facilities, including, but not limited to buildings and other structures, swimming pool, tot lots, and multi-purpose courts, located within the common open space areas.
- B. The Conservancy shall be granted such other responsibilities, duties, and powers as are customary for such property owner associations, or as may be required to effect the purposes for which such Conservancy is created. It shall also be granted sufficient powers as may be necessary, by regular or special levies or assessments, to raise revenues sufficient to perform the duties assigned hereby, or by the documents creating the Conservancy.
- C. The Owner may elect to establish more than one Conservancy within the PRD Area, in which case an umbrella organization or master association shall be established whereby costs of and responsibility for maintenance of all open spaces and stormwater management facilities are shared by all residential lot owners within the PRD Area.
- D. The Conservancy documents shall prohibit (i) conversion of garages constructed on the residential lots to living area or any other use that precludes the storage of vehicles within such garages; and (ii) parking of recreational vehicles on residential lots within the PRD Area, the common open space areas, and the public streets fronting such residential lots. Recreational vehicles shall include, but not be limited to, boats, trailers, and campers.
- E. The Conservancy documents shall include provisions assuring that common open space and facilities for common use are made available to all residents.
- F. In the event a private alternative onsite sewage system and associated primary and reserve dispersal fields are constructed to serve the residential lots within the PRD Area, the Conservancy documents shall (i) include a disclosure of the existence of such facilities as well as all fees to be paid by resident members of the Conservancy



associated with its operation and maintenance as required by Virginia law, and (ii) contain a statement that neither the Town nor County are responsible for the operation or maintenance of these facilities.

8. WATER AND SEWER:

- A. The Base Zoning option with a residential density of 217 Market-Rate Lots will be served by public water in accordance with the existing Town/County Joint Planning and Water Service Agreement, and will be served by (i) a privately maintained Alternative On-Site Sewage System (“AOSS”) and discharge dispersal fields as set forth in Paragraph 17 of these Proffers, all at the Owner’s expense, or (ii) at the sole option of Owner connection to public sanitary sewer, if available.
- B. In the event the municipal boundary between the County and the Town is adjusted through a Boundary Line Adjustment process or other suitable arrangement under Subtitle III of Title 15.2 of the Code of Virginia and the Property is subsequently located within the corporate limits of the Town, and adequate public water and sanitary sewer services are available from the Town to serve the proposed development of the Property, development of the Property may proceed under Alternative A, or Alternative B if the right-of-way dedication 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 is obtained, with public water and sewer service provided by the Town.
- C. The Owner shall offer to the County, at no expense to the County, the two existing wells on the Property shown on Sheet 6 of the CDP and labeled “EX. WELL (TO REMAIN FOR MONITORING USE)” for use as part of the County’s ground water monitoring program if such program does not include any additional above-grade devices or improvements to said wells. In the event the County does not accept one or both offered wells, such well, or wells, may be used by the Conservancy for irrigation purposes. Otherwise, such well, or wells, shall be abandoned in accordance with applicable standards and regulations.
- D. The owner shall offer to the Town, at no expense to the Town, the existing well on the Property shown on Sheet 6 of the CDP and labeled “PROP. PUBLIC WELL (FOR FUTURE TOWN USE)”. In the event the Town does not accept the offered well, such well may be used by the Conservancy for irrigation purposes. Otherwise, such well shall be abandoned in accordance with applicable standards and regulations.

9. PARKS AND RECREATION:

- A. The Owner shall contribute to the County a one-time cash contribution in the amount of \$804.63, as adjusted to include any escalation of said amount pursuant to Proffer 21 below, for each residential dwelling unit constructed on a Market-Rate Lot within the PRD Area. Such contribution shall be used by the County to support improvements to existing public park facilities and construction of new public park facilities within the County as identified in the Fauquier County Budget and Capital Improvement Program. The escalation adjustment, if any, shall be provided by the County to the

- Owner at the time of approval of the building permit for construction of each residential dwelling unit to be constructed on a Market-Rate Lot within the PRD Area and the per-unit contribution plus escalation adjustment, if any, shall be payable to the County prior to the issuance of the occupancy permit for said dwelling unit.
- B. Off-Site Easement Reservation for Future Linear Park and Trail. The Owner, being the current owner of the portion of the Parent Tract that is not subject to REZN-22-017978 (the “Residual Property”), shall provide a letter of agreement addressed to the County acknowledging that the Owner will refrain from constructing improvements or conducting any other activities or granting any easements on the Residual Property that would impact, be inconsistent with, or interfere with the general alignment of an easement for a future linear park and trail to be constructed by others on the Residual Property. The general location of such easement is shown on Sheet 6 of the CDP and noted as “EASEMENT RESERVATION (50’ WIDE) FOR FUTURE LINEAR PARK AND TRAIL (TO BE CONSTRUCTED BY OTHERS)” (the “Easement Reservation for Future Linear Park and Trail”). The aforesaid letter of agreement shall be provided to the County prior to approval of the first Code of Development Site Plan for the Property and include the Residual Property landowner’s agreement to the recordation of the Easement Reservation for Future Linear Park and Trail at the request of the County upon the County’s finalization of the alignment on the Residual Property. The Owner, being the current Residual Property landowner also, acknowledges its continuing obligation to protect and preserve its ability to provide such reservation.

10. LANDSCAPE AND CONSERVATION:

- A. The Arrington COD provides for the protection of certain existing trees and vegetation and for the installation of additional trees and plant material. The Owner shall incorporate covenants into the Conservancy documents that provide for the continuing protection of preserved or installed vegetation and trees for buffer areas, street trees, and open spaces. The Conservancy documents shall insure that appropriate plant materials as identified in the COD are used for landscaping of street and open spaces and shall provide standards for the maintenance of all landscaping. The Owner may install utilities and utility crossings through open spaces and landscaped areas, provided that the required landscaping standards are implemented and that the open space requirements of the COD are satisfied.
- B. In recognition of the time required for trees to attain maturity, existing stands of trees and hedgerows are incorporated into development plans whenever possible, and efforts shall be made for the protection of these existing stands to the fullest extent possible. Such protection shall be shown on the Code of Development Site Plan.
- C. No wetlands, floodplain, or archaeological site considered to be potentially eligible for nomination for inclusion in the National Register of Historic Places shall be located on any residential lot.
- D. The Owner shall assure that the design, construction, and maintenance of all stormwater management facilities shall adhere to the current requirements set forth in the Stormwater Management/Erosion and Sediment Control Ordinance (Chapter 11

- of the County Code) and Chapter 2 of the County Design Standards Manual (DSM). Virginia Stormwater Management Authority Permits will be issued by the County and General VPDES Permits for Discharges of Stormwater from Construction Activities will be issued by the Virginia Department of Environmental Quality. Drainage easements, where necessary, shall be placed on the final plat.
- E. Signage related to the history of the property shall be placed near archaeological site 44FQ0205 (determined to be potentially eligible for inclusion in the National Register of Historic Places) as part of the development for the Project. Signage shall be coordinated with the County’s historic preservation planner prior to installation. In addition, archaeological site 44FQ0206 shall be permanently protected as it has also been determined to be significant and potentially eligible for inclusion in the National Register of Historic Places. Archaeological site 44FQ0206 shall have a 25 foot (25’) wide undisturbed buffer placed around the perimeter of the site as shown on the CDP.
- F. The Owner shall supplement the existing vegetation behind lots 37-42 and 198-206 with additional plant materials located within a buffer twenty feet (20”) in width. Plantings shall be spaced in a natural, random, pattern, and consist of materials native to the area. The planting shall occur at or before the time of infrastructure construction related to the development of each of the adjacent hamlets and shall count towards overall tree cover calculations for the PRD Area.
- Lots 37-42 (approximately 600 LF Buffer) – Additional plantings:  
18 Canopy  
18 Evergreen
- Lots 198-206 (approximately 800 LF Buffer) – Additional plantings:  
24 Canopy  
24 Evergreen
11. INTENTIONALLY DELETED: (This category of previously proffered improvement is no longer within the definition of “public facility improvement” under § 15.2-2303.4. of the Code of Virginia.)
12. EMERGENCY SERVICES:
- A. The Owner shall contribute to the County a one-time cash contribution in the amount of \$87.87, as adjusted to include any escalation of said amount pursuant to Proffer 21 below, for each residential dwelling unit constructed on a Market-Rate Lot within the PRD Area. Such contribution shall be used by the County to support construction of a Fire and Rescue Training Facility within the County as identified in the Fauquier County FY2023 Adopted Budget. The escalation adjustment, if any, shall be provided by the County to the Owner at the time of approval of the building permit for construction of each residential dwelling unit to be constructed on a Market-Rate Lot within the PRD Area and the per-unit contribution plus escalation adjustment, if any, shall be payable to the County prior to the issuance of the occupancy permit for said dwelling unit.

- B. The Owner shall contribute to the County a one-time cash contribution in the amount of \$3,076.84, as adjusted to include any escalation of said amount pursuant to Proffer 21 below, for each residential dwelling unit constructed on a Market-Rate Lot within the PRD Area. Such contribution shall be used by the County to support construction of a Fire and Rescue Station within the County as identified in the Fauquier County FY2023 Adopted Budget. The escalation adjustment, if any, shall be provided by the County to the Owner at the time of approval of the building permit for construction of each residential dwelling unit to be constructed on a Market-Rate Lot within the PRD Area and the per-unit contribution plus escalation adjustment, if any, shall be payable to the County prior to the issuance of the occupancy permit for said dwelling unit.
- C. The Owner shall contribute to the County a one-time cash contribution in the amount of \$976.48, as adjusted to include any escalation of said amount pursuant to Proffer 21 below, for each residential dwelling unit constructed on a Market-Rate Lot within the PRD Area. Such contribution shall be used by the County to support construction of a Public Safety Building within the County as identified in the Fauquier County FY2023 Adopted Budget. The escalation adjustment, if any, shall be provided by the County to the Owner at the time of approval of the building permit for construction of each residential dwelling unit to be constructed on a Market-Rate Lot within the PRD Area and the per-unit contribution plus escalation adjustment, if any, shall be payable to the County prior to the issuance of the occupancy permit for said dwelling unit.
13. INTENTIONALLY DELETED: (This item is now listed as Proffer 12.C above)
14. INTENTIONALLY DELETED: (This category of previously proffered improvement is no longer within the definition of “public facility improvement” under § 15.2-2303.4. of the Code of Virginia.)
15. INTENTIONALLY DELETED: (This category of previously proffered improvement is no longer within the definition of “public facility improvement” under § 15.2-2303.4. of the Code of Virginia.)
16. TRANSPORTATION:
- A. The Owner shall be responsible for the design and construction of certain on-site and off-site transportation improvements serving the Property including the deceleration/turn lanes and median cross-over on Business Route 29 shown on Sheet 6 of the CDP and labeled “PROPOSED JAMES MADISON HIGHWAY INTERSECTION” (the Business 29 Improvements”), and the northerly extension of Alwington Boulevard within the Central SFD Hamlet as shown on Sheet 7 of the CDP (“Alwington Boulevard – Phase 1). In the event the Alternative B option is available and developed by the Owner, including the availability of any required off-site easements and right of way dedications, the Owner shall also design and construct the extension of Alwington Boulevard from Phase 1 to the northerly boundary of the Property as shown on Sheet 7B of the CDP (“Alwington Boulevard – Phase 2”).
- B. The Owner shall dedicate sufficient right of way for, and shall design, those on-site and off-site transportation improvements as shown on the CDP concurrently with the Code of Development Site Plan for the hamlet in which such improvements are located.

- C. All roads are intended to be public streets, maintained by the Virginia Department of Transportation or the Town, whichever has jurisdiction thereof, except for those private streets (alleys) that will serve as access to garages constructed on certain residential dwelling lots within the PRD Area.
- D. The proposed Business 29 Improvements as described in Proffer 16. A., above and shown on Sheet 6 of the CDP shall be constructed and open to traffic, but not necessarily accepted into the public street system, prior to issuance of the first occupancy permit for a residential dwelling unit constructed within the PRD Area. The portion of Alwington Boulevard located within Phase 1 shall be constructed and open to traffic, but not necessarily accepted into the public street system, prior to issuance of the twenty-first (21<sup>st</sup>) occupancy permit for a residential dwelling unit constructed within the PRD Area. In the event the Property is developed pursuant to Alternative B, the portion of Alwington Boulevard located within Phase 5 shall be constructed and open to traffic, but not necessarily accepted into the public street system, prior to issuance of the first occupancy permit for a residential dwelling unit constructed within the North Hamlet of the PRD Area.

17. WASTEWATER TREATMENT AND SUBSURFACE DISPERSAL SYSTEM:

- A. As previously proffered, the Base Zoning option with a residential density of 217 Market-Rate Lots is predicated on the availability of public sewer from the Town, or, alternatively, the construction of a privately owned alternative onsite sewer system (“AOSS”) and associated primary and reserve dispersal fields. In the event sanitary sewer service is not available from the Town under the Base Zoning option, the Owner shall construct the aforesaid AOSS and associated primary and reserve dispersal fields. The AOSS and associated primary and reserve dispersal fields shall be designed, constructed, and operated in accordance with the standards set forth in the Virginia Department of Health (VDH) Alternative Onsite Sewerage System Regulations (12 VAC 5-613, et seq.). These facilities shall be deeded to an entity approved by VDH for operation, maintenance, and monitoring as set forth below. The sanitary sewer collection system shall be designed and constructed pursuant to the Town’s Specifications and Standards set forth in its Public Facilities Manual.
- B. The Owner shall be responsible for all design and construction costs of the AOSS and associated primary and reserve dispersal fields provided, however, that the responsibility for these costs may be assigned to a separate AOSS Owner/Operator as defined below.
- C. The Owner shall be responsible for all costs of operation and maintenance of the AOSS and associated primary and reserve dispersal fields until such works are conveyed to a licensed third-party owner/operator acceptable to the VDH (the “AOSS Owner/Operator”). The AOSS Owner/Operator shall comply with the requirements of the Public Service Companies, Utility Facilities Act (Va. Code § 56-265.1 et seq.), and acquire a Certificate of Convenience and Necessity pursuant that Act, which requires a Comprehensive Business Plan and reasonably assures system performance over the long term as determined by the Virginia State Corporation Commission (“SCC”).

- D. The AOSS Owner/Operator shall provide its Comprehensive Business Plan to the County at the same time it is provided to the SCC.
- E. Prior to any required Code of Development Site Plan approval, the AOSS design shall be reviewed and approved by VDH. Documentation of approval shall be given to the County Department of Community Development.
- F. The AOSS Owner/Operator of the entire system, (including: collection system, treatment facilities, primary dispersal fields and reserve dispersal fields), shall be vested with the legal authority to operate such facilities and shall, prior to assuming such responsibility, be provided with all necessary easements or interests in the property required to perform its duties.
- G. Prior to County approval of the Code of Development Infrastructure Plan for construction of the AOSS and associated primary and reserve dispersal fields, the Owner shall acquire VDH approval of such plans.
- H. The Owner shall comply with all published bonding requirements of the County and the SCC for construction and operation of the AOSS and associated primary and reserve dispersal fields.
- I. In the event sanitary sewer service is not available from the Town under the Base Zoning option, prior to execution of any contract for the initial sale of a residential dwelling unit constructed, or to be constructed, within the PRD Area, the Owner shall require the builder of such dwelling unit to (a) disclose the existence of the AOSS and associated primary and reserve dispersal fields as well as all fees associated with its operation and maintenance as required by Virginia law, and (b) include a statement within the contract that neither the Town nor the County are responsible for the operation or maintenance of the AOSS and associated primary and reserve dispersal fields.

18. REQUIREMENTS FOR CONSTRUCTION OF SUBSURFACE STRUCTURES:

- A. For all residences constructed within the PRD Area that will include basements, no below grade basements shall be constructed on soils with high water tables, unless the foundation drainage system of the structure is designed by licensed professional engineers to assure a dry basement and to preclude wet yards and recirculation of pumped or collected water and approved by the County.
- B. The deeds to each unit with a basement so constructed shall include the following language:

“This house has been constructed on property that has been determined to possess a high subsurface water table. A foundation drainage system for this home and lot has been engineered and built according to standard engineering practices. The property owner is advised that any disturbance of this foundation drainage system may result in excess water in the yard or basement of the home, and that any

such disturbance is undertaken at the sole risk of the property owner. The owner is advised to consult with a competent civil or geotechnical engineer prior to undertaking any land disturbance activity, which means any activity that changes the volume, velocity, or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse that may affect the foundation drainage.”

19. SCHOOLS:

A. The Owner shall contribute to the County a one-time cash contribution in the amount of \$3,334.62, as adjusted to include any escalation of said amount pursuant to Proffer 21 below, for each residential dwelling unit constructed on a Market-Rate Lot within the PRD Area. Such contribution shall be used by the County to support construction of the W.C. Taylor Middle School expansion as identified in the Fauquier County Capital Improvement Program (FY 2023 Adopted). The escalation adjustment, if any, shall be provided by the County to the Owner at the time of approval of the building permit for construction of each residential dwelling unit to be constructed on a Market-Rate Lot within the PRD Area, and the per-unit contribution plus escalation adjustment, if any, shall be payable to the County prior to the issuance of the occupancy permit for said dwelling unit.

B. (a). Subject to approval by the Town and/or County and Virginia Department of Transportation (VDOT), as well as the School Board of Fauquier County, the adjoining property owner and beneficiary of the following entrance improvements, and the granting of any necessary easements and dedication of any required right-of-way at no cost to the Town, County, or Owner, the Owner shall design, provide a bond for construction of, and construct the ultimate roadway, curb and gutter, sidewalk, and drainage improvements along the east side of Alwington Boulevard at the entrance to Brumfield Elementary School as shown on Sheet 6 of the CDP and labeled “PROPOSED BRUMFIELD ELEMENTARY SCHOOL ENTRANCE IMPROVEMENTS” (the “School Improvements”). Provided the above-referenced approvals and easements are granted and right-of-way dedicated, the School Improvements shall be open to traffic prior to the issuance of the twenty-first (21<sup>st</sup>) occupancy permit for a residential dwelling unit constructed within the PRD Area.

(b). In the event the School Board of Fauquier County and/or the Zoning Administrator request the Owner to delay construction of the School Improvements and complete same in accordance with an alternative schedule, then the completion of the School Improvements prior to the issuance of the twenty-first (21<sup>st</sup>) occupancy permit for a residential dwelling unit constructed within the PRD Area shall no longer be a requirement under this Proffer and completion of such improvements shall conform to the approved alternative schedule. In the event such approval and easements are not granted or the required right-of-way is not dedicated within six (6) months after the Owner submits such request, at no fault of Owner, then, in lieu of constructing the aforesaid entrance improvements, the Owner shall provide a cash contribution to the

County in the amount of \$250,000.00 prior to issuance of the twenty-first (21<sup>st</sup>) occupancy permit for a residential dwelling unit constructed within the PRD Area and, upon the County's receipt of such payment, the Owner shall have no further obligation to construct the entrance improvements under this Proffer 19.B.

20. FURTHER ASSURANCES OF COMPLIANCE WITH THESE PROFFERS IN THE EVENT OF A COUNTY/TOWN BOUNDARY LINE ADJUSTMENT

- A. It is the Owner's intention that although this Rezoning is being undertaken pursuant to the Ordinances of, and under the jurisdiction of, the County, that these proffers and the exhibits incorporated herein by reference will continue to bind the development of the Property if the Property is adjusted into the Town's boundary.
- B. In the event that the County and the Town enter into a Boundary Line Adjustment Agreement or other suitable arrangement under Subtitle III of Title 15.2 of the Code of Virginia such that the Property is subsequently located within the corporate limits of the Town, these Proffers shall be deemed Proffers imposed by the Town Council of the Town and the Town's officials shall assume the roles assigned to similar County officials as designated herein, as shall be set forth in any such Agreement and the Owner will cooperate fully with the jurisdictions in that event.
- C. The Owner shall furthermore affirmatively request both the Town and the County to include in any such Boundary Line Adjustment Agreement, or other suitable arrangement under Subtitle III of Title 15.2 of the Code of Virginia, restrictions on future amendments to these Proffers, or other future legislative land use applications with respect to the Property, on such terms and conditions as the jurisdictions may therein jointly impose, and the Owner will cooperate fully with the jurisdictions in that event.
- C. Alternatively, the Owner shall request that any Order of a Special Court arising out of a citizen-initiated petition for a boundary line adjustment under the aforesaid Subtitle include provisions consistent with, and implementing, the foregoing paragraphs of this Proffer 20.

21. ESCALATOR CLAUSE

- A. Any monetary contributions set forth in this Proffer Statement which are paid to the Board of Supervisors after 36 months from the date of rezoning approval by the Board shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U"), as published by the United States Department of Labor. The adjustment shall be calculated from the CPI-U published most nearly to and following January 1st from that date 36 months after rezoning approval and the date the contributions are paid, subject to a cap of 3% per year, non-compounded.

\*\*\* Owner Signature on the following page\*\*\*



**OWNER: Alwington Farm LLC**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_

**EXHIBIT A**

**Application Property**

The Property subject to rezoning application REZN-22-017978 shall consist of the 234.08765 acres identified as “APPLICATION PROPERTY” on the “CERTIFIED ZONING PLAT” included as Sheets 16 and 17 of the plan set entitled “ARRINGTON, CONCEPT DEVELOPMENT PLAN, PLANNED RESIDENTIAL DEVELOPMENT PLAN, REZONING APPLICATION, MARSHALL MAGISTERIAL DISTRICT, FAUQUIER COUNTY, VIRGINIA” prepared by Bowman Consulting Group, Ltd., said sheets dated June 3, 2022 and signed September 25, 2023.

**EXHIBIT B**

**Concept Development Plan**

**EXHIBIT C**

**Code of Development**

## EXHIBIT D

### Listing of Zoning Ordinance Modifications

#### 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.”

Modification of the aforesaid requirement to allow homes to be constructed consistent with the typical lot standards in the proposed Code of Development with a larger front yard setback (25’) to accommodate proposed 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.”

Modification of the aforesaid requirement 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/or Town of Warrenton, dependent on jurisdictional responsibility 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.”

Modification of the aforesaid requirement to allow public streets to be designed to the Town’s design standards and specifications in the event the Property is included within the corporate boundaries of the Town. Further, the waiver includes permitting 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 (Sideload 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.”

Modification of the aforesaid requirement 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 and treatments.